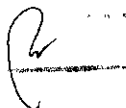


FIFTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )

OFFICE OF THE SECRETARY

10. AUG 10 P6:11

SENATE

RECEIVED BY: 

S. No. 2371

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Introduced by Senator FRANCIS G. ESCUDERO

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### EXPLANATORY NOTE

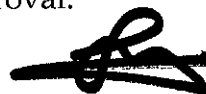
Article 39 of the Revised Penal Code provides that a convict, who has no property to pay fines, will be made to suffer a subsidiary imprisonment of one day for each ₱8.00 liability.

Clearly, this rate for subsidiary imprisonment was the prevailing minimum wage when Article 39 of the Revised Penal Code was amended by Republic Act No. 5465 in April 1969 - a rate that is therefore no longer realistic.

To conform to the current minimum wage as well as the tendency of the minimum wage rate to adjust seasonally, this bill proposes that the rate for subsidiary imprisonment must be adjusted from ₱8.00 to any amount equivalent to the highest minimum wage rate prevailing in the Philippines at the time of final conviction.

This proposed amendment will inure to the benefit of the convict, as this would mean a considerable reduction of number of days of subsidiary imprisonment - and conforming to present rates - in the event a convict does not have property to pay the fine.

This bill thus deserves immediate consideration and approval.



FRANCIS G. ESCUDERO

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**AN ACT  
AMENDING ARTICLE 39 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 Republic of the Philippines in Congress assembled:*

**SECTION 1.** Article 39 of Act No. 3815, as amended, is hereby further 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 [eight pesos] **AMOUNT EQUIVALENT TO THE HIGHEST MINIMUM WAGE RATE PREVAILING IN THE PHILIPPINES AT THE TIME THE JUDGMENT OF CONVICTION BECOMES FINAL**, subject to the following rules:

1. If the principal penalty imposed be *prision correccional* or *arresto* and fine, he shall remain under confinement until his fine referred in the preceding paragraph is satisfied, but his subsidiary

imprisonment shall not exceed one-third of the term of the sentence, and in no case shall it continue for more than one year, and no fraction or part of a day shall be counted against the prisoner.

2. When the principal penalty imposed be only a fine, the subsidiary imprisonment shall not exceed six months, if the culprit shall have been prosecuted for a grave or less grave felony, and shall not exceed fifteen days, if for a light felony.

3. When the principal penalty imposed is higher than *prision correccional* no subsidiary imprisonment shall be imposed upon the culprit.

4. If the principal penalty imposed is not to be executed by confinement in a penal institution, but such penalty is of fixed duration, the convict, during the period of time established in the preceding rules, shall continue to suffer the same deprivations as those of which the principal penalty consists.

5. The subsidiary personal liability which the convict may have suffered by reason of his insolvency shall not relieve him from the fine in case his financial circumstances should improve. (*As amended by R.A. no. 5465, which lapsed into law on April 21, 1969.*)

**SEC. 2.**     *Separability Clause.* – If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 3. *Repealing Clause.* - All laws, presidential decrees or issuances, executive orders, letters of instruction, administrative orders or rules and regulations, which may be inconsistent with this Act, shall be deemed repealed, amended or modified accordingly.

SEC. 4. *Effectivity.* - This Act shall take effect fifteen (15) days following its publication in two (2) newspapers of general circulation or the Official Gazette.

*Approved,*