FIFTEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES First Regular Session

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SENATE S. No. **2302**

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

This bill seeks to amend Act No. 3815, otherwise known as the Penal Code, Chapter 3, Article 310, by increasing the penalties for certain instances of qualified theft. The reason for the increase of penalty for certain cases of qualified theft is found in the debased form of criminality met in one who, in the midst of a great calamity, instead of lending aid to the afflicted, adds to their suffering by taking advantage of their misfortune to despoil them.

This bill is a product of the public hearings conducted by the Committee on Constitutional Amendments, Revision of Codes and Laws during the Tenth Congress.*

Miriam Defensor santiag

^{*} This bill was re-filed during the Thirteenth Congress, First Regular Session.

FIFTEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES First Regular Session

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SENATE OFFICE OF THE SPOPETARY

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SENATE S. No. **2302**

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	Introduced by Senator Miriam Defensor Santiago
1 2 3 4	AN ACT AMENDING ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE PENAL CODE, ARTICLE 310, TO INCREASE THE PENALTIES IN CERTAIN INSTANCES OF QUALIFIED THEFT
	Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:
5	SECTION 1. Article 310, Chapter 3 of Republic Act No. 3815, as amended, otherwise
6	known as the Penal Code, is hereby further amended to read as follows:
7	"ART. 310. Qualified Theft. – The crime of theft shall be punished by the
8	penalties next higher by two degrees than those respectively specified in the next
9	preceding articles, if committed by a domestic servant, or with grave abuse of
10	confidence, or if the property stolen is a motor vehicle, mail matter or large cattle
11	or consists of coconut taken from the premises of the plantation or fish taken from
12	a fishpond or fishery.
13	THE PENALTY OF RECLUSION TEMPORAL IN ITS MAXIMUM
14	PERIOD TO RECLUSION PERPETUA SHALL BE IMPOSED IF THE
15	PROPERTY IS TAKEN ON THE OCCASION OF THE FOLLOWING OR
16	IMMEDIATELY THEREAFTER:
17	A) FIRE, EARTHQUAKE, TYPHOON, VOLCANIC ERUPTION, FLOODS,
18	OR ANY OTHER CALAMITY NATURAL OR MAN-MADE;
19	B) CIVIL DISRUPTION OR DISTURBANCE, PUBLIC WANT OR
20	EMERGENCY; AND
21	C) ACCIDENTS INVOLVING LAND, SEA, AIR AND TRANSPORT. THE
22	PENALTY SHALL ALSO APPLY IF THE PROPERTY IS TAKEN FROM A

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VICTIM OF A CRIME COMMITTED BY ANOTHER, OR FROM PERSONS

 IN DISTRESS.

THE PENALTY OF RECLUSION PERPETUA SHALL BE IMPOSED IF THE 3 OFFENDER IS A LAW ENFORCEMENT AGENT OR OFFICER; A 4 BARANGAY OFFICIAL, IF SUCH HAPPENS IN HIS JURISDICTION; A 5 FIREMAN OF THE BUREAU OF FIRE PROTECTION AND OF OTHER 6 CIVIL ORGANIZATIONS EXERCISING THE SAME FUNCTIONS AND 7 ANY OTHER GOVERNMENT OFFICIAL OR EMPLOYEE ENTRUSTED 8 WITH A DUTY TO RENDER ASSISTANCE ON THE FOREGOING 9 OCCURRENCES." 10

11 SECTION 2. *Repealing Clause.* – Any law, presidential decree or issuance, executive 12 order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent 13 with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 3. *Effectivity Clause*. – This Act shall take effect fifteen (15) days after its
 publication in at least two (2) newspapers of general circulation.

Approved,