

14th CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

OFFICE OF THE SECRETARY

9 FEB -2 P6:36

SENATE

S.B. No. 3031

RECEIVED BY: 

Introduced by Senator Ramon Bong Revilla, Jr.

EXPLANATORY NOTE

Congestion in jails is a perennial problem in our country today as the number of detainees rise year after year. According to the Bureau of Jail Management and Penology, statistics show that in the National Capital Region alone, we have inconceivable congestion. The Caloocan City Jail is the most congested among the jails in the National Capital Region with 1,171% congestion rate, followed closely by the Quezon City Jail and the Valenzuela City Jail with 1,093% and 604% congestion rates, respectively.

This bill recognizes such congestion problem and seeks to ameliorate it by increasing the daily rate of subsidiary penalties under Article 39 of Act No. 3815, otherwise known as the Revised Penal Code, as amended, from P8.00 to P382.00.

The 1st paragraph of Article 39 of Act No. 3815, otherwise known as the Revised Penal Code, as amended, provides that:

“If the convict has no property with which to meet the fine mentioned in paragraph 3 of the next preceding Article, he shall be subject to a subsidiary personal liability at the rate of one day for each eight pesos, x x x”

The amount provided by Article 39 of Act No. 3815 is no longer pragmatic and does not suit the present social, economic and political environment as eight pesos is practically a very small amount these days. The recommended amount is based on the minimum wage rate in the National Capital Region, as per Wage Order No. - NCR-14. This proposed amendment is reasonable, humane and compassionate, and will significantly help ease over-congestion in penal facilities. Higher daily rate of subsidiary penalty would mean a considerable reduction of number of days of subsidiary imprisonment.

Immediate passage of this bill is highly needed.


RAMON BONG REVILLA, JR.
Senator

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AN ACT
AMENDING THE 1ST PARAGRAPH OF ARTICLE 39 OF ACT NO. 3815,
OTHERWISE KNOWN AS THE REVISED PENAL CODE, AS AMENDED, ON THE
DAILY RATE OF THE SUBSIDIARY PENALTY

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

SECTION 1. Article 39, first paragraph of Act No. 3815, also known as the Revised Penal Code, as amended, is hereby amended to read as follows:

“Article 39. Subsidiary penalty - If the convict has no property with which to meet the fine mentioned in paragraph 3 of the next preceding Article, he shall be subject to a subsidiary personal liability at the rate of one day for [each eight pesos] **THREE HUNDRED AND EIGHTY TWO PESOS**, subject to the following rules:

1. If the principal penalty imposed be prision correccional or arresto and fine, he shall remain under confinement until his fine referred to in the preceding paragraph is satisfied, but his subsidiary imprisonment shall not exceed one-third of the term of the sentence, and in no case shall it continue for more than one year, and no fraction or part of a day shall be counted against the prisoner.
2. When the principal penalty imposed be only a fine, the subsidiary imprisonment shall not exceed six months, if the culprit shall have been prosecuted for a grave or less grave felony, and shall not exceed fifteen days, if for a light felony.
3. When the principal imposed is higher than prision correccional, no subsidiary imprisonment shall be imposed upon the culprit.
4. If the principal penalty imposed is not to be executed by confinement in a penal institution, but such penalty is of fixed duration, the convict, during the period of time established in the preceding rules, shall continue to suffer the same deprivations as those of which the principal penalty consists.

5. The subsidiary personal liability which the convict may have suffered by reason of his insolvency shall not relieve him, from the fine in case his financial circumstances should improve. (As amended by RA 5465, April 21, 1969).”

SECTION 2. Separability Clause. - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 3. Repealing Clause. - All laws, presidential decrees or issuances, executive orders, letters of instruction, administrative orders or rules and regulations, which may be inconsistent with this Act shall be deemed repealed, amended or modified accordingly.

SECTION 4. Effectivity Clause. - This Act shall take effect fifteen (15) days following its publication in two (2) newspapers of general circulation.

Approved,