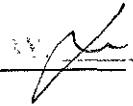


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S E N A T E

RECEIVED



COMMITTEE REPORT NO. 83

Submitted by the Committee on Justice and Human Rights on
NOV 17 2011

Re: S. No. 2107

Recommending its approval without amendment, taking into consideration
S.No. 2388

Sponsor: Senator Escudero

MR. PRESIDENT:

The Committee on Justice and Human Rights, to which was referred
S. No. 2107, introduced by Senator Francis G. Escudero entitled:

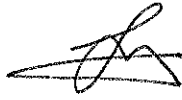
**“AN ACT
AMENDING ARTICLE 177 OF ACT NO. 3815, AS
AMENDED, OTHERWISE KNOWN AS THE REVISED
PENAL CODE”**

taking into consideration S.No. 2388, introduced by Senator Jinggoy
Ejercito-Estrada, entitled:

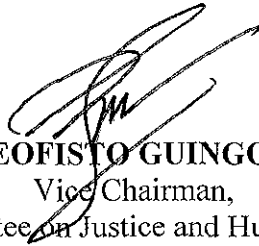
**“AN ACT
AMENDING ARTICLE 177 OF ACT NO. 3815 AS
AMENDED, OTHERWISE KNOWN AS THE REVISED
PENAL CODE”**

has considered the same and has the honor to report it back to the Senate
with the recommendation that S.No. 2107 be approved without amendment,
taking into consideration S. No. 2388, with Senators Escudero and Estrada
as authors thereof.

Respectfully submitted:

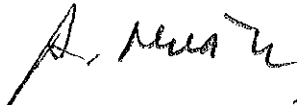


SEN. FRANCIS G. ESCUDERO
Chairman,
Committee on Justice and Human Rights

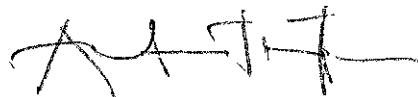


SEN. TEOFISTO GUINGONA III
Vice Chairman,
Committee on Justice and Human Rights

MEMBERS:



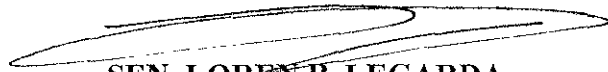
SEN. SERGIO R. OSMEÑA III



SEN. ANTONIO F. TRILLANES IV



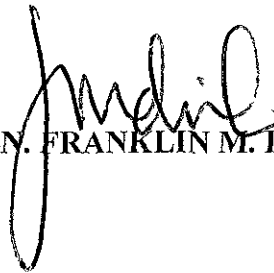
SEN. MANNY VILLAR



SEN. LOREN B. LEGARDA



SEN. RAMON REVILLA, JR.



SEN. FRANKLIN M. DRILON



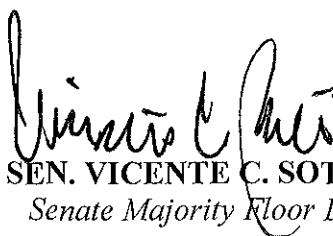
SEN. JOKER P. ARROYO

A. Pimentel (with minor amendments)
SEN. AQUILINO "KOKO" PIMENTEL, III

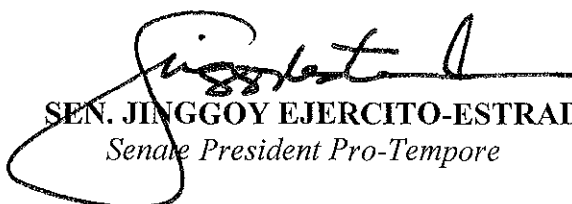
Ex-Officio Members:



SEN. ALAN PETER CAYETANO
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)
First Regular Session)

SENATE
OFFICE OF THE SECRETARY
JUL 27 1935

SENATE

S. B. No. 2107

RECEIVED BY: 

Introduced by Senator FRANCIS G. ESCUDERO

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 prison 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.

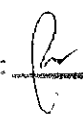
The authors submit that the penalty imposed is not commensurate to the kind of offense committed and the damage that may be incurred by the victim, especially if the perpetrator is a public official.

This bill seeks to amend Article 177 of the Revised Penal Code, as amended by increasing the penalty provided therein to prison mayor in its minimum and medium periods. Should the offender be a public official, the penalty to be imposed shall be prison 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)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE
OFFICE OF THE SECRETARY
JUL 27 1934
RECEIVED BY: 

SENATE

S. B. No. 2107

Introduced by Senator FRANCIS G. ESCUDERO

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 **PRISON 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,

SENATE

Senate Bill No. 2388

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

This bill seeks to amend Article 177 of the Revised Penal Code, as amended by increasing the penalty for falsities, misrepresentations and/or usurpation of authority to *prision mayor* in its minimum and medium periods. If the offender is a public official, the penalty to be imposed shall be *prision mayor* in its maximum period. At present, the penalty is *prision correccional* in its maximum and medium periods which is equivalent to imprisonment of six months and one day to two years and four months up to four years and two months.

Article 177 may be violated thru (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.

This measure is a consolidated/substituted bill drafted by the Committee on Justice and Human Rights during the 14th Congress.

In view of the foregoing, approval of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

10 AUG 12 00:57

SENATE

Senate Bill No. 2388

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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:

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

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

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

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

Approved,