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



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SENATE

RECEIVED BY: 

S. B. No. 708

Introduced by Senator FRANCIS G. ESCUDERO

EXPLANATORY NOTE

This bill seeks to increase the penalty of the crime of incriminatory machination, amending for the purpose Article 363 and 364 of the Revised Penal Code, to deter persons from committing the same due to the increased penalty.

The Revised Penal Code defines incriminatory machinations by two distinct crimes, to wit, incriminating innocent person and intriguing against honor. Incriminating innocent person is committed by any person who, by any act not constituting perjury, shall directly incriminate or impute to an innocent person the commission of a crime, while intriguing against honor is committed by any person who intrigues another for the principal purpose of blemishing the honor or reputation of a person.

By its nature, incriminatory machinations refer to acts done for mere vexing, harassing or injuring one's adversary and which tend to directly cause false prosecution. The present penalties imposed by the law are not commensurate to the injury or damage caused to the victim of false prosecution and intrigue. There is therefore a need to punish with greater severity individuals who are found guilty of incriminatory machinations.

This bill aims to do just that by increasing the penalty for incriminating innocent persons from *arresto mayor* or imprisonment for one month and one day to six months, to *prision mayor*, which means imprisonment from six years and one day to twelve years. The bill likewise increases the penalty for intriguing against honor from *arresto menor* or imprisonment for 1 to 30 days, to *prision correccional*, which means imprisonment from 6 months and one day to six years.

In view of the foregoing, immediate passage of the bill is earnestly sought.

FRANCIS G. ESCUDERO

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Office of the Secretary

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Introduced by Senator FRANCIS G. ESCUDERO

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.

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17 other parts thereof inconsistent with the provisions of this Act are hereby repealed,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

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

21 *Approved,*