

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

Secretary
Office of the Secretary

NOV 17 P2:35

S E N A T E

REPORT NO. 81

COMMITTEE REPORT NO. 81

Submitted jointly by the Committees on Justice and Human Rights *and* Constitutional Amendments, Revision of Codes and Laws on NOV 17 2011

Re: Senate Bill No. 3060

Recommending its approval in substitution of Senate Bill Nos. 1378, 2116, and 2213.

Sponsor: Senator Escudero

MR. PRESIDENT:

The Committees on Justice and Human Rights *and* Constitutional Amendments, Revision of Codes and Laws to which were referred Senate Bill No. 1378, introduced by Senator Loren Legarda, entitled:

**“AN ACT
AMENDING ARTICLES 363 AND 364 OF ACT NO. 3815, OTHERWISE
KNOWN AS THE REVISED PENAL CODE”**

S.No. 2116, introduced by Senator Francis G. Escudero, entitled:

**“AN ACT
AMENDING ARTICLES 363 AND 364 OF ACT NO. 3815, AS AMENDED,
OTHERWISE KNOWN AS THE REVISED PENAL CODE.”**

and S.No. 2213, introduced by Senator Miriam Defensor-Santiago, entitled:


**“AN ACT
AMENDING ARTICLE 364 OF ACT NO. 3815, AS AMENDED, OTHERWISE
KNOWN AS THE REVISED PENAL CODE.”**

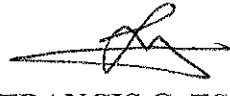
have considered the same and have the honor to report them back to the Senate with the recommendation that the attached Senate Bill No. 3060, prepared by the Committees, entitled:


**“AN ACT
AMENDING ARTICLES 363 AND 364 OF ACT NO. 3815, AS AMENDED,
OTHERWISE KNOWN AS THE REVISED PENAL CODE.”**

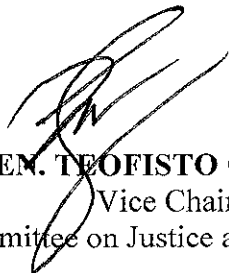
be approved in substitution of Senate Bill Nos. 1378, 2116 and 2213 with Senators Legarda, Escudero and Defensor-Santiago as authors thereof.

Respectfully submitted:

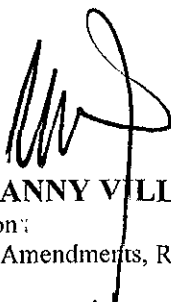

SEN. MIRIAM DEFENSOR SANTIAGO
Chairperson,
Committee on Constitutional Amendments,
Revision of Codes and Laws



SEN. FRANCIS G. ESCUDERO
Chairman,
Committee on Justice and Human Rights

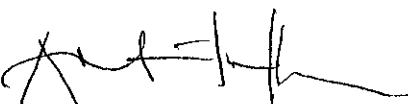

SEN. EDGARDO J. ANGARA
Vice Chairman,
Committee on Constitutional Amendments,
Revision of Codes and Laws

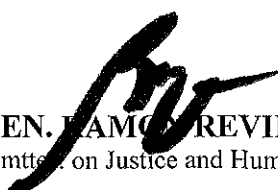

SEN. TEOFISTO GUINGONA III
Vice Chairman,
Committee on Justice and Human Rights

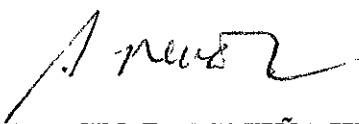
MEMBERS:

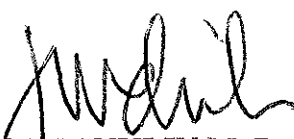

SEN. MANNY VILLAR
Cmttees. on:
Consti. Amendments, Revision of Codes and Laws

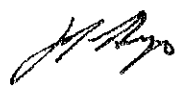

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Cmtte. on Justice and Human Rights



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Cmttes. on Justice and Human Rights
& Consti. Amendments, Revision of Codes and Laws


SEN. RAMON REVILLA, JR.
Cmtte. on Justice and Human Rights


SEN. SERGIO R. OSMEÑA III
Cmttee. on Justice and Human Rights

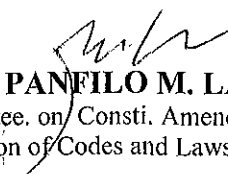

SEN. FRANKLIN M. DRILON
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SEN. JOKER P. ARROYO
Cmttee. on Justice and Human Rights



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Cmtmtee. on Consti. Amendments,
Revision of Codes and Laws

A. Pimentel


SEN. AQUILINO "KOKO" PIMENTEL, III
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Revision of Codes and Laws



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SEN. FERDINAND R. MARCOS, JR.
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Revision of Codes and Laws


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Senate Minority Floor Leader



SEN. VICENTE C. SOTTO III
Senate Majority Floor Leader



SEN. JINGGOY EJERCITO-ESTRADA
Senate President Pro-Tempore

HON. JUAN PONCE ENRILE
Senate President

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

Senate
Secretary of the Senate

NOV 17 12:35

SENATE

S. B. No. 3060

Prepared by the Committees on Justice and Human Rights and Constitutional Amendments, Revision of Codes and Laws with Senators Legarda, Escudero and Defensor-Santiago as authors thereof.

AN ACT
AMENDING ARTICLES 363 AND 364 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 363 of Act No. 3815, as amended, otherwise known as the
2 Revised Penal Code, is hereby further amended to read as follows:

3 “ART. 363. *Incriminating innocent person.* – Any person who, by any act not
4 constituting perjury, shall directly incriminate or impute to an innocent person
5 the commission of a crime, shall be punished by [arresto mayor] **PRISION**
6 **MAYOR IN ITS MINIMUM PERIOD.**”

7 **SEC. 2.** Article 364 of the same Act, is likewise hereby further amended to read
8 as follows:

9 “ART. 364. *Intriguing against honor.* – The penalty of [arresto menor] **PRISION**
10 **CORRECCIONAL IN ITS MINIMUM PERIOD** or fine not exceeding [200] **50,000**
11 pesos shall be imposed for any intrigue which has for its principal purpose to blemish
12 the honor or reputation of a person.”

13 **SEC. 3. *Separability Clause.*** If any provision of this Act is declared invalid, the
14 remainder of this Act or any provision not affected thereby shall remain in force and
15 effect.

1 **SEC 4 . *Repealing Clause.*** All laws, orders, decrees, rules and regulations, and
2 other parts thereof inconsistent with the provisions of this Act are hereby repealed,
3 amended or modified accordingly.

4 **SEC 5. *Effectivity.*** This Act shall take effect fifteen (15) days following its
5 publication in the Official Gazette or at least (2) newspapers of general circulation.

6 Approved,

'11 NOV 17 P2:27

SENATE
S. No. **306.1**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Under the Rome Statute of the International Criminal Court, every state party should provide in its national criminal law that the state has jurisdiction over certain international crimes.

At present, Section 17, paragraph 2, of Republic Act No. 9851, also known as "Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity," provides as follows:

In the interest of justice, the relevant Philippine authorities may dispense with the investigation or prosecution of a crime punishable under this Act, if another court or international tribunal is already conducting the investigation or undertaking the prosecution of such crime.

This provision is otiose and superfluous. On the one hand, under the principle of complementarity, it is the Philippines that has primary jurisdiction over international crimes. The general rule is that national jurisdiction will be primary at all times, when the state authorities regularly perform their functions of investigation or prosecution. The exception to the general rule is that the International Criminal Court will assume jurisdiction in case the state is unwilling or unable to investigate or prosecute.

On the other hand, under this particular provision of R.A. No. 9851, Philippine law surrenders primary jurisdiction to an international tribunal. Hence, this provision should be repealed.


MIRIAM DEFENSOR SANTIAGO