

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



23 MAY -9 A8 :48

**SENATE**  
S. No. 2149

RECEIVED BY: \_\_\_\_\_

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**Introduced by Senator Jinggoy Ejercito Estrada**

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**AN ACT**  
**AMENDING ARTICLE 179 OF THE REVISED PENAL CODE (ACT NO. 3815, AS AMENDED) BY INCREASING THE PENALTY PROVIDED THEREFOR AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

The elements of the crime punishable under Article 179 of the Revised Penal Code (Act No. 3815, as amended) are the following:

- a) That the offender makes use of insignia, uniform or dress.
- b) That the insignia, uniform or dress pertains to an office nor head by the offender or to a class of persons of which he is not a member.
- c) That side insignia, uniform or dress is used publicly and improperly.

The poor uneducated countrymen are the usual victims of the violation of the particular penal provision. Not a few come to the author's office complaining that persons wearing uniforms and/or using insignia pretending to be police officers, accosted and extorted money from them. It is also common that private individuals pretend to be police officers by wearing uniforms and/or using insignia in perpetrating serious crimes like kidnapping, robbery or even murder to avoid resistance from the victims.

Such falsities or misrepresentation as defined in the aforementioned Revised Penal Code provision, should be treated more seriously by providing a heavier penalty. Presently, the penalty imposable is only *arresto mayor*. This means that any


person found to be violating this provision may suffer only a possible imprisonment of one month and one day to six months.

The author submits that the penalty imposable is not commensurate to the kind of offense committed and the damage that may be incurred to the victim, especially if the perpetrator is a public official.

This bill seeks to amend Article 179 of the Revised Penal Code (Republic Act No. 3815, as amended) by increasing the penalty provided thereof to *prision mayor* in its minimum and medium periods. However, if the offender is a public official, the penalty to be imposed shall be *prision mayor* in its maximum period.

I am refiling this measure which I earlier submitted during the previous Congresses.

The passage of this legislation is earnestly sought.



**JINGGOY EJERCITO ESTRADA**

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**FOR OTHER PURPOSES**

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

1 Section 1. Article 179 of the Revised Penal Code (Act No. 3815, as amended)  
2 is hereby amended to read as follows:

3 "ART 179. *Illegal use of uniforms and insignia.* The penalty of  
4 ~~[arresto mayor]~~ **PRISION MAYOR IN ITS MINIMUM AND MEDIUM**  
5 **PERIODS** shall be imposed upon any person who shall publicly and  
6 improperly made of insignia, uniforms or dress pertaining to an office not  
7 held by such person or to a class of persons of which [he] **THE**  
8 **PERSON** is not a member, **PROVIDED, THAT IF THE OFFENDER IS**  
9 **A PUBLIC OFFICIAL, THE PENALTY TO BE IMPOSED SHALL BE IN**  
10 **ITS MAXIMUM PERIOD."**

11 Sec. 2. *Separability Clause.* – If any provision of this Act is declared invalid or  
12 unconstitutional, the remaining provision not affected thereby shall continue to be in  
13 full force and effect.

14 Sec. 3. *Repealing Clause.* – All laws, decrees, orders or regulations or part  
15 thereof inconsistent with this Act are hereby repealed or modified accordingly.

1           Sec. 4. *Effectivity.* – This Act shall take effect fifteen (15) days following the  
2 completion of its publication in the *Official Gazette* or in a national newspaper of  
3 general circulation.

*Approved,*