

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

OFFICE OF
SECRETARY

10 JUL - 8 1977

SENATE -

Senate Bill No. 117

RECEIVED BY

Introduced by Senator GREGORIO B. HONASAN II

EXPLANATORY NOTE

Article 39 of the Revised Penal Code states that:

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

"x x x"

With the foregoing provision, it is clear that the subsidiary imprisonment is fixed at the rate of one (1) day for each eight pesos (P8.00) of the imposed fine.

This proposed measure seeks to adjust the amount of subsidiary imprisonment which a convict has to suffer from "one day for each P8.00" to "one (1) day for each P362.00". The reason for the adjustment is necessitated by the fact that the current rate of "one (1) day for each P8.00" subsidiary imprisonment is no longer realistic and practical considering that the basis thereof 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 to the current minimum wage, the subsidiary imprisonment must be increased from P8.00 to at least P362.00.

If enacted, this legislative proposal will benefit both the government and the inmates/convict. From a measly sum of P8.00, an inmate's/convict's subsidiary imprisonment will now be at the rate of one (1) day for each P362.00. The difference of P354.00 is truly substantial since this would mean a considerable reduction of number of days of subsidiary imprisonment in the event that a convict does not have property to pay the fine.

To illustrate, if an inmate/convict was sentenced to pay a fine of P1,000.00 and he has no property to pay the same, under this proposed bill, he/she shall suffer a subsidiary imprisonment of only two (2) days (P1,000.00 divided by P362.00), instead of one hundred and twenty five days (125) days (P1,000.00 divided by P8.00). Thus, this will also help decongest our already over-crowded jails.

The immediate approval of this bill is therefore earnestly sought.

GREGORIO B. HONASAN II
Senator

FIFTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

OFFICE OF THE SECRETARY

10 JUL -5 1917

SENATE

S. No. 117

RECEIVED BY

Introduced by SENATOR GREGORIO B. HONASAN II

AN ACT
ADJUSTING THE SUBSIDIARY IMPRISONMENT
FROM ONE DAY FOR EACH P8.00
TO ONE DAY FOR EACH P362.00,
AMENDING FOR THE PURPOSE ARTICLE THIRTY NINE
OF THE REVISED PENAL CODE OF THE PHILIPPINES,
AS AMENDED.

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

CHAPTER I
INTRODUCTORY PROVISIONS

SECTION 1. The first paragraph of Article Thirty-Nine of the Revised Penal Code, which provides,

“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 pesos, subject to the following rules:

X X X

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 **THREE HUNDRED SIXTY TWO PESOS (P362.00)**, subject to the following rules:

X X X

SECTION 2. All laws, orders, decrees and other issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 3. This act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation in the Philippines.

APPROVED,