SIXTEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES

First Regular Session

13 SEP 26 P4:03

SENATE . No. <u>1742</u>

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Introduced by Senator Miriam Defensor Santiago

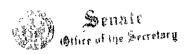
## **EXPLANATORY NOTE**

This bill seeks to amend Act No. 3815, otherwise known as the Penal Code, Article 310, by increasing the penalties for certain instances of qualified theft. The reason for the increase of penalty for certain cases of qualified theft is found in the debased form of criminality met in one who, in the midst of a great calamity, instead of lending aid to the afflicted, adds to their suffering by taking advantage of their misfortune to despoil them.

This bill is a product of the public hearings conducted by the Committee on Constitutional Amendments, Revision of Codes and Laws during the Tenth Congress.\*

Liam Definsor santiago

<sup>\*</sup> This bill was re-filed during the Thirteenth Congress, First Regular Session.



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## Introduced by Senator Miriam Defensor Santiago

AN ACT AMENDING ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE PENAL CODE, ARTICLE 310, TO INCREASE THE PENALTIES IN CERTAIN INSTANCES OF OUALIFIED THEFT

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

SECTION 1. Article 310 of Act No. 3815, as amended, otherwise known as the Penal

Code, is hereby amended to read as follows:

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"ART. 310. Qualified theft. – The crime of theft shall be punished by the penalties next higher by two degrees than those respectively specified in the next preceding articles, if committed by a domestic servant, or with grave abuse of confidence, or if the property stolen is a motor vehicle, mail matter or large cattle or consists of coconut taken from the premises of the plantation or fish taken from a fishpond or fishery.

THE PENALTY OF RECLUSION TEMPORAL IN ITS MAXIMUM PERIOD TO RECLUSION PERPETUA SHALL BE IMPOSED IF THE PROPERTY IS TAKEN ON THE OCCASION OF THE FOLLOWING OR IMMEDIATELY THEREAFTER:

- 1. FIRE, EARTHQUAKE, TYPHOON, VOLCANIC ERUPTION, FLOODS, OR ANY OTHER CALAMITY, NATURAL OR MAN-MADE;
- 2. CIVIL DISRUPTION OR DISTURBANCE, PUBLIC WANT, OR EMERGENCY; AND
- 3. ACCIDENTS INVOLVING LAND, SEA, AIR, AND TRANSPORT.

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OR FI	ROM I	PERSO	NS IN	DISTRI	ESS.							

THE PENALTY OF RECLUSION PERPETUA SHALL BE IMPOSED IF THE OFFENDER IS A LAW ENFORCEMENT AGENT OR OFFICER; A BARANGAY OFFICIAL, IF SUCH HAPPENS IN HIS THE JURISDICTION; FIREMAN OF BUREAU **CIVIL ORGANIZATIONS** PROTECTION **AND** OF **OTHER** EXERCISING THE **SAME FUNCTIONS**; AND ANY **OTHER** GOVERNMENT OFFICIAL OR EMPLOYEE ENTRUSTED WITH A DUTY TO RENDER ASSISTANCE DURING THE FOREGOING **OCCURRENCES.**"

SECTION 2. *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.

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SECTION 3. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,

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