

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH CONGRESS  
First Regular Session



October 5, 2016

MEMORANDUM

FOR : THE DEPUTY SECRETARY GENERAL  
*For Operations*

ATTENTION : THE EXECUTIVE DIRECTOR  
*Plenary Affairs Bureau*

THE SERVICE DIRECTOR  
*Bills and Index Service*

FROM : THE DEPUTY SECRETARY GENERAL  
*For Committee Affairs*

RE : COMMITTEE REPORT NO. 08

We are transmitting three (3) copies of the Committee Report submitted by the Committee on Revision of Laws on House Bill No. 1344, entitled:

"AN ACT  
PRESCRIBING **STIFFER**: PENALTIES FOR 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"

For your appropriate action.

  
Atty. ARLENE C. DADA-ARNALDO  
Deputy Secretary General  
For Committee Affairs

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH CONGRESS  
First Regular Session



COMMITTEE REPORT NO. 08

Submitted by the Committee on Revision of Laws on 11 OCT 2016

Re : House Bill No. 1344

Recommending its approval without amendment.

Sponsors : Representatives Marlyn L. Primicias-Agabas and Romeo M. Acop

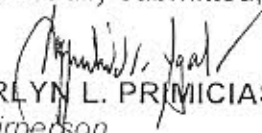
Mr. Speaker:

The Committee on Revision of Laws to which was referred House Bill No. 1344, introduced by Rep. Romeo M. Acop, entitled:

"AN ACT  
PRESCRIBING STIFFER PENALTIES FOR 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";

has considered the same and recommends its approval without amendment with Reps. Joseph Stephen S. Paduano, Gwendolyn F. Garcia, Ramon V.A. Rocamora and Marlyn L. Primicias-Agabas as co-authors thereof.

Respectfully submitted,

  
MARLYN L. PRIMICIAS-AGABAS  
Chairperson

THE HONORABLE SPEAKER  
HOUSE OF REPRESENTATIVES  
Quezon City

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH CONGRESS  
First Regular Session

HOUSE BILL NO. 1344\*

---

Introduced by Representative **ROMEO M. ACOP**

---

AN ACT

PRESCRIBING STIFFER PENALTIES FOR 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:*

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

4 "ART. 156. *Delivering prisoners from jail.* – The penalty of [*arresto-mayor*]  
5 **PRISION MAYOR** in its **MEDIUM AND** maximum periodS [~~*to-prision*~~  
6 ~~*correccional-in-its-minimum-period*~~] **OR THE PENALTY NEXT LOWER**  
7 **IN DEGREE THAN THAT IMPOSED ON THE PRISONER IN ITS**  
8 **MEDIUM AND MAXIMUM PERIODS** shall be imposed upon any person  
9 who shall remove from any jail or penal establishment any person  
10 confined therein or shall help the escape of such person, by means of  
11 violence, intimidation or bribery [-], **WHICHEVER IS HIGHER.** If other  
12 means are used, the penalty of [*arresto*] **PRISION mayor IN ITS**  
13 **MINIMUM AND MEDIUM PERIODS OR TWO DEGREES LOWER**  
14 **THAN THAT IMPOSED TO THE PRISONER IN ITS MEDIUM PERIOD**  
15 shall be imposed [.] , **WHICHEVER IS HIGHER.**"

16 "If the escape of the prisoner shall take place outside of said  
17 establishments by taking the guards by surprise, the same penalties

1           **PRESCRIBED IN THE IMMEDIATELY PRECEDING PARAGRAPH**  
2           shall be imposed in their minimum period."

3   **SEC. 2.** Article 223, Section One, Chapter Five, Title Seven, Book Two of Act No.  
4   3815, as amended, otherwise known as the "Revised Penal Code of the Philippines",  
5   is hereby amended to read as follows:

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

- 12           1. By *prision [correccional]* **MAYOR** in its medium and maximum  
13           periods **OR THE PENALTY NEXT LOWER IN DEGREE**  
14           **THAN THAT IMPOSED ON THE PRISONER, IN ITS**  
15           **MEDIUM AND MAXIMUM PERIODS, WHICHEVER IS**  
16           **HIGHER** and [~~temporary—special—disqualification—in—its~~  
17           ~~maximum—period—to—perpetual—special~~] **PERPETUAL**  
18           **ABSOLUTE** disqualification, if the fugitive shall have been  
19           sentenced by final judgment to any penalty.
- 20           2. By *prision [correccional]* **MAYOR** in its minimum period **OR**  
21           **THE PENALTY EQUIVALENT TO THAT PRESCRIBED TO**  
22           **AN ACCESSORY BASED ON THE CRIME IMPUTED UPON**  
23           **THE PRISONER, IN ITS MAXIMUM PERIOD, WHICHEVER**  
24           **IS HIGHER** and [~~temporary—special~~] **PERPETUAL**  
25           **ABSOLUTE** disqualification, in case the fugitive shall not have  
26           been finally convicted but only held as a detention prisoner for  
27           any crime or violation of law or municipal ordinance.
- 28           3. **BY RECLUSION PERPETUA AND PERMANENT**  
29           **ABSOLUTE DISQUALIFICATION, IF THE FUGITIVE WHO**  
30           **IS HELD AS A DETENTION PRISONER OR CONVICT HAS**  
31           **BEEN CHARGED FOR OF CONVICTED OF ANY CRIME**  
32           **PENALIZED BY RECLUSION PERPETUA."**  
33

34   **SEC. 3.** Article 224, Section One, Chapter Five, Title Seven, Book Two of Act No.  
35   3815 as amended, otherwise known as the "Revised Penal Code of the Philippines",  
36   is hereby amended to read as follows:

1 "ART. 224. *Evasion through negligence.* – If the evasion of the **CONVICT**  
2 **OR DETENTION** prisoner shall have taken place through the negligence  
3 of the officer charged with the conveyance or custody of the escaping  
4 prisoner, said officer shall suffer the penalties of [~~arresto mayor in its~~  
5 ~~maximum period to prision correccional in its minimum period~~] **PRISION**  
6 **CORRECCIONAL** IN ITS MEDIUM AND MAXIMUM PERIODS OR THE  
7 PENALTY EQUIVALENT TO THAT PRESCRIBED TO AN  
8 ACCESSORY BASED ON THE CRIME IMPUTED UPON THE  
9 CONVICT OR DETENTION PRISONER IN ITS MAXIMUM PERIOD  
10 WHICHEVER IS HIGHER and [~~temporary—special~~] **ABSOLUTE**  
11 disqualification."  
12

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

16 **SEC. 5. *Effectivity.*** – This Act shall take effect fifteen (15) days following the  
17 completion of its publication in the *Official Gazette* or in a newspaper of general  
18 circulation.

19 *Approved,*



House of Representatives  
Committee Affairs Department

FACT SHEET

House Bill No. 1344\*

Approved the Committee on 26 September 2016

PRESCRIBING STIFFER PENALTIES FOR 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

<i>Introduced by</i>	:	REPRESENTATIVES ROMEO M. ACOP AND MARLYN L. PRIMICAS-AGABAS
<i>Committee Referral</i>	:	Revision of Laws
<i>Committee Chairperson</i>	:	Rep. Marlyn L. Primicias-Agabas

**OBJECTIVE:**

- To discourage public officers entrusted with the custody of convicts and detention prisoners from betraying the trust bestowed upon them by the public by faithfully discharging their sworn duties

**KEY PROVISIONS:**

- Increases the penalty imposed upon any person who shall remove from jail or penal establishment any person confined therein or shall help the escape of convicts or detainees by means of violence, intimidation or bribery
- Imposes higher penalties upon public officers when the convict or detainee in their custody or charge escapes with their consent
- Penalizes a public officer who releases a convict or a detainee and allows the return to prison or detention without proper court order or authorization
- Provides for higher penalties upon the officer charged with conveyance or custody of the convict or detainee who is able to evade detention through negligence of the officer

**RELATED LAWS:**

- Articles 156, 223 and 224 of the Revised Penal Code