



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

'17 MAR -6 A11 :59

SENATE

RECEIVED BY: 

SENATE BILL NO. 1360

---

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

---

**AN ACT**  
**AMENDING SECTION 11 OF REPUBLIC ACT NO. 3019, OTHERWISE**  
**KNOWN AS "THE ANTI-GRAFT AND CORRUPT PRACTICES ACT", AS**  
**AMENDED**

**EXPLANATORY NOTE**

Section 27, Article II, of the 1987 Constitution provides that "[t]he State shall maintain honesty and integrity in public service and take positive and effective measures against graft and corruption."

Section 1 of Republic Act 3019 or the "Anti-Graft and Corrupt Practices Act" (R.A. 3019) also provides that "[i]t is the policy of the Philippine Government, in line with the principle that a public office is a public trust, to repress certain acts of public officers and private persons alike which constitute graft or corrupt practices or which may lead thereto."

In the 2006 case of *Romualdez v. Marcelo*<sup>1</sup>, however, the Supreme Court granted the Motion for Reconsideration filed by therein petitioner Benjamin (Kokoy) T. Romualdez and dismissed the twenty-four (24) criminal cases for violation of Section 7 of R.A. No. 3019 filed against him on the grounds that the offenses had already prescribed, despite the fact that the accused was admittedly absent from the Philippines from 1986 to April 27, 2000.

Associate Justice Antonio T. Carpio dissented, reasoning that the second paragraph of Article 91 of the Revised Penal Code (RPC), which explicitly states that the absence of the accused from the Philippines shall be a ground for the tolling of the prescriptive period, suppletorily applies to R.A. No. 3019.

Addressing this point, the prevailing majority in the Supreme Court ruled that the second paragraph of Article 91 of the RPC cannot be given such suppletory application to R.A. No. 3019 because the latter law is not, in fact, silent on the particular matter of the running of the prescriptive period for the offenses defined and

---

<sup>1</sup> G.R. Nos. 165510-33, July 28, 2006.

punished therein. The Supreme Court held that it is Section 2 of Act No. 3326,<sup>2</sup> which provides that “[t]he prescription shall be interrupted when proceedings are instituted against the guilty person, and shall begin to run again if the proceedings are dismissed for reasons not constituting jeopardy,” that is applicable to R.A. No. 3019, the latter being a “special act” covered by the application of Act No. 3326,<sup>3</sup> and not Article 91 of the RPC.

The Supreme Court further ratiocinated that:

Even on the assumption that there is in fact a legislative gap caused by such an omission, neither could the Court presume otherwise and supply the details thereof, because a legislative lacuna cannot be filled by judicial fiat.

This measure, therefore, seeks to address the so-called legislative gap by amending R.A. 3019 and aligning it with the second paragraph of Article 91 of the Revised Penal Code. In other words, for crimes under R.A. 3019, absence of the accused in the Philippines will now be a ground for tolling of the prescriptive period.

For these reasons, the passage of the measure is earnestly sought.

  
LHILA M. DE LIMA

---

<sup>2</sup> “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,” which has been in effect since 4 December 1926.

<sup>3</sup> Under Section 3 thereof and for purposes of said law, “special acts shall be acts defining and penalizing violations of the law not included in the Penal Code”.



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

'17 MAR -6 A11 :59

SENATE

RECEIVED BY: \_\_\_\_\_

SENATE BILL NO. 1360

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

**AN ACT**  
**AMENDING SECTION 11 OF REPUBLIC ACT NO. 3019, OTHERWISE**  
**KNOWN AS "THE ANTI-GRAFT AND CORRUPT PRACTICES ACT", AS**  
**AMENDED**

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

**SECTION 1.** Section 11 of Republic Act No. 3019, as amended by Republic Act 10910, is further amended to read as follows:

"Sec. 11. Prescription of offenses - All offenses punishable under this Act shall prescribe in twenty years.

PROVIDED, THE TERM OF PRESCRIPTION SHALL NOT RUN WHEN THE OFFENDER IS ABSENT FROM THE PHILIPPINE ARCHIPELAGO."

**SEC. 2.** Separability Clause. - Should any provision of this Act be declared invalid, the remaining provisions shall continue to be valid and subsisting.

**SEC. 3.** Repealing Clause. - All laws, executive orders, or administrative orders, rules and regulations or parts thereof, which are inconsistent with this Act are hereby amended, repealed or modified accordingly.

**SEC. 4.** Effectivity. - This Act shall take effect fifteen (15) days after its publication in