

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

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SENATE
S. B. No. 2212

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The crime of unlawful appointments is punished under the Article 244 of the Revised Penal Code which provides:

Article. 244. Unlawful appointments. — Any public officer who shall knowingly nominate or appoint to any public office any person lacking the legal qualifications therefor, shall suffer the penalty of arresto mayor and a fine not exceeding 1,000 pesos.

The penalty for the crime of unlawful appointments is only arresto mayor which has a duration of one month and one day to six months. The flimsy penalty attached to the crime may be the reason why numerous public officers are appointed to a position even without possessing the proper qualification for the position.

The instant bill seeks to increase the penalty of unlawful appointments from arresto mayor to prision mayor and the fine attached to it of 1,000 pesos to 100,000 pesos in order to have a deterrent for such unlawful act.¹

aa. *Miriam Defensor Santiago*
MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed in the third regular session of the 14th Congress.

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OFFICE OF THE SECRETARY

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SENATE
S. No. 2212

RECEIVED

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 AMENDING ARTICLE 244 OF ACT NO. 3815, AS AMENDED, OTHERWISE
3 KNOWN AS THE REVISED PENAL CODE AND PROVIDING STIFFER
4 PENALTIES THEREOF

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

5 SECTION 1. *Amending Article 244 of the Revised Penal Code* - Art. 244 of Act
6 No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby further
7 amended to read as follows:

8 Article. 244. *Unlawful appointments.* — Any public officer who shall
9 knowingly nominate or appoint to any public office any person lacking the
10 legal qualifications therefor, shall suffer the penalty of PRISION MAYOR
11 and a fine not exceeding 100,000 pesos.

12 SECTION 2. *Separability Clause.* — If any provision or part thereof, is held
13 invalid or unconstitutional, the remainder of the law or the provision not otherwise
14 affected shall remain valid and subsisting.

15 SECTION 3 *Repealing Clause.* — Any law, presidential decree or issuance,
16 executive order, letter of instruction, administrative order, rule or regulation contrary to,
17 or inconsistent with the provisions of this Act is hereby repealed, modified or amended
18 accordingly.

19 SECTION 4. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
20 after its publication in at least two (2) newspapers of general circulation.

Approved.