

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



Senate
Office of the Secretary

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SENATE

Senate Bill No. 1289

RECEIVED BY: *ji*

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The two crimes constituting incriminatory machinations as defined by the Revised Penal Code as crimes against honor are: 1) incriminating innocent persons; and, 2) intriguing against honor. 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.

Articles 363 and 364 of the said Code, respectively, already provide for penalties for the said crimes. However, these penalties are already superseded by time and are no longer effective deterrents for committing such crimes.

In order to address this gap between the severity of the crimes and the weakness of the penalties for commission of them, this bill proposes higher penalties for incriminating innocent persons and intriguing against honor.

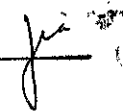
This measure was filed by the Committees on Justice and Human Rights, and Constitutional Amendments, Revision of Codes and Laws during the Fifteenth Congress, but was overtaken by events and was not enacted into law.

The immediate passage of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
AMENDING ARTICLES 363 AND 364 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 Philippines
in Congress assembled:*

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

3
4 "ART. 363. *Incriminating innocent person.* – Any person who, by
5 any act not constituting perjury, shall directly incriminate or impute
6 to an innocent person the commission of a crime, shall be punished
7 by [arresto mayor] PRISION MAYOR IN ITS MINIMUM PERIOD."
8

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

11
12 "ART. 364. *Intriguing against honor.* – The penalty of [arresto
13 mayor] PRISION CORRECCIONAL IN ITS MINIMUM PERIOD or
14 fine not exceeding [200] 50,000 pesos shall be imposed for any
15 intrigue which has for its purpose to blemish the honor or reputation
16 of a person."
17

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

21
22 **SEC. 4.** *Repealing Clause.* – All laws, orders, decrees, rules and regulations,
23 and other parts thereof inconsistent with the provisions of this Act are hereby
24 repealed, amended or modified accordingly.

25
26 **SEC. 5.** *Effectivity.* – This Act shall take effect fifteen (15) days following its
27 publication in the Official Gazette or at least two (2) newspapers of general
28 circulation.

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33 *Approved,*