


FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

8 NOV -3 1946

SENATE
S. B. 2696

RECEIVED BY: 

Introduced by Senator Villar

EXPLANATORY NOTE

Through the years, re-electionist public officials have not been able to resist the temptation of dipping their hands into public funds for the purpose of satisfying their own personal needs, and also, to build up their own personal war chest for their re-election campaigns.


Due to the nearing election period, it is best to arm the Commission on Elections with another effective weapon to fight the very evil being committed by the same public officials, whose sworn duty it is to fight the same. Henceforth, the urgent passage of this legislation is earnestly sought.


MANNY VILLAR

FOURTEENTH CONGRESS OF THE)
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AN ACT
AMENDING SECTION 227 OF ACT NO. 3815, OTHERWISE KNOWN AS THE
REVISED PENAL CODE OF THE PHILIPPINES, AS AMENDED.

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

SECTION 1. Article 227 of the Revised Penal Code is hereby amended to read as follows:

"Art. 217. *Malversation of public funds or property; Presumption of malversation.*
— Any public officer who, by reason of the duties of his office, is accountable for public funds or property, shall appropriate the same or shall take or misappropriate or shall consent, through abandonment or negligence, shall permit any other person to take such public funds, or property, wholly or partially, or shall otherwise be guilty of the misappropriation or malversation of such funds or property, shall suffer:

1. The penalty of prision correccional in its medium and maximum periods, if the amount involved in the misappropriation or malversation does not exceed two hundred pesos.
2. The penalty of prision mayor in its minimum and medium periods, if the amount involved is more than two hundred pesos but does not exceed six thousand pesos.
3. The penalty of prision mayor in its maximum period to reclusion temporal in its minimum period, if the amount involved is more than six thousand pesos but is less than twelve thousand pesos.
4. The penalty of reclusion temporal, in its medium and maximum periods, if the amount involved is more than twelve thousand pesos but is less than twenty-two thousand pesos. If the amount exceeds the latter, the penalty shall be reclusion temporal in its maximum period to reclusion perpetua.

In all cases, persons guilty of malversation shall also suffer the penalty of perpetual special disqualification and a fine equal to the amount of the funds malversed or equal to the total value of the property embezzled.

The failure of a public officer to have duly forthcoming any public funds or property with which he is chargeable, upon demand by any duly authorized officer, shall be *prima facie* evidence that he has put such missing funds or property to personal use. (As amended by RA 1060).

IF PUBLIC FUNDS WERE DIVERTED FOR POLITICAL PURPOSES, THE PENALTY OF PRISON MAYOR IN ITS MAXIMUM PERIOD AND THE PENALTY OF PERPETUAL SPECIAL DISQUALIFICATION SHALL BE IMPOSED."

SECTION 2. Repealing Clause. – All laws, orders, proclamations, rules and regulations, or part thereof, which are inconsistent with any provision of this Act are hereby repealed or modified accordingly.

SECTION 3. Effectivity. – This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in at least two newspapers of general circulation.

Approved.