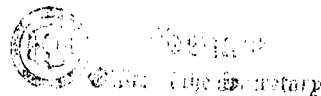



SEVENTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Second Regular Session* )



'18 MAY 21 P3:16

RECEIVED IN: 

SENATE  
S. B. No. 1812

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Introduced by Senator Aquilino "Koko" Pimentel III

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AN ACT  
AMENDING PRESIDENTIAL DECREE NO. 1612, OR THE  
"ANTI-FENCING LAW"

EXPLANATORY NOTE

Penalties must be commensurate to the offense committed. This was one of the guiding principles in the enactment of *Republic Act No. 10951 (R.A. 10951)*, which adjusted the amounts or the values of property and damage on which the penalties provided in the *Revised Penal Code* are based. Congress recognized that the values provided in the *Revised Penal Code*, which was enacted in 1932, are no longer apt bases for the penalties imposed.

However, the enactment of *R.A. 10951* does not automatically result in the concomitant adjustment of the penalties provided under *Presidential Decree No. 1612*, or the "Anti-Fencing Law" (*P.D. 1612*). The crime of fencing punishes the act of buying, receiving, possessing, or selling an item that a person knows, or should know, was derived from the proceeds of robbery or theft. Like the offenses of robbery and theft punished under the *Revised Penal Code*, the penalties provided for the crime of fencing are hinged on the value of the property fenced. Without an adjustment of the values of property that serve as the bases

for the penalties under *P.D. 1612*, a situation may arise where a fence—who is in theory a mere accessory to the offense of robbery or theft—will be punished more severely than a robber or a thief.

To cure this incongruence in penalties, this bill adjusts the values of property that serve as the bases for penalties under *P.D. 1612*.

In view of the foregoing, speedy passage of this measure is earnestly sought.

  
AQUILINO "KOKO" PIMENTEL III

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AN ACT  
AMENDING PRESIDENTIAL DECREE NO. 1612, OR THE  
"ANTI-FENCING LAW"

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

1        **SEC. 1. Adjusted Penalties.** — In view of the enactment of  
2 *Republic Act No. 10951*, which adjusted the amounts of money or values  
3 of property or damage that are the bases of penalties for the offenses of  
4 theft and robbery, *Section 3 of Presidential Decree No. 1612*, or the  
5 "Anti-Fencing Law" is hereby amended to read as follows:

6  
7        "Section 3. Penalties. Any person guilty of fencing shall be  
8 punished as hereunder indicated:

9  
10        (a) The penalty of *prision mayor*, if the value of the property  
11 involved is more than [12,000] **ONE MILLION TWO**  
12 **HUNDRED THOUSAND** pesos (**P1,200,000**) but not  
13 exceeding [22,000] **TWO MILLION TWO HUNDRED**  
14 **THOUSAND** pesos (**P2,200,000**); if the value of such  
15 property exceeds the latter sum, the penalty provided in this  
16 paragraph shall be imposed in its maximum period, adding

1 one year for each additional [10,000] **ONE MILLION** pesos  
2 **(P1,000,000)**; but the total penalty which may be imposed  
3 shall not exceed twenty years. In such cases, the penalty shall  
4 be termed *reclusion temporal* and the accessory penalty  
5 pertaining thereto provided in the Revised Penal Code shall  
6 also be imposed.

7  
8 (b) The penalty of *prision correccional* in its medium and  
9 maximum periods, if the value of the property robbed or  
10 stolen is more than [6,000] **SIX HUNDRED THOUSAND**  
11 pesos **(P600,000)** but not exceeding [12,000] **ONE**  
12 **MILLION TWO HUNDRED THOUSAND** pesos  
13 **(P1,200,000)**.

14  
15 (c) The penalty of *prision correccional* in its minimum and  
16 medium periods, if the value of the property involved is more  
17 than [200] **TWENTY THOUSAND** pesos **(P20,000)** but not  
18 exceeding [6,000] **SIX HUNDRED THOUSAND** pesos  
19 **(P600,000)**.

20  
21 (d) The penalty of *arresto mayor* in its medium period to  
22 *prision correccional* in its minimum period, if the value of  
23 the property involved is over [50] **FIVE THOUSAND** pesos  
24 **(P5,000)** but not exceeding [200] **TWENTY THOUSAND**  
25 pesos **(P20,000)**.

26  
27 (e) The penalty of *arresto mayor* in its medium period if such  
28 value is over [five (5)] **FIVE HUNDRED** pesos **(P500)** but  
29 not exceeding [50] **FIVE THOUSAND** pesos **(P5,000)**.

30  
31 (f) The penalty of *arresto mayor* in its minimum period if  
32 such value does not exceed [5] **FIVE HUNDRED** pesos  
33 **(P500)**.”

1           **SEC. 2. *Repealing Clause.*** — Any law, presidential decree or  
2 issuance, executive order, letter of instruction, or rule or regulation  
3 inconsistent with the provisions of this Act is hereby repealed or  
4 modified accordingly.

5  
6           **SEC. 3. *Effectivity.*** — This Act shall take effect fifteen (15) days  
7 after its complete publication in the *Official Gazette* or in two (2)  
8 newspapers of general circulation.

*Adopted,*