

23 FEB 13 P5:22

**SENATE**

**S.B. No. 1871**

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**INTRODUCED BY SENATOR RISA HONTIVEROS**

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**AN ACT  
DECRIMINALIZING QUALIFIED THEFT OF COCONUTS AND RECLASSIFYING IT  
AS SIMPLE THEFT UNDER ARTICLE 308, FURTHER AMENDING FOR THIS  
PURPOSE ARTICLE 310 OF THE REVISED PENAL CODE, AS AMENDED**

**EXPLANATORY NOTE**

Coconut is a significant agricultural crop in the country and the Philippines is the second largest producer of coconut in the ASEAN, next only to Indonesia. Based on a report by the Philippine Coconut Authority, 69 out of 82 provinces in the country produce coconut, 3.6 million hectares of land are planted with coconut trees, which provides an estimated 2.5 million farmers with employment.<sup>1</sup> Of this total, the majority (36.5%) are farm workers; about 25.1% are absentee owners, 24.2% are owner-operators, and only 14.1% are tenants. As of 2018, it was estimated that the Philippines had 347 million fruit-bearing coconut trees and a total annual production in metric tons of 14.7 million (nut terms).

Many coconut farmers, especially small-scale farmers, farm workers, and tenants who mainly rely on coconut farming as their main source of livelihood, face challenges, such as lack of government support, low farm productivity, lack of capital and infrastructure, no sustained access to formal credit sources, recurring infestations of a pest called cocolisap, inadequate fertilization, climate related risks and hazards, insufficient farm to market roads, corruption, among others.<sup>2</sup> To make matters even worse, coconut farmers are considered among the poorest in the country. They accounted for about 60% of the rural poor and have an average annual income of PHP 20,000 per hectare.<sup>3</sup> Most of the 2.54 million coconut farmers in the country earn less than PHP

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<sup>1</sup> Aguilar, Edna, Lozada, Ernesto, and Aragon, Corazon, *et al.* *The Philippine Coconut Industry Roadmap (2021-2040)*. Philippine Coconut Authority – Department of Agriculture. 2022 <http://www.pcaf.da.gov.ph/wp-content/uploads/2022/06/Philippine-Coconut-Industry-Roadmap-2021-2040.pdf>, p. 80.

<sup>2</sup> *Id.*, pp. 45-48.

<sup>3</sup> *Id.*, p. 84.

10,000 per year. Those who fall in this income range are largely farm workers and tenants. In 2019, the prevailing wage rate in the coconut farm sector was only PHP 338.72 per day.<sup>4</sup> Because of this, some farm workers and tenants have stolen coconuts on the lands that they work under the impulse of hunger, poverty, or the difficulty of earning a livelihood to support themselves and their family.

The high penalty for qualified theft, which is two degrees higher than simple theft under Article 308, only adds to the difficulties faced by the farmers, discouraging them from pursuing their livelihood, which further contributes to the industry's decline. These farmers are often subjected to high bail amounts for their temporary liberty, which further puts them on a significant financial strain. The penalty is deemed too harsh, especially for small-scale coconut farmers, tenants, and farm workers who rely on the sale of coconuts as their main source of income and who have only acted under desperation and impulse of hunger and poverty.

By decriminalizing qualified theft of coconuts under Article 310 of the Revised Penal Code, as amended, and reclassifying it as simple theft under Article 308, the penalty and the bail amount would be significantly reduced. This would provide a relief to small-scale farmers, tenants, and farm workers, and reduce the burden on those who may be accused of this offense.

The passage of this measure is thus earnestly sought.

  
**RISA HONTIVEROS**  
Senator

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<sup>4</sup> *Id.*, pp. 89-90.

**NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )**



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PURPOSE ARTICLE 310 OF THE REVISED PENAL CODE, AS AMENDED**

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

1 SECTION 1. Article 310 of Act No. 3815, otherwise known as "The Revised Penal  
2 Code", as amended by Commonwealth Act No. 417, Republic Act No. 120, and Batas  
3 Pambansa Blg. 71, is hereby further amended to read as follows:

4 Article 310. Qualified theft. - The crime of theft shall be punished by the penalties  
5 next higher by two degrees than those respectively specified in the next preceding  
6 article, if committed by a domestic servant, or with grave abuse of confidence, or  
7 if the property stolen is motor vehicle, mail matter, or large cattle, or consists of  
8 ~~coconuts taken from the premises of the plantation~~ or fish taken from a fishpond  
9 or fishery, or if property is taken on the occasion of fire, earthquake, typhoon,  
10 volcanic eruption, or any other calamity, vehicular accident, or civil disturbance.

11 *Sec. 2. Repealing Clause.* - All laws, decrees, orders, rules and regulations or other  
12 issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed  
13 or modified accordingly.

14 *Sec. 3. Effectivity.* - This Act shall take effect after fifteen (15) days following the  
15 completion of its publication either in the Official Gazette or in a newspaper of general  
16 circulation in the Philippines.

Approved,