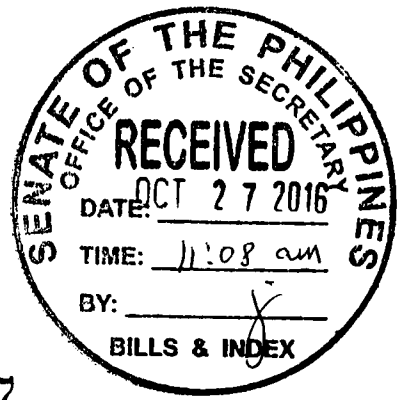


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE

SENATE BILL NO. 1227

Introduced by **SENATOR LEILA M. DE LIMA**

**AN ACT
TO ORDAIN AND INSTITUTE A NEW CRIMINAL CODE OF THE
PHILIPPINES, REPEALING FOR THAT PURPOSE ACT NO 3815,
OTHERWISE KNOWN AS THE REVISED PENAL CODE, AND OTHER
RELATED LAWS, AND FOR OTHER PURPOSES**

Explanatory Note

The country's basic penal law that defines criminal offenses and provides corresponding penalties is contained in Act No. 3815, otherwise known as The Revised Penal Code (RPC), which took effect on 1 January 1932.

This 84 year old law, despite its antiquity, is still being enforced in our country. Since most of the provisions of the RPC have already been amended, and a number of them had been repealed, there is an imperative need for this Code to be updated in order to be responsive and relevant to the criminal justice system of the present time.

On 20 April 2011, the Department of Justice created the Criminal Code Committee (CCC), an inter-agency body composed of representatives from the executive, legislative and judicial branches of government such as the Supreme Court, the Senate and the House of Representatives, Philippine National Police, National Bureau of Investigation, Bureau of Immigration, Public Attorney's Office, Office of the Government Corporate Counsel, Office of the Solicitor General, Parole and Probation Administration and Land Registration Authority, among others. The Committee, in partnership with Hanns Seidel Foundation of Germany, was tasked "to study, assess and consolidate a simple, updated and modern criminal law to provide clarity in law enforcement and to improve the administration of justice. This will lead to increased access to justice especially for the marginalized sectors."¹ The product of the exhaustive discussions, in-depth analysis, and indefatigable efforts of the CCC is the proposed Criminal Code of the Philippines.

¹ www.doj.gov.ph/news "DOJ completes New Criminal Code", 19 August 2014

The key features of this bill are as follows:

1. Changes to universal the jurisdiction of crimes instead of the current jurisdiction based on territory, given the evolving nature of crimes, specifically transnational organized crime;
2. Simplifies the approach to criminalization based on conduct and not mental state;
3. Simplifies the categorization of crimes by eliminating the frustrated stage of commission of crime and accomplices in the degree of participation;
4. Classifies crimes into three (3) main categories, to wit: Crimes against the State; Crimes against Persons; and Crimes against Property.
5. There is no longer a splitting of criminal and civil actions with the civil remedy always embedded in the criminal action;
6. A new scale of penalties composed of five "levels", and a level for "life imprisonment", aimed at simplifying the sentencing process. Using this new scale, crimes can be classified easily according to their gravity, along with the corresponding alternative/accessory penalties and post-sentencing measures applicable to each level;
7. Modifying circumstances are now generically aggravating or mitigating without need of specific characterization for purpose of trial;
8. The prescription of crime and service of sentence is now combined;
9. Does away with gender discriminatory crimes such as adultery and concubinage, being mindful of one of the concluding observations of the United Nations Committee on Economic, Social and Cultural Rights² to eliminate gender discriminatory provisions in our existing laws; and,
10. Creates a Criminal Justice Policy and Research Center under the Department of Justice to serve as the primary research arm of the government in evaluating and advocating for reforms in the framework and philosophy of the criminal justice system.

This legislative measure does not only update and codify the current penal laws of the country, but likewise incorporates the international best criminal law practices.

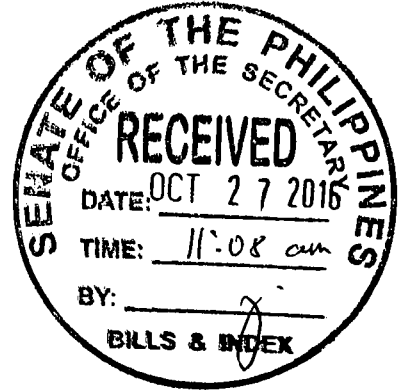
An effective administration of criminal justice system could only be attained if it can efficiently address the maladies of the society and curb the perpetration of crimes that is anathema to an orderly and peaceful community.

Therefore, early approval of this measure is requested.


BEILA M. DE LIMA

² Concluding observations on the combined fifth and sixth periodic report of the Philippines by the United Nations Committee on Economic, Social, and Cultural Rights adopted at its fifty-ninth session (19 September – 7 October 2016) [Available at <http://www.right-to-education.org/resource/cescr-concluding-observations-combined-fifth-and-sixth-periodic-report-philippines>]

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RELATED LAWS, AND FOR OTHER PURPOSES**

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

Title I

General Principles

Chapter 1

Applicability

SECTION 1. Title. This Act shall be known as the Criminal Code of the Philippines.

Sec. 2 No crime without law. There is no crime unless the act is defined and penalized by this Code or other penal laws at the time of commission.

Sec. 3. Scope. This Code shall apply to:

1 *A. Territoriality*

- 2 1. Crimes committed within the Philippines or against a government facility of
3 the Philippines abroad, including its embassy, diplomatic or consular
4 premises regardless of the location of the perpetrator or when the effects
5 happen in these places;
- 6 2. It also covers those committed in an aircraft, ship or vessel of Philippine
7 registry or in an aircraft, ship or vessel originating from, passing through or
8 destined for the Philippines;

9

10 *B. Protection*

- 11 3. Crimes committed outside the Philippines against any Philippine citizen, or
12 entity registered in the Philippines, if committed against national security or
13 interest or punishable by level 4 or higher crime, as defined under section 25,
14 unless punishable in the place where the crime is committed;

15

16 *C. Nationality*

- 17 4. Crimes committed outside the Philippines by a Philippine citizen; and

18

19 *D. Universality*

- 20 5. Crimes committed against humanity and the law of nations.

21

22 **Sec. 4. State duty.** The State has the primary duty to investigate and prosecute
23 crimes, and impose and execute penalties.

24

25 The State shall afford the private parties opportunities to amicably settle, retribute,
26 and enter into other compromises in crimes where the penalty is lower than level 4.

1 **Sec. 11. Acts and effects.** The offender shall be responsible for all the effects
2 arising from the commission of illegal acts.

3
4 **Sec. 12. Minority.** A minor is a person less than 18 years old. A person 18 years old
5 or more who is unable to fully take care or protect himself / herself from abuse,
6 neglect, cruelty, exploitation or discrimination because of a physical or mental
7 disability or condition shall be considered a minor.

8
9 A minor 15 years old or more but less than 18 years old or a person considered a
10 minor who commits a crime shall be subjected to appropriate proceedings, and if
11 charged with a crime punishable by penalty within level 5 and above, as defined
12 under section 25, shall be tried as an adult and, if convicted, liable to the penalty of
13 imprisonment.

14
15 A minor less than 15 years old does not incur criminal responsibility.

16
17 **Sec. 13. Insanity.** An insane person does not incur criminal responsibility. Insanity
18 is the total deprivation of the mental ability to appreciate the criminality of one's
19 conduct.

20
21 **Sec. 14. Defense.** A person acting in self defense or in defense of another does not
22 incur criminal responsibility. Defense is the action done in response to actual illegal
23 attack.

24
25 **Sec. 15. Lawful act.** A person who, while performing a legal act with due care,
26 causes an injury or damage does not incur criminal responsibility.

1 **Sec. 16. Lawful order or authority.** A person acting under lawful order or
2 authority does not incur criminal responsibility, unless such order or authority is
3 clearly not for a legal purpose.

4
5 **Sec. 17. Compulsion.** A person compelled to act by reason of fear, intimidation,
6 force, threat or some lawful cause does not incur criminal responsibility.

7
8 **Sec. 18. Imminent harm.** A person who, acting to avoid an imminent harm,
9 causes injury or damage does not incur criminal responsibility.

10
11 **Sec. 19. Persons responsible.** A person committing a crime is either a principal
12 or an accessory.

- 13 1. Principals are persons who commit a crime personally or through another.
14 Persons who agreed to commit a crime and commit it, regardless of the nature
15 or extent of participation, shall be punished as principals.
16 2. Accessories are persons who aid, abet or assist a principal.

17
18 **Sec. 20. Attempt to commit a crime.** An attempt is an act that leads to the
19 commission of a crime. It shall be punishable only when provided by this Code or
20 other criminal laws.

21
22 **Sec. 21. Modifying circumstances.** The two kinds of modifying circumstances
23 are aggravating circumstances and mitigating circumstances.

- 24 1. An aggravating circumstance results in the imposition of the penalty within
25 the higher duration of the penalty provided due to the presence of particular
26 circumstances manifesting a greater criminal perversity of the accused as

1 shown in the brutal and excessive manner or method which was consciously
2 adopted to facilitate the commission of the crime; or the taking advantage of
3 physical or mental disability or age to ensure impunity; or the flagrant
4 disregard by the accused of special personal conditions of the victim; and
5 other analogous circumstances.

- 6 2. A mitigating circumstance results in the imposition of the penalty within the
7 lower duration of the penalty provided due to the presence of particular
8 circumstances manifesting a lesser criminal perversity of the accused; or
9 showing that he/she has a mental disability, or has acted under a diminished
10 exercise of freedom of action, or intelligence, or is suffering from a physical or
11 mental defect that restricts his/her means of action, defense or
12 communication; and other analogous circumstances.

13
14 Mental disability is any mental illness, medical condition or defect
15 substantially decreasing the ability to appreciate the criminality of one's
16 conduct.

17
18 A mitigating circumstance may also be appreciated in favor of the accused if
19 he voluntarily surrenders to the police authorities or voluntarily pleads guilty
20 before the presentation of the prosecution's evidence in the criminal case filed
21 against him/her.

- 22
23 3. The court shall consider the established facts in the appreciation of the
24 modifying circumstances.

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Chapter 3

Penalties in General

Sec. 22. Purpose of penalties. Penalties are imposed for punishment, reformation and rehabilitation.

Sec. 23. Civil liability. An accused convicted of a crime shall be held civilly liable for damages arising from the crime. An accused acquitted of a crime by reasonable doubt may be held civilly liable where the evidence so warrants. The civil liability shall not be tried and decided in any other proceeding.

Sec. 24. Kinds of penalties. The kinds of penalties are:

1. Imprisonment is the deprivation of liberty by judicial decree through commitment of the offender for a fixed duration to any correctional facility.
2. Fine is the fixed monetary sanction imposed by a judge based on the severity of the crime committed and the ability of the offender to pay. It is imposed either as a principal or alternative penalty for the commission of a crime.
3. Community service is performance of unpaid work by an offender to compensate the injury inflicted to society by the crime committed. It shall be equivalent to the number of days of the offender's average daily income. It may be imposed by the court, with the consent of the offender, as an alternative penalty to imprisonment.
4. Disqualification or suspension permanently or for the duration of the sentence - deprives the offender of public office, profession or employment, elective or appointive, and any similar office or employment.

- 1 5. Suspension of the right to vote or be voted for in any election.
- 2 6. Civil interdiction for the duration of the sentence imposed - deprives the
- 3 offender of parental authority over children, guardianship rights, or the right
- 4 to manage and dispose of property.
- 5 7. Forfeiture of benefits is the disqualification of the offender from receiving any
- 6 portion or all of the benefits due.
- 7 8. Confiscation and forfeiture of proceeds and instruments of crime is integral to
- 8 every penalty. Proceeds and instruments of a crime shall be confiscated in
- 9 favor of the State unless they belong to a third party or are not subject of
- 10 lawful commerce.

11

12 **Sec. 25. Imposable penalties.** The penalties which may be imposed under this

13 Code are the following:

14

15 Principal Penalty

16

17 Term

18 Life imprisonment

19 Not less than 30 years and not more than

20 40 years, with or without parole and Fine

21 equivalent to 500 to 1000 times (in

22 multiples of one hundred) the average daily

23 income

24 Level 5

25 More than 20 years to 30 years and Fine

26 equivalent to 100 to 500 times (in multiples

 of one hundred) the average daily income

1	Level 4	More than 12 years to 20 years and Fine
2		equivalent to 10 to 100 times (in multiples
3		of ten) the average daily income
4		
5	Level 3	More than six years to 12 years and Fine
6		equivalent to 10 to 50 times (in multiples of
7		ten) the average daily income
8		
9	Level 2	More than one year to six years and Fine
10		equivalent to 10 to 20 times (in multiples of
11		five) the average daily income OR Fine only
12		of 50 to 100 times (in multiples of ten) the
13		average daily income or 5 to 10 times the
14		value of the property, whichever is higher
15		
16	Level 1	More than 10 days to one year and Fine
17		equivalent to one to 10 times the average
18		daily income OR Fine only of 10 to 50 times
19		(in multiples of ten) the average daily
20		income or 1 to 5 times the value of the
21		property, whichever is higher OR
22		community service

24 Accessory Penalty
25 Disqualification or suspension
26 Suspension of right of suffrage

1 Civil interdiction

2 Forfeiture of benefits

3 Confiscation and forfeiture of proceeds and instruments of the crime

4
5 Subsidiary Penalty

6 Community service

7
8 **Sec. 26. Imposition of penalties.** The imposition of penalties shall be guided by
9 the following:

- 10 1. The court shall impose the principal penalty and the accessory penalties, as
11 applicable.
- 12 2. Fine as a principal penalty or an alternative penalty shall be equivalent to a
13 multiple of the average daily income of the offender but in no case lower than
14 the daily minimum wage of the place where the crime was committed, or the
15 value of the property, in cases of property crimes.
- 16 3. Subsidiary penalty of community service shall be imposed when the offender
17 fails to pay the fine, subject to the following conditions:
- 18
- 19 a. The offender shall render daily community service at the rate of one (1)
20 day equivalent to the average daily income in the place where the crime
21 was committed.
- 22
- 23 b. Community service as a subsidiary penalty shall not exceed eight (8)
24 hours per day nor shall it exceed three (3) years, subject to the
25 following rules:

- 1 i. If Level 2 fine is not satisfied, community service shall not exceed
2 six (6) months;
- 3 ii. If the fine imposed is Level 3, community service shall not be more
4 than one (1) year;
- 5 iii. If the fine imposed is Level 4, community service shall not exceed
6 two (2) years; and
- 7 iv. If the fine is Level 5 and Level 6, the community service shall in no
8 case be beyond three (3) years.

9
10 c. No fraction of a day shall be included in the computation.

- 11
- 12 4. Community service may be included as one of the conditions for probation in
13 level 2 crimes.
- 14
- 15 5. The maximum of the imposable level shall be imposed upon repeat offenders.
- 16
- 17 6. The maximum of the imposable penalty shall be imposed upon an offender
18 who escapes from confinement.
- 19
- 20 7. Probation may be availed of for level 1 and 2 crimes.
- 21
- 22 8. A first time offender of a level 1 crime may render community service upon
23 application and approval of the Court.
- 24
- 25 9. The object, instrument or proceeds of the crime shall be destroyed,
26 confiscated or forfeited.

1 10. The court shall order the return of the property or its equivalent and
2 indemnification as damages.

3
4 **Sec. 27. Service of sentence.** The service of sentence shall be guided by the
5 following:

- 6 1. Service of sentence shall commence from the time the judgment becomes final
7 and the offender is placed in actual confinement.
- 8 2. Sentence shall be served in a government facility.
- 9 3. Preventive detention shall be credited to the term of imprisonment imposed.
- 10 4. Service of sentence shall be suspended if the offender becomes insane.
- 11 5. The penalty of two or more imprisonment terms shall be served
12 simultaneously.
- 13 6. Upon service of one-half of the penalty imposed, the convict may be eligible
14 for parole.

15
16 **Sec. 28. Extinction of criminal responsibility.** Criminal responsibility is
17 extinguished by:

- 18
19 1. Service of penalty – the imprisonment for the period fixed or provided in the
20 decision of the court and the payment of fine as provided in this Code.
- 21 2. Amnesty – sovereign grant by which all persons, or certain groups of persons,
22 who have committed a political offense are granted immunity.
- 23 3. Absolute Pardon – total extinction of the criminal liability of the individual to
24 whom it is granted without any condition, restores to the individual his/her
25 civil and political rights, and remits the penalty imposed for the particular
26 offense of which he/she was convicted.

1 4. Prescription – the State loses its right to prosecute after the lapse of the period
2 of time allowed in this Code.

3 5. Amicable settlement – agreement between the parties to settle their
4 differences except for crimes against the State under Title II and those
5 punishable from Level 4 to life imprisonment or their equivalent under special
6 laws, subject to the Court’s approval.

7
8 **Sec. 29. Diminution of criminal responsibility.** Criminal responsibility is
9 diminished by:

10 1. Conditional pardon – exemption of an individual, within certain limits or
11 conditions, from the punishment which the law inflicts for the offense
12 committed resulting in the partial extinction of his/her criminal liability.

13 2. Commutation of sentence – a reduction in the period of the imposed sentence.

14 3. Parole – conditional release of an offender from a correctional institution after
15 he/she has served the minimum of his prison sentence.

16
17 An inmate may be placed on health parole if found to be afflicted with
18 terminal illness or disease which cannot be treated while in the correctional
19 facility, provided, the release will not pose great danger to the persons
20 involved in the criminal case and to the community where the inmate intends
21 to stay or reside.

22
23 4. Probation - conditional release of an inmate after application to the court,
24 subject to conditions imposed by the court and to the supervision of a
25 probation officer.

- 1 5. Time deduction due to good conduct, loyalty and study, teaching and
2 mentoring while inmate is detained or serving sentence.

3
4 **Sec. 30. Prescription of crimes.** The prescription of crimes shall be governed by
5 the following rules:

- 6 1. Crimes punishable by life imprisonment do not prescribe. Level 5 crimes
7 prescribe in 25 years. Level 4 crimes prescribe in 15 years. Level 3 crimes
8 prescribe in 10 years. Level 2 crimes prescribe in five years. Level 1 crimes
9 prescribe in one year.
- 10 2. The period of prescription shall run from the day the crime was committed or
11 upon its discovery and no offense is charged against the offender.
- 12 3. The period of prescription shall not run when the crime is under any formal
13 proceedings or investigation but shall commence again when the proceedings
14 did not result in the filing of an information in court.

15
16 **Sec. 31. Appeal by the State.** The State may appeal from an acquittal, or when a
17 criminal action is dismissed or when there is mistrial.

18
19 **Sec. 32. Definition of terms.** For the purpose of consistency of criminal laws, the
20 following terms shall have their meanings:

- 21
- 22 1. Offended party - the State
- 23 2. Victim - a person who sustains injury or damage as a result of the commission
24 of a crime.
- 25 3. Respondent - a person under investigation for the commission of a crime.
- 26 4. Accused - a person charged in court with the commission of a crime.

- 1 5. Offender - a person who commits a crime.
- 2 6. Detainee - a person confined in a detention facility before promulgation of
- 3 judgment.
- 4 7. Judgment - an order or decision issued by a court which disposes a case.
- 5 8. Penalty - the punishment for the commission of a crime which includes
- 6 imprisonment, fine, forfeiture, damages to the offended party and the victims
- 7 including restitution, reparation, indemnification, suspension or removal
- 8 from office, disqualification from practice of profession or vocation,
- 9 deprivation or curtailment of rights or privileges and community service.
- 10 9. Inmate – a person serving sentence of imprisonment.
- 11 10. Correctional facility – a place of confinement for inmates where reformatory
- 12 measures are carried out by the State.
- 13 11. Prescription - the extinction of the right of the State to prosecute due to lapse
- 14 of time.

1 **Title 2**

2 **Crimes Against the State**

3
4
5 **Chapter 1**

6 **Crimes Against Existence of the State**

7
8 **SEC. 33. Treason.** Any person who:

- 9 1. During war time, renounces his/her allegiance to the State by committing acts
10 favoring the enemy, shall be punished with life imprisonment;
- 11 2. Renounces allegiance to the State by performing an act which places the State
12 in imminent threat of foreign domination or makes it dependent on a foreign
13 power, shall be punished within level 5;
- 14 3. Gathers, transmits, distorts or loses information or data respecting the
15 national security to the injury of the State or to the advantage of any group or
16 foreign nation whose purpose is to cause the State's downfall, shall be
17 punished within level 5;
- 18 4. Commits an act which provokes war or exposes Filipino citizens to reprisals
19 on their persons or property or violates regulations issued by the Philippine
20 government for the purpose of enforcing neutrality, shall be punished within
21 level 4.

22
23 If the offender is a public officer or employee, he/she shall be punished with the
24 penalty one level higher than that provided.

1 **Sec. 34. Rebellion.** Rebellion consists of participating in, supporting, or adhering
2 to an armed public uprising against the government committed under the following
3 circumstances:

- 4 1. Causing the removal of the Philippine territory or any of its part from the
5 allegiance to the government or its laws shall be punished within level 5;
- 6 2. Causing the removal of any branch or unit of the armed forces or other
7 government security forces from the allegiance to the government or its laws
8 shall be punished within level 5;
- 9 3. Depriving the Chief Executive, wholly or partially, of any of his/her powers or
10 prerogatives shall be punished within level 5;
- 11 4. Without taking up arms or being in open hostility against the government,
12 inciting others to the execution of any act of rebellion shall be punished within
13 level 4.

14
15 Life imprisonment shall be imposed if the offender in paragraphs 1, 2, and 3 is a
16 public officer or employee.

17
18 **Sec. 35. Coup d'etat.** Any member of the armed forces or any other government
19 security forces or any public officer or employee, with or without civilian support or
20 participation, who attacks, threatens or intimidates the duly constituted authorities
21 of the Philippines or attacks installations, utilities, equipment, facilities, or
22 establishments of vital national interest for the purpose of seizing or diminishing
23 state power shall be punished with life imprisonment.

24
25 An attempt to commit coup d'etat shall be punished within level 5.

1 **Chapter 2**

2 **Crimes Affecting State Functions**

3 Crimes Affecting Enforcement of Laws

4

5 **Sec. 36. Disrupting government proceedings and preventing attendance**
6 **in such proceedings.** Any person who, through force, fraud, coercion or
7 intimidation, prevents, disturbs or interrupts proceedings of government bodies
8 performing legislative, quasi-legislative or quasi-judicial functions under the
9 following circumstances:

- 10 1. Prevents, disturbs or interrupts the session of the Congress of the Philippines
11 or the meeting of any of its committees or subcommittees, the Constitutional
12 Commissions or committees or divisions thereof, or the local legislative bodies
13 shall be punished within level 3;
- 14 2. Prevents a member of Congress from attending its Sessions or meetings or
15 hearings of any of its committees or subcommittees, or from expressing
16 his/her opinions or casting his vote shall be punished within level 2; or
- 17 3. Prevents a member of the Constitutional Commissions or its committees or
18 divisions from attending its sessions, meetings, or hearings, or from
19 expressing his/her opinions or casting his vote shall be punished within level
20 3.
- 21

22 **Sec. 37. Assault upon authorities.** Any person who assaults a person in authority
23 or his/her agent performing official functions, or any person coming to the aid of
24 such authorities or their agents, shall be punished within level 3.

25

1 Any person who incites another to commit the crime of assault as defined in the
2 preceding paragraph shall be punished within level 2.

3
4 **Sec. 38. Disobedience to authorities.** Any person who willfully disobeys a
5 person in authority performing official functions shall be punished within level 1.
6 When the act of disobedience endangers life or property, the offender shall be
7 punished within level 2.

8
9 **Sec. 39. Obstruction of justice.** Any person who obstructs, impedes, frustrates or
10 delays the apprehension of suspects or the investigation or prosecution of criminal
11 cases, or intrudes in a crime scene shall be punished within level 3.

12
13 Obstruction of justice may be typically committed under the following
14 circumstances:

- 15 1. Harboring, concealing, facilitating the escape, or falsifying the identity of a
16 suspect, respondent, accused or offender;
- 17 2. Preventing, directly or indirectly, witnesses from identifying the offender,
18 reporting the commission of the crime, testifying in any criminal or
19 administrative investigation, or court proceedings through bribery,
20 misrepresentation, deceit, intimidation, force, threat, or by stalling the service
21 of processes or orders of or proceeding in the National Prosecutorial Services,
22 the Ombudsman or the courts.

23
24 Any person who solicits, accepts or agrees to accept any benefit to abstain
25 from, discontinue, impede or cause another to abstain or discontinue from
26 testifying in any criminal or administrative investigation, court proceedings or

1 by stalling the service of processes or orders of or proceedings in the National
2 Prosecutorial Services, the Ombudsman or the courts shall be punished under
3 this paragraph.

- 4
- 5 3. Altering, erasing, destroying, suppressing, concealing, falsifying, or fabricating
6 any evidence, information, paper, record, document, object, traces or prints in
7 a crime scene, any investigation, or in a criminal, civil or administrative case;
8 or making, using, or presenting altered, destroyed, falsified, or fabricated
9 information, paper, document, object, traces or prints in a crime scene, any
10 investigation, or in a criminal, civil or administrative case.

11

12 **Sec. 40. Facilitating escape of detainee or inmate.** Any person who
13 deliberately or through negligence removes, allows, or helps in the escape of any
14 detainee or inmate shall be punished within the same level imposable upon said
15 detainee or imposed upon said inmate. This crime, when committed by a public
16 officer or employee charged directly with the custody of the detainee or prisoner shall
17 be punished within the next higher level than that imposable upon the detainee or
18 imposed upon the prisoner.

19

20 Crimes Involving Graft and Corruption

21

22 **Sec. 41. Corruption.** Any public officer or employee who uses his/her public
23 position for private interest or personal gain, or any person who connives with such
24 public officer or employee shall be punished within level 4.

1 The following acts are punishable within level 5:

- 2 1. Performs, agrees to perform, induces, influences a public officer or employee
3 to perform an act, or refuse to act on any matter pending before him/her, in
4 connection with the performance of his/her official duties, in consideration of
5 any offer, promise, gift, present or anything of value.
- 6 2. Directly or indirectly requests or receives any gift or anything of value for
7 oneself or for any other person to:
 - 8 a. consider or approve any contract or transaction between the Government
9 and any other party;
 - 10 b. issue any Government permit or license; or
 - 11 c. perform an act requiring the approval of a board, panel or group of which
12 he/she is a member even if he/she votes against the same or does not
13 participate in the action thereof;
- 14 3. Enters into, in behalf of the Government, any contract or transaction
15 manifestly and grossly disadvantageous to the same; approves or grants any
16 license, permit, franchise, concession, privilege or benefit in favor of any
17 person or representative not qualified or not legally entitled thereto; divulges
18 and/or releases before the authorized date information of a confidential
19 character; knowingly nominates or appoints to any public office any person
20 lacking the legal qualifications therefor; receives any personal pecuniary
21 interest in any specific business enterprise which will be directly and
22 particularly favored or benefited by any law or resolution authored by
23 him/her, previously approved, or adopted by Congress, during the same term;
24 or gives any private party any unwarranted benefits, advantage or preference
25 in the discharge of his/her official functions through manifest partiality, bad
26 faith or inexcusable negligence.

1 Any person who participates in whatever capacity in any of the foregoing acts shall
2 suffer the same penalty as the public officer or employee.

3
4 **Sec. 42. Malversation.** Any public officer who is accountable for public funds or
5 property, or private funds or property under the custody of the law and who takes or
6 misappropriates the same, shall consent to, through abandonment or negligence, or
7 allow another to take such funds or property, or apply any public fund or property to
8 another use other than what the law or ordinance appropriates it for shall be guilty of
9 misappropriation of such funds or property and shall be punished:

- 10 1. Within level 3, if the amount involved in the misappropriation does not exceed
11 five hundred thousand pesos.
- 12 2. Within level 4, if the amount involved is more than five hundred thousand
13 pesos but does not exceed five million pesos.
- 14 3. Within level 5, if the amount involved is more than five million pesos.
- 15

16 The following shall be *prima facie* evidence of misappropriation:

- 17 a. Failure of a public officer to have duly forthcoming any public funds or
18 property with which he is chargeable, upon demand by any duly
19 authorized officer.
- 20 b. Failure of any public officer, upon retirement, resignation, or any other
21 mode of separation from service to render accounts.
- 22 c. Failure of an accountable public officer, who unlawfully leaves or attempts
23 to leave the country without rendering accounts.
- 24 d. Failure of a public officer, under obligation to deliver Government
25 property or make payment from Government funds in his possession, to
26 make such delivery or payment.

1 **Sec. 43. Disclosure or revelation of information or property.** Any public
2 officer or employee who, by reason of their office, is in custody of, authorized to
3 receive, have in their possession, comes into possession of, or is furnished with an
4 information or property and without authority, opens, communicates, furnishes,
5 transmits, or otherwise makes available to an unauthorized person, or publishes, or
6 uses information in any manner prejudicial or detrimental to the safety or interest of
7 any person or the Republic of the Philippines, its departments, offices, agencies,
8 bureaus, or instrumentalities shall be punished within Level 3.

9
10 Crimes Involving Abuse of Authority

11
12 **Sec. 44. Arbitrary restraint.** Any public officer or employee who restrains any
13 person without legal grounds shall be punished within level 3.

14
15 Insanity or uncontrollably violent behavior or any other ailment requiring the
16 compulsory confinement of the patient in a hospital shall be considered legal ground
17 for the detention of any person.

18
19 **Sec. 45. Violation of custodial investigation rights.** Any arresting or
20 investigating officer who fails to inform any person arrested, detained, or under
21 custodial investigation of the following rights during custodial investigation shall be
22 punished within level 3:

- 23 1. The right to be informed of the charge against him/her in a language known to
24 him/her and understood by him/her;

- 1 2. The right to remain silent and that any statement he/she makes may be used
2 against him/her;
- 3 3. The right to be informed that he/she may be assisted at all times by an
4 independent and competent lawyer, preferably of his/her own choice and that
5 if he/she has no lawyer one will be provided to him/her if he cannot afford the
6 services of a lawyer;
- 7 4. The right to be informed that whether or not he/she has an attorney no
8 custodial investigation in any form shall be conducted except in the presence
9 of his/her counsel or only after a valid waiver can be made;
- 10 5. The right to be informed that he/she has the right to waive any of these rights
11 provided the waiver is made freely and voluntarily, knowingly and
12 intelligently, and that with respect to the waiver of his/her rights to a lawyer
13 he/she must do so in writing in the presence of counsel otherwise even if
14 he/she insists on his/her waiver and chooses to speak his/her confession is
15 still inadmissible;
- 16 6. And finally, the right to be informed that he/she may indicate in any manner
17 and at any stage of the process that he/she does not wish to be questioned,
18 and that when he/she makes that indication, he/she may not be interrogated
19 and if this has been commenced it must cease. He/she must also be informed
20 that if there was an initial waiver of his/her right to remain silent he/she can
21 invoke it at any time thereafter.

22
23 The deliberate refusal of an arresting or investigating officer to provide a competent
24 and independent counsel after the said person communicates he/she cannot afford
25 one shall be penalized within level 2.
26

1 **Sec. 46. Delay in turn over for inquest.** Any public officer or employee who fails
2 to deliver any detainee, lawfully arrested without the benefit of warrant of arrest, to
3 the Office of the City or Provincial Prosecutor for the conduct of inquest proceedings
4 within the period of: twenty-four (24) hours for crimes or crime punished within
5 levels 1, 2, and 3; and thirty-six (36) hours, for crimes or crime punishable within
6 levels 4, 5, and life imprisonment, shall be punished within level 4.

7
8 **Sec. 47. Delaying release.** Any public officer or employee who unduly delays the
9 enforcement of a judicial or executive order or the service of notice of such order to
10 release a detainee or an inmate shall be punished within level 4.

11
12 **Chapter 3**

13 **Crimes Against State Interests**

14
15 **Sec. 48. Organized crime.** Any person who is a member of, organizes, maintains,
16 assists or utilizes a group of three or more persons for the purpose of committing or
17 continuously committing a crime defined in this Code or special penal laws to gain
18 pecuniary benefit, undue economic or other advantage, or political advantage for
19 oneself or any person shall be punished within level 3 without prejudice to the
20 conviction and punishment for violating other sections of this Code or special penal
21 laws.

22
23 The organization and maintenance of a private armed or organized crime group shall
24 encompass any activity in which a government official or employee, or private
25 person recruits for employment to operate as a private security force where: (1) in the
26 case of government official or employee, there is no provision in the plantilla of

1 his/her office for the employment of such number of security personnel; and (2) in
2 the case of a private person, his/her occupation or profession does not warrant the
3 recruitment and maintenance of security personnel. Any public official or employee
4 who allows a government official or employee, or a private person as above stated
5 shall be punished under this section.

6
7 **Sec. 49. Illegal assemblies.** Any person conducting or attending a meeting,
8 whether in a fixed place or moving, among armed persons for the purpose of
9 committing acts punishable by penal statutes shall be punished within level 3.

10
11 Any person conducting or attending a meeting, whether in a fixed place or moving,
12 for the purpose of inciting the audience to commit treason, rebellion, or coup d' etat
13 shall be punished within level 4.

14
15 **Sec. 50. Alarms.** Any person who commits any of the following acts shall be
16 punished within level 1:

- 17 1. Unlawfully challenging another person by uttering invectives resulting in the
18 breaching of tranquility or causing public disturbance or scandalizing the
19 public or creating public disorder;
- 20 2. Uttering words producing an immediate violent or disorderly reaction in
21 public;
- 22 3. Uttering words in a public forum which encourages disobedience to the law or
23 to duly constituted authorities or which praise or justify any act punishable by
24 law;
- 25 4. Willfully disturbing peace and order by maliciously producing discordant
26 noises;

- 1 5. Publicizing or causing to be publicized as news any false information, knowing
2 it to be false, which may cause damage to the interest of the State or endanger
3 public order; or
4 6. Lighting a firecracker or pyrotechnic device causing alarm among other
5 persons or producing danger in public.

6
7 However, discharging of firearms and the use of explosives causing alarm among
8 other persons or producing danger in public shall be punished within level 2.

9
10 **Title 3**

11 **Crimes Against Persons**

12
13 **Chapter 1**

14 **Crimes Affecting Life and Involving Harm**

15
16 **Sec. 51. Homicide.** Any person who kills another without lawful cause and not
17 defined as murder shall be punished within level 5.

18
19 An attempt to commit homicide shall be punished within level 3. The same
20 punishment shall be imposed if, in the course of committing any unlawful act, a
21 person is killed and the act is not considered as another crime under this Code or
22 another law.

23
24 Any person who acts as an accessory to homicide shall be punished within level 3.
25

1 **Sec. 52. Murder.** Any person who kills another under any of the following
2 circumstances shall be punished with life imprisonment:

- 3 1. With evident premeditation;
- 4 2. Using means to weaken or avoid defense by the victim;
- 5 3. Taking advantage of superior strength;
- 6 4. Using a motor vehicle;
- 7 5. On occasion of fire, earthquake or any other calamity;
- 8 6. By means of fire, poison, explosion, shipwreck, derailment of a train,
9 stranding of a vessel, or fall of an aircraft;
- 10 7. The victim is the offender's natural or legal father or mother or child or
11 spouse;
- 12 8. With cruelty by deliberately and inhumanly adding to the suffering of
13 the victim;
- 14 9. In consideration of a prize, reward, promise or other base motives.

15
16 An attempt to commit murder shall be punished within level 4.

17
18 Any person who acts as accessory to murder shall be punished within level 4.

19
20 **Sec. 53. Abortion.** Any person who terminates the pregnancy of any woman with
21 violence and without her consent shall be punished within level 3.

22
23 If the abortion is committed without violence and with her consent, the act shall be
24 punished within level 2.

1 If the abortion is committed by the woman herself or her parents, the act shall be
2 punished within level 1.

3
4 If the abortion is committed without violence by another person and without her
5 consent, the act shall be punished within level 2.

6
7 An attempt to commit abortion shall be punished within level 1.

8
9 Any person who acts as an accessory to abortion shall be punished within level 1.

10
11 **Sec. 54. Rape.** Any person who:

- 12 1. Through force, threat, or intimidation; when the victim is deprived of reason
13 or otherwise unconscious; by means of fraudulent machination or grave abuse
14 of authority; or when the victim is under twelve (12) years of age; commits an
15 act of sexual intercourse or sexual assault upon another non-consenting
16 person, by having his penis or any other object or instrument touch or
17 inserted into the victim's genital, anus or mouth, shall be punished within
18 level 5.

19
20 An attempt to commit rape under this sub-section shall be punished within
21 level 3.

22
23 Any person who acts as accessory to rape under this sub-section shall be
24 punished within level 3.

1 2. Rape committed under any of the following aggravating circumstances shall
2 be punished with life imprisonment:

- 3 a. Whenever the rape is committed with the use of a deadly weapon or by
4 two or more persons;
- 5 b. When by reason or on the occasion of the rape, the victim becomes
6 insane;
- 7 c. When by reason or on the occasion of the rape, homicide is committed;
- 8 d. When the victim is under eighteen (18) years of age and the offender is
9 a parent, ascendant, step-parent, guardian, relative by consanguinity or
10 affinity within the third civil degree, or the common-law spouse of the
11 parent of the victim;
- 12 e. When the victim is under the custody of the police or military
13 authorities or any law enforcement or penal institution;
- 14 f. When the rape is committed in full view of the spouse, parent, any of
15 the children or other relatives within the third civil degree of
16 consanguinity of the victim;
- 17 g. When the victim is a religious engaged in legitimate religious vocation
18 or calling and is personally known to be such by the offender before or
19 at the time of the commission of the crime;
- 20 h. When the victim is a child below seven (7) years old;
- 21 i. When the offender knows that he is afflicted with the Human Immuno-
22 Deficiency Virus (HIV) or Acquired Immune Deficiency Syndrome
23 (AIDS) or any other sexually transmissible disease and the virus or
24 disease is transmitted to the victim;
- 25 j. When committed by any member of the Armed Forces of the
26 Philippines or para-military units thereof or the Philippine National

1 Police or any law enforcement agency or penal institution, when the
2 offender took advantage of his position to facilitate the commission of
3 the crime;

4 k. When by reason or on the occasion of the rape, the victim has suffered
5 permanent physical mutilation or disability;

6 l. When the victim is pregnant at the time of the commission of the
7 crime; and,

8 m. When the victim is suffering from mental disability, emotional disorder
9 and/or physical handicap at the time of the commission of the crime.

10
11 An attempt to commit rape under this sub-section shall be punished within
12 level 4.

13
14 Any person who acts as accessory to rape under this sub-section shall be
15 punished within level 4.

16
17 **Sec. 55. Molestation.** Any person who commits an act that subjects or exposes
18 another to unwanted or improper sexual advances or activity shall be punished
19 within level 2.

20
21 If the victim is a child, the penalty shall be within level 3.

22
23 **Sec. 56. Physical assault.**

24 1. Any person who physically assaults another without inflicting any physical
25 injuries shall be punished within level 1.

- 1 2. If the assault results in physical injury, the penalty shall depend on the extent
2 of injury caused, as follows:
- 3 a. If the injury incapacitates the victim from performing his/her usual labor
4 or requiring medical attendance for a period not exceeding 9 days, the
5 penalty shall be within level 1.
- 6 b. If the injury incapacitates the victim from performing his/her usual labor
7 or requiring medical attendance for a period of at least 10 days and not
8 exceeding 30 days, the penalty shall be within level 2.
- 9
- 10 c. If the injury causes the victim to lose any body part or its use, or
11 incapacitates the victim from performing his/her usual labor or requiring
12 medical attendance for a period exceeding 30 days the penalty shall be
13 within level 3.
- 14 d. If the injury causes the victim to become insane, imbecile or impotent, the
15 penalty shall be within level 3.
- 16

17 Any person who acts as accessory to physical assault under this sub-section
18 shall be punished within level 1.

19

20 **Sec. 57. Reckless conduct.**

- 21 1. Any person who causes the physical injuries of another through negligence or
22 by reason of inexcusable lack of precaution while performing a lawful act,
23 shall be punished within level 2.
- 24 2. Any person who causes the death of another through reckless imprudence or
25 by reason of inexcusable lack of precaution while performing a lawful act shall
26 be punished within level 3.

1 **Chapter 2**

2 **Crimes Against Liberty and Security**

3
4 **Sec. 58. Kidnapping.**

- 5 1. Any person who kidnaps or detains another without lawful cause shall be
6 punished within level 5.

7
8 An attempt to kidnap or detain under this sub-section shall be punished
9 within level 4.

10
11 Any person who acts as accessory to kidnapping under this sub-section shall
12 be punished within level 4.

- 13
14 2. Kidnapping shall be punished with life imprisonment if any of the following
15 circumstances is present:

16 a. The offender demands any money or other forms of consideration to end
17 the detention;

18 b. The offender threatens to kill, injure or continue to detain another person
19 to compel a third party, namely: a State, an international or
20 intergovernmental organization, a natural or juridical person, or groups of
21 persons, to do or abstain from doing any act as an explicit or implicit
22 condition for the release of the person detained;

23 c. The victim is a minor, a woman or a person deprived of normal mental or
24 physical abilities;

25 d. The duration of the detention lasted for more than three days.
26

1 An attempt to commit kidnapping under this sub-section shall be punished
2 within level 5.

3
4 Any person who acts as accessory to kidnapping under this sub-section shall
5 be punished within level 5.

6
7 **Sec. 59. Illegal arrest.** Any person who arrests another without a warrant of
8 arrest or under circumstances not considered as lawful warrantless arrests shall be
9 punished within level 3.

10
11 **Sec. 60. Illegal search.**

- 12 1. Any person who obtains a search warrant without just cause or with a
13 misrepresentation as to any of the elements for obtaining a search warrant for
14 implementation, either by himself/herself or through another, shall be
15 punished within level 1.
- 16 2. Any person who legally obtains a search warrant but exceeds the authority
17 stated in said warrant shall be punished within level 1.
- 18 3. Any person who implements a search warrant and conducts a search and
19 seizure without the presence of the lawful occupant of the premises searched
20 or any member of his/her family, or, in case of premises without any
21 occupant, without the presence of at least two witnesses residing in the
22 locality, shall be punished within level 2.

23
24 **Sec. 61. Threats.** Any person who threatens another with the infliction of wrong or
25 harm to the latter's person, family, honor or property, shall be punished as follows:

- 1 1. If the threat is subject to a condition or any monetary consideration, if carried
2 out amounts to a crime, or if done in writing or using another person, the
3 penalty shall be within level 2.
- 4 2. Any person who threatens another to publish a libel against the latter or any
5 member of the latter's family unless compensation in money or other valuable
6 consideration is paid, shall be punished within level 3.
- 7 3. If the threat is done using a weapon, the penalty shall be within level 1.

8
9 **Sec. 62. Coercion.** Any person who compels another to perform an act or to
10 render service, except when authorized by law, or prevents another from performing
11 an act not otherwise prohibited by law shall be punished as follows:

- 12 1. If the compulsion of service is not a single occurrence, and the period of the
13 compulsion is for a continuous service perpetually or for a period of time, the
14 penalty shall be within level 3.
- 15 2. If the compulsion is done by means of violence, or consists of the performance
16 of a religious act or the prevention of its performance, the penalty shall be
17 within level 2.
- 18 3. If the compulsion to render service is for the purpose of payment of a debt,
19 monetary or otherwise, the penalty shall be within level 1.

20
21 **Sec. 63. Trespassing.** Any person who, not being authorized by law, enters the
22 premises of another without permission or against the will of the lawful occupant
23 shall be punished as follows:

- 24 1. If the offender is a public officer who is not authorized by a court order, the
25 penalty shall be within level 2.

- 1 1. If the value of the property stolen does not exceed 2,000 times the highest
2 minimum daily wage rate prevailing in the country at the time of commission
3 of the crime, the penalty shall be within level 1.
- 4 2. If the value of the property stolen exceeds 2,000 but does not exceed 5,000
5 times the highest minimum daily wage rate prevailing in the country at the
6 time of commission of the crime, the penalty shall be within level 2.
- 7 3. If the value of the property stolen exceeds 5,000 times but does not exceed
8 14,000 times the highest minimum daily wage rate prevailing in the country at
9 the time of the commission of the crime, the penalty shall be within level 3.
- 10 4. If the value of the property stolen exceeds the last mentioned amount, the
11 penalty shall be the highest number of years in level 3, and additional one year
12 of imprisonment shall be imposed upon the offender for every 4,000 times the
13 highest minimum wage rate in excess of the first mentioned amount, but the
14 total penalty that may be imposed shall not exceed twenty years.

15
16 Any person who attempts to commit theft under this sub-section shall be
17 punished within level 2.

18
19 Personal property may include gas, electricity, software, business, services and
20 electronic data.

21
22 **Sec. 67. Serious theft.**

- 23 1. A serious case of theft occurs if the offender steals –
 - 24 a. By breaking into enclosed premises or space using special, extraordinary,
25 or violent means, disguise, or similar method or strategy; by exploiting the
26 helplessness of another person, a calamity, an accident, or a common

1 danger; in a manner that puts the victim or his/her family in grave
2 economic situation; or on a commercial basis;

- 3 b. Property dedicated to religious worship or veneration or from a church or
4 space used for the practice of religion; anything of significance to science,
5 art or history or technical development; stored or transmitted electronic
6 data; electrical energy; firearm, explosive, or other military weapon; or
7 property protected by a sealed container or other protective equipment; or
8 c. With grave abuse of confidence.

- 9
10 2. Except in case of firearm, explosive, or other military weapon, an especially
11 serious case of robbery shall be excluded under sub-section (a) if the property
12 has a value of not more than twice the highest minimum wage rate prevailing
13 at the time and in the place of commission of the crime.

14
15 The offender in serious theft shall be punished within level 4.

16
17 Any person who attempts to commit serious theft shall be punished within level 3.

18
19 **Chapter 2**

20 **Robbery**

21
22 **Sec. 68. Robbery.**

- 23 1. Any person who, with intent to gain, takes or appropriates personal property
24 belonging to another with force, violence against, or intimidation of person
25 shall be punished within level 4.
26

- 1 2. When by means of violence against or intimidation of persons, the property
2 taken consists of any real property or when real rights are usurped in real
3 properties belonging to another, the offender shall be punished within level 4.
4

5 Any person who attempts to commit robbery shall be punished within level 3.
6

7 **Sec. 69. Serious robbery.** Serious robbery occurs when the offender:

- 8 1. Carries or uses a weapon or other dangerous instrument during the
9 commission of the crime, or during its commission (i) seriously abuses
10 another person physically; or (ii) places another person in danger of death;
11 2. Takes part, together with three or more armed offenders, in the commission of
12 the crime with violence against or intimidation of any person.
13

14 The offender who commits serious robbery shall be punished within level 5.
15

16 Any person who attempts to commit serious robbery shall be punished within level 4.
17

18 Any person who is present at the commission of robbery with violence against or
19 intimidation of any person shall be punished as principal of any of the assaults
20 committed, unless it is shown that he attempted to prevent the same.
21

22 Any person, who acts as an accessory to the crime under subsection (b) shall be
23 punished within level 4.
24
25
26

1 **Chapter 3**

2 **Unlawful destruction or damage of properties**

3
4 **Sec. 70. Arson.** Any person who unlawfully sets fire or burns any property shall be
5 punished within level 3.

6
7 **Sec. 71. Serious arson.** Serious arson occurs if the offender, by himself/herself or
8 with another person, burns:

- 9 1. Any building devoted to public utilities, or of inflammable or explosive
10 materials, or of public or private ownership, devoted to the public in general;
11 2. Any mode of transportation or conveyance for public use, entertainment or
12 leisure;
13 3. Any building to conceal or destroy evidence of a crime, conceal bankruptcy or
14 commit fraud;
15 4. Any property resulting in the death of a person;
16 5. Any property the value of which is 100,000 times the minimum daily wage
17 rate in the place where the crime is committed; or
18 6. Any building or structure referred above, as a consequence of burning any
19 other property.

20
21 The offender who commits serious arson shall be punished within level 5.

22
23 **Sec. 72. Damage to property.** Any person who destroys or damages any property,
24 the value of which does not exceed 5,000 times the highest minimum daily wage rate
25 prevailing in the country at the time of commission of the crime, shall be punished
26 not exceeding level 2.

1 **Sec. 73. Serious damage to property.** It is serious damage to property when the
2 offender:

- 3 1. Causes damage exceeding 5,000 times the highest minimum daily wage rate
4 prevailing in the country at the time of commission of the crime;
- 5 2. Causes damage to property rendered useless, inoperative or ineffective for its
6 intended economic purpose;
- 7 3. Damages any cultural property as determined by the National Historical
8 Commission, property in the custody of the National Library, any archive or
9 registry, or any property for public use or enjoyment;
- 10 4. Causes damage to waterworks, public or railway transport, or
11 telecommunication utilities;
- 12 5. Introduces a disease to livestock; or
- 13 6. Cuts, gathers, removes or smuggles, in violation of existing laws, rules, and
14 regulations, timber or other forest products.

15
16 The offender who commits serious damage to property shall be punished within level
17 3.

18
19 If the damage shall result in any derailment of cars or trains, collision or other
20 accident, the penalty to be imposed shall be within level 4.

21
22 The electric wires, traction cables, cellular sites, and other public utility machines
23 shall be deemed to constitute an integral part of a railway and telecommunications
24 system.

1 **Chapter 4**

2 **Fraud**

3
4 **Sec. 74. Fraud.** Any person who intentionally or deliberately misrepresents, alters
5 or conceals the truth, with or without the use of a scheme or artifice to induce
6 another to rely on it to part with money, anything of value or to surrender a legal or
7 property right or any material benefit shall liable for fraud and shall suffer the
8 penalty of imprisonment within level 2 and fine. Fraud typically occurs when the
9 offender -

- 10 1. Issuing check without sufficient funds. Any person who draws or issues any
11 check to apply on account or for value, knowing at the time of issue that there
12 is insufficient funds in or credit with the drawee bank for the payment of such
13 check in full upon its presentment, which check is subsequently dishonored by
14 the drawee bank for insufficiency of funds or credit or would have been
15 dishonored for the same reason had the drawer, without any valid reason,
16 ordered the bank to stop payment shall be punished within level 1 or a fine of
17 not less than equal or more than double the amount of the check which shall
18 in no case exceed 15,000 times the highest minimum wage rate in the
19 Philippines at the time when the crime was committed;
- 20 2. Having sufficient funds in or credit with a drawee bank when he/she makes or
21 draws and issues a check, fails to keep sufficient funds or to maintain a credit
22 to cover the full amount of the check if presented within 90 days from the date
23 appearing on the check, for which reason it is dishonoured;
- 24 3. Damages the property of another by influencing the result of a data processing
25 operation through incorrect configuration of a program, use of incorrect or
26 incomplete data, unauthorized use of data or other unauthorized influence on

1 the course of the processing or writes a computer program for material
2 benefit, or procures them for oneself or another, offers them for sale, or holds
3 or supplies them to another for illegal purposes;

4 Damages, destroys, impairs the usefulness of, disposes of or supplies to
5 another an object which is insured against destruction, damage, impairment
6 of use, loss or theft in order to obtain for oneself or a third party a payment
7 from the insurance; or

- 8 4. Uses fictitious name or assumes a false identity; or pretends -- (i) to possess
9 power, influence, authority, credit, agency, business or imaginary
10 transactions; (ii) to have particular qualifications of another; or (iii) to have,
11 or to be entitled to act in, a particular capacity by making a pretense to the
12 damage of another. A person assumes a false identity if the person pretends to
13 be, or passes oneself off as some other person. The other person may be living
14 or dead; real or fictional; natural or corporate.

15
16 **Sec. 75. Serious Fraud.** A serious case of fraud shall be punished within level 3 if
17 the offender -

- 18 1. Abuses powers or position as a public official;
19 2. Causes a major financial loss to a large number of persons, particularly the
20 poor, the oppressed and the marginalized, or puts them in danger of financial
21 loss by the continued commission of fraud; places another person in financial
22 hardship; defrauds a bank or banking institution; or
23 3. Acts on a commercial basis or as a member of a gang or legal entity the
24 purpose of which is the continued commission of forgery, counterfeiting or
25 fraud; perpetrates fraud against a government, its processes, obligations and
26 securities, or accountable documents; undermines judicial or official

1 proceedings, or when the fraud or falsity is made before a competent person
2 authorized to administer an oath or affirmation.

3
4 **Sec. 76. Fraud involving civil status.** Any person who causes alteration of,
5 confusion or doubt on the civil status of another shall be punished within level 3.

6
7 Any person who usurps the civil status of another for the purpose of defrauding the
8 victim or his heirs shall be punished within level 3; otherwise, the penalty within
9 level 2 shall be imposed.

10
11 **Sec. 77. Forgery.** Any person who, for the purpose of deception, produces, falsely
12 makes, alters, counterfeits, falsifies, passes off or offers to pass, as true and genuine,
13 any bill, coin or obligation document knowing them to be false, altered, forged, or
14 counterfeited shall be liable for forgery and shall suffer the penalty within level 2.

15
16 The attempt shall be punishable within level 1.

17
18 **Sec. 78. Serious forgery.** Serious forgery, which shall be punished within level 3,
19 occurs if the offender:

- 20 1. Commits forgery on a commercial basis or as a member of a gang organized
21 for the purpose;
22 2. Causes major financial loss;
23 3. Substantially endangers the security of legal commerce through a large
24 number of counterfeit money or falsified documents; or
25 4. Abuses his/her powers or his/her position as a public official.
26

1 **Sec. 79. Falsification.**

- 2 1. Any person shall suffer the penalty within level 2 when he/she:
- 3 a. Tampered, forges, or imitates any handwriting or signature;
- 4 b. Makes it appear that persons have participated in any act or proceeding
- 5 when they never really did;
- 6 c. Ascribes to someone who participated in an act or proceeding statements
- 7 other than those they actually made;
- 8 d. Falsely states something in a narration of facts;
- 9 e. Alters, erases, obliterates, deletes, removes or destroys a true entry in a
- 10 record;
- 11 f. Adds anything to or removes anything from a genuine document that
- 12 changes its meaning as a result;
- 13 g. Produces a document in a genuine form and passes it up as an original
- 14 copy when no such original exists, or includes in such a copy a statement
- 15 contrary to, or different from the genuine original; or
- 16 h. Inserts any instrument or note regarding its issuance in a protocol,
- 17 registry, or official book.

18

19 Any attempt shall be punishable within level 1.

20

21 Any person who possesses or uses a falsified document is presumed to have falsified

22 it.

23

24 **Sec. 80. Serious falsification.** Serious falsification, which shall be punished

25 within level 3, occurs when the acts enumerated in the preceding section is

26 committed by:

- 1
- 2 1. Any person, in relation to a public instrument or any document formally
- 3 offered or used in any litigation or arbitration;
- 4 2. An unauthorized person with respect to any bill, resolution or ordinance
- 5 enacted or approved or pending approval by either local or national
- 6 legislature;
- 7 3. A public officer or employee, or a notary, who takes advantage of his official
- 8 position in committing the falsification;
- 9 4. Any person with respect to any record or document that may affect a person's
- 10 civil status;
- 11 5. A physician or surgeon in relation to an issued medical certificate; or
- 12 6. A person who forges the signature of the President of the Philippines.
- 13

14 Chapter 5

15 Breach or Abuse of Trust

16

17 **Sec. 81. Breach or abuse of trust.** Any person who abuses the power accorded

18 him/her by statute, by commission of a public authority or legal transaction to

19 dispose of assets of another or to make binding agreements for another, or violates

20 his/her duty to safeguard the property interests of another incumbent upon him/her

21 by reason of statute, commission of a public authority, legal transaction or fiduciary

22 relationship, and thereby causes damage to the person, whose property interests

23 he/she was responsible for shall be penalized within level 3.

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Title 5

Final Provision

Sec. 82. Transitory provision. The Code does not apply to crimes committed prior to its effective date and prosecution for such crimes shall be governed by the prior law which is continued in effect for that purpose as if this Code were not in force. For the purposes of this section, a crime was committed prior to the effective date of the Code if any of the elements of the crime occurred prior thereto.

Sec. 83. Laws repealed. The following laws or provisions of laws are repealed:

1. Revised Penal Code (Act No. 3815, as amended)
2. Indeterminate Sentence Law (Act No. 4103, as amended)
3. Probation Law of 1976 (Presidential Decree No. 968, as amended)
4. An Act Providing for Enforcement of Conditions of Pardon (Act No. 1524)
5. An Act to Establish Periods of Prescription for Violations Penalized by Special Acts and Municipal Ordinances and to Provide When Prescription Shall Begin to Run (Act No. 3326)
6. Article 192, Child and Youth Welfare Code (Presidential Decree No. 603)
7. Section 66, Comprehensive Dangerous Drugs Act of 2002 (Republic Act No. 9165)
8. Sections 6, 7 and 20 of Republic Act No. 9344 - Juvenile Justice Welfare Act of 2006
9. Section 66 of Republic Act No. 9165 - Comprehensive Dangerous Drugs Act of 2002
10. Section 5 of Republic Act No. 9372 - Human Security Act of 2007
11. Section 22 of Republic Act No. 9745 - Anti-Torture Act of 2009

1 12. Republic Act No. 10159 - An Act Amending Article 39 of Act No. 3815, as
2 Amended

3 13. Section 12 Republic Act No. 8484 - Access Devices Regulation Act of 1998

4 14. Commonwealth Act 217 - Act Amending Articles 61, 70 and 71 of the Revised
5 Penal Code

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7 All other laws and issuances not consistent with the provisions of this Code are
8 hereby repealed.

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10 **Sec. 84. Continuing research.** A Criminal Justice Policy and Research Center is
11 created under the Department of Justice as the national criminal policy and research
12 center with the following functions:

- 13 1. Serves as the primary research arm of the government in evaluating and
14 advocating for reforms in the framework and philosophy of the criminal
15 justice system;
- 16 2. Provides analysis, evaluation and assistance to criminal justice agencies;
- 17 3. Adopts simple, modern and inter-disciplinary, holistic and systems approach;
- 18 4. Employs both empirical and theoretical methods to address gaps in statistical
19 data, working definitions and common usage fields in the criminal justice
20 system;
- 21 5. Simplifies processes and develop systems to improve the governance and
22 administration of the criminal justice system; and
- 23 6. Provides for guidelines in the implementation of this Code during the
24 transitory stage.

1 **Sec. 85. Separability.** If any portion of this Code, or its application to any person
2 or circumstance, is declared unconstitutional, the remaining unaffected portions or
3 the application of such portion to other persons or circumstances shall remain in full
4 force and effect.

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6 **Sec. 86. Effectivity.** This Act shall take effect fifteen (15) days after its complete
7 publication in at least two (2) national newspapers of general circulation.

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9 Approved,