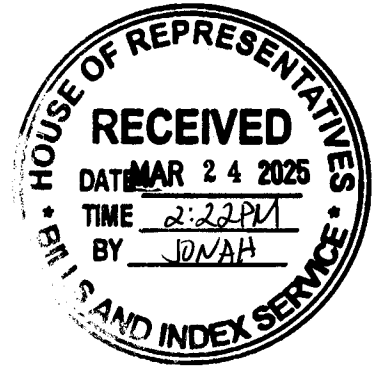


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
Third Regular Session



HOUSE BILL NO. 11485

Introduced by AKBAYAN Representative Percival Cendaña

EXPLANATORY NOTE

In 2011, Pedro Amarille, a farmer in Maribojoc, Bohol, was found guilty of the crime of qualified theft under Article 310 of the Revised Penal Code. Pedro was sentenced to six years in prison for “stealing” 200 pieces of coconut fruits valued at P2,000.00. Pedro appealed his case before the Court of Appeals and later on with the Supreme Court, who acquitted him of the crime of qualified theft of coconuts in 2023.¹

In his separate concurring opinion on the same case, Supreme Court Associate Justice Marvic Leonen took the opportunity to manifest that:

“[S]ingling out theft of coconuts as qualified theft has become anachronistic and amounts to a violation of the equal protection of the laws. It is discriminatory not only against other food products, but also against the poor.”²

Under Article 310 of Act No. 3815 or the Revised Penal Code, the theft of coconuts is considered as qualified theft, meting a penalty two degrees higher than that imposed for simple theft. This higher penalty imposed for the theft of coconuts is seemingly disproportionate in comparison to the theft of other food and food products. And, as stated by Justice Leonen, it is a crime that is anti-poor, failing to consider the circumstances of today as greatly differing from the circumstances at the time of the enactment of the Revised Penal Code in 1939.

In the case of *People v. Isnani* (1950), the Supreme Court elucidated on the reason for a heavier penalty on the theft of coconuts, which was “to encourage and protect the development of the coconut industry as one of the sources of our national economy. Unlike rice and sugar cane farms where the range of vision is unobstructed, coconut groves can not be efficiently watched because of the nature of the growth of coconut trees; and without a special measure to protect this kind of property, it will be, as it has

¹ Amarille v. People, G.R. No. 256022, (07 August 2023).

² G.R. No. 256022, (07 August 2023).

been in the past the favorite resort of thieves.”³ While the coconut industry is still a valuable source of our national economy until today, through time and with the development of technology, there are more efficient and effective ways to monitor theft in farms and plantations.

Moreover, and again adopting the words of Justice Leonen:

“[T]here is no substantial distinction as to why the coconut industry is given more protection from thieves, while other fruits, cereals, or forest or farm products are not. The nature of growth of coconut trees does not make for real differences, as some people still resort to stealing coconuts, as in *Gaviola*. Hence, there is no reasonable classification between coconuts and other fruits, cereals, or forest or farm products so as to justify the imposition of a higher penalty for the theft of coconuts as compared to other food or farm products.”⁴

Decriminalizing qualified theft of coconuts under Article 310 of the Revised Penal Code, as amended, and reclassifying it as simple theft under Article 308 significantly reduces the imposable penalty and amount of bail on an alleged offender. This would remove the disproportionate legal consequence on individuals who are caught stealing coconuts, such as in the case of Pedro Amarille, who was originally sentenced to 6 years in prison for coconuts worth only PhP 2,000.00.

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



PERCIVAL V. CENDAÑA
AKBAYAN Representative

³ G.R. No. L-2857, (28 February 1950), 85 Phil 648-651.

⁴ Separate Concurring Opinion, *Amarille v. People*, G.R. No. 256022, (07 August 2023).

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

NINETEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. **11485**

Introduced by **AKBAYAN** Representative Percival Cendaña

AN ACT
DECRIMINALIZING QUALIFIED THEFT OF COCONUTS AND
RECLASSIFYING IT AS SIMPLE THEFT UNDER ARTICLE 308, FURTHER
AMENDING FOR THIS PURPOSE ARTICLE 310 OF ACT NO. 3815,
OTHERWISE KNOWN AS THE “REVISED PENAL CODE”, AS AMENDED
BY COMMONWEALTH ACT NO. 417, REPUBLIC ACT NO. 120, AND BATAS
PAMBANSA BLG. 71

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

Section 1. Article 310 of Act No. 3815, otherwise known as the Revised Penal Code, as amended by Commonwealth Act No. 417, Republic Act No. 120, and Batas Pambansa Blg. 71, is hereby further amended to read as follows:

“Art. 310. Qualified theft. The crime of theft shall be punished by the penalties next higher by two degrees than those respectively specified in the next preceding article, if committed by a domestic servant, or with grave abuse of confidence, or if the property stolen is motor vehicle, mail matter or large cattle [~~or consists of coconuts taken from the premises of a plantation~~], fish taken from a fishpond or fishery or if property is taken on the occasion of fire, earthquake, typhoon, volcanic eruption, or any other calamity, vehicular accident or civil disturbance.”

Sec. 2. All laws, decrees, orders, rules and regulations or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Sec. 3. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,