

FIFTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

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Senate
Office of the Secretary

71 FEB 14 P3:17

SENATE

S.B. No. 2695

RECEIVED

INTRODUCED BY HON. RAMON BONG REVILLA JR.

EXPLANATORY NOTE

According to Republic Act 5465, as amended: "Art. 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, xxx"

That law was enacted on April 21, 1969. The rate for subsidiary imprisonment is no longer reasonable if we have to factor in inflation. Thus, there is a need to revisit this provision.

The proposed amendment provides that the rate of subsidiary imprisonment shall adjust to one day for an amount equivalent to the daily minimum wage of a laborer in the National Capital Region.

The said adjustment will benefit those who cannot afford to pay fine due to poverty and also, this will in effect decongest our penal facilities.

Hence, passage of this bill is earnestly sought.

RAMON BONG REVILLA, JR.



SENATE

'11 FEB 14 P3:17

S. B. No. 2695

INTRODUCED BY HON. RAMON BONG REVILLA JR.

AN ACT
ADJUSTING THE RATE OF SUBSIDIARY IMPRISONMENT TO ONE DAY FOR AN
AMOUNT EQUIVALENT TO THE DAILY MINIMUM WAGE OF A LABORER IN
THE NATIONAL CAPITAL REGION, AMENDING FOR THE PURPOSE
ARTICLE 39 OF THE REVISED PENAL CODE OF THE PHILIPPINES

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

SECTION 1. The first paragraph of Article 39 of the Revised Penal Code, as amended, is hereby further amended to read as followed:

“ART. 39. Subsidiary penalty - If the convict has no property with which to meet the fine mentioned in [the] paragraph of the next preceding article, he shall be subject to a subsidiary personal liability at the rate of one day for [each eight pesos] **AN AMOUNT EQUIVALENT TO THE DAILY MINIMUM WAGE OF A LABORER IN THE NATIONAL CAPITAL REGION AS COMPUTED BY THE NATIONAL WAGES AND PRODUCTIVITY COMMISSION**, subject to the following rules:

1. If the principal penalty imposed be *prison 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 penalty imposed is higher than *prison 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,"

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

Approved,