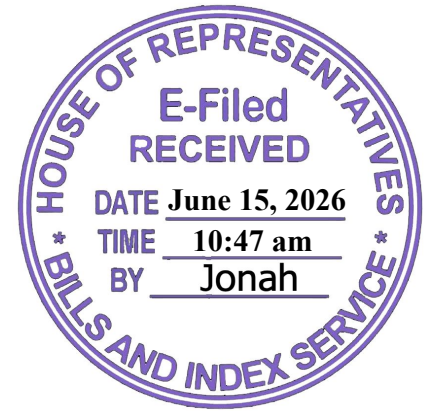


**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City
Twentieth Congress
First Regular Session**



House Bill No. 9868

**Introduced by Honorable Representatives
JOSE MANUEL TADEO “CHEL” I. DIOKNO (Akbayan Partylist)
PERCIVAL V. CENDAÑA (Akbayan Partylist)
DADAH KIRAM ISMULA (Akbayan Partylist)
KAKA BAG-AO (Dinagat Islands)**

**AN ACT
RECLASSIFYING QUALIFIED THEFT OF COCONUTS AND FISH AS
SIMPLE THEFT UNDER ARTICLE 308, AMENDING FOR THIS
PURPOSE ARTICLE 310 OF ACT NO. 3815, OTHERWISE KNOWN AS
“THE REVISED PENAL CODE,” AS AMENDED**

EXPLANATORY NOTE

Criminal laws must be founded on principles of fairness, reasonableness, and proportionality. Persons who commit similar acts causing similar harm should generally be subject to similar penalties. Yet, under Article 310 of the Revised Penal Code, the theft of coconuts from the premises of a plantation and fish taken from a fishpond or fishery are classified as qualified theft and punished two degrees higher than ordinary theft, regardless of whether the value of the coconuts and fish are minimal. These distinctions create an arbitrary disparity in the treatment of offenders and is difficult to justify under present conditions.

The consequences of this disparity were illustrated in the case of Pedro Amarille, a farmer from Maribojoc, Bohol. In 2011, he was convicted of qualified theft and sentenced to six (6) years of imprisonment for taking 200 coconut fruits valued at only P2,000.00. After years of litigation, the Supreme Court ultimately acquitted him in 2023.¹

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

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

The special treatment accorded to coconut theft has a specific historical context. In the 1950 case of *People vs. Isnain*,³ the Supreme Court explained that the reason for a heavier penalty on the theft of coconuts was “to encourage and protect the development of the coconut industry as one of the sources of our national economy. Unlike rice and sugar cane farms where the range of vision is unobstructed, coconut groves cannot be efficiently watched because of the nature of the growth of coconut trees; and without a special measure to protect this kind of property, it will be, as it has been in the past the favorite resort of thieves.” While the coconut industry remains an important contributor to the country's economy, the conditions that justified this exceptional treatment more than seven decades ago have substantially changed. Advances in technology, transportation, and farm security now

¹ Amarille vs. People, G.R. No. 256022, 7 August 2023.

² J. Leonen, Separate Concurring Opinion, Amarille vs. People, G.R. No. 256022, 7 August 2023.

³ G.R. No. L-2857, 28 February 1950.

provide more effective means of preventing and detecting theft in farms and plantations.

More fundamentally, there is no substantial distinction that justifies granting coconuts greater protection than other agricultural products. As Justice Leonen further explained:

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

The same observation applies with equal force to fish taken from fishponds or fisheries. Like coconuts, fish receive special treatment under Article 310 solely because of the nature of the property involved, even though theft of other agricultural products, produce, or aquaculture resources may cause comparable economic harm. There is no substantial distinction that warrants punishing the theft of fish from a fishpond two degrees more severely than the theft of similarly valued property.

Indeed, modern advances in farm management, aquaculture practices, surveillance technology, and law enforcement have significantly improved the ability of owners to protect plantations and fisheries from theft. At the same time, the penalties for qualified theft have become increasingly

⁴ Separate Concurring Opinion, *Amarille vs. People of the Philippines*, G.R. No. 256022, (7 August 2023).

disproportionate in cases involving low-value coconuts or fish, producing outcomes that are difficult to reconcile with the principles of fairness and proportionality that underpin the criminal justice system.

Moreover, Article 310 already protects particularly blameworthy forms of theft, such as those committed by domestic servants, with grave abuse of confidence, or during calamities and civil disturbances. Those qualifying circumstances relate to the manner in which the crime is committed or the heightened culpability of the offender. By contrast, singling out coconuts and fish based solely on the type of property taken creates an outdated classification that no longer serves a compelling public purpose.

This bill therefore seeks to remove the classification of theft of coconut and fish as qualified theft and instead punish these acts under the general provisions on simple theft. Offenders will remain criminally liable, but the applicable penalties will be determined in accordance with the ordinary rules governing theft rather than an obsolete statutory exception. By doing so, the measure promotes a more equitable, rational, and proportionate criminal justice system while continuing to hold offenders accountable for unlawful conduct.

Finally, the bill removes the reference to large cattle in Article 310. This amendment is intended to harmonize the Revised Penal Code with existing law, as theft involving large cattle is already governed by Presidential Decree No. 533, otherwise known as the Anti-Cattle Rustling Law of 1974, which superseded the corresponding provision in Article 310.

By eliminating outdated distinctions that no longer serve a compelling public purpose, this bill advances the constitutional principles of equal protection, fairness, and proportionality in the administration of criminal laws.

JOSE MANUEL TADEO
“CHEL” I. DIOKNO
Akbayan Representative

PERCIVAL V. CENDAÑA
Akbayan Representative

DADAH KIRAM ISMULA
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AN ACT
RECLASSIFYING QUALIFIED THEFT OF COCONUTS AND FISH AS
SIMPLE THEFT UNDER ARTICLE 308, AMENDING FOR THIS
PURPOSE ARTICLE 310 OF ACT NO. 3815, OTHERWISE KNOWN AS
“THE REVISED PENAL CODE,” AS AMENDED

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

Section 1. Article 310 of Act No. 3815, otherwise known as the Revised Penal
Code, as amended, is hereby further amended to read as follows:

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

1 **Section. 2 Repealing Clause.** – All laws, decrees, orders, rules, regulations,
2 and other issuances or parts thereof which are inconsistent with this Act are
3 hereby repealed or amended accordingly.

4 **Section. 3. Effectivity.** – This Act takes effect fifteen (15) days after its
5 publication in the Official Gazette or in a newspaper of general circulation.

6 Approved,