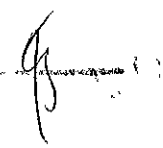


FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

7 JUL -3 1964

SENATE

RECEIVED BY



Senate Bill No. 685

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The Revised Penal Code, Article 39, 1st paragraph provides:

"If the convict has no property with which to meet the fine mentioned in paragraph 3 of the next preceding Article, he shall be subject to a subsidiary personal liability at the rate of one day for each eight pesos, x x x"


It is clear that if the convict has no property to pay the fine, he will have to suffer subsidiary imprisonment at the rate of one day for each P8.00 which he cannot pay.

The rate for subsidiary imprisonment is no longer realistic considering that the basis was the minimum wage prevailing at the time Article 39 of the Revised Penal Code was amended by Republic Act No. 5465 in April 1969. To conform with the current minimum wage, the rate for subsidiary imprisonment must be increased from P8.00 to at least P350.00.

This proposed amendment will inure to the benefit of the convict. From a measly sum of P8.00, his subsidiary imprisonment will now be at the rate of one day for each P350.00 which he cannot pay. It means a considerable reduction of number of days of subsidiary imprisonment in the event a convict does not have a property to pay the fine.

Hence, this bill seeks to adjust the amount of subsidiary imprisonment that a convict has to suffer from "one day for each P8.00" to "one day for each P350.00" which he cannot pay.

Immediate enactment of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
AMENDING ACT NO. 3815, ALSO KNOWN AS THE REVISED PENAL CODE,
AS AMENDED, ARTICLE 39, 1ST PARAGRAPH, ON SUBSIDIARY PENALTY

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

SECTION 1. Article 39, first paragraph of Act No. 3815, also known as the Revised Penal Code, as amended, is hereby amended to read as follows:

"Article 39. Subsidiary penalty - If the convict has no property with which to meet the fine mentioned in paragraph 3 of the next preceding Article, he shall be subject to a subsidiary personal liability at the rate of one day for each [eight] THREE HUNDRED FIFTY pesos, subject to the following rules:

x x x"

SEC 2. Separability Clause. - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC 3. Repealing Clause. - All laws, presidential decrees or issuances, executive orders, letters of instruction, administrative orders or rules and regulations, which may be inconsistent with this Act shall be deemed repealed, amended or modified accordingly.

SEC 4. Effectivity. - This Act shall take effect fifteen (15) days following its publication in two (2) newspapers of general circulation.

Approved,