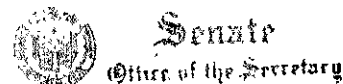


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



15 MAY 18 P4:39

SENATE
S. B. No. 2771

RECEIVED BY: *[Signature]*

Introduced by Senator Miriam Defensor Santiago

AN ACT
AMENDING SECTION 10 OF REPUBLIC ACT NO. 8484, ALSO KNOWN AS AN
ACT REGULATING THE ISSUANCE AND USE OF ACCESS DEVICES,
PROHIBITING FRAUDULENT ACTS COMMITTED RELATIVE THERETO,
PROVIDING PENALTIES AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The Constitution, Article 2, Section 5, provides:

The maintenance of peace and order, and the protection of
...property, and the promotion of the general welfare are essential for he
enjoyment by all the people of the blessings of democracy.

The current law prohibiting fraudulent acts in relation to the production,
acquisition, and use of access devices is outdated, such that the penalties prescribed are
no longer commensurate to the crimes committed. In effect, as recent news reports would
claim, those responsible for trafficking numerous access devices and those who are repeat
offenders do not feel the full brunt of the law. Likewise, those who simply possess
fraudulently obtained access devices or counterfeit access devices suffer the same penalty
as those who traffic fraudulent devices.

This bill seeks to update the penalties prescribed in the Access Devices Regulation
Act in order to curb the increasing number of those who engage in the trafficking of
fraudulently obtained access devices, and to deter syndicates from committing any of the
prohibited acts enumerated under R.A. No. 8484. This bill also aims to address the
iniquitous disparity between the law's prohibited acts and their corresponding penalties.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
70

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



15 MAY 18 P 4 :39

SENATE
S. B. No. 2771

RECEIVED BY: _____

Introduced by Senator Miriam Defensor Santiago

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

1 AN ACT
2 AMENDING SECTION 10 OF REPUBLIC ACT NO. 8484, ALSO KNOWN AS AN
3 ACT REGULATING THE ISSUANCE AND USE OF ACCESS DEVICES,
4 PROHIBITING FRAUDULENT ACTS COMMITTED RELATIVE THERETO,
5 PROVIDING PENALTIES AND FOR OTHER PURPOSES

6 SECTION 1. Republic Act No. 8484, Section 10 is hereby amended to read as
7 follows:

8 Section 10. *Penalties.* – Any person committing any of the acts
9 constituting access device fraud enumerated in the immediately preceding
10 section shall be punished with:

11 **(a) A FINE OF TWENTY THOUSAND PESOS (₱20,000.00) OR**
12 **TWICE THE VALUE OBTAINED BY THE OFFENDER,**
13 **WHICHEVER IS GREATER AND IMPRISONMENT FOR**
14 **NOT LESS THAN TWO (2) YEARS AND NOT MORE**
15 **THAN SIX (6) YEARS, IN THE CASE OF AN OFFENSE**
16 **UNDER SECTION 9 (E), (I), (K), (L), (O), AND (P), WHICH**
17 **DOES NOT OCCUR AFTER A CONVICTION FOR**
18 **ANOTHER OFFENSE UNDER SECTION 9;**

19 (b) a fine of ~~₱~~ TWENTY thousand pesos (₱10,000.00)
20 (₱20,000.00) or twice the value obtained by the offense,

1 whichever is greater and imprisonment for not less than six (6)
2 years and not more than ten (10) years, in the case of an offense
3 under Section 9 ~~(b)-(e) and (g)-(p)~~ **(C), (D), (H), (J), (M), AND**
4 **(N)**, which does not occur after a conviction for another offense
5 under Section 9;

6 (b) a fine of ~~Ten FIFTY~~ **FIFTY** thousand pesos ~~(P10,000.00)~~ **(P50,000.00)**
7 or twice the value obtained by the offense, and imprisonment for not less
8 than ten (10) years and for not more than twelve (12) years, in the case of
9 an offense under Section 9 (a)-**(B)**, and (f)-**(G)** of the foregoing section,
10 which does not occur after a conviction for another offense under Section 9;
11 and

12 (c) a fine of ~~Ten ONE HUNDRED~~ **ONE HUNDRED** thousand pesos ~~(P10,000.00)~~
13 **(P100,000.00)** or twice the value obtained by the offense, or imprisonment
14 for not less than twelve (12) years and not more than twenty (20) years, or
15 both, in the case **ANY OFFENSE UNDER SECTION 9 WAS**
16 **COMMITTED BY A SYNDICATE OF THREE OR MORE PEOPLE**
17 **OR IN THE CASE ANY** offense under Section 9 ~~which~~ occurs after a
18 conviction for another offense under said subsection, or an attempt to
19 commit the same.

20 SECTION 2. *Separability Clause.* – If any provision, or part hereof, is held invalid
21 or unconstitutional, the remainder of the laws or the provision not otherwise affected
22 shall remain valid and subsisting.

23 SECTION 3. *Repealing Clause.* – Any law, presidential decree or issuance,
24 executive order, letter of instruction, administrative order, rule or regulation contrary to

1 or inconsistent with the provisions of this Act is hereby repealed, modified, or amended
2 accordingly.

3 SECTION 4. *Effectivity Clause.* – This Act shall *take* effect fifteen (15) days after
4 its publication in at least two (2) newspapers of general publication.

Approved,

at30April2015