

THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
FIRST REGULAR SESSION

JUN 30 P1:36

SENATE

RECEIVED BY: 

S.B. NO. 144

Introduced by Senator LUISA "LOI" P. EJERCITO ESTRADA

EXPLANATORY NOTE

The Constitution affirms the principle that the maintenance of peace and order, the protection of life, liberty and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

Dereliction of duty by a public officer through abetting the escape of a prisoner, however, is both a circumvention and a negation of this Constitutional provision.

In view thereof, this bill seeks to amend Article 223 of the Revised Penal Code by imposing penalties on any public officer who, without proper court order or authorization, releases a prisoner and later allows him to return to his detention cell, or consents to or connives in the escape of a prisoner under his custody or change.

Approval of this bill is therefore earnestly requested.


LUISA "LOI" P. EJERCITO ESTRADA
Senator

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AN ACT
AMENDING ARTICLE NO. 223 OF THE REVISED PENAL CODE OF
THE PHILIPPINES

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

Section 1. Article No. 223 of the Revised Penal Code is hereby amended to read as follows:

"ART. 223. Conniving With or Consenting to Evasion. - Any public officer who, WITHOUT COURT ORDER OR AUTHORIZATION, SHALL RELEASE A PRISONER AND ALLOW HIM TO RETURN TO PRISON OR DETENTION OR shall consent to the escape of a prisoner in his custody or charge, shall be punished:

- (1) By prison correctional in its medium and maximum periods and temporary special disqualifications in its maximum period to perpetual special disqualification, if the fugitive shall have been sentenced by final judgment to any penalty.
- (2) By prison correctional in its [minimum] MAXIMUM period and temporary special disqualification, in case the fugitive shall not have been finally convicted but

only held as a detention prisoner for any crime or violation of law or municipal ordinance.

- (3) BY PRISON MAYOR IN ITS MAXIMUM PERIOD AND PERPETUAL ABSOLUTE DISQUALIFICATION IN CASE THE PRISONER COMMITTED AN OFFENSE OUTSIDE THE PRISON OR DETENTION CENTER.”

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.** - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

Section 4. **Effectivity Clause.** - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,