

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

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SENATE
S. B. No. **1531**

RECEIVED BY:

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Penal Code, Article 223 and Article 224, penalize any public officer who consents to the escape of a prisoner, or, through negligence, allows evasion. However, these provisions have a very weak deterrent effect because of the relatively light penalties imposable on public officers for such infidelity in the custody of prisoners.

This bill seeks to end the escape of prisoners which have been ensured with the active participation of public officers by increasing the penalties for infidelity in the custody o prisoners.

This bill is a product of the public hearings conducted by the Committee on Constitutional Amendments, Revision of Codes and Laws during the 10th Congress.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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S. B. No. **1531**

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AN ACT
INCREASING THE PENALTY FOR INFIDELITY IN THE CUSTODY OF
PRISONERS, AMENDING FOR THE PURPOSE ARTICLE 223 AND 224, CHAPTER 5,
TITLE SEVEN, BOOK TWO OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS
THE PENAL CODE

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

SECTION 1. Article 223, Chapter 5, Title Seven, Book Two of Act No. 3815, as amended, otherwise known as the Penal Code is hereby amended to read as follows:

Article 223. Conniving with or consenting to evasion. – An public officer who shall consent to the escape of a prisoner in his physical custody or charge, shall be punished WITHOUT PREJUDICE TO OTHER LIABILITIES UNDER THE OTHER PROVISIONS OF THE PENAL CODE, AS FOLLOWS:

1. By *PRISON MAYOR* IN ITS MEDIUM AND MAXIMUM PERIODS (*prison correctional* in its medium and maximum periods) and PERPETUAL ABSOLUTE DISQUALIFICATION (temporary special disqualification in its maximum period to perpetual special disqualification), if the fugitive shall have been sentenced by final judgment to any penalty.
2. By *PRISON MAYOR* IN ITS MINIMUM PERIOD (*prison correctional* in its minimum period) and PERPETUAL ABSOLUTE DISQUALIFICATION (temporary special disqualification), in case the

fugitive shall not have been finally convicted but only held a as a detention prisoner for any crime or violation of law or municipal ordinance.”

SECTION 2. Article 224 of the same Act is hereby amended to read as follows:

“Article 224. Evasion through negligence. – If the evasion of the prisoner shall have taken place through the negligence of the officer charged with the conveyance or custody of the escaping prisoner, said officer shall suffer the penalties of *PRISION CORRECTIONAL* IN ITS MEDIUM AND MAXIMUM PERIODS (*arresto mayor* in its maximum period to *prision correctional* in its minimum period) and TEMPORARY ABSOLUTE DISQUALIFICATION (temporary special disqualification).”

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

Approved.

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