

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



Senate
Office of the Secretary

13 JUL -4 18:04

SENATE

S. B. No. 427

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Introduced by Senator FRANCIS G. ESCUDERO

EXPLANATORY NOTE

Alternative dispute resolution or ADR has become an effective legal mechanism in settling controversies or disputes in court.

As a way of encouraging ADR and promoting its use, this bill seeks to provide the benefit, favorable to the accused, of lowering the penalty in case of conviction in criminal cases where the civil aspect of which is settled with finality through or by ADR.

It is submitted that with this proposal, criminal cases will be resolved with dispatch especially in determining and satisfying civil liability at the least which is impliedly instituted in the filing of such cases in court.

An immediate deliberation of this bill is thus requested.

FRANCIS G. ESCUDERO



13 JUL -4 A8 04

SENATE

S. B. No. 427

RECEIVED BY: *[Signature]*

Introduced by Senator FRANCIS G. ESCUDERO

AN ACT
MANDATING THE IMPOSITION OF PENALTY LOWER THAN THAT PRESCRIBED
BY LAW IN CRIMINAL CASES THE CIVIL CASE OF WHICH IS SETTLED
THROUGH OR BY ALTERNATIVE DISPUTE RESOLUTION AMENDING FOR
THAT PURPOSE REPUBLIC ACT NO. 9285

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

1 SECTION 1. A new section is hereby added under Chapter 8 of Republic Act No. 9285
2 to be numbered and read as follows:
3

4 "SEC. 54. EFFECTS OF ADR ON CRIMINAL CASES. – IN
5 CRIMINAL CASES WHERE THE CIVIL ASPECT OF WHICH IS
6 SETTLED WITH FINALITY BY ADR THE PENALTY TO BE IMPOSED
7 SHALL BE AT LEAST TWO (2) DEGREES LOWER THAN THAT
8 PRESCRIBED BY LAW. IF THE SUBJECT OFFENSE CANNOT BE
9 LOWERED BY TWO (2) DEGREES PURSUANT TO ARTICLE 61 OF
10 THE REVISED PENAL CODE (RPC) THEN THE PENALTY TO BE
11 IMPOSED SHALL BE FROM THE MINIMUM TO THE NEXT LOWER
12 PENALTY PRESCRIBED BY LAW."
13

14 SEC. 2. The sections subsequent to the provisions in Section 1 hereof are hereby
15 renumbered as SECTIONS 55 to 57 accordingly.
16

17 SEC. 3. All laws, decrees, executive orders and rules and regulations inconsistent
18 with the provisions of this Act are hereby repealed and modified accordingly.
19

20 SEC. 4. This Act shall take effect 15 days following its complete publication in at
21 least two (2) newspapers of general circulation.
22

23 *Approved,*