

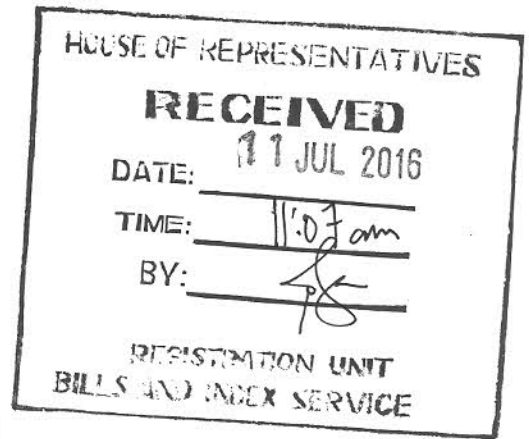


Republic of the Philippines  
House of Representatives  
Quezon City, Metro Manila

**Seventeenth Congress**

**First Regular Session**

**House Bill No. 1344**



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Introduced by HON. ROMEO M. ACOP

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### **EXPLANATORY NOTE**


The many incidences of prisoners and detainees escaping from the custody of their prison guards and law enforcement officers are a glaring example of how ineptitude and the enticement of bribe money can combine into an effective means for these jailbirds to break loose from the clutches of the law. As a deterrent therefore, higher penalties must be imposed on those public officers entrusted with the custody of convicts and detention prisoners, as well as private persons, who conspire or facilitate their escape. This will hopefully discourage such public officers from betraying the trust bestowed upon them by the public in the faithful discharge of their sworn duties.

Specifically, the bill proposes to increase the penalties for the following crimes proscribed in the Revised Penal Code, as amended :

- 1) Delivering prisoners from jail (Article 156);
- 2) Infidelity in the custody of prisoners (Article 223); and,
- 3) Evasion through negligence (Article 224 ).

This bill was filed by this representation during the 15<sup>th</sup> Congress and was passed by the House of Representatives on Third Reading. It was transmitted to the Senate for its concurrence. However, it was never enacted into law due to lack of material time. In the 16<sup>th</sup> Congress, the proposed measure was refiled and similarly was approved by the House of Representatives on Third Reading. Unfortunately, upon transmission to the Senate, the Upper Chamber again failed to pass the said measure. It is this representation's hope that the bill will be finally enacted into a law in the current Congress as it is relevant to the government's campaign to contain criminality in the country.

For the foregoing reasons, it is therefore earnestly requested that the proposed measure be immediately approved.



**ATTY. ROMEO M. ACOP MNSA**  
**Representative**  
**2<sup>nd</sup> District, Antipolo City**



Republic of the Philippines  
House of Representatives  
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**Seventeenth Congress**

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**1344**

**House Bill No. \_\_\_\_\_**

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**AN ACT**

**ACT PRESCRIBING STRICTER PENALTIES ON THE CRIME OF DELIVERING PRISONERS FROM JAIL AND INFIDELITY IN THE CUSTODY OF PRISONERS, AMENDING FOR THE PURPOSE ARTICLES 156, 223 AND 224 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE "REVISED PENAL CODE OF THE PHILIPPINES"**

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

**SECTION 1** . Article 156, Chapter 5, Title Three, Book Two of Act No. 3815, as amended, otherwise known as the "Revised Penal Code of the Philippines", is hereby amended to read as follows:

ARTICLE 156. *Delivering prisoners from jail.* – The penalty of ~~arresto mayor~~ **PRISION MAYOR** in its **MEDIUM AND** maximum periods [~~to prison correccional in its minimum period~~ ] **OR THE PENALTY NEXT LOWER IN DEGREE THAN THAT IMPOSED ON THE PRISONER IN ITS MEDIUM AND MAXIMUM PERIODS** 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 ~~{-}~~, **WHICHEVER IS HIGHER**. If other means are used, the penalty of ~~{arresto}~~ **PRISION** mayor **IN ITS MINIMUM AND MEDIUM PERIODS OR TWO DEGREES LOWER THAN THAT IMPOSED TO THE PRISONER IN ITS MEDIUM PERIOD** shall be imposed ~~{-}~~, **WHICHEVER IS HIGHER**.

If the escape of the prisoner shall take place outside of said establishments by taking the guards by surprise, the same penalties **PRESCRIBED IN THE IMMEDIATELY PRECEDING PARAGRAPH** shall be imposed in their minimum periods.

**SECTION 2.** Article 223, Section One, Chapter Five, Title Seven, Book Two of Act No. 3815, as amended, otherwise known as the "Revised Penal Code of the Philippines", is hereby amended to read as follows:

ARTICLE 223. *Conniving with or consenting to evasion* - Any public officer who shall consent to the escape of a **CONVICT OR DETENTION** prisoner in his custody or charge, **OR WHO SHALL RELEASE SUCH CONVICT OR DETENTION PRISONER AND ALLOW HIM TO RETURN TO PRISON OR DETENTION WITHOUT ANY PROPER COURT OR AUTHORIZATION** shall be punished:

1. By prison ~~{correccional}~~ **MAYOR** in its medium and maximum periods **OR THE PENALTY NEXT LOWER IN DEGREE THAN THAT IMPOSED ON THE PRISONER, IN ITS MEDIUM AND MAXIMUM PERIODS , WHICHEVER IS HIGHER** and ~~{temporary special disqualification in its maximum period to perpetual special }~~ **PERPETUAL ABSOLUTE** disqualification, if the fugitive shall have been sentenced by final judgment to any penalty.
2. By prison ~~{correccional}~~ **MAYOR** in its minimum period **OR THE PENALTY QUIVALENT TO THAT PRESCRIBED TO AN ACCESSORY BASED ON THE CRIME IMPUTED UPON THE PRISONER, IN ITS MAXIMUM PERIOD, WHICHEVER IS HIGHER** and ~~{temporary special}~~ **PERPETUAL ABSOLUTE** 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.
3. **BY RECLUSION PERPETUA AND PERMANENT ABSOLUTE DISQUALIFICATION ,IF THE FUGITIVE WHO IS HELD AS A DETENTION PRISONER OR CONVICT HAS BEEN CHARGED FOR OR CONVICTED OF ANY CRIME PENALIZED BY RECLUSION PERPETUA TO DEATH.**

**SECTION 3.** Article 224, Section One, Chapter Five, Title Seven, Book Two of Act No. 3815, as amended, otherwise known as the "Revised Penal Code of the Philippines", is hereby amended to read as follows:

ARTICLE 224. *Evasion through negligence* – If the evasion of the **CONVICT OR DETENTION** prisoner shall have taken place through the negligence of the officer charged with the conveyance or custody of the escaping prisoner, said officer shall suffer the penalties of ~~[arresto mayor in its maximum period to prison correccional in its minimum period]~~ **PRISION CORRECCIONAL IN ITS MEDIUM AND MAXIMUM PERIODS OR THE PENALTY EQUIVALENT TO THAT PRESCRIBED TO AN ACCESSORY BASED ON THE CRIME IMPUTED UPON THE CONVICT OR DETENTION PRISONER IN ITS MAXIMUM PERIOD, WHICHEVER IS HIGHER** and ~~[temporary special]~~ **ABSOLUTE** disqualification"

**SECTION 4.** *Repealing Clause* – All laws, executive orders, administrative orders, rules and regulations or parts thereof which are inconsistent with this Act are hereby amended, repealed or modified accordingly.

**SECTION 5.** *Effectivity* – This Act shall take effect fifteen (15) days following the completion of its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

**Approved.**