



HOUSE OF REPRESENTATIVES

H. No. 6946

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BY REPRESENTATIVES ABAYA, RODRIGUEZ, SANTIAGO (N.), AGGABAO,  
GONZALES (N.) AND DE GUZMAN, PER COMMITTEE REPORT NO. 2464

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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 OF THE PHILIPPINES

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

1           SECTION 1. The first paragraph of Article 39 of the Revised Penal  
2 Code, as amended, is hereby further amended to read as follows:  
3                   “Art. 39. *Subsidiary penalty.* – If the convict has no  
4 property with which to meet the fine mentioned in paragraph 3 of  
5 the next preceding article, he shall be subject to a subsidiary  
6 personal liability at the rate of one day for [each eight pesos] AN  
7 AMOUNT EQUIVALENT TO THE DAILY MINIMUM WAGE OF A  
8 LABORER IN THE NATIONAL CAPITAL REGION AS COMPUTED  
9 BY THE NATIONAL WAGES AND PRODUCTIVITY COMMISSION,  
10 subject to the following rules:

1           “1. If the principal penalty imposed be *prision*  
2           *correccional* or *arresto* and fine, he shall remain under  
3           confinement until his fine referred to in the preceding paragraph  
4           is satisfied, but his subsidiary imprisonment shall not exceed  
5           one-third of the term of the sentence, and in no case shall it  
6           continue for more than one year, and no fraction or part of a day  
7           shall be counted against the prisoner.

8           “2. When the principal penalty imposed be only a fine, the  
9           subsidiary imprisonment shall not exceed six months, if the  
10          culprit shall have been prosecuted for a grave or less grave  
11          felony, and shall not exceed fifteen days, if for a light felony.

12          “3. When the principal penalty imposed is higher than  
13          *prision correccional*, no subsidiary imprisonment shall be  
14          imposed upon the culprit.

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

20          “5. The subsidiary personal liability which the convict  
21          may have suffered by reason of his insolvency shall not relieve  
22          him from the fine in case his financial circumstances should  
23          improve.”

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

Approved,