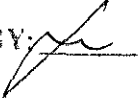


FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

11 MAY -9 P3:54

S E N A T E

RECEIVED BY: 

COMMITTEE REPORT NO. 33

Submitted by the Committee on Justice and Human Rights on
MAY - 9 2011.

Re: Senate Bill No. 2808.

Recommending its approval in substitution of Senate Bill Nos. 117, 1292, 2317, 2371 and 2695, taking into consideration House Bill No. 600

Sponsor: Senator Escudero

MR. PRESIDENT:

The Committee on Justice and Human Rights to which were referred Senate Bill No. 117, introduced by Senator Gregorio B. Honasan II, entitled:

**“AN ACT
ADJUSTING THE SUBSIDIARY IMPRISONMENT FROM ONE DAY FOR
EACH P8.00 TO ONE DAY FOR EACH P362.00, AMENDING FOR THE
PURPOSE ARTICLE THIRTY NINE OF THE REVISED PENAL CODE OF
THE PHILIPPINES, AS AMENDED”**

S.No. 1292, introduced by Senator Manny Villar, entitled:

**“AN ACT
TO AMEND ARTICLE 39 OF ACT NO. 3815, AS AMENDED, THE
REVISED PENAL CODE, DEFINING THE EXTENT TO WHICH
SUBSIDIARY IMPRISONMENT SHALL BE REQUIRED”**

S.No. 2317, introduced by Senator Miriam Defensor-Santiago, entitled:

**“AN ACT
TO AMEND ARTICLE 39 OF REPUBLIC ACT NO. 3815, OTHERWISE
KNOWN AS THE PENAL CODE, AS AMENDED, ON THE DAILY RATE
OF THE SUBSIDIARY PENALTY OF IMPRISONMENT
IN CASES OF INSOLVENCY”**

S.No. 2371, introduced by Senator Francis Escudero entitled:

**“AN ACT
AMENDING ARTICLE 39 OF ACT NO. 3815, AS AMENDED, OTHERWISE
KNOWN AS THE REVISED PENAL CODE”**

And S.No. 2695, introduced by Senator Ramon Revilla, Jr., entitled:

**“AN ACT
ADJUSTING THE RATE OF SUBSIDIARY IMPRISONMENT TO ONE
DAY FOR AN AMOUNT EQUIVALENT TO THE DAILY MINIMUM
WAGE OF A LABORER IN THE NATIONAL CAPITAL REGION,
AMENDING FOR THE PURPOSE ARTICLE 39 OF
THE REVISED PENAL CODE”**

taking into consideration H.No. 600, introduced by Reps. Rodriguez, R.; Rodriguez, M., et al., entitled:

**“AN ACT
ADJUSTING THE RATE OF SUBSIDIARY IMPRISONMENT TO ONE
DAY FOR AN AMOUNT EQUIVALENT TO THE DAILY MINIMUM
WAGE OF A LABORER IN THE NATIONAL CAPITAL REGION,
AMENDING FOR THE PURPOSE ARTICLE 39 OF
THE REVISED PENAL CODE”**

has considered the same and has the honor to report them back to the Senate with the recommendation that the attached Senate Bill No. 2808 prepared by the Committee, entitled:

**“AN ACT
AMENDING ARTICLE 39 OF ACT NO. 3815, AS AMENDED,
OTHERWISE KNOWN AS THE REVISED PENAL CODE”**

be approved in substitution of Senate Bill Nos. 117, 1292, 2317, 2371 and 2695, taking into consideration House Bill No. 600 with Senators Honasan, Villar, Defensor-Santiago, Escudero, and Revilla as authors thereof.

Respectfully submitted:



SEN. FRANCIS G. ESCUDERO
Chairman,
Committee on Justice and Human Rights

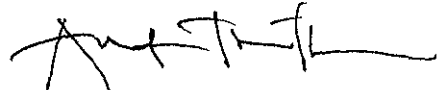


SEN. TEOFISTO GUINGONA III
Vice Chairman,
Committee on Justice and Human Rights

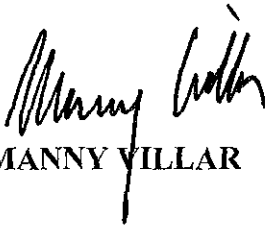
MEMBERS:



SEN. SERGIO R. OSMEÑA III



SEN. ANTONIO F. TRILLANES IV



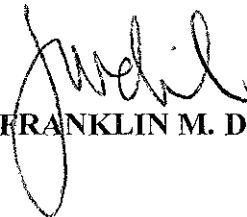
SEN. MANNY VILLAR



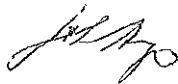
SEN. LOREN B. LEGARDA



SEN. RAMON REVILLA, JR.

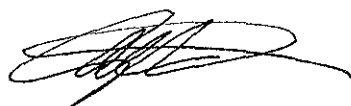


SEN. FRANKLIN M. DRILON

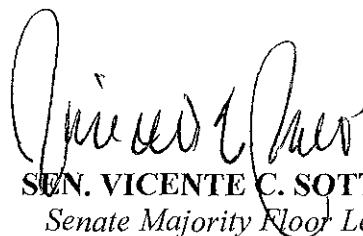


SEN. JOKER P. ARROYO

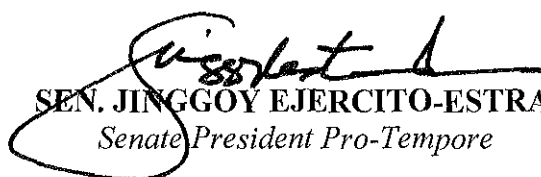
Ex-Officio Members:



SEN. ALAN PETER CAYETANO
Senate Minority Floor Leader



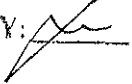
SEN. VICENTE C. SOTTO III
Senate Majority Floor Leader



SEN. JINGGOY EJERCITO-ESTRADA
Senate President Pro-Tempore

HON. JUAN PONCE ENRILE
Senate President

SENATE

RECEIVED BY: 

S. No. 2808

Prepared by the Committee on Justice and Human Rights, with Senators Honasan,
Villar, Defensor-Santiago, Escudero and Revilla as authors thereof.

AN ACT
AMENDING ARTICLE 39 OF ACT NO. 3815, AS AMENDED,
OTHERWISE KNOWN AS THE REVISED PENAL CODE

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

1 SECTION 1. Article 39 of Act No. 3815, as amended, is hereby further amended to read
2 as follows:

3 "Article 39. *Subsidiary Penalty* - If the convict has no property with
4 which to meet the fine mentioned in paragraph 3 of the next
5 preceding article, he shall be subject to a subsidiary personal liability
6 at the rate of one day for each [eight pesos] **AMOUNT**
7 **EQUIVALENT TO THE HIGHEST MINIMUM WAGE RATE**
8 **PREVAILING IN THE PHILIPPINES AT THE TIME OF THE**
9 **RENDITION OF JUDGMENT OF CONVICTION BY THE TRIAL**
10 **COURT**, subject to the following rules:

11 1. If the principal penalty imposed be *prision correccional* or *arresto*
12 and fine, he shall remain under confinement until his fine referred in
13 the preceding paragraph is satisfied, but his subsidiary
14 imprisonment shall not exceed one-third of the term of the sentence,
15 and in no case shall it continue for more than one year, and no
16 fraction or part of a day shall be counted against the prisoner.

17 2. When the principal penalty imposed be only a fine, the subsidiary
18 imprisonment shall not exceed six months, if the culprit shall have
19 been prosecuted for a grave or less grave felony, and shall not exceed
20 fifteen days, if for a light felony.

1 3. When the principal penalty imposed is higher than *prision*
2 *correccional* no subsidiary imprisonment shall be imposed upon the
3 culprit.

4 4. If the principal penalty imposed is not to be executed by
5 confinement in a penal institution, but such penalty is of fixed
6 duration, the convict, during the period of time established in the
7 preceding rules, shall continue to suffer the same deprivations as
8 those of which the principal penalty consists.

9 5. The subsidiary personal liability which the convict may have
10 suffered by reason of his insolvency shall not relieve him from the
11 fine in case his financial circumstances should improve. (*As amended*
12 *by R.A. no. 5465, which lapsed into law on April 21, 1969.*)

13 **SEC. 2.** *Separability Clause.* - If any provision or part hereof, is held invalid or
14 unconstitutional, the remainder of the law or the provision not otherwise affected shall
15 remain valid and subsisting.

16 **SEC. 3.** *Repealing Clause.* - All laws, presidential decrees or issuances, executive
17 orders, letters of instruction, administrative orders or rules and regulations, which may
18 be inconsistent with this Act, shall be deemed repealed, amended or modified
19 accordingly.

20 **SEC. 4.** *Effectivity.* - This Act shall take effect fifteen (15) days following its
21 publication in the Official Gazette or in two (2) newspapers of general circulation.

22 *Approved,*