

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



Senate
Office of the Secretary

13 OCT -3 P5:59

SENATE
S. B. No. 1817

RECEIVED BY. *ja*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The crime of unlawful appointments is punished under the Article 244 of the Penal Code which provides:

Article. 244. Unlawful appointments. — Any public officer who shall knowingly nominate or appoint to any public office any person lacking the legal qualifications therefor, shall suffer the penalty of *arresto mayor* and a fine not exceeding 1,000 pesos.

The penalty for the crime of unlawful appointments is only *arresto mayor* which has a duration of one month and one day to six months. The flimsy penalty attached to the crime may be the reason why numerous public officers are appointed to a position even without possessing the proper qualification for the position.

The instant bill seeks to increase the penalty of unlawful appointments from *arresto mayor* to *prision mayor* and the fine attached to it of 1,000 pesos to 100,000 pesos in order to deter such unlawful act.*

ack.
Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed in the third regular session of the 14th Congress.



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SENATE
S. No. 1817

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1 AN ACT
2 AMENDING ARTICLE 244 OF ACT NO. 3815, AS AMENDED,
3 OTHERWISE KNOWN AS THE PENAL CODE

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

4 SECTION 1. Article 244 of Act No. 3815, as amended, otherwise known as the Penal
5 Code, is hereby further amended to read as follows:

6 "Article. 244. *Unlawful appointments.* — Any public officer who shall
7 knowingly nominate or appoint to any public office any person lacking the legal
8 qualifications therefor, shall suffer the penalty of **PRISION MAYOR** [*arresto*
9 *mayor*] and a fine not exceeding **100,000** [1,000] pesos.

10 SECTION 2. *Repealing Clause.* — Any law, presidential decree or issuance, executive
11 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent
12 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

13 SECTION 3. *Effectivity Clause.* — This Act shall take effect fifteen (15) days after its
14 publication in at least two (2) newspapers of general circulation.

Approved,