

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



Senate
Office of the Secretary

15 APR 16 P2:19

SENATE
S. No. 2722

RECEIVED BY _____

Introduced by Senator Miriam Defensor Santiago

AN ACT
AMENDING ARTICLE 125 OF ACT NO. 3815 OTHERWISE KNOWN AS "THE
REVISED PENAL CODE OF THE PHILIPPINES" TO EXPAND THE ACTS
PUNISHED IN THE DELAY IN THE DELIVERY OF DETAINED PERSONS

EXPLANATORY NOTE

The Constitution, Article 3, Section 1 provides:

Section 1. No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

This Act seeks to expand the acts punished by Article 125 of the Penal Code. Article 125 punishes public officers or employees who have delayed in the delivery of detained persons to the proper judicial authorities. This provision defends the right of persons against unjust deprivation of liberty.


There have been conflicting interpretations of the word 'detained' for the purposes of enforcing this provision. The question is whether or not detainment is equivalent only to detention in a police precinct or facility, as opposed to including restriction of freedom in some other manner in another place.

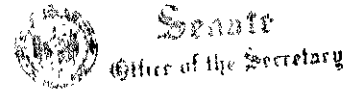
The Department of Justice on 15 August 2012 issued Department Circular No. 050 on the Guidelines on the Application of Article 125 of the Penal Code. The Circular provided that in order to avoid confusion, the following guidelines are issued:

3.1 Being a penal law, Article 125 shall be construed strictly against the State and liberally in favor of an accused. Hence, the counting of the

prescribed "12-18-36" periods shall be done by the hour starting from the time of detention....

This provision limits the interpretation of detainment in Article 125 to mean only detention in a police facility. This has the effect of allowing public officers or employees to hold or keep a person in another place indefinitely for as long as the reason for holding such person was initially for some legal ground. Such an act constitutes wanton disregard for the fundamental right of persons against deprivation of liberty without due process of law, yet because of this legal interpretation, it is not punished at all. This Act shall rectify the gap in the law.

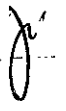

MIRIAM DEFENSOR SANTIAGO
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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 AN ACT
2 AMENDING ARTICLE 125 OF ACT NO. 3815 OTHERWISE KNOWN AS "THE
3 REVISED PENAL CODE OF THE PHILIPPINES" TO EXPAND THE ACTS
4 PUNISHED IN THE DELAY IN THE DELIVERY OF DETAINED PERSONS

5 SECTION 1. Article 125 of Act No. 3815, otherwise known as "The Revised
6 Penal Code of the Philippines" is hereby amended to read as follows:

7 Art. 125. Delay in the delivery of detained persons to the proper
8 judicial authorities. — The penalties provided in the next preceding article
9 shall be imposed upon the public officer or employee who shall **DETAIN,**
10 **HOLD, OR KEEP ANY PERSON IN ANY PLACE,** for some legal
11 ground and shall fail to deliver such person to the proper judicial authorities
12 within the period of; twelve (12) hours, for crimes or offenses punishable
13 by light penalties, or their equivalent; eighteen (18) hours, for crimes or
14 offenses punishable by correctional penalties, or their equivalent and thirty-
15 six (36) hours, for crimes, or offenses punishable by afflictive or capital
16 penalties, or their equivalent.

17 SECTION 2. *Repealing Clause.* — Any law, presidential decree or issuance,
18 executive order, letter of instruction, administrative order, rule or regulation contrary to

1 or is inconsistent with the provision of this Act is hereby repealed, modified, or amended
2 accordingly.

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

Approved,

/aml 10April2015