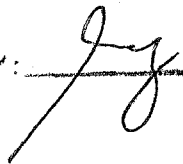


THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

'04 JUN 30 10:19

SENATE

RECEIVED BY: 

S. No. 1078

Introduced by Senator Edgardo J. Angara

EXPLANATORY NOTE

It is the policy of the State in the line with the principle that a public office is a public trust, that the Public Officials and employees shall at all times be accountable to the people and shall discharge their duties with utmost responsibility, integrity, competence and loyalty, act with patriotism and justice, lead modest lives, and uphold public interest over personal interest.

As reported, about 148 murderers and robbers remain at large after escaping from jail. The failure to recapture these escaped prisoners poses serious threats to the public and bolsters demands for the improvement of the country's penology system. Certainly, our Public Officials and employees fail to exercise utmost devotion and dedication to their duties, and worst, for personal interest or for consideration, thus, giving a general perception that they are fountain and source of undue patronage.

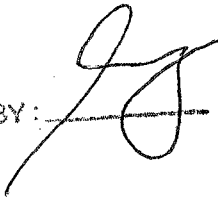
This bill, therefore, seeks to increase the penalties on our Public Officials and employees in charge of custody of prisoners for their negligence, connivance with or consent to jail escape.

Approval of this bill is strongly urged.


EDGARDO J. ANGARA

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AN ACT
PRESCRIBING STRICTER PENALTIES ON THE CRIME OF DELIVERING
PRISONERS FROM JAIL AND INFIDELITY IN THE CUSTODY OF
PRISONERS, AMENDING FOR THE PURPOSE ARTICLES 156, 223 AND 224
OF REPUBLIC ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS
THE REVISED PENAL CODE, AND FOR OTHER PURPOSES

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

1 SECTION 1. Article 156, Chapter Five, Title 3, Book Two of Republic Act
2 No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby
3 amended to read as follows:

4 " ART. 156. *Delivering prisoners from jail.* - The penalty of [arresto
5 mayor] PRISION MAYOR in its MEDIUM AND maximum periods [to
6 prison correctional in its minimum period] OR THE PENALTY NEXT
7 LOWER IN DEGREE THAN THAT IMPOSED ON THE PRISONER IN
8 ITS MEDIUM AND MAXIMUM PERIODS shall be imposed upon any
9 person who shall remove from any jail or penal establishment any person
10 confined therein or shall help the escape of such person, by means of
11 violence, intimidation or bribery, WHICHEVER IS HIGHER. If other
12 means are used, the penalty of [arresto] PRISION mayor IN ITS
13 MINIMUM AND MEDIUM PERIODS OR TWO DEGREES LOWER

1 THAN THAT IMPOSED TO THE PRISONER IN ITS MEDIUM PERIOD
2 shall be imposed[.], WHICHEVER IS HIGHER.

3 If the escape of the prisoner shall take place outside of said
4 establishments by taking the guards by surprise, the same penalties
5 PRESCRIBED IN THE IMMEDIATELY PRECEDING PARAGRAPH shall
6 be imposed in their minimum periods.

7 SEC. 2. Article 223, Section One, Chapter Five, Title Seven, Book Two of
8 Republic Act No. 3815, as amended, otherwise known as the Revised Penal
9 Code, is hereby amended to read as follows:

10 "ART. 223. *Conniving with or consenting to evasion.* - Any public
11 officer who shall consent to the escape of a CONVICT OR DETENTION
12 prisoner in his custody or charge, OR WHO SHALL RELEASE SUCH
13 CONVICT OR DETENTION PRISONER AND ALLOW HIM TO
14 RETURN TO PRISON OR DETENTION WITHOUT ANY PROPER
15 COURT ORDER OR AUTHORIZATION shall be punished:

16 1. By *prision* [*correctional*] MAYOR in its medium and maximum
17 periods OR THE PENALTY NEXT LOWER IN DEGREE THAN
18 THAT IMPOSED ON THE PRISONER, IN ITS MEDIUM AND
19 MAXIMUM PERIODS, WHICHEVER IS HIGHER and [*temporary*
20 *special disqualification in its maximum period to perpetual special*]
21 PERPETUAL ABSOLUTE disqualification, if the fugitive shall have
22 been sentenced by final judgment to any penalty.

23 2. By *prision* [*correctional*] MAYOR in its minimum period OR THE
24 PENALTY EQUIVALENT TO THAT PRESCRIBED TO AN
25 ACCESSORY BASED ON THE CRIME IMPUTED UPON THE
26 PRISONER, IN ITS MAXIMUM PERIOD, WHICHEVER IS
27 HIGHER and [*temporary special*] PERPETUAL ABSOLUTE

1 disqualification, in case the fugitive shall not have been finally
2 convicted but only held as a detention prisoner for any crime or
3 violation of law or municipal ordinance.

4 **SEC. 3.** Article 224, Section One, Chapter Five, Title Seven, Book Two of
5 Republic Act No. 3815, as amended, otherwise known as the Revised Penal
6 Code, is hereby amended to read as follows:

7 "ART. 224. *Evasion through negligence.* - If the evasion of the
8 CONVICT OR DETENTION prisoner shall have taken place through the
9 negligence of the officer charged with the conveyance or custody of the
10 escaping prisoner, said officer shall suffer the penalties of [*arresto mayor*] in
11 its maximum period to *prision correctional* in its minimum period]
12 PRISION CORRECTIONAL IN ITS MEDIUM AND MAXIMUM
13 PERIODS OR THE PENALTY EQUIVALENT TO THAT PRESCRIBED TO
14 AN ACCESSORY BASED ON THE CRIME IMPUTED UPON THE
15 CONVICT OR DETENTION PRISONER IN ITS MAXIMUM PERIOD,
16 WHICHEVER IS HIGHER and temporary [*special*] ABSOLUTE
17 disqualification.

18 FOR PURPOSES OF THIS ARTICLE, THE PUBLIC OFFICER
19 CHARGED WITH THE CUSTODY OR CONVEYANCE OF THE
20 CONVICT OR DETENTION PRISONER IS *PRIMA FACIE* PRESUMED
21 TO HAVE CONSENTED OR CONNIVED TO THE EVASION.

22 **SEC. 4.** All laws, presidential decrees, executive orders, issuances, and
23 rules and regulations, and part thereof, which are inconsistent with the
24 provisions of this Act, are hereby repealed or modified accordingly.

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