

FOURTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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} 7 JUL -3 P5:47

SENATE

S. B. No. 882

RECEIVED BY 

Introduced by SENATOR EDGARDO J. ANGARA

EXPLANATORY NOTE

It is the policy of the State in the line with the principle that a public office is a public trust, that the Public Officials and employees shall at all times be accountable to the people and shall discharge their duties with utmost responsibility, integrity, competence and loyalty, act with patriotism and justice, lead modest lives, and uphold public interest over personal interest.

As reported, about 148 murderers and robbers remain at large after escaping from jail. The failure to recapture these escaped prisoners poses serious threats to the public and bolsters demands for the improvement of the country's penology system. Certainly, our Public Officials and employees fail to exercise utmost devotion and dedication to their duties, and worst, for personal interest or for consideration, thus, giving a general perception that they are fountain and source of undue patronage.

This bill, therefore, seeks to increase the penalties on our Public Officials and employees in charge of custody of prisoners for their negligence, connivance with or consent to jail escape.

Approval of this bill is strongly urged.


EDGARDO J. ANGARA
Senator

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S. B. No. 882

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**AN ACT PRESCRIBING STRICTER PENALTIES ON THE CRIME OF
DELIVERING PRISONERS FROM JAIL AND INFIDELITY IN THE
CUSTODY OF PRISONERS, AMENDING FOR THE PURPOSE
ARTICLES 156, 223 AND 224 OF REPUBLIC ACT NO. 3815, AS
AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE,
AND FOR OTHER PURPOSES**

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

1 **SECTION 1.** Article 156, Chapter 5, Title 3, Book Two of Republic Act
2 3815, as amended, otherwise known as the Revised Penal Code, is hereby
3 amended to read as follows:

4 "ART. 156. *Delivering prisoners from jail.* - The penalty of
5 [arresto mayor] PRISION MAYOR in its MEDIUM AND maximum
6 periods [to prision correctional in its minimum period] OR THE
7 PENALTY NEXT LOWER IN DEGREE THAN THAT IMPOSED ON
8 THE PRISONER IN ITS MEDIUM AND MAXIMUM PERIODS shall
9 be imposed upon any person who shall remove from any jail or penal
10 establishment any person confined therein or shall help the escape of
11 such person, by means of violence, intimidation or bribery,
12 WHICHEVER IS HIGHER. If other means are used, the penalty of
13 [arresto] PRISION mayor IN ITS MINIMUM AND MEDIUM
14 PERIODS OR TWO DEGREES LOWER THAN THAT IMPOSED TO
15 THE PRISONER IN ITS MEDIUM PERIOD shall be imposed [.]
16 WHICHEVER IS HIGHER.

17 If the escape of the prisoner shall take place outside of said
18 establishments by taking the guards by surprise, the same penalties
19 PRESCRIBED IN THE IMMEDIATELY PRECEDING PARAGRAPH shall
20 be imposed in their minimum periods.

21

1 **SECTION 2.** Article 223, Section One, Chapter Five, Title Seven, Book
2 Two of Republic Act No. 3815, as amended, otherwise known as the Revised
3 Penal Code, is hereby amended to read as follows:

4 "ART. 223. *Conniving with or consenting to evasion.* - Any public
5 officer who shall consent to the escape of a CONVICT OR
6 DETENTION prisoner in his custody or charge, OR WHO SHALL
7 RELEASE SUCH CONVICT OR DETENTION PRISONER AND
8 ALLOW HIM TO RETURN TO PRISON OR DETENTION WITHOUT
9 ANY PROPER COURT ORDER OR AUTHORIZATION shall be
10 punished:

11 (1) By *prision [correctional]* MAYOR in its medium and
12 maximum periods OR THE PENALTY NEXT LOWER IN
13 DEGREE THAN THAT IMPOSED ON THE PRISONER, IN
14 ITS MEDIUM AND MAXIMUM PERIODS, WHICHEVER IS
15 HIGHER and [temporary special disqualification in its
16 maximum period to perpetual special] PERPETUAL
17 ABSOLUTE disqualification, if the fugitive shall have been
18 sentenced by final judgment to any penalty.

19 (2) By *prision [correctional]* MAYOR in its minimum period OR
20 THE PENALTY EQUIVALENT TO THAT PRESCRIBED TO
21 AN ACCESSORY BASED ON THE CRIME IMPUTED
22 UPON THE PRISONER, IN ITS MAXIMUM PERIOD,
23 WHICHEVER is HIGHER and [temporary special]
24 PERPETUAL ABSOLUTE disqualification, in case the
25 fugitive shall not have been finally convicted but only held as
26 a detention prisoner for any crime or violation of law or
27 municipal ordinance.

28
29 **SECTION 3.** Article 224, Section One, Chapter Five, "Title Seven,
30 Book Two of Republic Act No. 3815, as amended, otherwise known as the
31 Revised Penal Code, is hereby amended to read as follows:

32 "ART. 224. *Evasion through negligence.* - If the evasion of the
33 CONVICT OR DETENTION prisoner shall have taken place through
34 the negligence of the officer charged with the conveyance or custody of
35 the escaping prisoner, said officer shall suffer the penalties of [arresto
36 mayor it its maximum period to *prision correctional* in its minimum

1 period] PRISION CORRECTIONAL IN ITS MEDIUM AND
2 MAXIMUM PERIODS OR THE PENALTY EQUIVALENT TO THAT
3 PRESCRIBED TO AN ACCESSORY BASED ON THE CRIME
4 IMPUTED UPON THE CONVICT OR DETENTION PRISONER IN
5 ITS MAXIMUM PERIOD, WHICHEVER IS HIGHER and temporary
6 [special] ABSOLUTE disqualification.

7 FOR PURPOSES OF THIS ARTICLE, THE PUBLIC OFFICER
8 CHARGED WITH THE CUSTODY OR CONVEYANCE OF THE
9 CONVICT OR DETENTION PRISONER IS PRIMA FACIE
10 PRESUMED TO HAVE CONSENTED OR CONNIVED TO THE
11 EVASION.

12
13 **SECTION 4.** All laws, presidential decrees, executive orders,
14 issuances, and rules and regulations, and part thereof, which are inconsistent
15 with the provisions of this Act, are hereby repealed or modified accordingly.

16
17 **SECTION 5.** This Act shall take effect fifteen (15) days after its
18 publication in the Official Gazette or in at least two (2) national newspapers
19 of general circulation.

20
21 *Approved,*