



## HOUSE OF REPRESENTATIVES

H. No. 4443

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BY REPRESENTATIVES ACOP, BATAOIL AND PRIMICIAS-AGABAS, PER  
COMMITTEE REPORT NO. 216

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AN ACT PRESCRIBING STRICTER PENALTIES ON THE CRIME OF  
DELIVERING PRISONERS FROM JAIL AND INFIDELITY IN  
THE CUSTODY OF PRISONERS, AMENDING FOR THE  
PURPOSE ARTICLES 156, 223 AND 224 OF ACT NO. 3815, AS  
AMENDED, OTHERWISE KNOWN AS 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 I. Article 156, Chapter 5, Title Three, Book Two of Act  
2 No. 3815, as amended, otherwise known as the "Revised Penal Code of the  
3 Philippines", is hereby amended to read as follows:

4           "ART. 156. *Delivering prisoners from jail.* – The penalty  
5 of [*arresto mayor*] **PRISION MAYOR** in its **MEDIUM AND**  
6 maximum periods [to *prision correccional* in its minimum  
7 period] **OR THE PENALTY NEXT LOWER IN DEGREE THAN THAT**  
8 **IMPOSED ON THE PRISONER IN ITS MEDIUM AND MAXIMUM**  
9 **PERIODS** shall be imposed upon any person who shall remove  
10 from any jail or penal establishment any person confined therein

1 or shall help the escape of such person, by means of violence,  
2 intimidation, or bribery[.], **WHICHEVER IS HIGHER.** If other  
3 means are used, the penalty of [*arresto*] *PRISION mayor* IN ITS  
4 **MINIMUM AND MEDIUM PERIODS OR TWO DEGREES LOWER**  
5 **THAN THAT IMPOSED TO THE PRISONER IN ITS MEDIUM PERIOD**  
6 shall be imposed[.], **WHICHEVER IS HIGHER.**

7 “If the escape of the prisoner shall take place outside of  
8 said establishments by taking the guards by surprise, the same  
9 penalties **PRESCRIBED IN THE IMMEDIATELY PRECEDING**  
10 **PARAGRAPH** shall be imposed in their minimum period.”

11 SEC. 2. Article 223, Section One, Chapter Five, Title Seven, Book  
12 Two of Act No. 3815, as amended, otherwise known as the “Revised Penal  
13 Code of the Philippines”, is hereby amended to read as follows:

14 “ART. 223. *Conniving with or consenting to evasion.* –  
15 Any public officer who shall consent to the escape of a **CONVICT**  
16 **OR DETENTION** prisoner in his custody or charge, **OR WHO**  
17 **SHALL RELEASE SUCH CONVICT OR DETENTION PRISONER AND**  
18 **ALLOW HIM TO RETURN TO PRISON OR DETENTION WITHOUT**  
19 **ANY PROPER COURT OR AUTHORIZATION** shall be punished:

20 “1. By *prision [correccional]* *MAYOR* in its medium and  
21 maximum periods **OR THE PENALTY NEXT LOWER IN DEGREE**  
22 **THAN THAT IMPOSED ON THE PRISONER, IN ITS MEDIUM AND**  
23 **MAXIMUM PERIODS, WHICHEVER IS HIGHER** and [temporary  
24 special disqualification in its maximum period to perpetual  
25 special] **PERPETUAL ABSOLUTE** disqualification, if the fugitive  
26 shall have been sentenced by final judgment to any penalty.

1           “2. By *prison [correccional]* *MAYOR* in its minimum  
2 period **OR THE PENALTY EQUIVALENT TO THAT PRESCRIBED**  
3 **TO AN ACCESSORY BASED ON THE CRIME IMPUTED UPON THE**  
4 **PRISONER, IN ITS MAXIMUM PERIOD, WHICHEVER IS HIGHER**  
5 and **[temporary special] PERPETUAL ABSOLUTE** disqualification,  
6 in case the fugitive shall not have been finally convicted but only  
7 held as a detention prisoner for any crime or violation of law or  
8 municipal ordinance.

9           “3. **BY RECLUSION PERPETUA AND PERMANENT**  
10 **ABSOLUTE DISQUALIFICATION, IF THE FUGITIVE WHO IS HELD**  
11 **AS A DETENTION PRISONER OR CONVICT HAS BEEN CHARGED**  
12 **FOR OR CONVICTED OF ANY CRIME PENALIZED BY RECLUSION**  
13 **PERPETUA TO DEATH.”**

14           SEC. 3. Article 224, Section One, Chapter Five, Title Seven, Book  
15 Two of Act No. 3815, as amended, otherwise known as the “Revised Penal  
16 Code of the Philippines”, is hereby amended to read as follows:

17           “ART. 224. *Evasion through negligence.* – If the evasion  
18 of the **CONVICT OR DETENTION** prisoner shall have taken place  
19 through the negligence of the officer charged with the  
20 conveyance or custody of the escaping prisoner, said officer shall  
21 suffer the penalties of **[arresto mayor in its maximum period to**  
22 **prison correccional in its minimum period]** *PRISION*  
23 *CORRECCIONAL* **IN ITS MEDIUM AND MAXIMUM PERIODS OR**  
24 **THE PENALTY EQUIVALENT TO THAT PRESCRIBED TO AN**  
25 **ACCESSORY BASED ON THE CRIME IMPUTED UPON THE**  
26 **CONVICT OR DETENTION PRISONER IN ITS MAXIMUM PERIOD**  
27 **WHICHEVER IS HIGHER** and temporary **[special] ABSOLUTE**  
28 **disqualification.”**

1           SEC. 4. *Repealing Clause.* – All laws, executive orders, administrative  
2 orders, rules and regulations or parts thereof which are inconsistent with this  
3 Act are hereby amended, repealed or modified accordingly.

4           SEC. 5. *Effectivity.* – This Act shall take effect fifteen (15) days  
5 following the completion of its publication in the *Official Gazette* or in a  
6 newspaper of general circulation.

Approved,

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