

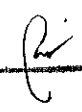
FIFTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )

SENATE  
OFFICE OF THE SECRETARY

JUL 27 10:35

SENATE

S. B. No. 2107

RECEIVED BY: 

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Introduced by Senator FRANCIS G. ESCUDERO

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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.

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.

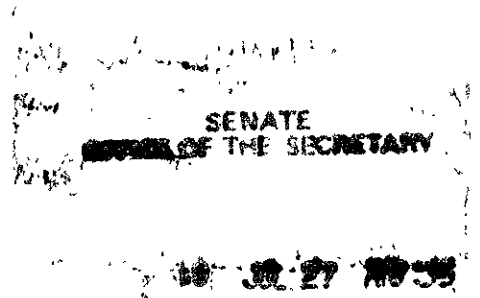
The authors submit that the penalty imposed is not commensurate to the kind of offense committed and the damage that may be incurred by the victim, especially if the perpetrator is a public official.

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.



FRANCIS G. ESCUDERO

FIFTEENTH CONGRESS OF THE )  
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AN ACT  
AMENDING ARTICLE 177 OF ACT NO. 3815,  
AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE

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

1       SECTION 1. Article 177 of Act. No. 3815, as amended, is hereby further  
2 amended to read as follows:

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

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

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

18       Approved,