

SENATE

Senate Bill No. 481

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The elements of the crime punishable under Article 179 of the Revised Penal Code (Act No. 3815, as amended) are the following:

- a) That the offender makes use of insignia, uniform or dress.
- b) That the insignia, uniform or dress pertains to an office or head by the offender or to a class of persons of which he is not a member.
- c) That said insignia, uniform or dress is used publicly and improperly.

As stated in another bill filed by this author seeking to amend Article 177 of the Revised Penal Code, our poor uneducated countrymen are the usual victims of the violation of the particular penal provision. Not a few come to the author's office complaining that persons, wearing uniforms and/or using insignia pretending to be police officers, accosted and extorted money from them. It is also common that private individuals pretend to be police officers by wearing uniforms and/or using insignia in perpetrating serious crimes like kidnapping, robbery or even murder to avoid resistance from the victims.

Such falsities or misrepresentations as defined in the aforementioned Revised Penal Code provision, should be treated more seriously by providing a heavier penalty. Presently, the penalty imposable is only *arresto mayor*. This means that any person found to be violating this provision may suffer only a possible imprisonment of ONE MONTH AND ONE DAY TO SIX MONTHS.

The author submits that the penalty imposable if 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 179 of the Revised Penal Code (Republic Act No. 3815, as amended) by increasing the penalty provided thereof 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

FIFTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

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OFFICE OF THE SECRETARY

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AN ACT
AMENDING ARTICLE 179 OF THE REVISED PENAL CODE (ACT NO. 3815
AS AMENDED) BY INCREASING THE PENALTY PROVIDED THEREFOR
AND FOR OTHER PURPOSES

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

SECTION 1. Article 179 of the Revised Penal Code (Act No. 3815, as amended) is hereby amended to read as follows:.

ART 179. Illegal use of uniforms and insignia. The penalty of (arresto mayor) PRISON MAYOR IN ITS MINIMUM AND MEDIUM PERIODS shall be imposed upon any person who shall publicly and improperly made of insignia, uniforms or dress pertaining to an office not held by such person or to a class of persons of which he is not a member, PROVIDED, THAT IF THE OFFENDER IS A PUBLIC OFFICIAL, THE PENALTY TO BE IMPOSED SHALL BE IN ITS MAXIMUM PERIOD.

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

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

Approved,