

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

Secretary of the Senate

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SENATE
P. S. R. No. 712

Secretary of the Senate

Introduced by Senator Miriam Defensor Santiago

RESOLUTION

DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY,
IN AID OF LEGISLATION, ON THE NEED TO RELAX PENAL LAWS CONCERNING
MINOR INFRACTIONS, SUCH AS THEFT, ESPECIALLY WITH REGARD TO SENIOR
CITIZENS

WHEREAS, the Constitution, Article 2, Section 5 mandates: "The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy";

WHEREAS, absbnnews.com in its 8 February 2012 issue reported that a 79-year-old man had to spend two nights in jail after a grocery store clerk accused him of stealing a bag of chocolates worth P36.00 only;

WHEREAS, it was reported that the old man was released from the detention cell when the theft case filed against him was dismissed; the old man reportedly denied stealing the chocolates, claiming that he paid for the other items he bought and simply forgot to pay for the chocolates because he was out of sorts when he went to the grocery since he has worrying about his daughter who was diagnosed with cervical cancer;

WHEREAS, the news team of abs-cbn reportedly visited the house of the old man and reportedly met his daughter suffering from stage 3 cancer;

WHEREAS, the incarceration of the old man was uncalled for and unjust, especially since the price of the bag of chocolates was only P36;

WHEREAS, despite the legal maxim *dura lex sed lex*, criminal laws should not be overly harsh, excessive, and oppressive;

WHEREAS, although it is the intent of the law to prevent the proliferation of crime, it is unconscionable that petty negligent acts should lead to a suspicion of an offense, and a suspect suffers by spending time imprisoned;

WHEREAS, the legislature should craft measures that would afford leniency to certain criminal acts, such as theft, where the amount, for example does not exceed P200, a settlement by paying the amount should be allowed within 24 hours after the discovery of the crime;

WHEREAS, the legislature should likewise create guidelines on assisting senior citizens suffering from memory loss and other mental ailments if suspected to have committed a minor criminal act;

WHEREFORE, be it hereby resolved by the Philippine Senate, to direct the proper Senate Committee to conduct an inquiry, in aid of legislation, on the need to relax penal laws concerning minor infractions, such as theft, especially with regard to senior citizens.

Adopted,

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
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