

THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

OFFICE OF THE SECRETARY

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SENATE

S.B. No. 205

Introduced by **SENATOR LUISA "LOI" P. EJERCITO ESTRADA**

EXPLANATORY NOTE

News and reports on escape of prisoners of late have cast doubt on the ability of law enforcement agencies and penal institutions to effectively undertake custody of inmates and convicts.

While a number of factors can be singled out if only to explain such despicable and unfortunate trend, most notable of which perhaps, would be corruption, exacerbated by incompetence, it is recognized that a weak penal justice system is to be blamed for the same.

As it is now, our penal laws do not provide for stricter measures to deter widespread prevalence of infidelity cases in the custody of prisoners. For this reason, corrupt and incompetent public officials have no qualms about discharging their functions well and in fact even abuse the mandate given them.

The proposed measure aims to amend existing appropriate laws in order to provide for effective deterrence measures, particularly prescribing stricter penalties on the crime of delivering prisoners from jail and infidelity in the custody of prisoners, as provided for in pertinent provisions of the Revised Penal Code.

While this may not totally address such concern, the proposed measure will nonetheless be a critical factor in resolving this predicament.

Hence, immediate passage of this proposed measure is earnestly sought.

Luisa P. Ejercito Estrada
LUISA "LOI" P. EJERCITO ESTRADA
Senator

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AN ACT

PRESCRIBING STRICTER PENALTIES ON THE CRIME OF DELIVERING PRISONERS FROM JAIL AND INFIDELITY IN THE CUSTODY OF PRISONERS, AMENDING FOR THE PURPOSE ARTICLES 156, 223 AND 224 OF REPUBLIC ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AND FOR OTHER PURPOSES

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

SECTION 1. Article 156, Chapter Five, Title 3, Book Two of Republic Act No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby amended to read as follows:

"ART. 156. Delivering prisoners from jail. - The penalty of [arresto mayor] PRISION MAYOR in its MEDIUM AND maximum periodS [to prison correctional in its minimum period] OR THE PENALTY NEXT LOWER IN DEGREE THAN THAT IMPOSED ON THE PRISONER IN ITS MEDIUM AND MAXIMUM PERIODS shall be imposed upon any person who shall remove from any jail or penal establishment any person confined therein or shall help the escape of such person, by means of violence, intimidation or bribery, WHICHEVER IS HIGHER. If other means are used, the penalty of [arresto] PRISION mayor IN ITS MINIMUM AND MEDIUM PERIODS OR TWO DEGREES LOWER THAN THAT IMPOSED TO THE PRISONER IN ITS MEDIUM PERIOD shall be imposed[.], WHICHEVER IS HIGHER.

If the escape of the prisoner shall take place outside of said establishments by taking the guards by surprise, the same penalties PRESCRIBED IN THE IMMEDIATELY PRECEDING PARAGRAPH shall be imposed in their minimum periods.

SEC. 2. Article 223, Section One, Chapter Five, Title Seven, Book Two of Republic Act No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby amended to read as follows:

"ART. 223. Conniving with or consenting to evasion. - Any public officer who shall consent to the escape of a CONVICT OR DETENTION prisoner in his custody or charge, OR WHO SHALL RELEASE SUCH CONVICT OR DETENTION PRISONER AND ALLOW HIM TO RETURN TO PRISON OR DETENTION WITHOUT ANY PROPER COURT ORDER OR AUTHORIZATION shall be punished:

1. By prison [correctional] MAYOR in its medium and maximum periods OR THE PENALTY NEXT LOWER IN DEGREE THAN THAT IMPOSED ON THE PRISONER, IN ITS MEDIUM AND MAXIMUM PERIODS, WHICHEVER IS HIGHER and [temporary special disqualification in its maximum period to perpetual special] PERPETUAL ABSOLUTE disqualification, if the fugitive shall have been sentenced by final judgment to any penalty.
2. By prison [correctional] MAYOR in its minimum period OR THE PENALTY EQUIVALENT TO THAT PRESCRIBED TO AN ACCESSORY BASED ON THE CRIME IMPUTED UPON THE PRISONER, IN ITS MAXIMUM PERIOD, WHICHEVER IS HIGHER and [temporary special] PERPETUAL ABSOLUTE 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.

SEC. 3. Article 224, Section One, Chapter Five, Title Seven, Book Two of Republic Act No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby amended to read as follows:

"ART. 224. Evasion through negligence. - If the evasion of the CONVICT OR DETENTION prisoner shall have taken place through the negligence of the officer charged with the conveyance or custody of the escaping prisoner, said officer shall suffer the penalties of [arresto mayor in its maximum period to prison correctional in its minimum period] PRISION CORRECTIONAL IN ITS MEDIUM AND MAXIMUM PERIODS OR THE PENALTY EQUIVALENT TO THAT PRESCRIBED TO AN ACCESSORY BASED ON THE CRIME IMPUTED UPON THE CONVICT OR DETENTION PRISONER IN ITS MAXIMUM PERIOD, WHICHEVER IS HIGHER and temporary [special] ABSOLUTE disqualification.

FOR PURPOSES OF THIS ARTICLE, THE PUBLIC OFFICER CHARGED WITH THE CUSTODY OR CONVEYANCE OF THE CONVICT OR DETENTION PRISONER IS *PRIMA FACIE* PRESUMED TO HAVE CONSENTED OR CONNIVED TO THE EVASION.

SEC. 4. All laws, presidential decrees, executive orders, issuances, and rules and regulations, and part thereof, which are inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

SEC. 5. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,