

3 JUL 21 2011

SENATE
S. B. No. 3327

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Unjust vexation is punished under the 2nd paragraph of Article 287 of the Revised Penal Code:

“Any other coercions or unjust vexations shall be punished by arresto menor or a fine ranging from 5 pesos to 200 pesos, or both.”

It is a well-established doctrine that a criminal or penal legislation must clearly define or specify the particular acts or omissions punished.

Unlike the crimes of theft, murder and rape that are specifically defined in the Revised Penal Code, the definition of the crime of unjust vexation is conspicuously absent. Because of this Article 287, paragraph 2 of the Revised Penal Code that punishes “unjust vexation” suffers from congenital defects and may be declared unconstitutional for the following reasons:

a) Article 287, paragraph 2 of the Revised Penal Code condemns no specific or definite act or omission thus failing to define any crime or felony;

b) Said penal provision is so indefinite, vague and overbroad as not to enable it to be known what act is forbidden;

c) Such vagueness and overbreadth result to violation of the due process clause and the right to be informed of the nature of the offense charged;
and

d) Such vagueness and overbreadth likewise amount to an invalid delegation by Congress of its legislative power to the courts to determine what acts should be held criminal and punishable.

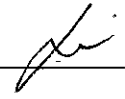
The state having the right to declare what acts are criminal, within certain well defined limitations, has a right to specify what act or acts shall constitute a crime, as well as what act or acts shall constitute a crime. Hence, the instant bill seeks to provide a legal definition for the crime of “unjust vexation” and provide the corresponding penalty for its commission.


MIRIAM DEFENSOR SANTIAGO

9 JUL -2 P3 01

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1 AN ACT
2 AMENDING ARTICLE 287 OF ACT NO. 3815, AS AMENDED, OTHERWISE
3 KNOWN AS THE REVISED PENAL CODE AND CREATING A NEW ARTICLE
4 DEFINING THE CRIME OF UNJUST VEXATION AND INCREASING THE
5 PENALTY THEREOF

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

8 SECTION 1. *Amending Article 287 of the Revised Penal Code* - Art. 287 of Act
9 No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby further
10 amended to read as follows:

11 Article. 287. Light coercions. — Any person who, by means of violence,
12 shall seize anything belonging to his debtor for the purpose of applying the
13 same to the payment of the debt, shall suffer the penalty of *arresto mayor*
14 in its minimum period and a fine equivalent to the value of the thing, but
15 in no case less than 75 pesos.

16 SECTION 2. *Defining the Crime of Unjust Vexation* - A new Article 287-A
17 defining the crime of Unjust Vexation and providing for its penalty shall be included in
18 Act No. 3815 otherwise known as the Revised Penal Code, which read as follows:

19 Article. 287-A. Unjust Vexation – Any person who commits a course of
20 conduct directed at a specific person that causes substantial emotional
21 distress in such a person and serves no legitimate purpose shall suffer the
22 penalty of *arresto mayor* in its minimum period or a fine ranging from 500
23 pesos to 5000 pesos, or both.

24 SECTION 3. *Separability Clause.* – If any provision or part thereof, is held
25 invalid or unconstitutional, the remainder of the law or the provision not otherwise
26 affected shall remain valid and subsisting.

27 SECTION 4. *Repealing Clause.* – Any law, presidential decree or issuance,
28 executive order, letter of instruction, administrative order, rule or regulation contrary to,
29 or inconsistent with the provisions of this Act is hereby repealed, modified or amended
30 accordingly.

31 SECTION 5. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
32 after its publication in at least two (2) newspapers of general circulation.

Approved.