


THIRTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
*Second Regular Session*

6 JUN -7 P4:34

SENATE

RECEIVED BY: 

S. No. 2366

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INTRODUCED BY HON. MANNY VILLAR


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EXPLANATORY NOTE

The present law on habitual delinquency as embodied in Article 62 of the Revised Penal Code, as amended, needs to be amended so as to include crimes such as murder, homicide, rape or sale of prohibited drugs, since these are the crimes the incidence of which are of significant occurrence. Detention in prison in order to deter criminals from committing additional crimes is the only measure that society has to protect itself from crime and violence.

Although our criminal justice system is compassionate with regard to first offenders and youth offenders, it should be strict in the enforcement of the laws with respect to recidivists and habitual delinquents. This measure seeks to include murder, homicide, rape and sale of prohibited drugs to the list of crimes which qualify an offender as a habitual delinquent. It also increases the maximum time which the prisoner shall serve from 30 years to 40 years. This change is made cognizant of the fact that under the present prison system whereby good conduct time allowance is given a prisoner, a penalty of thirty years is actually twenty-one (21) years and six (6) months, more or less with credit of good time allowance. The period of forty (40) years is actually twenty-eight years, one (1) month and eighteen (18) days in calendar time, since the credit for good conduct time allowance totals eleven (11) years, ten (10) months and twelve (12) days.

In order to deter habitual delinquency and to protect society from those who commit crime a third time or oftener, approval of this bill is needed.


  
MANNY VILLAR

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**AN ACT AMENDING ARTICLE SIXTY-TWO OF ACT NO. 3815,  
AS AMENDED, OTHERWISE KNOWN AS THE REVISED  
PENAL CODE, INCREASING THE CRIMES INCLUDED  
IN THE DETERMINATION OF HABITUAL  
DELINQUENCY TO INCLUDE MURDER, HOMICIDE,  
RAPE AND THE SALE OF PROHIBITED DRUGS AND  
FOR OTHER PURPOSES**

*Be<sup>it</sup> enacted by the Senate and House of Representatives of the  
Philippines in congress assembled:*

Section 1. Item c, sub-paragraph 5 of Article 62 of Act No. 3815,  
as amended, otherwise known as the Revised Penal Code, is hereby  
amended to read as follows:

*"ART. 62. Effects of the attendance of mitigating or  
aggravating circumstances and of habitual delinquency. –  
XXX.*

xxx                      xxx                      xxx

5. Habitual delinquency shall have the following  
effects:

xxx                      xxx                      xxx

(c) Upon a fifth or additional conviction, the culprit  
shall be sentenced to the penalty provided for the last crime  
of which he be found guilty and to the additional penalty of  
*prision mayor* in its maximum period to *reclusion temporal*  
in its minimum period.

Notwithstanding the provisions of this article, the  
total of the two penalties to be imposed upon the offender,  
in conformity herewith, shall in no case exceed [30] FORTY  
(40) years.

For the purpose of this article, a person shall be  
deemed to be habitual delinquent, if within a period of ten  
(10) years from the date of his release or last conviction of  
the crimes of MURDER, HOMICIDE, serious or less serious  
physical injuries, ROBBERY THEFT, FALSIFICATION,  
RAPE OR SALE OF PROHIBITED DRUGS, [robo, hurto,

estafa, or falsification,] he is found guilty of any of said crimes a third time or oftener.”

Section 2. This Act shall take effect upon its approval and completion of its publication in at least two (2) national newspapers of general circulation.

Approved,