

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



Senate  
Office of the Secretary

'13 SEP 26 P4:03

SENATE  
S. No. 1742

RECEIVED BY: *Jan*

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Introduced by Senator Miriam Defensor Santiago

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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.\*

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
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\* This bill was re-filed during the Thirteenth Congress, First Regular Session.

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AN ACT

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

“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.**

1           **THE PENALTY SHALL ALSO APPLY IF THE PROPERTY IS**  
2           **TAKEN FROM A VICTIM OF A CRIME COMMITTED BY ANOTHER,**  
3           **OR FROM PERSONS IN DISTRESS.**

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

13           SECTION 2. *Repealing Clause.* – Any law, presidential decree or issuance, executive  
14           order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent  
15           with the provisions of this Act is hereby repealed, modified, or amended accordingly.

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

Approved,