

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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SENATE
OFFICE OF THE SECRETARY

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SENATE

S. No. 682

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INTRODUCED BY HON. MANUEL B. VILLAR, JR.

EXPLANATORY NOTE

On July 13, 2003, Fathur Rohman al-Ghozi, a convicted Indonesian bomber and the most senior Jemaah Islamiyah operative in Southeast Asia, and two other local terrorists namely, Abdulmukin Edris and Mehran Abante were reported to have escaped from the PNP Intelligence detention cell in Camp Crame. Due to the absence of proof of violence and force exerted, the manner as to how these fugitives escaped points to the possibilities of complicity or sheer stupidity by some PNP officials. The escape of the said terrorists was only publicly reported after a lapse of several hours fueling speculations that the escape was made for a consideration. This suspicion was supported by Radio Mindanao Network who received reports that Al Ghozi is now in Indonesia and that a sum of P 10 Million was given as bribe to high PNP officials in exchange for the said terrorists' release.

This bill intends to amend Articles 223 and 224 of the Revised Penal Code to provide stiffer penalties to violation of infidelity in the custody of prisoners both with respect to connivance with or consent to evasion and evasion through the negligence of officers charged with the duty prisoners' custody. It seeks to increase the penalty of connivance with or consenting to evasion in cases where the escape was made for money or other consideration from *prision correccional* in its medium and maximum periods and temporary special disqualification in its maximum period to perpetual disqualification, which is now prescribed by the existing law, to *prision mayor* in its medium and maximum periods and perpetual disqualification. This is the case where the prisoner shall have been convicted by final judgment. In cases of detention prisoners or prisoners which have not been finally convicted of final judgment, the penalty is increased from *prision coreccional* in its minimum period and temporary special disqualification to *prision mayor* in its minimum periods and perpetual disqualification.

The immediate passage of this bill is earnestly called for.


MANUEL B. VILLAR, JR
Senator

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**AN ACT AMENDING ARTICLES 223 AND 224 OF THE REVISED PENAL
CODE PRESCRIBING STIFFER PENALTIES TO THE CRIME OF
INFIDELITY IN THE CUSTODY OF PRISONERS**

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

1 **SECTION 1.** Article 223 of the Revised Penal Code is hereby amended to read as
2 follows:

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4 **ART. 223.** *Conniving with or consenting to evasion.* - Any public officer who
5 shall consent to the escape of a prisoner in his custody or charge, shall be
6 punished:

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8 1. By *prision coreccional* in its medium and maximum periods and
9 temporary special disqualification in its maximum period to perpetual
10 disqualification, if the fugitive shall have been sentenced by final judgment to any
11 penalty. PROVIDED THAT IF THE ESCAPE WAS MADE FOR MONEY OR
12 OTHER CONSIDERATION, THE PENALTY SHALL BE PRISION MAYOR
13 IN ITS MEDIUM AND MAXIMUM PERIODS AND PERPETUAL
14 DISQUALIFICATION.

15 2. By *prision coreccional* in its minimum period and temporary special
16 disqualification, in case the fugitive shall not have been finally convicted but only
17 held as a detention prisoner for any crime or violation of law or municipal
18 ordinance. PROVIDED THAT IF THE ESCAPE WAS MADE FOR MONEY
19 OR OTHER CONSIDERATION, THE PENALTY SHALL BE PRISION
20 MAYOR IN ITS MINIMUM PERIODS AND PERPETUAL
21 DISQUALIFICATION.

22
23 **SEC. 2.** Article 224 of the same Code is hereby amended to read as follows:

24
25 **ART. 224.** *Evasion through negligence.* - If the evasion of the prisoner shall have
26 taken place through the negligence of the officer charged with the conveyance or
27 custody of the escaping prisoner, said officer shall suffer the penalties of [arresto
28 mayor in its maximum period to] *prision coreccional* in its minimum AND
29 MAXIMUM periodS and temporary special disqualification.

30
31 **SEC. 4.** *Repealing Clause.*-- All laws, decrees, executive orders, rules, and issuances
32 inconsistent with this Act are hereby repealed, amended or modified accordingly.

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34 **SEC. 5.** *Separability Clause.* If any portion or provision of this Act is declared
35 unconstitutional or invalid, the other portions or provisions hereof which are not affected
36 thereby shall continue in full force and effect.

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SEC. 6. *Effectivity Clause.* This Act shall take effect fifteen days following its publications in the Official Gazette or in any two newspapers of general circulation.

Approved.