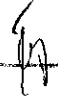


FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

7 JUL -2 11:56

SENATE

RECEIVED BY: 

Senate Bill No. 390

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

Article 177 of the Revised Penal Code (Act No. 3815, as amended) may be committed in two ways:

- (a) By knowingly and falsely representing oneself to be an officer, agent or representative of any department or agency of the Philippine Government or of any foreign government.
- (b) By performing any act pertaining to any person in authority or public officer of the Philippine Government or of foreign government or any agency thereof, under pretense of official position, and without being lawfully entitled to do so.

Our poor and uneducated countrymen are the usual victims of the violation of this particular penal provision. It is common that private individuals pretend to be police officers in perpetrating serious crimes like kidnapping or serious illegal detention to avoid resistance from their victims. Worse, many also complain of actual officials who are performing acts pertaining to another person in authority or officer of the government under pretense of official position even if he is not lawfully entitled to do so.

Such falsities, misrepresentations and/or usurpation of authority as defined in the aforementioned Revised Penal Code provision, should be treated more seriously by providing a heavier penalty. Presently, the penalty imposed is *prision correccional* in its minimum and medium periods. This is equivalent to imprisonment of six months and one day to two years and four months up to four years and two months.


The author submits that the penalty imposed is not commensurate to the kind of offense committed and the damage that may be incurred by the victim, especially if the perpetrator is a public official.

This bill seeks to amend Article 177 of the Revised Penal Code, as amended by increasing the penalty provided therein to *prision mayor* in its minimum and medium periods. Should the offender be a public official, the penalty to be imposed shall be *prision mayor* in its maximum period. In the light of the foregoing considerations, passage of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
AMENDING ARTICLE 177 OF THE REVISED PENAL CODE (ACT NO. 3815,
AS AMENDED) BY INCREASING THE PENALTY PROVIDED THEREIN, AND
FOR OTHER PURPOSES.

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

SECTION 1. Article 177 of the Revised Penal Code (Act. No. 3815, as amended) is hereby amended to read as follows:

“ART. 177 of authority or official functions. Any person who shall knowingly and falsely represent himself to be an officer, agent or representative of any department or agency of the Philippine Government or of any foreign government, or who, under pretense of official position, shall perform any act pertaining to any person in authority or public officer of the Philippine Government or of any foreign government, or any agency thereof, without being lawfully entitled to do so, shall suffer the penalty of *[prision correctional]* **PRISION MAYOR** in its minimum and medium periods; *PROVIDED, THAT IF THE OFFENDER IS A PUBLIC OFFICIAL, THE PENALTY TO BE IMPOSED SHALL BE IN ITS MAXIMUM PERIOD.*”

SEC 2. Repealing Clause. All laws, decrees, ordinances, rules and regulations, executive or administrative orders, and other presidential issuance inconsistent with this Act, are hereby repealed, amended or modified accordingly.

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

Approved,