

SENATE

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COMMITTEE REPORT NO. 395

Submitted by the Committee on Justice and Human Rights on MAY - 7 2009

Re: Senate Bill No. 3223

Recommending its approval in substitution of Senate Bill Nos. 685, 1032, 1777 and 3031.

Sponsor: Senator Escudero

MR. PRESIDENT:

The Committee on Justice and Human Rights to which were referred Senate Bill No. 685 introduced by Senator Jinggoy Ejercito Estrada entitled:

"AN ACT AMENDING ACT NO. 3815, ALSO KNOWN AS THE REVISED PENAL CODE, AS AMENDED, ARTICLE 39, 1ST PARAGRAPH, ON SUBSIDIARY PENALTY"

Senate Bill No. 1032 introduced by Senator Manny Villar entitled:

"AN ACT TO AMEND ARTICLE 39 OF ACT NO. 3815, AS AMENDED, THE REVISED PENAL CODE, DEFINING THE EXTENT TO WHICH SUBSIDIARY IMPRISONMENT SHALL BE REQUIRED"

Senate Bill No. 1777 by Senator Miriam Defensor Santiago, entitled:

"AN ACT TO AMEND ARTICLE 39 OF REPUBLIC ACT NO. 3815, OTHERWISE KNOWN AS THE PENAL CODE, AS AMENDED, ON THE DAILY RATE OF THE SUBSIDIARY PENALTY OF IMPRISONMENT IN CASE OF INSOLVENCY"

and Senate Bill No. 3031 by Senator Ramon Bong Revilla, Jr., entitled:

"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"

has considered the same and has the honor to report them back to the Senate with the recommendation that the attached Senate Bill No. 3223 prepared by the Committee entitled:

**"AN ACT AMENDING ARTICLE 39 OF ACT NO. 3815, AS AMENDED,
OTHERWISE KNOWN AS THE REVISED PENAL CODE"**

be approved in substitution of Senate Bill Nos. 685, 1032, 1777 and 3031 with Senators Estrada, Villar, Defensor-Santiago, Revilla and Escudero as authors thereof.

Respectfully Submitted:

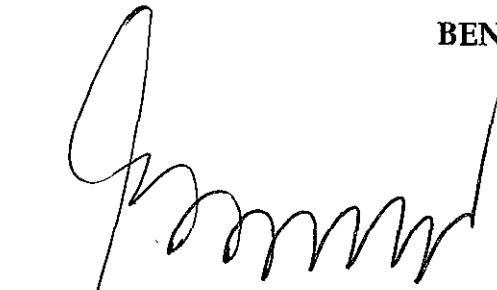


FRANCIS G. ESCUDERO
Chairman, Committee on Justice and Human Rights

Vice-Chairman:

BENIGNO S. AQUINO III

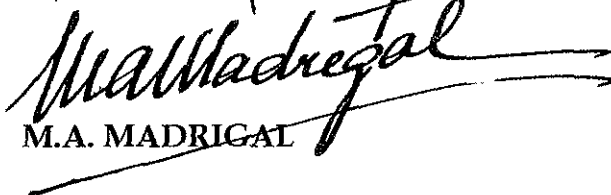
Members:



GREGORIO B. HONASAN II



MAR ROXAS



M.A. MADRIGAL



RAMON LONG REVILLA, JR.



RODOLFO G. BIAZON

**ALAN PETER "COMPAÑERO
S. CAYETANO**



FRANCIS N. PANGILINAN

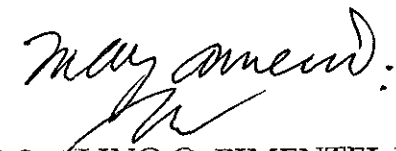
Ex-Officio Members:



JINGGOY EJERCITO ESTRADA
President Pro-Tempore



JUAN MIGUEL F. ZUBIRI
Majority Floor Leader



AQUILINO Q. PIMENTEL JR.
Minority Floor Leader

Hon. JUAN PONCE ENRILE
Senate President
Senate of the Philippines
Pasay City

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SENATE

Senate Bill No. 3223

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In Substitution of Senate Bill Nos. 685, 1032, 1777 and 3031

Prepared by the Committee on Justice and Human Rights with Senators Ejercito-Estrada, Villar, Defensor Santiago, Revilla and Escudero as authors thereof

1 **AN ACT**
2 **AMENDING ARTICLE 39 OF ACT NO. 3815, AS AMENDED,**
3 **OTHERWISE KNOWN AS THE REVISED PENAL CODE**

4
5 *Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:*

6
7
8 **SECTION 1.** Article 39 of Act No. 3815, as amended, is hereby further amended
9 to read as follows:

10
11 "Article 39. Subsidiary penalty - If the convict has no property with
12 which to meet the fine mentioned in paragraph 3 of the next preceding
13 article, he shall be subject to a subsidiary personal liability at the rate of
14 one day for each [eight pesos] **AMOUNT EQUIVALENT TO THE**
15 **HIGHEST MINIMUM WAGE RATE PREVAILING IN THE**
16 **PHILIPPINES AT THE TIME THE JUDGMENT OF CONVICTION**
17 **BECOMES FINAL,** subject to the following rules:

18
19 1. If the principal penalty imposed be *prision correccional* or
20 *arresto* and fine, he shall remain under confinement until his fine referred
21 in the preceding paragraph is satisfied, but his subsidiary imprisonment
22 shall not exceed one-third of the term of the sentence, and in no case shall
23 it continue for more than one year, and no fraction or part of a day shall
24 be counted against the prisoner.
25

1 2. When the principal penalty imposed be only a fine, the
2 subsidiary imprisonment shall not exceed six months, if the culprit shall
3 have been prosecuted for a grave or less grave felony, and shall not
4 exceed fifteen days, if for a light felony.

5
6 3. When the principal penalty imposed is higher than *prision*
7 *correccional* no subsidiary imprisonment shall be imposed upon the
8 culprit.

9
10 4. If the principal penalty imposed is not to be executed by
11 confinement in a penal institution, but such penalty is of fixed duration,
12 the convict, during the period of time established in the preceding rules,
13 shall continue to suffer the same deprivations as those of which the
14 principal penalty consists.

15
16 5. The subsidiary personal liability which the convict may have
17 suffered by reason of his insolvency shall not relieve him from the fine in
18 case his financial circumstances should improve. (*As amended by R.A. No.*
19 *5465, which lapsed into law on April 21, 1969.*)

20
21 **SEC 2. Separability Clause.** - If any provision or part hereof, is held invalid or
22 unconstitutional, the remainder of the law or the provision not otherwise affected shall
23 remain valid and subsisting.

24
25 **SEC 3. Repealing Clause.** - All laws, presidential decrees or issuances, executive
26 orders, letters of instruction, administrative orders or rules and regulations, which may
27 be inconsistent with this Act shall be deemed repealed, amended or modified
28 accordingly.

29
30 **SEC 4. Effectivity.** - This Act shall take effect fifteen (15) days following its
31 publication in two (2) newspapers of general circulation or the official gazette.

32
33 Approved,