

THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
SECOND REGULAR SESSION)

6 MAY 22 1969

RECEIVED BY: 

S.B. BILL No. 2248

Introduced by Sen. Alfredo S. Lim

EXPLANATORY NOTE

For several years now, we had been hearing and continue to receive accounts about big corporations with thousands of investors, clients subscribers or depositors going kaput, floundering and unable to live up to and provide their promised bonanza, fortune or reward to their investors and subscribers.

In tandem are developers/owners of subdivisions, housing and condominium corporations which had accepted payments from buyers but had also failed to finish the promised edifice or structure.

Not to be overlooked are the so-called get-rich schemes like the pyramiding ventures which had victimized thousand of investors.

We know how severely damaging and disastrous these wobbling adventures had wrought on the national life and even to the families of the victims. They had caused too much grief and miseries to the victims.

Expectedly, the victims who had been left poorer and penniless have nothing to go except to cry in high heavens and bring their complaints to the public expressing their indignation not only to earn sympathy but, most important, to prevent others from being victimized by the very same schemes.

It is but natural, lawful, and morally justified and fitting for them to make such exposition and criticisms against their tormentors in public.

Apropos to this, they should be given ample protection and refuge from any configuration of badgering from those whom they charge with the commission of fraudulent scheme and that they be granted immunity particularly from libel – the easiest form of retaliation which those who had defrauded them could utilize since they could use the very same money that they got through deceit against their victims.

Hence, it is the bill's purpose to put a stop to such form of harassment.


ALFREDO S. LIM

THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
SECOND REGULAR SESSION)

6 MAY 22 25:09

SENATE

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S. B. BILL No. 2248

Introduced by SENATOR ALFREDO S. LIM

AN ACT
PROVIDING FOR IMMUNITY FROM PROSECUTION FOR LIBEL
OF VICTIMS OF FRAUD AND FOR OTHER PURPOSES.

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

1 SECTION 1. *Title of the Act.*- This Act shall be known as the
2 "Fraud Victims"Immunity Act of 2006"

3 SEC. 2. *Immunity from Libel.*- Any provision of law to the
4 contrary notwithstanding, victims of fraud, deceit, racket, pyramiding
5 or any form of fraudulent scheme perpetrated by an impostor,
6 pretender or deceiver shall be immune from prosecution for the
7 crime of libel under Act 3135 otherwise known as the Revised Penal
8 Code, for any statement made, oral or written, privately or publicly
9 uttered, that involves or pertains to the victims' investments, deposits
10 or payments to the said person, associates or his firm or any matter
11 involving the fraudulent scheme employed in defrauding the victims
12 or causing them prejudice.

1 SEC. 3 *Definition of Terms*.- As used in this Act, the following
2 shall be understood as:

3 (a) *Victims*- Five (5) or more persons who are investors,
4 depositors, buyers, holders or subscribers to any bank, lending,
5 financing, pyramid, pre-need, Insurance, subdivision, housing,
6 condominium, lottery or any money-raising ventures or utility
7 companies or other businesses engaged in accepting deposits,
8 investments, premiums or other forms of payments, who failed to
9 receive the promised interest, income, earning or benefits, objects or
10 structures, from such companies for whatever reason;

11 (b) *Fraudulent Scheme*.- Any offer, devise, plan, program,
12 propaganda, oral or written, that induced the victims to invest, deposit,
13 entrust or deliver money or thing of value to any bank, financing,
14 lending, pyramid, pre-need, insurance, subdivision, housing,
15 condominium, lottery or any money-raising or utility companies or
16 other businesses engaged in accepting, deposits, investments,
17 premiums or other forms of payments but which promised returns,
18 earnings, benefits, interests or objects or structures, are in fact non-
19 existent or is not to be complied with or did not materialize or could
20 not be fulfilled after the lapse of six (6) months, for whatever reason;

1 (c) Perpetrated.- Is the inability, failure or refusal of the person
2 employing such fraudulent scheme to pay, deliver, or provide the
3 promised interest, income, benefits or proceeds from the deposits,
4 investments, premiums or other forms of payments, or objects or
5 structures to at least five (5) persons who have made such deposits,
6 investments, premiums or other forms of payments;

7 (d) Impostor, Pretender or Deceiver- Any person, a corporation
8 or its officer, director of stockholder, partner of partnership, or any
9 company or firm, including its employees, sales or other agents or
10 representatives engaged in banking, lending, financing, pyramid, pre-
11 need, insurance, subdivision, housing, condominium, lottery or any
12 money-raising ventures or utility companies or other businesses
13 engaged in accepting deposits, investments, premiums or other forms
14 of payments, who shall fail to provide the promised interest, return of
15 investment earnings, benefits or other forms of financial gain or finish
16 the object or structure of more than five (5) persons at any given time;

17 *SEC. 4 Duty of the Prosecutor.*- Upon receipt of any charge for
18 libel against the victims of fraudulent scheme filed by the impostor,
19 pretender or deceiver as defined above or by its or his associates,
20 relatives within the fourth degree of consanguinity or affinity, officer,
21 manager, agent or employee, the prosecutor must suspend further
22 proceedings pending resolution of the defense of immunity raised by
23 the victims and any resolution rendered by him shall be reviewed by

1 the Secretary of Justice; *Provided*, However, the resolution of the
2 Secretary may be elevated to the Court of Appeals under Rule 65
3 whose decision may be appealed to the Supreme Court under Rule 45;
4 *Provided*, Further that no information for libel may be filed unless the
5 Supreme Court shall have decided that the immunity against the
6 victims do not lie or can not be legally invoked.

7 SEC. 5 *Unlawful Acts*.- Any person who shall cause the
8 issuance of a warrant of arrest, shall enforce the same or effect the
9 arrest of the victims charged with libel in violation of Section 4 liable
10 for criminal prosecution and shall be sentenced to imprisonment of
11 from six(6) years to twelve(12) years, upon the discretion of the court.

12 SEC. 6 *Effectivity*. This Act shall take effect one month after
13 the completion of its publication in a newspaper of general circulation.

Approved