

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

'04 JUL 29 P 4:49

SENATE
S. B. No. 1561

RECEIVED BY: _____

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Banking industry liberalization allowed entry of many foreign banks. Competition among banks is keen that access to their services is very easy. Before, deposits or withdrawals were transacted over-the-counter inside the banks. Payment of utilities, insurance, or services were made by going to the establishment itself. Shopping was paid with currencies. Now, access devices have radically changed all these. Banking transactions as well as others that require transfer of funds may now be consummated by a single act of swiping an access device.

There is no law regulating the use of access devices. The growing number of transactions using access devices necessitate amending the Penal Code to include such fraudulent acts involving the use of access devices.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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

'04 JUL 29 P4:49

SENATE
S. B. No. 1561

RECEIVED BY: _____

Introduced by Senator Miriam Defensor Santiago

AN ACT
AMENDING THE PENAL CODE, ARTICLE 315

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

SECTION 1. The Penal Code, Article 315, is hereby amended by adding another paragraph to read as follows:

4. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH
ACCESS DEVICES –

(A) WHOEVER-

(1) KNOWINGLY AND WITH INTENT TO DEFRAUD,
PRODUCES, USES, OR TRAFFICES IN ONE OR MORE COUNTERFEIT
ACCESS DEVICES;

(2) KNOWINGLY AND WITH INTENT TO DEFRAUD
TRAFFICES IN OR USES ONE OR MORE UNAUTHORIZED ACCESS
DEVICES DURING ANY ONE YEAR PERIOD, AND BY SUCH CONDUCT
OBTAINS ANYTHING VALUE AGREGATING P25,000 OR MORE DURING
THAT PERIOD;

(3) KNOWINGLY AND WITH INTENT TO DEFRAUD
POSSESSES FIFTEEN (15) OR MORE DEVICES WHICH ARE COUNTERFEIT
OR UNAUTHORIZED ACCESS DEVICES;

(4) KNOWINGLY, AND WITH INTENT TO DEFRAUD
PRODUCES, TRAFFICES IN, HAS CONTROL OR CUSTODY OF, OR
POSSESSES DEVICE-MAKING EQUIPMENT;

FOR PURPOSES OF THIS SECTION, ACCESS DEVICE MEANS ANY
CARD, PLATE, CODE, ACCOUNT NUMBER, OR OTHER MEANS OF
ACCOUNT ACCESS THAT CAN BE USED, ALONE OR IN CONJUNCTION
WITH ANOTHER ACCESS DEVICE, TO OBTAIN MONEY, GOODS,
SERVICES, OR ANY OTHER THING OF VALUE, OR THAT CAN BE USED

TO INITIATE A TRANSFER OF FUNDS (OTHER THAN A TRANSFER
ORIGINATED SOLELY BY PAPER INSTRUMENT).

SECTION 2. *Repealing clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rules or regulations or part thereof, contrary to or inconsistent with the provision of this Act is hereby repealed, modified, or amended accordingly.

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

Approved.