

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

7 JUL -4 A8:59

SENATE  
S.B. No. 943

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Introduced by Senator Loren Legarda

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### EXPLANATORY NOTE

This bill seeks to increase the penalty of the crime of incriminatory machination, amending for the purpose Article 363 and 364 of the Revised Penal Code, to deter persons from committing the same due to the increased penalty.

The Revised Penal Code defines incriminatory machinations by two distinct crimes, to wit, incriminating innocent person and intriguing against honor. Incriminating innocent person is committed by any person who, by any act not constituting perjury, shall directly incriminate or impute to an innocent person the commission of a crime, while intriguing against honor is committed by any person who intrigues another for the principal purpose of blemishing the honor or reputation of a person.

By its nature, incriminatory machinations refer to acts done for mere vexing, harassing or injuring one's adversary and which tend to directly cause false prosecution. The present penalties imposed by the law are not commensurate to the injury or damage caused to the victim of false prosecution and intrigue. There is therefore a need to punish with greater severity individuals who are found guilty of incriminatory machinations.

This bill aims to do just that by increasing the penalty for incriminating innocent persons from arresto mayor or imprisonment for one month and one day to six months, to prision mayor, which means imprisonment from six years and one day to twelve years. The bill likewise increases the penalty for intriguing against honor from arresto menor or imprisonment for 1 to 30 days, to prision correccional, which means imprisonment from 6 months and one day to six years.

In view of the foregoing, immediate passage of the bill is earnestly sought.




LOREN LEGARDA  
Senator

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**AN ACT**  
**INCREASING THE PENALTY OF THE CRIME OF INCRIMINATORY**  
**MACHINATION, AMENDING FOR THE PURPOSE ARTICLE 363 OF THE**  
**REVISED PENAL CODE**

*Be it enacted by the House of Representative and the Senate of the Congress of the Philippines in session assembled:*

**SECTION 1.** Article 363 of Act No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby further amended to read as follows:

*"Art. 363. Incriminating innocent persons. - Any person who, by any act not constituting perjury, shall directly incriminate or impute to an innocent person the commission of a crime, shall be punished by [arresto mayor] **PRISON MAYOR IN ITS MINIMUM PERIOD.**"*

**SECTION 2.** Article 364 of Act No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby further amended to read as follows:

*"Art. 364. Intriguing Against Honor. - The penalty of [arresto menor] **PRISION CORRECCIONAL IN ITS MINIMUM PERIOD** or a fine not exceeding [200] **FIFTY THOUSAND** pesos shall be imposed for any intrigue which has for its principal purpose to blemish the honor or reputation of a person."*

**Sec. 3.** All laws, orders, decrees, rules and regulations and other parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

**SEC. 4. Separability Clause.** - If any provision of this Act is declared invalid, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

**SEC. 5. Repealing Clause.** - All laws, presidential decrees, executive orders and their implementing rules, inconsistent with the provisions of this act are hereby repealed, amended or modified accordingly.

**SEC. 6. Effectivity.** - This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,