

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

'04 JUN 30 P4:53

SENATE

S. No.

371

RECEIVED BY: *Osmeña*

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

The recent spate of prison escapes has caught the attention of the media and of the people. Prison escapes, especially when it involves most wanted criminals, do not usually go unnoticed.

What makes it worst is that most of these escapes were facilitated by law enforcement officers themselves. Police officials admit that incidents like these serves as a black mark against the reputation of the force and it has terribly reduced the already dwindling confidence of our people with law enforcement agencies.

At this time when the credibility of our law enforcement agencies is in question, there is a pressing need not only to put a stop to this series of escapes but also restore people's confidence in the prison system that those who deserve to be put behind bars stay there until they have paid society for their misdeeds.

This bill therefore seeks to increase the deterrent effect of the Revised Penal Code on public officers who becomes remiss in their obligation by increasing the penalties for violation of Articles 223 and 224, the provisions on infidelity in the custody of prisoners.

In view of the foregoing, approval of this bill is earnestly requested.

S. Osmeña III
SERGIO R. OSMEÑA III
Senator

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

04 JUN 30 P4:53

SENATE

RECEIVED BY: Osmeña

S. No. **371**

Introduced by Senator S. R. Osmeña III

AN ACT
INCREASING THE PENALTIES FOR INFIDELITY IN THE CUSTODY OF
PRISONERS AMENDING FOR THE PURPOSE ARTICLES 223 AND 224,
CHAPTER FIVE, TITLE SEVEN, BOOK TWO OF ACT NO. 3815, AS AMENDED,
OTHERWISE KNOWN AS THE REVISED PENAL CODE

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

1 SECTION 1. Article 223, Chapter Five, Title Seven Book Two of Act No.
2 3815, as amended, otherwise known as the Revised Penal Code, is hereby
3 further amended to read as follows:

4 "ARTICLE 223. Conniving with or consenting to evasion. —
5 Any public officer who, WITHOUT COURT ORDER OR
6 AUTHORIZATION, SHALL RELEASE A PRISONER AND ALLOW HIM
7 TO RETURN TO PRISON OR DETENTION OR shall consent to the
8 escape of a prisoner in his PHYSICAL custody or charge, shall be
9 punished:

10 1. By prision [correccional] MAYOR in its medium and
11 maximum periods and [temporary special disqualification in its maximum
12 period to perpetual special] PERPETUAL ABSOLUTE disqualification, if
13 the fugitive shall have been sentenced by final judgment to any penalty.

14 2. By prision [correccional] MAYOR in its minimum period and
15 [temporary special] PERPETUAL ABSOLUTE disqualification, in case the
16 fugitive shall not have been finally convicted but only held as a detention
17 prisoner for any crime or violation of law or municipal ordinance."

1 SEC. 2. Article 224 of the same Act is hereby amended to read as
2 follows:

3 "ARTICLE 224. Evasion through negligence. — If the evasion of the
4 prisoner shall have taken place through the negligence of the officer
5 charged with the conveyance or custody of the escaping prisoner, said
6 officer shall suffer the penalties of [arresto mayor] PRISION
7 CORRECCIONAL in its MEDIUM AND maximum periodS [to prision
8 correccional in its minimum period] and temporary [special] ABSOLUTE
9 disqualification."

10 SEC. 3. All laws, decrees, executive orders, rules and regulations, or
11 parts hereof inconsistent with the provision of this Act are hereby repealed,
12 amended or modified accordingly.

13 SEC. 4. This Act shall take effect fifteen (15) days after its publication in
14 the Official Gazette or in at least two (2) newspapers of general circulation
15 whichever comes earlier.

16 Approved,