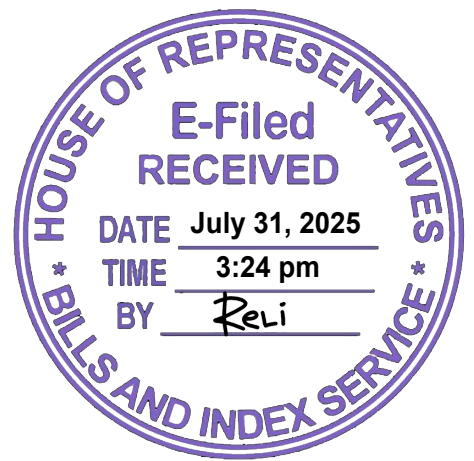




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Twentieth Congress
First Regular Session



HOUSE BILL NO. 2835

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

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

EXPLANATORY NOTE

Article 332 of the **Revised Penal Code (RPC)** currently exempts spouses, ascendants, descendants, and relatives by affinity in the same line from criminal liability for the crimes of **theft, swindling (estafa), and malicious mischief** when committed against one another.

The existing exemption under Article 332 reflects an outdated paternalistic view of family relations that is no longer appropriate in contemporary Philippine society. While originally intended to preserve family harmony, this provision has instead become a tool for abuse, particularly in cases involving inheritance disputes, financial exploitation of elderly relatives, and fraudulent transactions between family members. The law currently prevents the prosecution of spouses, ascendants, descendants, and relatives by affinity in the same line for these specific property crimes, regardless of the severity or malicious intent involved.

This amendment is necessary to address several critical issues. First, it will close a legal loophole that enables family members to commit economic crimes with impunity. Numerous cases have been documented where relatives have taken advantage of this exemption to defraud their own family members, particularly in situations involving vulnerable individuals such as senior citizens or minors. Second, the proposed change aligns with our constitutional guarantee of equal protection under the law, as it removes an arbitrary exemption based solely on familial relationships. Third, it complements existing laws that protect against intra-family abuse, such as RA 9262 (Anti-Violence Against Women and Their Children Act), by addressing economic crimes that currently fall outside their scope.

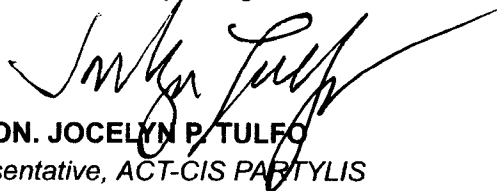
The removal of this exemption will have several important benefits. It will serve as a deterrent against intra-family financial abuse, provide proper legal recourse for

victims, and modernize our penal system to reflect current societal values. Importantly, it will not prevent families from resolving minor disputes amicably, as the offended party retains the discretion to file charges under our existing legal framework. Rather, it simply removes the automatic immunity that currently exists regardless of the circumstances or severity of the offense.

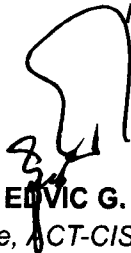
This reform is particularly timely given the increasing complexity of family financial relationships in modern Philippine society. With more families engaged in joint business ventures, shared property ownership, and other financial arrangements, the potential for abuse has grown significantly. The current exemption creates an unacceptable situation where such abuses cannot be properly addressed through our justice system.

By amending Article 332 of the Revised Penal Code, this bill seeks to establish that no one should be above the law by virtue of family relationship, and that all citizens deserve equal protection against property crimes, regardless of whether the perpetrator is a family member or not. This change will strengthen our justice system while maintaining appropriate safeguards for genuine family harmony.

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



HON. JOCELYN P. TULFO
Representative, ACT-CIS PARTYLIST



HON. EDVIC G. YAP
Representative, ACT-CIS PARTYLIST



HON. RALPH WENDEL P. TULFO
Representative, 2ND DISTRICT OF
QUEZON CITY



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

SECTION 1.

Article 332 of Act No. 3815 or the Revised Penal Code is hereby removed:

~~Chapter Ten EXEMPTION FROM CRIMINAL LIABILITY IN CRIMES AGAINST PROPERTY Article 332. Persons exempt from criminal liability. No criminal, but only civil liability, shall result from the commission of the crime of theft, swindling or malicious mischief committed or caused mutually by the following persons:~~

- ~~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 exemption established by this article shall not be applicable to strangers participating in the commission of the crime.~~

SECTION 2. Separability Clause

If any of the sections or provisions of this Act is held invalid, all other provisions not affected thereby shall remain valid.

SECTION 3. Repealing Clause

All laws, decrees, issuances, rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

1 **SECTION 4. Effectivity Clause**

2 This Act shall take effect fifteen (15) days after its complete publication in at least
3 two (2) newspapers of general circulation.

4 *Approved,*