

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



Senate
Office of the Secretary

13 JUL -3 P12:36

SENATE
S.B. No. 336

RECEIVED BY: *Jui*

Introduced by Senator LOREN LEGARDA

EXPLANATORY NOTE

This bill seeks to increase the penalty for the crime of incriminatory machination, amending for the purpose Articles 363 and 364 of the Revised Penal Code, to deter persons from committing the same.

The Revised Penal Code defines incriminatory machinations as two distinct crimes, to wit: incriminating an innocent person and intriguing against his or her honor. Incriminating an innocent person is committed by any person who, by any act not constituting perjury, shall directly incriminate or impute to an innocent person the commission of a crime, while intriguing against honor is committed by any person who intrigues another for the principal purpose of blemishing his or her honor or reputation.

By its nature, incriminatory machinations refer to acts done for mere vexing, harassing or injuring one's adversary and which tend to directly cause false prosecution. The present penalties imposed by the law are not commensurate to the injury or damage caused to the victim of false prosecution and intrigue. There is therefore a need to punish with greater severity individuals who are found guilty of incriminatory machinations.

This bill aims to do just that by increasing the penalty for incriminating innocent persons from *arresto mayor* or imprisonment of one month and one day to six months, to *prision mayor*, or imprisonment of six years and one day to twelve years. This bill likewise increases the penalty for intriguing against honor from *arresto menor* or imprisonment of 1 to 30 days, to *prision correccional*, or imprisonment of 6 months and one day to six years.

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


LOREN LEGARDA
Senator



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SENATE
S.B. No. 336

RECEIVED BY: *[Signature]*

Introduced by Senator LOREN LEGARDA

AN ACT
AMENDING ARTICLES 363 AND 364 OF ACT NO. 3815, OTHERWISE KNOWN
AS THE REVISED PENAL CODE

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

1 **SECTION 1.** Article 363 of Act No. 3815, as amended, otherwise known as
2 The Revised Penal Code, is hereby further amended to read as follows:

3
4 "Art. 363. *Incriminating innocent persons.* - Any person who, by any act
5 not constituting perjury, shall directly incriminate or impute to an
6 innocent person the commission of a crime, shall be punished by
7 [arresto mayor] **PRISION MAYOR IN ITS MINIMUM PERIOD.**"

8
9 **SECTION 2.** Article 364 of the same Act, is likewise hereby further amended
10 to read as follows:

11
12 "Art. 364. *Intriguing Against Honor.* - The penalty of [arresto menor]
13 **PRISION CORRECCIONAL IN ITS MINIMUM PERIOD** or a fine
14 not exceeding [200] **50,000** pesos shall be imposed for any intrigue
15 which has for its principal purpose to blemish the honor or reputation
16 of a person."

17
18 **SECTION 3. Separability Clause.** - If any provision of this Act is declared
19 invalid, the remainder of this Act or any provision not affected thereby shall remain
20 in force and effect.

21
22 **SEC. 4. Repealing Clause.** - All laws, presidential decrees, executive orders

1 and their implementing rules, inconsistent with the provisions of this act are hereby
2 repealed, amended or modified accordingly.

3

4 **SEC. 5. *Effectivity.*** - This Act shall take effect fifteen (15) days after its
5 publication in at least two (2) newspapers of general circulation.

6

7 Approved,