

THIRTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
First Regular Session

OFFICE OF THE SECRETARY

NOV 20 11 00

SENATE  
S.B. No. 1038

RECEIVED BY: Abela

---

Introduced by Senator Jinggoy Ejercito Estrada

---

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 any foreign government.
- b. By performing any act pertaining to any person in authority or public officer of the Philippine Government or of a foreign government or any agency thereof, under pretense of official position, and without being lawfully entitled to do so.

Our poor or uneducated countrymen are the usual victims of the violation of this particular penal provision. Not a few come to this author's office complaining that persons pretending to be police officers accosted and extorted money from them. It is also common that private individuals pretend to be police officers in perpetrating serious crime like kidnapping or serious illegal detention to avoid resistance from their victims. Worse, many also complained of actual public officials who are performing acts pertaining to another person in authority or public 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, as defined in the aforementioned Revised Penal Code provision, should be treated more seriously by providing a heavier penalty. Presently, the penalty imposable is *prision correctional* in its minimum and medium periods. This simply means a possible imprisonment of six months and one day to two years and four months (*prisoin correctional* in its minimum period); or two years, four months and one day to four years and two months (*prision correctional* in its medium period). The author submits that the penalty imposable is not

commensurate to the kind of offense committed and the damage that may be incurred to the victim, especially if the perpetrator is a public official.

This bill seeks to amend Article 177 of the Revised Penal Code (Act no. 3815, as amended) by increasing the penalty provided therefore to *prision mayor* in its minimum and medium periods. However, if the offender is a public official, the penalty to be imposed shall be *prision mayor* in its maximum period.

In the light of the foregoing considerations, passage of this bill is earnestly sought.

  
JINGGOY EJERCITO ESTRADA  
Senator

OFFICE OF THE CLERK  
SENATE

RECEIVED BY: \_\_\_\_\_

SENATE

S.B. No. 1038

RECEIVED BY: Ables

---

Introduced by Senator Jinggoy Ejercito Estrada

---

AN ACT  
AMENDING ARTICLE 177 OF THE REVISED PENAL CODE (ACT NO. 3815,  
AS AMENDED) BY INCREASING THE PENALTY PROVIDED THEREFORE  
AND FOR OTHER PURPOSES

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

Section 1. Article 177 of the Revised Penal Code (Act No. 3815, as amended)  
is hereby amended to read as follows:

“ART. 177. Usurpation of authority or official functions. – Any person 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 pretense 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 lawfully entitled to do so, shall suffer the penalty of *[prision 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.*”

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

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

Approved,