

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



'16 JAN 28 P3 45

SENATE  
S. No. 3166

RECEIVED BY: 

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Introduced by Senator Miriam Defensor Santiago

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AN ACT  
AMENDING ARTICLE 287 OF ACT NO. 3815, OTHERWISE KNOWN AS THE  
PENAL CODE, AS AMENDED, AND CREATING A NEW ARTICLE  
DEFINING THE CRIME OF UNJUST VEXATION  
AND INCREASING THE PENALTY THEREOF

EXPLANATORY NOTE

Unjust vexation is punished under the Penal Code, Article 287, paragraph 2:

**ARTICLE 287. Light Coercions.** – Any person who, by means of violence, shall seize anything belonging to his debtor for the purpose of applying the same to the payment of the debt, shall suffer the penalty of arresto mayor in its minimum period and a fine equivalent to the value of the thing, but in no case less than 75 pesos.

Any other coercions or unjust vexations shall be punished by arresto menor or a fine ranging from 5 to 200 pesos, or both.

It is a well-established doctrine that a criminal or penal legislation must clearly define or specify the particular acts or omissions punished.

Unlike the crimes of theft, murder, and rape that are specifically defined in the Penal Code, the definition of the crime of unjust vexation is conspicuously absent. Because of this, Article 287, paragraph 2 of the Penal Code that punishes “unjust vexation” suffers from congenital defects and may be declared unconstitutional for the following reasons:

- Article 287, paragraph 2 of the Penal Code condemns no specific or definite act or omission thus failing to define any crime or felony;
- Said penal provision is so indefinite, vague and overbroad as not to enable it to be known what act is forbidden;

- Such vagueness and overbreadth result to violation of the due process clause and the right to be informed of the nature of the offense charged; and
- Such vagueness and overbreadth likewise amount to an invalid delegation by Congress of its legislative power to the courts to determine what acts should be held criminal and punishable.

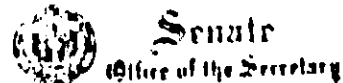
The state having the right to declare what acts are criminal, within certain well defined limitations, has a right to specify what act or acts shall constitute a crime. Hence, this bill seeks to provide a legal definition for the crime of "unjust vexation" and provide the corresponding penalty for its commission.<sup>1</sup>

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
*at*

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<sup>1</sup> This bill was originally filed during the Fourteenth Congress, Third Regular Session.

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

1 SECTION 1. *Amending Article 287 of the Penal Code.* – Article 287 of Act No.  
2 3815, as amended, otherwise known as the Penal Code, is hereby further amended to read  
3 as follows:

4 ARTICLE 287. *Light coercions.* – Any person who, by means of  
5 violence, shall seize anything belonging to his debtor for the purpose of  
6 applying the same to the payment of the debt, shall suffer the penalty of  
7 arresto mayor in its minimum period and a fine equivalent to the value of  
8 the thing, but in no case less than 75 pesos.

9 ~~[Any other coercions or unjust vexations shall be punished by~~  
10 ~~arresto menor or a fine ranging from 5 to 200 pesos, or both.]~~

11 SECTION 2. *Defining the Crime of Unjust Vexation.* – Article 287-A, defining the  
12 crime of Unjust Vexation and providing for its penalty, shall be included in Act No.  
13 3815, which read as follows:

14 ARTICLE 287-A. *UNJUST VEXATION.* – ANY PERSON WHO  
15 COMMITS A COURSE OF CONDUCT DIRECTED AT A SPECIFIC

1        **PERSON THAT CAUSES SUBSTANTIAL EMOTIONAL DISTRESS**  
2        **IN SUCH A PERSON AND SERVES NO LEGITIMATE PURPOSE**  
3        **SHALL SUFFER THE PENALTY OF ARRESTO MAYOR IN ITS**  
4        **MINIMUM PERIOD OR A FINE RANGING FROM FIVE**  
5        **HUNDRED PESOS (P500.00) TO FIVE THOUSAND PESOS**  
6        **(P5,000.00), OR BOTH.**

7        **SECTION 3. *Separability Clause.*** – If any provision of this Act is held invalid or  
8        unconstitutional, the same shall not affect the validity and effectivity of the other  
9        provisions hereof.

10        **SECTION 4. *Repealing Clause.*** – All laws, decrees, orders, and issuances, or  
11        portions thereof, which are inconsistent with the provisions of this Act, are hereby  
12        repealed, amended or modified accordingly.

13        **SECTION 5. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after  
14        its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

/lml9Dec2015