

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **5446**



Introduced by REP. YSABEL MARIA J. ZAMORA

EXPLANATORY NOTE

The Revised Penal Code, originally enacted as Act No. 3815 in 1930, has served as the foundation of the country's criminal justice system for nearly a century. Over time, piecemeal amendments were introduced to the Code through various laws and jurisprudence. However, no single comprehensive statute has been enacted to consolidate these changes or resolve the resulting overlaps. Moreover, the framework and language of the Code has become increasingly outdated rendering it inadequate to address the complexities of modern society, technological advancements, and evolving international legal standards.

This measure seeks to introduce a sweeping revision and recodification of the country's penal laws. Some of the proposed changes introduced by the bills are as follows:

1. Simplifies complex provisions, modernizes the language utilized in the Code, and recalibrates fines to reflect current economic values;
2. Extends criminal liability to juridical persons;
3. Incorporates crimes defined under international law;
4. Integrates landmark special laws;
5. Strengthens accountability and good governance through additional provisions on crimes committed by public officers;
6. Enacts provisions focused on criminal reform and rehabilitation.

The comprehensive amendment of the Revised Penal Code is imperative to ensure that our criminal justice system is responsive to the needs of the Filipino people. It aims to enhance public safety and ensure that our laws address emerging crimes. Likewise, it is a necessary part of a broader initiative to advance criminal justice reform.

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

A handwritten signature in black ink, appearing to read "Ysabel Zamora".

REP. YSABEL MARIA J. ZAMORA
Lone District, City of San Juan

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AN ACT
REVISING THE PENAL CODE AND OTHER PENAL LAWS

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

BOOK ONE
GENERAL PROVISIONS

Preliminary Title
APPLICATION OF THE PROVISIONS OF THIS CODE

Art. 1. Title. — THIS ACT SHALL BE KNOWN AS “THE PHILIPPINE CODE OF CRIMES (OR THE CODE OF CRIMES OF THE PHILIPPINES).”

Art. 2. Application of Its Provisions. — THIS CODE shall APPLY TO ALL PERSONS, NATURAL OR JURIDICAL, IN THE Philippine TERRITORY, AND SHALL ALSO APPLY TO ANY PERSON outside of its TERRITORY WHO:

1. Should commit **A CRIME** while on a Philippine ship or **AIRCRAFT**;
2. Should counterfeit **OR** forge any **MONETARY** note or obligation issued by the Government of the Philippines, **OR POSSESS** or **INTRODUCE SUCH MONETARY NOTE OR OBLIGATION INTO THE PHILIPPINES**;
3. While being public officers or employees, commit **A CRIME** in **RELATION TO** their functions;
4. Commit any of the crimes against national security and the law of nations; or
5. Should commit crimes **IN VIOLATION OF PUBLIC INTERNATIONAL LAW**, laws of preferential application, **LAW ON TRANSNATIONAL CRIMES AND SPECIAL LAWS**.

Title One
CRIMES AND CIRCUMSTANCES WHICH AFFECT CRIMINAL LIABILITY

Chapter One
CRIMES

Art. 3. Definition. — **CRIME IS AN ACT OR OMISSION DEFINED AND PUNISHED UNDER THIS CODE OR SPECIAL PENAL LAWS**, committed **WITH MALICE OR WITH** fault.

There is **MALICE** when the act is performed with deliberate intent; and there is fault when the wrongful act results from imprudence, negligence, lack of foresight, or lack of skill.

Art. 4. Criminal Liability. — Criminal liability **IS** incurred:

1. By any person committing **AN INTENTIONAL CRIME** although the wrongful act done be different from that which he **OR SHE** intended.
2. By any person performing an act which would **CONSTITUTE A GRAVE OR LESS GRAVE CRIME**, were it not for the inherent impossibility of its accomplishment or on account of the employment of inadequate or ineffectual means.

Art. 5. Consummated, Frustrated, and Attempted CRIMES. — Consummated, **FRUSTRATED, AND ATTEMPTED CRIMES ARE PUNISHABLE UNLESS OTHERWISE PROVIDED BY LAW.**

A **CRIME** is consummated when all the elements necessary for its execution and accomplishment are present; and it is frustrated when the offender performs all the acts of execution which would produce the **CRIME** as a consequence but which, nevertheless, do not produce it by reason of causes independent of the will of the perpetrator.

There is an attempt when the offender commences the commission of a **CRIME** directly by overt acts, and does not perform all the acts of execution which should produce the **CRIME** by reason of some cause or accident other than his **OR HER** own spontaneous desistance.

Art. 6. When Light CRIMES are Punishable. — Light **CRIMES** are punishable only when they are consummated.

Art. 7. Grave CRIMES, Less Grave CRIMES and Light CRIMES. — Grave **CRIMES** are those to which the law attaches the **PUNITIVE** punishment or penalties which in any of their periods are afflictive, in accordance with article 21 (25) of this Code.

Less grave **CRIMES** are those which the law punishes with penalties which in their maximum period are **CORRECTIVE**, in accordance with the abovementioned articles.

Light **CRIMES** are those infractions of law for the commission of which the penalty of **RESTORATIVE** or a fine not exceeding 40,000 pesos or both, is provided. (As amended by R.A. No. 10951)

Art. 8. CRIMES not subject to the provisions of this Code. — This Code shall be supplementary to **SPECIAL PENAL** laws, unless the latter should specially provide the contrary.

Chapter Two
**JUSTIFYING CIRCUMSTANCES AND CIRCUMSTANCES
WHICH EXEMPT FROM CRIMINAL LIABILITY**

Art. 9. Justifying Circumstances. — The following do not incur any criminal liability:

1. Anyone who acts in defense of his **OR HER** person, **HONOR** or rights, provided that the following circumstances concur:

First. Unlawful aggression;

Second. Reasonable necessity of the means employed to prevent or repel

Third. Lack of sufficient provocation on the part of the person defending himself **OR HERSELF**.

2. Anyone who acts in defense of the person, **HONOR** or rights of his **OR HER** spouse, ascendants, descendants, brothers or sisters, or of his **OR HER** relatives by affinity in the same degrees, and those by consanguinity within the fourth civil degree, provided that **THE REQUISITES OF UNLAWFUL AGGRESSION AND THE REASONABLE NECESSITY OF THE MEANS EMPLOYED** are present, and, in case the provocation was given by the person attacked, that the one making defense had no part therein.
3. Anyone who acts in defense of the person, **HONOR** or rights of a stranger, provided that the requisites **OF UNLAWFUL AGGRESSION AND THE REASONABLE NECESSITY OF THE MEANS EMPLOYED** are present and that the person defending be not induced by revenge, resentment, or other evil motive.
4. Any person who, in order to avoid an evil or injury, does an act which causes damage to another, provided that the following requisites are present:

First. That the evil sought to be avoided actually exists;

Second. That the injury feared be greater than that done to avoid it;

Third. That there be no other practical and less harmful means of preventing it.

5. **ANY PERSON WHO, WHILE PERFORMING A LAWFUL ACT WITH DUE CARE, CAUSES AN INJURY BY MERE ACCIDENT WITHOUT FAULT OR INTENTION OF CAUSING IT.**
6. (5) Any person who acts in the fulfillment of a duty or in the lawful exercise of ONE'S right or **FUNCTION**.
7. (6) Any person who acts in obedience to an order issued by a superior for some lawful purpose.
8. **ANY PERSON WHO FAILS TO PERFORM AN ACT REQUIRED BY LAW, WHEN PREVENTED BY SOME LAWFUL OR INSUPERABLE CAUSE.**

Art. 10. *Circumstances Which Exempt from Criminal Liability.* — The following are exempt from criminal liability:

1. **THOSE SUFFERING FROM MENTAL DISORDER OR DEFECT DEPRIVING HIM OR HER OF HIS OR HER INTELLIGENCE OR REASON AT THE TIME OF THE COMMISSION OF THE CRIME.**
2. A person **FIFTEEN** years of age **OR BELOW**. (As amended by R.A. No. 9344)
3. A person **ABOVE FIFTEEN** years of age and under **EIGHTEEN ACTING WITHOUT DISCERNMENT**.
4. (5-6) Any person who acts under the compulsion of an irresistible force **OR** under the impulse of an uncontrollable fear of an equal or greater injury.

Chapter Three **CIRCUMSTANCES WHICH MITIGATE CRIMINAL LIABILITY**

Art. 11. *Mitigating Circumstances.* — The following are mitigating circumstances:

1. Those mentioned in **ARTICLES 9 (11) AND 10 (12)**, when **MAJORITY OF** all the requisites necessary to justify the act or to exempt from criminal liability in the respective cases **are PRESENT; PROVIDED, THAT IN SELF-DEFENSE, DEFENSE OF A RELATIVE, AND DEFENSE OF A STRANGER, THE ELEMENT OF UNLAWFUL AGGRESSION MUST BE PRESENT.**
2. That the offender is **OVER FIFTEEN YEARS OF AGE AND** under **EIGHTEEN ACTING WITH DISCERNMENT** or over seventy.
3. That the offender had no intention to commit so **GRAVE** a **CRIME** as that committed.
4. That sufficient provocation on the part of the offended party immediately preceded the **COMMISSION OF THE CRIME**.
5. That the **CRIME** was committed in vindication of a grave offense **COMMITTED AGAINST** the **OFFENDER**, his **OR HER** spouse, **ADOPTED CHILDREN**, descendants, ascendants, brothers or sisters, or relatives by affinity within the same degrees.
6. That of having acted upon an impulse so powerful as naturally to have produced **LEGITIMATE** passion or obfuscation.
7. That the offender voluntarily surrendered to a person in authority or his **OR HER** agents.
8. **THAT THE OFFENDER** voluntarily **PLEADED** guilty **TO THE OFFENSE CHARGED** before **THE PRESENTATION OF THE PROSECUTION EVIDENCE**.
9. (8). That the offender is deaf and dumb, blind or otherwise suffering **FROM** some physical defect which restricts his **OR HER** means of action, defense, or communication with his **OR HER** fellow beings.

10. (9). Such illness **THAT** would diminish the exercise of **REASON OR INTELLIGENCE OF THE OFFENDER**.
11. (10). Any other circumstance of a similar nature **OR** analogous to those above mentioned.

Chapter Four
CIRCUMSTANCES WHICH AGRAVATE CRIMINAL LIABILITY

Art. 12. Aggravating Circumstances. — The following are aggravating circumstances:

1. That **THE OFFENDER TAKES** advantage of public position. **WHEN IN THE COMMISSION OF THE CRIME, ADVANTAGE IS TAKEN BY THE OFFENDER OF HIS OR HER PUBLIC POSITION, THE PENALTY TO BE IMPOSED SHALL BE IN ITS MAXIMUM PERIOD.**
2. That the crime be committed with insult **TO PERSONS IN AUTHORITY** as defined in Article 140.
3. That the crime be committed in disregard of the respect due to the offended party on account of rank, status, age, or **GENDER**.
4. (3) (4). That the **CRIME** be committed with abuse of confidence or obvious ungratefulness.
5. (4) (5). That the crime be committed in the **RESIDENCE** of the **PRESIDENT**, or in his **OR HER** presence, or **IN PUBLIC OFFICES** where public **FUNCTIONS ARE** discharged, or in a place dedicated to religious worship.
6. (5) (6). That the crime be committed **DURING** nighttime, or in an uninhabited place, whenever such circumstances may facilitate the commission of the **CRIME**.
7. (6) (7). That the **OFFENDER TOOK ADVANTAGE OF A** conflagration, shipwreck, earthquake, **TYPHOON**, epidemic or other calamity.
8. (7) (9 and 10). **THAT THE OFFENDER HAS BEEN PREVIOUSLY CONVICTED BY FINAL JUDGMENT OF AN INTENTIONAL CRIME. HOWEVER, WHEN THE SUBSEQUENT CRIME IS COMMITTED WHILE THE ACCUSED IS SERVING SENTENCE, THE MAXIMUM PENALTY SHALL BE IMPOSED AS A SPECIAL AGGRAVATING CIRCUMSTANCE.**
9. (8) (11). That the crime be committed **WITH EVIDENT PREMEDITATION**.
10. That the crime be committed in consideration of a price, reward or promise.
11. (9) (12). That the crime be committed by means of inundation, fire, poison, explosion, stranding of a vessel or intentional damage, derailment of a locomotive, or by the use of any other artifice involving great waste and ruin.

12. (10) (14 and 15). That advantage be taken of superior strength.

13. **THAT CRAFT, FRAUD, OR DISGUISE BE EMPLOYED.**

14. (11) (16). That the act be committed with treachery (*alevosia*).

There is treachery when the offender commits any of the crimes against person, employing means, methods, or forms **TO ENSURE THE EXECUTION OF THE CRIME** without risk arising from the defense **OF THE VICTIM.**

15. (12) (17 and 21). That **THE CRIME BE COMMITTED WITH CRUELTY.**

16. That the crime be committed with ignominy.

17. (13) (18). That the crime be committed **IN THE DWELLING OF THE OFFENDED PARTY WHO HAS NOT GIVEN PROVOCATION.**

18. That the crime be committed after an unlawful entry.

19. (14) (19). That as a means to the commission of a crime a wall, roof, floor, door, or window be broken.

20. (15) (6 and 20). That the crime be committed **BY A BAND OR BY ANY PERSON WHO BELONGS TO AN ORGANIZED/SYNDICATED CRIME GROUP.**

A BAND CONSISTS OF FOUR OR MORE ARMED MALEFACTORS IN THE COMMISSION OF AN OFFENSE.

AN ORGANIZED/SYNDICATED CRIME GROUP CONSISTS OF THREE OR MORE PERSONS COLLABORATING, CONFEDERATING OR MUTUALLY HELPING ONE ANOTHER FOR PURPOSES OF GAIN IN THE COMMISSION OF ANY CRIME.

21. (16) (8 and 20) **THAT THE CRIME BE COMMITTED WITH THE AID OF A MINOR. 22. THAT THE CRIME BE COMMITTED WITH THE AID OF ARMED MEN OR PERSONS WHO ENSURE OR AFFORD IMPUNITY.**

Art. 13. *Effects of the Attendance of Mitigating or Aggravating Circumstances and of Habitual Delinquency.* — Mitigating or aggravating circumstances and habitual delinquency shall be taken into account for the purpose of diminishing or increasing the penalty in conformity with the following rules:

1. Aggravating circumstances which in themselves constitute a crime specially punishable by law or which are included by the law in defining a crime and prescribing the penalty therefor shall not be taken into account for the purpose of increasing the penalty.
2. The same rule shall apply with respect to any aggravating circumstances inherent in

the crime to such a degree that it must of necessity accompany the commission thereof.

3. Aggravating or mitigating circumstances which arise from the moral attributes of the offender, or from his **OR HER** private relations with the offended party, or from any other personal cause, shall only serve to aggravate or mitigate the liability of the principals, accomplices and accessories as to whom such circumstances are attendant.
4. The circumstances which consist in the material execution of the act, or in the means employed to accomplish it, shall serve to aggravate or mitigate the liability of those persons only who had knowledge of them at the time of the execution of the act or their cooperation therein.
5. Habitual delinquency shall have the following effects:
 - a. Upon the third conviction, the culprit shall be sentenced to the penalty provided by law for the last crime of which he **OR SHE** be found guilty and to the additional penalty of **CORRECTIVE 1** in its medium and maximum periods;
 - b. Upon the fourth conviction, the culprit shall be sentenced to the penalty provided for the last crime of which he **OR SHE** be found guilty and to the additional penalty of **AFFLICTIVE 2** in its minimum and medium periods; and
 - c. Upon a fifth or additional conviction, the culprit shall be sentenced to the penalty provided for the last crime of which he **OR SHE** be found guilty and to the additional penalty of **AFFLICTIVE 2** in its maximum period to **AFFLICTIVE 1** in its minimum period.

Notwithstanding the provisions of this article, the total of the two penalties to be imposed upon the offender, in conformity herewith, shall in no case exceed **THIRTY** years.

For purposes of this article, a person shall be deemed to be habitual delinquent if **HE OR SHE HAS BEEN PREVIOUSLY CONVICTED OF GRAVE OR LESS GRAVE crimes WITH AFFLICTIVE PENALTIES AND BELOW** a third time or oftener.

Title Two **PERSONS CRIMINALLY LIABLE FOR CRIMES**

Art. 14. Who are Criminally Liable. — CRIMINAL LIABILITY MAY BE INCURRED BY NATURAL PERSONS. CRIMINAL LIABILITY OF JURIDICAL PERSONS SHALL ONLY ATTACH IN THE INSTANCES AND MANNER INDICATED UNDER THIS CODE AND BY SPECIAL LAWS.

The following are criminally liable for grave and less grave **CRIMES**:

1. Principals.
2. Accomplices.
3. Accessories.

The following are criminally liable for light **CRIMES**:

1. Principals.
2. Accomplices.

Art. 15. *Principals.* — Principals **ARE THOSE PERSONS WHO:**

1. Take direct part in the execution of the criminal act;
2. Directly force or induce others to commit it;
3. Cooperate in the commission of the crime by another act without which **CRIME** would not have been accomplished; or
4. **ACT IN CONSPIRACY WITH ANOTHER IN THE EXECUTION OF THE CRIME. THERE IS A CONSPIRACY WHEN TWO OR MORE PERSONS COME TO AN AGREEMENT CONCERNING THE COMMISSION OF A CRIME AND DECIDE TO COMMIT IT.**

Art. 16. *Accomplices.* — Accomplices are those persons who, not **HAVING ACTED AS PRINCIPALS**, cooperate in the execution of the **CRIME** by previous or simultaneous acts.

Art. 17. *Accessories.* — Accessories are those who, having knowledge of the commission of the crime, and without having participated therein, either as principals or accomplices, take part subsequent to its commission in any of the following manners:

1. By profiting themselves or assisting the offender to profit by the effects of the crime, **OR BY BUYING, RECEIVING, POSSESSING, KEEPING, ACQUIRING, CONCEALING, SELLING OR DISPOSING OF, OR BUYING AND SELLING, OR IN ANY OTHER MANNER DEALING IN ANY ARTICLE, ITEM, OBJECT OR ANYTHING OF VALUE WHICH HE OR SHE KNOWS, OR SHOULD BE KNOWN TO HIM OR HER, TO HAVE BEEN DERIVED FROM THE PROCEEDS OF THE CRIME.**
2. By concealing or destroying the body, **EFFECTS, OR INSTRUMENTS** of the crime to prevent its discovery.
3. By harboring, concealing, or assisting in the escape of the principal of the crime.
4. **BY ANY OTHER ACT THAT WILL OBSTRUCT, IMPEDE, FRUSTRATE, RESTRICT OR DELAY THE APPREHENSION OF SUSPECTS AND THE INVESTIGATION AND PROSECUTION OF CRIMINAL CASES, UNLESS THE ACT IS SEPARATELY PUNISHED UNDER OTHER PROVISIONS OF THIS CODE OR OTHER LAWS.**

IF ANY OF THE ACTS MENTIONED HEREIN IS PENALIZED BY ANY OTHER LAW WITH A HIGHER PENALTY, THE HIGHER PENALTY SHALL BE IMPOSED.

Art. 18. *Accessories Who are Exempt from Criminal Liability.* — The penalties prescribed for accessories shall not be imposed upon those who are such with respect to their spouses, ascendants, descendants, brothers and sisters, or relatives by affinity within the same degrees, with the exception of accessories falling within the provisions of paragraphs 1 and 4 of the next preceding article.

Title Three
PENALTIES

Chapter One
PENALTIES IN GENERAL

Art. 19. *Penalties that May Be Imposed.* — No **CRIME** shall be punishable by any penalty not prescribed by law prior to its commission.

LIKEWISE, WHEN STRICT APPLICATION OF THE PROVISIONS OF THIS CODE WOULD RESULT IN THE IMPOSITION OF AN UNJUST PENALTY, TAKING INTO CONSIDERATION THE GRAVITY OF THE CRIME AND THE INJURY CAUSED THEREBY, THE COURT MAY, WITHOUT SUSPENDING THE EXECUTION OF THE SENTENCE, SUBMIT TO THE PRESIDENT, THROUGH THE DEPARTMENT OF JUSTICE, ITS RECOMMENDATION FOR EXECUTIVE CLEMENCY OF THE SENTENCE, OR REFER TO THE CONGRESS FOR AMENDMENT OF THE PENALTY.

Art. 20. *CONSTRUCTION of CRIMINAL Laws.* — **CRIMINAL LAWS ARE PROSPECTIVE IN APPLICATION. THEY SHALL HAVE A RETROACTIVE EFFECT WHEN FAVORABLE TO THE OFFENDER UNLESS OTHERWISE PROVIDED BY LAW.**

Chapter TWO
CLASSIFICATION OF PENALTIES

Art. 21. *PRINCIPAL Penalties Which May Be Imposed.* — The different classes OF **PRINCIPAL** penalties which may be imposed **FOR VIOLATIONS OF THIS CODE ARE THE PENALTIES OF DEATH, DEPRIVATION OR RESTRICTION OF LIBERTY, COMMUNITY SERVICE, DISQUALIFICATION, PUBLIC REPRIMAND AND FINES.**

Scale	PRINCIPAL PENALTIES
PUNITIVE PENALTIES	PUNITIVE 1
	PUNITIVE 2
Afflictive penalties	AFFLICTIVE 1
	AFFLICTIVE 2
	Perpetual or temporary absolute disqualification, Perpetual or temporary special disqualification,

CORRECTIVE penalties

CORRECTIVE 1

CORRECTIVE 2

RESTORATIVE penalties

RESTORATIVE 1

RESTORATIVE 2

COMMUNITY SERVICE
RESTRICTIVE
PUBLIC REPRIMAND

Penalty common to the **FOUR** preceding classes:

Fine

Art. 22. ACCESSORY PENALTIES. — THE ACCESSORY PENALTIES, WHICH ARE DEEMED INCLUDED IN THE PRINCIPAL PENALTIES IMPOSED, ARE AS FOLLOWS:

Perpetual or temporary absolute disqualification,
Perpetual or temporary special disqualification,
Suspension from public office, the right to vote and be voted for, the profession or calling.
Civil interdiction,
Indemnification,
Forfeiture or confiscation of instruments and proceeds of the offense,
Payment of costs.

Art. 23. Fine. — When GRAVE, LESS GRAVE or Light Penalty. — A fine, whether imposed as a single or as an alternative penalty, shall be **CONSIDERED GRAVE** penalty, if it exceeds 1,200,000 pesos; a **LESS GRAVE** penalty, if it does not exceed 1,200,000 pesos but is not less than 40,000 pesos; and a light penalty, if it be less than 40,000 pesos.

Chapter Three **DURATION AND EFFECT OF PENALTIES**

Section One. — Duration of Penalties INVOLVING DEPRIVATION OR RESTRICTION OF LIBERTY

Art. 24. Kinds of Penalties. -
PUNITIVE 1. - DEATH PENALTY

PUNITIVE 2. — PUNITIVE 2 penalty shall be from twenty years and one day to forty years.
Maximum level: 30 years and 1 day to 40 years
Medium level: 30 years
Minimum: 20 years and 1 day to less than 30 years

AFFLICTIVE 1. — AFFLICTIVE 1 penalty shall be from twelve years and one day to twenty years.
Maximum level: 16 years and 1 day to 20 years

Medium level: 16 years

Minimum level: 12 years and 1 day to less than 16 years

AFFLICTIVE 2 and temporary disqualification. — **AFFLICTIVE 2 PENALTY** and temporary disqualification shall be from six years and one day to twelve years, except when the penalty of disqualification is imposed as an accessory penalty, in which case its duration shall be that of the principal penalty.

Maximum level: 9 years and 1 day to 12 years

Medium level: 9 years

Minimum level: 6 years and 1 day to less than 9 years

CORRECTIVE 1 AND suspension. — **CORRECTIVE 1 PENALTY AND** suspension shall be from **THREE YEARS** and one day to six years, except when suspension is imposed as an accessory penalty, in which case, its duration shall be that of the principal penalty.

Maximum level: 4 years, 6 months and 1 day to 6 years

Medium level: 4 years and 6 months

Minimum level: 3 years and 1 day to less than 4 years and 6 months

CORRECTIVE 2. – THE DURATION OF CORRECTIVE 2 PENALTY SHALL BE FROM SIX MONTHS AND ONE DAY TO THREE YEARS.

Maximum level: 1 year, 3 months and 1 day to 3 years

Medium level: 1 year and 3 months

Minimum level: 6 months and 1 day to less than 1 year and 3 months

RESTORATIVE 1. — The duration of **RESTORATIVE 1** penalty shall be from **ONE MONTH AND ONE** day to six months.

Maximum level: 2 months and 16 days to 6 months

Medium level: 2 months and 15 days

Minimum level: 1 month and 1 day to less than 2 months and 15 days

RESTORATIVE 2. — The duration of **RESTORATIVE 2** penalty shall be from one day to thirty days.

Maximum level: 16 days to thirty days

Medium level: 15 days

Minimum level: 1 day to less than 15 days

COMMUNITY SERVICE. – THE DURATION OF COMMUNITY SERVICE SHALL BE FROM ONE DAY TO SIX MONTHS.

RESTRICTIVE. - THE DURATION OF RESTRICTIVE PENALTY SHALL BE FROM 6 MONTHS TO 2 YEARS.

PUBLIC REPRIMAND

Art. 25. Computation of Penalties. — If the offender shall be in prison, the term of the duration of the temporary penalties shall be computed from the day on which the judgment of conviction shall have become final.

If the offender be not in prison, the term of the duration of the penalty consisting of

deprivation of liberty shall be computed from the day that the offender is placed at the disposal of the judicial authorities for the enforcement of the penalty. The duration of the other penalties shall be computed only from the day on which the defendant commences to serve his OR HER sentence.

Art. 26. *Period of preventive imprisonment.* — THE PERIOD OF PREVENTIVE IMPRISONMENT SHALL BE DEDUCTED FROM THE SENTENCE CONSISTING OF DEPRIVATION OF LIBERTY except WHEN THE OFFENDER ESCAPES DURING THE PERIOD OF PREVENTIVE DETENTION.

WHEN THE PREVENTIVE IMPRISONMENT SHALL HAVE EXCEEDED THE MAXIMUM OF THE PRESCRIBED PENALTY, THE OFFENDER SHALL IMMEDIATELY BE RELEASED WITHOUT PREJUDICE TO THE CASE PROCEEDING TO JUDGMENT.

Section Two. — Effects of the Penalties According to Their Respective Nature

Art. 27. *Effects of the Penalties of Perpetual or Temporary Absolute Disqualification.* — The penalties of perpetual or temporary absolute disqualification for public office shall produce the following effects:

1. The deprivation of the public offices and employments which the offender may have held, even if conferred by popular election.
2. The deprivation of the right to vote in any election for any popular elective office or to be elected to such office.
3. The disqualification for the offices or public employments and for the exercise of any of the rights mentioned.

In case of temporary disqualification, such disqualification as is comprised in paragraphs 2 and 3 of this article shall last during the term of the sentence.

4. The loss of all rights to retirement pay or other pension for any office formerly held.

Art. 28. *Effects of the Penalties of Perpetual or Temporary Special Disqualification.* — The penalties of perpetual or temporary special disqualification for public office, profession or calling shall produce the following effects:

1. The deprivation of the office, employment, profession or calling affected.
2. The disqualification for holding similar offices or employments either perpetually or during the term of the sentence, according to the extent of such disqualification.

Art. 29. *Effects of the Penalties of Perpetual or Temporary Special Disqualification for the Exercise of the Right of Suffrage.* — The perpetual or temporary special disqualification for the exercise of the right of suffrage shall deprive the offender perpetually or during the term of the sentence, according to the nature of said penalty, of the right to vote in any popular election for any public office or to be elected to such office. Moreover, the offender shall not be permitted to hold any public office during the period of his OR HER disqualification.

Art. 30. *Effects of the Penalties of Suspension from Any Public Office, Profession or Calling, or the*

Right of Suffrage. — The suspension from public office, profession or calling, and the exercise of the right of suffrage shall disqualify the offender from holding such office or exercising such profession or calling or right of suffrage during the term of the sentence.

The person suspended from holding public office shall not hold another having similar functions during the period of his **OR HER** suspension.

Art. 31. Civil Interdiction. — Civil interdiction shall deprive the offender during the time of his **OR HER** sentence of the rights of parental authority, or guardianship, either as to the person or property of any ward, of marital authority, of the right to manage his **OR HER** property and of the right to dispose of such property by any act or any conveyance *inter vivos*.

Art. 32. Pecuniary Liabilities — Order of Payment. — In case the property of the offender should not be sufficient for the payment of all his **OR HER** pecuniary liabilities, the same shall be met in the following order:

1. The reparation of the damage caused.
2. Indemnification of consequential damages.
3. The fine.

Art. 33. Subsidiary Penalty. — If the convict has no property with which to **PAY** the **PENALTY OF fine CLASSIFIED AS GRAVE CRIME**, he **OR SHE** shall **RENDER COMMUNITY SERVICE OF NOT LESS THAN 4 MONTHS AND 1 DAY BUT NOT MORE THAN 6 MONTHS; FOR FINE CLASSIFIED AS LESS GRAVE, HE OR SHE SHALL RENDER COMMUNITY SERVICE OF NOT LESS THAN 1 MONTH BUT NOT MORE THAN 4 MONTHS; AND FOR FINE CLASSIFIED AS LIGHT CRIME, HE OR SHE SHALL RENDER COMMUNITY SERVICE OF NOT MORE THAN 30 DAYS.**

Section Three. — *Penalties in Which Other Accessory Penalties are Inherent*

Art. 34. PUNITIVE 1— Its Accessory Penalties. — **PUNITIVE 1** penalty, when it is not executed by reason of commutation or pardon shall carry with it that of perpetual absolute disqualification and that of civil interdiction during thirty years following the date of sentence, unless such accessory penalties have been expressly remitted in the pardon.

Art. 35. PUNITIVE 2 AND AFFLICTIVE 1 — Their accessory penalties. — **PUNITIVE 2 AND AFFLICTIVE 1** penalties shall carry with them that of civil interdiction for life or during the period of the sentence as the case may be, and that of perpetual absolute disqualification which the offender shall suffer even though pardoned as to the principal penalty, unless the same shall have been expressly remitted in the pardon.

Art. 36. AFFLICTIVE 2 — Its Accessory Penalties. — **AFFLICTIVE 2** penalty shall carry with it that of temporary absolute disqualification and that of perpetual special disqualification from the right of suffrage which the offender shall suffer although pardoned as to the principal penalty, unless the same shall have been expressly remitted in the pardon.

Art. 37. CORRECTIVE 1 AND CORRECTIVE 2 — Its Accessory Penalties. — **CORRECTIVE 1 AND CORRECTIVE 2 PENALTIES** shall carry with **THEM** that of suspension from public office, from the right to follow a profession or calling, and that of perpetual special

disqualification from the right of suffrage, if the duration of said imprisonment shall exceed eighteen months. The offender shall suffer the disqualification provided in this article although pardoned as to the principal penalty, unless the same shall have been expressly remitted in the pardon.

Art. 38. RESTORATIVE 1 AND RESTORATIVE 2 penalties — Its Accessory Penalties. — RESTORATIVE 1 AND RESTORATIVE 2 penalties shall carry with THEM that of suspension of the right to hold office and the right of suffrage during the term of the sentence.

Art. 39. DISPOSITION of the Proceeds or Instruments of the Crime. — Every JUDGMENT IN A CRIMINAL CASE shall DETERMINE the CONFISCATION AND DISPOSITION of THE proceeds and instruments USED IN THE COMMISSION OF THE CRIME.

Chapter Four APPLICATION OF PENALTIES

Section One. — *Rules for the Application of Penalties to the Persons Criminally Liable and for the Graduation of the Same*

Art. 40. Penalty to be Imposed in General. — FOR PRINCIPALS, the penalty prescribed by law for the commission of a CRIME IN ITS CONSUMMATED STAGE shall be THAT PROVIDED BY LAW IN ITS CONSUMMATED STAGE. THE PENALTY NEXT LOWER IN DEGREE SHALL BE IMPOSED UPON THE PRINCIPAL IN A FRUSTRATED CRIME, AND THE PENALTY TWO DEGREES LOWER UPON THE SAME PRINCIPAL IN AN ATTEMPTED CRIME.

FOR ACCOMPLICES, THE PENALTY NEXT LOWER IN DEGREE THAN THAT PRESCRIBED BY LAW FOR THE CONSUMMATED CRIME SHALL BE IMPOSED. THE PENALTY TWO DEGREES LOWER SHALL BE IMPOSED UPON THE ACCOMPLICES IN A FRUSTRATED CRIME, AND THE PENALTY SHALL BE THREE DEGREES LOWER IN AN ATTEMPTED CRIME.

FOR ACCESSORIES, THE PENALTY LOWER BY TWO DEGREES THAN THAT PRESCRIBED BY LAW FOR THE CONSUMMATED CRIME SHALL BE IMPOSED. THE PENALTY LOWER BY THREE DEGREES SHALL BE IMPOSED UPON THE ACCESSORIES IN A FRUSTRATED CRIME, AND SHALL BE LOWER BY FOUR DEGREES IN AN ATTEMPTED CRIME.

Art. 41. WHEN PUNITIVE 1 Penalty Shall Not Be Imposed. — The PUNITIVE 1 penalty shall be imposed in all cases PROVIDED BY existing laws, except:

1. When the OFFENDER is below eighteen (18) years of age at the time of the commission of the crime; or
2. WHEN THE OFFENDER is more than seventy years of age AT THE TIME OF PROMULGATION.

Art. 42. Penalty for Complex Crimes. — When a crime is a necessary means to commit another, or when a single act constitutes two or more CRIMES, the penalty for the most serious crime

shall be imposed in its maximum period.

IN CASE OF IMPRUDENCE, NEGLIGENCE, LACK OF FORESIGHT, OR LACK OF SKILL RESULTING IN MORE THAN ONE CRIME, THE OFFENDER SHALL BE LIABLE FOR THE MOST SERIOUS CRIME IN ITS MAXIMUM PERIOD.

LIGHT CRIMES COMMITTED IN RELATION TO COMPLEX CRIMES SHALL BE DEEMED ABSORBED.

Art. 43. *Penalty to Be Imposed Upon the Principals When the Crime Committed is Different from that Intended.* — In cases in which the **CRIME** committed is different from that which the offender intended to commit, **THE PENALTY SHALL BE FOR THE LESSER CRIME IN ITS MAXIMUM PERIOD.**

Art. 44. *Penalty to Be Imposed in Case of Failure to Commit the Crime Because the Means Employed or the Aims Sought are Impossible.* — When the person intending to commit an offense has already performed the acts for the execution of the same but nevertheless the crime was not produced by reason of the fact that the act intended was by its nature one of impossible accomplishment or because the means employed by such person are essentially inadequate to produce the result desired by him **OR HER**, the court, having in mind the social danger and the degree of criminality shown by the offender, shall impose upon him **OR HER** the penalty of **RESTORATIVE 1** or a fine ranging from 40,000 to 100,000 pesos.

Art. 45. *Rules for Graduating Penalties.* — For the purpose of graduating the penalties which according to the provisions of Article 40 (50 to 57) of this Code, are to be imposed upon persons guilty as principals of any frustrated or attempted crime, or as accomplices or accessories, the following rules shall be observed:

1. When the penalty prescribed for the crime is single and indivisible, the penalty next lower in degree shall be that immediately following that indivisible penalty in the respective graduated scale prescribed in article 53 (71) of this Code.
2. When the penalty prescribed for the crime is composed of one or more divisible penalties to be imposed to their full extent, the penalty next lower in degree shall be that immediately following the lesser of the penalties prescribed in the respective graduated scale.
3. When the penalty prescribed for the crime is composed of one indivisible penalty and the maximum period of another divisible penalty, the penalty next lower in degree shall be composed of the medium and minimum periods of the proper divisible penalty and the maximum period of that immediately following in said respective graduated scale.
4. When the penalty prescribed for the crime is composed of several periods, corresponding to different divisible penalties, the penalty next lower in degree shall be composed of the period immediately following the minimum prescribed and of the two next following, which shall be taken from the penalty prescribed, if possible; otherwise, from the penalty immediately following in the above mentioned respective graduated scale.
5. When the law prescribes a penalty for a crime in some manner not specially provided for in the four preceding rules, the courts, proceeding by analogy, shall impose corresponding penalties upon those guilty as principals of the frustrated crime, or of

attempt to commit the same, and upon accomplices and accessories.

Section Two. — *Rules for the Application of Penalties with Regard to the Mitigating and Aggravating Circumstances, and Habitual Delinquency*

TABULATION OF THE PROVISIONS OF THE CHAPTER

	Penalty prescribed for the crime	Penalty to be imposed upon the principal in a frustrated crime, and the accomplice in a consummated crime	Penalty to be imposed upon the principal in an attempted crime, the accessory in the consummated crime, and the accomplices in a frustrated crime	Penalty to be imposed upon the accessory in a frustrated crime and the accomplices in an attempted crime	Penalty to be imposed upon the accessory in an attempted crime
First Case	PUNITIVE 1	PUNITIVE 2	AFFLICTIVE 1	AFFLICTIVE 2	CORRECTIVE 1
Second Case	AFFLICTIVE 2 to PUNITIVE 1	AFFLICTIVE 1	AFFLICTIVE 2	CORRECTIVE 1	RESTORATIVE 1
Third Case	AFFLICTIVE 1 in its maximum period to PUNITIVE 1	AFFLICTIVE 2 in its maximum period to AFFLICTIVE 1 in its medium period	CORRECTIVE 1 in its maximum period to AFFLICTIVE 2 in its medium period	RESTORATIVE 1 in its maximum period to CORRECTIVE 1	Fine and RESTORATIVE 1 in its minimum and medium periods
Fourth case	AFFLICTIVE 2 in its maximum period to AFFLICTIVE 1 in its medium period	CORRECTIVE 1 in its maximum period to AFFLICTIVE 2 in its medium period	RESTORATIVE 1 in its maximum period to CORRECTIVE 1	Fine and RESTORATIVE 1 in its minimum and medium periods	Fine

Art. 46. *Rules for the Application of Indivisible Penalties.* — In all cases in which the law prescribes a single indivisible penalty, it shall be applied by the courts regardless of any mitigating or aggravating circumstances that may have attended the commission of the deed.

Art. 47. *Rules for the Application of Penalties Which Contain Three Periods.* — In cases in which the penalties prescribed by law contain three periods, whether it be a single divisible penalty or composed of three different penalties, each one of which forms a period in accordance with the provisions of articles 55 (76) and 56 (77), the courts shall observe for the application of the penalty the following rules, according to whether there are or are not mitigating or aggravating circumstances:

1. When there are neither aggravating nor mitigating circumstances, they shall impose the penalty prescribed by law in its medium period.

2. When only a mitigating circumstance is present in the commission of the act, they shall impose the penalty in its minimum period.
3. When only an aggravating circumstance is present in the commission of the act, they shall impose the penalty in its maximum period.
4. When both mitigating and aggravating circumstances are present, the court shall reasonably offset those of one class against the other according to their relative weight.
5. When there are two or more mitigating circumstances and no aggravating circumstances are present, the court shall impose the penalty next lower IN DEGREE to that prescribed by law, in the period that it may deem applicable, according to the number and nature of such circumstances.
6. Whatever may be the number and nature of the aggravating circumstances, the courts shall not impose a greater penalty than that prescribed by law, in its maximum period.
7. Within the limits of each period, the courts shall determine the extent of the penalty according to the number and nature of the aggravating and mitigating circumstances and the greater or lesser extent of the evil produced by the crime.

Art. 48. Rule in Cases in Which the Penalty is Not Composed of Three Periods. — In cases in which the penalty prescribed by law is not composed of three periods, the courts shall apply the rules contained in the foregoing articles, dividing into three equal portions the time included in the penalty prescribed, and forming one period of each of the three portions.

Art. 49. Penalty to Be Imposed When Not All the Requisites of Exemption of the Fourth Circumstance of Article 10 (12) are Present.— When all the conditions required in circumstance number 4 of article 10 (12) of this Code to exempt from criminal liability are not present, the penalty of **RESTORATIVE 1** in its maximum period to **CORRECTIVE 2** in its minimum period shall be imposed upon the culprit if he OR SHE shall have been guilty of a grave **CRIME**, and **RESTORATIVE 1** in its minimum and medium periods, if of a less grave **CRIME**.

Art. 50. Penalty to Be Imposed Upon a Person Under Eighteen Years of Age. — When the offender is a minor **OVER FIFTEEN AND** under eighteen years **OF AGE**, the penalty next lower than that prescribed by law shall be imposed, but always in the proper period.

Art. 51. Penalty to Be Imposed When the Crime Committed is Not Wholly Excusable. — A penalty lower by one or two degrees than that prescribed by law shall be imposed if the deed is not wholly excusable by reason of the lack of some of the conditions required to justify the same or to exempt from criminal liability in the several cases mentioned in articles 9 (11) and 10 (12), provided that the majority of such conditions be present. The courts shall impose the penalty in the period which may be deemed proper, in view of the number and nature of the conditions of exemption present or lacking.

Art. 52. Successive Service of Sentences; Exception. — When the **CONVICT** has to serve two or more penalties, he **OR SHE** shall serve them simultaneously if the nature of the penalties will so permit; otherwise, the **JAIL OFFICER SHALL OBSERVE THE** following rules:

In the **SERVICE OF THE SENTENCES**, the order of their respective severity shall be

followed so that they may be executed successively or as nearly as may be possible, should a pardon have been granted as to the penalty or penalties first imposed, or should they have been served out.

For the purpose of applying the provisions of the next preceding paragraph the respective severity of the penalties shall be determined in accordance with the following scale:

PUNITIVE 1
PUNITIVE 2
AFFLICTIVE 1
AFFLICTIVE 2
CORRECTIVE 1
CORRECTIVE 2
RESTORATIVE 1
RESTORATIVE 2
RESTRICTIVE

Perpetual absolute disqualification,
Temporary absolute disqualification,
Suspension from public office, the right to vote and be voted for, the right to follow a profession or calling, and
PUBLIC REPRIMAND

Notwithstanding the provisions of the rule next preceding, the maximum duration of the convict's sentence shall not be more than threefold the length of time corresponding to the most severe of the penalties imposed upon him OR HER. No other penalty to which he OR SHE may be liable shall be inflicted after the sum total of those imposed equals the said maximum period.

Such maximum period shall in no case exceed forty years.

In applying the provisions of this rule, the duration of perpetual penalties (*penaperpetua*) shall be computed at thirty years.

Art. 53. Graduated scales. — In the cases in which the law prescribes a penalty lower or higher by one or more degrees than another given penalty, the rules prescribed in article 45 (61) shall be observed in graduating such penalty.

The lower or higher penalty shall be taken from the graduated scale in which is comprised the given penalty.

The courts, in applying such lower or higher penalty, shall observe the following graduated scales:

SCALE NO. 1
1. PUNITIVE 1
2. PUNITIVE 2

3. **AFFLICTIVE 1**
4. **AFFLICTIVE 2**
5. **CORRECTIVE 1**
6. **CORRECTIVE 2**
7. **RESTORATIVE 1**
8. **RESTORATIVE 2**
9. **RESTRICTIVE**
10. **PUBLIC REPRIMAND**
11. Fine.

Art. 54. Preference in the Payment of the Civil Liabilities. — The civil liabilities of a person found guilty of two or more **CRIMES** shall **BE GOVERNED BY THE APPLICABLE PROVISIONS OF THE CIVIL CODE OF THE PHILIPPINES.**

Section Three. — Provision Common to the Last Two Preceding Sections

Art. 55. Legal Period of Duration of Divisible Penalties. — The legal period of duration of divisible penalties shall be considered as divided into three parts, forming three periods, the minimum, the medium, and the maximum in the manner shown in the following table:

TABLE SHOWING THE DURATION OF DIVISIBLE PENALTIES AND THE TIME INCLUDED IN EACH OF THEIR PERIODS

Penalties	Time included in the penalty in its entirety	Time included in its minimum period	Time included in its medium period	Time included in its maximum period
AFFLICTIVE 1	From 12 years and 1 day to 20 years.	From 12 years and 1 day to LESS THAN 16 years.	16 years	From 16 years and 1 day to 20 years.
AFFLICTIVE 2, absolute disqualification and special temporary disqualification.	From 6 years and 1 day to 12 years.	From 6 years and 1 day to LESS THAN 9 years.	9 years	From 9 years and 1 day to 12 years.
CORRECTIVE 1 and suspension	3 YEARS and 1 day to 6 years.	From 3 YEARS and 1 day to LESS THAN 4 years and 6 months.	4 years AND 6 months	From 4 years, 6 months and 1 day to 6 years.
CORRECTIVE 2	FROM 6 MONTHS AND 1 DAY TO 3 YEARS	FROM 6 MONTHS AND ONE DAY TO LESS	1 YEAR AND 3 MONTHS	FROM 1 YEAR 3 MONTHS AND 1 DAY TO 3 YEARS

		THAN 1 YEAR AND 3 MONTHS		
RESTORATIVE 1	From 1 month and 1 day to 6 months.	From 1 MONTH AND ONE DAY to LESS THAN 2 months AND 15 DAYS.	2 months and 15 days	From 2 months and 16 days to 6 months.
RESTORATIVE 2	From 1 to 30 days.	From 1 to LESS THAN 15 days.	15 days.	From 16 to 30 days.
RESTRICTIVE	6 MONTHS TO 2 YEARS	FROM 6 MONTHS TO LESS THAN 1 YEAR AND THREE MONTHS	1 YEAR AND 3 MONTHS	FROM 1 YEAR AND 3 MONTHS TO 2 YEARS

Art. 56. *When the Penalty is a Complex One Composed of Three Distinct Penalties.* — In cases in which the law prescribes a penalty composed of three distinct penalties, each one shall form a period; the lightest of them shall be the minimum, the next the medium, and the most severe the maximum period.

Whenever the penalty prescribed does not have one of the forms specially provided for in this book, the periods shall be distributed, applying by analogy the prescribed rules.

Chapter Five EXECUTION AND SERVICE OF PENALTIES

Section One. — *General Provisions*

Art. 57. *When and How a Penalty is to Be Executed.* — No penalty shall be executed except by virtue of a final judgment.

A penalty shall not be executed in any other form than that prescribed by law, nor with any other circumstances or incidents than those expressly authorized thereby.

Art. 58. PROSECUTION OF CHILDREN IN CONFLICT WITH THE LAW. — **CHILDREN IN CONFLICT WITH THE LAW SHALL BE PROCEEDED AGAINST IN ACCORDANCE WITH THIS CODE, SPECIAL LAWS, AND APPLICABLE RULES.**

Section Two. — *Execution of Principal Penalties*

Art. 59. *When and How PUNITIVE 1 Penalty is to be Executed.* — **PUNITIVE 1 PENALTY** shall

be executed with preference to any other penalty and shall consist in putting the person under sentence to death. **PUNITIVE 1 PENALTY** shall be executed under the authority of the Director of the Bureau of Corrections, endeavoring so far as possible to mitigate the sufferings of the person under SUCH sentence.

The authorized physician of the Bureau of Corrections, after thorough examination, shall officially make a pronouncement of the convict's death and shall certify thereto in the records of the Bureau of Corrections.

PUNITIVE 1 PENALTY shall be carried out not earlier than one (1) year nor later than eighteen (18) months after the judgment has become final and executory without prejudice to the exercise by the President of his OR HER executive clemency powers at all times.

Title Four
EXTINCTION OF CRIMINAL LIABILITY

Chapter One
TOTAL EXTINCTION OF CRIMINAL LIABILITY

Art. 60. *How Criminal Liability is Totally Extinguished.* — Criminal liability is totally extinguished:

1. By the death of the convict, as to the personal penalties; and as to pecuniary penalties, liability therefor is extinguished only when the death of the offender occurs before final judgment;
2. By service of the sentence;
3. By amnesty, which completely extinguishes the penalty and all its effects;
4. By absolute pardon **OF THE PRESIDENT**. A pardon shall **EXTINGUISH THE PRINCIPAL AND ACCESSORY PENALTIES** unless the terms of the pardon **OTHERWISE PROVIDE**.

A pardon shall in no case exempt the culprit from the payment of the civil indemnity imposed upon him **OR HER** by the sentence.

5. By prescription of the crime;
6. By the marriage of the **OFFENDER TO THE** offended **PARTY IN CASES OF RAPE, SEDUCTION, ABDUCTION AND ACTS OF LASCIVIOUSNESS**.
7. **BY EXPRESS PARDON OF THE OFFENDED PARTY IN CASES OF LIGHT CRIMES. HOWEVER, IN CASES OF SEDUCTION, ABDUCTION AND ACTS OF LASCIVIOUSNESS, PARDON BY THE OFFENDED PARTY DOES NOT EXTINGUISH CRIMINAL ACTION, BUT ONLY PREVENTS THE PROSECUTION OF THESE CASES.**

8. IN CASE OF A JURIDICAL PERSON, CRIMINAL LIABILITY SHALL BE EXTINGUISHED BY:

- A. COMPLIANCE WITH OR EXECUTION OF THE PENALTY;
- B. AMNESTY;
- C. PARDON; AND
- D. PRESCRIPTION OF CRIMES.

9. PROBATION.

Art. 61. *Prescription of Crimes.* — Crimes punishable by **PUNITIVE 1, PUNITIVE 2 or AFFLICTIVE 1 PENALTY OR FINE CLASSIFIED AS GRAVE PENALTY** shall prescribe in twenty years.

Crimes punishable by other afflictive penalties shall prescribe in fifteen years.

Those punishable by a **CORRECTIVE** penalty **OR FINE CLASSIFIED AS LESS GRAVE PENALTY** shall prescribe in ten years; with the exception of those punishable by **RESTORATIVE 1**, which shall prescribe in five years.

CRIMES PUNISHED BY RESTORATIVE PENALTIES OR FINE CLASSIFIED AS LIGHT PENALTY prescribe in two months.

When the penalty fixed by law is a compound one, the highest penalty shall be made the basis of the application of the rules contained in the first, second and third paragraphs of this article.

Art. 62. *Computation of Prescription of CRIMES.* — The period of prescription shall commence to run from the day on which the crime is discovered by the offended party, the authorities, or their agents, and shall be interrupted by the **INSTITUTION** of the complaint **WITH THE APPROPRIATE GOVERNMENT AGENCY** or **FILING OF THE** information **WITH THE COURT**, and shall commence to run again when such proceedings terminate without the accused being convicted or acquitted, or are unjustifiably stopped for any reason not imputable to him **OR HER, IN ACCORDANCE WITH THE RULES OF COURT.**

Chapter Two

PARTIAL EXTINCTION OF CRIMINAL LIABILITY

Art. 63. *Partial extinction of PENALTY.* — **THE SENTENCE** is extinguished partially:

- 1. By conditional pardon;
- 2. By commutation of the sentence;
- 3. **BY PAROLE, WHICH REFERS TO THE CONDITIONAL RELEASE OF AN OFFENDER FROM A CORRECTIONAL INSTITUTION AFTER HE OR SHE SERVES THE MINIMUM OF THE CLASSIFICATION OF THE PENALTY IMPOSED;** and
- 4. For good conduct allowances which the culprit may earn while he **OR SHE** is undergoing preventive imprisonment or serving his **OR HER** sentence.

Art. 64. *Effect of Commutation of Sentence.* — IN CASE OF COMMUTATION OF PENALTIES, IT SHALL HAVE THE LEGAL EFFECT OF SUBSTITUTING THE LENGTH AND NATURE CORRESPONDING TO THE NEW PENALTY.

Art. 65. *Allowance for Good Conduct.* — The ALLOWANCE FOR good conduct of any offender qualified for credit for preventive imprisonment pursuant to Article 26 (29) of this Code, or of any convicted prisoner in any penal institution, rehabilitation or detention center or any other local jail shall **BE GOVERNED BY THIS CODE AND SPECIAL LAWS.**

Art. 66. *Special Time Allowance for Loyalty.* — A deduction of one fifth of the period of his **OR HER sentence shall be granted to any prisoner who, having evaded his **OR HER** preventive imprisonment or the service of his **OR HER** sentence under the circumstances mentioned in Article 146 of this Code, gives himself **OR HERSELF** up to the authorities within forty eight (48) hours following the issuance of a proclamation announcing the passing away of the calamity or catastrophe referred to in said article. A deduction of two-fifths of the period of his **OR HER** sentence shall be granted in case said prisoner chose to stay in the place of his **OR HER** confinement notwithstanding the existence of a calamity or catastrophe enumerated in Article 146 of this Code.**

This Article shall apply to any prisoner whether undergoing preventive imprisonment or serving sentence.

Title Five CIVIL LIABILITY

Chapter One PERSONS CIVILLY LIABLE FOR CRIMES

Art. 67. *Civil Liability of Person Guilty of CRIME.* — Every person criminally liable is **ALSO civilly liable.**

Art. 68. *Rules Regarding Civil Liability in Certain Cases.* — The exemption from criminal liability established in subdivisions (1), (2), (3), (5), and (6) of article 10 (12) and in subdivision (4) of article 9 (11) of this Code does not include exemption from civil liability, which shall be enforced subject to the following rules:

First. In cases of subdivisions (1), (2), and (3) of article 10 (12), the civil liability for acts committed by **A PERSON SUFFERING FROM MENTAL DISEASE OR DEFECT OR AN** insane person, and by a person **FIFTEEN** years of age **OR BELOW**, or by one over **FIFTEEN** but under **EIGHTEEN** years of age, who has acted without discernment, shall devolve upon **THEIR PARENTS OR** those having such person under their legal authority or control, unless it appears that there was no fault on their part.

THE CIVIL LIABILITY FOR CRIMES COMMITTED BY A MINOR ABOVE TWELVE AND UNDER FIFTEEN YEARS OF AGE WHO ACTED WITHOUT DISCERNMENT SHALL BE SATISFIED PRIMARILY FROM THE PROPERTY NOT EXEMPT FROM EXECUTION OF SUCH MINOR, AND SECONDARILY BY HIS OR HER PARENTS, GUARDIAN OR PERSON WHO HAS LEGAL CUSTODY OR CONTROL OVER THE MINOR, UNLESS SUCH PARENTS, GUARDIAN OR PERSON HAD NO

FAULT.

Should there be no person having such **PERSON SUFFERING FROM MENTAL DISEASE OR DEFECT**, insane or minor **PERSON** under his **OR HER** authority, legal guardianship, or control, or if such person be insolvent, said **PERSON SUFFERING FROM MENTAL DISEASE OR DEFECT**, insane, or minor **PERSON** shall respond with their own property, excepting property exempt from execution, in accordance with the civil law. **LIKEWISE, THE CIVIL LAW SHALL ALSO GOVERN THE CIVIL LIABILITY OF A MINOR OVER FIFTEEN BUT UNDER EIGHTEEN YEARS OF AGE WHO ACTED WITH DISCERNMENT.**

Second. In cases falling within subdivision (4) of article 9 (11), the persons for whose benefit the harm has been prevented shall be civilly liable in proportion to the benefit which they may have received.

The courts shall determine, in their sound discretion, the proportionate amount for which each one shall be liable.

When the respective shares cannot be equitably determined, even approximately, or when the liability also attaches to the Government, or to the majority of the inhabitants of the town, and, in all events, whenever the damage has been caused with the consent of the authorities or their agents, indemnification shall be made in the manner prescribed by special laws or regulations.

Third. In cases falling within subdivisions (5) and (6) of article 10 (12), the persons using violence or causing the fear shall be primarily liable, and **IN THEIR ABSENCE, THOSE DOING THE ACT SHALL BE** secondarily **LIABLE**, excepting property exempt from execution, in accordance with the civil law.

Art. 69. *Subsidiary Civil Liability of PROPRIETORS OR OWNERS OF HOTELS, APARTELLS, RESTAURANTS, AND OTHER SIMILAR Establishments.* — In default of the persons criminally liable, **PROPRIETORS OR OWNERS OF HOTELS, APARTELLS, RESTAURANTS, AND OTHER SIMILAR ESTABLISHMENTS**, and any other persons or corporations shall be civilly liable for crimes committed in their establishments, in all cases where a violation of municipal ordinances or some general or special regulations shall have been committed by them or their employees.

PROPRIETORS OR OWNERS are also subsidiarily liable for the restitution of goods taken by robbery or theft within their houses from guests lodging therein, or for **REPARATION**, provided that such guests shall have notified in advance the **PROPRIETOR OR OWNER** himself **OR HERSELF**, or the person representing him **OR HER**, of the deposit of such goods within the **ESTABLISHMENT**; and shall furthermore have followed the directions which such **PROPRIETOR OR OWNER** or his **OR HER** representative may have given them with respect to the care of and vigilance over such goods. No liability shall attach in case of robbery with violence against or intimidation of persons unless committed by the **PROPRIETOR'S OR OWNER'S** employees.

Art. 70. *Subsidiary Civil Liability of Other Persons.* — The subsidiary **CIVIL** liability established

in the next preceding article shall also apply to persons, **WHETHER NATURAL OR JURIDICAL**, engaged in any kind of industry, for **CRIMES** committed by their employees in the discharge of their duties.

Chapter Two **WHAT CIVIL LIABILITY INCLUDES**

Art. 71. *What is Included in Civil Liability.* — The civil liability established in articles 67 (100), 68 (101), 69 (102), and 70 (103) of this Code includes:

1. Restitution;
2. Reparation of the damage caused;
3. Indemnification for consequential damages.

Art. 72. *Restitution — How Made.* — The restitution of the thing itself must be made whenever possible, with allowances for any deterioration or diminution of value as determined by the court.

The thing itself shall be restored, even though it be found in the possession of a third person who has acquired it by lawful means, **RESERVING** to the latter his **OR HER** action against the proper person who may be liable to him **OR HER**.

This **RULE** is not applicable **TO** cases **WHERE** the thing has been acquired by a third person in the manner and under the **CONDITIONS** which, by law, bar an action for its recovery.

Art. 73. *Reparation — How Made.* — The court shall determine the amount of damage, taking into consideration the price of the thing, whenever possible, and its special sentimental value to the injured party, and reparation shall be made accordingly.

Art. 74. *Indemnification — What is Included.* — Indemnification for consequential damages shall include those caused the injured party **AND HIS OR HER FAMILY IN ACCORDANCE WITH THE PROVISIONS OF THE CIVIL CODE OF THE PHILIPPINES**.

Art. 75. *Obligation to Make Restoration, Reparation for Damages, or Indemnification for Consequential Damages and Action to Demand the Same — Upon Whom it Devolves.* — The obligation to make restoration or reparation for damages and indemnification for consequential damages devolves upon the heirs of the person liable.

The action to demand restoration, reparation, and indemnification likewise descends to the heirs of the person injured.

Art. 76. *Share of Each Person Civilly Liable.* — If there are two or more persons civilly liable for a **CRIME**, the courts shall determine the amount for which each must respond.

Art. 77. *SOLIDARY and Subsidiary Liability of Principals, Accomplices, and Accessories.* — The principals, accomplices, and accessories, each within their respective class, shall be liable **SOLIDARILY** among themselves for their quotas **AS DETERMINED IN THE SENTENCE**, and subsidiarily for those of the other persons liable. The subsidiary liability shall be **ENFORCED**, first against the property of the principals; **IN DEFAULT THEREOF**, against

THE PROPERTY of the accomplices, and, lastly, against **THE PROPERTY** of the accessories.

Whenever the **SOLIDARY OR** subsidiary liability has been enforced, the person **WHO MADE** payment shall have a right **TO CONTRIBUTION FROM** the others for their respective shares.

Art. 78. *Obligation to Make Restitution in Certain Cases.* — Any person who has participated gratuitously in **OR UNKNOWINGLY BENEFITED FROM** the proceeds of a **CRIME** shall be bound to make restitution in an amount equivalent to the extent of such participation **OR BENEFIT**.

Chapter Three **EXTINCTION AND SURVIVAL OF CIVIL LIABILITY**

Art. 79. *Extinction of Civil Liability.* — Civil liability established in articles 67 (100), 68 (101), 69 (102), and 70 (103) of this Code shall be extinguished in the same manner as other obligations, in accordance with the provisions of the Civil Law.

Art. 80. *Obligation to Satisfy Civil Liability.* — Except in case of extinction of his **OR HER** civil liability as provided in the next preceding article, the offender shall continue to be obliged to satisfy the civil liability resulting from the crime committed by him **OR HER**, notwithstanding the fact that he **OR SHE** has served his **OR HER** sentence consisting of deprivation of liberty or other rights, or has not been required to serve the same by reason of amnesty, pardon, commutation of sentence, or any other reason.

BOOK TWO CRIMES AND PENALTIES

Title One **CRIMES AGAINST NATIONAL SECURITY AND THE LAW OF NATIONS**

Chapter One **CRIMES AGAINST NATIONAL SECURITY**

Section One **TREASON AND ESPIONAGE**

Article 81. *Treason.* - Any Filipino citizen who **LEVIES** war against the **REPUBLIC OF THE Philippines** or adheres to **ITS** enemies giving them aid or comfort, shall be punished by **PUNITIVE 2 TO PUNITIVE 1** and shall pay a fine not to exceed Four million pesos (P4,000,000).

OVERT ACTS DONE IN FURTHERANCE OF TREASON AS DEFINED IN THE PRECEDING PARAGRAPH ARE DEEMED ABSORBED.

FOREIGNERS ACTING IN CONSPIRACY WITH ANY FILIPINO WHO COMMITS TREASON SHALL BE HELD LIABLE AND PUNISHED UNDER THIS

CODE.

Article 82. Conspiracy and proposal to commit treason; Penalty. - The conspiracy or proposal to commit the crime of treason shall be punished respectively, by **AFFLICTIVE 2** and a fine not exceeding Two million pesos (P2,000,000), and **CORRECTIVE 1** and a fine not exceeding One million pesos (P1,000,000).

Article 83. Misprision of treason. - A **FILIPINO CITIZEN WHO**, having knowledge of any conspiracy **TO COMMIT TREASON**, conceals or does not disclose and make known the same, as soon as possible **TO PERSONS IN AUTHORITY OR THEIR AGENTS**, shall be punished **BY CORRECTIVE 1**.

THE PENALTY ONE DEGREE LOWER THAN THE PENALTY FOR TREASON SHALL BE IMPOSED ON PERSONS IN AUTHORITY OR THEIR AGENTS WHO, UPON RECEIVING INFORMATION OF THE ANY CONSPIRACY OR A PROPOSAL TO COMMIT TREASON, FAILS TO ACT APPROPRIATELY ON THE SAME.

IF THE TREASON SUBJECT OF THE CONSPIRACY OR PROPOSAL REPORTED WAS ACTUALLY COMMITTED, THE PERSON IN AUTHORITY SHALL BE PUNISHED WITH THE SAME PENALTY AS THAT FOR TREASON.

PERSONS IN AUTHORITY IN THIS CASE SHALL MEAN ANY PERSON DIRECTLY VESTED WITH JURISDICTION, WHETHER AS AN INDIVIDUAL OR AS A MEMBER OF SOME COURT OR GOVERNMENTAL CORPORATION, BOARD OR COMMISSION. ANY PERSON WHO, BY DIRECT PROVISION OF LAW OR BY ELECTION OR BY APPOINTMENT BY COMPETENT AUTHORITY, IS CHARGED WITH THE MAINTENANCE OF PUBLIC ORDER AND THE PROTECTION AND SECURITY OF LIFE AND PROPERTY, AND ANY PERSON WHO COMES TO THE AID OF PERSONS IN AUTHORITY, SHALL BE DEEMED AN AGENT OF A PERSON IN AUTHORITY.

Article 84. Espionage. - The penalty of **CORRECTIVE 1** shall be inflicted upon any person who:

1. Without authority, **SHALL COPY, REMOVE, DISCLOSE TO, OR OTHERWISE DEAL WITH UNAUTHORIZED PERSONS OR FOREIGN INTERESTS ACTING AGAINST THE PHILIPPINE GOVERNMENT, OR ATTEMPT OR INDUCE ANOTHER TO OBTAIN, COPY, REMOVE OR DISCLOSE TO UNAUTHORIZED PERSONS OR FOREIGN GOVERNMENTS ANY INFORMATION, PLANS, PHOTOGRAPHS, OR ANY OTHER DATA OF A CONFIDENTIAL NATURE RELATIVE TO THE NATIONAL DEFENSE AND SECURITY, ECONOMIC SECURITY, NATIONAL PUBLIC HEALTH OR SAFETY, OR ANY COMBINATION OF THOSE MATTERS, OF THE REPUBLIC OF THE PHILIPPINES, INCLUDING BUT NOT LIMITED TO:**

- A. INFORMATION CONCERNING ANY VESSEL, AIRCRAFT, WORK OF DEFENSE, MILITARY STATION, MILITARY BASE, COALING STATION, FORT, BATTERY, DOCKYARD, CANAL, ROADS, CAMP, FACTORY, MINE, TELEGRAPH, TELEPHONE, WIRELESS COMMUNICATION EQUIPMENT,**

OR SIGNAL STATION, BUILDING, OFFICE OR OTHER PLACE CONNECTED WITH NATIONAL DEFENSE UNDER THE CONTROL OF OR WITHIN THE JURISDICTION OF THE REPUBLIC OF THE PHILIPPINES OF ANY OF ITS OFFICERS OR AGENTS; AND

B. INFORMATION CONCERNING ANY VESSEL, AIRCRAFT, ARMS, MUNITIONS, OR OTHER MATERIALS OR INSTRUMENTS FOR THE USE IN TIME OF WAR BEING MADE, PREPARED, REPAIRED, OR STORED, UNDER ANY CONTRACT OR AGREEMENT WITH THE REPUBLIC OF THE PHILIPPINES, OR WITH ANY PERSON ON BEHALF OF THE PHILIPPINE GOVERNMENT;

2. Being in possession, by reason of the public office he holds, of the articles, data, or information referred to in the preceding paragraph, discloses their contents to a representative of a foreign national; or
3. WITHOUT OR IN EXCESS OF AUTHORITY, OR WITHOUT COURT ORDERS, ACCESSES, INTERCEPTS, OR INTERFERES WITH INSTRUCTION, COMMUNICATION, DATA, OR ANY INFORMATION THROUGH INFORMATION AND COMMUNICATIONS TECHNOLOGY MEDIA, OF A CONFIDENTIAL NATURE AS ENUMERATED IN PARAGRAPH 1 OF THIS ARTICLE.

ACCESS SHALL MEAN COMMUNICATION WITH, STORING DATA IN, RETRIEVING DATA FROM, OR OTHERWISE USING ANY RESOURCES OF AN INFORMATION AND COMMUNICATIONS TECHNOLOGY NETWORK.

INTERCEPTION SHALL MEAN LISTENING TO, RECORDING, MONITORING OR SURVEILLANCE OF THE CONTENT OF COMMUNICATIONS, INCLUDING PROCURING OF THE CONTENT OF DATA, EITHER DIRECTLY THROUGH ACCESS AND USE OF A COMPUTER SYSTEM, OR INDIRECTLY THROUGH THE USE OF ELECTRONIC EAVESDROPPING OR TAPPING DEVICES, AT THE SAME TIME THAT THE COMMUNICATION IS OCCURRING.

INTERFERENCE CAN PERTAIN TO EITHER DATA OR SYSTEM INTERFERENCE. DATA INTERFERENCE SHALL MEAN THE INTENTIONAL OR RECKLESS ALTERATION, DAMAGING, DELETION, DETERIORATION OF COMPUTER DATA, ELECTRONIC DOCUMENT, OR ELECTRONIC DATA MESSAGE WITHOUT RIGHT, INCLUDING INTRODUCTION OR TRANSMISSION OF VIRUSES. SYSTEM INTERFERENCE SHALL MEAN THE INTERNATIONAL ALTERATION OR RECKLESS HINDERING OR INTERFERENCE WITH THE FUNCTIONING OF A COMPUTER OR A COMPUTER NETWORK BY INPUTTING, TRANSMITTING, DAMAGING, DELETING, DETERIORATING, ALTERING OR SUPPRESSING COMPUTER DATA OR PROGRAM, ELECTRONIC DOCUMENT, OR ELECTRONIC DATA MESSAGE WITHOUT RIGHT OR AUTHORITY, INCLUDING THE INTRODUCTION OR TRANSMISSION OF VIRUSES.

The penalty next higher in degree shall be imposed if the offender is **A FILIPINO, OR a public officer or employee, OR OTHERWISE BENEFITS FROM THE ACT.**

Section Two

**PROVOKING WAR AND DISLOYALTY TO THE REPUBLIC OF THE PHILIPPINES IN
CASE OF WAR**

Article 85. *Inciting to war or giving motives for reprisals.* - The penalty of **AFFLICTIVE 1** shall be imposed upon any public officer or employee, and that of **AFFLICTIVE 2** upon any private individual, who, by unlawful or unauthorized acts provokes or gives occasion for a war **AGAINST ANOTHER COUNTRY** involving or liable to involve the **REPUBLIC OF THE Philippines** or **UNDULY** exposes Filipino citizens to reprisals on their persons or property.

Article 86. *Violation of neutrality.* - The penalty of **CORRECTIVE 1** shall be inflicted upon anyone who, on the occasion of a war in which the **REPUBLIC OF THE PHILIPPINES** is not involved, violates any regulation issued by **THE PHILIPPINE GOVERNMENT** for the purpose of enforcing neutrality.

Article 87. *Other Acts Of Disloyalty.* -

1. **THE PENALTY OF AFFLICTIVE 2 SHALL BE INFLICTED UPON ANYONE WHO, ON THE OCCASION OF A NON-INTERNATIONAL ARMED CONFLICT IN WHICH THE REPUBLIC OF THE PHILIPPINES IS INVOLVED, COMMITS ANY OF THE FOLLOWING ACTS:**
 - A. WILLFULLY MAKE OR CONVEY FALSE REPORTS OR FALSE STATEMENTS WITH THE INTENT TO INTERFERE WITH THE OPERATION OR SUCCESS OF THE MILITARY, NAVAL, OR AIR FORCES OF THE PHILIPPINES; OR**
 - B. WILLFULLY CAUSE OR ATTEMPT TO CAUSE INSUBORDINATION, DISLOYALTY, MUTINY, OR REFUSAL OF DUTY IN THE MILITARY, NAVAL, OR AIR FORCES OF THE PHILIPPINES TO PROMOTE THE SUCCESS OF ITS ENEMIES; OR**
 - C. WILLFULLY OBSTRUCT THE RECRUITMENT OR ENLISTMENT SERVICE OF THE PHILIPPINES, TO THE INJURY OF THE SERVICE OF THE PHILIPPINES.**
2. **THE PENALTY OF AFFLICTIVE 2 SHALL BE INFLICTED UPON ANYONE WHO, IN TIME OF PEACE, WITH THE INTENT TO INTERFERE, IMPAIR, OR INFLUENCE THE LOYALTY, MORAL, OR DISCIPLINE OF THE PHILIPPINE MILITARY, COMMITS ANY OF THE FOLLOWING ACTS:**
 - A. ADVISE, COUNSEL, URGE, OR IN ANY MANNER CAUSE INSUBORDINATION, DISLOYALTY, MUTINY, OR REFUSAL OF DUTY OF ANY MEMBER OF THE PHILIPPINE MILITARY; OR**
 - B. DISTRIBUTE ANY WRITTEN OR PRINTED MATTER WHICH ADVISES, COUNSELS, OR URGES INSUBORDINATION, DISLOYALTY, MUTINY, OR REFUSAL OF DUTY OF A MEMBER OF THE PHILIPPINE MILITARY.**

THE PENALTY NEXT HIGHER IN DEGREE SHALL BE IMPOSED IF THE OFFENDER IS A PUBLIC OFFICER OR EMPLOYEE.

ANY ACT COVERED IN THIS PROVISION COMMITTED IN THE CONTEXT OF WAR SHALL BE TRIED UNDER TREASON OR REBELLION.

Article 88. *Flight to enemy country.* - The penalty of RESTORATIVE 1 shall be IMPOSED upon any person who, owing allegiance to the REPUBLIC OF THE PHILIPPINES, attempts to flee or go to an enemy country UNLESS DULY AUTHORIZED BY THE PRESIDENT.

CHAPTER TWO CRIMES AGAINST THE LAW OF NATIONS

Section ONE CRIMES AGAINST INTERNATIONAL HUMANITARIAN LAW, GENOCIDE, AND OTHER CRIMES AGAINST HUMANITY

Article 89. *War Crime In Times Of International Armed Conflict.* - THE PENALTY OF PUNITIVE 1 SHALL BE IMPOSED UPON ANY PERSON WHO, IN CASE OF AN INTERNATIONAL ARMED CONFLICT INVOLVING THE REPUBLIC OF THE PHILIPPINES, COMMITS ANY OF THE FOLLOWING ACTS AGAINST PERSONS OR PROPERTY PROTECTED UNDER INTERNATIONAL HUMANITARIAN LAW:

- A. WILLFUL KILLING;
- B. TORTURE OR INHUMAN TREATMENT, INCLUDING BIOLOGICAL EXPERIMENTS;
- C. WILLFULLY CAUSING GREAT SUFFERING, OR SERIOUS INJURY TO BODY OR HEALTH;
- D. EXTENSIVE DESTRUCTION AND APPROPRIATION OF PROPERTY NOT JUSTIFIED BY MILITARY NECESSITY AND CARRIED OUT UNLAWFULLY AND WANTONLY;
- E. WILLFULLY DEPRIVING A PRISONER OF WAR OR OTHER PROTECTED PERSON OF THE RIGHTS OF FAIR AND REGULAR TRIAL;
- F. ARBITRARY DEPORTATION OR FORCIBLE TRANSFER OF POPULATION OR UNLAWFUL CONFINEMENT;
- G. TAKING OF HOSTAGES;
- H. COMPELLING A PRISONER OF WAR OF OTHER PROTECTED PERSON TO SERVE IN THE FORCES OF A HOSTILE POWER; OR
- I. UNJUSTIFIABLE DELAY IN THE REPATRIATION OF PRISONERS OF WAR OR OTHER PROTECTED PERSONS.

Article 90. *War Crime In Times Of Non-International Armed Conflict.* - THE PENALTY OF [PUNITIVE 1] SHALL BE IMPOSED UPON ANY PERSON WHO, IN CASE OF A NON-INTERNATIONAL ARMED CONFLICT INVOLVING THE REPUBLIC OF THE PHILIPPINES, COMMITS ANY OF THE FOLLOWING ACTS AGAINST PERSONS OR

PROPERTY PROTECTED UNDER INTERNATIONAL HUMANITARIAN LAW:

- A. SERIOUS VIOLATIONS OF COMMON ARTICLE 3 TO THE FOUR (4) GENEVA CONVENTIONS OF 12 AUGUST 1949, NAMELY, ANY OF THE FOLLOWING ACTS COMMITTED AGAINST PERSONS TAKING NO ACTIVE PART IN THE HOSTILITIES, INCLUDING MEMBER OF THE ARMED FORCES WHO HAVE LAID DOWN THEIR ARMS AND THOSE PLACED HORS DE COMBAT BY SICKNESS, WOUNDS, DETENTION OR ANY OTHER CAUSE;**
- B. VIOLENCE TO LIFE AND PERSON, IN PARTICULAR, WILLFUL KILLINGS, MUTILATION, CRUEL TREATMENT AND TORTURE;**
- C. COMMITTING OUTRAGES UPON PERSONAL DIGNITY, IN PARTICULAR, HUMILIATING AND DEGRADING TREATMENT;**
- D. TAKING OF HOSTAGES; OR**
- E. THE PASSING OF SENTENCES AND THE CARRYING OUT OF EXECUTIONS WITHOUT PREVIOUS JUDGMENT PRONOUNCED BY A REGULARLY CONSTITUTED COURT, AFFORDING ALL JUDICIAL GUARANTEES WHICH ARE GENERALLY RECOGNIZED AS INDISPENSABLE.**

Article 91. Genocide. - THE PENALTY OF PUNITIVE 1 SHALL BE IMPOSED UPON ANY PERSON WHO, WITH THE INTENT TO DESTROY, IN WHOLE OR IN PART, A NATIONAL, ETHNIC, RACIAL, RELIGIOUS, SOCIAL, OR ANY OTHER SIMILAR STABLE AND PERMANENT GROUP, COMMITS ANY OF THE FOLLOWING ACTS:

- A. KILLING MEMBERS OF THE GROUP;**
- B. CAUSING SERIOUS BODILY OR MENTAL HARM TO THE MEMBERS OF THE GROUP;**
- C. DELIBERATELY INFLECTING ON THE GROUP CONDITIONS OF LIFE CALCULATED TO BRING ABOUT ITS PHYSICAL DESTRUCTION IN WHOLE OR IN PART;**
- D. IMPOSING MEASURES INTENDED TO PREVENT BIRTHS WITHIN THE GROUP; OR**
- E. FORCIBLY TRANSFERRING CHILDREN OF THE GROUP TO ANOTHER GROUP.**

THE PENALTY NEXT LOWER IN DEGREE SHALL BE IMPOSED ON ANY PERSON WHO DIRECTLY AND PUBLICLY INCITES OTHER TO COMMIT GENOCIDE.

Article 92. *Other Crimes Against Humanity.* - THE PENALTY OF PUNITIVE 2 SHALL BE IMPOSED UPON ANY PERSON WHO COMMITS OR ORDERS/DIRECTS THE COMMISSION OF ANY OF THE FOLLOWING ACTS AS PART OF A WIDESPREAD OR SYSTEMATIC ATTACK DIRECTED AGAINST ANY CIVILIAN POPULATION:

- A. WILLFUL KILLING;**
- B. EXTERMINATION;**
- C. ENSLAVEMENT;**
- D. ARBITRARY DEPORTATION OR FORCIBLE TRANSFER OF POPULATION;**
- E. IMPRISONMENT OR OTHER SEVERE DEPRIVATION OF PHYSICAL LIBERTY IN VIOLATION OF FUNDAMENTAL RULES OF INTERNATIONAL LAW;**
- F. TORTURE;**
- G. RAPE, SEXUAL SLAVERY, ENFORCED PROSTITUTION, FORCED**

- PREGNANCY, ENFORCED STERILIZATION, OR ANY OTHER FORM OF SEXUAL VIOLENCE OF COMPARABLE GRAVITY;
- H. PERSECUTION AGAINST ANY IDENTIFIABLE GROUP OR COLLECTIVITY ON POLITICAL, RACIAL, NATIONAL, ETHNIC, CULTURAL, RELIGIOUS, GENDER, SEXUAL ORIENTATION OR OTHER GROUNDS THAT ARE UNIVERSALLY RECOGNIZED AS IMPERMISSIBLE UNDER INTERNATIONAL LAW, IN CONNECTION WITH ANY ACT REFERRED TO IN THIS PARAGRAPH OR ANY CRIME DEFINED IN THIS CODE;
 - I. ENFORCED OR INVOLUNTARY DISAPPEARANCE OF PERSONS;
 - J. APARTHEID; OR
 - K. OTHER INHUMANE ACTS OF A SIMILAR CHARACTER INTENTIONALLY CAUSING GREAT SUFFERING, OR SERIOUS INJURY TO BODY OR TO MENTAL OR PHYSICAL HEALTH.

SECTION TWO
PRINCIPLES OF CRIMINAL LIABILITY FOR CRIMES AGAINST INTERNATIONAL HUMANITARIAN LAW, GENOCIDE, AND OTHER CRIMES AGAINST HUMANITY UNDER SECTION THREE

Article 93. *Individual Criminal Responsibilities.* - FOR CRIMES UNDER SECTION THREE, A PERSON SHALL BE CRIMINALLY LIABLE AS A PRINCIPLE FOR A CRIME IF HE OR SHE:

- 1. COMMITS SUCH A CRIME, WHETHER AS AN INDIVIDUAL, JOINTLY WITH ANOTHER OR THROUGH ANOTHER PERSON, REGARDLESS OF WHETHER THAT OTHER PERSON IS CRIMINALLY RESPONSIBLE;
- 2. ORDERS, SOLICITS OR INDUCES THE COMMISSION OF SUCH A CRIME WHICH IN FACT OCCURS OR IS ATTEMPTED;
- 3. IN ANY OTHER WAY CONTRIBUTES TO THE COMMISSION OR ATTEMPTED COMMISSION OF SUCH A CRIME BY A GROUP OF PERSONS ACTING WITH A COMMON PURPOSE. SUCH CONTRIBUTION SHALL BE INTENTIONAL AND SHALL EITHER:
 - i. BE MADE WITH THE AIM OF FURTHERING THE CRIMINAL ACTIVITY OR CRIMINAL PURPOSE OF THE GROUP, WHERE SUCH ACTIVITY OR PURPOSE INVOLVES THE COMMISSION OF A CRIME; OR
 - ii. BE MADE IN THE KNOWLEDGE OF THE INTENTION OF THE GROUP TO COMMIT THE CRIME.

A PERSON SHALL BE CRIMINALLY LIABLE AS AN ACCOMPLICE FOR FACILITATING THE COMMISSION OF A CRIME DEFINED AND PENALIZED UNDER SECTION THREE IF HE/SHE AIDS, ABETS OR OTHERWISE ASSISTS IN ITS COMMISSION OR ATTEMPTED COMMISSION, INCLUDING PROVIDING THE MEANS FOR ITS COMMISSION.

A PERSON SHALL BE CRIMINALLY LIABLE FOR A CRIME DEFINED AND PENALIZED UNDER SECTION THREE IF HE/SHE ATTEMPTS TO COMMIT SUCH A CRIME BY TAKING ACTION THAT COMMENCES ITS EXECUTION BY MEANS OF A SUBSTANTIAL STEP, BUT THE CRIME DOES NOT OCCUR BECAUSE OF

CIRCUMSTANCES INDEPENDENT OF THE PERSON'S INTENTION. HOWEVER, A PERSON WHO ABANDONS THE EFFORT TO COMMIT THE CRIME OR OTHERWISE PREVENTS THE COMPLETION OF THE CRIME SHALL NOT BE LIABLE FOR PUNISHMENT UNDER SECTION THREE FOR THE ATTEMPT TO COMMIT THE SAME IF HE/SHE COMPLETELY AND VOLUNTARILY GAVE UP THE CRIMINAL PURPOSE.

ARTICLE 94. *IRRELEVANCE OF OFFICIAL CAPACITY.* - THE PROVISIONS UNDER SECTIONS THREE AND FOUR SHALL APPLY EQUALLY WITHOUT ANY DISTINCTION BASED ON OFFICIAL CAPACITY. OFFICIAL CAPACITY AS A HEAD OF STATE OR GOVERNMENT, A MEMBER OF A GOVERNMENT OR PARLIAMENT, AN ELECTED REPRESENTATIVE OR A GOVERNMENT OFFICIAL SHALL IN NO CASE EXEMPT A PERSON FROM CRIMINAL RESPONSIBILITY UNDER SECTION THREE, NOR SHALL IT, IN AND OF ITSELF, CONSTITUTE A GROUND FOR REDUCTION OF SENTENCE.

IMMUNITIES OR SPECIAL PROCEDURAL RULES THAT MAY BE ATTACHED TO THE OFFICIAL CAPACITY OF A PERSON UNDER PHILIPPINE LAW OTHER THAN THE ESTABLISHED CONSTITUTIONAL IMMUNITY FROM SUIT OF THE PHILIPPINE PRESIDENT DURING HIS/HER TENURE, SHALL NOT BAR THE COURT FROM EXERCISING JURISDICTION OVER SUCH A PERSON.

IMMUNITIES THAT MAY BE ATTACHED TO THE OFFICIAL CAPACITY OF A PERSON UNDER INTERNATIONAL LAW MAY LIMIT THE APPLICATION OF SECTION FOUR, BUT ONLY WITHIN THE BOUNDS ESTABLISHED UNDER INTERNATIONAL LAW.

ARTICLE 95. *RESPONSIBILITY OF SUPERIORS.* - IN ADDITION TO OTHER GROUNDS OF CRIMINAL RESPONSIBILITY FOR CRIMES DEFINED AND PENALIZED UNDER SECTIONS 3 AND 4, A SUPERIOR SHALL BE CRIMINALLY RESPONSIBLE AS A PRINCIPAL FOR SUCH CRIMES COMMITTED BY SUBORDINATES UNDER HIS/HER EFFECTIVE COMMAND AND CONTROL, OR EFFECTIVE AUTHORITY AND CONTROL AS THE CASE MAY BE, AS A RESULT OF HIS/HER FAILURE TO PROPERLY EXERCISE CONTROL OVER SUCH SUBORDINATES, WHERE:

- A. THAT SUPERIOR EITHER KNEW OR, OWING TO THE CIRCUMSTANCES AT THE TIME, SHOULD HAVE KNOWN THAT THE SUBORDINATES WERE COMMITTING OR ABOUT TO COMMIT SUCH CRIMES; AND
- B. THAT SUPERIOR FAILED TO TAKE ALL NECESSARY AND REASONABLE MEASURES WITHIN HIS/HER POWER TO PREVENT OR REPRESS THEIR COMMISSION OR TO SUBMIT THE MATTER TO THE COMPETENT AUTHORITIES FOR INVESTIGATION AND PROSECUTION.

Section Three.

CRIMES COMMITTED on the high seas or in Philippine waters and aerial domains

Article 96. *Piracy.* – The penalty of PUNITIVE 2 shall be IMPOSED upon any person who, WITH INTENT TO GAIN attacks, seizes OR EXERCISES CONTROL OVER a PRIVATE

AIRCRAFT, SHIP, OR ANOTHER KIND OF vessel or PLATFORM IN THE SEA.

THE PENALTY OF AFFLICTIVE 1 TO PUNITIVE 2 SHALL ALSO BE IMPOSED IF PIRACY IS COMMITTED BY A PERSON WHO, NOT BEING A MEMBER OF THE VESSEL'S CREW NOR A PASSENGER, SEIZES THE WHOLE OR PART OF THE CARGO OF SAID VESSEL, ITS EQUIPMENT, OR PERSONAL PROPERTY ON BOARD A PRIVATE SHIP, PLATFORM, OR VESSEL.

THE PENALTY OF [AFFLICTIVE 1] SHALL BE INFLICTED IF ONLY A PART OF THE CARGO OR PERSONAL PROPERTY ON BOARD SUCH AIRCRAFT, SHIP, PLATFORM, OR VESSEL IS TAKEN

Article 97. *Qualified piracy.* — The penalty of **PUNITIVE 1** shall be imposed upon those who commit any of the crimes referred to in the preceding article, under any of the following circumstances:

1. Whenever they have seized a**N AIRCRAFT, SHIP, vessel, OR PLATFORM IN THE SEA** by boarding or firing upon the same;
2. Whenever the **PIRATES** have abandoned their victims without means of saving themselves; or
3. Whenever, **WHEN BY REASON OR ON THE OCCASION OF THE PIRACY**, the crime**S OF** murder, homicide, physical injuries, or rape **ARE COMMITTED**.

SECTION FOUR TERRORISM

ARTICLE 98. *TERRORISM.* - THE PENALTY OF PUNITIVE 1 SHALL BE IMPOSED UPON ANY PERSON WHO, AS AN INDIVIDUAL OR AS PART OF AN ORGANIZATION, REGARDLESS OF NATIONALITY, ADVANCES A RADICAL POLITICAL, RELIGIOUS OR IDEOLOGICAL CAUSE BY INTIMIDATING THE PUBLIC OR A SEGMENT THEREOF, OR CREATING AN ATMOSPHERE OR SPREADING FEAR, OR DESTROYING THE FUNDAMENTAL POLITICAL, ECONOMIC, OR SOCIAL STRUCTURES OF THE COUNTRY, OR SERIOUSLY UNDERMINING PUBLIC SAFETY THROUGH ANY OR A COMBINATION OF THE FOLLOWING ACTS:

- A. ENGAGE IN ACTS INTENDED TO CAUSE DEATH OR SERIOUS BODILY INJURY TO ANY PERSON, OR ENDANGERS A PERSON'S LIFE;
- B. ENGAGE IN ACTS INTENDED TO CAUSE EXTENSIVE DAMAGE OR DESTRUCTION TO A GOVERNMENT OR PUBLIC FACILITY, PUBLIC PLACE OR PRIVATE PROPERTY;
- C. ENGAGE IN ACTS INTENDED TO CAUSE EXTENSIVE INTERFERENCE WITH, DAMAGE OR DESTRUCTION TO CRITICAL INFRASTRUCTURE;
- D. DEVELOP, MANUFACTURE, POSSESS, ACQUIRE, TRANSPORT, SUPPLY OR USE OF WEAPONS, EXPLOSIVES OR OF BIOLOGICAL, NUCLEAR, RADIOLOGICAL OR CHEMICAL WEAPONS; OR
- E. RELEASE OF DANGEROUS SUBSTANCES, OR CAUSING FIRE, FLOODS OR EXPLOSIONS

THE CRIME OF TERRORISM ABSORBS OTHER PREDICATE CRIMES NECESSARY FOR IT S COMMISSION.

ADVOCACY OF OR EXERCISE OF CIVIL AND POLITICAL RIGHTS ARE NOT CONSIDERED ACTS OF TERRORISM. FURTHERMORE, HUMANITARIAN ACTIVITIES UNDERTAKEN BY THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC), THE PHILIPPINE RED CROSS (PRC), AND OTHER STATE-RECOGNIZED HUMANITARIAN PARTNERS OR ORGANIZATIONS IN CONFORMITY WITH INTERNATIONAL HUMANITARIAN LAW (IHL) DO NOT FALL WITHIN THE SCOPE OF THIS PROVISION.

ARTICLE 99. *PROPOSAL AND CONSPIRACY TO COMMIT TERRORISM.* - THE PENALTY OF PUNITIVE 2 SHALL BE IMPOSED UPON ANY PERSON WHO, AS AN INDIVIDUAL OR AS PART OF AN ORGANIZATION, REGARDLESS OF NATIONALITY, PROPOSES AND CONSPIRES TO EXECUTE TO SOME OTHER PERSON OR PERSONS ANY OF THE ACTS MENTIONED IN ARTICLE 128. THERE IS CONSPIRACY WHEN TWO (2) OR MORE PERSONS COME TO AN AGREEMENT CONCERNING THE COMMISSION OF TERRORISM AS DEFINED IN ARTICLE 98.

ANY PERSON WHO DIRECTS AGAINST THE GOVERNMENT A THREAT TO COMMIT ANY OF THE ACTS MENTIONED IN ARTICLE 98 SHALL BE TRIED UNDER GRAVE THREATS, SUBJECT TO THE PENALTY OF PUNITIVE 2.

ARTICLE 100. *INCITING TO COMMIT TERRORISM.* - THE PENALTY OF PUNITIVE 2 SHALL BE IMPOSED UPON ANY PERSON WHO, AS AN INDIVIDUAL OR AS PART OF AN ORGANIZATION, REGARDLESS OF NATIONALITY, WITHOUT TAKING AN DIRECT PART IN THE COMMISSION OF TERRORISM, INCITES OTHERS TO COMMIT TERRORISM AS DEFINED IN ARTICLE 98 BY MEANS OF SPEECHES, PROCLAMATIONS, WRITINGS, EMBLEMS, BANNERS, OR OTHER PRESENTATIONS, AND THE INCITEMENT IS DONE UNDER CIRCUMSTANCES THAT SHOW REASONABLE PROBABILITY OF SUCCESS IN INCITING THE COMMISSION OF TERRORISM.

IN DETERMINING THE EXISTENCE OF REASONABLE PROBABILITY THAT SPEECHES, PROCLAMATIONS, WRITINGS, EMBLEMS, BANNERS, OR OTHER REPRESENTATIONS WOULD HELP ENSURE SUCCESS IN INCITING THE COMMISSION OF TERRORISM, THE FOLLOWING SHALL BE CONSIDERED:

- A. *CONTEXT.* - ANALYSIS OF THE CONTEXT SHOULD PLACE THE SPEECH, PROCLAMATIONS, WRITINGS, EMBLEMS, BANNERS, OR OTHER REPRESENTATIONS WITHIN THE SOCIAL AND POLITICAL CONTEXT PREVALENT AT THE TIME THE SAME WAS MADE AND/OR DISSEMINATED;
- B. *SPEAKER/ACTOR.* - THE POSITION OR STATUS IN THE SOCIETY OF THE SPEAKER OR ACTOR SHOULD BE CONSIDERED, SPECIFICALLY HIS OR HER STANDING IN THE CONTEXT OF THE AUDIENCE TO WHOM THE SPEECH OR ACT IS DIRECTED;
- C. *INTENT.* - WHAT IS REQUIRED IS ADVOCACY OR INTENT THAT OTHERS COMMIT TERRORISM, RATHER THAN THE MERE DISTRIBUTION OR CIRCULATION OF MATERIAL;

- D. **CONTENT AND FORM.** - CONTENT ANALYSIS INCLUDES THE DEGREE TO WHICH THE SPEECH OR ACT WAS PROVOCATIVE AND DIRECT, AS WELL AS THE FORM, STYLE, OR NATURE OF ARGUMENTS DEPLOYED IN THE SPEECH, OR THE BALANCE STRUCK BETWEEN THE ARGUMENTS DEPLOYED;
- E. **EXTENT OF THE SPEECH OR ACT.** - THIS INCLUDES SUCH ELEMENTS AS THE REACH OF THE SPEECH OR ACT, ITS PUBLIC NATURE, ITS MAGNITUDE, THE MEANS OF DISSEMINATION USED AND THE SIZE OF ITS AUDIENCE; AND
- F. **CAUSATION.** - DIRECT CAUSATION BETWEEN THE SPEECH OR ACT AND THE INCITEMENT.

ARTICLE 101. *PLANNING, TRAINING, PREPARING, PROVIDING MATERIAL SUPPORT, AND FACILITATING THE COMMISSION OF TERRORISM.* - THE PENALTY OF PUNITIVE 1 SHALL BE IMPOSED UPON ANY PERSON WHO, AS AN INDIVIDUAL OR AS PART OF AN ORGANIZATION, REGARDLESS OF NATIONALITY, COMMITS ANY OF THE FOLLOWING ACTS:

- A. PARTICIPATE IN THE PLANNING, TRAINING, PREPARATION AND FACILITATION IN THE COMMISSION OF TERRORISM;
- B. POSSESS OBJECTS CONNECTED WITH THE PREPARATION FOR THE COMMISSION OF TERRORISM; OR,
- C. COLLECT OR MAKE DOCUMENTS CONNECTED WITH THE PREPARATION OF TERRORISM.

TRAINING UNDER THIS ARTICLE SHALL MEAN GIVING OF INSTRUCTION OR TEACHING WITH THE INTENTION OF IMPARTING A SPECIFIC SKILL IN RELATION TO TERRORISM AS DEFINED UNDER ARTICLE 98.

MATERIAL SUPPORT UNDER THIS ARTICLE SHALL REFER TO ANY PROPERTY, WHETHER TANGIBLE OR INTANGIBLE, OR SERVICE, INCLUDING CURRENCY OR MONETARY INSTRUMENTS OR FINANCIAL SECURITIES; FINANCIAL SERVICES; FACILITIES, LODGING OR SAFE HOUSES; EXPERT ADVICE OR ASSISTANCE, INCLUDING INFORMATION RELATED TO MOVEMENT AND ACTIVITIES OF GOVERNMENT FORCES OR TO THE SITUATION IN THE SURROUNDING AREAS THAT ARE POSSIBLE TARGETS AND BASIS FOR TERRORISTIC ATTACK; FALSE DOCUMENTATION OR IDENTIFICATION; COMMUNICATIONS EQUIPMENT; WEAPONS OR EXPLOSIVES; LETHAL SUBSTANCES; PERSONNEL (ONE OR MORE INDIVIDUALS WHO MAY BE OR INCLUDE ONESELF); OR TRANSPORTATION.

HUMANITARIAN ACTIVITIES UNDERTAKEN BY THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC), THE PHILIPPINE RED CROSS (PRC), AND OTHER STATE RECOGNIZED HUMANITARIAN PARTNERS OR ORGANIZATIONS IN CONFORMITY WITH INTERNATIONAL HUMANITARIAN LAW (IHL) DO NOT FALL WITHIN THE SCOPE OF THIS PROVISION.

ARTICLE 102. *RECRUITMENT TO AND MEMBERSHIP IN A TERRORIST ORGANIZATION.* - THE PENALTY OF PUNITIVE 1 SHALL BE IMPOSED UPON ANY

PERSON WHO SHALL RECRUIT ANOTHER TO PARTICIPATE IN, JOIN, COMMIT OR SUPPORT, TERRORISM OR A TERRORIST INDIVIDUAL OR ANY TERRORIST ORGANIZATION, ASSOCIATION OR GROUP OF PERSONS PROSCRIBED OR DESIGNATED AS A TERRORIST ORGANIZATION, OR OTHERWISE VOLUNTARILY AND KNOWINGLY JOIN THE SAME. THE SAME PENALTY SHALL BE IMPOSED ON ANY PERSON WHO ORGANIZES OR FACILITATES THE TRAVEL OF INDIVIDUALS TO A STATE OTHER THAN THEIR STATE OF RESIDENCE OR NATIONALITY FOR THE PURPOSE OF RECRUITMENT AS DEFINED UNDER THE PREVIOUS PARAGRAPH.

ARTICLE 103. *DESIGNATED FOREIGN TERRORIST*. - THE PENALTY OF PUNITIVE 1 SHALL BE IMPOSED UPON A DESIGNATED FOREIGN TERRORIST WHO COMMITS ANY OF THE FOLLOWING ACTS:

- A. TRAVELS OR ATTEMPTS TO TRAVEL TO A STATE OTHER THAN HIS/HER STATE OF RESIDENCE OR NATIONALITY, FOR THE PURPOSE OF PERPETRATING, PLANNING OR PREPARING FOR, OR PARTICIPATING IN TERRORISM, OR PROVIDING OR RECEIVING TERRORIST TRAINING;
- B. ORGANIZES OR FACILITATES THE TRAVEL OF INDIVIDUALS WHO TRAVEL TO A STATE OTHER THAN THEIR STATES OF RESIDENCE OR NATIONALITY KNOWING THAT SUCH TRAVEL IS FOR THE PURPOSE OF PERPETRATING, PLANNING, TRAINING, OR PREPARING FOR, OR PARTICIPATING IN TERRORISM OR PROVIDING OR RECEIVING TERRORIST TRAINING; OR
- C. RESIDING ABROAD, COMES TO THE PHILIPPINES TO PARTICIPATE IN PERPETRATING, PLANNING, TRAINING, OR PREPARING FOR, OR PARTICIPATING IN TERRORISM OR PROVIDE SUPPORT FOR OR FACILITATE OR RECEIVE TERRORIST TRAINING HERE OR ABROAD

Section FIVE

COMMON PROVISIONS TO SECTIONS ONE TO FOUR

ARTICLE 104. *NON-PRESCRIPTION*. - THE CRIMES DEFINED AND PENALIZED UNDER SECTIONS ONE TO FOUR, THEIR PROSECUTION, AND THE EXECUTION OF SENTENCES IMPOSED ON THEIR ACCOUNT, SHALL NOT BE SUBJECT TO ANY PRESCRIPTION.

ARTICLE 105. *REPEALING CLAUSE*. - SECTIONS 4, 5, 6, 8, 9, 10, 11 AND 12 OF REPUBLIC ACT NO. 11479 (ANTI-TERRORISM ACT OF 2020) EXPRESSLY REPEALED. ALL OTHER LAWS, DECREES, EXECUTIVE ORDERS, RULES OR REGULATIONS OR PARTS THEREOF, INCONSISTENT WITH THE ARTICLES UNDER SECTIONS ONE TO FOUR ARE REPEALED, AMENDED, OR MODIFIED ACCORDINGLY.

Title Two

CRIMES AGAINST THE FUNDAMENTAL LAW

Chapter One

ARBITRARY DETENTION OR EXPULSION, VIOLATION OF DWELLING, PROHIBITION, INTERRUPTION, AND

DISSOLUTION OF PEACEFUL MEETINGS AND CRIMES AGAINST RELIGIOUS WORSHIP

Section One. — *Arbitrary detention and expulsion*

Art. 106. Arbitrary detention. — Any public officer or employee **WHO IS VESTED WITH AUTHORITY TO DETAIN OR ORDER THE DETENTION OF PERSONS ACCUSED OF A CRIME AND IN THE PERFORMANCE OF SUCH FUNCTION, DETAINS A PERSON WITHOUT LEGAL GROUNDS, shall suffer:**

1. The penalty of **RESTORATIVE 1** in its maximum **LEVEL** to **CORRECTIVE 2**, if the detention has not exceeded three days;
2. The penalty of **CORRECTIVE 1**, if the detention has continued more than three but not more than fifteen days;
3. The penalty of **AFFLICTIVE 2**, if the detention has continued for more than fifteen days but not more than six months; and
4. That of **AFFLICTIVE 1**, if the detention shall have exceeded six months.

The commission of a crime, or violent insanity or any other ailment requiring the compulsory confinement of the patient in a hospital, shall be considered legal grounds for the detention of any person.

Art. 107. Delay in the delivery of detained persons to the proper judicial authorities. — The penalties provided in the next preceding article shall be imposed upon the public officer or employee who shall **CONTINUE TO** detain any person for some legal ground and shall fail to deliver such person to the proper judicial authorities **BEYOND** the **PRESCRIBED** periodS of; twelve (12) hours, for crimes or offenses punishable by light penalties, or their equivalent; eighteen (18) hours, for crimes or offenses punishable by correctional penalties, or their equivalent and thirty-six (36) hours, for crimes, or offenses punishable by afflictive or capital penalties, or their equivalent, **UNLESS OTHERWISE PROVIDED BY LAW.**

In every case, the person detained shall be informed of the cause of his detention and shall be allowed upon his request, to communicate and confer at any time with his attorney or counsel. (As amended by E.O. Nos. 59 and 272, Nov. 7, 1986 and July 25, 1987, respectively).

Any duly authorized law enforcement agent or military personnel, who has taken custody of a person suspected of committing any of the acts defined and penalized under Art. 98, shall, without incurring any criminal liability for delay in the delivery of detained persons to the proper judicial authorities, deliver said suspected person to the proper judicial authority within a period of fourteen (14) calendar days counted from the moment the said suspected person has been apprehended or arrested, detained, and taken into custody by the law enforcement agent or military personnel. The period of detention may be extended to a maximum period of ten (10) calendar days if it is established that (1) further detention of the person/s is necessary to preserve evidence related to terrorism or complete the investigation; (2) further detention of the person/s is necessary to prevent the commission of another terrorism; and (3) the investigation is being conducted properly and without delay.

Immediately after taking custody of a person suspected of committing terrorism or any member of a group of persons, organization or association proscribed under the Anti-Terrorism law, the law enforcement agent or military personnel shall notify in writing the judge of the court nearest the place of apprehension or arrest of the following facts: (a) the time, date, and manner of arrest; (b) the location or locations of the detained suspect/s and (c) the physical and mental condition of the detained suspect/s. The law enforcement agent or military personnel shall likewise furnish the **ANTI-TERRORISM COUNCIL** and the Commission on Human Rights (CHR) of the written notice given to the judge.

The penalty of **AFFLICTIVE 2** shall be imposed upon the police or law enforcement agent or military personnel who fails to **OBSERVE THE PERIOD OF DETENTION OR** notify any judge as provided in the **TWO** preceding paragraphS. **IF THE DETENTION OR THE PROLONGING THEREOF WAS CARRIED OUT MALICIOUSLY, THE PENALTY OF AFFLICTIVE 1 SHALL BE IMPOSED.**

Art. 108. Delaying release. — The penalties provided for in Article 106 shall be imposed upon any public officer or employee who delays for the period of time specified therein the performance of any judicial or executive order for the release of a prisoner or detention prisoner, or unduly delays the service of the notice of such order to said prisoner or the proceedings upon any petition for the liberation of such person.

Art. 109. Expulsion. — The penalty of **CORRECTIVE 1** shall be imposed upon any public officer or employee who, not being thereunto authorized by law, shall expel any person from the Philippine Islands or shall compel such person to change his residence.

Section Two. — *Violation of domicile*

Art. 110. Violation of domicile. — The penalty of **CORRECTIVE 2** shall be imposed upon any public officer or employee who, not being authorized by judicial order, shall enter any dwelling against the will of the owner thereof, search papers or other effects found therein without the previous consent of such owner, or having surreptitiously entered said dwelling, and being required to leave the premises, shall refuse to do so.

If the offense be committed in the night-time, or if any papers or effects not constituting evidence of a crime be not returned immediately after the search made by the offender, the penalty shall be **CORRECTIVE 1**.

THE PROVISIONS OF THIS ARTICLE SHALL NOT BE APPLICABLE TO ANY PUBLIC OFFICER WHO SHALL ENTER ANOTHER'S DWELLING FOR THE PURPOSE OF PREVENTING SOME SERIOUS HARM TO HIMSELF, THE OCCUPANTS OF THE DWELLING OR A THIRD PERSON, NOR SHALL IT BE APPLICABLE TO ANY PUBLIC OFFICER WHO SHALL ENTER A DWELLING FOR THE PURPOSE OF RENDERING SOME SERVICE TO HUMANITY OR JUSTICE, NOR TO ANY PUBLIC OFFICER WHO SHALL ENTER CAFES, RESTAURANTS, HOTELS AND OTHER SIMILAR ESTABLISHMENTS, WHILE THE SAME ARE OPEN.

Art. 111. Search warrants maliciously obtained and abuse in the service of those legally obtained. —

In addition to the liability attaching to the offender for the commission of any other offense, the penalty of **RESTORATIVE 1** in its maximum **LEVEL** to **CORRECTIVE 2** and a fine not exceeding 200,000 pesos shall be imposed upon any public officer or employee who shall procure a search warrant without just cause, or, having legally procured the same, shall exceed his authority or use unnecessary severity in executing the same.

Art. 112. *Searching domicile without witnesses.* — The penalty of **RESTORATIVE 1** in its medium and maximum **LEVELS** shall be imposed upon a public officer or employee who, in cases where a search is proper, shall search the domicile, papers or other belongings of any person, in the absence of the latter, any member of his family **OF SUFFICIENT AGE AND DISCRETION**, or in their default, without the presence of **AT LEAST** two **BARANGAY OFFICIALS OF** the locality.

Section Three. — *Prohibition, interruption
and dissolution of peaceful meetings*

Art. 113. *Prohibition, interruption and dissolution of peaceful meetings.* — The penalty of **CORRECTIVE 2** shall be imposed upon any public officer or employee who, without legal ground, shall prohibit or interrupt the holding of a peaceful meeting, or shall dissolve the same.

The same penalty shall be imposed upon a public officer or employee who shall hinder any person from joining any lawful association or from attending any of its meetings.

The same penalty shall be imposed upon any public officer or employee who shall prohibit or hinder any person from addressing, either alone or together with others, any petition to the authorities for the correction of abuses or redress of grievances.

Section Four. — *Crimes against religious worship*

Art. 114. *Interruption of religious worship.* — The penalty of **CORRECTIVE 2** shall be imposed upon any public officer or employee who shall prevent or disturb the ceremonies or manifestations of any religion.

If the crime shall have been committed with violence or threats, the penalty shall be **CORRECTIVE 1**.

Art. 115. *Offending the religious feelings.* — The penalty of **RESTORATIVE 1** in its maximum **LEVEL** to **CORRECTIVE 2** shall be imposed upon anyone who, in a place devoted to religious worship or during the celebration of any religious ceremony shall perform acts notoriously offensive to the feelings of the faithful.

Chapter Two
CRIMES AGAINST POPULAR REPRESENTATION

Section One. — *Crimes against legislative bodies and similar bodies*

Art. 116. *Act tending to prevent the meeting of the Assembly and similar bodies.* — The penalty of

CORRECTIVE 1 or a fine ranging from 40,000 to 400,000 pesos, or both, shall be imposed upon any person who, by force or fraud, prevents the meeting of the Congress of the Philippines or of any of its committees or subcommittees, constitutional commissions or committees or divisions thereof, or of any provincial board or city or municipal council or board. (Reinstated by E.O. No. 187)

Art. 117. Disturbance of proceedings. — The penalty of **RESTORATIVE 1** or a fine from 40,000 to 200,000 pesos shall be imposed upon any person who disturbs the meetings of the **CONGRESS OF THE PHILIPPINES** or of any of its committees or subcommittees, constitutional commissions or committees or divisions thereof, or of any provincial board or city or municipal council or board, or in the presence of any such bodies should behave in such manner as to interrupt its proceedings or to impair the respect due it. (Reinstated by E.O. No. 187)

Section Two. — *Violation of parliamentary immunity*

Art. 118. Violation of parliamentary immunity. — The penalty of **AFFLICTIVE 2** shall be imposed upon any person who shall use force, intimidation, threats, or fraud to prevent any member of the Congress of the Philippines from attending the meetings of Congress or of any of its committees or subcommittees, constitutional commissions or committees or divisions thereof, from expressing his opinions or casting his vote; and the penalty of **CORRECTIVE 1** shall be imposed upon any public officer or employee who shall, while **CONGRESS** is in regular or special session, arrest or search any member thereof, except in case such member has committed a crime punishable under this Code by a penalty higher than **CORRECTIVE 1**.

CHAPTER THREE *TORTURE*

Art. 119. Torture. Any act of torture committed in any circumstance by a person in authority or agent of a person in authority upon another in his/her custody, whereby severe pain or suffering of a physical or mental nature is intentionally inflicted on a person for such purposes as obtaining from him/her or a third person information or a confession, punishing him/her for an act he/she or a third person has committed or is suspected of having committed, or intimidating or coercing him/her or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a person in authority or agent of a person in authority, is punishable. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

Torture may be physical or mental/psychological.

Physical torture shall include but shall not be limited to any form of treatment or punishment inflicted by a person in authority or agent of a person in authority upon another in his/her custody that causes severe pain, exhaustion, disability or dysfunction of one or more parts of the body, such as but not limited to:

1. Systematic beating, headbanging, punching, kicking, striking with truncheon or rifle

- butt or other similar objects, and jumping on the stomach;
- 2. Food deprivation or forcible feeding with spoiled food, animal or human excreta and other stuff or substances not normally eaten;
- 3. Electric shock;
- 4. Cigarette burning; burning by electrically heated rods, hot oil, acid; by the rubbing of pepper or other chemical substances on mucous membranes, or acids or spices directly on the wound(s);
- 5. The submersion of the head in water or water polluted with excrement, urine, vomit and/or blood until the brink of suffocation;
- 6. Being tied or forced to assume fixed and stressful bodily position;
- 7. Rape and sexual abuse, including the insertion of foreign objects into the sex organ or rectum, or electrical torture of the genitals;
- 8. Mutilation or amputation of the essential parts of the body such as the genitalia, ear, tongue, etc.;
- 9. Dental torture or the forced extraction of the teeth;
- 10. Pulling out of fingernails;
- 11. Harmful exposure to the elements such as sunlight and extreme cold;
- 12. The use of plastic bag and other materials placed over the head to the point of asphyxiation;
- 13. The use of psychoactive drugs to change the perception, memory, alertness or will of a person, such as:
 - i. The administration of drugs to induce confession and/or reduce mental competency; or
 - ii. The use of drugs to induce extreme pain or certain symptoms of a disease; and
- 14. Other analogous acts of physical torture; and

Mental/Psychological Torture refers to acts committed by a person in authority or agent of a person in authority which are calculated to affect or confuse the mind and/or undermine a person's dignity and morale, such as:

- 1. Blindfolding;
- 2. Threatening a person(s) or his/her relative(s) with bodily harm, execution or other wrongful acts;
- 3. Confinement in solitary cells or secret detention places;
- 4. Prolonged interrogation;
- 5. Preparing a prisoner for a "show trial", public display or public humiliation of a detainee or prisoner;
- 6. Causing unscheduled transfer of a person deprived of liberty from one place to another, creating the belief that he/she shall be summarily executed;
- 7. Maltreating a member/s of a person's family;
- 8. Causing the torture sessions to be witnessed by the person's family, relatives or any third party;
- 9. Denial of sleep/rest;
- 10. Shame infliction such as stripping the person naked, parading him/her in public places, shaving the victim's head or putting marks on his/her body against his/her will;
- 11. Deliberately prohibiting the victim to communicate with any member of his/her family; and

12. Other analogous acts of mental/psychological torture.

The penalty of **PUNITIVE 2** shall be imposed upon the perpetrators of the following acts:

1. Torture resulting in the death of any person;
2. Torture resulting in mutilation;
3. Torture with rape;
4. Torture with other forms of sexual abuse and, in consequence of torture, the victim shall have become insane, imbecile, impotent, blind or maimed for life; and
5. Torture committed against children.

The penalty of **AFFLICTIVE 1** shall be imposed on those who commit any act of mental/psychological torture resulting in insanity, complete or partial amnesia, fear of becoming insane or suicidal tendencies of the victim due to guilt, worthlessness or shame.

The penalty of **CORRECTIVE 2 TO CORRECTIVE 1** shall be imposed on those who commit any act of torture resulting in psychological, mental and emotional harm other than those described in paragraph (b) of this section.

The penalty of **AFFLICTIVE 2** in its medium and maximum **LEVELS** shall be imposed if, in consequence of torture, the victim shall have lost the power of speech or the power to hear or to smell; or shall have lost an eye, a hand, a foot, an arm or a leg; or shall have lost the use of any such member; or shall have become permanently incapacitated for labor.

The penalty of **AFFLICTIVE 2** in its minimum and medium **LEVELS** shall be imposed if, in consequence of torture, the victim shall have become deformed or shall have lost any part of his/her body other than those aforecited, or shall have lost the use thereof, or shall have been ill or incapacitated for labor for a period of more than ninety (90) days.

The penalty of **CORRECTIVE 1 TO AFFLICTIVE 2** in its minimum **LEVEL** shall be imposed if, in consequence of torture, the victim shall have been ill or incapacitated for labor for more than thirty (30) days but not more than ninety (90) days.

The penalty of **CORRECTIVE 2** shall be imposed if, in consequence of torture, the victim shall have been ill or incapacitated for labor for thirty (30) days or less.

Torture as a crime shall not absorb or shall not be absorbed by any other crime or felony committed as a consequence, or as a means in the conduct or commission thereof. In which case, torture shall be treated as a separate and independent criminal act whose penalties shall be imposable without prejudice to any other criminal liability provided for by domestic and international laws.

Persons who have committed any act of torture shall not benefit from any special amnesty law or similar measures that will have the effect of exempting them from any criminal proceedings and sanctions.

Art. 120. Other cruel, inhuman or degrading treatment or punishment. Any deliberate and

aggravated treatment or punishment not enumerated under the preceding article, inflicted by a person in authority or agent of a person in authority against another person in custody in any circumstance, which attains a level of severity sufficient to cause suffering, gross humiliation or debasement to the latter shall be punished with the penalty of **RESTORATIVE 1**.

The assessment of the level of severity shall depend on all the circumstances of the case including the duration of the treatment or punishment, its physical and mental effects and, in some cases, the sex, religion, age and state of health of the victim.

Art. 121. *Prohibited detention.* Secret detention places, solitary confinement, *incommunicado* or other similar forms of detention, where torture may be carried out with impunity, are hereby prohibited and the penalty of **CORRECTIVE 2 TO CORRECTIVE 1** shall be imposed upon those who establish, operate and maintain secret detention places and/or effect or cause to effect solitary confinement, *incommunicado* or other similar forms of prohibited detention where torture may be carried out with impunity.

In which case, the Philippine National Police (PNP), the Armed Forces of the Philippines (AFP) and other law enforcement agencies concerned shall make an updated list of all detention centers and facilities under their respective jurisdictions with the corresponding data on the prisoners or detainees incarcerated or detained therein such as, among others, names, date of arrest and incarceration, and the crime or offense committed. This list shall be made available to the public at all times, with a copy of the complete list available at the respective national headquarters of the PNP and AFP. A copy of the complete list shall likewise be submitted by the PNP, AFP and all other law enforcement agencies to the CHR, such list to be periodically updated, by the same agencies, within the first five (5) days of every month at the minimum. Every regional office of the PNP, AFP and other law enforcement agencies shall also maintain a similar list for all detainees and detention facilities within their respective areas, and shall make the same available to the public at all times at their respective regional headquarters, and submit a copy, updated in the same manner provided above, to the respective regional offices of the CHR.

The penalty of **RESTORATIVE 1** shall be imposed upon the responsible officers or personnel of the AFP, the PNP and other law enforcement agencies for failure to perform his/her duty to maintain, submit or make available to the public an updated list of detention centers and facilities with the corresponding data on the prisoners or detainees incarcerated or detained therein.

Title Three **CRIMES AGAINST PUBLIC ORDER**

Chapter One **REBELLION, COUP D'ETAT, SEDITION AND DISLOYALTY**

Art. 122. *Rebellion; How committed.* — The crime of rebellion is committed by rising publicly and taking **UP** arms for **ANY OF** the **FOLLOWING** purposeS:

1. **TO REPEAL, MODIFY OR SUSPEND THE CONSTITUTION IN WHOLE OR IN PART;**
2. **TO OVERTHROW THE GOVERNMENT OR** deprive the-President, Congress, **THE**

SUPREME COURT AND LOWER COURTS OR ANY PROVINCIAL, CITY OR MUNICIPAL GOVERNMENT, wholly or partially, IN THE EXERCISE of their powers or prerogatives;

3. TO PREVENT THE FREE EXERCISE OR HOLDING OF ANY NATIONAL ELECTIONS OR LOCAL ELECTION;
4. TO SEPARATE OR DECLARE THE INDEPENDENCE OF ANY BODY OF LAND PART OF THE NATIONAL TERRITORY;
5. TO remove any kind of NAVAL OR armed forces from OBEDIENCE OR allegiance to the Government.

Art. 123. Coup d'état; How committed. — The crime of *coup d'état* is a swift attack COMMITTED BY ANY PERSON OR PERSONS, BELONGING TO THE MILITARY OR POLICE OR HOLDING ANY PUBLIC OFFICE OF EMPLOYMENT, WITH OR WITHOUT CIVILIAN SUPPORT OR PARTICIPATION FOR THE PURPOSE OF SEIZING OR DIMINISHING STATE POWER by means of violence, intimidation, threat, strategy or stealth, directed against duly constituted authorities of the Republic of the Philippines, or any military camp, installation OR VESSEL, communications network, public utilities or other facilities singly or simultaneously carried out anywhere in the Philippines.

Art. 124. Penalty for rebellion or coup d'état. — Persons who COMMIT rebellion or *coup d'état* AND PERFORM OTHER OFFENSES UNDER THIS CODE, ARE *PRIMA FACIE* PRESUMED TO HAVE BEEN DONE THEM ON THE OCCASSION, IN CONNECTION OR IN FURTHERANCE OF THE REBELLION AND SHALL BE PUNISHED AS FOLLOWS:

1. Any person who promotes, maintains or heads a rebellion shall suffer the penalty of PUNITIVE 2.
2. Any person merely participating or executing the commands of others in a rebellion shall suffer the penalty of AFFLICTIVE 1.
3. Any person who leads or in any manner directs or commands others to undertake a *coup d'état* shall suffer the penalty of PUNITIVE 2.
4. Any person in the government service who participates, or executes directions or commands of others in undertaking a *coup d'état* shall suffer the penalty of AFFLICTIVE 2 in its maximum LEVEL.
5. Any person not in the government service who participates, or in any manner supports, finances, abets or aids in undertaking a *coup d'état* shall suffer the penalty of AFFLICTIVE 1 in its maximum LEVEL.

Art. 125. LEADER OF THE REBELLION OR COUP D'ÉTAT. — WHEN THOSE WHO COMMAND OR LEAD THE REBELLION, INSURRECTION, OR COUP D'ÉTAT ARE NOT KNOWN, ANY PERSON WHO IN FACT DIRECTED THE OTHERS, SPOKE FOR THEM, SIGNED RECEIPTS AND OTHER DOCUMENTS ISSUED IN THEIR NAME, OR PERFORMED SIMILAR ACTS OF DIRECTION OR REPRESENTATION, ON BEHALF OF THE REBELS SHALL BE DEEMED A LEADER OF SUCH REBELLION OR COUP D'ÉTAT.

Art. 126. Conspiracy and proposal to commit REBELLION OR coup d'état. — The conspiracy and proposal to commit *coup d'état* shall be punished by AFFLICTIVE 2 in its minimum

LEVEL and a fine which shall not exceed 1,000,000 PESOS.

The conspiracy and proposal to commit rebellion shall be punished respectively, by **CORRECTIVE 1 IN ITS MAXIMUM LEVEL** and a fine which shall not exceed 1,000,000 PESOS, and by **CORRECTIVE 1** and a fine not exceeding 400,000 PESOS. (As amended by R.A. 6968, approved October 24, 1990)

Art. 127. Disloyalty of public officers or employees. — The penalty of **CORRECTIVE 2** shall be imposed upon public officers or employees **AND MEMBERS OF THE MILITARY OR LAW ENFORCEMENT** who have failed to resist a rebellion by all the means in their power, or shall continue to discharge the duties of their offices under the control of the rebels or shall accept appointment to office under them. (Reinstated by E.O. No. 187)

Art. 128. Inciting to rebellion or COUP D'ÉTAT. — The penalty of **AFFLICTIVE 2** in its minimum **LEVEL** shall be imposed upon any person who, without taking arms or being in open hostility against the Government, shall incite others to the execution of any of the acts specified in Article 122 **AND** 123 of this Code, by means of speeches, proclamations, writings, emblems, banners, **ELECTRONIC MEANS** or other representations tending to the same end. (As restored by E.O. No. 187)

IF THE REBELLION OR COUP D'ÉTAT DID OCCUR OR TO TAKE EFFECT, THEY WILL BE CONSIDERED LEADERS AND WILL SUFFER THE PENALTY INDICATED IN ARTICLE 124.

Art. 129. Sedition; How committed. — The crime of sedition is committed by persons who **NOT BEING INCLUDED IN THE CRIME OF REBELLION, OR COUP D'ÉTAT SHALL** rise publicly and tumultuously in order to attain by force, intimidation, or by other means outside of legal methods, any of the following objects:

1. To prevent the promulgation or execution of any law or the holding of any popular election;
2. To prevent the National Government, **THE JUDICIARY**, or any provincial, **CITY** or municipal government, or any public officer thereof from the legitimate exercise of their functions, or prevent the execution of any law, administrative order **OR JUDICIAL ORDER**;
3. To inflict any act of hate or revenge upon the person or property of any public officer or employee;
4. To commit, for any political or social end, any act of hate or revenge against private persons or any social class; and
5. To despoil, for any political or social end, any person, municipality, **CITY** or province, **THE JUDICIARY** or the National Government of all its property or any part thereof.

Art. 130. Penalty for sedition. — The leader of a sedition shall suffer the penalty of **AFFLICTIVE 2** in its minimum **LEVEL** and a fine not exceeding 2,000,000 pesos.

Other persons participating therein shall suffer the penalty of **CORRECTIVE 1** and a fine not exceeding 1,000,000 pesos.

THEY SHALL BE MADE LIABLE FOR OFFENSES WHICH CARRY A MINIMUM PENALTY OF CORRECTIVE 1 COMMITTED ON OCCASION OF SEDITION.

WHEN THE LEADER IS UNKNOWN, ANY PERSON WHO IN FACT DIRECTED THE OTHERS, SPOKE FOR THEM, SIGNED RECEIPTS AND OTHER DOCUMENTS ISSUED IN THEIR NAME, OR PERFORMED SIMILAR ACTS SHALL BE CONSIDERED AS THE LEADER.

Art. 131. *Conspiracy to commit sedition.* — Persons conspiring to commit the crime of sedition shall be punished by **CORRECTIVE 1** and a fine not exceeding 400,000 pesos. (Reinstated by E.O. No. 187).

Art. 132. *Inciting to sedition.* — **INCITING TO SEDITION SHALL BE PUNISHED WITH CORRECTIVE 1** in its maximum **LEVEL** and a fine not exceeding 400,000 pesos **WHEN COMMITTED BY** any person or persons who, **NOT BEING INCLUDED IN ARTICLES 129 OR 131 SHALL COMMIT OR PERFORM ANY OF THE FOLLOWING ACTS:**

- 1. INCITING OTHERS TO THE ACCOMPLISHMENT OF ANY ACT OF SEDITION UNDER ART. 129 BY MEANS OF SPEECHES, PROCLAMATIONS, WRITINGS, EMBLEMS, CARTOONS, BANNERS, ELECTRONIC MEANS OR OTHER REPRESENTATIONS TENDING TO THE SAME END;**
- 2. SHALL UTTER SEDITIOUS WORDS OR SPEECHES;**
- 3. WRITING, PUBLISHING, OR CIRCULATING SCURRILOUS LIBELS AGAINST THE GOVERNMENT OF THE PHILIPPINES;**
- 4. UTTERING WORDS WHICH TEND TO DISTURB OR OBSTRUCT ANY LAWFUL OFFICER IN EXECUTING THE FUNCTIONS OF HIS OFFICE, OR WHICH TEND TO INSTIGATE OTHERS TO CABAL AND MEET TOGETHER FOR UNLAWFUL PURPOSES, OR WHICH SUGGEST OR INCITE REBELLIOUS CONSPIRACIES OR RIOTS, OR WHICH LEAD OR TEND TO STIR UP THE PEOPLE AGAINST THE LAWFUL AUTHORITIES OR TO DISTURB THE PEACE OF THE COMMUNITY, THE SAFETY AND ORDER OF THE GOVERNMENT.**

SHOULD SEDITION ACTUALLY RESULT OR IS COMMITTED THEY SHALL BE MADE LIABLE UNDER ARTICLE 130.

NOTHING HEREIN SHALL BE INTERPRETED TO ABRIDGE THE PEOPLES RIGHT TO FREEDOM OF SPEECH AND THE RIGHT TO PEACEABLY ASSEMBLE AND PETITION THE GOVERNMENTS FOR REDRESS OF GRIEVANCE.

Chapter TWO

ILLEGAL ASSEMBLIES AND ASSOCIATIONS

Art. 133. *Illegal assemblies.* — The penalty of **CORRECTIVE 1** to **AFFLICTIVE 2** shall be imposed upon the organizers or leaders of any meeting attended by armed persons for the purpose of committing any of the crimes punishable under this Code, or of any meeting in which the audience is incited to the commission of the crime of treason, rebellion or insurrection, sedition or assault upon a person in authority or his agents. Persons merely present at such meeting shall suffer the penalty of **RESTORATIVE 1**, unless they are armed, in which case the penalty shall be **CORRECTIVE 1**.

If any person present at the meeting carries an unlicensed firearm, it shall be presumed that the purpose of said meeting, insofar as he is concerned, is to commit acts punishable under this Code, and he shall be considered a leader or organizer of the meeting within the purview of the preceding paragraph.

As used in this article, the word "*meeting*" shall be understood to include a gathering or group, whether in a fixed place or moving. (Reinstated by E.O. No. 187)

Art. 134. *Illegal associations.* — The penalty of **CORRECTIVE 1** and a fine not exceeding 200,000 pesos shall be imposed upon the founders, directors, and presidents of associations totally or partially organized for the purpose of committing any of the crimes punishable under this Code or for some purpose contrary to public morals. Mere members of said associations shall suffer the penalty of **RESTORATIVE 1**. (Reinstated by E.O. No. 187)

WHEN MORE THAN THREE ARMED PERSONS FORM A BAND OF ROBBERS FOR THE PURPOSE OF COMMITTING ROBBERY, THEY SHALL BE DEEMED BRIGANDS. BRIGANDS SHALL BE PUNISHED BY AFFLICTIVE 2 TO AFFLICTIVE 1 IN ITS MINIMUM LEVEL IF THE ACT OR ACTS COMMITTED BY THEM ARE NOT PUNISHABLE BY HIGHER PENALTIES, IN WHICH CASE, THEY SHALL SUFFER SUCH HIGH PENALTIES.

IF ANY OF THE ARMS CARRIED BY ANY OF SAID PERSONS BE A LOOSE FIREARM OR EXPLOSIVE, IT SHALL BE PRESUMED THAT SAID PERSONS ARE BRIGANDS, AND IN CASE OF CONVICTIONS THE PENALTY SHALL BE IMPOSED IN THE MAXIMUM LEVEL, WITHOUT PREJUDICE TO ANY CRIMINAL LIABILITY FOR ILLEGAL POSSESSION OF SUCH LOOSE FIREARM OR EXPLOSIVE.

Art. 135. *Aiding and abetting aN ILLEGAL ASSOCIATION.* — Any person knowingly and in any manner aiding, abetting or protecting aN **ILLEGAL ASSOCIATION** OR brigands as described in the next preceding article, or giving them information of the movements of the police or other peace officers of the Government or acquiring or receiving the property taken by such **ILLEGAL ASSOCIATIONS** OR brigands shall be punished by **CORRECTIVE 1** to **AFFLICTIVE 2** in its minimum **LEVEL**.

It shall be presumed that the person performing any of the acts provided in this article has performed them knowingly, unless the contrary is proven.

Chapter **THREE** **ASSAULT UPON, AND RESISTANCE AND DISOBEDIENCE** **TO, PERSONS IN AUTHORITY AND THEIR AGENTS**

Art. 136. *Direct assaults.* — Any person or persons who, without a public uprising, shall employ force or intimidation for the attainment of any of the purpose enumerated in defining the crimes of rebellion and sedition, or shall attack, employ force, or seriously intimidate or resist any person in authority or any of his agents, on occasion of performance **OF OFFICIAL DUTIES OR BY REASON OF PAST PERFORMANCE OF OFFICIAL DUTIES**, shall suffer the penalty of **CORRECTIVE 1** and a fine not exceeding 200,000 pesos, when the assault is committed with a weapon or when the offender is a public officer or

employee, or when the offender lays hands upon a person in authority. If none of these circumstances be present, the penalty of **CORRECTIVE 2** and a fine not exceeding 100,000 pesos shall be imposed.

Art. 137. Indirect assaults. — The penalty of **CORRECTIVE 1** and a fine not exceeding 100,000 pesos shall be imposed upon any person who shall make use of force or intimidation upon any person coming to the aid of the authorities or their agents on occasion of the commission of any of the crimes defined in the next preceding article.

Art. 138. Disobedience to summons issued by CONGRESS, its committees or subcommittees, by the Constitutional Commissions, its committees, subcommittees or divisions. — The penalty of **RESTORATIVE 1** or a fine ranging from 40,000 to 200,000 pesos, or both such fine and imprisonment shall be imposed upon any person who, having been duly summoned to attend as a witness before **CONGRESS**, its special or standing committees and subcommittees, the Constitutional Commissions and its committees, subcommittees, or divisions, or before any commission or committee chairman or member authorized to summon witnesses, refuses, without legal excuse, to obey such summons, or being present before any such legislative or constitutional body or official, refuses to be sworn or placed under affirmation or to answer any legal inquiry or to produce any books, papers, documents, or records in his possession, when required by them to do so in the exercise of their functions. The same penalty shall be imposed upon any person who shall restrain another from attending as a witness, or who shall induce disobedience to a summon or refusal to be sworn by any such body or official.

Art. 139. Resistance and disobedience to a person in authority or the agents of such person. — The penalty of **RESTORATIVE 1** and a fine not exceeding 100,000 pesos shall be imposed upon any person who not being included in the provisions of the preceding articles shall resist or seriously disobey any person in authority, or the agents of such person, while engaged in the performance of official duties.

When the disobedience is not of a serious nature, the penalty of **RESTORATIVE 2** or a fine ranging from 2,000 to 20,000 pesos shall be imposed upon the offender.

Art. 140. Persons in authority and agents of persons in authority; Who shall be deemed as such. — In applying the provisions of the preceding and other articles of this Code, any person directly vested with jurisdiction, whether as an individual or as a member of some court or governmental corporation, board, or commission, shall be deemed a person in authority. A barrio captain and a barangay chairman shall also be deemed a person in authority.

A person who, by direct provision of law or by election or by appointment by competent authority, is charged with the maintenance of public order and the protection and security of life and property, such as a barrio councilman, barrio policeman and barangay leader and any **OTHER** person **CLASSIFIED AS SUCH UNDER SPECIAL LAWS**.

In applying the provisions of Articles 136 and 139 of this Code, teachers, professors and persons charged with the supervision of public or duly recognized private schools, colleges and universities, and lawyers in the actual performance of their professional duties or on the occasion of such performance, shall be deemed persons in authority. (As amended

Chapter **FOUR** **PUBLIC DISORDERS**

Art. 141. *Tumults and other disturbance of public orders; Tumultuous disturbance or interruption liable to cause disturbance.* — The penalty of **RESTORATIVE 1** to **CORRECTIVE 2** and a fine not exceeding 200,000 pesos shall be imposed upon any person who shall cause any serious disturbance in a public place, office, or establishment, or shall interrupt or disturb public performances, functions or gatherings, or peaceful meetings, if the act is not included in the provisions of Articles 113 and 114.

The penalty next higher in degree shall be imposed upon persons causing any disturbance or interruption of a tumultuous character.

The disturbance or interruption shall be deemed to be tumultuous if caused by more than three persons who are armed or provided with means of violence.

The penalty of **RESTORATIVE 1** shall be imposed upon any person who in any meeting, association, or public place, shall make any outcry tending to incite rebellion or sedition or in such place shall display placards or emblems which provoke a disturbance of the public order.

The penalty of **RESTORATIVE 2** and a fine not to exceed 40,000 pesos shall be imposed upon these persons who shall bury with pomp the body of a person who has been legally executed.

Art. 142. *Unlawful use of means of publication and unlawful utterances.* — The penalty of **RESTORATIVE 1** and a fine ranging from 40,000 to 200,000 pesos shall be imposed upon:

1. Any person who by means of printing, lithography, or any other means of publication shall publish or cause to be published as news any false news which may endanger the public order **OR PUBLIC INTEREST**, or cause damage to the interest or credit of the State;
2. Any person who by the same means, or by words, utterances or speeches shall encourage disobedience to the law or to the constituted authorities or praise, justify, or extol any act punished by law;
3. Any person who shall maliciously publish or cause to be published any official resolution or document without proper authority, or before they have been published officially; or
4. Any person who shall print, publish, or distribute or cause to be printed, published, or distributed books, pamphlets, periodicals, or leaflets which do not bear the real printer's name, or which are classified as anonymous.

Art. 143. *Alarms and scandals.* — The penalty of **RESTORATIVE 2** or a fine not exceeding 40,000 pesos shall be imposed upon:

1. Any person who within any town or public place, shall discharge any firearm, rocket, firecracker, or other explosives **CAUSING** alarm or danger;
2. Any person who shall instigate or take an active part in any charivari or other

- disorderly meeting offensive to another or prejudicial to public tranquility;
3. Any person who, while wandering about at night or while engaged in any other nocturnal amusements, shall disturb the public peace; or
 4. Any person who, while intoxicated or otherwise, shall cause any disturbance or scandal in public places, provided that the circumstances of the case shall not make the provisions of Article 141 applicable.

Art. 144. *Delivery of prisoners from jails.* — The penalty of **RESTORATIVE 1** in its maximum **LEVEL** to **CORRECTIVE 2** shall be imposed upon any person who shall remove from any jail or penal establishment any person confined therein or shall help the escape of such person, by means of violence, intimidation, or bribery. If other means are used, the penalty of **RESTORATIVE 1** shall be imposed.

If the escape of the prisoner shall take place outside of said establishments by taking the guards by surprise, the same penalties shall be imposed in their minimum **LEVEL**.

Chapter FIVE EVASION OF SERVICE OF SENTENCE

Art. 145. *VIOLATION of service of sentence.* — The penalty of **CORRECTIVE 1** shall be imposed upon any convict who shall evade service of his sentence. However, **FOR VIOLATIONS OF COMMUNITY SERVICE IMPOSED IN LIEU OF RESTORATIVE 1 OR 2, THE PENALTY OF RESTORATIVE 1 OR RESTORATIVE 2, AS THE CASE MAY BE, SHALL BE IMPOSED.**

Art. 146. *Evasion of service of sentence on the occasion of disorder, conflagrations, earthquakes, or other calamities.* — A convict who shall evade the service of his sentence, by leaving the penal institution where he shall have been confined, on the occasion of disorder resulting from a conflagration, earthquake, explosion, or similar catastrophe, or during a mutiny in which he has not participated, shall suffer an increase of one-fifth of the time still remaining to be served under the original sentence, which in no case shall exceed six months, if he shall fail to give himself up to the authorities within forty-eight hours following the issuance of a proclamation by the Chief Executive announcing the passing away of such calamity.

Convicts who, under the circumstances mentioned in the preceding paragraph, shall give themselves up to the authorities within the above mentioned period of 48 hours, shall be entitled to the deduction provided in Article 66.

Art. 147. *Other cases of evasion of service of sentence.* — The penalty of **CORRECTIVE 2** shall be imposed upon the convict who, having been granted conditional pardon by the Chief Executive, shall violate any of the conditions of such pardon. However, if the penalty remitted by the granting of such pardon be higher than six years, the convict shall then suffer the unexpired portion of his original sentence.

Title Four CRIMES AGAINST PUBLIC INTEREST

Chapter One FORGERIES

Section One. — *Forging the seal of the Government of the Philippines AND OTHER PUBLIC ENTITIES, AS WELL AS the signature or stamp of the Chief Executive AND OTHER GOVERNMENT OFFICIALS; AND KNOWINGLY USING THE SAME.*

Art. 148. *Counterfeiting the great seal of the Government of the Philippines, forging the signature or stamp of the Chief Executive.* — The penalty of **AFFLICTIVE 1** shall be imposed upon any person who shall forge the Great Seal of the Government of the Philippines or the signature or stamp of the Chief Executive.

ART. 149. COUNTERFEITING THE SEAL OF PUBLIC ENTITIES, FORGING THE SIGNATURE OR STAMP OF GOVERNMENT OFFICIALS. — THE PENALTY OF **CORRECTIVE 1** SHALL BE IMPOSED UPON ANY PERSON WHO SHALL FORGE THE SEAL OF ANY PUBLIC ENTITY IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCHES OF GOVERNMENT, OR IN THE LOCAL GOVERNMENT. THE SAME PENALTY SHALL BE IMPOSED UPON ANY PERSON WHO SHALL FORGE THE SIGNATURE OR STAMP OF THE GOVERNMENT OFFICIALS ACTING IN THEIR OFFICIAL CAPACITIES ON BEHALF OF SAID PUBLIC ENTITIES.

Art. 150. *Using forged signature or counterfeit seal or stamp.* — The penalty of **AFFLICTIVE 2** shall be imposed upon any person who shall knowingly make use of the counterfeit seal or forged signature or stamp mentioned in **ARTICLE 148**. THE PENALTY OF **CORRECTIVE 2** SHALL BE IMPOSED UPON ANY PERSON WHO SHALL KNOWINGLY MAKE USE OF THE COUNTERFEIT SEAL OR FORGED SIGNATURE OR STAMP MENTIONED IN **ARTICLE 149**.

Section Two. — *Counterfeiting CURRENCIES*

Art. 151. *Making and importing and uttering false CURRENCIES.* — Any person who makes, imports, or utters, false **CURRENCIES**, in connivance with counterfeiters, or importers, shall suffer:

1. **CORRECTIVE 1** and a fine not to exceed 400,000 pesos, if the counterfeited **CURRENCY** be of the Philippines;
2. **CORRECTIVE 2** and a fine not to exceed 200,000 pesos, if the counterfeited currency BE of a foreign country.

THE PENALTY NEXT HIGHER IN DEGREE SHALL BE IMPOSED IF THE PERSON MAKING, IMPORTING, KNOWINGLY POSSESSING WITH INTENT TO UTTER, OR UTTERING THE FALSE CURRENCIES SHALL HAVE ACTED IN CONNIVANCE WITH COUNTERFEITERS OR IMPORTERS.

Art. 152. *Mutilation of CURRENCIES; Importation and utterance of mutilated CURRENCIES.* — The penalty of **CORRECTIVE 2** and a fine not to exceed 400,000 pesos shall be imposed upon any person who shall mutilate **CURRENCIES** of the Philippines or import, **KNOWINGLY POSSESS WITH INTENT TO UTTER**, or utter mutilated **CURRENCIES**.

THE PENALTY NEXT HIGHER IN DEGREE SHALL BE IMPOSED IF THE PERSON MAKING, IMPORTING, KNOWINGLY POSSESSING WITH INTENT TO UTTER, OR UTTERING THE MUTILATED CURRENCIES SHALL HAVE ACTED IN CONNIVANCE WITH MUTILATORS OR IMPORTERS.

Section Three. — *Forging treasury or bank notes, obligations and securities; importing and uttering false or forged notes, obligations and securities*

Art. 153. *Forging treasury or bank notes on other documents payable to bearer; importing, and uttering such false or forged notes and documents.* — The forging or falsification of treasury or bank notes or certificates or other obligations and securities payable to bearer and the importation and uttering in connivance with forgers or importers of such false or forged obligations or notes, shall be punished as follows:

1. By **AFFLICTIVE 1** in its minimum **LEVEL** and a fine not to exceed Two million pesos (P2,000,000), if the document which has been falsified, counterfeited, or altered, is an obligations or security of the Philippines.

The word "*obligation or security of the Philippines*" shall be held to mean all bonds, certificates of indebtedness, national bank notes, fractional notes, certificates of deposit, bills, checks, or drafts for money, drawn by or upon authorized officers of the Philippines, and other representatives of value, of whatever denomination, which have been or may be issued under any act of Congress, **AS WELL AS LOTTERY, SWEEPSTAKES, AND OTHER TICKETS PRINTED BY THE GOVERNMENT IN CONNECTION WITH LEGAL GAMING ACTIVITIES.**

2. By **AFFLICTIVE 2** in its maximum **LEVEL** and a fine not to exceed 1,000,000 pesos, if the falsified or altered document is a circulating note issued by any banking association duly authorized by law to issue the same.
3. By **AFFLICTIVE 2** and a fine not to exceed 1,000,000 pesos, if the falsified or counterfeited document was issued by a foreign government.
4. By **AFFLICTIVE 2** in its minimum **LEVEL** and a fine not to exceed 400,000 pesos when the forged or altered document is a circulating note or bill issued by a foreign bank duly authorized therefor.

Art. 154. *Counterfeiting, importing and uttering instruments not payable to bearer.* — Any person who shall forge, import or utter, in connivance with the forgers or importers, any instrument payable to order or other document of credit not payable to bearer, shall suffer the penalties of **CORRECTIVE 1** in its medium to maximum **LEVELS** and a fine not exceeding One million two hundred thousand pesos (P1,200,00).

Art. 155. *Illegal possession and use of false treasury or bank notes and other instruments of credit.* — Unless the act be one of those coming under the provisions of any of the preceding articles, any person who shall knowingly use or have in his possession, with intent to use any of the false or falsified instruments referred to in this section, shall suffer the penalty next lower in degree than that prescribed in said articles.

Art. 156. *How forgery is committed.* — The forgery referred to in this section may be committed by any of the following means:

1. By giving to a treasury or bank note or any instrument, payable to bearer or order mentioned therein, the appearance of a true genuine document.
2. By erasing, substituting, counterfeiting or altering by any means the figures, letters, words or signs contained therein.

Section Four. — *Falsification of legislative, TRAVEL, public, commercial, and private documents, and wireless, telegraph, and telephone message*

Art. 157. *Falsification of legislative documents.* — The penalty of **CORRECTIVE 1** and a fine not exceeding 1,200,000 pesos shall be imposed upon any person who, without proper authority therefor alters any bill, resolution, or ordinance enacted or approved or pending approval by either House of the Legislature or any provincial board or municipal council.

ART. 158. *Falsification of Travel Documents and Related Offenses.* —

1. The penalty of **AFFLICTIVE 2** and a fine of 150,000 pesos shall be imposed upon any person who falsely makes, forges, counterfeits, mutilates or alters any passport or travel document or any supporting document for a passport application, with the intent of using the same;
2. The penalty of **AFFLICTIVE 1** and a fine of 1,000,000 pesos shall be imposed upon any person who commits the acts mentioned in the preceding paragraph involving five or more travel documents. Such crime would be considered massive forgery tantamount to national sabotage;
3. The penalty of **CORRECTIVE 1** and a fine of 100,000 pesos shall be imposed upon any person who willfully or knowingly uses or attempts to use, or furnishes to another for use any such false, forged, counterfeited, mutilated or altered passport or travel document or any passport validly issued which has become void by the occurrence of any condition therein prescribed.

Art. 159. *Falsification OF PUBLIC, OFFICIAL, OR COMMERCIAL DOCUMENTS.* — The penalty of **CORRECTIVE 1** and a fine not to exceed 1,000,000 pesos shall be imposed upon any **PERSON**, who shall falsify a **PUBLIC, OFFICIAL, OR COMMERCIAL** document by committing any of the following acts:

1. Counterfeiting or imitating any handwriting, signature or rubric;
2. Causing it to appear that persons have participated in any act or proceeding when they did not in fact so participate;
3. Attributing to persons who have participated in an act or proceeding statements other than those in fact made by them;
4. Making untruthful statements in a narration of facts;
5. Altering true dates;
6. Making any alteration or intercalation in a genuine document which changes its meaning;
7. Issuing in an authenticated form a document purporting to be a copy of an original document when no such original exists, or including in such a copy a statement contrary to, or different from, that of the genuine original; or
8. Intercalating any instrument or note relative to the issuance thereof in a protocol,

registry, or official book.

THE PENALTY OF AFFLICTIVE 2 SHALL BE IMPOSED UPON THE FOLLOWING PERSONS IF THEY COMMITTED THE ACTS OF FALSIFICATION OF PUBLIC, OFFICIAL, OR COMMERCIAL DOCUMENTS AS DEFINED AND PUNISHED IN THIS ARTICLE:

1. **PUBLIC OFFICERS, PUBLIC EMPLOYEES, OR NOTARIES PUBLIC, PROVIDED THEY FALSIFY PUBLIC, OFFICIAL, OR COMMERCIAL DOCUMENTS WHICH THEY PREPARED, INTERVENED IN, OR HAVE CUSTODY OF IN THE COURSE OF THE PERFORMANCE OF THEIR OFFICIAL DUTIES;**
2. **ECCLESIASTICAL MINISTERS, PROVIDED THEY FALSIFY PUBLIC, OFFICIAL, OR COMMERCIAL DOCUMENTS THAT MAY AFFECT THE CIVIL STATUS OF PERSONS.**

Art. 160. Falsification of *PRIVATE* documents. — The penalty of **CORRECTIVE 2** in the maximum **LEVEL** and a fine of not more than 1,000,000 pesos shall be imposed upon any person who, to the damage of a third party, or with the intent to cause such damage, shall in any private document commit any of the acts of falsification enumerated in the next preceding article.

ART. 161. Use of Falsified Documents. — **THE PENALTY OF CORRECTIVE 2 AND A FINE OF NOT MORE THAN 100,000 PESOS SHALL BE IMPOSED UPON ANY PERSON WHO:**

1. Knowingly introduces into evidence in a judicial, quasi-judicial, administrative, or any official proceeding a falsified document under ArticleS 159 and 160;
2. Uses a falsified document under ArticleS 159 and 160 to the damage of another person, or with the intent to cause damage.

Art. 162. Falsification of wireless, cable, telegraph and telephone messages, and use of said falsified messages. — The penalty of **CORRECTIVE 1** shall be imposed upon officer or employee of the Government or of any private corporation or concern engaged in the service of sending or receiving wireless, cable or telephone message who utters a fictitious wireless, telegraph or telephone message of any system or falsifies the same.

Any person who shall use such falsified dispatch to the prejudice of a third party or with the intent to cause such prejudice, shall suffer the penalty next lower in degree.

Section Five. — Falsification of medical certificates, certificates of merit or services and the like

Art. 163. False medical certificates, false certificates of merits or service, etc.— The penalties of **CORRECTIVE 2** and a fine not to exceed 200,000 pesos shall be imposed upon:

1. Any physician or surgeon who, in connection, with the practice of his profession, shall issue a false certificate; and
2. Any public officer who shall issue a false certificate of merit of service, good conduct or similar circumstances.

The penalty of **RESTORATIVE 1** shall be imposed upon any private person who shall falsify a certificate falling within the classes mentioned in the two preceding subdivisions.

Art. 164. *Using false certificates.* — The penalty of **RESTORATIVE 2** shall be imposed upon any one who shall knowingly use any of the false certificates mentioned in the next preceding article.

Section **SIX (NEW).** —

OTHER CRIMES INVOLVING FORGERY AND COUNTERFEITING

Art. 165. *Art Forgery.* — The penalty of **AFFLICTIVE 2** and a fine of not more than 500,000 pesos shall be imposed upon any person committing forgery related to art, as follows:

1. Affixing or causing to appear a usurped or forged signature or sign on any work of fine art;
2. Counterfeiting or imitating any original signature or sign, with the intent to deceive the public or the buyer as to the authorship of a work of art;
3. Selling or circulating any work of fine art bearing forged or usurped signatures or signs; and
4. Imitating or reproducing any work of fine art with intent to deceive the public or the buyer as to the authenticity of the work.

If the acts are committed by a corporation, partnership or any kind of judicial entity, the penalty provided herein shall be imposed on its chief executive and/or other officials responsible therefor.

If the acts are committed by the art dealers or the owners or operators of art galleries, they shall suffer, in addition to the penalties provided herein, the automatic revocation of their license to operate.

Art. 166. *Counterfeiting Drugs and Related Offenses.* — The penalty of **AFFLICTIVE 2** to **AFFLICTIVE 1** shall be imposed upon any person who manufactures, sells, offers for sale, donates, distributes, traffics, brokers, exports, imports or possesses counterfeit drugs.

Should the offense be committed by a juridical person, the president, general manager, the managing partner, chief operating officer or the person who directly induces, causes or knowingly allows the commission of the drug counterfeit shall be penalized.

For purposes of this Article, “counterfeit drugs” refers to medicinal products with the correct ingredients but not in the amounts as provided hereunder, wrong ingredients, without active ingredients, with insufficient quantity of active ingredient, which results in the reduction of the drug's safety, efficacy, quality, strength or purity. It is a drug which is deliberately and fraudulently mislabeled with respect to identity and/or source or with fake packaging, and can apply to both branded and generic products. It shall also refer to:

1. the drug itself, or the container or labeling thereof or any part of such drug, container or labeling bearing without authorization the trademark, trade name or other identification mark or imprint or any likeness to that which is owned or registered in the Bureau of Patent, Trademark and Technology Transfer (BPTTT) in the name of another natural or juridical person;
2. a drug product refilled in containers by unauthorized persons if the legitimate labels or marks are used;

3. an unregistered imported drug product, except drugs brought in the country for personal use as confirmed and justified by accompanying medical records; and
4. a drug which contains no amount of, or a different active ingredient, or less than eighty percent (80%) of the active ingredient it purports to possess, as distinguished from an adulterated drug including reduction or loss of efficacy due to expiration.

Art. 167. Counterfeiting Access Devices. — The penalty of **AFFLICTIVE 2** and a fine of not more than 100,000 pesos shall be imposed upon any person who:

1. produces, uses, traffics in one or more counterfeit access devices;
2. possesses one or more counterfeit access devices or access devices fraudulently applied for; or
3. induces, entices, permits or in any manner allows another, for consideration or otherwise to produce, use, traffic in counterfeit access devices, unauthorized access devices or access devices fraudulently applied for.

For purposes of this Article, an “access device” is any card, plate, code, account number, electronic serial number, personal identification number, or other telecommunications service, equipment, or instrumental identifier, or other means of account access that can be used to obtain money, good, services, or any other thing of value or to initiate a transfer of funds (other than a transfer originated solely by paper instrument).

Section **SEVEN.** — *Manufacturing, importing and possession of instruments or implements intended for the commission of falsification* **OR COUNTERFEITING**

Art. 168. Manufacturing and possession of instruments or implements for falsification OR COUNTERFEITING. — The penalty of **CORRECTIVE 1** and a fine not to exceed 1,000,000 pesos shall be imposed upon any person who shall make or introduce into the Philippines any stamps, dies, marks, or other instruments or implements intended to be used in the commission of the offenses of counterfeiting or falsification mentioned in the preceding sections of this Chapter.

Any person who, with the intention of using them, shall have in his possession any of the instruments or implements mentioned in the preceding paragraphs, shall suffer the penalty next lower in degree than that provided therein.

Chapter Two **OTHER FALSITIES**

Section One. — *Usurpation of authority, rank, title, and improper use of names, uniforms and insignia*

Art. 169. Usurpation of authority or official functions. — Any person who shall knowingly and falsely represent himself to be an officer, agent or representative of any department or agency of the Philippine Government or of any foreign government, or who, under pretense of official position, shall perform any act pertaining to any person in authority or public officer of the Philippine Government or any foreign government, or any agency thereof, without being lawfully entitled to do so, shall suffer the penalty of **CORRECTIVE 2**.

Art. 170. *Using fictitious name and concealing true name.* — The penalty of **RESTORATIVE 1** and a fine not to exceed 100,000 pesos shall be imposed upon any person who shall publicly use a fictitious name for the purpose of concealing a crime, evading the execution of a judgment or causing damage. **THE USE OF A FICTITIOUS NAME AS A PSEUDONYM OR ALIAS FOR LITERARY, CINEMA, OR OTHER ENTERTAINMENT PURPOSES SHALL BE ALLOWED. FOR OTHER PURPOSES, THE USE OF A PSEUDONYM OR ALIAS SHALL BE ALLOWED ONLY WITH PRIOR JUDICIAL AUTHORITY.**

Any person who conceals his true name and other personal circumstances shall be punished by **RESTORATIVE 2** or a fine not to exceed 40,000 pesos.

Art. 171. *Illegal use of uniforms or insignia.* — The penalty of **RESTORATIVE 1** shall be imposed upon any person who shall publicly and improperly make use of insignia, uniforms or dress pertaining to an office not held by such person or to a class of persons of which he is not a member. **FOR PURPOSES OF THIS ARTICLE, "IMPROPER USE" OF UNIFORMS OR INSIGNIAS SHALL INCLUDE UNAUTHORIZED USE WITH THE INTENT TO DECEIVE OR DEFRAUD OR COMMIT A CRIME; OR WITH THE INTENT TO AVAIL UNWARRANTED BENEFITS, ADVANTAGE, OR PREFERENCE, OR EXERCISE PRIVILEGES OR PREROGATIVES WHICH THE WEARER OF THE UNIFORM OR INSIGNIA COULD NOT OTHERWISE AVAIL.**

Section Two. — *False testimony*

Art. 172. *False testimony IN CRIMINAL CASES.* — Any person who shall give false testimony against the defendant in any criminal case shall suffer, **APART FROM A FINE OF NOT MORE THAN 200,000 PESOS:**

1. The penalty of **AFFLICTIVE 1**, if the **ACCUSED** in said case shall have been sentenced to **PUNITIVE 1 OR PUNITIVE 2;**
2. The penalty of **AFFLICTIVE 2**, if the **ACCUSED** shall have been sentenced to **AFFLICTIVE 1;** and
3. The penalty of **CORRECTIVE 1**, if the **ACCUSED** shall have been sentenced to **ANY OTHER PENALTY**, or shall have been acquitted.

IN CASE THE FALSE TESTIMONY IN A CRIMINAL CASE IS FAVORABLE TO THE ACCUSED, THE PERSON GIVING IT SHALL SUFFER THE PENALTY OF CORRECTIVE 2 AND A FINE OF NOT MORE THAN 100,000 PESOS.

IN ALL PROSECUTIONS UNDER THIS ARTICLE, PRIOR JUDGMENT IN THE CRIMINAL CASE IN WHICH THE FALSE TESTIMONY WAS GIVEN SHALL BE A CONDITION PRECEDENT.

Art. 173. *False testimony in civil cases.* — Any person found guilty of false testimony in a civil case shall suffer the penalty of **CORRECTIVE 2** and a fine not to exceed 1,200,000 pesos, if the amount in controversy shall exceed 1,000,000 pesos, and the penalty of **RESTORATIVE 1 TO CORRECTIVE 2 IN ITS MAXIMUM LEVEL** and a fine not to exceed 200,000 pesos, if the amount in controversy shall not exceed said amount or cannot be estimated.

IN ALL PROSECUTIONS UNDER THIS ARTICLE, PRIOR JUDGMENT IN THE CIVIL CASE IN WHICH THE FALSE TESTIMONY WAS GIVEN SHALL BE A

CONDITION PRECEDENT.

Art. 174. *False testimony in other cases and perjury in solemn affirmation.* — The penalty of **RESTORATIVE 1 IN ITS MAXIMUM LEVEL TO CORRECTIVE 2** shall be imposed upon any person, who knowingly makes untruthful statements and not being included in the provisions of the next preceding articles, shall testify under oath, or make an affidavit, upon any material matter before a competent person authorized to administer an oath in cases in which the law so requires.

Any person who, in case of a solemn affirmation made in lieu of an oath, shall commit any of the falsehoods mentioned in this and the three preceding articles of this section, shall the respective penalties provided therein.

Art. 175. *Offering false testimony in evidence.* — Any person who shall knowingly offer in evidence a false witness or testimony in any judicial or official proceeding, shall be punished as guilty of false testimony and shall suffer the respective penalties provided in this section.

Chapter Three MACHINATIONS IN PUBLIC PROCUREMENT

Art. 176. *Machinations in public PROCUREMENT, COMMITTED BY PUBLIC OFFICERS.* — The penalty of **CORRECTIVE 1** shall be imposed on public officers who commit any of the following machinations in public procurement:

1. Open any sealed Bid including but not limited to Bids that may have been submitted through the electronic system and any and all documents required to be sealed or divulging their contents, prior to the appointed time for the public opening of Bids or other documents.
2. Delaying, without justifiable cause, the screening for eligibility, opening of bids evaluation and post evaluation of bids, and awarding of contracts beyond the prescribed periods of action provided for in the IRR.
3. Unduly influencing or exerting undue pressure on any member of the BAC or any officer or employee of the procuring entity to take a particular action which favors, or tends to favor a particular bidder.
4. Splitting of contracts which exceed procedural purchase limits and competitive bidding.
5. When the head of the agency abuses the exercise of his power to reject any and all bids as mentioned under Section 70 of *Republic Act No. 12009* with manifest preference to any bidder who is closely related to him in accordance with Sections 81 and 82 of *Republic Act No. 12009*.

When any of the foregoing acts is done in collusion with private individuals, the private individuals shall likewise be liable for the offense.

In addition, the public officer involved shall also suffer the penalty of temporary disqualification from public office, while the private individual shall be permanently disqualified from transacting business with the Government.

Art. 177. *Machinations in public procurement, committed by private individuals.* — The penalty of

CORRECTIVE 1 shall be imposed on private individuals who commit any of the following machinations in public procurement:

1. When two or more bidders agree and submit different Bids as if they were bona fide, when they knew that one or more of them was so much higher than the other that it could not be honestly accepted and that the contract will surely be awarded to the pre-arranged lowest Bid.
2. When a bidder maliciously submits different Bids through two or more persons, corporations, partnerships or any other business entity in which he has interest to create the appearance of competition that does not in fact exist so as to be adjudged as the winning bidder.
3. When two or more bidders enter into an agreement which call upon one to refrain from bidding for Procurement contracts, or which call for withdrawal of Bids already submitted, or which are otherwise intended to secure an undue advantage to any one of them.
4. When a bidder, by himself or in connivance with others, employ schemes which tend to restrain the natural rivalry of the parties or operates to stifle or suppress competition and thus produce a result disadvantageous to the public.

In addition, the persons involved shall also suffer the penalty of temporary or perpetual disqualification from public office and be permanently disqualified from transacting business with the Government.

The penalty of **CORRECTIVE 2** shall be imposed on private individuals, and public officers conspiring with them, if any, who commit any of the following machinations in public procurement:

1. Submit eligibility requirements of whatever kind and nature that contain false information or falsified documents calculated to influence the outcome of the eligibility screening process or conceal such information in the eligibility requirements when the information will lead to a declaration of ineligibility from participating in public bidding.
2. Submit Bidding Documents of whatever kind and nature that contain false information or falsified documents or conceal such information in the Bidding Documents, in order to influence the outcome of the public bidding.
3. Participate in a public bidding using the name of another or allow another to use one's name for the purpose of participating in a public bidding.
4. Withdraw a Bid, after it shall have qualified as the Lowest Calculated Bid/Highest Rated Bid, or refuse to accept an award, without just cause or for the purpose of forcing the Procuring Entity to award the contract to another bidder. This shall include the non-submission within the prescribed time, or delaying the submission of requirements such as, but not limited to, performance security, preparatory to the final award of the contract.

When the bidder is a juridical entity, criminal liability and the accessory penalties shall be imposed on its directors, officers or employees who actually commit any of the foregoing acts.

Title Five

CRIMES RELATIVE TO DANGEROUS DRUGS, CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS

Chapter One
ILLEGAL TRAFFICKING

Art. 178. *Importation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.* — The penalty of **PUNITIVE 2** to **PUNITIVE 1** and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall import or bring into the Philippines any dangerous drug, regardless of the quantity and purity involved, including any and all species of opium poppy or any part thereof or substances derived therefrom even for floral, decorative and culinary purposes.

The penalty of imprisonment ranging from **AFFLICTIVE 1** and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law, shall import any controlled precursor and essential chemical.

The maximum penalty provided for under this Section shall be imposed upon any person, who, unless authorized under this Act, shall import or bring into the Philippines any dangerous drug and/or controlled precursor and essential chemical through the use of a diplomatic passport, diplomatic facilities or any other means involving his/her official status intended to facilitate the unlawful entry of the same. In addition, the diplomatic passport shall be confiscated and canceled.

The maximum penalty provided for under this Section shall be imposed upon any person, who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this Section.

The penalty of **AFFLICTIVE 1** and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any violator of the provisions under this **ARTICLE**.

Art. 179. *Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.* — The penalty of **PUNITIVE 2** to **PUNITIVE 1** and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.

The penalty of imprisonment ranging from **AFFLICTIVE 1** and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any controlled precursor and essential chemical, or shall act as a broker in such transactions.

If the sale, trading, administration, dispensation, delivery, distribution or transportation of any dangerous drug and/or controlled precursor and essential chemical transpires within one hundred (100) meters from the school, the maximum penalty shall be imposed in every case.

For drug pushers who use minors or mentally incapacitated individuals as runners, couriers and messengers, or in any other capacity directly connected to the dangerous drugs and/or controlled precursors and essential chemical trade, the maximum penalty shall be imposed in every case.

If the victim of the offense is a minor or a mentally incapacitated individual, or should a dangerous drug and/or a controlled precursor and essential chemical involved in any offense herein provided be the proximate cause of death of a victim thereof, the maximum penalty provided for under this Section shall be imposed.

The maximum penalty provided for under this **ARTICLE** shall be imposed upon any person who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this **ARTICLE**.

The penalty of **AFFLICTIVE 1** and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any violator of the provisions under this **ARTICLE**.

Art. 180. Maintenance of a Den, Dive or Resort. — The penalty of **PUNITIVE 2** to **PUNITIVE 1** and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person or group of persons who shall maintain a den, dive or resort where any dangerous drug is used or sold in any form.

The penalty of imprisonment ranging from **AFFLICTIVE 1** and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person or group of persons who shall maintain a den, dive, or resort where any controlled precursor and essential chemical is used or sold in any form.

The maximum penalty provided for under this **ARTICLE** shall be imposed in every case where any dangerous drug is administered, delivered or sold to a minor who is allowed to use the same in such a place.

Should any dangerous drug be the proximate cause of the death of a person using the same in such den, dive or resort, the penalty of **PUNITIVE 1** and a fine ranging from One million **PESOS** (P1,000,000.00) to Fifteen million pesos (P15,000,000.00) shall be imposed on the maintainer, owner and/or operator.

If such den, dive or resort is owned by a third person, the same shall be confiscated and escheated in favor of the government: *Provided*, That the criminal complaint shall specifically allege that such place is intentionally used in the furtherance of the crime: *Provided, further*, That the prosecution shall prove such intent on the part of the owner to use the property for such purpose: *Provided, finally*, That the owner shall be included as an accused in the criminal complaint.

The maximum penalty provided for under this **ARTICLE** shall be imposed upon any person who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this **ARTICLE**.

The penalty of **AFFLICTIVE 1** and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any violator of the provisions under this **ARTICLE**.

Art. 181. Employees and Visitors of a Den, Dive or Resort. — The penalty of **AFFLICTIVE 1** and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon:

- a. Any employee of a den, dive or resort, who is aware of the nature of the place as such; and
- b. Any person who, not being included in the provisions of the next preceding paragraph, is aware of the nature of the place as such and shall knowingly visit the same.

Art. 182. Manufacture of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals. — The penalty of **PUNITIVE 2** to **PUNITIVE 1** and a fine ranging Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall engage in the manufacture of any dangerous drug.

The penalty of **AFFLICTIVE 1** and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law, shall manufacture any controlled precursor and essential chemical.

The presence of any controlled precursor and essential chemical or laboratory equipment in the clandestine laboratory is a *prima facie* proof of manufacture of any dangerous drug. It shall be considered an aggravating circumstance if the clandestine laboratory is undertaken or established under the following circumstances:

- a. Any phase of the manufacturing process was conducted in the presence or with the help of minor/s;
- b. Any phase or manufacturing process was established or undertaken within one hundred (100) meters of a residential, business, church or school premises;
- c. Any clandestine laboratory was secured or protected with booby traps;
- d. Any clandestine laboratory was concealed with legitimate business operations; or
- e. Any employment of a practitioner, chemical engineer, public official or foreigner.

The maximum penalty provided for under this **ARTICLE** shall be imposed upon any person, who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this **ARTICLE**.

The penalty of **AFFLICTIVE 1** and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any violator of the provisions under this

ARTICLE.

Art. 183. *Manufacture or Delivery of Equipment, Instrument, Apparatus, and Other Paraphernalia for Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.* — The penalty of **AFFLICTIVE 1** and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person who shall deliver, possess with intent to deliver, or manufacture with intent to deliver equipment, instrument, apparatus and other paraphernalia for dangerous drugs, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain or conceal any dangerous drug and/or controlled precursor and essential chemical in violation of this **CODE**.

The penalty of **CORRECTIVE 2** and a fine ranging from Ten thousand pesos (P10,000.00) to Fifty thousand pesos (P50,000.00) shall be imposed if it will be used to inject, ingest, inhale or otherwise introduce into the human body a dangerous drug in violation of this **CODE**.

The maximum penalty provided for under this **ARTICLE** shall be imposed upon any person, who uses a minor or a mentally incapacitated individual to deliver such equipment, instrument, apparatus and other paraphernalia for dangerous drugs.

Chapter Two ILLEGAL POSSESSION

Art. 184. *Possession of Dangerous Drugs.* — The penalty of **PUNITIVE 2** to **PUNITIVE 1** and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall possess any dangerous drug in the following quantities, regardless of the degree of purity thereof:

1. 10 grams or more of opium;
2. 10 grams or more of morphine;
3. 10 grams or more of heroin;
4. 10 grams or more of cocaine or cocaine hydrochloride;
5. 50 grams or more of methamphetamine hydrochloride or "shabu";
6. 10 grams or more of marijuana resin or marijuana resin oil;
7. 500 grams or more of marijuana; and
8. 10 grams or more of other dangerous drugs such as, but not limited to, methylenedioxymethamphetamine (MDA) or "ecstasy", paramethoxyamphetamine (PMA), trimethoxyamphetamine (TMA), lysergic acid diethylamine (LSD), gamma hydroxyamphetamine (GHB), and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements, as determined and promulgated by the **DANGEROUS DRUGS** Board in accordance to Section 93, Article XI of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

Otherwise, if the quantity involved is less than the foregoing quantities, the penalties

shall be graduated as follows:

1. **PUNITIVE 2** and a fine ranging from Four hundred thousand pesos (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the quantity of methamphetamine hydrochloride or "shabu" is ten (10) grams or more but less than fifty (50) grams;
2. **PUNITIVE 2 IN ITS MINIMUM LEVEL** and a fine ranging from Four hundred thousand pesos (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the quantities of dangerous drugs are five (5) grams or more but less than ten (10) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or "shabu", or other dangerous drugs such as, but not limited to, MDMA or "ecstasy", PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or three hundred (300) grams or more but less than five (hundred) 500) grams of marijuana; and
3. **AFFLICTIVE 1** and a fine ranging from Three hundred thousand pesos (P300,000.00) to Four hundred thousand pesos (P400,000.00), if the quantities of dangerous drugs are less than five (5) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or "shabu", or other dangerous drugs such as, but not limited to, MDMA or "ecstasy", PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or less than three hundred (300) grams of marijuana.

Art. 185. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous Drugs. — The penalty of **CORRECTIVE 2** and a fine ranging from Ten thousand pesos (P10,000.00) to Fifty thousand pesos (P50,000.00) shall be imposed upon any person, who, unless authorized by law, shall possess or have under his/her control any equipment, instrument, apparatus and other paraphernalia fit or intended for smoking, consuming, administering, injecting, ingesting, or introducing any dangerous drug into the body: *Provided,* That in the case of medical practitioners and various professionals who are required to carry such equipment, instrument, apparatus and other paraphernalia in the practice of their profession, the **DANGEROUS DRUGS** Board shall prescribe the necessary implementing guidelines thereof.

The possession of such equipment, instrument, apparatus and other paraphernalia fit or intended for any of the purposes enumerated in the preceding paragraph shall be *prima facie* evidence that the possessor has smoked, consumed, administered to himself/herself, injected, ingested or used a dangerous drug and shall be presumed to have violated **ARTICLE 188** of this CODE.

Art. 186. Possession of Dangerous Drugs During Parties, Social Gatherings or Meetings. — Any person found possessing any dangerous drug during a party, or at a social gathering or meeting, or in the proximate company of at least two (2) persons, shall suffer the maximum penalties provided for in **ARTICLE 184** of this CODE, regardless of the quantity and purity of such dangerous drugs.

Art. 187. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous

Drugs During Parties, Social Gatherings or Meetings. — The maximum penalty provided for in **ARTICLE 185** of this **CODE** shall be imposed upon any person, who shall possess or have under his/her control any equipment, instrument, apparatus and other paraphernalia fit or intended for smoking, consuming, administering, injecting, ingesting, or introducing any dangerous drug into the body, during parties, social gatherings or meetings, or in the proximate company of at least two (2) persons.

Chapter Three **ILLEGAL USE**

Art. 188. *Use of Dangerous Drugs.* — A person apprehended or arrested, who is found to be positive for use of any dangerous drug, after a confirmatory test, shall be imposed a penalty of a minimum of six (6) months rehabilitation in a government center for the first offense, subject to the provisions of Article VIII of **REPUBLIC ACT NO. 9165**. If apprehended using any dangerous drug for the second time, he/she shall suffer the penalty of **AFFLICTIVE 2** and a fine ranging from Fifty thousand pesos (P50,000.00) to Two hundred thousand pesos (P200,000.00): *Provided*, That this **ARTICLE** shall not be applicable where the person tested is also found to have in his/her possession such quantity of any dangerous drug provided for under **ARTICLE 184** of this **CODE**, in which case the provisions stated therein shall apply.

Chapter Four **OTHER CRIMES RELATIVE TO DANGEROUS DRUGS, CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS**

Section One. — Chemical Diversion

Art. 189. *Illegal Chemical Diversion of Controlled Precursors and Essential Chemicals.* — The penalty of **AFFLICTIVE 1** and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law, shall illegally divert any controlled precursor and essential chemical.

Section Two. — Failure to Maintain Records

Art. 190. *Maintenance and Keeping of Original Records of Transactions on Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.* — The penalty of **CORRECTIVE 1** and a fine ranging from Ten thousand pesos (P10,000.00) to Fifty thousand pesos (P50,000.00) shall be imposed upon any practitioner, manufacturer, wholesaler, importer, distributor, dealer or retailer who violates or fails to comply with the maintenance and keeping of the original records of transactions on any dangerous drug and/or controlled precursor and essential chemical in accordance with Section 40 of **REPUBLIC ACT NO. 9165**.

An additional penalty shall be imposed through the revocation of the license to practice his/her profession, in case of a practitioner, or of the business, in case of a manufacturer, seller, importer, distributor, dealer or retailer.

Section Three. — Illegal Prescription

Art. 191. Unnecessary Prescription of Dangerous Drugs. — The penalty of **AFFLICTIVE 1** and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) and the additional penalty of the revocation of his/her license to practice shall be imposed upon the practitioner, who shall prescribe any dangerous drug to any person whose physical or physiological condition does not require the use or in the dosage prescribed therein, as determined by the **DANGEROUS DRUGS** Board in consultation with recognized competent experts who are authorized representatives of professional organizations of practitioners, particularly those who are involved in the care of persons with severe pain.

Art. 192. Unlawful Prescription of Dangerous Drugs. — The penalty of **PUNITIVE 2** to **PUNITIVE 1** and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall make or issue a prescription or any other writing purporting to be a prescription for any dangerous drug.

Section Four. — Mishandling of Dangerous Drugs, Drug Tests, Cases and Evidence

Art. 193. Misappropriation, Misapplication or Failure to Account for the Confiscated, Seized and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment Including the Proceeds or Properties Obtained from the Unlawful Act Committed. — The penalty of **PUNITIVE 2 TO PUNITIVE 1** and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00), in addition to absolute perpetual disqualification from any public office, shall be imposed upon any public officer or employee who misappropriates, misapplies or fails to account for confiscated, seized or surrendered dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment including the proceeds or properties obtained from the unlawful acts as provided for in this **CODE**.

Any elective local or national official found to have benefited from the proceeds of the trafficking of dangerous drugs as prescribed in this Act, or have received any financial or material contributions or donations from natural or juridical persons found guilty of trafficking dangerous drugs as prescribed in this **CODE**, shall be removed from office and perpetually disqualified from holding any elective or appointive positions in the government, its divisions, subdivisions, and intermediaries, including government-owned or -controlled corporations.

Art. 194. Planting of Evidence. — Any person who is found guilty of "planting" any dangerous drug and/or controlled precursor and essential chemical, regardless of quantity and purity, shall suffer the penalty of **PUNITIVE 1**.

Art. 195. Issuance of False or Fraudulent Drug Test Results. — Any person authorized, licensed or accredited under this Act and its implementing rules to conduct drug examination or test, who issues false or fraudulent drug test results knowingly, willfully or through gross negligence, shall suffer the penalty of imprisonment ranging from six (6) years and one (1) day to twelve (12) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00).

An additional penalty shall be imposed through the revocation of the license to practice his/her profession in case of a practitioner, and the closure of the drug testing center.

Art. 196. *Delay and Bungling in the Prosecution of Drug Cases.* — Any government officer or employee tasked with the prosecution of drug- related cases under this **CODE**, who, through patent laxity, inexcusable neglect, unreasonable delay or deliberately causes the unsuccessful prosecution and/or dismissal of the said drug cases, shall suffer the penalty of **AFFLICTIVE 1 TO PUNITIVE 2**.

Section Five. — *Violation of Regulations of the Dangerous Drugs Board*

Art. 197. *Violating Any Regulation Issued by the Board.* — The penalty of **CORRECTIVE 2** and a fine ranging from Ten thousand pesos (P10,000.00) to Fifty thousand pesos (P50,000.00) shall be imposed upon any person found violating any regulation duly issued by the Board pursuant to R.A. NO. 9165, in addition to the administrative sanctions imposed by the Board.

Chapter Five

CONSPIRACY TO COMMIT CRIMES RELATED TO DANGEROUS DRUGS, CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS

Art. 198. *Conspiracy TO COMMIT CRIMES RELATED TO DANGEROUS DRUGS, CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS.* — Any conspiracy to commit the following unlawful acts shall be penalized by the penalty **OF PUNITIVE 1**.

- a. Importation of any dangerous drug and/or controlled precursor and essential chemical;
- b. Sale, trading, administration, dispensation, delivery, distribution and transportation of any dangerous drug and/or controlled precursor and essential chemical;
- c. Maintenance of a den, dive or resort where any dangerous drug is used in any form;
- d. Manufacture of any dangerous drug and/or controlled precursor and essential chemical; and
- e. Cultivation or culture of plants which are sources of dangerous drugs.

Title Six

CRIMES AGAINST PUBLIC MORALS

Chapter ONE

OFFENSES AGAINST DECENCY AND GOOD CUSTOMS

Art. 199. *Grave scandal.* — The penalties of **RESTORATIVE 1** and **PUBLIC REPRIMAND** shall be imposed upon any person who shall offend against decency or good customs by any highly scandalous conduct not expressly falling within any other article of this Code.

Art. 200. *Immoral doctrines, obscene publications and exhibitions and indecent shows.* — The penalty of **CORRECTIVE 2** or a fine ranging from 20,000 to 200,000 pesos, or both such imprisonment and fine, shall be imposed upon:

1. a. the authors of obscene literature, published with their knowledge in any form; the editors publishing such literature; and the owners/operators of the establishment

selling the same;

b. Those who, in theaters, fairs, cinematographs or any other place, exhibit, indecent or immoral plays, scenes, acts or shows, whether live or in film, which are prescribed by virtue hereof, shall include those which

- 1) glorify criminals or condone crimes;
 - 2) serve no other purpose but to satisfy the market for violence, lust or pornography;
 - 3) offend any race or religion;
 - 4) tend to abet traffic in and use of prohibited drugs; and
 - 5) are contrary to law, public order, morals, and good customs, established policies, lawful orders, decrees and edicts; and
2. Those who shall sell, give away or exhibit films, prints, engravings, sculpture or literature which are offensive to morals.

WHERE THESE ACTS HIRE, EMPLOY, USE, PERSUADE, INDUCE OR COERCE A CHILD TO PERFORM in obscene exhibitions and indecent shows, whether live or in video, or model in obscene publications or pornographic materials or to sell or distribute the said materials, **THE PERSON** shall suffer the penalty of **AFFLICTIVE 2**.

IF THE CHILD USED AS A PERFORMER, SUBJECT OR SELLER/DISTRIBUTOR IS BELOW TWELVE (12) YEARS OF AGE, THE PENALTY SHALL BE IMPOSED IN ITS MAXIMUM LEVEL.

CHAPTER TWO SEXUAL HARASSMENT

SECTION ONE. — SEXUAL HARASSMENT IN A WORK, TRAINING, OR EDUCATION ENVIRONMENT

Art. 201. Sexual Harassment. — The penalty of **CORRECTIVE 2** or a fine ranging from 20,000¹ to 100,000² pesos, or both, shall be imposed:

- a. Upon an employer, employee, manager, supervisor, agent of the employer, **WHO COMMITS ANY** act or series of acts involving any unwelcome sexual advances, requests or demand for sexual favors or any act of sexual nature, whether done verbally, physically or through the use of technology regardless of whether the demand, request or requirement for submission is accepted by the object of said Act as a condition in the hiring or in the employment of said individual, or in granting said individual favorable **WORK** compensation, terms **AND** conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting **OR** segregating the employee which in any way would discriminate, deprive or diminish employment opportunities, **EMPLOYEE'S RIGHTS OR PRIVILEGES** or otherwise adversely affect said employee;
- b. **UPON ANY** teacher, instructor, professor, coach, trainor, one who **HAS** care, custody or supervision of **ANOTHER, OR IS ENTRUSTED WITH THE** education, training, apprenticeship or tutorship **OF ANOTHER, WHO DEMANDS, REQUESTS OR**

¹ See R.A. No. 11313, sec. 11(b)(3)

² See R.A. No. 11313, sec. 11(c)(3), which punishes the third offense for acts such as stalking, etc. with *arresto mayor* or a fine of One hundred thousand pesos

OTHERWISE REQUIRES ANY sexual favor **AS** a condition to the giving of a passing grade, or the granting of honors and scholarships, or the payment of a stipend or other benefit or consideration **OR MAKES SEXUAL ADVANCES THAT RESULT IN AN INTIMIDATING, HOSTILE OR OFFENSIVE ENVIRONMENT FOR THE STUDENT, TRAINEE, OR APPRENTICE;** or

- c. **UPON** any other person who, having authority, influence or moral ascendancy over another in a work or training or education environment, **COMMITTS ANY ACT OR SERIES OF ACTS INVOLVING ANY UNWELCOME SEXUAL ADVANCES, REQUESTS OR DEMAND FOR SEXUAL FAVORS OR ANY ACT OF SEXUAL NATURE, WHETHER DONE VERBALLY, PHYSICALLY OR THROUGH THE USE OF TECHNOLOGY REGARDLESS OF WHETHER THE DEMAND, REQUEST OR REQUIREMENT FOR SUBMISSION IS ACCEPTED BY THE OBJECT OF SAID ACT.**

SECTION TWO. – VIOLATION OF SAFE SPACES

ART. 202. GENDER-BASED SEXUAL HARASSMENT AS A VIOLATION OF SAFE SPACES. Gender-based sexual harassment **IS** committed through any unwanted and uninvited sexual actions or remarks—against any person **BASED ON SEX OR GENDER**, regardless of the motive for committing such action or remarks, **WHICH VIOLATES THE SAFETY OF THE SPACE, WHETHER PHYSICAL OR VIRTUAL, WHERE SUCH HARASSMENT IS COMMITTED.**

Gender-based sexual harassment includes catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic, homophobic and sexist slurs, persistent uninvited comments or gestures on a person's appearance, relentless requests for personal details, statement of sexual comments and suggestions, public masturbation or flashing of private parts, groping, or any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety, and committed in public spaces such as alleys, roads, sidewalks and parks.

Gender refers to a set of socially ascribed characteristics, norms, roles, attitudes, values and expectations identifying the social behavior of men and women, and the relations between them, **INCLUDING** gender identity and/or expression, **WHICH** refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations, and behavior in relation to masculine or feminine conventions.

ART. 203. *Specific Acts and Penalties for Gender-Based Sexual Harassment in Streets and Public Spaces.* — The following acts are unlawful and shall be penalized as follows:

- a. For acts such as cursing, wolf-whistling, catcalling, leering and intrusive gazing, taunting, cursing, unwanted invitations, misogynistic, transphobic, homophobic, and sexist slurs, persistent unwanted comments on one's appearance, relentless requests for one's personal details such as name, contact and social media details or destination, the use of words, gestures or actions that ridicule on the basis of sex, gender or sexual orientation, identity and/or expression including sexist, homophobic, and transphobic statements and slurs, the persistent telling of sexual jokes, use of sexual names, comments and demands, and any statement that has made an invasion on a person's personal space or threatens the person's sense of

personal safety —

- 1) The first offense shall be punished by a fine of One thousand pesos (P1,000.00) and community service of twelve (12) hours inclusive of attendance to a Gender Sensitivity Seminar to be conducted by the PNP in coordination with the LGU and the PCW;
 - 2) The second offense shall be punished by **RESTORATIVE 2 IN ITS MINIMUM LEVEL** or a fine of Three thousand pesos (P3,000.00);
 - 3) The third offense shall be punished by **RESTORATIVE 2** and a fine of Ten thousand pesos (P10,000.00).
- b. For acts such as making offensive body gestures to someone and exposing private parts for the sexual gratification of the perpetrator with the effect of demeaning, harassing, threatening or intimidating the offended party including flashing of private parts, public masturbation, groping, and similar lewd sexual actions —
- 1) The first offense shall be punished by a fine of Ten thousand pesos (P10,000.00) and community service of twelve (12) hours inclusive of attendance to a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the LGU and the PCW;
 - 2) The second offense shall be punished by **RESTORATIVE 2 IN ITS MAXIMUM LEVEL** or a fine of Fifteen thousand pesos (P15,000.00);
 - 3) The third offense shall be punished by **RESTORATIVE 1** and a fine of Twenty thousand pesos (P20,000.00).
- c. For acts such as stalking, and any of the acts mentioned in paragraphs (a) and (b), when accompanied by touching, pinching or brushing against the body of the offended person; or any touching, pinching, or brushing against the genitalia, face, arms, anus, groin, breasts, inner thighs, face, buttocks or any part of the victim's body even when not accompanied by acts mentioned in paragraphs (a) and (b) —
- 1) The first offense shall be punished by **RESTORATIVE 2 IN ITS MAXIMUM LEVEL** or a fine of Thirty thousand pesos (P30,000.00), provided that it includes attendance in a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the LGU and the PCW;
 - 2) The second offense shall be punished by **RESTORATIVE 1** or a fine of Fifty thousand pesos (P50,000.00);
 - 3) The third offense shall be punished by **RESTORATIVE 1 IN ITS MAXIMUM LEVEL** or a fine of One hundred thousand pesos (P100,000.00).

ART. 204. Gender-Based Online Sexual Harassment. — Gender-based online sexual harassment includes acts that use information and communications technology in terrorizing and intimidating victims through physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyberstalking and incessant messaging, uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing of any of the victim's photos, videos, or any information online, impersonating identities of victims online or posting lies about victims to harm their reputation, or filing false abuse reports to online platforms to silence victims.

The penalty of **CORRECTIVE 2** or a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00), or both, at

the discretion of the court shall be imposed upon any person found guilty of any gender-based online sexual harassment.

If the perpetrator is a juridical person, its license or franchise shall be automatically deemed revoked, and the person liable shall be the officers thereof, including the editor or reporter in the case of print media, and the station manager, editor and broadcaster in the case of broadcast media. A **FOREIGN NATIONAL** who commits gender-based online sexual harassment shall be subject to deportation proceedings after serving sentence and payment of fines.

Exemption to acts constitutive and penalized as gender-based online sexual harassment are authorized written orders of the court for any peace officer to use online records or any copy thereof as evidence in any civil, criminal investigation or trial of the crime: *Provided*, That such written order shall only be issued or granted upon written application and the examination under oath or affirmation of the applicant and the witnesses may produce, and upon showing that there are reasonable grounds to believe that gender-based online sexual harassment has been committed or is about to be committed, and that the evidence to be obtained is essential to the conviction of any person for, or to the solution or prevention of such crime.

Any record, photo or video, or copy thereof of any person that is in violation of the preceding sections shall not be admissible in evidence in any judicial, quasi-judicial, legislative or administrative hearing or investigation.

ART. 205. Qualified Gender-Based Sexual Harassment AND VIOLATION OF SAFE SPACES. — The penalty next higher in degree **THAN THOSE IMPOSED IN THE PRECEDING** will be applied in the following cases:

- a. If the act takes place in a common carrier or PUV, including, but not limited to, jeepneys, taxis, tricycles, or app-based transport network vehicle services, where the perpetrator is the driver of the vehicle and the offended party is a passenger;
- b. If the offended party is a minor, a senior citizen, or a person with disability (PWD), or a breastfeeding mother nursing her child;
- c. If the offended party is diagnosed with a mental problem tending to impair consent;
- d. If the perpetrator is a member of the uniformed services, such as the PNP and the Armed Forces of the Philippines (AFP), and the act was perpetrated while the perpetrator was in uniform; and
- e. If the act takes place in the premises of a government agency offering frontline services to the public and the perpetrator is a government employee.

SECTION THREE. — CRIMES RELATED TO SEXUAL HARASSMENT

Art. 206. FAILURE TO PREVENT OR DETER SEXUAL HARASSMENT. — **THE PENALTY OF A FINE NOT LESS THAN FIVE THOUSAND PESOS NOR MORE THAN TENTHOUSSAND PESOS³, SHALL BE IMPOSED UPON employerS or the headS of work-related, educational or training environment or institutionS, WHO FAIL TO:**

- a. Disseminate or post in a conspicuous place **PROMOTIONAL MATERIALS**

³ R.A. No. 11313, sec. 19(a)

ENHANCING SAFEGUARDS AGAINST SEXUAL HARASSMENT AND MAINTAINING Safe Spaces to all persons in the workplace AND educational or training environment or institution;

- b. Provide measures to prevent sexual harassment in the workplace AND educational or training environment or institution, such as the conduct of anti-sexual harassment seminars;**
- c. Create an independent internal mechanism or a committee on decorum and investigation IN ACCORDANCE WITH THE PROVISIONS OF THE APPROPRIATE SPECIAL LAW to investigate and address complaints of sexual harassment OR**
- d. Provide and disseminate, in consultation with all persons in the workplace, a code of conduct or workplace OR educational or training environment or institution policy ON SEXUAL HARASSMENT AND SAFE SPACES.**

ART. 207. FAILURE TO ACT ON SEXUAL HARASSMENT REPORT. — THE PENALTY OF A FINE NOT LESS THAN TEN THOUSAND PESOS NOR MORE THAN FIFTEEN THOUSAND PESOS, SHALL BE IMPOSED UPON ANY PERSON WHO, BEING IN A POSITION TO ACT ON A REPORT OF SEXUAL HARASSMENT IN A WORK-RELATED, EDUCATIONAL OR TRAINING ENVIRONMENT OR INSTITUTION, FAILS TO TAKE ACTION ON REPORTED ACTS OF SEXUAL HARASSMENT COMMITTED THEREIN.

CHAPTER THREE PHOTO OR VIDEO VOYEURISM

Art. 208. Photo or Video Voyeurism. — The FOLLOWING penalties SHALL BE IMPOSED UPON ANY PERSON WHO COMMITS ANY OF THE FOLLOWING ACTS:

- a. CORRECTIVE 1 OR A FINE HIGHER THAN FORTY THOUSAND PESOS (P40,000.00) BUT NOT HIGHER THAN THREE HUNDRED AND THIRTY THOUSAND PESOS (P330,000.00), OR BOTH, AT THE DISCRETION OF THE COURT, SHALL BE IMPOSED UPON Any person who shall take photo or video of a person or group of persons performing sexual actS or similar activity or CAPTURE an image OR VIDEO CLIP of the private area of a person/s INCLUDING BUT NOT LIMITED TO the naked or undergarment-clad genitals, pubic area, buttocks or female breast without the consent of the person/s involved and under circumstances in which the person/s has/have a reasonable expectation of privacy;**
- b. CORRECTIVE 1 OR A FINE HIGHER THAN THREE HUNDRED THIRTY THOUSAND PESOS (P330,000.00) BUT NOT HIGHER THAN SIX HUNDRED AND TWENTY THOUSAND PESOS (P620,000.00), OR BOTH, AT THE DISCRETION OF THE COURT, SHALL BE IMPOSED UPON ANY PERSON WHO SHALL reproduce, or cause to be reproduced, such photo or video or recording DESCRIBED UNDER THE IMMEDIATELY PRECEDING PARAGRAPH with or without consideration;**
- c. CORRECTIVE 1 OR A FINE HIGHER THAN SIX HUNDRED TWENTY THOUSAND PESOS (P620,000.00) BUT NOT HIGHER THAN NINE HUNDRED AND TEN THOUSAND PESOS (P910,000.00), OR BOTH, AT THE DISCRETION OF THE COURT, SHALL BE IMPOSED UPON ANY PERSON WHO SHALL sell or distribute, or cause to be sold or distributed, such photo or video or recording; or**

- d. **CORRECTIVE 1 OR A FINE HIGHER THAN NINE HUNDRED TEN THOUSAND AND ONE PESOS (P910,000.00) BUT NOT HIGHER THAN ONE MILLION AND TWO HUNDRED THOUSAND PESOS (P1,200,000.00), OR BOTH, AT THE DISCRETION OF THE COURT, SHALL BE IMPOSED UPON ANY PERSON WHO SHALL** publish or cause to be published, or **OTHERWISE** exhibit the photo or video or recording.

The prohibition under paragraphs (b), (c) and (d) shall apply notwithstanding that consent to record or take photo or video of the same was given by such person/s.

TITLE SEVEN CRIMES COMMITTED BY PUBLIC OFFICERS

Chapter One PRELIMINARY PROVISIONS

Art. 209. *Who are public officers.* — For the purpose of applying the provisions of this and the preceding titles of this book, any person who shall take part in the performance of public functions **IN ANY CAPACITY**, by direct provision of the law, **CONTRACT**, popular election or appointment by competent authority **TO ANY AGENCY, INSTRUMENTALITY, OR CORPORATION**, shall be deemed to be a public officer.

Chapter TWO BRIBERY

ART. 210. *DIRECT BRIBERY.* — **ANY PUBLIC OFFICER WHO SHALL COMMIT ANY OF THE FOLLOWING ACTS SHALL BE GUILTY OF DIRECT BRIBERY:**

- A. DIRECTLY OR INDIRECTLY REQUESTING OR RECEIVING ANY GIFT, PRESENT, SHARE, PERCENTAGE, OR BENEFIT, FOR HIMSELF OR HERSELF OR FOR ANY OTHER PERSON, IN CONNECTION WITH THE PERFORMANCE OF OFFICIAL DUTIES;**
- B. DIRECTLY OR INDIRECTLY REQUESTING OR RECEIVING ANY GIFT, PRESENT OR OTHER BENEFIT, FOR HIMSELF OR HERSELF OR FOR ANOTHER, FROM ANY PERSON FOR WHOM THE PUBLIC OFFICER, IN ANY MANNER OR CAPACITY, HAS SECURED OR OBTAINED, OR WILL SECURE OR OBTAIN, ANY GOVERNMENT PERMIT OR LICENSE, IN CONSIDERATION FOR THE HELP GIVEN OR TO BE GIVEN; AND**
- C. ACCEPTING OR HAVING ANY MEMBER OF HIS OR HER FAMILY ACCEPT EMPLOYMENT IN A PRIVATE ENTERPRISE WHICH HAS PENDING OFFICIAL BUSINESS WITH HIM OR HER DURING THE PENDENCY THEREOF OR WITHIN ONE YEAR AFTER ITS TERMINATION. FAMILY MEMBER SHALL REFER TO THE SPOUSE OR RELATIVES BY CONSANGUINITY OR AFFINITY IN THE THIRD CIVIL DEGREE.**

THE VIOLATION OF THIS ARTICLE SHALL BE PUNISHED BY AFFLICTIVE 2, in addition to the penalty corresponding to the crime agreed upon, if the same shall have been committed.

ART. 211. INFLUENCE PEDDLING AND FIXING. — INFLUENCE PEDDLING SHALL BE COMMITTED BY any person having family or close personal relation with any public official **WHO** capitalizeS or exploitS or takeS advantage of such family or close personal relation by directly or indirectly requesting or receiving any present, gift or material or pecuniary advantage from any other person having some business, transaction, application, request or contract with the government, in which such public official has to intervene. Family relation shall include the spouse or relatives by consanguinity or affinity in the third civil degree. The word "close personal relation" shall include close personal friendship, social and fraternal connections, and professional employment all giving rise to intimacy which assures free access to such public officer.

"Fixer" refers to any individual whether or not officially involved in the operation of a government office or agency who has access to people working therein, and whether or not in collusion with them, facilitates speedy completion of transactions for pecuniary gain or any other advantage or consideration. (RA 9485, sec. 4(g))

FIXERS AND THOSE GUILTY OF INFLUENCE PEDDLING SHALL BE PUNISHED BY AFFLICTIVE 2.

Art. 212. Indirect bribery. — The penalties of **RESTORATIVE 1**, suspension in its minimum and medium **LEVELS**, and public censure shall be imposed upon any public officer who shall accept gifts **ON ANY OCCASION** by reason of his **OR HER** office.

Art. 213. Qualified bribery. — If any public officer is entrusted with law enforcement and he **OR SHE** refrains from arresting or prosecuting an offender who has committed a crime punishable by **PUNITIVE 2 OR PUNITIVE 1** in consideration of any offer, promise, **OR** gift, he **OR SHE** shall suffer the penalty for the **CRIME** which was not prosecuted.

If it is the public officer who asks or demands such gift, he **OR SHE** shall suffer the penalty of **PUNITIVE 1**.

Art. 214. Corruption of Public Officials. — Any person who shall offer, promise or give the gifts or presents as described in the preceding articles, **WHETHER ACCEPTED OR NOT BY THE PUBLIC OFFICER, SHALL BE PUNISHED WITH THE CORRESPONDING PENALTIES IN THE THREE PRECEDING ARTICLES**, except those of disqualification and suspension.

Chapter **THREE** **MALVERSATION OF PUBLIC FUNDS OR PROPERTY**

Art. 215. Malversation of Public Funds or Property — Presumption of Malversation. — Any public officer who, by reason of the duties of his **OR HER** office, is accountable for public funds or property, shall appropriate the same, or shall take or misappropriate or shall consent, or through abandonment or **GROSS** negligence, shall **CAUSE** any other person to take such public funds or property, wholly or partially, or shall otherwise be guilty of the misappropriation or malversation of such funds or property, shall suffer:

1. The penalty of **CORRECTIVE 1** in its medium and maximum **LEVELS**, if the amount involved in the misappropriation or malversation does not exceed Forty thousand pesos (P40,000).
2. The penalty of **AFFLICTIVE 2** in its minimum and medium **LEVELS**, if the amount involved is more than Forty thousand pesos (P40,000) but does not exceed One million two hundred thousand pesos (P1,200,000).
3. The penalty of **AFFLICTIVE 2** in its maximum **LEVEL** to **AFFLICTIVE 1** in its minimum **LEVEL**, if the amount involved is more than One million two hundred thousand pesos (P1,200,000) but does not exceed Two million four hundred thousand pesos (P2,400,000).
4. The penalty of **AFFLICTIVE 1**, in its medium and maximum **LEVELS**, if the amount involved is more than Two million four hundred thousand pesos (P2,400,000) but does not exceed Four million four hundred thousand pesos (P4,400,000).
5. The penalty of **AFFLICTIVE 1** in its maximum **LEVEL**, if the amount involved is more than Four million four hundred thousand pesos (P4,400,000) but does not exceed Eight million eight hundred thousand pesos (P8,800,000). If the amount exceeds the latter, the penalty shall be **PUNITIVE 2**.

In all cases, persons guilty of malversation shall also suffer the penalty of perpetual special disqualification and a fine equal to the amount of the funds malversed or equal to the total value of the property embezzled.

The failure of a public officer to have duly forthcoming any public funds or property with which he **OR SHE** is chargeable, upon demand by any duly authorized officer, shall be *prima facie* evidence that he **OR SHE** has put such missing funds or property to personal uses.

Art. 216. Failure of Accountable Officer to Render Accounts. — Any public officer, whether in the service or separated therefrom by resignation or any other cause, who is required by law or regulation to render account to the Commission on Audit, or to a provincial auditor and who fails to do so for a period of two months **AFTER DEMAND** shall be punished by **CORRECTIVE 2** in its minimum period, or by a fine ranging from Forty thousand pesos (P40,000) to One million two hundred thousand pesos (P1,200,000), or both.

Art. 217. Illegal use of public funds or property. — Any public officer who shall **KNOWINGLY** apply any public fund or property under his **OR HER** administration to any public use other than for which such fund or property were appropriated by law or ordinance shall suffer the penalty of fine ranging from one-half to the total of the sum misapplied, if by reason of such misapplication, any damages or embarrassment shall have resulted to the public service. In either case, the offender shall also suffer the penalty of temporary special disqualification.

If no damage or embarrassment to the public service has resulted, the penalty shall be a fine from 5 to 50 per cent of the sum misapplied.

Art. 218. Failure to Make Delivery of Public Funds or Property. — Any public officer under obligation to make payment from Government funds in his **OR HER** possession, who shall fail to make such payment, shall be punished by **RESTORATIVE 1** and a fine of from 5 to 25 per cent of the sum which he **OR SHE** failed to pay.

This provision shall apply to any public officer who, being ordered by competent authority to deliver any property in his **OR HER** custody or under his **OR HER** administration, shall refuse to make such delivery.

The fine shall be graduated in such case by the value of the thing: *Provided*, That it shall not be less than Ten thousand pesos (P 10,000).

Art. 219. Officers Included in the Preceding Provisions. — The provisions of this chapter shall apply to private individuals who, in any capacity whatever, have charge of any **NATIONAL**, provincial, **CITY** or municipal funds, revenues or property and to any administrator or depository of funds or property attached, seized or deposited by public authority, even if such property belongs to a private individual.

Chapter FOUR **MALFEASANCE, MISFEASANCE AND NONFEASANCE IN OFFICE**

Section One. — Dereliction of duty

ART. 220. DELETERIOUS PERFORMANCE OF PUBLIC FUNCTION. — **THE PENALTY OF PUNITIVE 2 SHALL BE IMPOSED UPON ANY PUBLIC OFFICER WHO, IN THE PERFORMANCE OF HIS OR HER PUBLIC FUNCTION, CAUSES UNDUE INJURY TO ANY PARTY, INCLUDING THE GOVERNMENT, OR GIVING ANY PRIVATE PARTY ANY UNWARRANTED BENEFITS, ADVANTAGE OR PREFERENCE IN THE DISCHARGE OF HIS OR HER OFFICIAL FUNCTIONS THROUGH MANIFEST PARTIALITY, EVIDENT BAD FAITH OR GROSS INEXCUSABLE NEGLIGENCE.**

Chapter FIVE **PLUNDER AND ILLICIT ENRICHMENT**

ART. 221. PLUNDER.

Section 1. Crime of Plunder; How committed. — Any public officer who, by himself or **HERSELF OR** in connivance with other persons, amasses, accumulates or acquires ill-gotten wealth through an **OVERT** act or series and/or combination of **OVERT** acts as described in Section 2(d) hereof in the aggregate amount or total value of at least **FIFTY MILLION PESOS (P50,000,000.00)** shall be guilty of the crime of plunder and shall be punished by Punitive 1 if he **OR SHE** acted as a principal. **THE PROVISION OF ARTICLE 15 of this Code SHALL APPLY IF THERE ARE MORE THAN ONE PRINCIPAL.** If the public officer acted as an accomplice or accessory, the penalties provided for under **ARTICLES 17, 18, AND 19** shall be applied. The same penalties shall apply to any other person or persons who accumulated or gained criminally the amount of at least **FIFTY MILLION PESOS (P50,000,000.00)** whether as a principal, accomplice or accessory in the commission of the crime of Plunder. The court shall declare any and all ill-gotten wealth and their interests and other incomes and assets, including the properties and shares of stocks derived from the deposit or investment thereof, forfeited in favor of the State. However, for purposes of the just-preceding paragraph, the quantum of evidence needed is only preponderance of evidence. This

provision on forfeiture shall be applicable even in the event of acquittal.

Section 2. Definition of Terms. — As used in this Act, the Term –

- a. *Government* includes the National Government, and any of its subdivisions, agencies or instrumentalities, including government-owned or –controlled corporations and their subsidiaries.
- b. *Person* includes any natural or judicial person, unless the context indicates otherwise.
- c. *Ill-gotten wealth* means any asset, property, business enterprise or material possession acquired by a public officer directly or indirectly by taking advantage of public office to unjustly enrich himself, **HERSELF** or themselves at the expense and to the damage and prejudice of the Government, including the following acts:
 - i. Through misappropriation, conversation, misuse, or malversation of public funds or raids on the public treasury;
 - ii. By receiving, directly or indirectly, any commission, gift, share, percentage, kickbacks or any other form of pecuniary benefit from any person and/or entity in connection with any government contract or project or by reason of the office or position of the public officer concerned;
 - iii. By the illegal or fraudulent conveyance or disposition of assets belonging to the National Government or any of its subdivisions, agencies or instrumentalities or government-owned or –controlled corporations and their subsidiaries;
 - iv. By obtaining, receiving or accepting directly or indirectly any shares of stock, equity or any other form of interest or participation including promise of future employment in any business enterprise or undertaking; and
 - v. By establishing agricultural, industrial or commercial monopolies or other combinations and/or implementation of decrees and orders intended to benefit particular persons or special interests.
- d. “Other legitimately acquired property” means any asset, property, business enterprise and/or material possession which the public officer has at any time acquired by inheritance and the income thereof, or by gift *inter vivos* before his **OR HER** becoming a public officer or employee, or any property (or income thereof) already pertaining to him **OR HER** when he **OR SHE** qualified for public office or employment, or the fruits and income of the exclusive property of the respondent’s spouse. It shall not include:
 - i. Property unlawfully acquired by the public officer, but its ownership is concealed by its being recorded in the name of, or held by, the public officer’s spouse, ascendants, descendants, relatives, or any other person;
 - ii. Property unlawfully acquired by the public officer, but transferred by him **OR HER** to another person or persons on or after the effectivity of this Act; and
 - iii. Property donated to the public officer during his **OR HER**

incumbency, unless he **OR SHE** can prove to the satisfaction of the court that the donation is lawful.

Section 3. *Prima Facie Presumption.* — Whenever any public officer has acquired during his **OR HER** incumbency any asset, property, business enterprise and/or material possession with a total value of at least **FIFTY MILLION PESOS (P50,000,000.00)** which is over and above his **OR HER** lawful assets, legal income and the income from legitimately acquired property, said asset, property, business enterprise and/or material possession worth at least **FIFTY MILLION PESOS (P50,000,000.00)** shall be presumed *prima facie* to have been unlawfully acquired as ill-gotten wealth as defined under Section 2(d).

Section 4. *Competent Court.* — Until otherwise provided by law, all prosecutions for the crime of Plunder shall be within the original jurisdiction of the Sandiganbayan.

Section 5. *Prescription of Crimes.* — The crime punishable under this Act shall prescribe in thirty (30) years. If the crime of Plunder charged involved a series or combination of crimes as defined in Section 2(d), all predicate criminal acts through which the ill-gotten wealth amounting to at least **FIFTY MILLION PESOS (P50,000,000.00)** were accumulated and amassed should be covered by the thirty (30) year prescriptive period. However, the right of the State to recover all assets, properties, business enterprises and/or material possessions unlawfully acquired by public officers from them or from their nominees or transferees shall not be barred by prescription, laches, or estoppel.

ART. 222. *Illicit Enrichment.*

Section 1. *Enrichment Through Illicit Means.* — Any public officer or employee who acquires **UNEXPLAINED wealth WHICH IS GROSSLY DISPROPORTIONATE TO HIS OR HER LAWFUL INCOME** shall suffer the following penalties:

- a. **CORRECTIVE 2** in its maximum level **UP TO AFFLICTIVE 2** in its maximum level **IF THE ILLICIT ENRICHMENT AMOUNTS TO AT LEAST ONE MILLION PESOS (P1,000,000.00) BUT NOT MORE THAN TEN MILLION PESOS (P10,000,000.00);**
- b. **AFFLICTIVE 2** in its Maximum level **UP TO AFFLICTIVE 1** in its Minimum level **IF THE ILLICIT ENRICHMENT AMOUNTS TO MORE THAN TEN MILLION PESOS (P10,000,000.00) BUT NOT MORE THAN TWENTY MILLION PESOS (P20,000,000.00);**
- c. **AFFLICTIVE 1** in its Minimum level **TO AFFLICTIVE 1** in its Maximum level **IF THE ILLICIT ENRICHMENT AMOUNTS TO MORE THAN TWENTY MILLION PESOS (P20,000,000.00) BUT NOT MORE THAN FIFTY MILLION PESOS (P50,000,000.00);**
- d. **PUNITIVE 2** Minimum level **UP TO PUNITIVE 2** Maximum level **IF THE ILLICIT ENRICHMENT EXCEEDS FIFTY MILLION PESOS (P50,000,000.00).**

ANY PERSON found guilty of **THIS OFFENSE** shall **SUFFER THE ACCESSORY PENALTY OF ABSOLUTE PERPETUAL DISQUALIFICATION.**

Section 2. *Illicit Transfer.* — Any public officer who shall transfer or convey any illicitly acquired property shall be punished with **CORRECTIVE 1** in its Maximum level, or a fine not exceeding ten thousand pesos (P10,000.00), or both such imprisonment and fine. The same penalty shall be imposed upon any person who shall knowingly accept such transfer or conveyance.

Section 3. *Judgment.* — **ANY ASSET, PROPERTY BUSINESS ENTERPRISE AND/OR MATERIAL POSSESSION FOUND TO HAVE BEEN ILLICITLY ACQUIRED SHALL BE FORFEITED IN FAVOR OF THE STATE IN CASE OF CONVICTION.**

In the event of an acquittal for the crime of illicit enrichment, the court may declare any and all ill-gotten wealth and their interests and other incomes and assets, including the properties and shares of stocks derived from the deposit or investment thereof, forfeited in favor of the State, requiring preponderance of evidence as basis for such forfeiture. The court may, in addition to initiating forfeiture proceedings, refer the case to the Ombudsman or to the corresponding agency or instrumentality of the Executive Department for administrative action.

Section 4. *Prescription.* — The laws on prescription, laches or estoppel cannot be invoked **AGAINST THE STATE.**

Art. 223. *Special Accessory Penalty.* — **NOTWITHSTANDING THE PROVISIONS OF BOOK ONE, ANY PERSON FOUND GUILTY OF THESE OFFENSES SHALL SUFFER THE ACCESSORY PENALTY OF PERPETUAL ABSOLUTE DISQUALIFICATION.**

Art. 224. *Forfeiture.* — **IN CASE OF CONVICTION FOR THE OFFENSES UNDER THIS CHAPTER, THE COURT SHALL DECLARE ANY AND ALL ILL-GOTTEN WEALTH AND THEIR INTERESTS AND OTHER INCOMES AND ASSETS INCLUDING THE PROPERTIES AND SHARES OF STOCK DERIVED FROM THE DEPOSIT OR INVESTMENT THEREOF FORFEITED IN FAVOR OF THE STATE.**

Chapter Six **OTHER OFFENSES OR IRREGULARITIES BY PUBLIC OFFICERS**

Section One. — Infidelity in the custody of prisoners

Art. 225. *Conniving With or THROUGH NEGLIGENCE ALLOWING Evasion.* — Any public officer who shall consent to **OR THROUGH NEGLIGENCE ALLOW** the escape of a prisoner in his **OR HER** custody or charge, shall be punished:

1. By **CORRECTIVE 1** in its medium and maximum **LEVELS** and temporary special disqualification in its maximum **LEVEL** to perpetual special disqualification, if the fugitive shall have been sentenced by final judgment to any penalty.
2. By **CORRECTIVE 2** in its minimum **LEVEL** and temporary special disqualification, in case the fugitive shall not have been finally convicted but only held as a detention prisoner for any crime or violation of law or municipal ordinance.

Art. 226. *Escape of Prisoner Under the Custody of a Person Not a Public Officer.* — Any private

person to whom the conveyance or custody of a prisoner or person under arrest shall have been confided, who shall commit any of the offenses mentioned in the two preceding articles, shall suffer the penalty next lower in degree than that prescribed for the public officer.

Section Two. — *Infidelity in the custody of document*

Art. 227. INFIDELITY IN THE CUSTODY of Documents. — Any public officer who shall remove, destroy or conceal documents or papers officially entrusted to him **OR HER**, shall suffer the penalty of **CORRECTIVE 2** in its minimum and medium **LEVELS** and a fine not exceeding Two hundred thousand pesos (P200,000), whenever damage IS caused to a third party or to the public interest.

The additional penalty of temporary special disqualification in its maximum **LEVEL** to perpetual special disqualification shall be imposed.

Art. 228. Officer Breaking Seal OR OPENING A SEALED DOCUMENT. — Any public officer charged with the custody of papers or property **ORDERED** sealed by **THE COURT OR** proper authority, who shall break the seals, permit them to be broken **OR OPEN THEM**, shall suffer the penalties of **CORRECTIVE 2** in its minimum and medium **LEVELS**, temporary special disqualification and a fine not exceeding Four hundred thousand pesos (P400,000).

Section Three. — *Revelation of secrets*

Art. 229. Revelation of CONFIDENTIAL DATA by an Officer. — Any public officer who shall reveal any **CONFIDENTIAL DATA** known to him **OR HER** by reason of his **OR HER** official capacity, or shall **MALICIOUSLY** deliver papers or copies of papers of which he **OR SHE** may have charge and which should not be published, shall suffer the penalties of **CORRECTIVE 1** in its medium and maximum **LEVELS**, perpetual special disqualification and a fine not exceeding Four hundred thousand pesos (P400,000) if the revelation of such secrets or the delivery of such papers shall have caused serious damage to the public interest; otherwise, the penalties of **CORRECTIVE 2** temporary special disqualification and a fine not exceeding One hundred thousand pesos (P100,000) shall be imposed.

Section Four. — *Disobedience, refusal of assistance, and maltreatment of prisoners*

Art. 230. Open Disobedience. — Any judicial or executive officer who shall openly refuse to execute the judgment, decision or order of any superior authority made within the scope of the jurisdiction of the latter and issued with all the legal formalities, shall suffer the penalties of **RESTORATIVE 1** to **CORRECTIVE 2** in its minimum **LEVEL**, temporary special disqualification in its maximum **LEVEL** and a fine not exceeding Two hundred thousand pesos (P200,000).

Art. 231. Refusal to Discharge Elective Office. — The penalty of **RESTORATIVE 1** or a fine not exceeding Two hundred thousand pesos (P200,000), or both, shall be imposed upon any person who, having been elected by popular election to a public office, shall refuse without legal motive to be sworn in or to discharge the duties of said office.

Art. 232. *Maltreatment of Prisoners.* — The penalty of **RESTORATIVE 1** in its medium **LEVEL** to **CORRECTIVE 2** in its minimum **LEVEL**, in addition to his **OR HER** liability for the physical injuries or damage caused, shall be imposed upon any public officer or employee who shall overdo himself **OR HERSELF** in the correction or handling of a prisoner or detention prisoner under his **OR HER** charge, by the imposition of punishment not authorized by the regulations, or by inflicting punishment in a cruel and humiliating manner.

If the purpose of the maltreatment is to extort a confession, or to obtain some information from the prisoner, the offender shall be punished by **CORRECTIVE 2**, temporary special disqualification and a fine not exceeding One hundred thousand pesos (P100,000), in addition to his **OR HER** liability for the physical injuries or damage caused.

Section **FIVE.** — *Anticipation, prolongation
and abandonment of the duties and powers of public office*

Art. 233. *Abandonment of Office or Position.* — Any public officer who, before the acceptance of his **OR HER** resignation, shall abandon his **OR HER** office to the detriment of the public service shall suffer the penalty of **RESTORATIVE 1**.

If such office shall have been abandoned in order to evade the discharge of the duties of preventing, prosecuting or punishing any of the crimes falling within Title One, and Chapter One of Title Three of Book Two of this Code, the offender shall be punished by **CORRECTIVE 2**, and by **RESTORATIVE 1** if the purpose of such abandonment is to evade the duty of preventing, prosecuting or punishing any other crime.

Section **SIX.** — *Usurpation of powers and unlawful appointments*

Art. 234. *Usurpation of Legislative Powers.* — The penalties of **CORRECTIVE 2**, temporary special disqualification and a fine not exceeding Two hundred thousand pesos (P200,000), shall be imposed upon any public officer who shall encroach upon the powers of the legislative branch of the Government, either by making general rules or regulations beyond the scope of his **OR HER** authority, or by attempting to repeal a law or suspending the execution thereof.

Art. 235. *Usurpation of Executive Functions.* — Any judge who shall so assume any power pertaining to the executive authorities, or shall obstruct the latter in the lawful exercise of their powers, shall suffer the penalty of **RESTORATIVE 1** in its medium **LEVEL** to **CORRECTIVE 2**.

Art. 236. *Usurpation of Judicial Functions.* — The penalty of **RESTORATIVE 1** in its medium **LEVEL** to **CORRECTIVE 2** shall be imposed upon any officer of the executive branch of the Government who shall assume judicial powers or shall obstruct the execution of any order or decision rendered by any judge within his **OR HER** jurisdiction.

Section **SEVEN.** — *Abuses against chastity*

Art. 237. Immoral or Indecent Advances — Penalties. — The penalties of **CORRECTIVE 1** and temporary special disqualification shall be imposed:

1. Upon any public officer who shall solicit or make immoral or indecent advances to **ANY PERSON** interested in matters pending before such officer for decision, or with respect to which he **OR SHE** is required to submit a report to or consult with a superior officer;
2. Any warden or other public officer directly charged with the care and custody of prisoners or persons under arrest who shall solicit or make immoral or indecent advances to **ANY PERSON** under his **OR HER** custody.

If the person solicited be the **SPOUSE** or relative within the **SECOND** degree by affinity, **INCLUDING RELATIVES BY ADOPTION**, of any person in the custody of such warden or officer, the penalties shall be **CORRECTIVE 2** and temporary special disqualification.

Title Eight
CRIMES AGAINST PERSONS

Chapter One
DESTRUCTION OF LIFE

Section One. — *Parricide, murder, homicide*

Art. 238. Parricide; PRIVILEGED MITIGATING CIRCUMSTANCE OF EXTREME PASSION. — Any person who shall kill his or **HER** ascendant or descendant, or his or **HER LEGAL** spouse, shall be punished by the penalty of **PUNITIVE 2** to **PUNITIVE 1**.

Any legally married person who having surprised his **OR HER** spouse in the act of committing sexual intercourse with another person, shall kill **OR INFLICT PHYSICAL INJURY UPON** any of them or both of them in the act or immediately thereafter, shall be punished by **THE PENALTY ONE DEGREE LOWER THAN THE CRIME COMMITTED**.

Art. 239. Murder. — Any person who shall kill another, shall be guilty of murder and shall be punished by **PUNITIVE 2** to **PUNITIVE 1**, if committed with any of the following attendant circumstances:

1. With treachery, taking advantage of superior strength, **BY A BAND OR** with the aid of armed men, or employing means to weaken the defense or of means or persons to insure or afford impunity.
2. In consideration of a price, reward, or promise.
3. By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment **OR ASSAULT upon MASS TRANSPORT SYSTEMS OR AIRCRAFT**, by means of motor vehicles, or with the use of any other means involving great waste and ruin;
4. On **THE** occasion of any of the calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic or other public calamity.
5. **WITH THE USE OF LOOSE FIREARM.**
6. With evident premeditation.

7. **UNDER ANY CIRCUMSTANCE THAT ADDS IGNOMINY TO THE NATURAL EFFECTS OF THE ACT, OR** With cruelty, by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at **THE corpse OF THE VICTIM.**
8. **WHEN THE OFFENDER IS UNDER THE INFLUENCE OF DANGEROUS DRUGS.**

Art. 240. Homicide. — Any person who, not falling within the provisions of Article 238 on parricide **AND ARTICLE 239 ON MURDER**, shall kill another shall be punished by **AFFLICTIVE 1.**

Art. 241. Penalty for frustrated OR ATTEMPTED parricide, murder or homicide. — The courts, in view of the facts of the case, may impose upon the person guilty of the frustrated **OR ATTEMPTED** crime of parricide, murder or homicide, a penalty lower by one degree than that which should be imposed as may be provided in **ARTICLE 51.**

Art. 242. Death caused OR PHYSICAL INJURIES INFLICTED in a tumultuous affray. — When in the course of a **TUMULTUOUS** affray someone is killed, and the person **RESPONSIBLE THEREFOR** can**NOT** be identified, such person or persons **WHO SHALL HAVE INFLICTED SERIOUS PHYSICAL INJURIES** shall be punished by **AFFLICTIVE 2.**

If it cannot be identified who inflicted the serious physical injuries on the deceased, those who shall have used violence upon **HIM OR HER SHALL BE PUNISHED BY CORRECTIVE 1.**

When in a tumultuous affray, only serious physical injuries are inflicted upon the **VICTIM** and the person responsible therefor cannot be identified, all those who appear to have used violence upon **HIM OR HER** shall suffer the penalty next lower in degree than that provided for the physical injuries so inflicted.

WHEN IN A TUMULTUOUS AFFRAY, ONLY LESS SERIOUS PHYSICAL INJURIES IS INFLICTED UPON THE VICTIM and the person responsible therefor cannot be identified, all those who appear to have used any violence upon **HIM OR HER** shall be punished by **RESTORATIVE 2** in its maximum **LEVEL.**

THERE IS TUMULTUOUS AFFRAY WHEN SEVERAL PERSONS QUARREL AND ASSAULT EACH OTHER IN A CONFUSED AND TUMULTUOUS MANNER; PROVIDED, THAT THEY ARE NOT COMPOSED OF GROUPS ORGANIZED FOR THE COMMON PURPOSE OF RECIPROCALLY ASSAULTING AND ATTACKING EACH OTHER.

Art. 243. INDUCING TO COMMIT OR *Giving assistance to suicide.* — Any person who shall **INDUCE OR** assist another to commit suicide shall suffer the penalty of **AFFLICTIVE 2.** If such person lends his **OR HER** assistance to another to the extent of doing the killing himself **OR HERSELF**, he **OR SHE** shall suffer the penalty of **AFFLICTIVE 1.** However, if the suicide is not consummated, the penalty of **RESTORATIVE 1**, shall be imposed.

THIS PROVISION SHALL NOT APPLY TO ANY PERSON WHO ALLOWS A

DULY ADVISED MEDICAL PATIENT TO TAKE, UNDERGO, OR STOP TAKING OR UNDERGOING ANY PRESCRIBED MEDICATION OR MEDICAL TREATMENT, THAT HAS THE EFFECT OF ENDING THE LATTER'S LIFE IN A HUMANE AND DIGNIFIED MANNER.

Art. 244. Discharge of Firearms. —

- a. Any person who shall shoot at another with any firearm shall suffer the penalty of **CORRECTIVE 2**, unless the facts of the case are such that the act can be held to constitute frustrated or attempted parricide, murder, homicide, or any other crime for which a higher penalty is prescribed by any of the articles of this Code.
- b. Any person who shall wilfully and indiscriminately discharge any firearm or other device that may not have been designed as firearm, but can be functionally used as a firearm, shall suffer the penalty of **RESTORATIVE 1** in its maximum **LEVEL**, unless the facts of the case can be held to constitute any other offense for which a higher penalty is prescribed.
- c. If the person who commits the offense provided in this Article is a member of the military and military auxiliary agencies, or law enforcement agencies, authorized to bear firearms and such discharge is not in the performance of official duties, the penalty one degree higher than that prescribed above shall be imposed and the offender may be held administratively liable.

In addition to the penalties imposed herein, any firearm license or permit issued in favor of the offender shall be summarily cancelled, and the offender shall be perpetually disqualified from being granted any firearm license or permit. *(As amended by R.A. No. 11926 (2022))*

Section Two. — Abortion

Art. 245. Intentional abortion. — Any person who shall **DESTROY OR EXPEL THE FETUS FROM THE MOTHER'S WOMB** shall suffer:

1. The penalty of **AFFLICTIVE 1**, if he **OR SHE** shall use any violence upon the person of the pregnant woman.
2. The penalty of **AFFLICTIVE 2** if, without using violence, he **OR SHE** shall act without the consent of the woman.
3. The penalty of **CORRECTIVE 1**, if the woman shall have consented.

Art. 246. Unintentional abortion. — The penalty of **CORRECTIVE 1** shall be imposed upon any person who shall cause an abortion by violence **OR INTIMIDATION**, but unintentionally.

Art. 247. Abortion practiced by the woman herself or by her parents. — The penalty of **CORRECTIVE 1** shall be imposed upon a woman who shall practice abortion upon herself.

Any woman who shall commit this offense to conceal her dishonor, shall suffer the penalty of **CORRECTIVE 2**.

If this crime be committed by the parents of the pregnant woman or either of them, and they act with the consent of said woman for the purpose of concealing her dishonor, the

offenders shall suffer the penalty of **CORRECTIVE 1**.

Art. 248. *Abortion practiced by a physician or midwife and dispensing of abortives.* — The penalties provided in Article 245 shall be imposed in its maximum LEVEL, respectively, upon any physician or midwife who, taking advantage of their scientific knowledge or skill, shall cause an abortion or assist in causing the same.

Any pharmacist who, without the proper prescription from a physician, shall dispense any abortive shall suffer **RESTORATIVE 1** and a fine not exceeding ~~1,000~~ 100,000 pesos.

Chapter Two **PHYSICAL INJURIES**

Art. 249. *Mutilation.* — The penalty of **AFFLICTIVE 1** to **PUNITIVE 2** shall be imposed upon any person who shall intentionally mutilate another by depriving him **OR HER**, either totally or partially, of some essential organ of reproduction.

Any other intentional mutilation shall be punished by **AFFLICTIVE 2** in its medium and maximum **LEVELS**.

Art. 250. *Serious physical injuries.* — Any person who shall wound, beat, or **INJURE** another, shall be guilty of the crime of serious physical injuries and shall suffer:

1. The penalty of **AFFLICTIVE 2**, if in consequence of the physical injuries inflicted the injured person shall become insane, imbecile, impotent, **STERILE**, or blind;
2. The penalty of **CORRECTIVE 1**, if in consequence of the physical injuries inflicted, person injured shall have lost the use of speech or the power to hear or to smell, or shall have lost an eye, a hand, a foot, an arm, or a leg or shall have lost the use of any such member, or shall have become incapacitated for the work in which he **OR SHE** was therefor habitually engaged;
3. The penalty of **CORRECTIVE 2**, if in consequence of the physical injuries inflicted, the person injured shall have become deformed, or shall have lost any other part of his **OR HER** body, or shall have lost the use thereof, or shall have been ill or incapacitated for the performance of the work in which he **OR SHE** was habitually engaged for a period of ninety-ONE days **OR MORE**;
4. The penalty of **RESTORATIVE 1** to **CORRECTIVE 2**, if the physical injuries inflicted shall have caused the illness or incapacity for **THE WORK IN WHICH THE INJURED PERSON WAS HABITUALLY ENGAGED** for thirty-ONE TO NINETY days.

Art. 251. *Less serious physical injuries.* — Any person who shall inflict upon another physical injuries not described in the preceding articles, shall suffer the penalty of **RESTORATIVE 1**, **IF THE PHYSICAL INJURIES SHALL REQUIRE MEDICAL ATTENDANCE OR CAUSE INCAPACITY FOR THE WORK IN WHICH THE INJURED PERSON WAS HABITUALLY ENGAGED FOR A PERIOD OF TEN (10) TO THIRTY (30) DAYS.**

ANY PERSON, WHO SHALL INFLICT UPON ANOTHER PHYSICAL INJURIES, SHALL SUFFER THE PENALTY OF:

1. **RESTORATIVE 2 IF THE** physical injuries shall require medical attendance **OR CAUSE INCAPACITY FOR THE WORK IN WHICH THE INJURED PERSON WAS HABITUALLY ENGAGED** from one (1) to nine (9) days.
2. **RESTORATIVE 2** or a fine not exceeding 40,000 pesos and censure **IF THE** physical injuries do not require medical **ATTENDANCE OR CAUSE INCAPACITY FOR THE WORK IN WHICH THE INJURED PERSON WAS HABITUALLY ENGAGED FOR ONE (1) DAY.**

ANY PERSON, WHO SHALL MALTREAT ANOTHER BY DEED WITHOUT CAUSING ANY INJURY, SHALL SUFFER THE PENALTY OF RESTORATIVE 2 OR A FINE NOT EXCEEDING 5,000 PESOS.

Art. 252. Administering injurious substances or beverages. — The penalties established by **ARTICLES 250 and 251**, shall be applicable in the respective case to any person who, without intent to kill, shall inflict upon another any physical injury, by knowingly administering to him OR HER any injurious substance or beverages.

THE PENALTIES ONE DEGREE LOWER SHALL BE IMPOSED TO A PERSON WHO SHALL DELIBERATELY INFECT ANOTHER PERSON WITH VIRUS OR BACTERIA IN VIOLATION OF HEALTH REGULATION IMPOSED BY THE GOVERNMENT.

ART. 365 SHALL APPLY WHERE A PERSON HAVING KNOWLEDGE THAT HE OR SHE IS INFECTED BY A VIRUS OR BACTERIA SHALL RECKLESSLY INFECT ANOTHER PERSON IN VIOLATION OF HEALTH REGULATION IMPOSED BY THE GOVERNMENT.

ART. 253. USE OF LOOSE FIREARM IN THE COMMISSION OF A CRIME. — EXCEPT FOR THE CRIMES OF REBELLION, *COUP D'ETAT* OR MURDER WITH THE QUALIFYING CIRCUMSTANCE OF USE OF LOOSE FIREARM, ANY PERSON WHO USES A LOOSE FIREARM IN COMMITTING A CRIME, SHALL BE PROSECUTED FOR THE UNLAWFUL ACQUISITION OR POSSESSION OF SUCH FIREARM UNDER SECTION 28 OF RA NO. 10591 IN ADDITION TO THE CRIME COMMITTED.

Chapter THREE (New) TRAFFICKING IN PERSONS

ART. 254. TRAFFICKING IN PERSONS. — Any person, who commits any of the acts of trafficking in persons by means of threat, or use of force, or other forms of coercion, or through abduction, fraud, deception, abuse of power or of position, or through taking advantage of the vulnerability of the person, or by giving or receiving of payment or benefit to obtain the consent of a person having control over another person for purpose of exploitation, shall be punished by penalty of Afflictive 1 to be applied in its maximum LEVEL.

The vulnerability of the trafficked person is deemed to have been taken advantage of when he/she does not have another real or acceptable alternative, other than submitting to

the abuse.

The recruitment, transportation, transfer, harboring, adoption or receipt of a child for the purpose of exploitation or when the adoption is induced by any form of consideration for exploitative purposes, shall also be considered as 'trafficking in persons' even if it does not involve any of the "means to commit trafficking in persons." In the case of overseas domestic work, a 'child' means a person below twenty-four (24) years old.

THE OFFENDER'S LIABILITY FOR TRAFFICKING IN PERSONS SHALL BE WITHOUT PREJUDICE TO HIS OR HER CRIMINAL LIABILITY FOR RAPE, KIDNAPPING OR SERIOUS ILLEGAL DETENTION.

"Acts of trafficking in persons" include:

1. Offering, recruitment, obtaining, hiring, transportation, transfer, receipt providing, maintaining, or harboring of person;
2. Introducing, **ADVERTISING** or matching trafficked victim to any person, for marriage;
3. Offering or contracting marriage, real or simulated;
4. Undertaking or organizing tours and travel plans consisting of tourism packages or activities;
5. Adopting persons by any form of consideration, or adopting or facilitating the adoption of, persons; or
6. Trading, bartering, or selling a child for any consideration.

EXPLOITATION INCLUDES LABOR EXPLOITATION, SEXUAL EXPLOITATION AND ORGAN EXPLOITATION.

"Labor exploitation" includes:

1. Forced labor, debt bondage, slavery and involuntary servitude;
2. Using a child to engage in armed activities or participate in activities in the context of an armed conflict in the Philippines or abroad;
3. Using a child for the production and trafficking of drugs; and for illegal activities or work which, by its nature or the circumstances in which it is carried out, is likely to harm **THE CHILD'S** health, safety or morals.

"Sexual Exploitation" refers to any means of actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes or lewd designs, including profiting monetarily, socially, or politically from the sexual exploitation of another, regardless of whether or not consent was given. Sexual abuse or exploitation includes the OSAEC, production, creation, or distribution of CSAEM, prostitution, pornography, and sex tourism.

"Pornography" refers to any representation through publication, exhibition, cinematography, indecent shows, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person primarily for sexual purposes: *Provided*, That when a child is involved, the material shall be considered CSAEM.

Sex tourism" refers to a program organized by travel and tourism-related

establishments and individuals which consists of tourism packages or activities, utilizing and offering escort and sexual services as enticement for tourists. This includes sexual services and practices offered during rest and recreation periods for members of the military.

Trafficking in persons can be committed with or without consent or knowledge of the trafficked victim, within or across national borders.

Trafficking in person is also committed by any person who shall (1) commit or facilitate child laundering; **OR (2) COMMIT AN ACT OF TRAFFICKING UPON a child for deployment abroad as migrant worker FOR PURPOSES OF EXPLOITATION; PROVIDED,** That in the case of overseas domestic work, a 'child' means a person below twenty-four (24) years old.

"Child Laundering" refers to an act of stealing and selling a child to adopting parents under false pretenses and using schemes such as falsifying the child's details or manipulating the child's origins to make the child appear an orphan or foundling.

The liability of for trafficking in person shall be without prejudice to his OR HER other criminal liability for rape or kidnapping and serious illegal detention.

"ORGAN EXPLOITATION" REFERS TO THE REMOVAL OR SALE OF BODY ORGANS IN VIOLATION OF REGULATIONS ISSUED BY THE DEPARTMENT OF HEALTH.

ART. 255. QUALIFIED TRAFFICKING IN PERSONS. — The penalty of Punitive 2 shall be imposed if the crime of trafficking in persons is committed with any of the following qualifying circumstances:

- a. When the trafficked person is a child;
- b. When the adoption is effected through Republic Act No. 8043, otherwise known as the "Inter-Country Adoption Act of 1995";
- c. When the trafficked person is recruited to engage in prostitution with any member of the military or law enforcement agencies;
- d. When by reason or on occasion of the act of trafficking in persons, the trafficked person dies, becomes insane, suffers mutilation or is afflicted with Human Immunodeficiency Virus (HIV) or the Acquired Immune Deficiency Syndrome (AIDS) **OR ANY OTHER SEXUALLY TRANSMISSIBLE DISEASE (STD) AND THE VIRUS OR DISEASE IS TRANSMITTED TO THE VICTIM;**
- e. When the crime is committed by a syndicate, or in large scale. Trafficking is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons, individually or as a group;
- f. When the offender is a spouse, an ascendant, parent, sibling, guardian, **WHETHER OFFICIALLY APPOINTED BY THE COURT OR NOT**, or a person who exercises authority over the trafficked person or is a public officer or employee;
- g. When the offender is a member of the military or law enforcement agencies;
- h. When the offender directs or through another manages the trafficking victim in carrying out the exploitative purpose of trafficking.
- i. When the offender, or through another, directs or manages the actions of a victim in carrying out the exploitative purpose of trafficking;

- j. When the crime is committed during a crisis, disaster, public health concern, pandemic, a humanitarian conflict, or emergency situation, or when the trafficked person is a survivor of a disaster or a human-induced conflict;
- k. When the trafficked person belongs to an indigenous community or religious minority and is considered a member of the same;
- l. When the trafficked person is a person with disability (PWD);
- m. When the crime has resulted in pregnancy; **OR** the trafficked person suffered mental or emotional disorder as a result of being victim of trafficking;

ART. 256. PROMOTING TRAFFICKING IN PERSONS. — Any person shall be punished by the penalty of Afflictive 2 for committing any of the following acts for the purpose of promoting trafficking in persons:

- a. Knowingly leasing or subleasing, using or allowing to be used any house, building, tourism enterprise, or similar establishment, any vehicle or carrier by land sea or air, or any of their computer system or computer hardware or other computer related devices, or any of their digital platform or application;
- b. Producing, printing and issuing or distributing unissued, tampered or fake passports, birth certificates, affidavits of delayed registration of births, foundling certificates, travel clearances, counseling certificates, registration stickers, overseas employment certificates or other certificates of any government agency which issues these certificates, decals and such other markers as proof of compliance with government regulatory and pre-departure requirements;
- c. Advertising, publishing, printing, broadcasting or distributing, or causing the advertisement, publication, printing, broadcasting or distribution by any means, including the use of information technology and the internet, of any brochure, flyer, or any propaganda material;
- d. Assisting in the conduct of misrepresentation or fraud for purposes of facilitating the acquisition of clearances and necessary exit documents from government agencies that are mandated to provide pre-departure registration and services for departing persons;
- e. Facilitating, assisting or helping in the exit and entry of persons from/to the country at international and local airports, territorial boundaries and seaports who are in possession of unissued, tampered or fraudulent travel documents;
- f. Confiscating, concealing, or destroying the passport, travel documents, or personal documents or belongings of trafficked persons or preventing them from leaving the country or seeking redress from the government or appropriate agencies;
- g. Knowingly benefiting from, financial or otherwise, or making use of the labor or services of a person held to a condition of involuntary servitude, forced labor, or slavery;
- h. Tampering with, destroying, or causing the destruction of evidence, or influencing or attempting to influence witnesses, in an investigation or prosecution of crimes involving trafficking in persons;
- i. Destroying, concealing, removing, confiscating or possessing, or attempting to destroy, conceal, remove, confiscate or possess, any actual or purported passport or other travel, immigration or working permit or document, or any other actual or purported government identification, of any person in order to prevent or restrict, or attempt to prevent or restrict, without lawful authority, the person's liberty to move

- or travel in order to maintain the labor or services of that person;⁴
- j. Utilizing his or her office to impede the investigation, prosecution or execution of lawful orders in a case involving trafficking in persons;
 - k. For internet intermediaries to knowingly or by gross negligence allow their internet infrastructure to be used;
 - l. For internet cafes, kiosks, and hotspots, including establishments offering Wi-Fi access services to the public, to knowingly or by gross negligence allow their facilities to be used;⁵
 - m. For financial intermediaries, including banks and credit card companies and money transfer or remittance centers, to knowingly allow their services, online platform and applications, among others, to be used;
 - n. To knowingly facilitate, assist, or help in the entry into the country of persons who are convicted sex offenders whether at international and local airports, territorial boundaries, and seaports;
 - o. To arrange, facilitate, expedite, or cause the introduction or encounter of persons who are suspected or convicted sex offenders in any jurisdiction, to a child. The actual introduction or encounter need not occur to be liable under this provision. It is enough that there is a deliberate attempt to cause the introduction or encounter.

Chapter FOUR (New) CRIMES AGAINST WOMEN AND CHILDREN

Section 1. — *Definition of Terms*

Art. 257. *Children and minors.* — FOR PURPOSES OF THIS CODE, THE TERM “CHILDREN” REFERS TO PERSONS BELOW EIGHTEEN (18) YEARS OF AGE OR THOSE OVER BUT ARE UNABLE TO FULLY TAKE CARE OF THEMSELVES OR PROTECT THEMSELVES FROM ABUSE, NEGLECT, CRUELTY, EXPLOITATION OR DISCRIMINATION BECAUSE OF A PHYSICAL OR MENTAL DISABILITY OR CONDITION, WHILE THE WORD “MINORS” REFERS PERSONS BELOW EIGHTEEN (18) YEARS OF CHRONOLOGICAL AGE.

ART. 258. *DATING OR SEXUAL RELATIONSHIP.* — DATING RELATIONSHIP REFERS TO A SITUATION WHEREIN THE PARTIES LIVE AS HUSBAND AND WIFE WITHOUT THE BENEFIT OF MARRIAGE OR ARE ROMANTICALLY INVOLVED OVER TIME AND ON A CONTINUING BASIS DURING THE COURSE OF THE RELATIONSHIP. A CASUAL ACQUAINTANCE OR ORDINARY SOCIALIZATION BETWEEN TWO INDIVIDUALS IN A BUSINESS OR SOCIAL CONTEXT IS NOT A DATING RELATIONSHIP.

SEXUAL RELATIONSHIP REFERS TO A SITUATION WHEREIN THE PARTIES HAVE SEXUAL ACTS ON A CONTINUING BASIS.

SECTION 2. — *CRIMES AGAINST CHILDREN*

SUB-SECTION 1. — CHILD BARTER

⁴R.A. No. 9208, as amended by R.A. No. 10364, sec. 5(i)

⁵ R.A. No. 9208, as amended by R.A. No. 10364, sec. 5(l)

ART. 259. CHILD BARTER. — Any person, who engages in trading, bartering, or selling a child shall be punished by the penalty of Afflictive 2. If the victim of child BARTER is under sixteen years of age, the penalty of Afflictive 1 shall be imposed.

If child **BARTER** is committed for purpose of exploitation **AS DEFINED UNDER ART. 254**, the offender shall be prosecuted for **QUALIFIED** Trafficking in Persons.

ART. 260. ATTEMPT TO COMMIT CHILD BARTER. — Any person, shall be punished by penalty of Corrective 1 for committing any of the following acts:

- a. Facilitating the travel of a child who travels alone to a foreign country or territory without valid reason therefor and without the required clearance or permit from the Department of Social Welfare and Development, or a written permit or justification from the child's parent or legal guardian;
- b. Executing, for a consideration, an affidavit of consent or a written consent for adoption;
- c. Recruiting a woman to bear a child for the purpose of selling the child; and
- d. Soliciting a child and acquiring the custody thereof through any means from among hospitals, clinics, nurseries, daycare centers, refugee or evacuation centers, and low-income families, for the purpose of selling the child.

THIS PROVISION IS WITHOUT PREJUDICE TO THE APPLICATION OF ART. 256 OF THIS CODE.

SUB-SECTION 2. — EXPLOITING A CHILD IN PROSTITUTION

ART. 261. EXPLOITING A CHILD IN PROSTITUTION. — Any person, who—

- a. induces person to be a client of a child **EXPLOITED IN PROSTITUTION** by means of written or **DIGITAL** advertisements or other similar means,
- b. **OFFERS OR** gives monetary consideration goods or other pecuniary benefit to a child with intent to engage such child in prostitution, or
- c. commits the act of sexual intercourse or lascivious conduct with a child exploited in prostitution

—shall be punished by the penalty of afflictive 1.

If the child exploited in prostitution is under 16 years of age or deprived of reason, the offender, who commits sexual intercourse with her, shall be prosecuted for rape. **IN CASE OF LASCIVIOUS CONDUCT, THE OFFENDER SHALL BE PUNISHED BY AFFLICTIVE 1 IN ITS MAXIMUM LEVEL.**

ART. 262. ATTEMPT TO EXPLOIT A CHILD IN PROSTITUTION. — Any person who, not being a relative of a child, is found alone with the said child inside the room or cubicle of a house, an inn, hotel, motel, pension house, apartelle or other similar establishments, vessel, vehicle or any other hidden or secluded area under circumstances which would lead a reasonable person to believe that the child is about to be exploited in prostitution and other sexual abuse, shall be punished by the penalty of Corrective 1.

Any person, who **KNOWINGLY** receives services from a child in a sauna parlor or bath, massage clinic, health club, and other similar establishments, shall be punished by the same penalty.

ART. 263. KEEPING IN HIS OR HER COMPANY A MINOR. — Any person, who keeps or has in his OR HER company a minor, under sixteen (16) years of age or who in ten (10) years or more his OR HER junior in any hotel, motel, beer joint, discotheque, cabaret, pension house, sauna or massage parlor, other tourist resort or similar places, shall be punished by the penalty of Corrective 1: *Provided*, That this provision shall not apply to any person who (A) IS related within the fourth degree of consanguinity or **AFFINITY**, (B) **IS RELATED BY LEGAL ADOPTION**, (C) **WHO HAS CARE AND CUSTODY UNDER ANY KNOWN AND ACCEPTED** local custom and tradition or (D) IS actING in the performance of a social, moral or legal duty.

Any person, who induces, delivers or offers a minor to any one prohibited by THIS Article to keep or have in his **OR HER** company a minor as provided in the preceding paragraph shall suffer the same penalty; *Provided*, however, That should the perpetrator be an ascendant, stepparent or guardian of the minor, the penalty to be imposed shall be Afflictive 2, and the loss of parental authority over the minor.

Any person, owner, manager or one entrusted with the operation of any public or private place of accommodation, whether for occupancy, food, drink or otherwise, including residential places, who allows any person to take along with him **OR HER** to such place or places any minor herein described shall be imposed a penalty of Afflictive 2, and the loss of the license to operate such a place or establishment.

SUB-SECTION 3. — CSAEM AND OSAEC

Art. 264. Child Sexual Abuse and Exploitation Material (CSAEM). — Any person, who commitS the following acts through online or offline means or a combination of both, **REGARDLESS OF THE CONSENT OF THE CHILD**, shall be punished by **PUNITIVE 2** and a fine of not less than Two million pesos (P2,000,000.00):

- a. To engage, or coerce a child to perform or participate in whatever way in the creation or production of any form of **ONLINE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN (OSAEC)** and **CSAEM**;
- b. To produce, direct, manufacture, facilitate, or create any form of **CSAEM**, or participate in the production, direction, manufacture, facilitation or creation of **CSAEM OR OSAEC**;
- c. To offer, sell, distribute, advertise, promote, export, or import, **OR** To permit or influence the child to engage, participate or assist in any form of **CSAEM**; (d) To produce, direct, create, hire, employ or pay a facilitator to stream or livestream acts of child sexual abuse or exploitation; **AND**

For film distributors, theaters and ICT services by themselves or in cooperation with other entities, to distribute any form of **CSAEM** or to facilitate the commission of any of the offenses under this Act.

Any person, who shall possess or willfully access by themselves or in cooperation with other entities, to distribute any form of CSAEM through online or offline means or a combination of both regardless of the consent of the child, shall be punished by PUNITIVE 2.

CHILD SEXUAL ABUSE OR EXPLOITATION MATERIAL (CSAEM) REFERS TO ANY REPRESENTATION, WHETHER OFFLINE, OR BY, THROUGH OR WITH THE USE OF ICT, BY MEANS OF VISUAL, VIDEO, AUDIO, WRITTEN, OR ANY COMBINATION THEREOF, BY ELECTRONIC, MECHANICAL, DIGITAL, OPTICAL, MAGNETIC OR ANY OTHER MEANS, OF A CHILD ENGAGED OR INVOLVED IN REAL OR SIMULATED SEXUAL ACTIVITIES, OR DEPICTING ACTS OF SEXUAL ABUSE OR EXPLOITATION OF A CHILD AS A SEXUAL OBJECT. IT SHALL ALSO INCLUDE MATERIALS THAT FOCUS ON THE GENITALIA OR OTHER PRIVATE BODY PARTS OF A CHILD.

ONLINE SEXUAL ABUSE OR EXPLOITATION OF CHILDREN (OSAEC) REFERS TO THE USE OF ICT AS A MEANS TO ABUSE AND/OR EXPLOIT CHILDREN SEXUALLY, WHICH INCLUDES CASES IN WHICH OFFLINE CHILD ABUSE AND/OR EXPLOITATION IS COMBINED WITH AN ONLINE COMPONENT. THIS CAN ALSO INCLUDE, BUT IS NOT LIMITED TO, THE PRODUCTION, DISSEMINATION AND POSSESSION OF CSAEM; ONLINE GROOMING OF CHILDREN FOR SEXUAL PURPOSES; SEXUAL EXTORTION OF CHILDREN, SHARING IMAGE-BASED SEXUAL ABUSE; COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN; EXPLOITATION OF CHILDREN THROUGH ONLINE PROSTITUTION; AND LIVE-STREAMING OF SEXUAL ABUSE, WITH OR WITHOUT THE CONSENT OF THE VICTIM: PROVIDED, THAT OSAEC MAY BE USED INTERCHANGEABLY WITH ONLINE CHILD SEXUAL EXPLOITATION OR ABUSE (OCSEA)

Art. 265. Luring or Grooming. — ANY PERSON, WHO To engageS in the luring or grooming of a child THROUGH ONLINE OR OFFLINE MEANS, SHALL BE PUNISHED BY Afflictive 1 and a fine of not less than Eight hundred thousand pesos (P800,000.00) but not less than One million pesos (P1,000,000.00): Provided, That grooming taking place offline as a prelude TO SEXUAL ABUSE OR EXPLOITATION shall also be penalized.

LURING REFERS TO THE ACT OF COMMUNICATION, BY MEANS OF A COMPUTER SYSTEM, WITH A CHILD OR SOMEONE WHO THE OFFENDER BELIEVES TO BE A CHILD FOR THE PURPOSE OF FACILITATING THE COMMISSION OF SEXUAL ACTIVITY OR PRODUCTION OF ANY FORM OF CSAEM.

GROOMING REFERS TO PREDATORY CONDUCT, ACT, OR PATTERN OF ACTS, OF ESTABLISHING THE RELATIONSHIP OF TRUST, OR EMOTIONAL CONNECTION BY ANOTHER, WITH A CHILD OR SOMEONE WHO IS BELIEVED TO BE A CHILD, AND/OR THE FAMILY, GUARDIAN, AND/OR CAREGIVERS, WHETHER IN PERSON OR VIA ELECTRONIC AND OTHER SIMILAR DEVICES, FOR THE PURPOSE OF PREPARING A CHILD FOR A SEXUAL ACTIVITY OR SEXUAL RELATIONSHIP OR PENETRATING SEXUAL ABUSE OR EXPLOITATION OR THE

PRODUCTION OF ANY FORM OF CSAEM BY COMMUNICATING ANY FORM OF CSAEM.

Art. 266. Sexualization. — ANY PERSON, WHO sexualizeS children by presenting them as objects of sexual fantasy, or making them conversational subjects of sexual fantasies, in any online or digital platform, **EVEN IF THERE IS NO ACTUAL SEXUAL INTERCOURSE OR NO PRIVATE PART OF THE BODY OF THE CHILD HAS BEEN SHOWN, SHALL BE PUNISHED BY AFFLICTIVE 1** and a fine of not less than Eight hundred thousand pesos (P800,000.00) but not less than One million pesos (P1,000,000.00).

Art. 267. Pandering. — ANY PERSON, WHO engageS in the pandering **THROUGH ONLINE OR OFFLINE MEANS, SHALL BE PUNISHED BY AFFLICTIVE 1** and a fine of not less than Eight hundred thousand pesos (P800,000.00) but not less than One million pesos (P1,000,000.00).

PANDERING REFERS TO THE ACT OF OFFERING, ADVERTISING, PROMOTING, REPRESENTING OR DISTRIBUTING THROUGH ANY MEANS ANY CHILD SEXUAL ABUSE OR EXPLOITATION MATERIAL, OR ANY MATERIAL THAT PURPORTS TO CONTAIN ANY FORM OF CHILD SEXUAL ABUSE OR EXPLOITATION MATERIAL, REGARDLESS OF ITS ACTUAL CONTENT.

ART. 268. Conspiracy to commit OSAEC. — ANY PERSON WHO SHALL conspire to commit any of the prohibited acts stated in this CHAPTER EXCEPT POSSESSION OR WILLFUL ACCESS OF CSAEM UNDER ART. 264 SHALL BE PUNISHED BY **AFFLICTIVE 2** and a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Two hundred thousand pesos (P200,000.00).

SUB-SECTION 4. — OTHER ACTS CONSTITUTING CHILD ABUSE

Art. 269. PSYCHOLOGICAL ABUSE OF CHILD. — Any person, who commits any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being or prejudicial to the child's development, **SHALL BE PUNISHED BY AFFLICTIVE 2.**

ART. 270. PHYSICAL ABUSE OF CHILD. — **THE PENALTY FOR SERIOUS, LESS SERIOUS, OR SLIGHT PHYSICAL INJURIES OR MUTILATION OR CONSUMMATED, FRUSTRATED, OR ATTEMPTED HOMICIDE COMMITTED AGAINST A CHILD SHALL BE ONE (1) DEGREE HIGHER THAN THAT PRESCRIBED BY LAW.**

A PARENT, SCHOOL ADMINISTRATOR, TEACHER, OR ANY OTHER PERSON EXERCISING PARENTAL AUTHORITY OVER A CHILD IS NOT EXEMPT FROM CRIMINAL LIABILITY FOR INFLECTING DISCIPLINARY PUNISHMENT AGAINST THE CHILD.

ART. 271. ABANDONMENT OF CHILD. — ANY PARENT OR GUARDIAN, WHO ABANDONS THE CHILD UNDER SUCH CIRCUMSTANCES AS TO DEPRIVE

HIM OR HER OF THE LOVE, CARE AND PROTECTION HE OR SHE NEEDS, SHALL BE PUNISHED BY AFFLICTIVE 2 IN ITS MINIMUM LEVEL.

ANY PERSON WHO, HAVING FOUND AN ABANDONED CHILD UNDER SEVEN YEARS OF AGE, FAILS TO DELIVER SAID CHILD TO THE AUTHORITIES OR TO HIS OR HER FAMILY, OR FAILS TO TAKE HIM OR HER TO A SAFE PLACE, SHALL BE PUNISHED BY PENALTY OF RESTORATIVE 1.

The provisions in this Article shall not prevent the imposition of the penalty provided for the act committed, when the same shall constitute a more serious offense.

Art. 272. ECONOMIC VIOLENCE/DEPRIVATION OF LEGAL SUPPORT. — ANY PERSON, WHO DEPRIVES HIS OR HER CHILDREN OF FINANCIAL OR EDUCATIONAL SUPPORT DESPITE HIS OR HER FINANCIAL CAPACITY TO DO SO SHALL BE PUNISHED BY CORRECTIVE 2 TO CORRECTIVE 1.

ART. 273. CONCEALMENT OF CHILD. — ANY PARENT, WHO CONCEALS OR ABANDONS THE CHILD WITH INTENT TO MAKE SUCH CHILD LOSE HIS OR HER CIVIL STATUS, SHALL BE PUNISHED BY AFFLICTIVE 2 IN ITS MINIMUM LEVEL. IF THE OFFENDER IS NOT THE PARENT OF THE CHILD, HE OR SHE SHALL SUFFER THE PENALTY OF AFFLICTIVE 2.

SUB-SECTION 5. — CHILD MARRIAGE

ART. 274. FACILITATION OF CHILD MARRIAGE. — Any person, who causes, fixes, facilitates, or arranges a child marriage shall suffer the penalty of **AFFLICTIVE 2**.

Any person who produces, prints, issues and/or distributes fraudulent or tampered documents such as birth certificates, affidavits of delayed registration of birth and/or foundling certificates for the purpose of misrepresenting the age of a child to facilitate child marriage or evade liability under this Article shall be **PUNISHED BY THE SAME PENALTY**.

Should the perpetrator in this crime be an ascendant, parent, adoptive parent, step parent, or guardian of the child, **AN ADDITIONAL PENALTY OF A** fine of not less than forty thousand pesos (P40,000) shall be imposed. If the perpetrator in this crime is a public officer, he or she shall be dismissed from the service and may be perpetually disqualified from holding office, at the discretion of the courts.

ART. 275. SOLEMNIZATION OF CHILD MARRIAGE. — Any person who performs or officiates a child marriage shall suffer the penalty of **AFFLICTIVE 2** in its maximum LEVEL and a fine of not less than Fifty thousand pesos (P50,000.00); *Provided, however,* That if the perpetrator is a public officer, he or she shall be dismissed from the service and may be perpetually disqualified from holding office, at the discretion of the courts.

ART. 276. COHABITATION WITH A CHILD. — An adult partner, who cohabits with a child outside wedlock, shall be punished by the penalty of **AFFLICTIVE 2** in its maximum LEVEL and a fine of not less than Fifty thousand pesos (P50,000.00); *Provided,*

however, That if the perpetrator is a public officer, he or she shall likewise be dismissed from the service and may be perpetually disqualified from holding office, at the discretion of the courts.

SECTION 3. — CRIMES AGAINST WOMEN

ART. 277. PHYSICAL VIOLENCE AGAINST WOMEN. — THE PENALTY FOR SLIGHT, LESS SERIOUS, OR SERIOUS PHYSICAL INJURIES OR MUTILATION OR ATTEMPTED, FRUSTRATED OR CONSUMMATED HOMICIDE COMMITTED BY ANY PERSON UPON A WOMAN WITH WHOM HE HAS OR HAD A MARITAL, SEXUAL, OR DATING RELATIONSHIP SHALL BE ONE (1) DEGREE HIGHER THAN THAT PRESCRIBED BY LAW.

ANY PERSON, WHO THREATENS OR ATTEMPTS TO CAUSE PHYSICAL HARM UPON A WOMAN WITH WHOM HE HAS A MARITAL, SEXUAL, OR DATING RELATIONSHIP OR HER CHILD, OR PLACES HER OR HER CHILD IN FEAR OF IMMINENT PHYSICAL HARM, SHALL BE PUNISHED BY RESTORATIVE 2 TO RESTORATIVE 1.

ART. 278. SEXUAL VIOLENCE AGAINST A WOMAN AND MARITAL RAPE. — ANY PERSON, WHO CAUSES OR ATTEMPTS TO CAUSE THE WOMAN, WITH WHOM HE HAS OR HAD A MARITAL, SEXUAL, OR DATING RELATIONSHIP, TO ENGAGE IN ANY SEXUAL ACTIVITY WHICH DOES NOT CONSTITUTE RAPE, BY FORCE OR THREAT OR INTIMIDATION DIRECTED AGAINST THE WOMAN OR HER/HIS IMMEDIATE FAMILY, SHALL BE PUNISHED BY AFFLICTIVE 2.

ANY HUSBAND, WHO COMMITS SEXUAL INTERCOURSE OR SEXUAL ASSAULT WITH HIS WIFE THROUGH FORCE, THREAT, OR INTIMIDATION, SHALL BE PUNISHED BY PENALTY OF CORRECTIVE 1. HOWEVER, IF THE WIFE SUFFERED SERIOUS OR LESS SERIOUS PHYSICAL INJURIES BY REASON OR ON OCCASION OF RAPE, THE ACT SHALL BE PUNISHED BY PENALTY OF AFFLICTIVE 2. IF THE WIFE DIED OR BECAME INSANE BY REASON OR ON OCCASION OF RAPE, THE ACT SHALL BE PUNISHED BY PUNITIVE 2 TO PUNITIVE 1.

ART. 279. CONTROLLING OR RESTRICTING MOVEMENT OR CONDUCT OF THE WOMAN. — ANY PERSON SHALL BE PUNISHED BY CORRECTIVE 1 AND 2, IF FOR THE PURPOSE OF CONTROLLING OR RESTRICTING THE WOMAN'S OR HER CHILD'S MOVEMENT OR CONDUCT OF A WOMAN WITH WHOM THE OFFENDER HAS OR HAD A MARITAL, SEXUAL OR DATING RELATIONSHIP, HE SHALL COMMIT ANY OF THE FOLLOWING ACTS:

- 1. THREATENING TO DEPRIVE OR ACTUALLY DEPRIVING THE WOMAN OF HER CUSTODY OVER HER CHILD;**
- 2. DEPRIVING OR THREATENING TO DEPRIVE THE WOMAN OR HER CHILD OF A LEGAL RIGHT;**
- 3. ONTROLLING THE VICTIM'S OWN MONEY OR PROPERTIES, OR SOLELY CONTROLLING THE CONJUGAL OR COMMON MONEY OR PROPERTIES;**

4. USING FORCE OR THREAT OF FORCE, PHYSICAL OR OTHER HARM OR THREAT OF PHYSICAL OR OTHER HARM, OR INTIMIDATION DIRECTED AGAINST THE WOMAN OR HER CHILD.
5. ANY OTHER SIMILAR OR ANALOGOUS ACTS.

THE ABOVE-MENTIONED PURPOSE INCLUDES ATTEMPTING TO COMPEL OR COMPELLING THE SAID WOMAN OR HER CHILD TO ENGAGE IN CONDUCT WHICH SHE HAS THE RIGHT TO DESIST FROM OR DESIST FROM CONDUCT WHICH SHE HAS THE RIGHT TO ENGAGE IN, OR PREVENTING THE WOMAN IN ENGAGING IN ANY LEGITIMATE PROFESSION, OCCUPATION, BUSINESS OR ACTIVITY.

A PERSON, WHO INFLICTS OR THREATENS TO INFLICT PHYSICAL HARM ON ONESELF FOR THE PURPOSE OF CONTROLLING THE ACTIONS OR DECISIONS OF SAID WOMAN, SHALL SUFFER RESTORATIVE 1 AND 2.

Art. 280. PSYCHOLOGICAL VIOLENCE AGAINST A WOMAN. – ANY PERSON SHALL BE PUNISHED BY CORRECTIVE 2 TO CORRECTIVE 1 IF HE ENGAGES IN PURPOSEFUL, KNOWING, OR RECKLESS CONDUCT, PERSONALLY OR THROUGH ANOTHER, THAT ALARMS OR CAUSES SUBSTANTIAL EMOTIONAL OR PSYCHOLOGICAL DISTRESS TO THE WOMAN WITH WHO HE HAS OR HAD MARITAL, SEXUAL OR DATING RELATIONSHIP SUCH AS COMMITTING ANY OF THE FOLLOWING ACTS:

1. STALKING OR FOLLOWING THE WOMAN IN PUBLIC OR PRIVATE PLACES;
2. PEERING IN THE WINDOW OR LINGERING OUTSIDE THE RESIDENCE OF THE WOMAN OR HER CHILD;
3. ENTERING OR REMAINING IN THE DWELLING OR ON THE PROPERTY OF THE WOMAN OR HER CHILD AGAINST HER/HIS WILL;
4. DESTROYING THE PROPERTY AND PERSONAL BELONGINGS OR INFLICTING HARM TO ANIMALS OR PETS OF THE WOMAN OR HER CHILD; AND
5. ENGAGING IN ANY FORM OF HARASSMENT OR VIOLENCE.

THE SAME PENALTY SHALL BE IMPOSED IF THE OFFENDER “DELIBERATELY” CAUSES MENTAL OR EMOTIONAL ANGUISH, PUBLIC RIDICULE OR HUMILIATION TO THE WOMAN OR HER CHILD THROUGH REPEATED VERBAL AND EMOTIONAL ABUSE, OR DENIAL OF CUSTODY OF MINOR CHILDREN OR ACCESS TO THEM OR OTHER SIMILAR ACTS.

ANY MARRIED MAN, WHO HAS SEXUAL OR DATING RELATIONSHIP WITH A PERSON, WHICH CAUSES SUBSTANTIAL EMOTIONAL OR PSYCHOLOGICAL DISTRESS OR MENTAL OR EMOTIONAL ANGUISH TO HIS WIFE, SHALL SUFFER THE PENALTY OF AFFLICTIVE 2.

THE PERSON WITH WHOM THE MARRIED MAN HAS SEXUAL OR DATING RELATIONSHIP SUFFER THE PENALTY OF RESTRICTIVE PROVIDED THAT SHE/HE IS AWARE THAT THE MAN IS MARRIED.

ART. 281. SPECIAL CIRCUMSTANCE FOR CRIMES COMMITTED AGAINST WOMEN OR HER CHILDREN. — IF CRIMES AGAINST WOMEN AND THEIR CHILDREN ARE COMMITTED WHILE THE WOMAN OR CHILD IS PREGNANT OR COMMITTED IN THE PRESENCE OF HER CHILD, THE PENALTY SHALL BE APPLIED IN ITS MAXIMUM LEVEL.

IN ADDITION TO IMPRISONMENT, THE PERPETRATOR SHALL (A) PAY A FINE IN THE AMOUNT OF NOT LESS THAN ONE HUNDRED THOUSAND PESOS (P100,000.00) BUT NOT MORE THAN THREE HUNDRED THOUSAND PESOS (300,000.00); (B) UNDERGO MANDATORY PSYCHOLOGICAL COUNSELING OR PSYCHIATRIC TREATMENT AND SHALL REPORT COMPLIANCE TO THE COURT.

ART. 282. BATTERED WOMAN SYNDROME AS A DEFENSE. — Victim-survivors who are found by the courts to be suffering from battered woman syndrome do not incur any criminal and civil liability notwithstanding the absence of any of the elements for justifying circumstances of self-defense under the Revised Penal Code.

In the determination of the state of mind of the woman who was suffering from battered woman syndrome at the time of the commission of the crime, the courts shall be assisted by expert psychiatrists/ psychologists.

"Battered Woman Syndrome" refers to a scientifically defined pattern of psychological and behavioral symptoms found in women living in battering relationships as a result of cumulative PHYSICAL abuse **OF THE WOMAN OR HER CHILD RESULTING IN PHYSICAL AND PSYCHOLOGICAL OR EMOTIONAL DISTRESS.**

Chapter FIVE (New)

HAZING

ART. 283. PROHIBITION ON HAZING. — All forms of hazing shall be prohibited in fraternities, sororities, and organizations in schools, including citizens' military training and citizens' army training. This prohibition shall likewise apply to all other fraternities, sororities, and organizations that are not school-based, such as community-based and other similar fraternities, sororities, and organizations: Provided, That the physical, mental, and psychological testing and training procedures and practices to determine and enhance the physical, mental, and psychological fitness of prospective regular members of the AFP and the PNP as approved by the Secretary of National Defense and the National Police Commission, duly recommended by the Chief of Staff of the AFP and the Director General of the PNP, shall not be considered as hazing for purposes of this Act: Provided, further, That the exception provided herein shall likewise apply to similar procedures and practices approved by the respective heads of other uniformed learning institutions as to their prospective members, nor shall this provision apply to any customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective, subject to prior submission of a medical clearance or certificate.

In no case shall hazing be made a requirement for employment in any business or corporation.

ART. 284. DEFINITION OF TERMS. — *Hazing* refers to any act that results in physical or psychological suffering, harm, or injury inflicted on a recruit, neophyte, applicant, or member as part of an initiation rite or practice made as a prerequisite for admission or a requirement for continuing membership in a fraternity, sorority, or organization including, but not limited to paddling, whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical and psychological health of such recruit, neophyte, applicant, or member. This shall also include any activity, intentionally made or otherwise, by one person alone or acting with others, that tends to humiliate or embarrass, degrade, abuse, or endanger, by requiring a recruit, neophyte, applicant, or member to do menial, silly, or foolish tasks.

This **CHAPTER** on hazing shall apply to the president, manager, director, or other responsible officer of businesses or corporations engaged hazing as a requirement for employment in the manner provided herein.

Initiation or Initiation Rites refer to ceremonies, practices, rituals, or other acts, weather formal or informal, that a person must perform or take part in order to be accepted into fraternity, sorority, organization as a full-fledged member. It includes ceremonies practices, rituals, and other acts in all stages of membership in a fraternity, sorority, or organization.

Organization refers to an organized body of people which includes, but it is not limited to, any club, association, group, fraternity, and sorority. This term shall include the Armed Forces of the Philippines (AFP), the Philippine National Police (PNP), the Philippine Military Academy (PMA), the Philippine National Police Academy (PNPA), and other similar uniformed service-learning institutions.

Schools refer to colleges, universities, and other educational institutions.

INITIATION OR INITIATION RITES REGULATED BY R.A. NO. 8049 AS AMENDED BY R.A. NO. 11053 SHALL NOT BE CONSIDERED HAZING.

ART. 285. RECRUITMENT TO HAZING. — ANY PERSON WHO RECRUITS ANOTHER PERSON TO JOIN A PARTICULAR FRATERNITY, SORORITY OR ORGANIZATION WHICH IS ENGAGED IN HAZING, SHALL BE PUNISHED BY CORRECTIVE 2.

IF THE person EMPLOYS INTIMIDATION, THREATS, FORCE, OR ANY FORM OF VEXATION IN RECRUITING another person TO JOIN a particular fraternity, sorority, or organization WHICH IS ENGAGED IN HAZING, THE PENALTY SHALL BE ONE DEGREE HIGHER.

The persistent and repeated proposal or invitation made to a person who had twice refused to participate or join the proposed fraternity, sorority, or organization **WHICH IS ENGAGED IN HAZING**, shall be *prima facie* evidence of vexation for purposes of this **ARTICLE**.

ART. 286. INDUCING THE VICTIM TO ATTEND HAZING. — Any officer or member of a fraternity, sorority, or organization, who knowingly cooperates in carrying out the hazing by inducing the victim to be present thereat, shall be punished by the penalty of **PUNITIVE 2** and a fine of Two million pesos (P2,000,000.00).

ART. 287. PLANNING OF OR PARTICIPATION IN HAZING. — Any person, who plans or participates in the conduct of the hazing, shall be punished by Punitive 2 and a fine of Two million pesos (P2,000,000.00). However, if, as a consequence of the hazing, death, rape, or mutilation results therefrom, the penalty of fine shall be Three million pesos (P3,000,000.00).

The presence of any person, **WHO IS** a member of the fraternity, sorority, or organization, during the hazing is *prima facie* evidence of participation therein as a principal.

ART. 288. PRESENCE AT THE HAZING. — The following persons, who is present in the conduct of the hazing, shall be punished by penalty of Punitive 2 and a fine of Two million pesos (P2,000,000.00):

1. All officers of the fraternity, sorority, or organization;
2. The adviser of a fraternity, sorority, or organization;
3. All former officers, nonresident members, or alumni of the fraternity, sorority, or organization; or
4. Members of the fraternity, sorority, or organization who are intoxicated or under the influence of alcohol or illegal drugs.

ART. 289. KNOWLEDGE OF HAZING. — Any owner or lessee of the place where hazing is conducted shall be liable as principal in the crime of participation in hazing, when such owner or lessee has actual knowledge of the hazing conducted.

If the hazing is held in the home of one of the officers or members of the fraternity, sorority, or organization, the parents shall be held liable as principals in the crime of participation in hazing when they have actual knowledge of the hazing conducted therein.

ART. 290. CONSENTING OR ALLOWING HAZING. — Any school authority including faculty member as well as barangay, municipal, or city official shall be liable as an accomplice in the crime of participation in hazing, if it can be shown that the school or barangay, municipal, or city officials allowed or consented to the conduct of hazing.

ART. 291. LEGAL DEFENSE. — Any offender under this **CHAPTER** on hazing, who did not actually participate in the hazing, and who took any action to prevent hazing from occurring or promptly report the same to the law enforcement authorities, is not criminally liable for the crimes of inducing the victim to attend hazing, planning of hazing, presence at hazing, knowledge of hazing, or consenting or allowing hazing.

ART. 292. UNMITIGATED LIABILITY. — Any person charged under this **CHAPTER** shall not be entitled to the mitigating circumstances that there was no intention to commit so grave a wrong.

ART. 293. UNRECOGNIZED DEFENSE. — Any form of approval, consent, or agreement, whether written or otherwise, or of an express waiver of the right to object to the initiation rite or proceeding which consists of hazing made by a recruit, neophyte, or applicant prior to an initiation rite that involves inflicting physical or psychological suffering, harm, or injury, shall be void and without any binding effect on the parties.

The defense that the recruit, neophyte, or applicant consented to being subjected to hazing shall not be available to persons prosecuted under this **CHAPTER**.

ART. 294. OBSTRUCTION OF HAZING INVESTIGATION. — Any former officers, nonresident member, alumni of the fraternity, sorority, or organization who, after the commission of any of the prohibited acts proscribed under this Title, will perform any act to hide, conceal the crime, or otherwise hamper or obstruct any criminal investigation thereon, shall be punished by **AFFLICTIVE 1** and a fine of One million pesos (P1,000,000.00).

Title Nine
CRIMES AGAINST PERSONAL LIBERTY AND SECURITY

Chapter One
CRIMES AGAINST LIBERTY

Art. 295. Kidnapping and serious illegal detention. — Any private individual who shall kidnap or detain another, or in any other manner deprive him **OR HER** of his **OR HER** liberty, shall suffer the penalty of **PUNITIVE 2** to **PUNITIVE 1**:

1. If the kidnapping or detention shall have lasted more than three days.
2. If it shall have been committed simulating public authority.
3. If any serious physical injuries shall have been inflicted upon the person kidnapped or detained; or if threats to kill him **OR HER** shall have been made.
4. If the person kidnapped or detained shall be a minor, female or a public officer.

IF THE PERSON COMMITTING THIS CRIME SHALL BE THE FATHER OR THE MOTHER OF THE MINOR, THE PENALTY SHALL BE RESTORATIVE 1 OR A FINE NOT EXCEEDING 100,000 PESOS OR BOTH.

The **MAXIMUM PENALTY** shall be **IMPOSED** where the kidnapping or detention was committed for the purpose of extorting ransom from the victim or any other person, even if none of the circumstances above-mentioned were present in the commission of the **CRIME**.

When the victim **OR ANY OTHER PERSON** is killed or dies or is raped, or is subjected to torture, **LASCIVIOUS CONDUCT**, or dehumanizing acts **BY REASON OR ON OCCASION OF THE DETENTION**, the maximum penalty shall be imposed.

IN THE EVENT THAT KIDNAPPING IN ANY OF ITS FORMS, INCLUDING KIDNAPPING WITH HOMICIDE, OR STAGES OF COMMISSION IS ACCOMPANIED BY RAPE, THE OFFENDER SHALL SUFFER THE CORRESPONDING PENALTY THEREFOR IN ADDITION TO HIS OR HER CRIMINAL LIABILITY FOR RAPE.

Art. 296. *Slight illegal detention.* — The penalty of **AFFLICTIVE 1** shall be imposed upon any private individual who shall commit the crimes described in the next preceding article without the attendance of any of circumstances enumerated therein.

The same penalty shall be incurred by anyone who shall furnish the place for the perpetration of the crime.

If the offender shall voluntarily release the person so kidnapped or detained within three days from the commencement of the detention, without having attained the purpose intended, and before the institution of criminal proceedings against him **OR HER**, the penalty shall be **AFFLICTIVE 2** in its minimum and medium **LEVELS** and a fine not exceeding 100,000 pesos.

Art. 297. *Unlawful arrest.* — The penalty of **RESTORATIVE 1** and a fine not exceeding 100,000 pesos shall be imposed upon any person who, in any case other than those authorized by law, or without reasonable ground therefor, shall arrest or detain another for the purpose of delivering him **OR HER** to the proper authorities.

Art. 298. *Failure to return a minor.* — The penalty of **PUNITIVE 2** shall be imposed upon any person who, being entrusted with the custody of a minor person, shall deliberately fail to restore the latter to his **OR HER** parents or guardians.

Art. 299. *Inducing a minor to abandon his OR HER home.* — The penalty of **CORRECTIVE 1** and a fine not exceeding 100,000 pesos shall be imposed upon anyone who shall induce a minor to abandon the home of his **OR HER** parent or guardians or the persons entrusted with his **OR HER** custody.

If the person committing any of the crimes covered by this article and the preceding article shall be the father or the mother of the minor, the penalty shall be **RESTORATIVE 1** or a fine not exceeding 40,000 pesos, or both.

Art. 300. *Services rendered under compulsion in payment of debt.* — The penalty of **RESTORATIVE 1** in its maximum **LEVEL** to **CORRECTIVE 2** shall be imposed upon any person who, in order to require or enforce the payment of a debt, shall compel the debtor to work for him **OR HER**, against his **OR HER** will.

Chapter Two **CRIMES AGAINST SECURITY**

Section One. — *Abandonment of helpless persons and exploitation of minors*

Art. 301. Abandonment of person in danger and abandonment of one's own victim. — The penalty of **RESTORATIVE 1** shall be imposed upon:

1. Anyone who shall fail to render assistance to any person whom he **OR SHE** shall find in an uninhabited place wounded or in danger of dying, when he **OR SHE** can render such assistance without detriment to himself **OR HERSELF**.
2. Anyone who shall fail to help or render assistance to another whom he **OR SHE** has accidentally wounded or injured **OR KILLED**.

Art. 302. Additional penalties for other offenses. — The imposition of the **PENALTY** prescribed in the preceding **ARTICLE**, shall not prevent the imposition upon the same person of the penalty provided for any other **CRIMES** defined and punished by this Code.

Section Two. — *Trespass to dwelling*

Art. 303. Trespass to dwelling. — Any private person who shall enter the dwelling of another against the latter's will **OR WITHOUT THE KNOWLEDGE OF THE LATTER AND BEING REQUIRED TO LEAVE THE PREMISES, SHALL REFUSE TO DO SO**, shall be punished by **RESTORATIVE 1** and a fine not exceeding 200,000 pesos.

If the **CRIME** be committed by means of violence or intimidation, the penalty shall be **CORRECTIVE 1** and a fine not exceeding 200,000 pesos.

The provisions of this article shall not be applicable to any person who shall enter another's dwelling for the purpose of preventing some serious harm to himself **OR HERSELF**, the occupants of the dwelling or a third person, nor shall it be applicable to any person who shall enter a dwelling for the purpose of rendering some service to humanity or justice, nor to anyone who shall enter cafes, **RESTAURANTS, HOTELS**, and other **SIMILAR ESTABLISHMENTS**, while the same are open.

Art. 304. Other forms of trespass. — The penalty of **RESTORATIVE 2** or a fine not exceeding 40,000 pesos, or both, shall be imposed upon any person who shall enter the closed premises or the fenced estate of another, while either of them are uninhabited, if the prohibition to enter be manifest and the trespasser has not secured the permission of the owner or the caretaker thereof.

Section Three. — *Threats and coercion*

Art. 305. Grave threats. — Any person who shall threaten another with the infliction upon the person, honor or property of the latter or of his **OR HER** family of any wrong amounting to a crime, shall suffer:

1. The penalty next lower in degree than that prescribed by law for the crime be threatened to commit, if the offender shall have made the threat demanding money or imposing any other condition, even though not unlawful, and said offender shall have attained his **OR HER** purpose. If the offender shall not have attained his **OR HER** purpose, the penalty lower by two degrees shall be imposed.

If the threat be made in writing or through a middleman, the penalty shall be imposed in its maximum **LEVEL**.

2. The penalty of RESTORATIVE 1 and a fine not exceeding 100,000 pesos, if the threat shall not have been made subject to a condition.

Art. 306. Bond for good behavior. — In all cases falling within the preceding article, the person making the threats may also be required to give bail not to molest the person threatened, or if he OR SHE shall fail to give such bail, he OR SHE shall be sentenced to **RESTRICTIVE**.

Art. 307. Other light threats. — The penalty of **RESTORATIVE 2** in its minimum **LEVEL** or a fine not exceeding 40,000 pesos shall be imposed upon:

1. Any person who, without being included in the provisions of the next preceding article, shall threaten another with a weapon or draw such weapon in a quarrel, unless it be in lawful self-defense.
2. Any person who, in the heat of anger, shall orally threaten another with some harm not constituting a crime, and who by subsequent acts show that he OR SHE did not persist in the idea involved in his OR HER threat, provided that the circumstances of the offense shall not bring it within the provisions of Article 305 of this Code.
3. Any person who shall orally threaten to do another any harm not constituting a **CRIME**.

Art. 308. Coercions. — The penalty of **RESTORATIVE 1** and a fine not exceeding 100,000 pesos shall be imposed upon any person who, without authority of law, shall, by means of violence, prevent another from doing something not prohibited by law, or compel him OR HER to do something against his OR HER will, whether it be right or wrong.

If the coercion be committed for the purpose of compelling another to perform any religious act or to prevent him OR HER from so doing, the penalty next higher in degree shall be imposed.

ANY OTHER COERCIONS OR UNJUST VEXATIONS SHALL BE PUNISHED BY RESTORATIVE 2 OR A FINE RANGING FROM 1,000 PESOS TO NOT MORE THAN 40,000 PESOS, OR BOTH.

Unjust vexation is any intentional conduct causing harm that unjustly annoys or irritates an innocent person.

Title Ten **CRIMES AGAINST PROPERTY**

Chapter One **ROBBERY IN GENERAL**

Art. 309. Who are guilty of robbery. — Any person who, with intent to gain, shall take any personal property belonging to another, by means of violence or intimidation of any person, or **ENTERING A HOUSE OR BUILDING BY** using force upon **THINGS OR OTHER INGENIOUS WAYS**, shall be guilty of robbery.

Section One. — *Robbery with violence or intimidation of persons*

Art. 310. Robbery with violence against or intimidation of persons; Penalties. — Any person guilty of robbery with the use of violence against or intimidation of any person shall suffer:

1. The penalty of **PUNITIVE 2** to **PUNITIVE 1**, when by reason or on occasion of the robbery, the crime of homicide shall have been committed; or when the robbery shall have been accompanied by intentional mutilation.
2. The penalty of **AFFLICTIVE 1** in its medium **LEVEL** to **PUNITIVE 2** when or if by reason or on occasion of such robbery, any of the physical injuries penalized in subdivision 1 of Article 250 shall have been inflicted.
3. The penalty of **AFFLICTIVE 1**, when by reason or on occasion of the robbery, any of the physical injuries penalized in subdivision 2 of the article mentioned in the next preceding paragraph, shall have been inflicted.
4. The penalty of **AFFLICTIVE 2** in its maximum **LEVEL** to **AFFLICTIVE 1** in its medium **LEVEL**, if the violence or intimidation employed in the commission of the robbery shall have been carried to a degree clearly unnecessary for the commission of the crime, **UNLESS THE VIOLENCE COMMITTED SHALL DESERVE A HIGHER PENALTY UNDER THE CODE.**
5. **THE PENALTY OF CORRECTIVE 1 IN ITS MAXIMUM LEVEL TO AFFLICTIVE 2** when the course of its execution, the offender shall have inflicted upon any person not responsible for its commission any of the physical injuries covered by subdivisions 3 and 4 of said Article 250.
6. The penalty of **CORRECTIVE 1** to **AFFLICTIVE 2** in its **MINIMUM LEVEL** in other cases. (As amended by R. A. 18 and R.A. No. 7659, December 13, 1993).

Art. 311. PENALTY INCURRED BY MEMBERS OF A BAND. — IF ROBBERY IS COMMITTED BY A BAND, any member of THE band who is present at the commission of THE robbery shall be punished as principal of any of the assaults committed by the band, unless it be shown that **NOTWITHSTANDING THE OPPORTUNITY** to prevent the same, **HE OR SHE FAILED TO DO SO.**

Art. 312. Attempted robbery committed under certain circumstances. — When by reason or on occasion of an attempted robbery a homicide is committed, the person guilty of such offenses shall be punished by **AFFLICTIVE 1** in its maximum **LEVEL** to **PUNITIVE 2**, unless the homicide committed shall deserve a higher penalty under the provisions of this Code.

Art. 313. Execution of deeds by means of violence or intimidation. — Any person who, with intent to defraud another, by means of violence or intimidation, shall compel him **OR HER** to sign, execute or deliver any public instrument or documents, shall be held guilty of robbery and punished by the penalties respectively prescribed in this Chapter.

Section Two. — *Robbery by the use of force upon things OR ENTRANCE INTO A HOUSE OR BUILDING USING OTHER INGENIOUS WAYS*

Art. 314. Robbery BY THE USE OF FORCE UPON THINGS OR ENTRANCE INTO A HOUSE OR BUILDING USING OTHER INGENIOUS WAYS; PENALTIES. — ANY

PERSON GUILTY OF COMMITTING ROBBERY WITH USE OF FORCE UPON THINGS SHALL SUFFER:

- a. **THE PENALTY OF AFFLICTIVE 1, WHEN THE robbery SHALL HAVE BEEN COMMITTED** in an inhabited house or public building or edifice devoted to religious worship, **THE OFFENDER IS ARMED** the value of the property taken shall exceed Fifty thousand pesos (P50,000.00), and if—
1. **The OFFENDER** entered the house or building in which the robbery was committed through an opening not intended for entrance or egress;
 2. **THE OFFENDER ENTERED THE HOUSE OR BUILDING IN WHICH THE ROBBERY WAS COMMITTED** by breaking any wall, roof, floor or outside door or window;
 3. **THE OFFENDER ENTERED THE HOUSE OR BUILDING IN WHICH THE ROBBERY WAS COMMITTED** by using false keys, picklocks or other similar tools;
 4. **THE OFFENDER ENTERED THE HOUSE OR BUILDING IN WHICH THE ROBBERY WAS COMMITTED** by using any fictitious name or pretending to exercise public authority;
 5. **THE ROBBERY WAS COMMITTED** by the breaking of doors, wardrobes, chests or any other kind of locked or sealed furniture or receptacle; OR
 6. **THE ROBBERY WAS COMMITTED** by taking such furniture or objects away to be broken or forced open outside the place of the robbery.

THE PENALTY OF AFFLICTIVE 2 SHALL BE IMPOSED, when the offenders do not carry arms, and the value of the property taken exceeds Fifty thousand pesos (P50,000.00); OR when the offenders are armed, but the value of the property taken does not exceed Fifty thousand pesos (P50,000.00).

THE PENALTY OF AFFLICTIVE 2 IN ITS MINIMUM LEVEL SHALL BE IMPOSED, when said offenders do not carry arms and the value of the property taken does not exceed Fifty thousand pesos (P50,000.00).

The penalties next lower in degree than those prescribed in this PARAGRAPH SHALL BE IMPOSED, IF THE ROBBERY BE COMMITTED IN ONE OF THE DEPENDENCIES OF AN INHABITED HOUSE, PUBLIC BUILDING, OR BUILDING DEDICATED TO RELIGIOUS WORSHIP.

- b. **THE PENALTY OF CORRECTIVE 1 WHEN THE robbery SHALL HAVE BEEN** committed in an uninhabited HOUSE or in a building other than those mentioned in the paragraph (A), if the value of the property taken exceeds Fifty thousand pesos (P50,000.00); AND IF—
1. **THE OFFENDER ENTERED THE HOUSE OR BUILDING IN WHICH THE ROBBERY WAS COMMITTED** through an opening not intended for entrance or egress;
 2. **THE OFFENDER ENTERED THE HOUSE OR BUILDING IN WHICH THE ROBBERY WAS COMMITTED BY BREAKING** any wall, roof, floor or outside door or window;

3. **THE OFFENDER ENTERED THE HOUSE OR BUILDING IN WHICH THE ROBBERY WAS COMMITTED BY USING** false keys, picklocks or other similar tools;
4. **THE ROBBERY WAS COMMITTED BY THE BREAKING OF** any door, wardrobe, chest, or any sealed or closed furniture or receptacle; OR
5. **THE ROBBERY WAS COMMITTED BY REMOVING** any closed or sealed receptacle, as mentioned in the preceding paragraph, even if the same be broken open elsewhere.

THE PENALTY OF CORRECTIVE 2 SHALL BE IMPOSED when the value of the property taken does not exceed 50,000 pesos.

- c. The penalty next lower in degree than that prescribed in **PARAGRAPHS (A) AND (B), WHEN THE ROBBERY CONSISTS IN THE TAKING OF CEREALS, FRUITS, OR FIREWOOD.**
- d. **THE PENALTY OF CORRECTIVE 1 WHEN THE ROBBERY SHALL HAVE BEEN COMMITTED BY THE OFFENDER BREAKING INTO A MOTOR VEHICLE BY BREAKING THE WALL, ROOF, FLOOR, DOOR OR WINDOW THEREOF.**

THE TERM "FALSE KEYS" SHALL BE DEEMED TO INCLUDE GENUINE KEYS STOLEN FROM THE OWNER OR ANY KEYS OTHER THAN THOSE INTENDED BY THE OWNER FOR USE IN THE LOCK FORCIBLY OPENED BY THE OFFENDER.

Art. 315. ROBBERY BY THE USE OF FORCE UPON THINGS OR ENTRANCE INTO A HOUSE OR BUILDING USING OTHER INGENIOUS WAYS WITH HOMICIDE, INTENTIONAL MUTILATION OR SERIOUS PHYSICAL INJURIES. — ANY PERSON GUILTY OF ROBBERY BY THE USE OF FORCE UPON THINGS SHALL SUFFER THE APPROPRIATE PENALTY LAID DOWN IN ART. 310 WHEN BY REASON OR ON OCCASION OF THE ROBBERY, THE CRIME OF HOMICIDE SHALL HAVE BEEN COMMITTED; OR WHEN THE ROBBERY SHALL HAVE BEEN ACCOMPANIED BY INTENTIONAL MUTILATION OR SERIOUS PHYSICAL INJURIES.

Art. 316. *What is an inhabited house, public building or building dedicated to religious worship and their dependencies. — Inhabited house means any dwelling of one or more persons, even though the inhabitants thereof shall temporarily be absent therefrom when the robbery is committed.*

All inclosed places contiguous to the building or edifice, having an interior entrance connected therewith and which form part of the whole, shall be deemed dependencies of an inhabited house, public building or building dedicated to religious worship.

The term "public building" includes every building owned by the Government or belonging to a private person not included used or rented by the Government, although temporarily unoccupied by the same.

Art. 317. Possession of picklocks or similar tools. — Any person who shall without lawful cause have in his OR HER possession picklocks or similar tools especially adopted to the commission of the crime of robbery, shall be punished by **RESTORATIVE 1** in its maximum **LEVEL** to **CORRECTIVE 2**.

The same penalty shall be imposed upon any person who shall make such tools. If the offender be a locksmith, he OR SHE shall suffer the penalty of **CORRECTIVE 1**.

SECTION THREE. — QUALIFIED ROBBERY

Art. 318. QUALIFIED Robbery. —THE CRIME OF ROBBERY SHALL BE PUNISHED BY THE MAXIMUM LEVEL OF THE PROPER PENALTIES IF IT shall have been committed ON ANY CONVEYANCE FOR TRANSPORTATION OF PERSONS OR PROPERTY, OR BY MORE THAN THREE MALEFACTORS, OR ON THE OCCASION OF FIRE, EARTHQUAKE, TYPHOON, VOLCANIC ERUPTION, OR ANY OTHER CALAMITY, VEHICULAR ACCIDENT OR CIVIL DISTURBANCE, OR IF THE PROPERTY TAKEN IS MAIL MATTER OR A PARCEL DELIVERED BY COURIER SERVICE, OR IF the intimidation is made with the use of a **DEADLY WEAPON**.

WHEN ANY OF THE WEAPONS USED IN THE COMMISSION OF THE OFFENSE IS A LOOSE FIREARM OR AN EXPLOSIVE, THE PENALTY IMPOSED UPON THE MALEFACTOR UNDER THIS CODE SHALL BE WITHOUT PREJUDICE TO ANY CRIMINAL LIABILITY FOR ILLEGAL POSSESSION OF SUCH LOOSE FIREARM OR EXPLOSIVE.

SECTION FOUR. — ROBBERY WITH RAPE

Art. 319. SEPARATE LIABILITY FOR ROBBERY AND RAPE. — IN THE EVENT THAT ROBBERY IN ANY OF ITS FORMS OR STAGES OF COMMISSION IS ACCOMPANIED BY RAPE, THE OFFENDER SHALL SUFFER THE CORRESPONDING PENALTY THEREFOR IN ADDITION TO HIS OR HER CRIMINAL LIABILITY FOR RAPE.

Chapter TWO THEFT

Art. 320. Who are liable for theft. — Theft is committed by any person who, with intent to gain but without violence against or intimidation of persons force upon things OR ENTRANCE INTO A HOUSE OR BUILDING USING OTHER INGENIOUS WAYS COVERED BY THE PREVIOUS CHAPTER, shall take personal property of another without the latter's consent, OR BY any person who, having found lost property, shall fail to deliver the same to the local authorities or to its owner.

PERSONAL PROPERTY SHALL INCLUDE ANY MOVABLE SUSCEPTIBLE OF APPROPRIATION, WHETHER TANGIBLE OR INTANGIBLE, CORPOREAL OR INCORPOREAL, AND ALL THINGS WHICH CAN BE TRANSPORTED FROM ONE PLACE TO ANOTHER WITHOUT IMPAIRMENT OF THE REAL PROPERTY TO WHICH THEY ARE FIXED.

Art. 321. Penalties. — Any person guilty of theft shall be punished by:

1. The penalty of **AFFLICTIVE 2**, if the value of the thing stolen is more than 1,200,000 pesos but does not exceed 2,200,000 pesos, but if the value of the thing stolen exceeds the latter amount the penalty shall be the maximum **LEVEL** of the one prescribed in this paragraph, and one year for each additional One million pesos (P 1,000,000), but the total of the penalty which may be imposed shall not exceed twenty years. In such cases, and in connection with the accessory penalties which may be imposed and for the purpose of the other provisions of this Code, the penalty shall be termed **AFFLICTIVE 2** or **AFFLICTIVE 1**, as the case may be.
2. The penalty of **CORRECTIVE 1** in its medium and maximum **LEVELs**, if the value of the thing stolen is more than 600,000 pesos but does not exceed 1,200,000 pesos.
3. The penalty of **CORRECTIVE 2**, if the value of the property stolen is more than 20,000 pesos but does not exceed 600,000 pesos.
4. **RESTORATIVE 1** to **CORRECTIVE 2** in its minimum **LEVEL**, if the value of the property stolen is over 5,000 pesos but does not exceed 20,000 pesos.
5. **RESTORATIVE 1 IN ITS MAXIMUM LEVEL**, if such value is over 500 pesos but does not exceed 5,000 pesos.
6. **RESTORATIVE 1**, if such value does not exceed 500 pesos.
7. **RESTORATIVE 2** or a fine not exceeding 20,000 pesos, if the theft is committed under the circumstances enumerated in paragraph 3 of the next preceding article and the value of the thing stolen does not exceed 500 pesos. If such value exceeds said amount, the provision of any of the five preceding subdivisions shall be made applicable.
8. **RESTORATIVE 2** in its minimum **LEVEL** or a fine not exceeding 5,000 pesos, when the value of the thing stolen is not over 500 pesos, and the offender shall have acted under the impulse of hunger, poverty, or the difficulty of earning a livelihood for the support of himself or **HERSELF OR** his **OR HER** family.

Art. 322. 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 with grave abuse of confidence, or if the property stolen is mail matter or **PARCELS DELIVERED THROUGH COURIER SERVICE**, or if property is taken on the occasion of fire, earthquake, typhoon, volcanic eruption, or any other calamity, vehicular accident or civil disturbance. (As amended by R.A. 120 and B.P. Blg. 71. May 1, 1980).

THIS PROVISION SHALL NOT APPLY IF THE PENALTY FOR QUALIFIED THEFT SHALL EXCEED THE MAXIMUM PENALTY FOR THEFT UNDER THE PREVIOUS PROVISION.

Art. 323. Theft of the property of the National Library and National Museum. — If the property stolen be any property of the National Library or the National Museum **OR ANY OTHER INSTITUTION WHICH HOUSES OBJECTS OF HISTORICAL VALUE**, the penalty shall be **RESTORATIVE 1** or a fine ranging from 40,000 to 100,000 pesos, or both, unless a higher penalty should be provided under other provisions of this Code, in which case, the offender shall be punished by such higher penalty.

Chapter **THREE (NEW)**

OTHER RELATED CRIMES

Art. 324. Cattle Rustling; Penalties. — Any person who shall take away by any means, method or scheme, without the consent of the owner or raiser, of any large cattle, whether or not for profit or gain, or whether committed with or without violence against or intimidation of any person or force upon things or kill any large cattle, or take its meat or hide shall, irrespective of the value of the large cattle involved, shall be punished:

- a. by Afflictive 2 in its maximum **LEVEL** to Afflictive 1 in its medium **LEVEL** if the offense is committed without violence against or intimidation of persons or force upon things;
- b. by Afflictive 1 in its maximum **LEVEL** to Punitive 2 if the offense is committed with violence against or intimidation of persons or force upon things; and
- c. by Punitive 2 to Punitive 1 if as a result or on the occasion of the commission of cattle rustling, a person is seriously injured or killed.

Large cattle as herein used shall include the cow, carabao, horse, or other domesticated member of the bovine family.

Art. 325. Carnapping; Penalties. — Any person who takes, with intent to gain, a motor vehicle belonging to another without the latter's consent, or by means of violence against or intimidation of persons, or by using force upon things shall, regardless of the value of the motor vehicle taken, be punished:

- a. by Afflictive 1 in its maximum **LEVEL**, when the carnapping is committed without violence against or intimidation of persons, or force upon things;
- b. by Punitive 2, when the carnapping is committed by means of violence against or intimidation of persons, or force upon things; and
- c. by Punitive 1 when, by reason or on occasion of the carnapping, the crime of homicide shall have been committed, or when the carnapping shall have been accompanied by intentional mutilation.

IN THE EVENT THAT CARNAPPING IN ANY OF ITS FORMS OR STAGES OF COMMISSION IS ACCOMPANIED BY RAPE, THE OFFENDER SHALL SUFFER THE CORRESPONDING PENALTY THEREFOR IN ADDITION TO HIS OR HER CRIMINAL LIABILITY FOR RAPE.

Motor vehicle as herein used refers to any vehicle propelled by any power other than muscular power using the public highways, except road rollers, trolley cars, street sweepers, sprinklers, lawn mowers, bulldozers, graders, forklifts, amphibian trucks, and cranes if not used on public highways; vehicles which run only on rails or tracks; tractors, trailers and traction engines of all kinds used exclusively for agricultural purposes; AND trailers having any number of wheels, when propelled or intended to be propelled by attachment to a motor vehicle.

Art. 326. Theft of Electric Power Transmission Lines and Materials. — The penalty of **AFFLICTIVE 1** or a fine ranging from **OVER ONE MILLION TWO HUNDRED THOUSAND PESOS BUT NOT MORE THAN FIVE MILLION PESOS**, or both at the discretion of the court, shall be imposed on any person found guilty of **CUTTING, SMELTING, REMOVING OR TRANSFERRING** any electric power transmission line,

material or meter from a tower, pole, or site where it may be rightfully or lawfully stored or located, without the consent of the owner **OR WITHOUT LAWFUL AUTHORITY, AS THE CASE MAY BE**, whether or not the act is done for profit or gain.

For purposes of this **PROVISION**, "electrical power transmission line OR material" refers to electric power transmission steel towers, woodpoles, cables, wires, insulators, line hardware, electrical conductors and other related items with a minimum voltage of sixty-nine kilovolts (69 kv).

If the violation **OF THIS OR THE IMMEDIATELY SUCCEEDING PROVISION** is committed by a partnership, firm, corporation, association or any other legal entity, including a government-owned or -controlled corporation, the penalty shall be imposed on the president, manager and each of the officers thereof who shall have knowingly permitted or was otherwise responsible for the commission of the offense.

Art. 327. ILLEGAL CONNECTION AND PILFERAGE OF OTHER UTILITIES. — THE PENALTY OF CORRECTIVE 2 OR A FINE RANGING FROM FORTY THOUSAND PESOS TO ONE MILLION TWO HUNDRED THOUSAND PESOS, OR BOTH, SHALL BE IMPOSED ON ANY PERSON FOUND GUILTY OF:

- a. **INSTALLING** any water, **TELECOMMUNICATION** or piped gas connection without previous authority from the **APPROPRIATE GOVERNMENT AGENCY OR PRIVATE ENTITY AUTHORIZED BY LAW TO PROVIDE SUCH SERVICE;**
OR
- b. **TAMPERING, USING, STEALING OR PILFERING TELECOMMUNICATION CONNECTION** or gas meters, jumpers or other devices;
- c. **STEALING OR PILFERING OR DIVERTING water, GAS OR TELECOMMUNICATION SERVICES.**

Art. 328. Fencing. — Any person who, with intent to gain, for himself or **HERSELF OR** for another, shall buy, receive, possess, keep, acquire, conceal, sell or dispose of, or shall buy and sell, or in any other manner deal in any article, item, object or anything of value which he **OR SHE** knows, or should be known to him **OR HER**, to have been derived from the proceeds of the crime of robbery or theft **OR CRIMES SIMILAR TO ROBBERY OR THEFT**, shall be **punished BY THE PENALTY ONE DEGREE LOWER THAN THAT IMPOSED UPON THE PRINCIPAL FOR THE CRIME OF ROBBERY OR THEFT OR OTHER RELATED CRIMES.**

Chapter Four **USURPATION**

Art. 329. Occupation of real property or usurpation of real rights in property. — Any person who, by means of violence against or intimidation of persons, shall take possession of any real property or shall usurp any real rights in property belonging to another, in addition to the penalty incurred for the acts of violence executed by him **OR HER**, shall be punished by a fine from 50 to 100 per centum of the gain which he **OR SHE** shall have obtained, but not less than 15,000 pesos.

If the value of the gain cannot be ascertained, a fine of from 40,000 to 100,000 pesos shall be imposed.

Art. 330. *Altering boundaries, landmarks OR ROAD OR REGULATORY TRAFFIC SIGNS.* — Any person who shall alter the boundary marks or monuments of **OR ROAD OR REGULATORY TRAFFIC SIGNS OR ANY OTHER MARKS OR MONUMENTS INSTALLED BY THE GOVERNMENT IN MUNICIPALITIES, CITIES,** provinces, or estates, or any other marks intended to designate the boundaries of the same, shall be punished by **RESTORATIVE 2** or a fine not exceeding 20,000 pesos, or both.

Chapter Five **CULPABLE INSOLVENCY**

Art. 331. *Fraudulent insolvency.* — Any person who shall abscond with his **OR HER** property to the prejudice of his **OR HER** creditors, shall suffer the penalty of **AFFLICTIVE 2**, if he **OR SHE** be a merchant and the penalty of **CORRECTIVE 1** to **AFFLICTIVE 2** in its medium **LEVEL**, if he **OR SHE** be not a merchant.

Chapter Six **SWINDLING AND OTHER DECEITS**

Art. 332. *Swindling (estafa).* — Any person who shall defraud another by any of the means mentioned herein below shall be punished by:

1st. The penalty of **CORRECTIVE 1** to **AFFLICTIVE 2** in its minimum **LEVEL**, if the amount of the fraud is over 2,400,000 pesos but does not exceed 4,400,000 pesos, and if such amount exceeds the latter sum, the penalty provided in this paragraph shall be imposed in its maximum **LEVEL**, adding one year for each additional 2,000,000 pesos; but the total penalty which may be imposed shall not exceed twenty years. In such cases, and in connection with the accessory penalties which may be imposed under the provisions of this Code, the penalty shall be termed **AFFLICTIVE 2** or **AFFLICTIVE 1**, as the case may be.

2nd. The penalty of **CORRECTIVE 1**, if the amount of the fraud is over 1,200,000 pesos but does not exceed 2,400,000 pesos;

3rd. The penalty of **RESTORATIVE 1** in its maximum **LEVEL** to **CORRECTIVE 2** if such amount is over 40,000 pesos but does not exceed 1,200,000 pesos; and

4th. By **RESTORATIVE 1** in its maximum **LEVEL**, if such amount does not exceed 40,000 pesos, provided that in the four cases mentioned, the fraud be committed by any of the following means:

1. With abuse of confidence, namely:
 - a. By altering the substance, quantity, or quality or anything of value which the offender shall deliver by virtue of an obligation to do so, even though such obligation be based on an immoral or illegal consideration.
 - b. By misappropriating or converting, to the prejudice of another, money, goods, or any other personal property received by the offender in trust or on commission,

or for administration, or under any other obligation involving the duty to make delivery of or to return the same, even though such obligation be totally or partially guaranteed by a bond; or by denying having received such money, goods, or other property.

IN CASE THIS ACT HAS BEEN COMMITTED BY A CORPORATION, PARTNERSHIP, ASSOCIATION OR OTHER JURIDICAL ENTITY THROUGH THE FAILURE OF AN ENTRUSTEE TO TURN OVER THE PROCEEDS OF THE SALE OF THE GOODS, DOCUMENTS OR INSTRUMENTS COVERED BY A TRUST RECEIPT TO THE EXTENT OF THE AMOUNT OWING TO THE ENTRUSTER OR AS APPEARS IN THE TRUST RECEIPT, OR TO RETURN SAID GOODS, DOCUMENTS OR INSTRUMENTS IF THEY WERE NOT SOLD OR DISPOSED OF IN ACCORDANCE WITH THE TERMS OF THE TRUST RECEIPT THE PENALTY SHALL BE IMPOSED UPON THE DIRECTORS, OFFICERS, EMPLOYEES OR OTHER OFFICIALS OR PERSONS THEREIN RESPONSIBLE FOR THE OFFENSE.

- c. By taking undue advantage of the signature of the offended party in blank, and by writing any document above such signature in blank, to the prejudice of the offended party or of any third person.
- 2. By means of any of the following false pretenses or fraudulent acts executed prior to or simultaneously with the commission of the fraud:
 - a. By using fictitious name, or falsely pretending to possess power, influence, qualifications, property, credit, agency, business or imaginary transactions, or by means of other similar deceptions.
 - b. By altering the quality, fineness or weight of anything pertaining to his **OR HER** art or business.
 - c. By pretending to have bribed any Government employee. In this case, the offender shall be punished by the maximum **LEVEL** of the penalty.
- 4. Through any of the following fraudulent means:
 - a. By inducing another, by means of deceit, to sign any document.
 - b. By resorting to some fraudulent practice to insure success in a gambling game.
 - c. By removing, concealing or destroying, in whole or in part, any court record, office files, document or any other papers.
- 5. **ANY PERSON WHO SHALL DEFRAUD ANOTHER** By post-dating a check, or issuing a check in payment of an obligation when the offender therein were not sufficient to cover the amount of the check shall be punished by:

1st. The penalty of **AFFLICTIVE 1**, if the amount of fraud is over Four million four hundred thousand pesos (P4,400,000) but does not exceed Eight million eight hundred thousand pesos (P8,800,000). If the amount exceeds the latter, the penalty shall be **PUNITIVE 2**.

2nd. The penalty of **AFFLICTIVE 2**, if the amount of the fraud is over Two million four hundred thousand pesos (P2,400,000) but does not exceed Four million four hundred thousand pesos (P4,400,000).

3rd. The penalty of **AFFLICTIVE 2**, if the amount of the fraud is over One million two hundred thousand pesos (P1,200,000) but does not exceed Two million four hundred thousand pesos (P2,400,000).

4th. The penalty of **AFFLICTIVE 2**, if such amount is over Forty thousand pesos (P40,000) but does not exceed One million two hundred thousand pesos (P 1,200,000).

5th. By **AFFLICTIVE 2**, if such amount does not exceed Forty thousand pesos (P40,000). (*as amended by R.A. No. 10951*)

The failure of the drawer of the check to deposit the amount necessary to cover his OR HER check within three (3) days from receipt of notice from the bank and/or the payee or holder that said check has been dishonored for lack of insufficiency of funds shall be prima facie evidence of deceit constituting false pretense or fraudulent act.

Art. 333. Other forms of swindling. — The penalty of **RESTORATIVE 1** in its minimum and medium **LEVELS** and a fine of not less than the value of the damage caused and not more than three times such value, shall be imposed upon:

1. Any person who, pretending to be owner of any real property, shall convey, sell, encumber or mortgage the same.
2. Any person, who, knowing that real property is encumbered, shall dispose of the same, although such encumbrance be not recorded.
3. The owner of any personal property who shall wrongfully take it from its lawful possessor, to the prejudice of the latter or any third person.
4. Any person who, to the prejudice of another, shall execute any fictitious contract.
5. Any person who shall accept any compensation given him **OR HER AS payment FOR services or labor HE OR SHE FRAUDULENTLY CLAIMED TO HAVE RENDERED OR** performed.
6. Any person who, while being a surety in a bond given in a criminal or civil action, without express authority from the court or before the cancellation of his OR HER bond or before being relieved from the obligation contracted by him **OR HER**, shall sell, mortgage, or, in any other manner, encumber the real property or properties with which he **OR SHE** guaranteed the fulfillment of such obligation.

Art. 334. LARGE-SCALE estafa (swindling). — Any person or persons who shall commit estafa or other forms of swindling under either of the next two preceding articles **AGAINST THREE (3) OR MORE PERSONS INDIVIDUALLY OR AS A GROUP shall be punished by THE PENALTY PROVIDED THEREIN TO BE IMPOSED IN ITS MAXIMUM LEVEL.**

IF ESTAFA OR OTHER FORMS OF SWINDLING UNDER EITHER OF THE NEXT TWO PRECEDING ARTICLES IS Committed by a syndicate of five or more persons formed with the intention of carrying out the unlawful or illegal act, transaction, enterprise or scheme, the **CORRESPONDING** penalty shall be **ONE DEGREE HIGHER THAN THAT PRESCRIBED THEREIN.** (P.D. No. 1689, sec. 1)

IF THE defraudation **IN PARAGRAPH 1 OR 2 HEREOF** results in the misappropriation of money contributed by stockholders, or members of rural banks, cooperativeS, **VILLAGE ASSOCIATIONS**, or farmers association, or of funds solicited by corporations or associations from the general public, **THE PENALTY SHALL BE ONE DEGREE HIGHER THAN THAT PRESCRIBED THEREIN TO BE IMPOSED IN ITS MAXIMUM LEVEL.**

Art. 335. Other deceits. — The penalty of **RESTORATIVE 1** and a fine of not less than the amount of the damage caused and not more than twice such amount shall be imposed upon any person who shall defraud or damage another by any other deceit not mentioned in the preceding articles of this chapter.

Chapter Seven **CHATTEL MORTGAGE**

Art. 336. Removal, sale or pledge of mortgaged property. — The penalty or **RESTORATIVE 1** or a fine amounting to twice the value of the property shall be imposed upon:

1. Any person who shall knowingly remove any personal property mortgaged under the Chattel Mortgage Law to any province or city other than the one in which it was located at the time of the execution of the mortgage, without the written consent of the mortgagee, or his OR HER executors, administrators or assigns.
2. Any mortgagor who shall sell or pledge personal property already pledged, or any part thereof, under the terms of the Chattel Mortgage Law, without the consent of the mortgagee written on the back of the mortgage and noted on the record hereof in the office of the Register of Deeds of the province where such property is located.

Chapter Eight **ARSON AND OTHER CRIMES INVOLVING DESTRUCTIONS**

Art. 337. Destructive Arson. — The penalty of **PUNITIVE 2** to **PUNITIVE 1** shall be imposed upon any person who shall burn:

1. One (1) or more buildings or edifices, consequent to one single act of burning, or as result of simultaneous burnings, or committed on several or different occasions;
2. Any building of public or private ownership, devoted to the use of the public in general, or where people usually gather or congregated for a definite purpose such as but not limited to official governmental function or business, private transaction, commerce, trade, worship, meetings and conferences, or merely incidental to a definite purpose such as but not limited to hotels, motels, transient dwellings, public conveyance or stops or terminals, regardless of whether the offender had knowledge that there are persons in said building or edifice at the time it is set on fire, and regardless also of whether the building is actually inhabited or not;
3. Any building, factory, warehouse installation and any appurtenances thereto, which are devoted to the service of public utilities.
4. Any building, the burning of which is for the purpose of concealing or destroying evidence of another violation of law, or for the purpose of concealing bankruptcy or defrauding creditors or to collect from insurance.

5. Any arsenal, shipyard, storehouse or military powder or fireworks factory, ordinance storehouse, archives or general museum of the government.
6. In an inhabited place, any storehouse or factory of inflammable or explosive materials.

Art. 338. Other Cases of DESTRUCTIVE Arson. — The penalty of AFFLICTIVE 1 to PUNITIVE 2 shall be imposed if the property burned is any of the following:

1. Any building used as offices of the government or any of its agencies;
2. Any inhabited house or dwelling;
3. Any industrial establishment, shipyard, oil well or mine shaft, platform or tunnel;
4. Any plantation, farm, pastureland, growing crop, grain field, orchard bamboo grove or forest;
5. Any rice mill, sugar mill, cane mill or mill central;
6. Any railway or bus station, airport, wharf or warehouse; AND
7. ANY TRAIN OR LOCOMOTIVE, SHIP OR VESSEL, AIRCRAFT OR AIRPLANE, OR OTHER VEHICLES DEVOTED TO PUBLIC TRANSPORTATION OR CONVENIENCE, OR PUBLIC USE, ENTERTAINMENT OR LEISURE.

ART. 339. SPECIAL CASE OF ARSON. — THE PENALTY OF AFFLICTIVE 2 SHALL BE IMPOSED WHEN A PERSON SETS FIRE TO HIS OR HER OWN REAL PROPERTY UNDER CIRCUMSTANCES WHICH EXPOSE TO DANGER THE LIFE OR PROPERTY OF ANOTHER.

Art. 340. Simple Arson. — THE PENALTY OF AFFLICTIVE 2 SHALL BE IMPOSED IF ANY OTHER REAL PROPERTY NOT MENTIONED IN THE PRECEDING ARTICLES OF THIS CHAPTER IS BURNED.

ART. 341. ARSON RESULTING IN DEATH. — If as a consequence of the commission of any of the acts penalized under this CHAPTER, death results, the mandatory penalty of PUNITIVE 2 shall be imposed. (As amended by P.D. No. 1744 and R.A. No. 7659, December 13, 1993)

Art. 342. Special Aggravating Circumstances in Arson. — The penalty in any case of arson shall be imposed in its maximum LEVEL;

1. If committed with intent to gain;
2. If committed for the benefit of another; OR
3. IF committed by two (2) or more persons or by a group of persons.

Art. 343. Conspiracy to commit Arson. — Conspiracy to commit arson shall be punished by AFFLICTIVE 2 in its minimum LEVEL.

Art. 344. Crimes involving destruction. — Any person who shall cause destruction by means of explosion, discharge of electric current, inundation, sinking or stranding of a vessel, intentional damaging of the engine of said vessel, and, in general, by using any other agency or means of destruction as effective as those above enumerated, shall be punished by AFFLICTIVE 1 if the commission has endangered the safety of any person, otherwise, the penalty of AFFLICTIVE 2 shall be imposed.

IF PHYSICAL INJURIES OR DEATH RESULTS DURING OR ON THE OCCASION OF THE COMMISSION THEREOF, THE PENALTY OF PUNITIVE 2 SHALL BE IMPOSED.

Chapter Nine MALICIOUS MISCHIEF

Art. 345. *Who are liable for malicious mischief.* — Any person who shall deliberately cause the property of another any damage not falling within the terms of the next preceding chapter shall be guilty of malicious mischief.

Art. 346. *Special cases of malicious mischief.* — Any person who shall cause damage to obstruct the performance of public functions, or using any poisonous or corrosive substance; or spreading any infection or contagion among cattle, **SWINE, POULTRY OR OTHER FARM AND DOMESTICATED ANIMALS**; or who cause damage to the property of the National Museum or National Library, or to any archive or registry, waterworks, road, promenade, or any other thing used in common by the public, shall be punished:

1. By **CORRECTIVE 1**, if the value of the damage caused exceeds 200,000 pesos;
2. By **RESTORATIVE 1**, if such value does not exceed the abovementioned amount but it is over 40,000 pesos; and
3. By **RESTORATIVE 2**, in such value does not exceed 40,000 pesos.

Art. 347. *Other mischiefs.* — The mischiefs not included in the next preceding article shall be punished:

1. By **RESTORATIVE 1** in its medium and maximum **LEVELS**, if the value of the damage caused exceeds 200,000 pesos;
2. By **RESTORATIVE 1** in its minimum and medium **LEVELS**, if such value is over 40,000 pesos but does not exceed 200,000 pesos; and
3. By **RESTORATIVE 2** or fine of not less than the value of the damage caused and not more than 40,000 pesos, if the amount involved does not exceed 40,000 pesos or cannot be estimated.

Art. 348. *Damage and obstruction to means of communication OR TRANSPORTATION.* — The penalty of **CORRECTIVE 1** shall be imposed upon any person who shall damage any railway **SYSTEM, TAKE UP THE RAILS FROM A RAILWAY TRACK, OR MALICIOUSLY CHANGE RAILWAY SIGNALS FOR THE SAFETY OF MOVING TRAINS.**

THE SAME PENALTY SHALL BE IMPOSED UPON ANY PERSON WHO SHALL DESTROY telephone lines OR ANY OTHER COMMUNICATION FACILITY.

If the damage shall result in any derailment of cars, collision or other accident, the penalty of **AFFLICTIVE 2** shall be imposed, without prejudice to the criminal liability of the offender for the other consequences of his **OR HER** criminal act.

For the purpose of the provisions of the article, the electric wires, traction cables, signal system and other things pertaining to railways, shall be deemed to constitute an integral part of a railway system.

Art. 349. *Destroying or damaging CULTURAL PROPERTY, public monuments or paintings.* — ANY PERSON WHO SHALL DESTROY OR DAMAGE ANY WORLD HERITAGE SITE, NATIONAL CULTURAL TREASURE OR IMPORTANT CULTURAL PROPERTY OR ARCHAEOLOGICAL OR ANTHROPOLOGICAL SITE, INCLUDING NATIONAL SHRINES, MONUMENTS, LANDMARKS AND OTHER HISTORIC EDIFICES AND STRUCTURES DECLARED, CLASSIFIED, AND MARKED AS SUCH, OR MODIFY SUCH NATIONAL CULTURAL TREASURE OR HISTORIC EDIFICE WITHOUT THE PRIOR WRITTEN PERMISSION FROM THE NATIONAL COMMISSION FOR CULTURE AND THE ARTS, SHALL SUFFER THE PENALTY OF AFFLICTIVE 2 OR A FINE OVER ONE MILLION TWO HUNDRED THOUSAND PESOS (P1,200,000.00) BUT NOT EXCEEDING FIVE MILLION PESOS (P5,000,000), OR BOTH UPON THE DISCRETION OF THE COURT. IF THE ACT IS COMMITTED BY A JURIDICAL PERSON, THE PRESIDENT, MANAGER, REPRESENTATIVE, DIRECTOR, AGENT OR EMPLOYEE OF THE SAID JURIDICAL PERSON RESPONSIBLE FOR THE ACT SHALL BE LIABLE FOR THE PENALTIES PROVIDED HEREIN.

Any person who shall destroy or damage **OTHER PUBLIC** statues or any other useful or ornamental public monument shall suffer the penalty of **RESTORATIVE 1** in its medium **LEVEL** to **CORRECTIVE 2**.

Any person who shall destroy or damage any useful or ornamental painting of a public nature shall suffer the penalty of **RESTORATIVE 2** or a fine not exceeding 40,000 pesos, or both such fine and imprisonment, in the discretion of the court.

Chapter Ten

EXEMPTION FROM CRIMINAL LIABILITY IN CRIMES AGAINST PROPERTY

Art. 350. *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.

Title Eleven

CRIMES RELATED TO SEXUAL VIOLENCE AND INFIDELITY

Chapter One
MARITAL SEXUAL INFIDELITY

ART. 351. MARITAL SEXUAL INFIDELITY. — Any married **PERSON** who shall have sexual intercourse with **ANOTHER, REGARDLESS OF SEX**, not **HIS OR** her **SPOUSE**, and the **PERSON WITH WHOM HE OR SHE** has **SEXUAL INTERCOURSE** knowing **HIM OR** her to be married, **SHALL BE GUILTY OF MARITAL SEXUAL INFIDELITY AND SHALL BE PUNISHED BY CORRECTIVE 1**, even if the marriage be subsequently declared void.

THE COMPLAINT OF THE OFFENDED SPOUSE IS NECESSARY FOR THE FILING OF A CASE.

THE OFFENDED PARTY CANNOT INSTITUTE CRIMINAL PROSECUTION WITHOUT INCLUDING BOTH THE GUILTY PARTIES, IF THEY ARE BOTH ALIVE, NOR, IN ANY CASE, IF HE OR SHE SHALL HAVE CONSENTED OR PARDONED THE OFFENDERS.

Chapter Two
RAPE AND ACTS OF LASCIVIOUSNESS

Article 352. Rape; When And How Committed. — Rape is committed by any person who shall have carnal knowledge of another person under any of the following circumstances:

- a. Through force, threat, or intimidation;
- b. When the offended party is deprived of reason or otherwise unconscious;
- c. By means of fraudulent machination or grave abuse of authority; and
- d. When the offended party is under sixteen (16) years of age or is demented, even though none of the circumstances mentioned above be present: *Provided*, That there shall be no criminal liability on the part of a person having carnal knowledge of another person under sixteen (16) years of age when the age difference between the parties is not more than three (3) years, and the sexual act in question is proven to be consensual, non-abusive, and non-exploitative: *Provided, further*, That if the victim is under thirteen (13) years of age, this exception shall not apply.

As used in this **CODE**, non-abusive shall mean the absence of undue influence, intimidation, fraudulent machinations, coercion, threat, physical, sexual, psychological, or mental injury or maltreatment, either with intention or through neglect, during the conduct of sexual activities with the child victim. On the other hand, non-exploitative shall mean there is no actual or attempted act or acts of unfairly taking advantage of the child's position of vulnerability, differential power, or trust during the conduct of sexual activities. (*as amended by R.A. No. 11648*)

RAPE SHALL ALSO BE COMMITTED by any person who, under any of the circumstances mentioned in **THE FIRST** paragraph, shall insert his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.

Article 353. Penalties. — Rape shall be punished by **PUNITIVE 2**.

Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be **PUNITIVE 2 to PUNITIVE 1**.

When by reason or on the occasion of the rape, the victim has become insane, the penalty shall be **PUNITIVE 2 to PUNITIVE 1**.

When the rape is attempted and a homicide is committed by reason or on the occasion thereof, the penalty shall be **PUNITIVE 2 to PUNITIVE 1**.

When by reason or on the occasion of the rape, homicide is committed, the penalty shall be **PUNITIVE 1**.

PUNITIVE 1 shall also be imposed if the crime of rape is committed with any of the following qualifying circumstances:

1. When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim;
2. When the victim is under the custody of the police or military authorities or any law enforcement or penal institution;
3. When the rape is committed in full view of the spouse, parent, any of the children or other relatives within the third civil degree of consanguinity;
4. When the victim is a religious engaged in legitimate religious vocation or calling and is personally known to be such by the offender before or at the time of the commission of the crime;
5. When the victim is a child below seven (7) years old;
6. When the offender knows that he **OR SHE** is afflicted with Human Immune-Deficiency Virus (HIV)/Acquired Immune Deficiency Syndrome (AIDS) or any other sexually transmissible disease;
7. When committed by any member of the Armed Forces of the Philippines or para military units thereof or the Philippine National Police or any law enforcement agency or penal institution, when the offender took advantage of his **OR HER** position to facilitate the commission of the crime;
8. When by reason or on the occasion of the rape, the victim has suffered **OR IS LIKELY TO SUFFER** physical mutilation or disability;
9. When the offender knew of the pregnancy of the offended party at the time of the commission of the crime; and
10. When the offender knew of the mental disability, emotional disorder and/or physical handicap of the offended party at the time of the commission of the crime.

Art. 354. Effect of Pardon. — The subsequent valid marriage between the offender and the offended party shall extinguish the criminal action or the penalty imposed.

In case it is the legal **SPOUSE** who is the offender, the subsequent forgiveness by the **OFFENDED SPOUSE** as the offended party shall extinguish the criminal action or the penalty: *Provided, That* the crime shall not be extinguished or the penalty shall not be abated if the marriage is void ab initio.

Art. 355. Presumptions. — Any physical overt act manifesting resistance against the act of rape in any degree from the offended party, or where the offended party is so situated as to render **HIM OR HER** incapable of giving valid consent, may be accepted as evidence in the prosecution of the acts punished under Article 266-A.

Art. 356. Acts of lasciviousness. — Any person who shall commit any act of lasciviousness upon other persons of either sex, under any of the circumstances mentioned in **RAPE**, shall be punished by **CORRECTIVE 1**.

IF THE VICTIM IS A CHILD WHO IS SIXTEEN (16) YEARS OF AGE OR BELOW, THE PENALTY SHALL BE PUNITIVE 2. IN CASE THE VICTIM IS A CHILD ABOVE SIXTEEN (16) YEARS OF AGE BUT BELOW EIGHTEEN (18) YEARS OF AGE, THE PENALTY SHALL BE AFFLICTIVE 1; PROVIDED, THAT THE EXEMPTION FROM CRIMINAL LIABILITY UNDER ART. 352 (d) SHALL ALSO APPLY TO THIS PROVISION.

IN CASE THE VICTIM IS A CHILD ABOVE 16 YEARS OF AGE BUT BELOW 18 YEARS OF AGE AND EXPLOITED IN PROSTITUTION OR OTHER SEXUAL ABUSE, THE PENALTY SHALL BE AFFLICTIVE 1 TO PUNITIVE 2.

Chapter Three **SEDUCTION AND EXPLOITATION OF PERSONS IN PROSTITUTION**

Art. 357. Qualified seduction. — The seduction of a minor, sixteen and over but under eighteen years of age, committed by any person in public authority, priest **OR RELIGIOUS LEADER**, home-servant, domestic, guardian, teacher, or any person who, in any capacity, shall be entrusted with the education or custody of the minor seduced, shall be punished by **CORRECTIVE 2**.

The penalty next higher in degree shall be imposed upon any person who shall seduce his sister or descendant, whether or not she **IS** over eighteen years of age.

Under the provisions of this Chapter, seduction is committed when the offender has carnal knowledge of any of the persons and under the circumstances described herein.

Art. 358. Simple seduction. — The seduction of a minor, sixteen and over but under eighteen years of age, committed by means of deceit, shall be punished by **RESTORATIVE 1**. (*As amended by R.A. No. 11648*)

Art. 359. CONSENTED Acts of lasciviousness. — The penalty of **RESTORATIVE 1** shall be imposed to punish any other acts of lasciviousness committed by the same persons and the same circumstances as those provided in Articles 357 and 358.

ART. 360. EXPLOITATION OF PERSONS IN PROSTITUTION. — Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

The penalty of **AFFLICTIVE 1** to **PUNITIVE 2** shall be imposed upon

1. Those who commit the act of sexual intercourse with a child **OVER 16 YEARS OF AGE BUT BELOW 18 YEARS OF AGE AND** exploited in prostitution or subjected to other sexual abuse.
2. Those who derive profit or advantage therefrom, whether as manager or owner of the establishment where the prostitution takes place, or of the sauna, **SPA**, disco, bar, resort, place of entertainment or establishment serving as a cover or which engages in prostitution in addition to the activity for which the license has been issued to said establishment.
3. Those who engage in or promote, facilitate or induce child prostitution which include, but are not limited to, the following:
 - a. Acting as a procurer of a child prostitute;
 - b. Inducing a person to be a client of a child prostitute by means of written or oral advertisements or other similar means;
 - c. Taking advantage of influence or relationship to procure a child as prostitute;
 - d. Threatening or using violence towards a child to engage him **OR HER** as a prostitute; or
 - e. Giving monetary consideration, goods or other pecuniary benefit to a child with intent to engage such child in prostitution.

THE PENALTY ONE DEGREE LOWER SHALL BE IMPOSED WHERE THE VICTIM IS NOT A CHILD.

Art. 361. Attempt to EXPLOIT A Child IN Prostitution. ANY PERSON WHO attempts to **EXPLOIT A CHILD IN** prostitution under **THE IMMEDIATELY PRECEDING ARTICLE**, not being a relative of a child, is found alone with the said child inside the room or cubicle of a house, an inn, hotel, motel, pension house, apartelle or other similar establishments, vessel, vehicle or any other hidden or secluded area under circumstances which would lead a reasonable person to believe that the child is about to be exploited in prostitution and other sexual abuse.

There is also an attempt to **EXPLOIT A child IN** prostitution, under paragraph (1) of **THE IMMEDIATELY PRECEDING ARTICLE** when any person is receiving services from a child in a sauna parlor or bath, massage clinic, health club and other similar establishments. A penalty lower by two (2) degrees than that prescribed for the consummated felony under **THE IMMEDIATELY PRECEDING ARTICLE** shall be imposed upon the principals of the attempt to **EXPLOIT A child IN** prostitution.

Chapter Four **ABDUCTION**

Art. 362. Forcible abduction. — The **TAKING** of any **PERSON**, **WITHOUT INTENT TO DETAIN**, against **THE LATTER'S** will and with lewd designs shall be punished by **AFFLICTIVE 1**.

The same penalty shall be imposed in every case, if the **PERSON** abducted be under twelve years of age.

Art. 363. Consented abduction. — The abduction of a **MINOR** over **SIXTEEN** years and under eighteen years of age, carried out with **HIS OR** her consent and with lewd designs, shall be punished by the penalty of **CORRECTIVE 1**.

Chapter Five
**PROVISIONS RELATIVE TO THE PRECEDING
CHAPTERS OF TITLE ELEVEN**

Art. 364. EFFECT OF MARRIAGE OF THE OFFENDER AND OFFENDED PARTY TO the crimes of seduction, abduction, and acts of lasciviousness. — In cases of seduction, abduction, OR acts of lasciviousness, the **SUBSEQUENT VALID** marriage of the offender with the offended party shall extinguish the criminal action or remit the penalty already imposed upon him **OR HER**.

Art. 365. Liability of ascendants, guardians, teachers, or other persons entrusted with the custody of the offended party. — The ascendants, guardians, curators, teachers and any person **WITH AUTHORITY OR CONFIDENTIAL RELATIONSHIP** who, by abuse of **SUCH** authority or confidential relationships, shall cooperate as accomplices in the perpetration of the crimes embraced in chapters second, third and fourth, of this title, shall be punished as principals.

Teachers, **GUARDIANS**, or other persons in any other capacity entrusted with the education and guidance of youth **OR WARDS**, shall also suffer the penalty of temporary special disqualification in its maximum **LEVEL** to perpetual special disqualification.

**CHAPTER SIX
WORK, EDUCATION OR TRAINING-RELATED SEXUAL HARASSMENT**

Art. 366. Work, Education or Training-related Sexual Harassment Defined. — Work, education or training-related sexual harassment is committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor, or any other person who, having authority, influence or moral ascendancy over another in a work or training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said act.

- a. In a work-related or employment environment, sexual harassment is committed when:
 1. The sexual favor is made as a condition in the hiring or in the employment, re employment or continued employment of said individual, or in granting said individual favorable compensation, terms, conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;
 2. The above acts would impair the employee's rights or privileges under existing labor laws; or
 3. The above acts would result in an intimidating, hostile, or offensive environment for the employee.

- b. In an education or training environment, sexual harassment is committed:
1. Against one who is under the care, custody or supervision of the offender;
 2. Against one whose education, training, apprenticeship or tutorship is entrusted to the offender;
 3. When the sexual favor is made a condition to the giving of a passing grade, or the granting of honors and scholarships or the payment of a stipend, allowance or other benefits, privileges, or considerations; or
 4. When the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.

Any person who violates **THESE** provisions shall be penalized by **RESTORATIVE 1** or a fine of not less than Ten thousand pesos (P10,000) nor more than Twenty thousand pesos (P20,000), or both such fine and imprisonment at the discretion of the court, **WITHOUT PREJUDICE TO HIS OR HER CRIMINAL LIABILITY FOR ANY OTHER CRIME** which may have accompanied the sexual harassment.

Title Twelve
CRIMES AGAINST THE CIVIL STATUS OF PERSONS

Chapter One
SIMULATION OF BIRTHS AND USURPATION OF CIVIL STATUS

Art. 367. Simulation of births, substitution of one child for another and concealment or abandonment of a legitimate child. — **ANY PERSON WHO SHALL CAUSE THE FICTITIOUS REGISTRATION OF THE BIRTH OF A CHILD UNDER THE NAME(S) OF A PERSON(S) WHO IS NOT HIS OR HER BIOLOGICAL PARENT(S) SHALL BE GUILTY OF SIMULATION OF BIRTH, AND SHALL BE PUNISHED BY AFFLICTIVE 2 AND A FINE NOT EXCEEDING 200,000 PESOS.**

ANY PERSON WHO TAMPERS WITH OTHER RECORDS RELEVANT TO THE BIRTH OF A CHILD TO MAKE IT APPEAR THAT A CHILD WAS BORN TO A PERSON WHO IS NOT SUCH CHILD'S BIOLOGICAL MOTHER, CAUSING THE LOSS OF THE TRUE IDENTITY AND STATUS OF SUCH CHILD, SHALL SUFFER THE PENALTIES UNDER THE PRECEDING PARAGRAPH.

ANY PHYSICIAN OR NURSE OR HOSPITAL PERSONNEL WHO, IN VIOLATION OF HIS OR HER OATH OF OFFICE, SHALL COOPERATE IN THE EXECUTION OF THE ABOVEMENTIONED CRIME SHALL SUFFER THE PENALTIES HEREIN PRESCRIBED AND ALSO THE PENALTY OF TEMPORARY OR PERPETUAL SPECIAL DISQUALIFICATION.

The same penalties shall be imposed upon any person who shall **SUBSTITUTE ONE CHILD FOR ANOTHER, OR WHO SHALL** conceal or abandon any legitimate child with intent to cause such child to lose **HIS OR HER** civil status.

NON-REGISTRATION OF ONE'S CHILD WITHIN ONE (1) YEAR FROM BIRTH IS PRIMA FACIE EVIDENCE OF INTENT TO CAUSE SUCH CHILD TO LOSE HIS OR HER CIVIL STATUS.

Art. 368. *Usurpation of civil status.* — The penalty of **AFFLICTIVE 2** shall be imposed upon any person who shall usurp the civil status of another, **INCLUDING FILIATION AND PARENTAL AND CONJUGAL RIGHTS**, should **THE OFFENDER** do so for the purpose of defrauding the offended party or **THE LATTER'S** heirs; otherwise, the penalty of **CORRECTIVE 1** shall be imposed; **PROVIDED, IF THE AMOUNT OF THE FRAUD EXCEEDS 4,400,000 PESOS, THE OFFENDER SHALL BE PUNISHED BY THE PENALTY OF AFFLICTIVE 2 IN ITS MAXIMUM LEVEL, ADDING ONE YEAR FOR EACH ADDITIONAL 2,000,000; BUT THE TOTAL PENALTY WHICH MAY BE IMPOSED SHALL NOT EXCEED TWENTY YEARS.**

Chapter Two ILLEGAL MARRIAGES

Art. 369. *Bigamy.* — The penalty of **AFFLICTIVE 2** shall be imposed upon any person who shall contract a second or subsequent marriage which would be valid were it not for the subsistence of the former valid marriage before the former **VALID** marriage has been legally dissolved **THROUGH ANY OF THE MODES RECOGNIZED BY LAW**, or before the absent spouse has been declared presumptively dead by means of a judgment rendered in the proper proceedings.

THE SECOND OR SUBSEQUENT SPOUSE, HAVING KNOWLEDGE OF THE SUBSISTENCE OF THE VALID MARRIAGE OF THE OFFENDER, SHALL BE PUNISHED AS PRINCIPAL.

Art. 370. *Marriage contracted against provisions of laws.* — The penalty of **CORRECTIVE 1** shall be imposed upon any person who, without being included in the provisions of the **PRECEDING** article, shall contract marriage knowing that the requirements of the law have not been complied with or that the marriage is in disregard of a legal impediment.

If either of the contracting parties shall obtain the consent of the other by means of violence, intimidation or fraud, **THE OFFENDER** shall be punished by the maximum **LEVEL** of the penalty provided in the next preceding paragraph.

Art. 371. *Performance of illegal marriage ceremony.* — Priests or ministers of any religious denomination or sect, or civil authorities who shall perform or authorize any illegal marriage ceremony shall be punished **BY RESTORATIVE 1 TO CORRECTIVE 2, OR A FINE OF NOT LESS THAN FORTY THOUSAND PESOS NOR MORE THAN FOUR HUNDRED THOUSAND PESOS.**⁶

CHAPTER THREE CHILD MARRIAGES

⁶ See Sec. 39, Act 3613. Amount of fine may adjusted/recalibrated.

Art. 372. Facilitation of Child Marriage. —Any person who causes, fixes, facilitates, or arranges a child marriage shall suffer the penalty of **AFFLICTIVE 2** and a fine of not less than Forty thousand pesos (P40,000.00): *Provided, however,* That should the perpetrator be an ascendant, parent, adoptive parent, step parent, or guardian of the child, the penalty shall be **IMPOSED** in its maximum **LEVEL**, a fine of not less than Fifty thousand pesos (P50,000.00), and perpetual loss of parental authority: *Provided, further,* That any person who produces, prints, issues and/or distributes fraudulent or tampered documents such as birth certificates, affidavits of delayed registration of birth and/or foundling certificates for the purpose of misrepresenting the age of a child to facilitate child marriage or evade liability under this Act shall also be liable.

Art. 373. Solemnization of Child Marriage. — Any person who performs or officiates a child marriage shall suffer the penalty of **AFFLICTIVE 2** in its maximum **LEVEL** and a fine of not less than Fifty thousand pesos (P50,000.00).

Art. 374. Cohabitation of an Adult with a Child outside Wedlock. — An adult partner who cohabits with a child outside wedlock shall suffer the penalty of **AFFLICTIVE 2** in its maximum **LEVEL** and a fine of not less than Fifty thousand pesos (P50,000.00).

Title Thirteen
CRIMES AGAINST HONOR

Chapter One
DEFAMATION

Section One. — *Definitions, forms, and PENALTIES of this crime*

Art. 375. Definition of DEFAMATION. — **DEFAMATION** is **THE** public and malicious imputation of a crime, or of a vice or defect, real or imaginary, or any act, omission, condition, status, or circumstance tending to cause the dishonor, discredit, or contempt of a natural or juridical person, or to blacken the memory of one who is dead.

THERE ARE THREE KINDS OF DEFAMATION: LIBEL, SLANDER, AND SLANDER BY DEED.

Art. 376. LIBEL. — **DEFAMATION** committed by means of writing, printing, lithography, engraving, **BROADCAST MEDIA**, phonograph, painting, theatrical exhibition, cinematographic exhibition, **ELECTRONIC OR DIGITAL DEVICES**, or any similar means, shall be punished a fine ranging from 40,000 to 1,200,000 pesos in addition to the civil action which may be brought by the offended party.

DEFAMATION COMMITTED THROUGH A COMPUTER SYSTEM OR ANY OTHER SIMILAR MEANS SHALL BE PUNISHED BY A FINE OF MORE THAN 1,200,000 PESOS BUT NOT EXCEEDING 5,000,000 PESOS.

Art. 377. Slander. — Oral defamation shall be punished by **A FINE RANGING FROM 20,000 TO 100,000 PESOS** if it is of a serious and insulting nature; otherwise the penalty shall be a fine not exceeding 20,000 pesos.

Art. 378. Slander by deed. — The penalty of a fine ranging from 20,000 to 100,000 pesos shall be imposed upon any person who shall perform any act not included and punished in this title, which shall cast dishonor, discredit or contempt upon another person. If said act is not of a serious nature, the penalty shall be a fine not exceeding 20,000 pesos.

Art. 379. Threatening to publish and offer to present such publication for a compensation. — The penalty of a fine from 40,000 to 400,000 pesos shall be imposed upon any person who threatens another to publish a libel concerning him **OR HER** or the parents, spouse, child, or other members of the family of the latter or upon anyone who shall offer to prevent the publication of such libel for a compensation or money consideration.

Art. 380. Prohibited publication of acts referred to in the course of official proceedings. — The penalty of a fine of 4,000 to 200,000 pesos shall be imposed upon any reporter, editor or manager or a newspaper, daily or magazine, who shall publish facts connected with the private life of another and offensive to the honor, virtue and reputation of said person, even though said publication be made in connection with or under the pretext that it is necessary in the narration of any **OFFICIAL** proceedings wherein such facts have been mentioned.

THE PENALTY OF A FINE OVER 200,000 BUT NOT EXCEEDING 1,200,000 SHALL BE IMPOSED IF THE PUBLICATION IS MADE THROUGH A COMPUTER SYSTEM.

Section Two. — *General provisions*

Art. 381. PRESUMPTION OF MALICE IN LAW. — Every defamatory imputation is presumed to be malicious, even if it be true, if no good intention and justifiable motive for making it is shown, except in the following cases:

1. A private communication made by any person to another in the performance of any legal, moral or social duty;
2. A fair and true report, made in good faith, of any official proceedings which are not of confidential nature, or of any statement, report or speech delivered in said proceedings, or of any other act performed by public officers in the exercise of their functions; **AND**
3. **FAIR COMMENTARIES ON MATTERS OF PUBLIC INTEREST.**

Art. 382. MALICE IN FACT. — Libelous remarks or comments connected with the matter privileged under the provisions of Article 381, if made with malice, shall not exempt the author thereof nor the editor or managing editor of a newspaper from criminal liability.

Art. 383. Proof of the truth. — In every criminal prosecution for **DEFAMATION ATTRIBUTING A CRIME**, the truth may be given in evidence to the court and if it was published with good motives and for justifiable ends, the defendants shall be acquitted.

Proof of the truth of an imputation of an act or omission made against Government employees with respect to facts related to the discharge of their official duties **SHALL RESULT IN THE ACQUITTAL OF THE DEFENDANT.**

Art. 384. *Persons responsible.* — Any person who shall publish, exhibit, or cause the publication or exhibition of any defamation in writing or by similar means, shall be responsible for the same.

The author or editor of a book or pamphlet, or the editor or business manager of a daily newspaper, magazine or serial publication, shall be responsible for the defamations contained therein to the same extent as if he **OR SHE** were the author thereof.

Chapter Two INCRIMINATORY MACHINATIONS

Art. 385. *Incriminating innocent person.* — Any person who, by any act not constituting perjury, shall directly incriminate or impute to an innocent person the commission of a crime, shall be punished by **THE PENALTY NEXT LOWER IN DEGREE THAN THAT PRESCRIBED BY LAW FOR THE CRIME TO WHICH THE INNOCENT PERSON IS INCRIMINATED.**

Art. 386. *Intriguing against honor.* — The penalty of fine not exceeding 40,000 pesos shall be imposed for any intrigue which has for its principal purpose to blemish the honor or reputation of a person.

TITLE FOURTEEN CYBERCRIMES

Art. 387. *Definition of Terms.* — For purposes of this Title, the following terms are hereby defined as follows:

- a. *Access* refers to the instruction, communication with, storing data in, retrieving data from, or otherwise making use of any resources of a computer system or communication network.
- b. *Alteration* refers to the modification or change, in form or substance, of an existing computer data or program.
- c. *Communication* refers to the transmission of information through ICT media, including voice, video and other forms of data.
- d. *Computer* refers to an electronic, magnetic, optical, electrochemical, or other data processing or communications device, or grouping of such devices, capable of performing logical, arithmetic, routing, or storage functions and which includes any storage facility or equipment or communications facility or equipment directly related to or operating in conjunction with such device. It covers any type of computer device including devices with data processing capabilities like mobile phones, smart phones, computer networks and other devices connected to the internet.
- e. *Computer data* refers to any representation of facts, information, or concepts in a form suitable for processing in a computer system including a program suitable to cause a computer system to perform a function and includes electronic documents and/or electronic data messages whether stored in local computer systems or online.
- f. *Computer program* refers to a set of instructions executed by the computer to achieve intended results.
- g. *Computer system* refers to any device or group of interconnected or related devices, one or more of which, pursuant to a program, performs automated

processing of data. It covers any type of device with data processing capabilities including, but not limited to, computers and mobile phones. The device consisting of hardware and software may include input, output and storage components which may stand alone or be connected in a network or other similar devices. It also includes computer data storage devices or media.

- h. *Without right* refers to either: (i) conduct undertaken without or in excess of authority; or (ii) conduct not covered by established legal defenses, excuses, court orders, justifications, or relevant principles under the law.
- i. *Cyber* refers to a computer or a computer network, the electronic medium in which online communication takes place.
- j. *Critical infrastructure* refers to the computer systems, and/or networks, whether physical or virtual, and/or the computer programs, computer data and/or traffic data so vital to this country that the incapacity or destruction of or interference with such system and assets would have a debilitating impact on security, national or economic security, national public health and safety, or any combination of those matters.
- k. *Cybersecurity* refers to the collection of tools, policies, risk management approaches, actions, training, best practices, assurance and technologies that can be used to protect the cyber environment and organization and user's assets.
- l. *Database* refers to a representation of information, knowledge, facts, concepts, or instructions which are being prepared, processed or stored or have been prepared, processed or stored in a formalized manner and which are intended for use in a computer system.
- m. *Interception* refers to listening to, recording, monitoring or surveillance of the content of communications, including procuring of the content of data, either directly, through access and use of a computer system or indirectly, through the use of electronic eavesdropping or tapping devices, at the same time that the communication is occurring.
- n. *Service provider* refers to:
 - 1. Any public or private entity that provides to users of its service the ability to communicate by means of a computer system; and
 - 2. Any other entity that processes or stores computer data on behalf of such communication service or users of such service.
- o. *Subscriber's information* refers to any information contained in the form of computer data or any other form that is held by a service provider, relating to subscribers of its services other than traffic or content data and by which identity can be established:
 - 1. The type of communication service used, the technical provisions taken thereto and the period of service;
 - 2. The subscriber's identity, postal or geographic address, telephone and other access numbers, any assigned network address, billing and payment information, available on the basis of the service agreement or arrangement; and
 - 3. Any other available information on the site of the installation of communication equipment, available on the basis of the service agreement or arrangement.
- p. *Traffic data* or *non-content data* refers to any computer data other than the content of the communication including, but not limited to, the communication's origin, destination, route, time, date, size, duration, or type of underlying service.

Art. 388. *Illegal Access.* — The access to the whole or any part of a computer system without right, shall be punished with imprisonment of **AFFLICTIVE 2** or a fine of at least Two hundred thousand pesos (PhP200,000.00) up to a maximum amount commensurate to the damage incurred or both.

Art. 389. *Illegal Interception.* — The interception made by technical means without right of any non-public transmission of computer data to, from, or within a computer system including electromagnetic emissions from a computer system carrying such computer data, shall be punished with imprisonment of **AFFLICTIVE 2** or a fine of at least Two hundred thousand pesos (PhP200,000.00) up to a maximum amount commensurate to the damage incurred or both.

Art. 390. *Data Interference.* — The intentional or reckless alteration, damaging, deletion or deterioration of computer data, electronic document, or electronic data message, without right, including the introduction or transmission of viruses, shall be punished with imprisonment of **AFFLICTIVE 2** or a fine of at least Two hundred thousand pesos (PhP200,000.00) up to a maximum amount commensurate to the damage incurred or both.

Art. 391. *System Interference.* — The intentional alteration or reckless hindering or interference with the functioning of a computer or computer network by inputting, transmitting, damaging, deleting, deteriorating, altering or suppressing computer data or program, electronic document, or electronic data message, without right or authority, including the introduction or transmission of viruses, shall be punished with imprisonment of **AFFLICTIVE 2** or a fine of at least Two hundred thousand pesos (PhP200,000.00) up to a maximum amount commensurate to the damage incurred or both.

Art. 392. *Misuse of Devices.*

1. The use, production, sale, procurement, importation, distribution, or otherwise making available, without right, of:
 - a. A device, including a computer program, designed or adapted primarily for the purpose of committing any of the offenses under this Chapter; or
 - b. A computer password, access code, or similar data by which the whole or any part of a computer system is capable of being accessed with intent that it be used for the purpose of committing any of the offenses under this Chapter.

shall be punished with the penalty of **AFFLICTIVE 2**.

2. The possession of an item referred to above with intent to use said devices for the purpose of committing any of the offenses under this section, shall be punished with the penalty of **AFFLICTIVE 2**

Art. 393. *Cyber-squatting.* — The acquisition of a domain name over the internet in bad faith to profit, mislead, destroy reputation, and deprive others from registering the same, if such a domain name is:

- a. Similar, identical, or confusingly similar to an existing trademark registered with the appropriate government agency at the time of the domain name registration;
- b. Identical or in any way similar with the name of a person other than the registrant, in case of a personal name; and

c. Acquired without right or with intellectual property interests in it.

shall be punished with the penalty of **AFFLICTIVE 2**.

Art. 394. If any of the punishable acts in **ARTICLES 388 to 393** above are committed against critical infrastructure, the penalty of **AFFLICTIVE 1** or a fine of at least Five hundred thousand pesos (PhP500,000.00) up to maximum amount commensurate to the damage incurred or both, shall be imposed.

Art. 395. Computer-related Forgery. —

- a) The input, alteration, or deletion of any computer data without right resulting in inauthentic data with the intent that it be considered or acted upon for legal purposes as if it were authentic, regardless whether or not the data is directly readable and intelligible; or
- b) The act of knowingly using computer data which is the product of computer related forgery as defined herein, for the purpose of perpetuating a fraudulent or dishonest design.

shall be punished with the penalty of **AFFLICTIVE 2**.

Art. 396. Computer-related Fraud. — The unauthorized input, alteration, or deletion of computer data or program or interference in the functioning of a computer system, causing damage thereby with fraudulent intent, shall be punished with the penalty of **AFFLICTIVE 2**; *Provided*, That if no damage has yet been caused, the penalty imposable shall be one (1) degree lower.

Art. 397. Computer-related Identity Theft. — The intentional acquisition, use, misuse, transfer, possession, alteration or deletion of identifying information belonging to another, whether natural or juridical, without right, shall be punished with the penalty of **AFFLICTIVE 2**; *Provided*, That if no damage has yet been caused, the penalty imposable shall be one (1) degree lower.

Art. 398. Cybersex. — The willful engagement, maintenance, control, or operation, directly or indirectly, of any lascivious exhibition of sexual organs or sexual activity, with the aid of a computer system, for favor or consideration, shall be punished with the penalty of **AFFLICTIVE 2**.

Art. 399. All crimes defined and penalized by this Code if committed by, through and with the use of information and communications technologies shall be a cybercrime; *Provided*, That the penalty to be imposed shall be one (1) degree higher than that provided for by the Code, as amended.

Art. 400. Corporate Liability. — When any of the punishable acts defined in this Title are knowingly committed on behalf of or for the benefit of a juridical person, by a natural person acting either individually or as part of an organ of the juridical person, who has a leading position within, based on: (a) a power of representation of the juridical person provided the act committed falls within the scope of such authority; (b) an authority to take decisions on behalf of the juridical person: *Provided*, That the act committed falls within the

scope of such authority; or (c) an authority to exercise control within the juridical person, the juridical person shall be held liable for a fine equivalent to at least double the fines impossible for such cybercrime up to a maximum of Ten million pesos (PhP10,000,000.00).

If the commission of any of the punishable acts defined in this Title was made possible due to the lack of supervision or control by a natural person referred to and described in the preceding paragraph, for the benefit of that juridical person by a natural person acting under its authority, the juridical person shall be held liable for a fine equivalent to at least double the fines impossible for such cybercrime up to a maximum of Five million pesos (PhP5,000,000.00).

The liability imposed on the juridical person shall be without prejudice to the criminal liability of the natural person who has committed the offense.

Title FIFTEEN QUASI-OFFENSES

Sole Chapter CRIMINAL NEGLIGENCE

Art. 401. *Imprudence and negligence.* — Any person who, by reckless imprudence, shall commit any act which, had it been intentional, would constitute a grave felony, shall suffer the penalty of **RESTORATIVE 1** in its maximum **LEVEL** to **CORRECTIVE 1**; if it would have constituted a less grave felony, the penalty of **RESTORATIVE 1** in its minimum and medium **LEVELS** shall be imposed; if it would have constituted a light felony, the penalty of **RESTORATIVE 2** in its maximum **LEVEL** shall be imposed.

Any person who, by simple imprudence or negligence, shall commit an act which would otherwise constitute a grave felony, shall suffer the penalty of **RESTORATIVE 1** in its medium and maximum **LEVELS**; if it would have constituted a less serious felony, the penalty of **RESTORATIVE 1** in its minimum **LEVEL** shall be imposed.

When the execution of the act covered by this article shall have only resulted in damage to the property of another, the offender shall be punished by a fine ranging from an amount equal to the value of said damages to three times such value, but which shall in no case be less than 5,000 pesos.

A fine not exceeding 40,000 pesos and censure shall be imposed upon any person who, by simple imprudence or negligence, shall cause some wrong which, if done maliciously, would have constituted a light felony.

In the imposition of these penalties, the court shall exercise their sound discretion, without regard to the rules prescribed in Article 47.

The provisions contained in this article shall not be applicable:

1. When the penalty provided for the offense is equal to or lower than those provided in the first two paragraphs of this article, in which case the court shall

impose the penalty next lower in degree than that which should be imposed in the period which they may deem proper to apply.

2. When, by imprudence or negligence and with violation of the **TRAFFIC LAWS AND ORDINANCES** the death of a person shall be caused, in which case the defendant shall be punished by **CORRECTIVE 1; PROVIDED, THAT IN CASE OF TWO OR MORE DEATHS CAUSED BY SUCH IMPRUDENCE OR NEGLIGENCE AND VIOLATION OF TRAFFIC LAWS AND ORDINANCES, THE OFFENDER SHALL BE PUNISHED BY AFFLICTIVE 2.**

Reckless imprudence consists in voluntary, but without malice, doing or falling to do an act from which material damage results by reason of inexcusable lack of precaution on the part of the person performing of failing to perform such act, taking into consideration his employment or occupation, degree of intelligence, physical condition and other circumstances regarding persons, time and place.

Simple imprudence consists in the lack of precaution displayed in those cases in which the damage impending to be caused is not immediate nor the danger clearly manifest.

The penalty next higher in degree to those provided for in this article shall be imposed upon the offender who fails to lend on the spot to the injured parties such help as may be in this hand to give. (As amended by R.A. 1790, approved June 21, 1957)

IMPRUDENCE, WHETHER CHARACTERIZED AS RECKLESS OR SIMPLE, IS A SINGLE QUASI-OFFENSE WHICH PUNISHES THE OFFENDER'S MENTAL ATTITUDE AND NOT THE CRIMINAL ACTS PRODUCED AS A CONSEQUENCE OF HIS OR HER LACK OF CARE OR FORESIGHT.

Art. 402. Separability Clause. – If any provision of this Act shall be held unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force effect.

Art. 403. Repealing Clause. – All laws, presidential decrees, executive orders, ordinances, rules and regulations, and other issuances or parts thereof which are inconsistent with this Act, are hereby repealed or modified accordingly.

Art. 404. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,

