

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
2nd Regular Session

House Bill No. **9408**



**Introduced by Representatives EDVIC G. YAP, JOCELYN P. TULFO,
ERWIN T. TULFO and RALPH WENDEL P. TULFO**

EXPLANATORY NOTE

Among the declared principles of the State is maintaining peace and order and protecting its people's life, liberty, and property. Despite this mandate, the country still suffered a remarkable number of 26,044 criminal cases from January to September 2023, according to the Philippine National Police (PNP). The PNP further reported that the crimes of theft, rape, and physical injury topped the most prevalent crimes in the country for two consecutive years, for 2022 and 2023 respectively, with theft having the highest number of incidents among the three – at an increasing rate across the years.

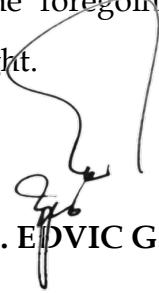
Considering the progressive initiatives in the criminal justice system towards the deterrence of crimes, especially in policy-making, it is imperative for us to impose stiffer penalties related to theft, and all other crimes against property, to encourage the deterrence of these crimes against property.

It is in this pursuit that this proposed measure seeks to amend certain provisions of the Revised Penal Code, particularly the removal of Article 332 of the Code, which expressly provides for the exemption from criminal liability in the crimes of theft, swindling, and malicious mischief of the following persons, namely: (1) spouses, ascendants, and descendants, or relatives by affinity in the same line, (2) the widowed spouse with respect to the property which belonged to the deceased

spouse before the same shall have passed into the possession of another; and (3) brothers and sisters and brothers-in-law and sisters-in-law, if living together.

The crimes of theft, swindling, and malicious mischief are morally reprehensible acts that should not be justified by mere familial relations between the victims and the perpetrators. After all, some of the notable crimes committed against a loved one or relative, as defined in the Revised Penal Code, are even considered aggravating circumstances in the graduation of penalties. Hence, it is high time to persecute unscrupulous individuals who are hiding behind the cloak of familial relations in order to evade criminal liability. Once the said provision of law is removed, only then that the deterrence of crimes will be fully appreciated and incorporated in penal laws such as the proposed measure at hand.

In view of the foregoing, the immediate passage of this proposed measure is earnestly sought.



HON. EDVIC G. YAP



HON. JOCELYN P. TULFO



HON. ERWIN T. TULFO



HON. RALPH WENDEL P. TULFO

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AN ACT
REMOVING THE EXEMPTION FROM CRIMINAL LIABILITY OF RELATIVES
FOR CRIMES OF THEFT, SWINDLING, AND MALICIOUS MISCHIEF,
AMENDING FOR THE PURPOSE ARTICLE 332 OF ACT NO. 3815, AS
AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1.** Article 332 of Act No. 3815 or the Revised Penal Code, is hereby
2 removed:

3
4 "Chapter Ten

5
6 ~~EXEMPTION FROM CRIMINAL LIABILITY IN CRIMES AGAINST~~
7 ~~PROPERTY~~

8
9 ~~Article 332. Persons exempt from criminal liability. -- No criminal, but only~~
10 ~~civil liability, shall result from the commission of the crime of theft, swindling~~
11 ~~or malicious mischief committed or caused mutually by the following~~
12 ~~persons:~~

13
14 ~~1. Spouses, ascendants and descendants, or relatives by affinity in some line.~~

15
16 ~~2. The widowed spouse with respect to the property which belonged to the~~
17 ~~deceased spouse before the same shall have passed into the possession of~~
18 ~~another; and~~

19
20 ~~3. Brothers and sisters and brothers-in-law and sisters-in-law, if living~~
21 ~~together~~
22

1 ~~The exemption established by this article shall not be applicable to strangers~~
2 ~~participating in the commission of the crime."~~

3
4 **SEC. 2. *Separability Clause.*** - If any of the sections or provisions of this Act is
5 held invalid, all other provisions not affected thereby shall remain valid.

6
7 **SEC. 3. *Repealing Clause.*** - All laws, decrees, issuances, rules and regulations
8 inconsistent with the provisions of this Act are hereby repealed or modified
9 accordingly.

10
11 **SEC. 4. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its
12 complete publication in at least two (2) newspapers of general circulation.

13
14
15 *Approved,*