



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

Twentieth (20th) Congress
First Regular Session

HOUSE BILL NO. 2259



Introduced by **Representative MA. VICTORIA CO-PILAR**

EXPLANATORY NOTE

During the First Regular Session of the Seventeenth (17th) Congress, Republic Act No. 10951 was enacted thereby amending several provisions of the Revised Penal Code (RPC). The Act adjusted the amount or the value of property and damage on which a penalty for certain crimes is based, and the fines imposed thereunder. Among the amendments are the penalties imposed on the felonies of theft and robbery.

Theft and Robbery are crimes against property with a corresponding penalty based on the value or amount of the property taken by the offender. With the amended provision, a penalty of *prision mayor* in its minimum and medium periods or from six (6) years and one (1) day to ten (10) years shall be imposed to the offender if the value of the property taken is more than one million two hundred thousand pesos (1,200,000) but does not exceed two million two hundred thousand pesos (2,200,000).

The enactment of RA 10951 did not result in the concomitant adjustment of the penalties provided under Presidential Decree No. 1612 (PD 1612) or the Anti-Fencing Law. Fencing is an accessory crime of Theft and Robbery with a corresponding penalty based also on the value or amount of the property taken by the offender. Therefore, a penalty of *prision mayor* or from six (6) years and one (1) day to twelve (12) years shall be imposed to the fence if the value of the property taken is more than twelve thousand pesos (12,000) but not exceeding twenty-two thousand pesos (22,000).

To cure this incongruence, the penalties for fencing under PD 1612 needs to be adjusted based on the penalties for theft and robbery under RA 10951.

Immediate passage of this bill is earnestly sought.



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AN ACT
AMENDING PRESIDENTIAL DECREE NO. 1621,
OTHERWISE KNOWN AS THE “ANTI-FENCING LAW”

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

SECTION 1. Section 3 of Presidential Decree No. 1612, also known as the Anti-Fencing Law of 1979 is hereby amended to read as follows:

Section 3. *Penalties.* Any person guilty of fencing shall be punished as hereunder indicated:

- a) The penalty of *prision mayor*, if the value of the property involved is more than [12,000] **ONE MILLION TWO HUNDRED THOUSAND (1,200,000)** pesos but not exceeding [22,000] **TWO MILLION TWO HUNDRED THOUSAND (2,200,000)** pesos; if the value of such property exceeds the latter sum, the penalty provided in this paragraph shall be imposed in its maximum period, adding one year for each additional [10,000] **ONE MILLION (1,000,000)** pesos; but the total penalty which may be imposed shall not exceed twenty years. In such cases, the penalty shall be termed *reclusion temporal* and the accessory penalty pertaining thereto provided in the Revised Penal Code shall also be imposed.
- b) The penalty of *prision correccional* in its medium and maximum periods, if the value of the property robbed or stolen is more than [6,000] **SIX HUNDRED THOUSAND (600,000)** pesos but not exceeding [12,000] **ONE MILLION TWO HUNDRED THOUSAND (1,200,000)** pesos.
- c) The penalty of *prision correccional* in its minimum and medium periods, if the value of the property involved is more than [200] **TWENTY THOUSAND PESOS (20,000)** pesos but not exceeding [6,000] **SIX HUNDRED THUSAND (600,000)** pesos.

- 1 d) The penalty of *arresto mayor* in its medium period to *prision correccional* in its minimum
2 period, if the value of the property involved is over [50] **FIVE THOUSAND (5,000)**
3 pesos but not exceeding [200] **TWENTY THOUSAND (20,000)** pesos.
- 4 e) The penalty of *arresto mayor* in its medium period if such value is over five [(5)]
5 **HUNDRED (500)** pesos but not exceeding [50] **FIVE THOUSAND (5,000)** pesos.
- 6 f) The penalty of *arresto mayor* in its minimum period if such value does not exceed [5]
7 **FIVE HUNDRED (500)** pesos.
- 8

9 **SECTION 2. *Separability Clause*** – If any provision or part hereof, is held invalid or
10 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid
11 and subsisting.

12

13 **SECTION 3. *Repealing Clause*** – Any law, presidential decree or issuance, executive order, letter
14 of instruction, administrative order, rule or regulation contrary to or inconsistent with the provision of
15 this Act is hereby repealed, modified, or amended accordingly.

16

17 **SECTION 4. *Effectivity Clause*** – This Act shall take effect fifteen (15) days after its publication
18 in the Official Gazette or in a newspaper of general circulation.

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20 Approved,