

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 7206



**Introduced by Representatives Emigdio P. Tanjuatco III, Ysabel Maria J. Zamora
and Anna Victoria Veloso-Tuazon**

EXPLANATORY NOTE

The Revised Penal Code of the Philippines (Act No. 3815) was enacted in 1932. For more than nine decades, it has served as the foundation of Philippine criminal law. However, profound social, technological, economic, and institutional transformations have rendered many of its provisions outdated, fragmented, and ill-suited to address contemporary forms of criminality.

In recent decades, the Philippines has experienced a marked increase in complex and transnational crimes. Data from law enforcement and justice sector reports consistently show a sharp rise in cyber-enabled offenses such as online fraud, identity theft, computer-related forgery, and electronic financial crimes, with reported cybercrime incidents increasing by several hundred percent over the last ten years. Likewise, cases involving organized and syndicated crime, economic sabotage, environmental offenses, and crimes committed through digital platforms have expanded in scale and sophistication, exposing gaps in the existing penal framework.

The present criminal justice system is also burdened by the proliferation of special penal laws enacted to fill gaps in the Revised Penal Code. While well-intentioned, this piecemeal approach has resulted in inconsistencies in definitions, penalties, and legal standards, leading to uneven enforcement, interpretative conflicts, and difficulties in prosecution and adjudication. The absence of a harmonized and modern penal code undermines legal certainty, predictability, and fairness.

Moreover, the existing Revised Penal Code was drafted in an era that did not contemplate juridical persons as potential offenders, the extensive use of computers and digital networks, or contemporary concepts of restorative justice, community-based penalties, and proportional sentencing. Penalty structures and fine amounts fixed decades ago have also lost their deterrent value due to inflation and economic growth.

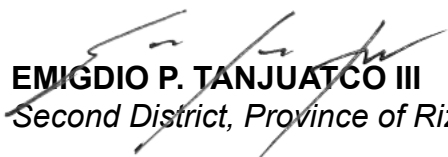
The Proposed Criminal Code of the Philippines seeks to comprehensively modernize and rationalize Philippine criminal law. It amends and consolidates the Revised Penal Code and relevant special penal laws into a coherent, updated, and internally consistent legal framework. The proposed measure aligns criminal law with constitutional principles, international treaty obligations, and evolving global standards in criminal justice.

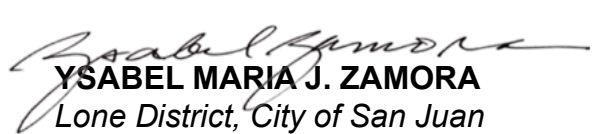
Among its key features are: (1) updated definitions of crimes and criminal liability that recognize modern modes of commission, including the use of computer systems and digital technologies; (2) express recognition of criminal liability of juridical persons in appropriate cases; (3) rationalized and inflation-adjusted penalties, including expanded use of fines, community service, and non-custodial sanctions; (4) clearer and more precise rules on jurisdiction, including extraterritorial application for crimes affecting national security, Filipino citizens, and Philippine-registered entities; (5) strengthened provisions against organized and syndicated crime, corruption, discrimination-based offenses, and crimes committed during calamities or emergencies; and (6) enhanced integration of restorative and corrective measures consistent with rehabilitation and reintegration.

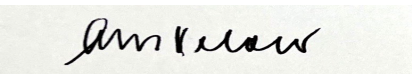
The Proposed Criminal Code further simplifies the classification of crimes, clarifies the treatment of aggravating, mitigating, and alternative circumstances, and modernizes rules on penalties, prescription, extinction of criminal liability, and civil liability arising from crimes. These reforms are designed to promote proportionality, fairness, and efficiency in the administration of criminal justice.

Ultimately, the enactment of the Criminal Code of the Philippines is a necessary and timely reform. It responds to the realities of twenty-first-century criminality, strengthens the rule of law, enhances public protection, and ensures that the country's penal system remains effective, humane, and responsive to the needs of society.

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


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AN ACT
AMENDING THE REVISED PENAL CODE,
RELEVANT SPECIAL PENAL LAWS, AND SPECIAL LAWS WITH PENAL
PROVISIONS

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

Article 1. Title. - This Act shall be known as the “***Criminal Code of the Philippines.***”

Art. 2. Application of its Provisions. – EXCEPT AS PROVIDED IN THE TREATIES AND LAWS OF PREFERENTIAL APPLICATION, 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 SHALL:

1. commit A CRIME while on a Philippine ship or AIRCRAFT;
2. 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. commit A CRIME in RELATION to their functions while being public officers or employees;
4. commit A CRIME against national security and law of nations; or

5. COMMIT a crime outside the Philippines against any Filipino citizen, or entity registered in the Philippines, punishable by RECLUSION TEMPORAL or higher PENALTY, unless the act is PUNISHABLE IN THE PLACE WHERE the CRIME IS COMMITTED AND THE OFFENDER IS JUDICIALLY CHARGED THEREIN.
6. COMMIT A CRIME, REGARDLESS OF THE PLACE OF COMMISSION, IF ANY OF THE ELEMENTS OF THE CRIME WAS COMMITTED WITHIN THE PHILIPPINES, OR COMMITTED WITH THE USE OF ANY COMPUTER SYSTEM WHOLLY OR PARTLY SITUATED IN THE PHILIPPINES, OR WHEN BY SUCH COMMISSION ANY DAMAGE IS CAUSED TO ANY JURIDICAL OR NATURAL PERSON, WHO, AT THE TIME THE CRIME WAS COMMITTED, WAS IN THE PHILIPPINES.

TITLE ONE

CRIMES AND CIRCUMSTANCES WHICH AFFECT CRIMINAL LIABILITY

Chapter One

CRIMES

Art. 3. *Crime, Intent, and Fault.* – CRIME IS AN ACT OR OMISSION DEFINED AND PUNISHED UNDER THIS CODE committed WITH INTENT OR WITH fault.

There is INTENT when the act is deliberately performed; 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 shall be incurred by any person COMMITTING A CRIME.

Criminal liability shall ALSO be incurred by committing an INTENTIONAL CRIME although the wrongful act be different from that which was intended; or 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 employment of inadequate or ineffectual means.

Art. 5. *Consummated, Frustrated, and Attempted CRIMES.* – Consummated, FRUSTRATED, AND ATTEMPTED CRIMES ARE PUNISHABLE.

A CRIME is consummated when all the elements necessary for its execution and accomplishment are present.

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 the CRIME directly by overt acts, and does not perform all acts of execution which would produce the CRIME by reason of some cause or accident other than the OFFENDER'S own spontaneous desistance.

Art. 6. *When Light CRIMES are Punishable.* – Light CRIMES are punishable only when they are consummated, EXCEPT WHEN COMMITTED AGAINST PERSONS OR PROPERTY.

Art. 7. *Grave CRIMES, Less Grave CRIMES, and Light CRIMES.* – Grave CRIMES are those to which the law attaches the AFFLICTIVE punishment or penalties which in any of their periods are afflictive, in accordance with Article 24 of this Code.

Less grave CRIMES are those which the law punishes with penalties which in their maximum period are CORRECTIONAL, in accordance with the Article 24 of this Code.

Light CRIMES are those infractions of law for the commission of which the penalty of ARRESTO MENOR or a fine not exceeding Forty thousand pesos (P40,000) or both is provided.

Art. 8. *CONSPIRACY AND PROPOSAL TO COMMIT CRIME.* - CONSPIRACY AND PROPOSAL TO COMMIT CRIME ARE PUNISHABLE ONLY IN THE CASES IN WHICH THE LAW SPECIALLY PROVIDES A PENALTY THEREFOR.

A CONSPIRACY EXISTS WHEN TWO OR MORE PERSONS COME TO AN AGREEMENT CONCERNING THE COMMISSION OF A CRIME AND DECIDE TO COMMIT IT.

THERE IS PROPOSAL WHEN THE PERSON WHO HAS DECIDED TO COMMIT A CRIME PROPOSES ITS EXECUTION TO SOME OTHER PERSON OR PERSONS.

Art. 9. *Suppletory Application of the provisions of this CODE.* - This CODE shall not apply to crimes punishable under SPECIAL LAWS, unless the latter allow for suppletory application.

Chapter Two

JUSTIFYING CIRCUMSTANCES AND CIRCUMSTANCES WHICH EXEMPT FROM CRIMINAL LIABILITY

Art. 10. *Justifying Circumstances.* – The following do not incur any criminal liability:

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

First. Unlawful aggression;

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

Third. Lack of sufficient provocation on the part of the person defending
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2. Anyone who acts in defense of the person, HONOR or rights of ONE'S spouse, ascendants, descendants, brothers or sisters, or of ONE'S 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, 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; AND
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. Any person who acts in the fulfillment of a duty or in the lawful exercise of a RIGHT OR OFFICE.
7. 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. 11. *Circumstances exempt from Criminal Liability.* – The following are exempt from criminal liability:

1. A PERSON SUFFERING FROM MENTAL DISORDER OR DEFECT THAT COMPLETELY DEPRIVES INTELLIGENCE OR REASON THAT RENDERS ONE INCAPABLE OF COMPREHENDING THE UNLAWFUL NATURE OF THE ACT AT THE TIME OF THE COMMISSION OF THE CRIME.
2. A CHILD FIFTEEN years of age OR UNDER AT THE TIME OF THE COMMISSION OF THE CRIME.
3. A CHILD ABOVE FIFTEEN years BUT BELOW EIGHTEEN YEARS OF AGE ACTING WITHOUT DISCERNMENT.
4. 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. 12. *Mitigating Circumstances.* – The following are mitigating circumstances:

1. Those mentioned in ARTICLES 9 AND 10, when NOT all OF 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 ABOVE FIFTEEN YEARS BUT BELOW EIGHTEEN YEARS OF AGE ACTING WITH DISCERNMENT, or over seventy YEARS OF AGE AT THE TIME OF THE COMMISSION OF THE CRIME,
3. That the offender had no intention to commit so GRAVE a CRIME as that committed.
4. That sufficient provocation OR THREAT on the part of the offended party immediately preceded the COMMISSION OF THE CRIME.
5. That the CRIME was committed in PROXIMATE vindication of a grave CRIME COMMITTED AGAINST the OFFENDER, THE LATTER’S spouse, ascendants, descendants, brothers or sisters, or relatives by affinity within the same degrees.

THE RELATIONSHIP CONTEMPLATED IN THIS PARAGRAPH INCLUDES THOSE CREATED BY VIRTUE OF LEGAL ADOPTION.

6. That of having acted upon an impulse so powerful as naturally to have produced passion or obfuscation ARISING FROM LAWFUL SENTIMENTS OR FEELINGS.
7. That the offender voluntarily surrendered to a person in authority or THE LATTER'S agents.
8. THAT THE OFFENDER voluntarily PLEADED guilty TO THE CRIME CHARGED before the court prior to THE PRESENTATION OF THE PROSECUTION EVIDENCE.
9. That the offender is deaf and MUTE, blind or otherwise suffering FROM some PHYSICAL OR MENTAL DISABILITY THAT restricts ONE'S means OR FREEDOM of action, defense, or communication with OTHER PERSONS.
10. THAT THE illness OF THE OFFENDER diminishes the exercise of REASON OR INTELLIGENCE, WITHOUT HOWEVER DEPRIVING HIM OR HER OF CONSCIOUSNESS OF HIS OR HER ACT.
11. Any other similar nature OR analogous CIRCUMSTANCES.

Chapter Four

CIRCUMSTANCES WHICH AGGRAVATE CRIMINAL LIABILITY

Art. 13. *Aggravating Circumstances.* – The following are aggravating circumstances:

1. That THE OFFENDER TAKES advantage of public position.
2. That the crime committed with CONTEMPT OR insult TO PERSONS IN AUTHORITY as defined in Article 140.
3. That the crime committed be in disregard of the respect due to the offended party on account of rank, status, age, or GENDER.
4. That the crime be committed with abuse of confidence or obvious ungratefulness.
5. That the crime be committed in the PALACE of the PRESIDENT, or in the LATTER'S presence, or WHERE public AUTHORITIES ARE ENGAGED IN THE discharge OF THEIR DUTIES.
6. THAT THE CRIME BE COMMITTED in a place dedicated to religious worship.

7. That the CRIME be committed DURING nighttime, or in an uninhabited place, whenever such circumstances may facilitate the commission of the CRIME.
8. That IN THE COMMISSION OF THE CRIME the OFFENDER TOOK ADVANTAGE OF conflagration, shipwreck, earthquake, TYPHOON, PANDEMIC, epidemic, or other calamity.
9. THAT THE OFFENDER, WHO HAS BEEN PREVIOUSLY CONVICTED BY FINAL JUDGMENT OF AN INTENTIONAL CRIME, COMMITS A SUBSEQUENT CRIME.
10. That the crime be committed with evident premeditation.
11. That the crime be committed in consideration of a price, reward or promise.
12. That the crime be committed by means of inundation, fire, poison, explosion, stranding of a vessel or intentional damage thereto, derailment of a locomotive, or by the use of any other artifice involving great waste and ruin.
13. That advantage be taken of superior strength, or means be employed to weaken the defense.
14. That craft, fraud, or disguise be employed.
15. That the act be committed with treachery.

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

16. That THE CRIME BE COMMITTED WITH CRUELTY.
17. That the crime be committed with ignominy.
18. That the crime be committed IN THE DWELLING OF THE OFFENDED PARTY WHO HAS NOT GIVEN PROVOCATION.
19. That the crime be committed after an unlawful entry. There is an unlawful entry when an entrance is effected by a way not intended for the purpose.
20. That as a means to the commission of a crime a wall, roof, floor, door, or window be broken.

21. That the crime be committed BY A BAND, OR BY ANY PERSON WHO BELONGS TO AN ORGANIZED OR SYNDICATED CRIME GROUP.

A BAND CONSIST OF FOUR OR MORE ARMED MALEFACTORS ACTING TOGETHER IN THE COMMISSION OF A CRIME.

AN ORGANIZED OR 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.

22. THAT THE CRIME BE COMMITTED WITH THE AID OF A CHILD.

23. THAT THE CRIME BE COMMITTED WITH THE AID OF ARMED MALEFACTORS WHO ENSURE OR AFFORD IMPUNITY.

24. THAT THERE IS A POSITIVE FINDING FOR THE USE OF DANGEROUS DRUGS IN THE COMMISSION OF THE CRIME BY THE OFFENDER.

25. THE CRIME COMMITTED FOR RACIST REASONS OR OTHER CRIME OF DISCRIMINATION IN RELATED TO IDEOLOGY, RELIGION, ETHNIC ORIGIN OR ETHNICITY, CULTURAL AFFILIATION, GENDER SEXUAL ORIENTATION AGAINST THE OFFENDED PARTY.

Chapter Five

ALTERNATIVE CIRCUMSTANCES

Art. 14. Concept. — Alternative circumstances are those which must be taken into consideration as aggravating or mitigating according to the nature and effects of the crime and the other conditions attending its commission. They are the relationship, intoxication and the degree of instruction and education of the offender.

The alternative circumstance of relationship shall be taken into consideration when the offended party is the spouse, ascendant, descendant, brother or sister, ADOPTED CHILDREN, or relative by affinity in the same degrees of the offender.

The intoxication of the offender shall be taken into consideration as a mitigating circumstance when the offender has committed a crime in a state of intoxication, if the same is not habitual or subsequent to the plan to commit said crime; but when the intoxication is habitual or intentional it shall be considered as an aggravating circumstance.

TITLE TWO

PERSONS CRIMINALLY LIABLE FOR CRIMES

Art. 15. *Who are Criminally Liable.* – CRIMINAL LIABILITY SHALL BE INCURRED BY NATURAL PERSONS.

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.

CRIMINAL LIABILITY OF JURIDICAL PERSONS SHALL ATTACH IN INSTANCES AND MANNER INDICATED UNDER THIS CODE AND BY SPECIAL LAWS.

Art. 16. *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; or
3. Cooperate in the commission of the crime by another act without which THE CRIME would not have been accomplished.

Art. 17. *Accomplices.* – Accomplices are those persons who, not HAVING ACTED AS PRINCIPALS, cooperate in the execution of the CRIME by previous or simultaneous acts.

Art. 18. *Accessories.* – Accessories are those persons 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 manner:

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 OFFENDER; or
4. BY ANY OTHER ACT OR OMISSION THAT WILL OBSTRUCT, IMPEDE, FRUSTRATE, RESTRICT OR DELAY THE APPREHENSION OF THE OFFENDER AND THE INVESTIGATION AND PROSECUTION OF CRIMINAL CASES, UNLESS THE ACT IS SEPARATELY PUNISHED UNDER OTHER PROVISIONS OF THIS CODE OR BY OTHER SPECIAL LAWS.

IF THE ACT IS PENALIZED BY ANY OTHER LAW WITH A HIGHER PENALTY, THE HIGHER PENALTY SHALL BE IMPOSED.

Art. 19. *Accessories Who Are Exempt from Criminal Liability.* – UNLESS OTHERWISE PROVIDED BY LAW, the penalties prescribed for accessories shall not be imposed upon those PERSONS falling under paragraphs 2 and 3 of Art. 17, with respect to their spouses, ascendants, descendants, ADOPTED CHILDREN, brothers and sisters, or relatives by affinity within the same degrees.

TITLE THREE PENALTIES

Chapter One PENALTIES IN GENERAL

Art. 20. *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 SHALL, WITHOUT SUSPENDING THE EXECUTION OF THE SENTENCE, SUBMIT TO THE PRESIDENT, THROUGH THE DEPARTMENT OF JUSTICE, ITS RECOMMENDATION FOR EXECUTIVE CLEMENCY OF THE SENTENCE, AND REFER TO THE CONGRESS FOR AMENDMENT OF THE PENALTY.

Art. 21. *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.

Art. 22. *Effect of pardon by the offended party.* - A pardon by the offended party does not extinguish criminal action except as provided in Article 344 of this Code; but civil liability with regard to the interest of the injured party is extinguished by his express waiver.

Art. 23. *Measures of prevention or safety which are not considered penalties.* - The following shall not be considered as penalties:

1. The arrest and temporary detention of accused persons, as well as their detention by reason of insanity or imbecility, or illness requiring their confinement in a hospital.
2. The commitment of a minor to any of the institutions mentioned in third paragraph of Article 119(4) and for the purposes specified therein.
3. Suspension from the employment or public office during the trial or in order to institute proceedings.
4. Fines and other corrective measures which, in the exercise of their administrative disciplinary powers, superior officials may impose upon their subordinates.
5. Deprivation of rights and reparations which the civil law may establish in penal form.

Chapter Two

CLASSIFICATION OF PENALTIES

Art. 24. *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 DEPRIVATION OR RESTRICTION OF LIBERTY, COMMUNITY SERVICE, DISQUALIFICATION, PUBLIC REPRIMAND AND FINES.

Afflictive penalties

Reclusion perpetua
Reclusion temporal
Perpetual or temporary absolute disqualification
Perpetual or temporary special disqualification
Prision mayor

Correctional penalties

Prision correccional
Arresto mayor or COMMUNITY SERVICE
Suspension
RESTRICTIVE

Light penalties

Arresto menor or COMMUNITY SERVICE
Public REPRIMAND

Penalties common to the three preceding classes

Fine or COMMUNITY SERVICE

Art. 25. 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; and
Payment of costs.

Art. 26. Fine. — *When AFFLICTIVE, CORRECTIONAL or Light Penalty.* — A fine, whether imposed as a single or as an alternative penalty, shall be CONSIDERED *AFFLICTIVE* penalty, if it exceeds One million two hundred thousand pesos (P1,200,000); a *CORRECTIONAL* penalty, if it does not exceed One million two hundred thousand pesos (P1,200,000) but is not less than Forty thousand pesos (P40,000); and a light penalty, if it be less than Forty thousand pesos (P40,000).

Chapter Three

DURATIONS AND EFFECT OF PENALTIES

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

Art. 27. RECLUSION PERPETUA. — The penalty of reclusion perpetua shall be from twenty (20) years and one (1) day to thirty (30) years.

Reclusion temporal. — The penalty of reclusion temporal shall be from twelve (12) years and one (1) day to twenty (20) years.

Maximum period: 17 years, 4 months and 1 day to 20 years

Medium period: 14 years, 8 months and 1 day to 17 years and 4 months

Minimum period: 12 years and 1 day to 14 years and 8 months

Prision mayor and temporary disqualification. — The duration of the penalties of prision mayor and temporary disqualification shall be from six (6) years and one (1) day to twelve (12) 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 period: 10 years and 1 day to 12 years

Medium period: 8 years and 1 day to 10 years

Minimum period: 6 years and 1 day to 8 years

Prision correccional, AND suspension. — The duration of the penalties of prision correccional, and suspension shall be from six (6) months and one (1) day to six (6) years, except when suspension is imposed as an accessory penalty, in which case, its duration shall be that of the principal penalty.

Maximum period: 4 years, 2 months and 1 day to 6 years

Medium period: 2 years, 4 months and 1 day to 4 years and 2 months

Minimum period: 6 months and 1 day to 2 years and 4 months

RESTRICTIVE. — THE DURATION OF THE RESTRICTIVE PENALTY SHALL BE FROM SIX (6) MONTHS TO TWO (2) YEARS.

Arresto mayor. — The duration of the penalty or arresto mayor shall be from one (1) month and one (1) day to six (6) months.

Maximum period: 3 months and 1 day to 6 months

Medium period: 2 months and 1 day to 4 months

Minimum period: 1 to 2 months

Arresto menor. — The duration of the penalty of arresto menor shall be from one (1) day to thirty (30) days.

Maximum period: 21 to 30 days

Medium period: 11 to 20 days

Minimum period: 1-10 days

COMMUNITY SERVICE. — THE DURATION OF COMMUNITY SERVICE SHALL BE FROM ONE (1) DAY TO SIX (6) MONTHS.

PUBLIC REPRIMAND

Art. 28. *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 offender commences to serve sentence.

Art. 29. *Period of preventive imprisonment.* — THE PERIOD OF PREVENTIVE IMPRISONMENT SHALL BE DEDUCTED FROM THE SENTENCE CONSISTING OF DEPRIVATION OF LIBERTY.

WHEN THE OFFENDER HAS UNDERGONE PREVENTIVE IMPRISONMENT FOR A PERIOD EQUAL TO THE POSSIBLE MAXIMUM IMPRISONMENT OF THE OFFENSE CHARGED TO WHICH THE OFFENDER MAYBE SENTENCED AND THE CASE IS NOT YET TERMINATED [GCTA Law], 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. 30. *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 CONVICT 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. 31. *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. 32. *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 CONVICT 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 CONVICT shall not be permitted to hold any public office during the period of disqualification.

Art. 33. *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, OR the exercise of the right of suffrage shall disqualify the offender from holding such office or exercising such profession or calling or the 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 suspension.

Art. 34. *Civil Interdiction.* — Civil interdiction shall deprive the CONVICT 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. 35. *Pardon; its effect.* — A pardon shall not work the restoration of the right to hold public office, or the right of suffrage, unless such rights be expressly restored by the terms of the pardon.

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

Art. 36. *Pecuniary Liabilities — Order of Payment.* — In case the property of the CONVICT should not be sufficient for the payment of all the 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; and
4. The costs of the proceedings.

Art. 37. *Cost.* - What are included. - Costs shall include fees and indemnities in the course of the judicial proceedings, whether they be fixed or unalterable amounts previously determined by law or regulations in force, or amounts not subject to A schedule.

Art. 38. *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 FOUR (4) MONTHS AND ONE (1) DAY BUT NOT MORE THAN SIX (6) MONTHS; FOR FINE CLASSIFIED AS LESS GRAVE, HE OR SHE SHALL RENDER COMMUNITY SERVICE OF NOT LESS THAN ONE (1) MONTH BUT NOT MORE THAN FOUR (4) MONTHS; AND FOR FINE CLASSIFIED AS LIGHT CRIME, HE OR SHE SHALL RENDER COMMUNITY SERVICE OF NOT MORE THAN THIRTY (30) DAYS.

Section Three. — *Penalties in which Other Accessory Penalties Are Inherent*

Art. 39. *Reclusion Perpetua and Reclusion Temporal; Their accessory penalties.* — Reclusion perpetua and reclusion temporal 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. 40. *Prision Mayor; Its accessory penalties.* — Prision mayor 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. 41. *Prision correccional; Its accessory penalties.* — Prision correccional penalty shall carry with it 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 (18) 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. 42. *Arresto; Its accessory penalties.* — The penalty of *arresto* shall carry with it that of suspension of the right to hold office and the right of suffrage during the term of the sentence.

Art. 43. *Confiscation and forfeiture of the proceeds or instruments of the crime.* — Every penalty imposed for the commission of a felony shall carry with it the forfeiture of the proceeds of the crime and the instruments or tools with which it was committed. Such proceeds and instruments or tools shall be confiscated and forfeited in favor of the Government, unless they be the property of a third person not liable for the offense, but those Articles which are not subject of lawful commerce shall be destroyed.

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. 44. *Penalty to be Imposed in General* — The penalty prescribed by law for the commission of a CRIME shall be imposed upon the principals.

Whenever the law prescribes a penalty for a CRIME in general terms, it shall be understood as applicable to the consummated CRIME.

THE PENALTY NEXT LOWER IN DEGREE SHALL BE IMPOSED UPON THE PRINCIPAL IN A FRUSTRATED CRIME, AND THE PENALTY TWO DEGREES LOWER UPON THE 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. 45. *Exceptions to the rules established in Article 40.* - The provisions contained in THE PRECEDING Article, inclusive, of this Code shall not be applicable to cases in which the law expressly prescribes the penalty provided for a frustrated or attempted CRIME, or to be imposed upon accomplices or accessories.

Art. 46. *Additional penalty to be imposed upon certain accessories.* - Those accessories falling within the terms of paragraph 3 of Article 18 of this Code who should act with abuse of their public functions, shall suffer the additional penalty of absolute perpetual disqualification if the principal offender shall be guilty of a grave CRIME, and that of absolute temporary disqualification if he shall be guilty of a less grave CRIME.

Art. 47. *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. 48. *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.

This rule shall not apply if the acts committed by the guilty person shall also constitute an attempt or frustration of another crime, AND THIS CODE prescribes a higher penalty for either of the latter offenses, in which case the penalty provided for the attempted or the frustrated crime shall be imposed in its maximum period.

Art. 49. *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 means employed for the act intended by such person are essentially inadequate to produce the result desired or by its nature impossible to accomplish, the court, having in mind the social danger and the degree of criminality shown by the offender, shall impose the penalty of Arresto Mayor or a fine ranging from Forty thousand pesos (P40,000) to One hundred thousand pesos (P100,000).

Art. 50. Rules for Graduating Penalties. — For the purpose of graduating the penalties which, according to the provisions of Article 60 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 60 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 ~~or two~~ 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,	Penalty to be imposed upon the principal in an attempted crime,	Penalty to be imposed upon the accessory in a frustrated crime	Penalty to be imposed upon the accessory in an attempted crime

		and the accomplice in a consummated crime	the accessory in the consummated crime, and the accomplices in a frustrated crime	and the accomplices in an attempted crime	
First Case		RECLUSION PERPETUA	RECLUSION TEMPORAL	PRISION MAYOR	PRISION CORRECCIONAL
Second Case	RECLUSION PERPETUA	RECLUSION TEMPORAL	PRISION MAYOR	PRISION CORRECCIONAL	ARRESTO MAYOR
Third Case	RECLUSION TEMPORAL in its maximum period TO RECLUSION PERPETUA	PRISION MAYOR in its maximum period to RECLUSION TEMPORAL in its medium period	PRISION CORRECCIONAL in its maximum period to PRISION MAYOR in its medium period	Arresto Mayor in its maximum period to PRISION CORRECCIONAL in its medium period	Fine and Arresto Mayor in its minimum and medium periods
Fourth case	PRISION MAYOR in its maximum period to RECLUSION TEMPORAL in its medium period	PRISION CORRECCIONAL in its maximum period to PRISION MAYOR in its medium period	Arresto Mayor in its maximum period to PRISION CORRECCIONAL in its medium period	Fine and Arresto Mayor in its minimum and medium periods	Fine

Art. 51. Application of Indivisible PENALTY. — 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 CRIME.

Art. 52. 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 themselves constitute a crime especially punishable by law in defining a crime and prescribing 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 the 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 conviction, the offender 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 PRISION CORRECCIONAL in its medium and maximum periods;
 - (b) Upon the fourth conviction, the offender 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 PRISION MAYOR in its maximum and medium periods; and
 - (c) Upon the fifth or additional conviction, the offender 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 PRISION MAYOR in its maximum period to RECLUSION TEMPORAL 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 THIRY years.

For purposes of this PARAGRAPH, 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.

6. THE MAXIMUM PENALTY SHALL BE IMPOSED, REGARDLESS OF MITIGATING CIRCUMSTANCES, WHEN THE OFFENDER TAKES ADVANTAGE OF HIS OR HER PUBLIC POSITION IN THE COMMISSION OF THE CRIME.

7. THE MAXIMUM PENALTY SHALL BE IMPOSED, IF THE OFFENDER, WHILE SERVING SENTENCE BY FINAL JUDGMENT, COMMITS ANOTHER CRIME.
8. THE MAXIMUM PENALTY SHALL BE IMPOSED IF THE CRIME WAS COMMITTED BY ANY PERSON WHO BELONGS TO AN ORGANIZED OR SYNDICATED CRIME GROUP.

Art. 53. *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 Article 62 and Article 63 of this Code, the courts shall observe for the application of the penalty the following rules, according to whether OR NOT there are 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 CRIME, the penalty shall be imposed in its minimum period.
3. When only an aggravating circumstance is present in the commission of the CRIME, the penalty shall be imposed 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. 54. *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. 55. *Imposition of fines.* - In imposing fines the courts may fix any amount within the limits established by law; in fixing the amount in each case attention shall be given, not only to the mitigating and aggravating circumstances, but more particularly to the wealth or means of the culprit.

Art. 56. *Penalty to Be Imposed When Not All the Requisites of Exemption of the fourth circumstance of Article 11 are Present.*— When all the conditions required in circumstance number 4 of Article 11 of this Code to exempt from criminal liability are not present, the penalty of ARRESTO MAYOR in its maximum period to PRISION CORRECCIONAL in its minimum period shall be imposed upon the OFFENDER if he OR SHE shall have been guilty of a grave CRIME, and ARRESTO MAYOR in its minimum and medium periods, if of a less grave CRIME.

Art. 57. *Penalty to Be Imposed Upon a Person Under Eighteen (18) Years of Age.* — When the offender is a minor OVER FIFTEEN (15) AND under eighteen (18) years OF AGE, the penalty next lower than that prescribed by law shall be imposed, but always in the proper period.

Art. 58. *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 Article 10 and Article 11, provided that not all the 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 justification or exemption present or lacking.

Art. 59. *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:

RECLUSION PERPETUA
RECLUSION TEMPORAL
PRISION MAYOR
PRISION CORRECCIONAL
ARRESTO MAYOR
ARRESTO MENOR
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. 60. *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 50 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. RECLUSION PERPETUA
2. RECLUSION TEMPORAL
3. PRISION MAYOR
4. PRISION CORRECCIONAL
5. ARRESTO MAYOR
6. ARRESTO MENOR
7. PUBLIC REPRIMAND
8. Fine.

Art. 61. 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. 62. 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 include in the penalty in its entirety	Time included in its minimum period	Time included in its medium period	Time included in its maximum period
RECLUSION TEMPORAL	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
PRISION MAYOR, 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
PRISION CORRECCIONAL 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
ARRESTO MAYOR	FROM 6 MONTHS AND 1 DAY TO 3 YEARS	FROM 6 MONTHS AND ONE DAY TO LESS THAN 1 YEAR AND 3 MONTHS	1 YEAR AND 3 MONTHS	FROM 1 YEAR 3 MONTHS AND 1 DAY TO 3 YEARS

ARRESTO MENOR	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
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Art. 63. *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. 64. *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. 65. *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.

TITLE FOUR EXTINCTION OF CRIMINAL LIABILITY

Chapter One TOTAL EXTINCTION OF CRIMINAL LIABILITY

Art. 66. *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 offender from the payment of the civil indemnity imposed upon him OR HER by the sentence.

5. By prescription of the crime;
6. BY EXPRESS PARDON OF THE OFFENDED PARTY IN CASES OF LIGHT CRIMES.
7. IN CASE OF A JURIDICAL PERSON, CRIMINAL LIABILITY SHALL BE EXTINGUISHED BY:
 1. COMPLIANCE WITH OR EXECUTION OF THE PENALTY;
 2. AMNESTY;
 3. PARDON; AND
 4. PRESCRIPTION OF CRIMES.
8. SUCCESSFUL COMPLETION OF PROBATION.

Art. 67. *Prescription of Crimes.* — Crimes punishable by RECLUSION PERPETUA or RECLUSION TEMPORAL PENALTY OR FINE CLASSIFIED AS GRAVE PENALTY shall prescribe in twenty (20) years.

Crimes punishable by other afflictive penalties shall prescribe in fifteen (15) years.

Those punishable by a CORRECTIVE penalty OR FINE CLASSIFIED AS LESS GRAVE PENALTY shall prescribe in ten (10) years; with the exception of those punishable by ARRESTO MAYOR, which shall prescribe in five (5) years.

CRIMES PUNISHED BY RESTORATIVE PENALTIES OR FINE CLASSIFIED AS LIGHT PENALTY prescribe in two (2) 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. 68. *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. 69. *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 SENTENCE OF THE PENALTY IMPOSED; and
4. For good conduct allowances which the offender may earn while he OR SHE is undergoing preventive imprisonment or serving his OR HER sentence.

Art. 70. *Effect of Commutation of Sentence.* — IN CASE OF COMMUTATION OF SENTENCE, IT SHALL HAVE THE LEGAL EFFECT OF SUBSTITUTING THE LENGTH AND NATURE CORRESPONDING TO THE NEW PENALTY.

Art. 71. *Allowance for Good Conduct.* — The ALLOWANCE FOR good conduct of any offender qualified for credit for preventive imprisonment pursuant to Article 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. 72. *Special Time Allowance for Loyalty.* — A deduction of three-fifths of the remaining period of the 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 161 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 four-fifths of the remaining period of the 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 158 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. 73. *Civil Liability of Person Guilty of CRIME.* — Every person criminally liable is ALSO civilly liable.

Art. 74. *Rules Regarding Civil Liability in Certain Cases.* — The exemption from criminal liability established in subdivisions (1), (2), (3) and (4) of Article 11 and in subdivision (4) of Article 10 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 11, 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 CHILD ABOVE FIFTEEN BUT UNDER EIGHTEEN 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 10, 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 11 (Art. 10 of the Revised Penal Code), 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. 75. *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. 76. *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. 77. *What is Included in Civil Liability.* — The civil liability established in Articles 75, 76, 77, and 78 of this Code includes:

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

Art. 78. *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. 79. *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. 80. *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. 81. *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. 82. *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. 83. *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. 84. *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. 85. *Extinction of Civil Liability.* — Civil liability established in Articles 75, 76, 77, and 78 of this Code shall be extinguished in the same manner as other obligations, in accordance with the provisions of the Civil Law.

Art. 86. *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.

Chapter Five

EXTINCTION AND SURVIVAL OF CIVIL LIABILITY

Art. 87. *Extinction of Civil Liability.* — Civil liability established in Articles 75, 76, 77, and 78 of this Code shall be extinguished in the same manner as other obligations, in accordance with the provisions of the Civil Law.

Art. 88. *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

FOR THE PURPOSE OF THIS CHAPTER, ARMED CONFLICT MEANS ANY USE OF FORCE OR ARMED VIOLENCE BETWEEN STATES OR A PROTRACTED ARMED VIOLENCE BETWEEN GOVERNMENTAL AUTHORITIES AND ORGANIZED ARMED GROUPS OR BETWEEN SUCH GROUPS WITHIN THAT STATE: *PROVIDED*, THAT SUCH FORCE OR ARMED VIOLENCE GIVES RISE, OR MAY GIVE RISE, TO A SITUATION TO WHICH THE GENEVA CONVENTIONS OF 12 AUGUST 1949, INCLUDING THEIR COMMON ARTICLE (Article 3 of the Convention), APPLY. ARMED CONFLICT MAY BE INTERNATIONAL, THAT IS, BETWEEN TWO (2) OR MORE STATES, INCLUDING BELLIGERENT OCCUPATION; OR NON-INTERNATIONAL, THAT IS, BETWEEN GOVERNMENTAL AUTHORITIES AND ORGANIZED ARMED GROUPS OR BETWEEN SUCH GROUPS WITHIN A STATE. IT DOES NOT COVER INTERNAL DISTURBANCES OR TENSIONS SUCH AS RIOTS, ISOLATED AND SPORADIC ACTS OF VIOLENCE OR OTHER ACTS OF A SIMILAR NATURE.

Art. 89. *Treason.* — Any Filipino citizen OR RESIDENT ALIEN who levies war against the REPUBLIC OF THE Philippines or adheres to ITS enemies, giving them aid or comfort WITHIN THE PHILIPPINES OR ELSEWHERE, shall be punished by RECLUSION PERPETUA 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.

NON RESIDENT ALIEN, WHO COMMITS ACTS OF TREASON IN CONSPIRACY WITH ANY FILIPINO OR RESIDENT ALIEN, SHALL BE HELD LIABLE AND PUNISHED UNDER THIS CODE.

ART. 90. “TREASONOUS ACTS/INCITING TO TREASON IN TIMES OF PEACE” - ANY FILIPINO CITIZEN OR RESIDENT ALIEN WHO, **IN TIME OF PEACE**, WILLFULLY PERFORMS ANY ACT INIMICAL TO THE INTEREST OF THE REPUBLIC OF THE PHILIPPINES, UNDERMINE ITS SOVEREIGNTY, OR MATERIALLY ASSIST A FOREIGN POWER IN ACTIVITIES HOSTILE OR PREJUDICIAL TO THE NATIONAL SECURITY OR TERRITORIAL INTEGRITY OF THE PHILIPPINES, SHALL BE HELD LIABLE UNDER THIS ARTICLE. SUCH ACTS SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO:

1. KNOWINGLY AND INTENTIONALLY PROVIDING INTELLIGENCE, CLASSIFIED INFORMATION, OR STRATEGIC ASSISTANCE TO A FOREIGN GOVERNMENT, ENTITY, OR ITS AGENTS, WITH THE INTENT TO HARM OR PREJUDICE THE REPUBLIC OF THE PHILIPPINES;
2. ENGAGING IN CLANDESTINE OR COVERT ACTS IN COORDINATION WITH A FOREIGN POWER OR ITS AGENTS FOR THE PURPOSE OF WEAKENING NATIONAL DEFENSE, DESTABILIZING GOVERNMENT INSTITUTIONS, OR IMPAIRING THE ABILITY OF THE STATE TO PROTECT ITS PEOPLE;
3. SOLICITING, RECEIVING, OR ACCEPTING ANY FORM OF COMPENSATION, INSTRUCTION, OR DIRECTION FROM A FOREIGN POWER OR ITS AGENTS FOR THE PERFORMANCE OF ACTS INIMICAL TO THE INTERESTS, SECURITY, OR SOVEREIGNTY OF THE REPUBLIC OF THE PHILIPPINES; AND
4. ANY OTHER DELIBERATE ACT OF BETRAYAL THAT, HAD IT BEEN COMMITTED DURING TIME OF WAR, WOULD CONSTITUTE TREASON UNDER THE FIRST PARAGRAPH OF THIS ARTICLE.

ACTS PUNISHED UNDER THIS PARAGRAPH SHALL CARRY THE SAME PENALTIES PRESCRIBED FOR TREASON COMMITTED IN TIME OF WAR.

Art. 91. Conspiracy OR proposal to commit treason; Penalty. — The conspiracy or proposal to commit the crime of treason shall be punished respectively, by PRISION MAYOR and a fine not exceeding Two million pesos (P2,000,000), and PRISION CORRECCIONAL and a fine not exceeding One million pesos (P1,000,000).

Art. 92. 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 LAW ENFORCEMENT AUTHORITY, shall be punished BY PRISION CORRECCIONAL.

THE PENALTY OF ONE DEGREE LOWER THAN THE PENALTY FOR TREASON SHALL BE IMPOSED ON LAW ENFORCEMENT AUTHORITY, WHO, UPON RECEIVING INFORMATION OF 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 LAW ENFORCEMENT AUTHORITY SHALL BE PUNISHED WITH THE SAME PENALTY AS THAT FOR TREASON.

Art. 93. *Espionage.* — The penalty of PRISION CORRECCIONAL 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 INTENTIONAL 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 in case of war

Art. 94. *Inciting to war or giving motives for reprisals.* — The penalty of RECLUSION TEMPORAL shall be imposed upon any public officer or employee, and that of PRISION MAYOR 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 (b) UNDULY exposes Filipino citizens to reprisals on their persons or property.

Art. 95. *Violation of neutrality.* — The penalty of PRISION CORRECCIONAL 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.

ART. 96. *OTHER ACTS OF DISLOYALTY.* — (1) THE PENALTY OF PRISION MAYOR SHALL BE IMPOSED 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:

1. WILLFULLY MAKE OR CONVEY FALSE REPORTS OR FALSE STATEMENTS WITH THE INTENT TO INTERFERE WITH THE OPERATION OR SUCCESS OF THE MILITARY; OR
2. WILLFULLY CAUSE OR ATTEMPT TO CAUSE INSUBORDINATION, DISLOYALTY, MUTINY, OR REFUSAL OF DUTY IN THE MILITARY OF THE PHILIPPINES; OR
3. WILLFULLY OBSTRUCT OR INTEREFERE IN THE RECRUITMENT OR ENLISTMENT OF PERSONNEL IN PHILIPPINE MILITARY, TO THE INJURY OF THE SERVICE OF THE PHILIPPINES.
4. THE PENALTY OF PRISION MAYOR SHALL BE IMPOSED UPON ANYONE WHO, IN TIME OF PEACE, WITH THE INTENT TO INTERFERE, IMPAIR, OR INFLUENCE THE LOYALTY, MORALE, OR DISCIPLINE OF THE PHILIPPINE MILITARY, ADVISES, COUNSELS, ~~URGE~~ ADVOCATES, WHETHER VERBALLY OR IN WRITING, OR THROUGH THE USE OF TECHNOLOGICAL MEANS, WHICH CAUSES INSUBORDINATION, DISLOYALTY, MUTINY, OR REFUSAL OF DUTY OF ANY MEMBER OF THE PHILIPPINE MILITARY OR ANY MEMBER OF LAW ENFORCEMENT AUTHORITY.

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.

Art. 97. *Flight to enemy country.* — The penalty of ARRESTO MAYOR 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 OR HIS DULY AUTHORIZED REPRESENTATIVES.

ART. 98. *WAR CRIME IN TIMES OF INTERNATIONAL ARMED CONFLICT.* — THE PENALTY OF RECLUSION PERPETUA AND A FINE RAGING FROM 500,000.00 TO ONE MILLION SHALL BE IMPOSED UPON ANY PERSON WHO, IN CASE OF AN INTERNATIONAL ARMED CONFLICT INVOLVING THE REPUBLIC OF THE PHILIPPINES, COMMITS OR ORDERS/DIRECTS ANY OF THE FOLLOWING ACTS AGAINST PERSONS OR PROPERTY PROTECTED UNDER INTERNATIONAL HUMANITARIAN LAW:

1. WILLFUL KILLING;

2. TORTURE OR INHUMAN TREATMENT, INCLUDING BIOLOGICAL EXPERIMENTS;
3. WILLFULLY CAUSING GREAT SUFFERING, OR SERIOUS INJURY TO BODY OR HEALTH;
4. EXTENSIVE DESTRUCTION AND APPROPRIATION OF PROPERTY NOT JUSTIFIED BY MILITARY NECESSITY AND CARRIED OUT UNLAWFULLY AND WANTONLY;
5. WILLFULLY DEPRIVING A PRISONER OF WAR OR OTHER PROTECTED PERSON OF THE RIGHTS OF FAIR AND REGULAR TRIAL;
6. ARBITRARY DEPORTATION OR FORCIBLE TRANSFER OF POPULATION OR UNLAWFUL CONFINEMENT;
7. TAKING OF HOSTAGES;
8. COMPELLING A PRISONER OF WAR OR OTHER PROTECTED PERSON TO SERVE IN THE FORCES OF A HOSTILE POWER; OR
9. UNJUSTIFIABLE DELAY IN THE REPATRIATION OF PRISONERS OF WAR OR OTHER PROTECTED PERSONS.

ART. 99. WAR CRIME IN TIMES OF NON-INTERNATIONAL ARMED CONFLICT. — THE PENALTY OF RECLUSION PERPETUA AND A FINE RAGING FROM 500,000.00 TO ONE MILLION SHALL BE IMPOSED UPON ANY PERSON WHO, IN CASE OF A NON-INTERNATIONAL ARMED CONFLICT INVOLVING THE REPUBLIC OF THE PHILIPPINES, COMMITS OR ORDERS/DIRECTS ANY OF THE FOLLOWING SERIOUS ACTS 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:

1. VIOLENCE TO LIFE AND PERSON, IN PARTICULAR, WILLFUL KILLINGS, MUTILATION, CRUEL TREATMENT AND TORTURE;
2. COMMITTING OUTRAGES UPON PERSONAL DIGNITY, IN PARTICULAR, HUMILIATING AND DEGRADING TREATMENT;
3. TAKING OF HOSTAGES; OR
4. 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.

ART. 100. OTHER SERIOUS VIOLATIONS OF THE LAWS AND CUSTOMS APPLICABLE IN ARMED CONFLICT. — THE PENALTY OF RECLUSION PERPETUA AND A FINE RAGING FROM FIVE HUNDRED THOUSAND PESOS (P500,000.00) TO ONE MILLION PESOS (P1,000,000.00) SHALL BE IMPOSED UPON ANY PERSON WHO COMMITS OR ORDERS/DIRECTS ANY OF THE FOLLOWING SERIOUS VIOLATIONS OF THE LAWS AND CUSTOMS APPLICABLE IN ARMED CONFLICT WITHIN THE ESTABLISHED FRAMEWORK OF INTERNATIONAL LAW:

1. INTERNATIONALLY DIRECTING ATTACKS AGAINST THE CIVILIAN POPULATION AS SUCH OR AGAINST INDIVIDUAL CIVILIANS NOT TAKING DIRECT PART IN HOSTILITIES;
2. INTENTIONALLY DIRECTING ATTACKS AGAINST CIVILIAN OBJECTS, THAT IS, OBJECT WHICH ARE NOT MILITARY OBJECTIVES;
3. INTENTIONALLY DIRECTING ATTACKS AGAINST BUILDINGS, MATERIAL, MEDICAL UNITS AND TRANSPORT, AND PERSONNEL USING THE DISTINCTIVE EMBLEMS OF THE GENEVA CONVENTIONS OR ADDITIONAL PROTOCOL III IN CONFORMITY WITH INTERNATIONAL LAW;
4. INTENTIONALLY DIRECTING ATTACKS AGAINST PERSONNEL, INSTALLATIONS, MATERIAL, UNITS OR VEHICLES INVOLVED IN A HUMANITARIAN ASSISTANCE OR PEACEKEEPING MISSION IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS, AS LONG AS THEY ARE ENTITLED TO THE PROTECTION GIVEN TO CIVILIANS OR CIVILIAN OBJECTS UNDER THE INTERNATIONAL LAW OF ARMED CONFLICT;
5. LAUNCHING AN ATTACK IN THE KNOWLEDGE THAT SUCH ATTACK WILL CAUSE INCIDENTAL LOSS OF LIFE OR INJURY TO CIVILIANS OR DAMAGE TO CIVILIAN OBJECTS OR WIDESPREAD, LONG-TERM AND SEVERE DAMAGE TO THE NATURAL ENVIRONMENT WHICH WOULD BE EXCESSIVE IN RELATION TO THE CONCRETE AND DIRECT MILITARY ADVANTAGE ANTICIPATED;
6. LAUNCHING AN ATTACK AGAINST WORKS OR INSTALLATIONS CONTAINING DANGEROUS FORCES IN THE KNOWLEDGE THAT SUCH ATTACK WILL CAUSE EXCESSIVE LOSS OF LIFE, INJURY TO CIVILIANS OR DAMAGE TO CIVILIAN OBJECTS, AND CAUSING DEATH OR SERIOUS INJURY TO BODY OR HEALTH.

7. ATTACKING OR BOMBARDING, BY WHATEVER MEANS, TOWNS, VILLAGES, DWELLINGS OR BUILDINGS WHICH ARE UNDEFENDED AND WHICH ARE NOT MILITARY OBJECTIVES, OR MAKING NON-DEFENDED LOCALITIES OR DEMILITARIZED ZONES THE OBJECT OF ATTACK;
8. KILLING OR WOUNDING A PERSON IN THE KNOWLEDGE THAT HE/SHE IS HORS DE COMBAT, INCLUDING A COMBATANT WHO, HAVING LAID DOWN HIS/HER ARMS OR NO LONGER HAVING MEANS OF DEFENSE, HAS SURRENDERED AT DISCRETION;
9. MAKING IMPROPER USE OF A FLAG OF TRUCE, OF THE FLAG OR THE MILITARY INSIGNIA AND UNIFORM OF THE ENEMY OR OF THE UNITED NATIONS, AS WELL AS OF THE DISTINCTIVE EMBLEMS OF THE GENEVA CONVENTIONS OR OTHER PROTECTIVE SIGNS UNDER INTERNATIONAL HUMANITARIAN LAW, RESULTING IN DEATH, SERIOUS PERSONAL INJURY OR CAPTURE;
10. INTENTIONALLY DIRECTING ATTACKS AGAINST BUILDINGS DEDICATED TO RELIGION, EDUCATION, ART, SCIENCE OR CHARITABLE PURPOSES, HISTORIC MONUMENTS, HOSPITALS AND PLACES WHERE THE SICK AND WOUNDED ARE COLLECTED, PROVIDED THEY ARE NOT MILITARY OBJECTIVES. IN CASE OF DOUBT WHETHER SUCH BUILDING OR PLACE HAS BEEN USED TO MAKE AN EFFECTIVE CONTRIBUTION TO MILITARY ACTION, IT SHALL BE PRESUMED NOT TO BE SO USED;
11. SUBJECTING PERSONS WHO ARE IN THE POWER OF AN ADVERSE PARTY TO PHYSICAL MUTILATION OR TO MEDICAL OR SCIENTIFIC EXPERIMENTS OF ANY KIND, OR TO REMOVAL OF TISSUE OR ORGANS FOR TRANSPLANTATION, WHICH ARE NEITHER JUSTIFIED BY THE MEDICAL, DENTAL OR HOSPITAL TREATMENT OF THE PERSON CONCERNED NOR CARRIED OUT IN HIS/HER INTEREST, AND WHICH CAUSE DEATH TO OR SERIOUSLY ENDANGER THE HEALTH OF SUCH PERSON OR PERSONS;
12. KILLING, WOUNDING OR CAPTURING AN ADVERSARY BY RESORT TO PERFDY;
13. DECLARING THAT NO QUARTER WILL BE GIVEN;
14. DESTROYING OR SEIZING THE ENEMY'S PROPERTY UNLESS SUCH DESTRUCTION OR SEIZURE IS IMPERATIVELY DEMANDED BY THE NECESSITIES OF WAR;

15. PILLAGING A TOWN OR PLACE, EVEN WHEN TAKEN BY ASSAULT;
16. ORDERING THE DISPLACEMENTS OF THE CIVILIAN POPULATION FOR REASONS RELATED TO THE CONFLICT, UNLESS THE SECURITY OF THE CIVILIANS INVOLVED OR IMPERATIVE MILITARY REASONS SO DEMAND;
17. TRANSFERRING, DIRECTLY OR INDIRECTLY, BY THE OCCUPYING POWER OF PARTS OF ITS OWN CIVILIAN POPULATION INTO THE TERRITORY IT OCCUPIES, OR THE DEPORTATION OR TRANSFER OF ALL OR PARTS OF THE POPULATION OF THE OCCUPIED TERRITORY WITHIN OR OUTSIDE THIS TERRITORY;
18. COMMITTING OUTRAGES UPON PERSONAL DIGNITY, IN PARTICULAR, HUMILIATING AND DEGRADING TREATMENTS;
19. COMMITTING RAPE, SEXUAL SLAVERY, ENFORCED PROSTITUTION, FORCED PREGNANCY, ENFORCED STERILIZATION, OR ANY OTHER FORM OF SEXUAL VIOLENCE ALSO CONSTITUTING A GRAVE BREACH OF THE GENEVA CONVENTIONS OR A SERIOUS VIOLATION OF COMMON ARTICLE 3 TO THE GENEVA CONVENTIONS;
20. UTILIZING THE PRESENCE OF A CIVILIAN OR OTHER PROTECTED PERSON TO RENDER CERTAIN POINTS, AREAS OR MILITARY FORCES IMMUNE FROM MILITARY OPERATIONS;
21. INTENTIONALLY USING STARVATION OF CIVILIANS AS A METHOD OF WARFARE BY DEPRIVING THEM OF OBJECTS INDESPENSABLE TO THEIR SURVIVAL, INCLUDING WILLFULLY IMPEDING RELIEF SUPPLIES AS PROVIDED FOR UNDER THE GENEVA CONVENTIONS AND THEIR ADDITIONAL PROTOCOLS;
22. IN AN INTERNATIONAL ARMED CONFLICT, COMPELLING THE NATIONALS OF THE HOSTILE PARTY TO TAKE PART IN THE OPERATIONS OF WAR DIRECTED AGAINST THEIR OWN COUNTRY, EVEN IF THEY WERE IN THE BELLIGERENT'S SERVICE BEFORE THE COMMENCEMENT OF THE WAR;
23. IN AN INTERNATIONAL ARMED CONFLICT, DECLARING ABOLISHED, SUSPENDED OR INADMISSIBLE IN A COURT OF LAW THE RIGHTS AND ACTIONS OF THE NATIONALS OF THE HOSTILE PARTY;
24. COMMITTING ANY OF THE FOLLOWING ACTS:
 - A. CONSCRIPTING, ENLISTING OR RECRUITING CHILDREN UNDER THE AGE OF FIFTEEN (15) YEARS INTO THE NATIONAL ARMED FORCES;

B. CONSCRIPTING, ENLISTING OR RECRUITING CHILDREN UNDER THE AGE OF EIGHTEEN (18) YEARS INTO AN ARMED FORCE OR GROUP OTHER THAN THE NATIONAL ARMED FORCES; AND

C. USING CHILDREN UNDER THE AGE OF EIGHTEEN (18) YEARS TO PARTICIPATE ACTIVELY IN HOSTILITIES; AND

25.EMPLOYING MEANS OF WARFARE WHICH ARE PROHIBITED UNDER INTERNATIONAL LAW, SUCH AS:

A. POISON OR POISONED WEAPONS;

B. ASPHYXIATING, POISONOUS OR OTHER GASES, AND ALL ANALOGOUS LIQUIDS, MATERIALS OR DEVICES;

C. BULLETS WHICH EXPAND OR FLATTEN EASILY IN THE HUMAN BODY, SUCH AS BULLETS WITH HARD ENVELOPES WHICH DO NOT ENTIRELY COVER THE CORE OR ARE PIERCED WITH INCISIONS; AND

WEAPONS, PROJECTILES AND MATERIAL AND METHODS OF WARFARE WHICH ARE OF THE NATURE TO CAUSE SUPERFLUOUS INJURY OR UNECESSARY SUFFERING OR WHICH ARE INHERENTLY INDISCRIMINATE IN VIOLATION OF THE INTERNATIONAL LAW OF ARMED CONFLICT.

ANY PERSON FOUND GUILTY OF COMMITTING ANY OF THE ACTS SPECIFIED HEREIN SHALL SUFFER THE PENALTY PROVIDED UNDER SECTION 7 OF THIS ACT.

SECTION THREE. — GENOCIDE, OTHER CRIMES AGAINST HUMANITY, AND TERRORISM

ART. 101. GENOCIDE. — THE PENALTY OF [PUNITIVE 1] RECLUSION PERPETUA AND A FINE OF 500,000.00 TO 1,000,000.00 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 OR ORDERS/DIRECTS ANY OF THE FOLLOWING ACTS:

1. KILLING MEMBERS OF THE GROUP;
2. CAUSING SERIOUS BODILY OR MENTAL HARM TO THE MEMBERS OF THE GROUP;

3. DELIBERATELY INFLICTING ON THE GROUP CONDITIONS OF LIFE CALCULATED TO BRING ABOUT ITS PHYSICAL DESTRUCTION IN WHOLE OR IN PART;
4. IMPOSING MEASURES INTENDED TO PREVENT BIRTHS WITHIN THE GROUP; OR
5. 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.

ART. 102. OTHER CRIMES AGAINST HUMANITY. — THE PENALTY OF RECLUSION PERPETUA AND A FINE OF 500,000.00 TO 1,000,000.00 PESOS 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:

1. WILLFUL KILLING;
2. EXTERMINATION;
3. ENSLAVEMENT;
4. ARBITRARY DEPORTATION OR FORCIBLE TRANSFER OF POPULATION;
5. IMPRISONMENT OR OTHER SEVERE DEPRIVATION OF PHYSICAL LIBERTY IN VIOLATION OF FUNDAMENTAL RULES OF INTERNATIONAL LAW;
6. TORTURE;
7. RAPE, SEXUAL SLAVERY, ENFORCED PROSTITUTION, FORCED PREGNANCY, ENFORCED STERILIZATION, OR ANY OTHER FORM OF SEXUAL VIOLENCE OF COMPARABLE GRAVITY;
8. 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 UNDER THIS SECTION;

9. ENFORCED OR INVOLUNTARY DISAPPEARANCE OF PERSONS;
10. APARTHEID; OR
11. OTHER INHUMANE ACTS OF A SIMILAR CHARACTER INTENTIONALLY CAUSING GREAT SUFFERING, OR SERIOUS INJURY TO BODY OR TO MENTAL OR PHYSICAL HEALTH.

ART. 103. INDIVIDUAL CRIMINAL RESPONSIBILITIES. — FOR CRIMES UNDER SECTION THREE, A PERSON SHALL BE CRIMINALLY LIABLE AS A PRINCIPAL 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:
 - a. 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
 - b. 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.

ART. 104. IRRELEVANCE OF OFFICIAL CAPACITY. — THE PROVISIONS UNDER THIS SECTION SHALL APPLY EQUALLY WITHOUT ANY DISTINCTION BASED ON OFFICIAL CAPACITY. IN PARTICULAR, OFFICIAL CAPACITY AS A HEAD OF STATE OR GOVERNMENT, A MEMBER OF CONGRESS, AN ELECTED REPRESENTATIVE OR A GOVERNMENT OFFICIAL SHALL IN NO CASE EXEMPT A PERSON FROM CRIMINAL RESPONSIBILITY, 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, EXCEPT THOSE 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 THIS SECTION, BUT ONLY WITHIN THE BOUNDS ESTABLISHED UNDER INTERNATIONAL LAW.

ART. 105. RESPONSIBILITY OF SUPERIORS — IN ADDITION TO OTHER GROUNDS OF CRIMINAL RESPONSIBILITY FOR CRIMES DEFINED AND PENALIZED UNDER THIS SECTION, 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:

1. 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
2. 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.

Art. 106. TERRORISM (RA No. 11479). - THE PENALTY OF PUNITIVE 2 SHALL BE IMPOSED UPON ANY PERSON WHO, AS AN INDIVIDUAL OR AS PART OF AN

ORGANIZATION, REGARDLESS OF NATIONALITY, commits terrorism within or outside the Philippines, and regardless of the stage of execution, THROUGH ANY OR A COMBINATION OF THE FOLLOWING ACTS:

1. ENGAGES IN ACTS INTENDED TO CAUSE DEATH OR SERIOUS BODILY INJURY TO ANY PERSON, OR ENDANGERS A PERSON'S LIFE;
2. ENGAGES IN ACTS INTENDED TO CAUSE EXTENSIVE DAMAGE OR DESTRUCTION TO A GOVERNMENT OR PUBLIC FACILITY, PUBLIC PLACE OR PRIVATE PROPERTY
3. ENGAGES IN ACTS INTENDED TO CAUSE EXTENSIVE INTERFERENCE WITH, DAMAGE OR DESTRUCTION TO CRITICAL INFRASTRUCTURE
4. DEVELOPS, MANUFACTURES, POSSESSES, ACQUIRES, TRANSPORTS, SUPPLIES OR USES WEAPONS, EXPLOSIVES OR OF BIOLOGICAL, NUCLEAR, RADIOLOGICAL OR CHEMICAL WEAPONS
5. RELEASE OF DANGEROUS SUBSTANCES, OR CAUSING FIRE, FLOODS OR EXPLOSIONS

WHEN THE PURPOSE OF SUCH ACT, BY ITS NATURE AND CONTEXT, IS TO INTIMIDATE THE GENERAL PUBLIC OR A SEGMENT THEREOF, CREATE AN ATMOSPHERE OR SPREAD A MESSAGE OF FEAR, TO PROVOKE OR INFLUENCE BY INTIMIDATION THE GOVERNMENT OR ANY INTERNATIONAL ORGANIZATION, OR SERIOUSLY DESTABILIZE OR DESTROY THE FUNDAMENTAL POLITICAL, ECONOMIC, OR SOCIAL STRUCTURES OF THE COUNTRY, OR CREATE A PUBLIC EMERGENCY OR SERIOUSLY UNDERMINE PUBLIC SAFETY, SHALL BE GUILTY OF COMMITTING TERRORISM.

ADVOCACY, PROTEST, DISSENT, STOPPAGE OF WORK, INDUSTRIAL OR MASS ACTION, AND OTHER SIMILAR EXERCISES OF CIVIL AND POLITICAL RIGHTS, ARE NOT CONSIDERED ACTS OF TERRORISM.

Art. 107. *Proposal to Commit Terrorism.* - THE PENALTY OF PRISION MAYOR [12 YEARS] SHALL BE IMPOSED UPON ANY PERSON WHO, AS AN INDIVIDUAL OR AS PART OF AN ORGANIZATION, REGARDLESS OF NATIONALITY, PROPOSES TO EXECUTE TO SOME OTHER PERSON OR PERSONS ANY OF THE ACTS MENTIONED IN Article 106.

Art. 108. *Threat to Commit Terrorism.* - THE PENALTY OF PRISION MAYOR SHALL BE IMPOSED UPON ANY PERSON WHO, AS AN INDIVIDUAL OR AS PART OF AN ORGANIZATION, REGARDLESS OF NATIONALITY, threatens to commit THE ACTS MENTIONED IN Article 106.

Art. 109. Conspiracy to Commit Terrorism. - THE PENALTY OF RECLUSION PERPETUA [Life Imprisonment], without the benefit of parole and RA 10592, SHALL BE IMPOSED UPON ANY PERSON WHO, AS AN INDIVIDUAL OR AS PART OF AN ORGANIZATION, REGARDLESS OF NATIONALITY, CONSPIRES TO EXECUTE TO SOME OTHER PERSON OR PERSONS ANY OF THE ACTS MENTIONED IN Article 106. THERE IS CONSPIRACY WHEN TWO (2) OR MORE PERSONS COME TO AN AGREEMENT CONCERNING THE COMMISSION OF TERRORISM AS DEFINED IN Article 106.

Art. 110. INCITING TO COMMIT TERRORISM. - THE PENALTY OF PRISION MAYOR SHALL BE IMPOSED UPON ANY PERSON WHO, AS AN INDIVIDUAL OR AS PART OF AN ORGANIZATION, REGARDLESS OF NATIONALITY, WITHOUT TAKING ANY DIRECT PART IN THE COMMISSION OF TERRORISM, INCITES OTHERS TO COMMIT TERRORISM AS DEFINED IN ARTICLE 106 BY MEANS OF SPEECHES, PROCLAMATIONS, WRITINGS, EMBLEMS, BANNERS, OR OTHER REPRESENTATIONS, tending to the same end.

ART. 111. PLANNING, TRAINING, PREPARING, PROVIDING MATERIAL SUPPORT, AND FACILITATING THE COMMISSION OF TERRORISM. — THE PENALTY OF PUNITIVE 2, without the benefit of parole and the benefits of Republic Act No. 10592, 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:

1. PARTICIPATE IN THE PLANNING, TRAINING, PREPARATION AND FACILITATION IN THE COMMISSION OF TERRORISM;
2. POSSESS OBJECTS CONNECTED WITH THE PREPARATION FOR THE COMMISSION OF TERRORISM; OR,
3. 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 106.

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

Art. 112. RECRUITMENT TO AND MEMBERSHIP IN A TERRORIST ORGANIZATION. - THE PENALTY OF RECLUSION PERPETUA without the benefit of parole and the benefits of Republic Act No. 10592, 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 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.

Art. 113. FOREIGN TERRORIST. - THE PENALTY OF RECLUSION PERPETUA, without the benefit of parole and benefits of RA NO. 10592 SHALL BE IMPOSED UPON A FOREIGN TERRORIST WHO COMMITS ANY OF THE FOLLOWING ACTS:

1. 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;
2. 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
3. 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 FOUR. — Piracy in General and Mutiny on the High Seas
or in Philippines waters**

Art. 114. Piracy. — The penalty of RECLUSION TEMPORAL shall be IMPOSED upon any PERSON who, NOT BEING A MEMBER OF THE COMPLEMENT NOR PASSENGER OF THE SHIP, VESSEL OR PLATFORM, WHILE AT THE PHILIPPINE WATERS OR HIGH SEAS, SHALL attack, seize OR EXERCISE CONTROL THEREOF, OR SHALL SEIZE THE WHOLE OR PART OF ITS CARGO, ITS EQUIPMENT, OR PERSONAL BELONGINGS OF ITS COMPLEMENT OR PASSENGER.

Art. 115. Mutiny. The penalty of RECLUSION TEMPORAL shall be IMPOSED upon any PERSON who, BEING A MEMBER OF THE COMPLEMENT OR PASSENGER OF THE SHIP, VESSEL OR PLATFORM, WHILE AT THE PHILIPPINE WATERS OR HIGH SEAS, SHALL attack, seize OR EXERCISE CONTROL THEREOF, OR SHALL SEIZE THE WHOLE OR PART OF ITS CARGO, ITS EQUIPMENT, OR PERSONAL BELONGINGS OF ITS COMPLEMENT OR PASSENGER.

ART. 116. HIJACKING [UNLAWFUL SEIZURE OF AIRCRAFT]. (1) THE PENALTY OF RECLUSION TEMPORAL, AND A FINE OF FOUR MILLION PESOS (Php4,000,000.00) SHALL BE IMPOSED UPON ANY PERSON, WHO SHALL, UNDER THE FOLLOWING CIRCUMSTANCES:

- A) COMPEL TO CHANGE THE COURSE OR DESTINATION OF AN AIRCRAFT OF PHILIPPINE REGISTRY, OR SEIZE OR USURP THE CONTROL THEREOF, WHILE IT IS IN FLIGHT; OR
- B) COMPEL AN AIRCRAFT OF FOREIGN REGISTRY TO LAND IN PHILIPPINE TERRITORY, OR SEIZE OR USURP THE CONTROL THEREOF WHILE IT IS WITHIN THE SAID TERRITORY.

AN AIRCRAFT IS IN FLIGHT FROM THE MOMENT ALL ITS EXTERNAL DOORS ARE CLOSED FOLLOWING EMBARKATION UNTIL ANY OF SUCH DOORS IS OPENED FOR DISEMBARKATION.

(2) THE PENALTY OF RECLUSION PERPETUA AND A FINE OF FOUR MILLION PESOS (Php4,000,000.00) SHALL BE IMPOSED UPON ANY PERSON COMMITTING SUCH VIOLATION UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

- A) WHENEVER THE OFFENDER HAS FIRED UPON THE PILOT, MEMBER OF THE CREW OR PASSENGER OF THE AIRCRAFT;
- B) WHENEVER THE OFFENDER HAS EXPLODED OR ATTEMPTED TO EXPLODE ANY BOMB OR EXPLOSIVE TO DESTROY THE AIRCRAFT; OR
- C) WHENEVER THE CRIME IS ACCOMPANIED BY MURDER, HOMICIDE, SERIOUS PHYSICAL INJURIES OR RAPE.

(3) THE PENALTY OF PRISION MAYOR, AND A FINE OF TWO MILLION PESOS (P2,000,000.00) SHALL BE IMPOSED UPON ANY PERSON, NATURAL OR JURIDICAL, TO SHIP, LOAD OR CARRY IN ANY PASSENGER AIRCRAFT OPERATING AS A PUBLIC UTILITY WITHIN THE PHILIPPINES, ANY EXPLOSIVE, FLAMMABLE, CORROSIVE OR POISONOUS SUBSTANCE OR MATERIAL IN VIOLATION OF THE REGULATIONS ISSUED BY CONCERNED AGENCY.

THE PENALTY OF RECLUSION PERPETUA, AND A FINE OF FOUR MILLION PESOS (Php4,000,000.00) WITHOUT THE BENEFIT PAROLE, SHALL BE IMPOSED FOR ANY DEATH OR INJURY TO PERSONS OR DAMAGE TO PROPERTY RESULTING FROM A VIOLATION OF NO. 3 & 4.

PROVIDED, THAT IF THE VIOLATION IS COMMITTED BY A JURIDICAL PERSON, THE PENALTY SHALL BE IMPOSED UPON THE PRESIDENT, GENERAL MANAGER, REPRESENTATIVE, DIRECTOR, AGENT OR EMPLOYEE WHO VIOLATED, OR CAUSED, DIRECTED, COOPERATED OR PARTICIPATED IN THE VIOLATION THEREOF: *PROVIDED, FURTHER*, THAT IN CASE THE VIOLATION IS COMMITTED IN THE INTEREST OF A FOREIGN CORPORATION LEGALLY DOING BUSINESS IN THE PHILIPPINES, THE PENALTY SHALL BE IMPOSED UPON ITS RESIDENT AGENT, MANAGER, REPRESENTATIVE, DIRECTOR OR EMPLOYEE RESPONSIBLE FOR SUCH VIOLATION AND IN ADDITION THERETO, THE LICENSE OF SAID CORPORATION TO DO BUSINESS IN THE PHILIPPINES SHALL BE REVOKED.

4) THE PENALTY OF PRISION MAYOR, AND A FINE OF TWO MILLION PESOS (P2,000,000.00) SHALL BE IMPOSED FOR NON COMPLIANCE WITH THE REGULATIONS ISSUED BY CONCERNED AGENCY.

Art. 117. Qualified piracy or mutiny — The penalty of RECLUSION PERPETUA 4 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 an SHIP, OR ANOTHER KIND OF 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. WHEN BY REASON OR ON THE OCCASION OF THE PIRACY, the CRIMES OF murder, homicide, physical injuries, or rape ARE COMMITTED.

Section FIVE - Common Provisions To Sections One To FIVE

ART. 118. NON-PRESCRIPTION. — THE CRIMES DEFINED AND PENALIZED UNDER SECTIONS ONE TO FIVE, THEIR PROSECUTION, AND THE EXECUTION OF SENTENCES IMPOSED ON THEIR ACCOUNT, SHALL NOT BE SUBJECT TO ANY PRESCRIPTION.

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. 119. Arbitrary detention. — Any public officer or employee WHO IS VESTED WITH AUTHORITY TO EFFECT AN ARREST, 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 ARRESTO MAYOR in its maximum PERIOD to PRISION CORRECCIONAL in its minimum period, if the detention has not exceeded three days;
2. The penalty of PRISION CORRECCIONAL in its medium and maximum periods, if the detention has continued more than three but not more than fifteen days;
3. The penalty of PRISION MAYOR, if the detention has continued for more than fifteen days but not more than six months; and
4. That of RECLUSION TEMPORAL, if the detention shall have exceeded six months.

The commission of a crime AND THE EXISTENCE OF CIRCUMSTANCES JUSTIFYING A LAWFUL WARRANTLESS ARREST shall be DEEMED legal grounds for the detention of any person.

IN THE CASE OF CHILDREN IN CONFLICT WITH THE LAW, SUCH INDIVIDUALS SHALL BE PLACED IN BAHAY PAG-ASA OR SIMILAR INSTITUTIONS.

ADDITIONALLY, insanity, MENTAL ILLNESS, or any other ailment requiring the compulsory confinement in a hospital OR MENTAL INSTITUTION shall ALSO be considered VALID grounds for detention.

Art. 120. *Delay in the delivery of detained persons to the PROPER PROSECUTORIAL OFFICE.* — 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 PROSECUTORIAL OFFICE 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.

THE FOREGOING NOTWITHSTANDING, ANY DELAY IN THE DELIVERY OF PERSONS TO THE PROPER PROSECUTORIAL AUTHORITIES SHALL NOT INVALIDATE THE CHARGE OR CHARGES FOR WHICH HE WAS PROPERLY OR VALIDLY ARRESTED AND INDICTED.

Art. 121. *Delaying release.* — The penalties provided for in Article 119 shall be imposed upon any public officer or employee who –

1. UNDULY delays the period of time specified therein the performance of any judicial or executive order for the release of a prisoner or detention prisoner, or
2. unduly delays the service of the notice of such order to said prisoner or his counsel; or
3. UNDULY delays the proceedings upon any petition for the RELEASE of such person

Art. 122. *Expulsion.* — The penalty of PRISION CORRECCIONAL shall be imposed upon any public officer or employee who, not being thereunto authorized by law, shall expel any person from the Philippines or shall compel such person to change his residence.

Section Two. — Violation of DWELLING

Art. 123. *Violation of DWELLING.* — The penalty of PRISION CORRECCIONAL IN ITS MINIMUM PERIOD shall be imposed upon any public officer or employee who, not being authorized by judicial order:

- 1) Shall enter THE dwelling OF the OWNER, LAWFUL OCCUPANT OR POSSESSOR against THEIR will; or
- 2) Having surreptitiously entered said dwelling, and being required to leave the premises, shall refuse to do so.

Provided that the penalty of PRISION CORRECCIONAL IN ITS MEDIUM AND MAXIMUM PERIODS SHALL BE IMPOSED IF such public officer or employee, not being authorized by judicial order:

- 1) SEARCHES PAPERS OR OTHER EFFECTS FOUND THEREIN WITHOUT THE PREVIOUS CONSENT OF the OWNER, LAWFUL OCCUPANT OR POSSESSOR; OR
- 2) Failed to return immediately any papers or effects not constituting evidence of a crime after the search made by the offender; or
- 3) the offense be committed in the night-time.

THE PROVISIONS OF THIS ARTICLE SHALL NOT BE APPLICABLE TO ANY PUBLIC OFFICER OR EMPLOYEE WHO SHALL ENTER ANOTHER'S DWELLING OR CAFES, RESTAURANTS, HOTELS AND OTHER SIMILAR ESTABLISHMENTS WHILE THE SAME ARE OPEN, FOR THE PURPOSE OF PREVENTING SOME SERIOUS HARM TO HIMSELF, THE OCCUPANTS, POSSESSORS OR A THIRD PERSON, OR RENDERING SOME SERVICE TO HUMANITY OR JUSTICE.

Art. 124. *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 ARRESTO MAYOR in its maximum PERIOD to PRISION CORRECCIONAL IN ITS MINIMUM PERIOD and a fine not exceeding 200,000 pesos shall be imposed upon any public officer or employee who:

1. shall procure a search warrant without just cause.
2. having legally procured the same shall exceed THE authority or use unnecessary severity in executing the same.

Art. 125. *Searching DWELLING without witnesses.* — The penalty of ARRESTO MAYOR in its medium and maximum PERIODS shall be imposed upon a public officer or employee who, in cases where a search is proper, shall search the DWELLING, papers or other belongings of any person, in the absence of the latter, OR any member of HIS/HER family OF LEGAL AGE AND DISCRETION, OR HIS/HER AUTHORIZED REPRESENTATIVE; OR IN THEIR DEFAULT, WITHOUT THE PRESENCE OF AT LEAST TWO (2) BARANGAY OFFICIALS IN THE SAME LOCALITY, PRIOR TO AND DURING THE IMPLEMENTATION OF THE SEARCH WARRANT.

Section Three. — Prohibition, Interruption and Dissolution of Peaceful Meetings.

Art. 126. *Prohibition, interruption and dissolution of peaceful meetings.* — The penalty of ARRESTO MAYOR IN ITS MINIMUM AND MEDIUM PERIODS shall be imposed upon any public officer or employee who, without legal ground, shall:

1. prohibit or interrupt the holding of a peaceful meeting, or shall dissolve the same;
or
2. PROHIBIT OR HINDER ANY PERSON FROM attending any of meetings OF A LAWFUL ASSOCIATION; or
3. 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

Art. 127. *Prohibition TO JOIN LAWFUL ASSOCIATION.* — The penalty of ARRESTO MAYOR IN ITS MAXIMUM PERIOD shall be imposed upon any public officer or employee who shall hinder any person from joining any lawful association.

Section Four. – Crimes against Religious Belief or Cultural Background

ART. 128. *Offending the religious feelings.* —The penalty of *arresto mayor* in its maximum period to *prision correccional* in its minimum period 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 and Similar Bodies

Art. 130. *ACTS tending to prevent the meeting of the LEGISLATIVE and similar bodies.* — The penalty of PRISION CORRECCIONAL or a fine ranging from 40,000 to 400,000 pesos, or both, shall be imposed upon any person who, by force, INTIMIDATION, THREAT, fraud, OR ANY OTHER UNLAWFUL MEANS, 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,

Art. 131. *Disturbance of proceedings.* — The penalty of ARRESTO MAYOR or a fine from Forty thousand pesos (P40,000) to Two hundred thousand pesos (P200,000), OR BOTH, 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 in the presence of any such bodies should behave in such manner as to interrupt its proceedings or to impair the respect ACCORDED THERETO.

THE PENALTY OF PRISION CORRECCIONAL or a fine from Forty thousand pesos (P40,000) to Four hundred thousand pesos (P400,000), OR BOTH, SHALL BE IMPOSED IF THE CRIME IS COMMITTED WITH FORCE, VIOLENCE, OR THREATS.

Section Two. — Violation of LEGISLATIVE Immunity

Art. 132. Violation of LEGISLATIVE immunity. — The penalty of PRISION MAYOR shall be imposed upon any person who shall use force, intimidation, threats, fraud, COERCION OR UNDUE INFLUENCE to prevent any member of the Congress of the Philippines from:

1. Attending the meetings of Congress or of any of its committees or subcommittees;
2. PERFORMING THEIR LEGISLATIVE FUNCTIONS; OR
3. Expressing THEIR opinions or casting THEIR VOTES.

The penalty of PRISION CORRECCIONAL 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 BY MORE THAN SIX (6) YEARS IMPRISONMENT.

TITLE THREE CRIMES AGAINST PUBLIC ORDER

Chapter One REBELLION, COUP D'ÉTAT, SEDITION AND DISLOYALTY

Art. 133. *Rebellion; How committed.* — The crime of rebellion is committed by rising publicly and taking UP arms against the Government FOR ANY of the FOLLOWING purposes:

1. TO OVERTHROW THE GOVERNMENT;
2. TO DEPRIVE THE President, Congress, SUPREME COURT OR LOWER COURTS, OR ANY PROVINCIAL, CITY OR MUNICIPAL GOVERNMENT, wholly or partially, of ANY of their powers or prerogatives;
3. TO PREVENT THE FREE EXERCISE OR HOLDING OF ANY NATIONAL OR LOCAL ELECTIONS;
4. TO SEPARATE OR DECLARE THE INDEPENDENCE OF ANY PART OF THE NATIONAL TERRITORY;
5. TO remove any UNIT of the armed forces from allegiance to the Government or its laws.

Art. 134. *Penalty for rebellion.* — The crime of rebellion SHALL BE PUNISHED AS FOLLOWS:

1. The penalty of RECLUSION PERPETUA AND A FINE NOT TO EXCEED FOUR (4) MILLION PESOS (4,000,000.00) shall be imposed upon any person who promotes, maintains or heads a rebellion.
2. The penalty of RECLUSION TEMPORAL AND A FINE NOT TO EXCEED FOUR (4) MILLION PESOS (4,000,000) shall be imposed upon any person who merely participating or executing the commands of others in a rebellion.

OTHER CRIMES COMMITTED IN CONNECTION WITH, OR IN FURTHERANCE OF REBELLION ARE DEEMED ABSORBED THEREIN.

Art. 135. *Coup d'état; How committed.* — The crime of *coup d'état* is a swift attack accompanied by violence, intimidation, threat, strategy or stealth, for the purpose of

seizing or diminishing state power, directed against THE duly constituted authorities of the Republic of the Philippines, or any military camp or installation, POLICE STATION, VESSEL, AIRCRAFT, communications networks, public utilities or other facilities NEEDED FOR THE EXERCISE AND CONTINUED POSSESSION OF STATE POWER, singly or simultaneously carried out anywhere in the Philippines, COMMITTED BY ANY MEMBER OF THE MILITARY OR POLICE OR ANY PUBLIC OFFICER OR EMPLOYEE, INCLUDING ANY PERSON NOT IN THE GOVERNMENT SERVICE WHO PARTICIPATES, OR IN ANY MANNER SUPPORTS, FINANCES, ABETS OR AIDS IN THE COMMISSION OF THIS CRIME.

Art. 136. *Penalty for coup d'état.* — The crime of *coup d'état* SHALL BE PUNISHED AS FOLLOWS:

1. The penalty of RECLUSION PERPETUA AND A FINE NOT TO EXCEED FOUR (4) MILLION PESOS (4,000,000) shall be imposed upon any person who leads or in any manner directs or commands others to undertake a *coup d'état*.
2. the penalty of RECLUSION TEMPORAL in its maximum PERIOD AND A FINE NOT TO EXCEED FOUR (4) MILLION PESOS (4,000,000) shall be imposed upon any person in the government service who participates, or executes directions or commands of others in undertaking a *coup d'état*.
3. the penalty of PRISION MAYOR in its maximum PERIOD AND A FINE NOT TO EXCEED ONE (1) MILLION PESOS (1,000,000) shall be imposed upon any person not in the government service who participates, or in any manner supports, finances, abets or aids in undertaking a *coup d'état*.

OTHER CRIMES COMMITTED IN CONNECTION WITH, OR IN FURTHERANCE OF COUP D'ETAT ARE DEEMED ABSORBED THEREIN.

Art. 137. *LEADER OF THE REBELLION OR COUP D'ÉTAT.* — When the rebellion, or coup D'ÉTAT is under the command of unknown leaders, any person who in fact directed the others, spoke for them, signed receipts and other documents issued in their name, or performed similar acts, on behalf of the rebels, OR DEMONSTRATED AUTHORITY OR CONTROL, shall be deemed a leader of such rebellion, or coup D'ÉTAT.

Art. 138. *Conspiracy and proposal to commit REBELLION.* — The FOLLOWING PENALTIES SHALL BE IMPOSED UPON ANY PERSON WHO COMMITS THE crimes OF *Conspiracy and proposal to commit REBELLION*:

1. The PENALTY OF PRISION CORRECCIONAL IN ITS MAXIMUM PERIOD and a fine not exceeding 1,000,000 PESOS FOR THE CRIME OF conspiracy to commit rebellion.

2. The penalty of PRISION CORRECCIONAL in its medium period and a fine not exceeding 400,000 PESOS FOR THE CRIME OF proposal to commit rebellion.

Art. 139. *Conspiracy and proposal to commit coup d'état.* — The FOLLOWING PENALTIES SHALL BE IMPOSED UPON ANY PERSON WHO COMMITS THE crimeS OF *Conspiracy and proposal to commit coup d'état*:

1. The penalty of PRISION MAYOR in its minimum PERIOD and a fine not exceeding ONE MILLION PESOS (1,000,000) FOR THE CRIME OF conspiracy to commit *coup d'état*.

2. The penalty of PRISION CORRECCIONAL in its MAXIMUM PERIOD and a fine not exceeding ONE MILLION PESOS (1,000,000) FOR THE CRIME OF proposal to commit *coup d'état*.

Art. 140. *Disloyalty of public officers or employees.* — The penalty of PRISION CORRECCIONAL IN ITS MINIMUM PERIOD shall be imposed upon public officers or employees, INCLUDING MEMBERS OF THE MILITARY OR POLICE, who, WITHOUT JUSTIFIABLE CAUSE, failed to resist a rebellion OR COUP D'ETAT by all means in their power IN CONNECTION WITH THEIR DUTIES, or continued to discharge the duties of their offices under the control of the rebels, or accepted appointment to any office under them.

Art. 141. *Inciting to rebellion or COUP D'ÉTAT.* — The penalty of PRISION MAYOR in its minimum PERIOD shall be imposed upon any person who, without taking UP arms or being in open hostility against the Government, shall incite others to the execution of any of the acts specified in Article 133 AND ART. 135 of this Code, by means of speeches, proclamations, writings, emblems, banners, or other representations tending to the same end.

Provided THAT WHEN THE CRIME OF INCITING TO REBELLION OR COUP D'ETAT IS COMMITTED BY, THROUGH AND WITH THE USE OF INFORMATION AND COMMUNICATIONS TECHNOLOGIES, THE PENALTY OF RECLUSION TEMPORAL IN ITS MINIMUM PERIOD SHALL BE IMPOSED.

IF THE REBELLION OR COUP D'ÉTAT DID OCCUR OR TAKES EFFECT, THEY WILL BE CONSIDERED LEADERS AND WILL SUFFER THE PENALTY INDICATED IN ARTICLE 134 OR ART. 136.

Art. 142. *Sedition; How committed.* — The crime of sedition is committed by any person, who, NOT BEING INCLUDED IN THE CRIME OF REBELLION, OR *COUP D'ETAT*, SHALL rise publicly and tumultuously by force, intimidation, OR ANY OTHER MEANS OF OUTSIDE LEGAL METHODS, to achieve any of the following objectives:

1. To DISRUPT OR PREVENT the promulgation or execution of any law, administrative OR JUDICIAL ORDER, or the holding of any popular election;
2. To DISRUPT OR PREVENT the National Government, any provincial, CITY or municipal government, or any public officer thereof from the legitimate exercise of their functions;
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; OR
5. To despoil THE property or any part thereof, for any political or social end, BELONGING TO any person, the National Government, provincial, CITY or municipal government.

Art. 143. *Penalty for sedition.* — THE PENALTY OF PRISION MAYOR in its minimum PERIOD and a fine not exceeding TWO MILLION PESOS (2,000,000) SHALL BE IMPOSED UPON the leader of sedition.

THE PENALTY of PRISION CORRECCIONAL IN ITS MAXIMUM PERIOD and a fine not exceeding ONE MILLION PESOS (1,000,000) SHALL BE IMPOSED UPON ANY persons, OTHER THAN THE LEADER, participating therein.

THEY SHALL BE MADE LIABLE FOR CRIMES WHICH CARRY A MINIMUM PENALTY OF PRISION CORRECCIONAL COMMITTED ON OCCASION OF SEDITION.

PROVIDED THAT THEY SHALL BE LIABLE FOR OTHER CRIMES COMMITTED ON THE OCCASION OF SEDITION.

When the sedition is under the DIRECTION of unknown leaders, any person who in fact directed the others, spoke for them, signed receipts and other documents issued in their name, OR performed similar acts, on behalf of the PARTICIPANTS, OR DEMONSTRATED AUTHORITY OR CONTROL, shall be deemed a leader of such sedition.

Art. 144. *Conspiracy to commit sedition.* — THE PENALTY OF PRISION CORRECCIONAL IN ITS MEDIUM PERIOD and a fine not exceeding 400,000 pesos SHALL BE IMPOSED UPON ANY person conspiring to commit the crime of sedition.

Art. 145. *Inciting to sedition.* THE PENALTY OF PRISION CORRECCIONAL in its maximum PERIOD and a fine not exceeding 400,000 pesos SHALL BE IMPOSED UPON any person, who, NOT BEING INCLUDED IN ARTICLE 142 OR ARTICLE 144, SHALL COMMIT OR PERFORM ANY OF THE FOLLOWING ACTS:

1. INCITES OTHERS TO ACCOMPLISH ANY ACT OF SEDITION BY MEANS OF SPEECHES, PROCLAMATIONS, WRITINGS, EMBLEMS, VISUAL MEDIA, OR OTHER REPRESENTATIONS TENDING TO THE SAME END;
2. UTTERS, WRITES, PUBLISHES, OR CIRCULATES SEDITIOUS WORDS OR SPEECHES OR SCURRILOUS LIBELS AGAINST THE GOVERNMENT OF THE PHILIPPINES; OR
3. UTTERS, WRITES, PUBLISHES, OR CIRCULATES WORDS, SPEECHES, PROCLAMATIONS, WRITINGS, EMBLEMS, VISUAL MEDIA, OR OTHER REPRESENTATIONS, WHICH TEND TO DISTURB OR OBSTRUCT ANY LAWFUL OFFICER IN EXECUTING THE FUNCTIONS OF HIS OFFICE, OR WHICH TEND TO INSTIGATE OTHERS TO FORM A GROUP AND MEET TOGETHER FOR UNLAWFUL PURPOSES, OR WHICH SUGGEST OR INCITE 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.

Provided THAT WHEN THE CRIME OF INCITING TO SEDITION IS COMMITTED BY, THROUGH AND WITH THE USE OF INFORMATION AND COMMUNICATIONS TECHNOLOGIES, THE PENALTY OF PRISION MAYOR in its maximum PERIOD SHALL BE IMPOSED.

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

Art. 146. *Failure to report Inciting to sedition.* THE PENALTY OF ARRESTO MAYOR IN ITS MAXIMUM PERIOD SHALL BE IMPOSED UPON ANY PERSON WHO KNOWINGLY CONCEALS OR FAILS TO REPORT, AS SOON AS POSSIBLE TO THE PERSONS IN AUTHORITY OR THEIR AGENTS, THE ACTS MENTIONED IN THE PRECEDING ARTICLE (INCITING TO SEDITION).

Chapter TWO

ILLEGAL ASSEMBLIES AND ASSOCIATIONS

Art. 147. *Illegal assemblies.* — The penalty of PRISION CORRECCIONAL to PRISION MAYOR 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 sedition or assault upon a person in authority or his agents. Persons merely present at such meeting shall suffer the penalty of ARRESTO MAYOR, unless they are armed, in which case the penalty shall be PRISION CORRECCIONAL.

Art. 148. *Illegal associations and Brigands.* — The penalty of PRISION CORRECCIONAL and a fine not exceeding TWO HUNDRED THOUSAN (200,000.00) 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 ARRESTO MAYOR.

WHEN MORE THAN THREE ARMED PERSONS ORGANIZE A BAND OF ROBBERS FOR THE PURPOSE OF COMMITTING ROBBERY, THEY SHALL BE DEEMED BRIGANDS. BRIGANDS SHALL BE PUNISHED BY PRISION MAYOR TO RECLUSION TEMPORAL IN ITS MINIMUM PERIOD 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 PERIOD, WITHOUT PREJUDICE TO ANY CRIMINAL LIABILITY FOR ILLEGAL POSSESSION OF SUCH LOOSE FIREARM OR EXPLOSIVE.

Art. 149. *Aiding and abetting an ILLEGAL ASSOCIATIONS AND BRIGANDS.* — 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 PRISION CORRECCIONAL to PRISION MAYOR in its minimum PERIOD.

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. 150. *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 PRISION CORRECCIONAL and a fine not exceeding TWO HUNDRED THOUSAND PESOS (200,000.00), 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 ARRESTO MAYOR and a fine not exceeding 100,000 pesos shall be imposed.

Art. 151. *Indirect assaults.* — The penalty of PRISION CORRECCIONAL and a fine not exceeding ONE HUNDRED THOUSAND PESOS (100,000) 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. 152. *Disobedience to summons issued by CONGRESS, its committees or subcommittees, by the Constitutional Commissions, its committees, subcommittees or divisions.* — The penalty of ARRESTO MAYOR 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. 153. *Resistance and disobedience to a person in authority or the agents of such person.* — The penalty of ARRESTO MAYOR 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 ARRESTO MENOR or a fine ranging from TWO THOUSAND PESOS (2,000) to TWENTY THOUSAND PESOS (20,000) shall be imposed upon the offender.

Art. 154. *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 barangay chairperson shall also be deemed a person in authority AND ANY OTHER PERSON CLASSIFIED AS SUCH UNDER OTHER LAWS.

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 BARANGAY COUNCILOR OR KAGAWAD, BARANGAY PEACE OFFICER OR TANOD and barangay leader SHALL BE DEEMED AN AGENT OF PERSON IN AUTHORITY

In applying the provisions of Articles __ and __ 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.

Chapter FOUR PUBLIC DISORDERS

Art. 155. *Tumults and other disturbance of public orders; Tumultuous disturbance or interruption liable to cause disturbance.* — The penalty of ARRESTO MAYOR in its medium period to prision correccional in its minimum period and a fine not exceeding TWO HUNDRED THOUSAND PESOS (200,000) 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 Article 126 of this Code.

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 FOUR OR MORE persons who are armed or provided with means of violence.

The penalty of ARRESTO MAYOR 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 ARRESTO MENOR and a fine not to exceed FORTY THOUSAND PESOS (40,000) shall be imposed upon these persons who shall bury with pomp the body of a person who has been legally executed.

Art. 156. *Unlawful use of means of publication and unlawful utterances.* — The penalty of ARRESTO MAYOR and a fine ranging from FORTY THOUSAND PESOS (40,000) to TWO HUNDRED THOUSAND PESOS (200,000) shall be imposed upon:

1. Any person who by means of printing, 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 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

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. 157. *Alarms, scandals and other disturbance of public order.* THE PENALTY OF arresto menor AND A FINE OF FORTY THOUSAND PESOS (P40,000.00) SHALL BE IMPOSED UPON ANY PERSON WHO IN ANY PUBLIC OR POPULATED PLACE SHALL UNJUSTLY AND SERIOUSLY DISTURB THE PUBLIC PEACE OR CAUSE OPEN SCANDAL WITHOUT ANY LEGITIMATE END.

IF SUCH ACTS HAVE BEEN COMMITTED AT NIGHT, OR WHILE UNDER THE INFLUENCE OF ALCOHOL, THE PENALTY IMPOSED SHALL BE ARRESTO MAYOR IN ITS MAXIMUM PERIOD.

IF THE ACTS WERE COMMITTED UNDER THE INFLUENCE OF PROHIBITED DRUGS, OR IF FIREARMS OR DANGEROUS EXPLOSIVES HAVE BEEN USED, THE PENALTY IMPOSED SHALL BE THE PENALTY OF ARRESTO MAYOR IN ITS MEDIUM PERIOD TO PRISION CORRECTIONAL IN ITS MINIMUM PERIOD AND A FINE NOT EXCEEDING TWO HUNDRED THOUSAND PESOS (200,000).

IF SUCH PUBLIC DISTURBANCES SHALL BE COMMITTED BY MEANS OF VIOLENCE OR INTIMIDATION OF PERSONS, OR IF THE ACTS WERE COMMITTED BY A GROUP OF THREE OR MORE ARMED PERSONS, THE PENALTY OF ARRESTO MAYOR IN ITS MEDIUM PERIOD TO PRISION CORRECTIONAL IN ITS MINIMUM PERIOD AND A FINE NOT EXCEEDING TWO HUNDRED THOUSAND PESOS (200,000).

IF THE PUBLIC DISTURBANCE CONSISTS OF ACTS THAT TEND TO INCITE REBELLION OR SEDITION, BUT DO NOT LEAD TO ACTUAL INCITEMENT, THE PENALTY OF ARRESTO MAYOR AND A FINE RANGING FROM FORTY THOUSAND PESOS (40,000) TO TWO HUNDRED THOUSAND PESOS (200,000) SHALL BE IMPOSED.

ART. 158. *MALICIOUS DISSEMINATION OF FALSE INFORMATION OR WILLFUL MAKING OF ANY THREAT CONCERNING BOMBS, EXPLOSIVES OR ANY SIMILAR DEVICE OR MEANS OF DESTRUCTION.*

ANY PERSON WHO, BY WORD OF MOUTH OR THROUGH THE USE OF THE MAIL, TELEPHONE, TELEGRAPH, PRINTED MATERIALS AND OTHER INSTRUMENT OR MEANS OF COMMUNICATION, WILLFULLY MAKES ANY THREAT OR MALICIOUSLY CONVEYS, COMMUNICATES, TRANSMITS, IMPARTS, PASSES ON, OR OTHERWISE DISSEMINATES FALSE INFORMATION, KNOWING THE SAME TO BE FALSE, CONCERNING AN ATTEMPT OR ALLEGED ATTEMPT BEING MADE TO KILL, INJURE, OR INTIMIDATE ANY INDIVIDUAL OR UNLAWFULLY TO DAMAGE OR DESTROY ANY BUILDING, VEHICLE, OR OTHER REAL OR PERSONAL PROPERTY, BY MEANS OF EXPLOSIVES, INCENDIARY DEVICES, AND OTHER DESTRUCTIVE FORCES OF SIMILAR NATURE OR CHARACTERISTICS, SHALL UPON CONVICTION BE PUNISHED BY ARRESTO MAYOR IN ITS MEDIUM PERIOD TO PRISION CORRECCIONAL IN ITS MINIMUM PERIOD AND A FINE NOT EXCEEDING TWO HUNDRED THOUSAND PESOS (200,000).

Art. 159. *Delivery of prisoners from jails.* — The penalty of ARRESTO MAYOR in its maximum PERIOD to ARRESTO MAYOR 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 ARRESTO MAYOR 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 PERIOD.

Chapter FIVE

EVASION OF SERVICE OF SENTENCE

Art. 160. *VIOLATION of service of sentence.* — The penalty of PRISION CORRECCIONAL shall be imposed upon any convict who shall evade service of his sentence BY ESCAPING DURING THE TERM OF HIS OR HER SENTENCE WHICH CONSISTS IN DEPRIVATION OF LIBERTY BY REASON OF FINAL JUDGMENT. THIS PENALTY SHALL BE ADDED TO THE REMAINING PERIOD OF THE ORIGINAL SENTENCE WHICH HE OR SHE EVADED FROM._However, FOR VIOLATIONS OF COMMUNITY SERVICE IMPOSED IN LIEU OF ARRESTO MAYOR, THE PENALTY OF ARRESTO MAYOR, AS THE CASE MAY BE, SHALL BE IMPOSED.

Art. 161. *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 72.

Art. 162. *Other cases of evasion of service of sentence.* — The penalty of ARRESTO MAYOR 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, the Signature or Stamp of the Chief Executive AND OTHER GOVERNMENT OFFICIALS; AND KNOWINGLY USING THE SAME

Art. 163. *Counterfeiting the Great Seal of the Government of the Philippines Islands, Forging the Signature or Stamp of the Chief Executive.* — The penalty of RECLUSION TEMPORAL 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. 164. *COUNTERFEITING THE SEAL OF PUBLIC ENTITIES, FORGING THE SIGNATURE OR STAMP OF GOVERNMENT OFFICIALS.* — THE PENALTY OF PRISION CORRECCIONAL 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.165. *Using Forged Signature or Counterfeit Seal or Stamp.* — The penalty of PRISION MAYOR shall be imposed upon any person who shall knowingly make use of the counterfeit seal or forged signature or stamp mentioned in Article 173. THE PENALTY OF ARRESTO MAYOR SHALL BE IMPOSED UPON ANY PERSON WHO

SHALL KNOWINGLY MAKE USE OF THE COUNTERFEIT SEAL OR FORGED SIGNATURE OR STAMP MENTIONED IN ARTICLE 174.

Section Two. — Counterfeiting CURRENCIES

Art. 166. *Making and Importing and Uttering False Currencies.* — Any person who makes, imports, knowingly possesses with intent to utter, or utters false currencies, shall suffer:

1. PRISION CORRECCIONAL and a fine not to exceed FOUR HUNDRED THOUSAN PESOS (400,000.00), if the counterfeited currency be of the Philippines;
2. ARRESTO MAYOR and a fine not to exceed TWO HUNDRED THOUSAND PESOS (200,000), 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. 167. *Mutilation of Currencies; Importation and Utterance of Mutilated Coins CURRENCIES.* — The penalty of prisión correccional in its minimum period 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. 168. *Forging treasury or bank notes or 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 RECLUSION TEMPORAL in its minimum PERIOD and a fine not to exceed Two million pesos (P2,000,000), if the document which has been falsified, counterfeited, or altered is an obligation or security of the Philippines.

The words "obligation or security of Philippines" shall mean all bonds, certificates of indebtedness, national bank notes, coupons, Philippine notes, treasury 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 PRISION MAYOR in its maximum PERIOD and a fine not to exceed One million pesos (P1,000,000), 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 PRISION MAYOR and a fine not to exceed One million pesos (P1,000,000), if the falsified or counterfeited document was issued by a foreign government.
4. By PRISION MAYOR in its minimum PERIOD and a fine not to exceed Four hundred thousand pesos (P400,000), when the forged or altered document is a circulating note or bill issued by a foreign bank duly authorized therefor.

Art. 169. 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 PRISION CORRECCIONAL in its medium and maximum PERIODS and a fine not exceeding One Million Two Hundred Thousand Pesos (P1,200,00).

Art. 170. 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. 171. 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 Messages**

Art. 172. *Falsification of Legislative Documents.* — The penalty of PRISION CORRECCIONAL and a fine not exceeding ONE MILLION TWO HUNDRED THOUSAND PESOS (1,200,000) 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. 173. *Falsification of Travel Documents and Related Offenses.* — (1) The penalty of PRISION MAYOR and a fine of ONE HUNDRED FIFTY THOUSAND PESOS (150,000) 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 RECLUSION TEMPORAL and a fine of ONE MILLION PESOS (1,000,000) 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 PRISION CORRECCIONAL and a fine of ONE HUNDRED THOUSAND PESOS (100,000) 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. 174. *Falsification OF PUBLIC, OFFICIAL, OR COMMERCIAL DOCUMENTS.* — The penalty of PRISION CORRECCIONAL and a fine not to exceed ONE MILLION PESOS (P1,000,000) 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 authenticated form a document purporting to be a copy of an original document when no such original exists, or including in such 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 PRISION MAYOR 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. 175. Falsification of PRIVATE documents. — The penalty of ARRESTO MAYOR in the maximum PERIOD and a fine of not more than ONE MILLION PESOS (P1,000,000) 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. 176. Use of Falsified Documents. — THE PENALTY OF ARRESTO MAYOR AND A FINE OF NOT MORE THAN ONE HUNDRED THOUSAND PESOS (100,000) 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 Article 174;

2. Uses a falsified document under Article 175 to the damage of another person, or with the intent to cause damage.

Art. 177. *Falsification of wireless, cable, telegraph and telephone messages, and use of said falsified messages.* — The penalty of PRISION CORRECCIONAL shall be imposed upon any 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. 178. *False medical certificates, false certificates of merits or service, etc.* — The penalty of ARRESTO MAYOR and a fine not to exceed Two Hundred Thousand Pesos (P200,000) 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 ARRESTO MAYOR shall be imposed upon any private person who shall falsify a certificate falling within the classes mentioned in the two preceding subparagraphs.

Art. 179. *Using false certificates.* — The penalty of ARRESTO MENOR shall be imposed upon any PERSON who shall knowingly use any of the false certificates mentioned in the next preceding Article.

SECTION SIX. — OTHER CRIMES INVOLVING FORGERY AND COUNTERFEITING

ART. 180. *ART FORGERY.* — THE PENALTY OF PRISION MAYOR AND A FINE OF NOT MORE THAN FIVE HUNDRED THOUSAND PESOS (P500,000) 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. 181. COUNTERFEITING ACCESS DEVICES. — THE PENALTY OF PRISION MAYOR AND A FINE OF NOT MORE THAN ONE HUNDRED THOUSAND PESOS (P100,000) 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. 182. *Manufacturing and possession of instruments or implements for falsification OR COUNTERFEITING.* — The penalty of PRISION CORRECCIONAL and a fine not to exceed One Million Pesos (P1,000,000) 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 ARTICLES of this Chapter.

Any person who, with the intention of using them, shall have in THEIR possession any of the instruments or implements mentioned in the preceding paragraph, 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. 183. *Usurpation of authority or official functions.* — Any person who shall knowingly and falsely represent THEMSELF 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 ARRESTO MAYOR.

Art. 184. *Using fictitious name and concealing true name.* — The penalty of ARRESTO MAYOR and a fine not to exceed One Hundred Thousand Pesos (P100,000) 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 THEIR true name and other personal circumstances shall be punished by ARRESTO MENOR or a fine not to exceed Forty Thousand Pesos (P40,000).

Art. 185. *Illegal use of uniforms or insignia.* — The penalty of ARRESTO MAYOR 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 THEY ARE 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. 186. *False testimony IN CRIMINAL CASES.* — Any person who shall give false testimony against the accused in any criminal case shall suffer, APART FROM A FINE OF NOT MORE THAN TWO HUNDRED PESOS (P200,000):

1. The penalty of RECLUSION TEMPORAL, if the accused in said case shall have been sentenced to RECLUSION PERPETUA;
2. The penalty of PRISION MAYOR, if the accused shall have been sentenced to RECLUSION TEMPORAL; and
3. The penalty of PRISION CORRECCIONAL, 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 ARRESTO MAYOR AND A FINE OF NOT MORE THAN ONE HUNDRED THOUSAND PESOS (P100,000).

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. 187. *False testimony in civil cases.* — Any person found guilty of false testimony in a civil case shall suffer the penalty of PRISION CORRECCIONAL in its minimum period and a fine not to exceed One Million Two Hundred Thousand Pesos (P1,200,000). If the amount in controversy shall exceed One Million Pesos

(P1,000,000), and the penalty of ARRESTO MAYOR in its maximum period TO PRISION CORRECCIONAL in its minimum period and a fine not to exceed Two Hundred Thousand Pesos (P200,000), 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. 188. *False testimony in other cases and perjury in solemn affirmation.* — The penalty of ARRESTO MAYOR in its maximum period to PRISION CORRECCIONAL in its minimum period 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 suffer the respective penalties provided therein.

Art. 189. *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** **[Frauds]**

Art. 190. *Machinations in public PROCUREMENT, COMMITTED BY PUBLIC OFFICERS.* — The penalty of PRISION CORRECCIONAL 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 of R.A. No. 9184;

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; or
5. When the head of the agency abuses the exercise of THEIR power to reject any and all bids as mentioned under R.A. No. 9184 with manifest preference to any bidder who is closely related to THEM in accordance with R.A. No. 9184.

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. 191. *Machinations in public procurement, committed by private individuals.* — The penalty of PRISION CORRECCIONAL 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; or
4. When a bidder, by THEMSELVES 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 ARRESTO MAYOR 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; or
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 AGAINST PUBLIC MORALS

Chapter ONE OFFENSES AGAINST DECENCY AND GOOD CUSTOMS

Art. 192. *Grave scandal.* — The penalties of ARRESTO MAYOR 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. 193. *Immoral doctrines, obscene publications and exhibitions and indecent shows.* — The penalty of ARRESTO MAYOR or a fine ranging from 20,000 to 200,000 pesos, or both such imprisonment and fine, shall be imposed upon:

1. 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;
2. 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 –
 - (a) glorify criminals or condone crimes;
 - (b) serve no other purpose but to satisfy the market for violence, lust or pornography;
 - (c) offend any race or religion;
 - (d) tend to abet traffic in and use of prohibited drugs; and
 - (e) 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. (As amended by PD Nos. 960 and 969)

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 PRISION MAYOR.

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 PERIOD.

Art. 194. Immoral doctrines, obscene publications and exhibitions and indecent shows.
— The penalty of *arresto mayor* or a fine ranging from 20,000 to 200,000 pesos, or both such imprisonment and fine, shall be imposed upon:

1. the authors of obscene literature, published with their knowledge in any form, the editors publishing such literature, and the owners or operators of the establishment selling the same;
2. 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:
 - a. glorify criminals or condone crimes;
 - b. serve no other purpose but to satisfy the market for violence, lust or pornography;
 - c. offend any race or religion;

- d. tend to abet traffic in and use of prohibited drugs; and
 - e. are contrary to law, public order, morals, and good customs, established policies, lawful orders, decrees and edicts; and
3. 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 *prision mayor*.

If the child used as a performer, subject or seller or distributor is below twelve (12) years of age, the penalty shall be imposed in its maximum period.

Chapter TWO

SEXUAL HARASSMENT

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

ART. 195. SEXUAL HARASSMENT. —THE PENALTY OF *ARRESTO MAYOR* OR A FINE RANGING FROM 20,000 TO 200,000 PESOS, OR BOTH, SHALL BE IMPOSED:

1. UPON AN EMPLOYER, EMPLOYEE, MANAGER, SUPERVISOR, AGENT OF THE EMPLOYER, OR TRAINOR WHO COMMITS ANY ACT OR SERIES OF ACTS INVOLVING ANY UNWELCOME SEXUAL ADVANCES, REQUEST 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.
2. UPON ANY TEACHER, INSTRUCTOR, PROFESSOR, COACH, TRAINOR, OR 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 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; AND

3. UPON ANY OTHER PERSON WHO, HAVING AUTHORITY, INFLUENCE, OR MORAL ASCENDANCY OVER ANOTHER IN A WORK, TRAINING, OR EDUCATION ENVIRONMENT, 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.

SECTION TWO. — VIOLATION OF SAFE SPACES

ART. 196. GENDER-BASED SEXUAL HARASSMENT AS A VIOLATION OF SAFE SPACES. — GENDER-BASED SEXUAL HARASSMENT IS COMMITTED THROUGH ANY UNWANTED AND UNINVITED SEXUAL ACTION OR REMARK AGAINST ANY PERSON BASED ON SEX OR GENDER, REGARDLESS OF THE MOTIVE FOR COMMITTING SUCH ACTION OR REMARK, 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, GROPPING, 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. 197. 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:

1. 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:
 - a) 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;
 - b) THE SECOND OFFENSE SHALL BE PUNISHED BY RESTORATIVE 2 IN ITS MINIMUM PERIOD OR A FINE OF THREE THOUSAND PESOS (P3,000.00);
 - c) THE THIRD OFFENSE SHALL BE PUNISHED BY RESTORATIVE 2 AND A FINE OF TEN THOUSAND PESOS (P10,000.00).
2. 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:
 - a) 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;

- b) THE SECOND OFFENSE SHALL BE PUNISHED BY RESTORATIVE 2 IN ITS MAXIMUM PERIOD OR A FINE OF FIFTEEN THOUSAND PESOS (P15,000.00);
 - c) THE THIRD OFFENSE SHALL BE PUNISHED BY *ARRESTO MAYOR* AND A FINE OF TWENTY THOUSAND PESOS (P20,000.00).
3. 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):
- a) THE FIRST OFFENSE SHALL BE PUNISHED BY RESTORATIVE 2 IN ITS MAXIMUM PERIOD 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;
 - b) THE SECOND OFFENSE SHALL BE PUNISHED BY *ARRESTO MAYOR* OR A FINE OF FIFTY THOUSAND PESOS (P50,000.00);
 - c) THE THIRD OFFENSE SHALL BE PUNISHED BY *ARRESTO MAYOR* IN ITS MAXIMUM PERIOD OR A FINE OF ONE HUNDRED THOUSAND PESOS (P100,000.00).

ART. 198. 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 *ARRESTO MAYOR* 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. 199. 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:

1. 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;

2. IF THE OFFENDED PARTY IS A MINOR, A SENIOR CITIZEN, OR A PERSON WITH DISABILITY (PWD), OR A BREASTFEEDING MOTHER NURSING HER CHILD;
3. IF THE OFFENDED PARTY IS DIAGNOSED WITH A MENTAL PROBLEM TENDING TO IMPAIR CONSENT;
4. IF THE PERPETRATOR IS A MEMBER OF THE UNIFORMED SERVICES, SUCH AS THE PHILIPPINE NATIONAL POLICE (PNP) AND THE ARMED FORCES OF THE PHILIPPINES (AFP), AND THE ACT WAS PERPETRATED WHILE THE PERPETRATOR WAS IN UNIFORM; AND
5. 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. 200. FAILURE TO PREVENT OR DETER SEXUAL HARASSMENT. —THE PENALTY OF A FINE NOT LESS THAN FIVE THOUSAND PESOS (P5,000.00) NOR MORE THAN TEN THOUSAND PESOS (P10,000.00), SHALL BE IMPOSED UPON EMPLOYERS OR THE HEADS OF WORK-RELATED, EDUCATIONAL OR TRAINING ENVIRONMENT OR INSTITUTIONS, WHO FAIL TO:

1. DISSEMINATE OR POST IN A CONSPICUOUS PLACE PROMOTIONAL MATERIALS ENHANCING SAFEGUARDS AGAINST SEXUAL HARASSMENT AND MAINTAINING SAFE SPACES TO ALL PERSONS IN THE WORKPLACE AND EDUCATIONAL OR TRAINING ENVIRONMENT OR INSTITUTION;
2. 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;
3. 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
4. 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. 201. FAILURE TO ACT ON SEXUAL HARASSMENT REPORT. — THE PENALTY OF A FINE NOT LESS THAN TEN THOUSAND PESOS (P10,000.00) NOR MORE THAN FIFTEEN THOUSAND PESOS (P15,000.00), 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 THEREIN.

CHAPTER THREE PHOTO OR VIDEO VOYEURISM

ART. 202. PHOTO OR VIDEO VOYEURISM. — THE FOLLOWING PENALTIES SHALL BE IMPOSED UPON ANY PERSON WHO COMMITS ANY OF THE FOLLOWING ACTS:

1. *PRISION CORRECCIONAL* OR A FINE NOT LOWER THAN FORTY THOUSAND AND ONE PESOS (P40,001.00) 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 CAPTURING 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;
2. *PRISION CORRECCIONAL* OR A FINE NOT LOWER THAN THREE HUNDRED THIRTY THOUSAND AND ONE PESOS (P330,001.00) 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;
3. *PRISION CORRECCIONAL* OR A FINE NOT LOWER THAN SIX HUNDRED TWENTY THOUSAND AND ONE PESOS (P620,001.00) 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

4. *PRISION CORRECCIONAL* OR A FINE NOT LOWER THAN NINE HUNDRED TEN THOUSAND AND ONE PESOS (P910,001.00) 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 (2), (3) AND (4) SHALL APPLY NOTWITHSTANDING THAT CONSENT TO RECORD OR TAKE PHOTO OR VIDEO OF THE SAME WAS GIVEN BY SUCH PERSON/S.

TITLE SIX CRIMES COMMITTED BY PUBLIC OFFICERS

Chapter One PRELIMINARY PROVISIONS

Art. 203. *Who are public officers.* — Public officer includes any person who shall take part in the performance of public functions in any capacity, by direct provision of law, contract, popular elective or appointment by competent authority, permanent or temporary, whether in the classified or unclassified or exempt service receiving compensation, even nominal, to the national government, the local governments, the government-owned and government-controlled corporations, and all other instrumentalities or agencies of the Republic of the Philippines and their branches, or corporation to which the government has an existing contract.

Chapter Two BRIBERY

ART. 204. *Direct Bribery.* — Any public officer who shall commit any of the following acts shall be guilty of direct bribery.

1. 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;
2. 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

3. 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 *prision mayor*, in addition to the penalty corresponding to the crime agreed upon, if the same shall have been committed.

Art. 205. 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.

Fixers and those guilty of influence peddling shall be punished by *prision mayor*.

ART. 206. CORRUPTION. — ANY PUBLIC OFFICER OR EMPLOYEE, OR ANY PERSON IN CONNIVANCE WITH SUCH PUBLIC OFFICIAL OR EMPLOYEE, WHO USES HIS PUBLIC POSITION FOR PRIVATE INTEREST OR PERSONAL GAIN SHALL BE PUNISHED BY PRISION MAYOR TO RECLUSION TEMPORAL [RA 3019 – IMPRISONMENT OF NOT LESS THAT SIX YEARS AND ONE DAY BUT NOT MORE THAN FIFTEEN YEARS].

THE FOLLOWING ACTS ARE PUNISHABLE BY PRISION MAYOR TO RECLUSION TEMPORAL [RA 3019 – IMPRISONMENT OF NOT LESS THAT SIX YEARS AND ONE DAY BUT NOT MORE THAN FIFTEEN YEARS].

1. PERFORMING OR AGREEING TO PERFORM AN ACT CONSTITUTING A CRIME IN CONNECTION WITH THE PERFORMANCE OF HIS OFFICIAL DUTIES, IN CONSIDERATION OF ANY OFFER, PROMISE, GIFT OR PRESENT RECEIVED, PERSONALLY OR THROUGH A CONDUIT OR AGENT (MEDIATOR). ANY PERSON WHO OFFERS OR PROMISES OR GIVES THE GIFTS OR PRESENTS AND THE CONDUIT SHALL ALSO SUFFER THE SAME PENALTY AS THE PUBLIC OFFICER OR EMPLOYEE.

2. AGREEING TO PERFORM OR REFRAINING FROM PERFORMING AN ACT NOT CONSTITUTING A CRIME IN CONNECTION WITH THE PERFORMANCE OF HIS OFFICIAL DUTIES, IN CONSIDERATION OF ANY OFFER, PROMISE, GIFT OR PRESENT RECEIVED, PERSONALLY OR THROUGH A CONDUIT. ANY PERSON WHO OFFERS OR PROMISES OR GIVES THE GIFTS OR PRESENTS AND THE CONDUIT SHALL ALSO SUFFER THE SAME PENALTY AS THE PUBLIC OFFICER OR EMPLOYEE.
3. PERSUADING, INDUCING OR INFLUENCING ANOTHER PUBLIC OFFICER OR EMPLOYEE TO PERFORM AN ACT CONSTITUTING A VIOLATION OF RULES AND REGULATIONS DULY PROMULGATED BY COMPETENT AUTHORITY OR AN OFFENSE IN CONNECTION WITH THE OFFICIAL DUTIES OF THE LATTER. THE PUBLIC OFFICER WHO ALLOWS HIMSELF TO BE PERSUADED, INDUCED, OR INFLUENCED TO COMMIT SUCH VIOLATION OR OFFENSE SHALL SUFFER THE SAME PENALTY.
4. DIRECTLY OR INDIRECTLY REQUESTING OR RECEIVING ANY GIFT, PRESENT, SHARE, PERCENTAGE, OR BENEFIT, FOR HIMSELF OR FOR ANY OTHER PERSON, IN CONNECTION WITH ANY CONTRACT OR TRANSACTION BETWEEN THE GOVERNMENT AND ANY OTHER PART, WHEREIN THE PUBLIC OFFICER IN HIS OFFICIAL CAPACITY HAS TO INTERVENE UNDER THE LAW.
5. DIRECTLY OR INDIRECTLY REQUESTING OR RECEIVING ANY GIFT, PRESENT OR OTHER PECUNIARY OR MATERIAL BENEFIT, FOR HIMSELF OR FOR ANOTHER, FROM ANY PERSON FOR WHOM THE PUBLIC OFFICER OR EMPLOYEE, 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.
6. ACCEPTING OR HAVING ANY MEMBER OF HIS FAMILY ACCEPT EMPLOYMENT IN A PRIVATE ENTERPRISE WHICH HAS PENDING OFFICIAL BUSINESS WITH HIM DURING THE PENDENCY THEREOF.
7. CAUSING ANY UNDUE INJURY TO ANY PARTY, INCLUDING THE GOVERNMENT, OR GIVING ANY PRIVATE PARTY ANY UNWARRANTED BENEFITS, ADVANTAGE OR PREFERENCE IN THE DISCHARGE OF HIS OFFICIAL FUNCTIONS THROUGH MANIFEST PARTIALITY, EVIDENT BAD FAITH OR GROSS INEXCUSABLE NEGLIGENCE. THIS PROVISION SHALL ALSO APPLY TO OFFICERS AND EMPLOYEES OF OFFICES OR GOVERNMENT CORPORATIONS CHARGED WITH THE GRANT OF LICENSES OR PERMITS OR OTHER CONCESSIONS.

8. NEGLECTING OR REFUSING TO ACT ON ANY MATTER PENDING BEFORE HIM FOR THE PURPOSE OF OBTAINING, DIRECTLY OR INDIRECTLY, FROM ANY PERSON INTERESTED IN THE MATTER SOME PECUNIARY OR MATERIAL BENEFIT OR ADVANTAGE, OR FOR THE PURPOSE OF FAVORING HIS OWN INTEREST OR GIVING UNDUE ADVANTAGE IN FAVOR OF OR DISCRIMINATING AGAINST ANY OTHER INTERESTED PARTY.
9. ENTERING, ON BEHALF OF THE GOVERNMENT, INTO ANY CONTRACT OR TRANSACTION MANIFESTLY AND GROSSLY DISADVANTAGEOUS TO THE SAME, WHETHER OR NOT THE PUBLIC OFFICER PROFITED OR WILL PROFIT THEREBY.
10. DIRECTLY OR INDIRECTLY HAVING FINANCIAL OR PECUNIARY INTEREST IN ANY BUSINESS, CONTRACT OR TRANSACTION IN CONNECTION WITH WHICH HE INTERVENES OR TAKES PART IN HIS OFFICIAL CAPACITY, OR IN WHICH HE IS PROHIBITED BY THE CONSTITUTION OR BY ANY LAW FROM HAVING ANY INTEREST.
11. DIRECTLY OR INDIRECTLY PERFORMS ACTS TO OBTAIN INTEREST IN ANY TRANSACTION OR ACT, FOR PERSONAL GAIN, REQUIRING THE APPROVAL OF A BOARD, PANEL OR GROUP OF WHICH HE IS A MEMBER EVEN IF HE VOTES AGAINST THE SAME OR DOES NOT PARTICIPATE IN THE ACTION OF THE BOARD, COMMITTEE, PANEL OR GROUP, OR THE APPROVAL OF HIS OFFICE.

INTEREST FOR PERSONAL GAIN SHALL BE PRESUMED AGAINST THOSE PUBLIC OFFICERS RESPONSIBLE FOR THE APPROVAL OF MANIFESTLY UNLAWFUL, INEQUITABLE, OR IRREGULAR TRANSACTION OR ACTS BY THE BOARD, PANEL OR GROUP TO WHICH THEY BELONG.

12. APPROVING OR GRANTING ANY LICENSE, PERMIT, FRANCHISE, CONCESSION, PRIVILEGE OR BENEFIT IN FAVOR OF ANY PERSON NOT QUALIFIED FOR OR NOT LEGALLY ENTITLED TO SUCH LICENSE, PERMIT, FRANCHISE, CONCESSION PRIVILEGE OR ADVANTAGE, OR TO A MERE REPRESENTATIVE OR DUMMY OF ONE WHO IS NOT QUALIFIED OR ENTITLED.
13. DIVULGING VALUABLE INFORMATION OF A CONFIDENTIAL CHARACTER, ACQUIRED BY HIS OFFICE OR BY HIM ON ACCOUNT OF HIS OFFICIAL POSITION FOR A CONSIDERATION TO UNAUTHORIZED PERSONS, OR RELEASING SUCH INFORMATION IN ADVANCE OF ITS AUTHORIZED RELEASE DATE.

14. RECEIVING ANY PERSONAL PECUNIARY INTEREST IN ANY SPECIFIC BUSINESS ENTERPRISE WHICH WILL BE DIRECTLY AND PARTICULARLY FAVORED OR BENEFITED BY ANY LAW OR RESOLUTION AUTHORED BY HIM, PREVIOUSLY APPROVED, OR ADOPTED BY CONGRESS, DURING THE SAME TERM.

THE PROVISION OF THIS SECTION SHALL APPLY TO MEMBERS OF CONGRESS AND ANY OTHER PUBLIC OFFICER WHO RECOMMENDED THE INITIATION IN CONGRESS OF THE ENACTMENT OR ADOPTION OF ANY LAW OR RESOLUTION, AND ACQUIRES OR RECEIVES ANY SUCH INTEREST DURING THE MEMBER'S INCUMBENCY.

IT SHALL LIKEWISE BE UNLAWFUL FOR SUCH MEMBER OF CONGRESS OR OTHER PUBLIC OFFICER, WHO, HAVING SUCH INTEREST PRIOR TO THE APPROVAL OF SUCH LAW OR RESOLUTION AUTHORED OR RECOMMENDED BY HIM, CONTINUES FOR THIRTY DAYS AFTER SUCH APPROVAL TO RETAIN SUCH INTEREST.

Art. 207. *Corruption of Public Officials.* — Any person who shall offer, promise or give the gifts or presents as described in the preceding Articles, shall be punished with the corresponding penalties in the two three preceding Articles, except those of disqualification and suspension.

Chapter THREE

MALVERSATION OF PUBLIC FUNDS OR PROPERTY

Art. 208. *Malversation of Public Funds or Property. Presumption of Malversation.* — Any public officer who, by reason of the duties of his office, is accountable for public funds or property, shall appropriate the same, or shall take or misappropriate or shall consent, or through abandonment or 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 *prision correccional* in its medium and maximum periods, if the amount involved in the misappropriation or malversation does not exceed Forty thousand pesos (₱40,000.00).
2. The penalty of *prision mayor* in its minimum and medium periods, if the amount involved is more than Forty thousand pesos (₱40,000.00) but does not exceed One million two hundred thousand pesos (₱1,200,000.00).
3. The penalty of *prision mayor* in its maximum period to *reclusion temporal* in its minimum period, if the amount involved is more than One million two hundred

thousand pesos (₱1,200,000.00) but does not exceed Two million four hundred thousand pesos (₱2,400,000.00).

4. The penalty of *reclusion temporal* in its medium and maximum periods, if the amount involved is more than Two million four hundred thousand pesos (₱2,400,000.00) but does not exceed Four million four hundred thousand pesos (₱4,400,000.00).
5. The penalty of *reclusion temporal* in its maximum period, if the amount involved is more than Four million four hundred thousand pesos (₱4,400,000.00) but does not exceed Eight million eight hundred thousand pesos (₱8,800,000.00). If the amount exceeds the latter, the penalty shall be *reclusion perpetua*.

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. 209. 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, shall be punished by *arresto mayor* in its minimum period, or by a fine ranging from Forty thousand pesos (P40,000.00) to One million two hundred thousand pesos (P1,200,000.00), or both.

Art. 210. Illegal use of public funds or property. — Any public officer who shall 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 percent of the sum misapplied.

Art. 211. 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 *arresto mayor* 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 (P10,000.00).

Art. 212. *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. 213. *Deleterious Performance of Public Function.* — The penalty of PRISION CORRECTIONAL TO PRISION MAYOR 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. 214. *PLUNDER.* — 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 8 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 16, 17, AND 18 OF THIS CODE 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.

AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL MEAN:

1. *GOVERNMENT* INCLUDES THE NATIONAL GOVERNMENT, AND ANY OF ITS SUBDIVISIONS, AGENCIES OR INSTRUMENTALITIES, INCLUDING GOVERNMENT-OWNED OR –CONTROLLED CORPORATIONS AND THEIR SUBSIDIARIES.
2. *PERSON* INCLUDES ANY NATURAL OR JUDICIAL PERSON, UNLESS THE CONTEXT INDICATES OTHERWISE.
3. *III-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:
 - a) THROUGH MISAPPROPRIATION, CONVERSATION, MISUSE, OR MALVERSATION OF PUBLIC FUNDS OR RAIDS ON THE PUBLIC TREASURY;
 - b) 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;
 - c) 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;
 - d) 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

- e) 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.

4. "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:

- a) 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;
- b) 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 ARTICLE; AND
- c) 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.

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.

UNTIL OTHERWISE PROVIDED BY LAW, ALL PROSECUTIONS FOR THE CRIME OF PLUNDER SHALL BE WITHIN THE ORIGINAL JURISDICTION OF THE SANDIGANBAYAN.

THE CRIME PUNISHABLE UNDER THIS ARTICLE 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. 215. ILLICIT ENRICHMENT. — ANY PUBLIC OFFICER OR EMPLOYEE WHO ACQUIRES UNEXPLAINED WEALTH WHICH IS GROSSLY DISPROPORTIONATE TO HIS OR HER LAWFUL INCOME SHALL SUFFER THE FOLLOWING PENALTIES:

1. *ARRESTO MAYOR* IN ITS MAXIMUM PERIOD TO *PRISION MAYOR* IN ITS MAXIMUM PERIOD 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);
2. *PRISION MAYOR* IN ITS MAXIMUM PERIOD TO *RECLUSION TEMPORAL* IN ITS MINIMUM PERIOD 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);
3. *RECLUSION TEMPORAL* IN ITS MINIMUM PERIOD TO *RECLUSION TEMPORAL* IN ITS MAXIMUM PERIOD 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);
4. *RECLUSION PERPETUA* IN ITS MINIMUM PERIOD TO *RECLUSION PERPETUA* IN ITS MAXIMUM PERIOD 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.

ART. 216. ILLICIT TRANSFER. — ANY PUBLIC OFFICER WHO SHALL TRANSFER OR CONVEY ANY ILLICITLY ACQUIRED PROPERTY SHALL BE

PUNISHED WITH *PRISION CORRECCIONAL* IN ITS MAXIMUM PERIOD, 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.

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.

ART. 217. *PRESCRIPTION.* — THE LAWS ON PRESCRIPTION, LACHES OR ESTOPPEL CANNOT BE INVOKED AGAINST THE STATE.

ART. 218. *SPECIAL ACCESSORY PENALTY.* — NOTWITHSTANDING THE PROVISIONS OF BOOK, I, ANY PERSON FOUND GUILTY OF THESE OFFENSES SHALL SUFFER THE ACCESSORY PENALTY OF PERPETUAL ABSOLUTE DISQUALIFICATION.

ART. 219. *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. 220. *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 *prision correccional* in its medium and maximum periods and temporary special disqualification in its maximum period to perpetual special disqualification, if the fugitive shall have been sentenced by final judgment to any penalty.
2. By *arresto mayor* in its minimum period 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. 221. *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. 222. *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 *prision correccional* in its minimum and medium periods 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 PENALTY OF PRISION CORRECCIONAL IN ITS MAXIMUM PERIOD SHALL BE IMPOSED IF THE PAPERS OR OTHER EFFECTS SHALL HAVE BEEN TAMPERED, DESTROYED OR TAKEN OUT FROM THE DWELLING WITHOUT RETURNING THE SAME.

IF THE PUBLIC OFFICER OR EMPLOYEE SHALL TAMPER OR TAKE OUT PAPERS OR EFFECTS WITHOUT RETURNING THE SAME, OR BY IMMEDIATELY DESTROYING SAID PAPERS OR EFFECTS WITHIN THE PREMISES, THE PENALTY OF PRISION CORRECCIONAL IN ITS MAXIMUM PERIOD SHALL BE IMPOSED.

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

Art. 223. *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 *prision correccional* in its minimum and medium periods, temporary special disqualification and a fine not exceeding Four hundred thousand pesos (P400,000.00).

Section Three. — Revelation of Secrets

Art. 224. *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 *arresto mayor*, temporary special disqualification and a fine not exceeding Four hundred thousand pesos (P400,000.00) if the revelation of such secrets or the delivery of such papers shall have caused serious damage to public interest; otherwise, the penalties of *arresto mayor* in its minimum period, temporary special disqualification and a fine not exceeding One hundred thousand pesos (P100,000.00) shall be imposed.

Section Four. — Disobedience and Maltreatment of Prisoners

Art. 225. *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 *arresto mayor* in its medium period to *arresto mayor* in its minimum period, temporary special disqualification in its maximum period and a fine not exceeding Two hundred thousand pesos (P200,000.00).

Art. 226. *Refusal to Discharge Elective Office.* — The penalty of *arresto mayor* or a fine not exceeding Two hundred thousand pesos (P200,000.00), 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. 227. *Maltreatment of Prisoners.* — The penalty of *arresto mayor* in its medium period to *arresto mayor* in its minimum period, 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 such 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 *arresto mayor*, temporary special disqualification and a fine not exceeding One hundred thousand pesos (P100,000.00), 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. 228. *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 *arresto mayor*.

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 *prision correccional* in its minimum and medium periods, and by *arresto mayor* 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. 229. *Usurpation of Legislative Powers.* — The penalties of *arresto mayor*, temporary special disqualification and a fine not exceeding Two hundred thousand pesos (P200,000.00), 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. 230. *Usurpation of Executive Functions.* — The penalty of *arresto mayor* in its medium period to *arresto mayor* shall be imposed upon 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,

Art. 231. *Usurpation of Judicial Functions.* The penalty of *arresto mayor* in its medium period to *arresto mayor* 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.

TITLE SEVEN CRIMES AGAINST PERSONS

Chapter One DESTRUCTION OF LIFE

Section One. — Parricide, Murder, Homicide

Art. 232. *Parricide.* — Any person who shall kill his or HER ascendant or descendant, or his or HER LEGAL spouse, shall be punished by the penalty of reclusion perpetua to death.

Art. 233. *Death or Physical Injuries Inflicted Under Exceptional Circumstances; PRIVILEGED MITIGATING CIRCUMSTANCE OF EXTREME PASSION.* — Any legally married person who, having surprised his or her spouse in the act of committing sexual intercourse with another person shall kill any of them or both of them in the act or immediately thereafter, or shall inflict upon them any serious physical injury, shall suffer the penalty of destierro.

If he or she shall inflict upon them physical injuries of any other kind, he or she shall be exempt from punishment.

These rules shall be applicable, under the same circumstances, to parents with respect to their minor children and their seducers, while the minor children are living with their parents.

Art. 234. *Murder.* — Any person who shall kill another, shall be guilty of murder and shall be punished by reclusión perpetua 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 PANDEMIC, or other public calamity;
5. WITH THE USE OF-FIREARM, WHETHER REGISTERED OR NOT;
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; OR

8. WHEN THE OFFENDER IS UNDER THE INFLUENCE OF DANGEROUS DRUGS.

Art. 235 Homicide. — Any person who, not falling within the provisions of Article 232 AND ARTICLE 234 shall kill another shall be punished by reclusion temporal.

Art. 236. 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 under the provision of Articles 232, 234, and 235 AS THE CASE MAY BE.

Art. 237. Death Caused by Physical Injuries Inflicted in a Tumultuous Affray. — When, in the course of a TUMULTUOUS affray, someone is killed and the person RESPONSIBLE THEREFOR CANNOT be identified, such person or persons WHO SHALL HAVE INFLICTED SERIOUS PHYSICAL INJURIES UPON THE PERSON KILLED OR INJURED shall be punished by PRISION MAYOR. 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 PRISION CORRECCIONAL.

When, in a tumultuous affray, only serious physical injuries are inflicted upon the VICTIM and the person OR PERSONS 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 ARRESTO MENOR in its maximum PERIOD.

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. 238. INDUCING TO COMMIT OR Giving Assistance to Suicide. — Any person who shall INDUCE OR assist another to commit suicide shall suffer the penalty of PRISION MAYOR. 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 RECLUSION TEMPORAL. However, if the suicide is not consummated, the penalty of ARRESTO MAYOR IN ITS MEDIUM AND MAXIMUM PERIODS shall be imposed. THIS PROVISION SHALL NOT APPLY TO ANY PERSON WHO ALLOWS A DULY ADVISED MEDICAL PATIENT TO 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. 239. *Discharge of Firearms.* — Discharge of firearms may be committed by:

- a) Any person who shall shoot at another with any firearm, WHO shall suffer the penalty of PRISION CORRECCIONAL IN ITS MINIMUM AND MEDIUM PERIODS, 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 willfully and indiscriminately discharge any firearm or other device that may not have been designed as firearm, but can be functionally used as a firearm, WHO shall suffer the penalty of ARRESTO MAYOR in its maximum PERIOD, unless the facts of the case can be held to constitute any other offense for which a higher penalty is prescribed.

If the person who commits the offense provided in this Article is a member of the military, its auxiliary agencies, or law enforcement agencies, who is 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. The offender may also be held administratively liable for the same act. 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.

Section Two. — Abortion

Art. 240. *Intentional Abortion.* — Any person who shall DESTROY OR EXPEL THE FETUS FROM THE MOTHER'S WOMB shall suffer:

1. The penalty of RECLUSION TEMPORAL, if he OR SHE shall use any violence upon the person of the pregnant woman.
2. The penalty of PRISION MAYOR if, without using violence, he OR SHE shall act without the consent of the woman.
3. The penalty of PRISION CORRECCIONAL IN ITS MEDIUM AND MAXIMUM PERIODS if the woman shall have consented.

Art. 241. *Unintentional Abortion.* — *Unintentional Abortion.* — The penalty of PRISION CORRECCIONAL IN ITS MINIMUM AND MEDIUM PERIODS shall be imposed upon any person who shall unintentionally cause an abortion by violence OR INTIMIDATION.

Art. 242. *Abortion Practiced by the Woman Herself or by Her Parents.* — The penalty

of PRISION CORRECCIONAL IN ITS MEDIUM AND MAXIMUM PERIODS 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 PRISION CORRECCIONAL IN ITS MINIMUM AND MEDIUM PERIODS.

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 PRISION CORRECCIONAL IN ITS MEDIUM AND MAXIMUM PERIODS.

Art. 243. *Abortion Practiced by a Physician or Midwife and Dispensing of Abortives.* — The penalties provided in Article 240 shall be imposed in their maximum period 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 ARRESTO MAYOR and a fine not exceeding One Hundred Thousand Pesos (P100,000).

Chapter Two PHYSICAL INJURIES

Art. 244. *Mutilation.* — The penalty of RECLUSION TEMPORAL to RECLUSION PERPETUA 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 PRISION MAYOR in its medium and maximum PERIODS.

Art. 245. *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 PRISION MAYOR, if in consequence of the physical injuries inflicted, the injured person shall become insane, imbecile, impotent, STERILE, or blind;
2. The penalty of PRISION CORRECCIONAL IN ITS MEDIUM AND MAXIMUM PERIODS, if in consequence of the physical injuries inflicted, the 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 habitually engaged;

3. The penalty of PRISION CORRECCIONAL IN ITS MINIMUM AND MEDIUM PERIODS, 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 said work FOR ninety-ONE (91) days OR MORE; AND
4. The penalty of ARRESTO MAYOR IN ITS MAXIMUM PERIOD TO PRISION CORRECCIONAL IN ITS MINIMUM PERIOD, if the physical injuries inflicted shall have caused the illness or incapacity for SAID WORK for thirty-ONE (31) TO NINETY (90) days.

Art. 246. *Less Serious Physical Injuries.* — Any person who shall inflict upon another physical injury not described in the preceding Articles shall suffer the penalty of ARRESTO MAYOR, 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 PHYSICAL INJURIES UPON ANOTHER SHALL SUFFER THE PENALTY OF:

1. ARRESTO MENOR, 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. ARRESTO MENOR or a fine not exceeding Forty Thousand Pesos (P40,000) 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 *ARRESTO MENOR* IN ITS MINIMUM PERIOD OR A FINE NOT EXCEEDING FIVE THOUSAND PESOS (P5,000).

Art. 247. *Administering Injurious Substances or Beverages.* — The penalties PROVIDED IN ARTICLES 244, 245, and 246 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.

ART. 248. *INTENTIONAL OR RECKLESS TRANSMISSION OF INFECTION OR BACTERIA.* — A PENALTY ONE DEGREE LOWER THAN THOSE PROVIDED IN ARTICLES 244, 245, AND 246, AS THE CASE MAY BE, SHALL BE IMPOSED UPON

A PERSON WHO SHALL DELIBERATELY INFECT ANOTHER PERSON WITH A VIRUS OR BACTERIA IN VIOLATION OF ANY HEALTH REGULATION IMPOSED BY THE GOVERNMENT.

A PENALTY ONE DEGREE LOWER THAN THOSE PROVIDED IN ARTICLES 244, 245, AND 246, AS THE CASE MAY BE, SHALL APPLY WHEN A PERSON, HAVING KNOWLEDGE THAT HE OR SHE IS INFECTED BY A VIRUS OR BACTERIA, SHALL RECKLESSLY INFECT ANOTHER IN VIOLATION OF ANY HEALTH REGULATION IMPOSED BY THE GOVERNMENT.

ART. 249. *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.

ART. 250. *PRESENCE AT THE HAZING.* — THE FOLLOWING PERSONS, WHO IS PRESENT IN THE CONDUCT OF THE HAZING, SHALL BE PUNISHED BY PENALTY OF RECLUSION PERPETUA 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.

THE PRESENCE OF ANY PERSON, EVEN IF SUCH PERSON IS NOT A MEMBER OF THE FRATERNITY, SORORITY, OR ORGANIZATION, DURING THE HAZING IS *PRIMA FACIE* EVIDENCE OF PARTICIPATION THEREIN AS A PRINCIPAL UNLESS SUCH PERSON OR PERSONS PREVENTED THE COMMISSION OF THE ACTS PUNISHABLE HEREIN OR PROMPTLY REPORTED THE SAME TO THE LAW ENFORCEMENT AUTHORITIES IF THEY CAN DO SO WITHOUT PERIL TO THEIR PERSON OR THEIR FAMILY.

ART. 251. *CONSENTING OF ALLOWING HAZING.* — ANY SCHOOL AUTHORITY INCLUDING FACULTY MEMBERS AS WELL AS BARANGAY, MUNICIPAL, OR CITY OFFICIALS 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. THIS IS WITHOUT PREJUDICE TO ADMINISTRATIVE SANCTIONS THAT MAY BE IMPOSED IN PROPER CASES.

ART. 252. UNMITIGATED LIABILITY. — ANY PERSON CHARGED UNDER THIS CHAPTER SHALL NOT BE ENTITLED TO THE MITIGATING CIRCUMSTANCE THAT THERE WAS NO INTENTION TO COMMIT SO GRAVE A WRONG.

ART. 253. 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 CHAPTER, WILL PERFORM ANY ACT TO HIDE, CONCEAL THE CRIME, OR OTHERWISE HAMPER OR OBSTRUCT ANY CRIMINAL INVESTIGATION THEREON, SHALL BE PUNISHED BY RECLUSION TEMPORAL AND A FINE OF ONE MILLION PESOS (P1,000,000.00).

PROVIDED, THAT SHOULD THE FORMER OFFICER, NONRESIDENT MEMBER, OR ALUMNUS BE A MEMBER OF THE PHILIPPINE BAR, SUCH MEMBER SHALL IMMEDIATELY BE SUBJECTED TO DISCIPLINARY PROCEEDINGS BY THE SUPREME COURT PURSUANT TO ITS POWER TO DISCIPLINE MEMBERS OF THE PHILIPPINE BAR: *PROVIDED, FURTHER*, THAT SHOULD THE FORMER OFFICER, NONRESIDENT MEMBER, OR ALUMNUS BELONG TO ANY OTHER PROFESSION SUBJECT TO REGULATION BY THE PRC, SUCH PROFESSIONAL SHALL IMMEDIATELY BE SUBJECTED TO DISCIPLINARY PROCEEDINGS BY THE CONCERNED PROFESSIONAL REGULATORY BOARD, THE IMPOSABLE PENALTY FOR WHICH SHALL INCLUDE, BUT IT IS NOT LIMITED TO, SUSPENSION FOR A PERIOD OF NOT LESS THAN THREE (3) YEARS OR REVOCATION OF THE PROFESSIONAL LICENSE. A SUSPENDED OR REVOKED PROFESSIONAL LICENSE PURSUANT TO THIS SECTION MAY BE REINSTATED UPON SUBMISSION OF AFFIDAVITS FROM AT LEAST THREE (3) DISINTERESTED PERSONS, GOOD MORAL CERTIFICATIONS FROM DIFFERENT UNAFFILIATED AND CREDIBLE GOVERNMENT, RELIGIOUS, AND SOCIO-CIVIC ORGANIZATIONS, AND SUCH OTHER RELEVANT EVIDENCE TO SHOW THAT THE CONCERNED PROFESSIONAL HAS BECOME MORALLY FIT FOR READMISSION INTO THE PROFESSION: *PROVIDED*, THAT SAID READMISSION INTO THE PROFESSION SHALL BE SUBJECT TO THE APPROVAL OF THE RESPECTIVE PROFESSIONAL REGULATORY BOARD."

Chapter Three

RAPE

Art. 254. Rape; When and How Committed. — Rape is committed by any person who shall have carnal knowledge of another person WITHOUT THE LATTER'S CONSENT.

THE LACK OF CONSENT MAY BE INFERRED FROM THE CIRCUMSTANCES, WHICH MAY INCLUDE BUT ARE NOT LIMITED TO any of the following:

1. Through force, threat, or intimidation;
2. When the offended party is deprived of reason or otherwise unconscious;
3. By means of fraudulent machination or grave abuse of authority;
4. 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; and
5. ANY OTHER CIRCUMSTANCE WHICH RENDERS THE OFFENDED PARTY UNABLE TO GIVE CONSENT.

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.

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.

ART. 255. NECROPHILIA — ANY PERSON WHO SHALL KNOWINGLY AND WILLFULLY PERFORM A SEXUAL ACT UPON THE CORPSE OF A PERSON SHALL SUFFER THE PENALTY OF PRISION MAYOR.

WHEN THE DECEASED IS A CHILD OR THE OFFENDER IS A RELATIVE BY CONSANGUINITY OR AFFINITY WITHIN THE THIRD CIVIL DEGREE, THE PENALTY SHALL BE IMPOSED IN ITS MAXIMUM PERIOD.

Art. 256. Penalties. — Rape shall be punished by RECLUSION PERPETUA.

Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be RECLUSION PERPETUA.

When by reason or on the occasion of the rape, the victim has become insane, the penalty shall be RECLUSION PERPETUA.

When the rape is attempted and a homicide is committed by reason or on the occasion thereof, the penalty shall be RECLUSION PERPETUA.

When by reason or on the occasion of the rape, homicide is committed, the penalty shall be RECLUSION PERPETUA.

RECLUSION PERPETUA 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 (STD) or sexually transmitted infection (STI). All persons charged before the prosecutor's office with a criminal offense under this Article shall undergo a mandatory STD/STI test;
- 7) When committed by any member of the Armed Forces of the Philippines or paramilitary 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 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. 257. 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 THE PERSON incapable of giving valid consent, may be accepted as evidence in the prosecution of the acts punished under Article 254.

TITLE EIGHT CRIMES AGAINST PERSONAL LIBERTY AND SECURITY

Chapter One CRIMES AGAINST LIBERTY

Art. 258. Kidnapping and serious illegal detention. — Any private individual or ANY PUBLIC OFFICER OR EMPLOYEE WHO IS NOT VESTED WITH AUTHORITY TO DETAIN OR ORDER THE DETENTION OF THE PERSONS ACCUSED OF A CRIME 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 RECLUSION PERPETUA:

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 CHILD, female or a public officer.

IF THE PERSON COMMITTING THIS CRIME SHALL BE THE FATHER OR THE MOTHER OF THE CHILD, WHO HAS LOST CUSTODY BY REASON FINAL JUDGMENT, THE PENALTY SHALL BE ARRESTO MAYOR OR A FINE NOT EXCEEDING ONE HUNDRED THOUSAND PESOS (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. 259. *Slight illegal detention.* — The penalty of Reclusion temporal shall be imposed upon any private individual OR PUBLIC OFFICER OR EMPLOYEES NOT CONTEMPLATED UNDER THE PROVISION ON ARBITRARY DETENTION_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 PRISION MAYOR in its minimum and medium PERIODS and a fine not exceeding ONE HUNDRED THOUSAND PESOS (100,000)

Art. 260. *Unlawful arrest.* — The penalty of ARRESTO MAYOR 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 THE LATTER to the proper authorities.

Art. 261. *Failure to return a minor.* — The penalty of RECLUSION PERPETUA 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. 262. *Inducing a minor to abandon his OR HER home.* — The penalty of PRISION CORRECCIONAL and a fine not exceeding ONE HUNDRED THOUSAND PESOS (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 ARRESTO MAYOR or a fine not exceeding FORTY THOUSAND PESOS (40,000), or both.

Chapter Two

CRIMES AGAINST SECURITY

Section One. — Abandonment of Helpless Persons and Exploitation of Minors

Art. 263. *Abandonment of person in danger and abandonment of one's own victim.* — The penalty of ARRESTO MAYOR 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 IN THE EVENT THAT THE PERSON WOUNDED OR INJURED DIES AS A RESULT OF THE INJURIES, THE PENALTY OF RECLUSION TEMPORAL SHALL BE IMPOSED.

Art. 264. *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. 265. *Trespass to dwelling.* — Any private person who shall enter the dwelling of another against the latter's will OR HAVING SURREPTITIOUSLY ENTERED SAID DWELLING, AND BEING REQUIRED TO LEAVE THE PREMISES, SHALL REFUSE TO DO SO, shall be punished by ARRESTO MAYOR and a fine not exceeding 200,000 pesos.

If the CRIME be committed by means of violence or intimidation, the penalty shall be PRISION CORRECCIONAL 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 PRIVATE 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. 266. *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.

THE PENALTY OF RESTORATIVE OR A FINE NOT EXCEEDING, 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 INHABITED, WITHOUT THE PERMISSION OF THE OWNER OR CARETAKER THEREOF.

Section Three. — Threats and Coercion

Art. 267. *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 period.

2. The penalty of ARRESTO MAYOR and a fine not exceeding 100,000 pesos, if the threat not have been made subject to a condition.

Art. 268. *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. 269. *Light threats.* — The penalty of ARRESTO MENOR in its minimum PERIOD or a fine not exceeding FORTY THOUSAND PESOS (40,000) 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 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 267 of this Code.

3. Any person who shall threaten to do any harm IN ANY FORM not constituting a CRIME.

Art. 270. Coercions. — The penalty of ARRESTO MAYOR and a fine not exceeding ONE HUNDRED THOUSAND PESOS (100,000) shall be imposed upon any person who, without authority of law, shall, by means of violence, THREATS OR INTIMIDATION, 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 IN VIOLATION OF THE EXERCISE OF THE RIGHT OF SUFFRAGE, or 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.

TITLE NINE CRIMES AGAINST PROPERTY

Chapter One ROBBERY IN GENERAL

Art. 271. 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. 272. 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 RECLUSION PERPETUA, 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 RECLUSION TEMPORAL in its medium PERIOD to RECLUSION PERPETUA when or if by reason or on occasion of such robbery, any of the physical injuries penalized in subdivision 1 of Article 245 shall have been inflicted.
3. The penalty of RECLUSION TEMPORAL, 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 PRISION MAYOR in its maximum PERIOD to RECLUSION TEMPORAL in its medium PERIOD, 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 PRISION CORRECCIONAL IN TIS MAXIMUM PERIOD TO PRISION MAYOR when the course of its execution, the offender shall have inflicted upon any person responsible for its commission any of the physical injuries covered by subdivisions 3 and 4 of said Article 245.
6. The penalty of PRISION CORRECCIONAL to PRISION MAYOR in its MINIMUM PERIOD in other cases.

Art. 273. *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 THE ACCUSED TOOK STEPS TO PREVENT THE COMMISSION OF THE CRIME.

FOR PURPOSES OF THIS TITLE, ROBBERY IN BAND IS COMMITTED WHEN FOUR (4) OR MORE MALEFACTORS TAKE PART IN THE ROBBERY

Art. 274. *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 RECLUSION TEMPORAL in its maximum PERIOD to RECLUSION PERPETUA, unless the homicide committed shall deserve a higher penalty under the provisions of this Code.

Art. 275. *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. 276. *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:

THE PENALTY OF RECLUSION TEMPORAL, WHEN THE robbery SHALL HAVE BEEN COMMITTED in an inhabited house or public building or edifice devoted to

religious worship, THE OFFENDER IS ARMED AND 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 PRISION MAYOR 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 PRISION MAYOR IN ITS MINIMUM PERIOD 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.

THE PENALTY OF PRISION CORRECCIONAL 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 ARRESTO MAYOR SHALL BE IMPOSED when the value of the property taken does not exceed 50,000 pesos.

1. 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.
2. THE PENALTY OF PRISION CORRECCIONAL 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. 277. 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. __ (294) 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. 278. *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 enclosed 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 BUT used or rented by the Government, although temporarily unoccupied by the same.

Art. 279. *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 ARRESTO MAYOR in its maximum PERIOD to ARRESTO MAYOR.

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 PRISION CORRECCIONAL.

Section Three. — Qualified Robbery

Art. 278. *QUALIFIED Robbery.* —THE CRIME OF ROBBERY SHALL BE PUNISHED BY THE MAXIMUM PERIOD 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. 279. *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. 280. *Who are liable for theft.* — Theft is committed by any person who, with intent to gain but without violence against or intimidation of persons AND WITHOUT THE USE OF 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, CONPSREAL OR INCONPSREAL, AND ALL THINGS WHICH CAN BE TRANSPORTED FROM ONE PLACE TO ANOTHER WITHOUT IMPAIRMENT OF THE REAL PROPERTY TO WHICH THEY ARE FIXED.

Art. 281. *Penalties.* — Any person guilty of theft shall be punished by:

1. The penalty of PRISION MAYOR, if the value of the thing stolen is more than ONE MILLION TWO HUNDRED THOUSAND PESOS (1,200,000) but does not exceed TWO MILLION TWO HUNDRED THOUSAND PESOS (2,200,000), but if the value of the thing stolen exceeds the latter amount the penalty shall be the maximum PERIOD 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 PRISION MAYOR or RECLUSION TEMPORAL, as the case may be.
2. The penalty of PRISION CORRECCIONAL in its medium and maximum PERIODs, if the value of the thing stolen is more than SIX HUNDRED THOUSAND PESOS (600,000) pesos but does not exceed ONE MILLION TWO HUNDRED THOUSAND PESOS (1,200,000).
3. The penalty of ARRESTO MAYOR, if the value of the property stolen is more than TWENTY THOUSAND PESOS (20,000) but does not exceed SIX HUNDRED THOUSAND PESOS (600,000).

4. ARRESTO MAYOR to ARRESTO MAYOR in its minimum PERIOD, if the value of the property stolen is over FIVE THOUSAND PESOS (5,000) but does not exceed TWENTY THOUSAND PESOS (20,000).
5. ARRESTO MAYOR IN ITS MAXIMUM PERIOD, if such value is over FIVE HUNDRED PESOS (500) but does not exceed FIVE THOUSAND PESOS (5,000).
6. ARRESTO MAYOR, if such value does not exceed 500 pesos.
7. ARRESTO MENOR in its minimum PERIOD or a fine not exceeding FIVE THOUSAND PESOS (5,000), when the value of the thing stolen is not over FIVE HUNDRED PESOS (500), 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. 282. *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.

THIS PROVISION SHALL NOT APPLY IF THE PENALTY FOR QUALIFIED THEFT SHALL EXCEED THE MAXIMUM PENALTY FOR THEFT UNDER THE PREVIOUS PROVISION.

Art. 283. *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 ARRESTO MAYOR 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.

Art. 284. *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 ARRESTO MAYOR or a fine ranging from Forty thousand pesos (P40,000) to One hundred thousand pesos (P100,000), 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
OTHER RELATED CRIMES

ART. 285. 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:

1. BY PRISION MAYOR IN ITS MAXIMUM PERIOD TO RECLUSION TEMPORAL IN ITS MEDIUM PERIOD IF THE OFFENSE IS COMMITTED WITHOUT VIOLENCE AGAINST OR INTIMIDATION OF PERSONS OR FORCE UPON THINGS;
2. BY RECLUSION TEMPORAL IN ITS MAXIMUM PERIOD TO RECLUSION PERPETUA IF THE OFFENSE IS COMMITTED WITH VIOLENCE AGAINST OR INTIMIDATION OF PERSONS OR FORCE UPON THINGS; AND
3. BY RECLUSION PERPETUA 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. 286. 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:

1. BY RECLUSION TEMPORAL IN ITS MAXIMUM PERIOD, WHEN THE CARNAPPING IS COMMITTED WITHOUT VIOLENCE AGAINST OR INTIMIDATION OF PERSONS, OR FORCE UPON THINGS;
2. BY RECLUSION PERPETUA, WHEN THE CARNAPPING IS COMMITTED BY MEANS OF VIOLENCE AGAINST OR INTIMIDATION OF PERSONS, OR FORCE UPON THINGS; AND
3. 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. 287. THEFT OF ELECTRIC POWER TRANSMISSION LINES AND MATERIALS. — THE PENALTY OF RECLUSION TEMPORAL 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 ANY OF THE FOLLOWING ACTS:

1. 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
2. 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. 288. ILLEGAL CONNECTION AND PILFERAGE OF OTHER UTILITIES. — THE PENALTY OF ARRESTO MAYOR 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:

1. 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
2. TAMPERING, USING, STEALING OR PILFERING TELECOMMUNICATION CONNECTION OR GAS METERS, JUMPERS OR OTHER DEVICES;
3. STEALING OR PILFERING OR DIVERTING WATER, GAS OR TELECOMMUNICATION SERVICES.

ART. 289. 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 OTHER CRIMES INVOLVING UNLAWFUL TAKING OF PERSONAL PROPERTY, 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. 290. 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 Fifteen thousand pesos (P15,000).

If the value of the gain cannot be ascertained, a fine of from Forty thousand pesos (P40,000) to One hundred thousand pesos (P100,000), shall be imposed.

Art. 291. *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 Twenty thousand pesos (P20,000), or both.

Chapter Five CULPABLE INSOLVENCY

Art. 292. *Fraudulent insolvency.* — Any person who shall abscond with his or her REAL OR PERSONAL PROPERTY to the prejudice of his OR HER creditors, shall suffer the penalty of PRISION MAYOR, if he OR SHE be a merchant and the penalty of PRISION CORRECCIONAL in its maximum period to PRISION MAYOR in its medium PERIOD, if he OR SHE be not a merchant.

Chapter Six SWINDLING AND OTHER DECEITS

Art. 293. *Swindling (estafa).* — Any person who shall defraud another by any of the means mentioned herein below shall be punished by:

1st. The penalty of prision correccional in its maximum period to prision mayor in its minimum period, 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), and if such amount exceeds the latter sum, the penalty provided in this paragraph shall be imposed in its maximum period, adding one year for each additional Two million pesos (P2,000,000): 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 and for the purpose of the other provisions of this Code, the penalty shall be termed prision mayor or reclusion temporal as the case may be.

2nd. The penalty of prision correccional in its minimum and medium periods, 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).

3rd. The penalty of *arresto mayor* in its maximum period to *prision correccional* in its minimum period, if such amount is over Forty thousand pesos (P40,000) but does not exceed One million two hundred thousand pesos (P1,200,000).

4th. By *arresto mayor* in its medium and maximum periods, if such amount does not exceed Forty thousand pesos (P40,000): *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 CONPSRATION, 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 deceits.
- 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 PERIOD of the penalty.

3. 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.

4. ANY PERSON WHO shall DEFRAUD ANOTHER by post-dating a check, or issuing a check in payment of an obligation when the offender HAD NO FUNDS IN THE BANK, OR HIS FUNDS DEPOSITED THEREIN were not sufficient to cover the amount of the check shall be punished by:

1st. The penalty of RECLUSION TEMPORAL, 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 RECLUSION PERPETUA.

2nd. The penalty of PRISION MAYOR, 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 PRISION MAYOR, 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 PRISION MAYOR, 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 PRISION MAYOR, if such amount does not exceed Forty thousand pesos (P40,000).

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. 294. Other forms of swindling. — The penalty of ARRESTO MAYOR in its minimum and medium PERIODS 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.

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. 295. LARGE-SCALE ESTAFA. — 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 PERIOD.

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.

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 farmer's 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 PERIOD.

Art. 296. Other deceits. — The penalty of ARRESTO MAYOR 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. 297. *Removal, sale or pledge of mortgaged property.* — The penalty or ARRESTO MAYOR 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. 298. *Destructive Arson.* — The penalty of RECLUSION PERPETUA 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. 299. *Other Cases of DESTRUCTIVE Arson.* — The penalty of RECLUSION TEMPORAL to RECLUSION PERPETUA 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. 300. *SPECIAL CASE OF ARSON.* — THE PENALTY OF PRISION MAYOR 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. 301. *Simple Arson.* — THE PENALTY OF PRISION MAYOR SHALL BE IMPOSED IF ANY OTHER REAL PROPERTY NOT MENTIONED IN THE PRECEDING ARTICLES OF THIS CHAPTER IS BURNED.

ART. 302. *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 RECLUSION PERPETUA shall be imposed.

Art. 303. *Special Aggravating Circumstances in Arson.* — The penalty in any case of arson shall be imposed in its maximum PERIOD:

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. 304. Conspiracy to commit Arson. — Conspiracy to commit arson shall be punished by PRISION MAYOR in its minimum PERIOD.

Art. 305. Crimes involving destruction. — Any person who shall cause destruction OF PROPERTY 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 RECLUSION TEMPORAL if the commission has endangered the safety of any person, otherwise, the penalty of PRISION MAYOR shall be imposed.

IF PHYSICAL INJURIES, REGARDLESS OF THE DEGREE, OR DEATH RESULTS DURING OR ON THE OCCASION OF THE COMMISSION THEREOF, THE PENALTY OF RECLUSION PERPETUA SHALL BE IMPOSED.

Chapter Nine MALICIOUS MISCHIEF

Art. 306. Who are liable for malicious mischief. — Any person who, FOR THE PURPOSE OF CAUSING INJURY DUE TO HATE, REVENGE OR OTHER EVIL MOTIVE, 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. 307. 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 PRISION CORRECCIONAL, if the value of the damage caused exceeds Two hundred thousand pesos (P200,000);
2. By ARRESTO MAYOR, if such value does not exceed the abovementioned amount but it is over Forty thousand pesos (P40,000); and
3. By RESTORATIVE 2, in such value does not exceed Forty thousand pesos

(P40,000).

Art. 308. *Other mischiefs.* — The mischiefs not included in the next preceding Article shall be punished:

1. By ARRESTO MAYOR in its medium and maximum PERIODs, if the value of the damage caused exceeds 200,000 pesos;
2. By ARRESTO MAYOR in its minimum and medium PERIODs, if such value is over 40,000 pesos but does not exceed 200,000 pesos; and
3. By ARRESTO MENOR or fine of not less than the value of the damage caused and not more than Forty thousand pesos (P40,000), if the amount involved does not exceed Forty thousand pesos (P40,000) or cannot be estimated.

Art. 309. *Damage and obstruction to means of communication OR TRANSPORTATION.* — The penalty of PRISION CORRECCIONAL 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 PRISION MAYOR 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 this 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. 310. *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 PRISION MAYOR 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 ARRESTO MAYOR in its medium PERIOD to *prision correccional* in its minimum period.

Any person who shall destroy or damage any useful or ornamental painting of a public nature shall suffer the penalty of arresto *menor* or a fine not exceeding Forty thousand pesos (P40,000), or both such fine and imprisonment, in the discretion of the court.

Chapter Ten

EXEMPTION FROM CRIMINAL LIABILITY IN CRIMES AGAINST PROPERTY

Art. 311. *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 TEN

CRIMES RELATED TO SEXUAL VIOLENCE AND INFIDELITY **[Crimes Against Chastity]**

Chapter One

MARITAL SEXUAL INFIDELITY

ART. 312. MARITAL SEXUAL INFIDELITY. — Any married PERSON who shall have sexual ACT with ANOTHER, REGARDLESS OF SEX, not HIS OR her SPOUSE, and the PERSON WITH WHOM HE OR SHE has SEXUAL ACT knowing HIM OR her to be married, SHALL BE PUNISHED BY PRISION CORRECCIONAL, 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 OFFENDERS, IF THEY ARE BOTH ALIVE, NOR, IN ANY CASE, IF HE OR SHE SHALL HAVE CONSENTED, CONDONED OR PARDONED THE OFFENDERS.

Chapter Two ACTS OF LASCIVIOUSNESS

Art. 313. *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 PRISION CORRECCIONAL.

IF THE VICTIM IS A CHILD WHO IS SIXTEEN (16) YEARS OF AGE OR BELOW, THE PENALTY SHALL BE RECLUSION PERPETUA. IN CASE THE VICTIM IS A CHILD ABOVE SIXTEEN (16) YEARS OF AGE BUT BELOW EIGHTEEN (18) YEARS OF AGE, THE PENALTY SHALL BE RECLUSION TEMPORAL; *PROVIDED*, THAT THE EXEMPTION FROM CRIMINAL LIABILITY UNDER ART. _____ PARAGRAPH 2-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 RECLUSION TEMPORAL TO RECLUSION PERPETUA.

Chapter Three SEDUCTION AND EXPLOITATION OF PERSONS IN PROSTITUTION

Art. 314. *Qualified seduction.* — The seduction of a minor, sixteen (16) and over but under eighteen (18) 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 *prision correccional* in its minimum and medium periods.

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 (18) 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. 315. *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 ARRESTO

MAYOR.

Art. 316. *OTHER Acts of lasciviousness.* — The penalty of ARRESTO MAYOR shall be imposed to punish any other acts of lasciviousness committed by the same persons and the same circumstances as those provided in Articles 314 and 315.

ART. 317. *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 RECLUSION TEMPORAL to RECLUSION PERPETUA 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. 318. *Attempt to EXPLOIT A Child IN Prostitution.* — IN ADDITION TO ARTICLE (6) OF BOOK ONE OF THIS CODE, There is an attempt to EXPLOIT A CHILD IN prostitution under THE IMMEDIATELY PRECEDING ARTICLE when 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.

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 crime under THE IMMEDIATELY PRECEDING ARTICLE shall be imposed upon the principals of the attempt to EXPLOIT A child IN prostitution.

Chapter Four ABDUCTION

Art. 319. *Forcible abduction.* — The TAKING of any PERSON, WITHOUT INTENT TO DETAIN, against THE LATTER'S will and with lewd designs shall be punished by RECLUSION TEMPORAL.

The same penalty shall be imposed in every case, if the PERSON abducted be under twelve years of age.

Art. 320. *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 PRISION CORRECCIONAL in its minimum and medium periods.

Chapter Five PROVISIONS RELATIVE TO THE PRECEDING CHAPTERS OF TITLE TEN

Art. 321. *Liability of Ascendants, Guardians, Teachers, or Other Persons Entrusted with the Custody of the Offended Party.* – The ascendants, guardians, curators, teachers of the offended party, and any person WITH AUTHORITY OVER OR SHARING A CONFIDENTIAL RELATIONSHIP WITH THE LATTER 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 PERIOD to perpetual special disqualification.

TITLE ELEVEN
CRIMES AGAINST THE CIVIL STATUS OF PERSONS

Chapter One
SIMULATION OF BIRTHS AND USURPATION OF CIVIL STATUS

Art. 322. *Simulation of Births, Substitution of One Child for Another and Concealment or Abandonment of a Marital 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 PRISION MAYOR AND A FINE NOT EXCEEDING TWO HUNDRED THOUSAND PESOS (P200,000).

ANY PERSON WHO TAMPERS WITH OTHER RECORDS RELEVANT TO THE BIRTH OF A 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 MARITAL 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. 323. *Usurpation of Civil Status.* – The penalty of PRISION MAYOR 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 PRISION CORRECCIONAL shall be imposed; PROVIDED, IF THE AMOUNT OF THE FRAUD EXCEEDS FOUR MILLION, FOUR HUNDRED THOUSAND PESOS (P4,400,000), THE OFFENDER SHALL BE PUNISHED BY THE PENALTY OF PRISION MAYOR IN ITS MAXIMUM PERIOD, ADDING ONE YEAR FOR EACH ADDITIONAL TWO MILLION PESOS (P2,000,000); BUT THE TOTAL PENALTY WHICH MAY BE IMPOSED SHALL NOT EXCEED TWENTY (20) YEARS.

Chapter Two ILLEGAL MARRIAGES

ART. 324. *Bigamy.* — The penalty of PRISION MAYOR 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 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 LIKEWISE BE PUNISHED AS A PRINCIPAL.

Article 325. *Marriage Contracted Against Provisions of Laws.* — The penalty of PRISION CORRECCIONAL 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 period of the penalty provided in the next preceding paragraph.

Art. 326. *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 ARRESTO MAYOR TO ARRESTO MAYOR, OR A FINE OF NOT LESS THAN FORTY THOUSAND PESOS (P40,000) NOR MORE THAN FOUR HUNDRED THOUSAND PESOS (P400,000).

CHAPTER THREE CHILD MARRIAGES

ART. 327. *FACILITATION OF CHILD MARRIAGE.* — ANY PERSON WHO CAUSES, FIXES, FACILITATES, OR ARRANGES A CHILD MARRIAGE SHALL SUFFER THE PENALTY OF PRISION MAYOR AND A FINE OF NOT LESS THAN FORTY THOUSAND PESOS (P40,000): 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 PERIOD, A FINE OF NOT LESS THAN FIFTY THOUSAND PESOS (P50,000), 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 CHAPTER SHALL ALSO BE LIABLE.

ART. 328. SOLEMNIZATION OF CHILD MARRIAGE. — ANY PERSON WHO KNOWINGLY PERFORMS OR OFFICIATES A CHILD MARRIAGE SHALL SUFFER THE PENALTY OF PRISION MAYOR IN ITS MAXIMUM PERIOD AND A FINE OF NOT LESS THAN FIFTY THOUSAND PESOS (P50,000.00).

ART. 329. COHABITATION OF AN ADULT WITH A CHILD OUTSIDE WEDLOCK. — AN ADULT PARTNER WHO COHABITS, OUTSIDE WEDLOCK, WITH A CHILD SHALL SUFFER THE PENALTY OF PRISION MAYOR IN ITS MAXIMUM PERIOD AND A FINE OF NOT LESS THAN FIFTY THOUSAND PESOS (P50,000.00).

TITLE TWELVE CRIMES AGAINST HONOR

Chapter One DEFAMATION

Section One. — Definitions, Forms, and PENALTIES of this Crime

Art. 330. Definition of DEFAMATION. — DEFAMATION is THE public and malicious imputation, verbally, in writings or similar means, or through actions or deeds, in person or through the use of information and communications technology 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.

Art. 331. LIBEL. — DEFAMATION committed by means of writing, printing, lithography, engraving, BROADCAST MEDIA, phonograph, painting, theatrical exhibition, cinematographic exhibition, or any similar means, shall be punished a fine ranging from FORTY THOUSAND PESOS (P40,000) to ONE MILLION, TWO HUNDRED THOUSAND PESOS (P1,200,000) 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 FIVE MILLION PESOS (5,000,000).

Art. 332. Slander. — ANY DEFAMATORY ACT COMMITTED VERBALLY shall be punished by A FINE RANGING FROM TWENTY THOUSAND PESOS (P20,000) TO ONE HUNDRED THOUSAND PESOS (P100,000) if it is of a serious and insulting nature; otherwise, the penalty shall be a fine not exceeding TWENTY THOUSAND PESOS (P20,000).

Art. 333. *Slander by Deed.* — The penalty of a fine ranging from TWENTY THOUSAND PESOS (P20,000) TO ONE HUNDRED THOUSAND PESOS (P100,000) 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 TWENTY THOUSAND PESOS (P20,000).

Art. 334. *Threatening to Publish and Offer to Present Such Publication for a Compensation.* — The penalty of a fine from FORTY THOUSAND PESOS (P40,000) to FOUR HUNDRED THOUSAND PESOS (P400,000) shall be imposed upon any person who threatens another to publish a libel concerning THE LATTER, their parents, spouse, child, or other members of THE LATTER'S family, or upon anyone who shall offer to prevent the publication of such libel for a compensation or money consideration.

Art. 335. *Prohibited Publication of Acts Referred to in the Course of Official Proceedings.* — The penalty of a fine of FOUR THOUSAND PESOS (P4,000) to TWO HUNDRED THOUSAND PESOS (P200,000) shall be imposed upon any reporter, editor or manager of 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 TWO HUNDRED THOUSAND PESOS (P200,000) BUT NOT EXCEEDING ONE MILLION, TWO HUNDRED THOUSAND PESOS (P1,200,000) SHALL BE IMPOSED IF THE PUBLICATION IS MADE THROUGH A COMPUTER SYSTEM OR OTHER SIMILAR MEANS.

Section Two. — General provisions

Art. 336. *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:

- a) A private communication made by any person to another in the performance of any legal, moral or social duty;
- b) 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
- c) FAIR COMMENTARIES AND REPORTS ON MATTERS OF PUBLIC INTEREST.

Art. 337. MALICE IN FACT. — Libelous remarks or comments connected with the matter privileged under the provisions of Article 336, if made with malice, shall not exempt the author thereof nor the editor or managing editor of a newspaper from criminal liability.

Art. 338. 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.

THE PENALTY OF A FINE OVER TWO HUNDRED THOUSAND PESOS (P200,000) BUT NOT EXCEEDING ONE MILLION, TWO HUNDRED THOUSAND PESOS (P1,200,000) SHALL BE IMPOSED IF THE PUBLICATION IS MADE THROUGH A COMPUTER SYSTEM.

Art. 339. Persons Responsible and Venue of Action. - Any person who shall publish, exhibit, or cause the publication or exhibition of any defamation in writing or by similar means, INCLUDING THROUGH INFORMATION AND COMMUNICATIONS TECHNOLOGY, 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, WHETHER PRINTED ON PAPER OR PUBLISHED THROUGH THE USE OF A COMPUTER SYSTEM, shall be responsible for the defamations contained therein to the same extent as if he OR SHE were the author thereof.

THE CRIMINAL ACTION SHALL BE FILED WITH THE COURT OF THE PROVINCE OR CITY WHERE THE LIBELOUS ARTICLE IS PRINTED AND FIRST PUBLISHED OR WHERE ANY OF THE OFFENDED PARTIES ACTUALLY RESIDES AT THE TIME OF THE COMMISSION OF THE OFFENSE. IN CASE OF LIBEL COMMITTED THROUGH BROADCAST MEDIA, ELECTRONIC OR DIGITAL DEVICES, THE CRIMINAL ACTION MAY ALSO BE FILED IN THE PROVINCE OR CITY WHERE ANY PART OF THE COMPUTER SYSTEM USED IN THE BROADCAST OR DISSEMINATION TO ELECTRONIC OR DIGITAL DEVICES IS SITUATED, OR WHERE ANY OF THE DAMAGE CAUSED TO A NATURAL OR JURIDICAL PERSON TOOK PLACE.

Chapter Two

INCRIMINATORY MACHINATIONS

Art. 340. 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 OF WHICH THE INNOCENT PERSON IS INCRIMINATED.

Art. 341. *Intriguing Against Honor.* — The penalty of fine not exceeding Forty Thousand Pesos (P40,000) shall be imposed for any intrigue which has for its principal purpose to blemish the honor or reputation of a person.

TITLE THIRTEEN CYBERCRIMES

ART. 342. *ILLEGAL ACCESS.* — THE ACCESS TO THE WHOLE OR ANY PART OF A COMPUTER SYSTEM WITHOUT RIGHT, SHALL BE PUNISHED WITH IMPRISONMENT OF PRISION MAYOR OR A FINE OF AT LEAST TWO HUNDRED THOUSAND PESOS (P200,000) UP TO A MAXIMUM AMOUNT COMMENSURATE TO THE DAMAGE INCURRED OR BOTH.

ART. 343. *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 PRISION MAYOR OR A FINE OF AT LEAST TWO HUNDRED THOUSAND PESOS (P200,000) UP TO A MAXIMUM AMOUNT COMMENSURATE TO THE DAMAGE INCURRED OR BOTH.

ART. 344. *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 PRISION MAYOR OR A FINE OF AT LEAST TWO HUNDRED THOUSAND PESOS (P200,000) UP TO A MAXIMUM AMOUNT COMMENSURATE TO THE DAMAGE INCURRED OR BOTH.

ART. 345. *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 PRISION MAYOR OR A FINE OF AT LEAST TWO HUNDRED THOUSAND PESOS (P200,000) UP TO A MAXIMUM AMOUNT COMMENSURATE TO THE DAMAGE INCURRED OR BOTH.

ART. 346. MISUSE OF DEVICES. — MISUSE OF DEVICES MAY BE COMMITTED THROUGH:

- a) THE USE, PRODUCTION, SALE, PROCUREMENT, IMPORTATION, DISTRIBUTION, OR OTHERWISE MAKING AVAILABLE, WITHOUT RIGHT, OF:
 - i) A DEVICE, INCLUDING A COMPUTER PROGRAM, DESIGNED OR ADAPTED PRIMARILY FOR THE PURPOSE OF COMMITTING ANY OF THE OFFENSES UNDER THIS CHAPTER; OR
 - ii) 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.

THESE SHALL BE PUNISHED WITH IMPRISONMENT OF PRISION MAYOR OR A FINE OF NOT MORE THAN FIVE HUNDRED THOUSAND PESOS (P500,000) OR BOTH.

- b) 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 IMPRISONMENT OF PRISION MAYOR OR A FINE OF NOT MORE THAN FIVE HUNDRED THOUSAND PESOS (P500,000) OR BOTH.

ART. 347. CYBER-SQUATTING. — CYBER-SQUATTING IS COMMITTED THROUGH 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.

CYBER-SQUATTING SHALL BE PUNISHED WITH IMPRISONMENT OF PRISION MAYOR OR A FINE OF AT LEAST TWO HUNDRED THOUSAND PESOS (P200,000) UP TO A MAXIMUM AMOUNT COMMENSURATE TO THE DAMAGE INCURRED OR BOTH.

ART. 348. PENALTY FOR ILLEGAL ACCESS, ILLEGAL INTERCEPTION, DATA INTERFERENCE, SYSTEM INTERFERENCE, MISUSE OF DEVICES, AND CYBER-SQUATTING COMMITTED AGAINST CRITICAL INFRASTRUCTURE. — IF ANY OF THE PUNISHABLE ACTS IN ARTICLES ___ TO ___ ABOVE ARE COMMITTED AGAINST CRITICAL INFRASTRUCTURE, THE PENALTY OF RECLUSION TEMPORAL OR A FINE OF AT LEAST FIVE HUNDRED THOUSAND PESOS (P500,000) UP TO MAXIMUM AMOUNT COMMENSURATE TO THE DAMAGE INCURRED OR BOTH, SHALL BE IMPOSED.

ART. 349. COMPUTER-RELATED FORGERY. — COMPUTER-RELATED FORGERY IS COMMITTED THROUGH:

- 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.

THESE SHALL BE PUNISHED WITH IMPRISONMENT OF PRISION MAYOR OR A FINE OF AT LEAST TWO HUNDRED THOUSAND PESOS (P200,000) UP TO A MAXIMUM AMOUNT COMMENSURATE TO THE DAMAGE INCURRED OR BOTH.

ART. 350. 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 IMPRISONMENT OF PRISION MAYOR OR A FINE OF AT LEAST TWO HUNDRED THOUSAND PESOS (P200,000) UP TO A MAXIMUM AMOUNT COMMENSURATE TO THE DAMAGE INCURRED OR BOTH, PROVIDED, THAT IF NO DAMAGE HAS YET BEEN CAUSED, THE PENALTY IMPOSABLE SHALL BE ONE (1) DEGREE LOWER.

ART. 351. 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 IMPRISONMENT OF PRISION MAYOR OR A FINE OF AT LEAST TWO HUNDRED THOUSAND PESOS (P200,000) UP TO A MAXIMUM AMOUNT COMMENSURATE TO THE DAMAGE INCURRED OR BOTH, PROVIDED, THAT IF

NO DAMAGE HAS YET BEEN CAUSED, THE PENALTY IMPOSABLE SHALL BE ONE (1) DEGREE LOWER.

ART. 352. 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 IMPRISONMENT OF PRISION MAYOR OR A FINE OF AT LEAST TWO HUNDRED THOUSAND PESOS (P200,000) BUT NOT EXCEEDING ONE MILLION PESOS (P1,000,000) OR BOTH.

ART. 353. COMMISSION OF A CRIME BY, THROUGH, AND WITH THE USE OF INFORMATION AND COMMUNICATIONS TECHNOLOGIES. ALL CRIMES DEFINED AND PENALIZED BY THIS CODE AND SPECIAL LAWS 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. 354. 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 IMPOSABLE FOR SUCH CYBERCRIME UP TO A MAXIMUM OF TEN MILLION PESOS (P10,000,000).

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 IMPOSABLE FOR SUCH CYBERCRIME UP TO A MAXIMUM OF FIVE MILLION PESOS (P5,000,000).

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 FOURTEEN QUASI-OFFENSES

Sole Chapter CRIMINAL NEGLIGENCE

ART. 355. *Imprudence and Negligence.* — Any person who, by reckless imprudence, shall commit any act which, had it been intentional, would constitute a grave crime, shall suffer the penalty of ARRESTO MAYOR in its maximum PERIOD to PRISION CORRECCIONAL IN ITS MINIMUM PERIOD; if it would have constituted a less grave crime, the penalty of ARRESTO MAYOR in its minimum and medium PERIODS shall be imposed; if it would have constituted a light crime, the penalty of ARRESTO MENOR in its maximum PERIOD shall be imposed.

Any person who, by simple imprudence or negligence, shall commit an act which would otherwise constitute a grave crime, shall suffer the penalty of ARRESTO MAYOR in its medium and maximum PERIODS; if it would have constituted a less serious crime, the penalty of ARRESTO MAYOR in its minimum PERIOD 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 Five Thousand Pesos (P5,000).

A fine not exceeding Forty Thousand Pesos (P40,000) 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 crime.

In the imposition of these penalties, the court shall exercise their sound discretion, without regard to the rules prescribed in Article 52 of this Code.

The provisions contained in this article shall not be applicable:

- a) 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.
- b) 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 offender shall be punished by PRISION CORRECCIONAL IN ITS

MEDIUM AND MAXIMUM PERIODS; *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 PRISION MAYOR.

Reckless imprudence consists in voluntary, but without malice, doing or failing to do an act from which material damage results by reason of inexcusable lack of precaution on the part of the person performing or 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.

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.

TITLE FIFTEEN FINAL PROVISIONS

Art. 356. *Application of laws enacted prior to this Code.* - CRIMES and misdemeanors committed prior to the date of effectiveness of this Code shall be punished in accordance with the Code or Acts in force at the time of their commission.

ART. 357. SEPARABILITY CLAUSE. – IF ANY PART OF THIS ACT IS DECLARED UNCONSTITUTIONAL OR INVALID, THE OTHER PROVISIONS NOT AFFECTED THEREBY SHALL CONTINUE TO BE FULL FORCE AND EFFECT.

Art. 358. Repealing Clause. - Except as provided in the next preceding Article, the present Penal Code, the Provisional Law for the application of its provisions, and Acts Nos. ____ are hereby repealed, namely [express repeal]:

1. Republic Act Nos. _____ xxx.

Art. 359. Effectivity. – This Act shall take effect THIRTY (30) days after its publication in the *Official Gazette* AND TWO (2) newspapers of general circulation.
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