

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



23 MAY 17 A10 :24

SENATE
Senate Bill No. 2207

RECEIVED BY 

Introduced by Senator Aquilino "Koko" Pimentel III

**AN ACT AMENDING ARTICLE 90 OF ACT NO. 3815,
OTHERWISE KNOWN AS THE REVISED PENAL CODE,
AS AMENDED**

EXPLANATORY NOTE

Life is precious. In all civilized societies preservation of life is paramount; hence offending acts where life or lives are taken are punished in various level of severity. In our jurisdiction, the crimes of murder, parricide, and infanticide are punished by *reclusion perpetua* to death while homicide is punished by *reclusion temporal*.

The prosecution of a crime, however, prescribes. The law on prescription is an act of amnesty and liberality on the part of the State in favor of the offender. This is found in Article 90 of the Revised Penal Code.

New developments in science and technology, however, have advanced so fast with so much accuracy that unsolved crimes where life or lives have been taken can now be solved using new technologies. One clear example is DNA testing. There are many cases involving murders which were solved using DNA technology years after they happened. It is the same with facial reconstruction technology. From skeletal remains, technology can be used to reconstruct the face and appearance of a person, hence his/her possible

identification. Forensic Genetic Genealogy (FGG) has been used to solve 545 cases as of December 31, 2022.¹

Thus, the State should be given all the opportunity to solve crimes especially those that involve loss of lives, without being barred by prescription.

This bill proposes that prescription no longer be applied to crimes involving the taking of human life. It is for this reason that the immediate passage of this bill is earnestly sought.


AQUILINO "KOKO" PIMENTEL III

¹ Michelle Taylor. *How Many Cases Have Been Solved with Forensic Genetic Genealogy?*. Forensic.mag.com March 3, 2023 < <https://www.forensicmag.com/594940-How-Many-Cases-Have-Been-Solved-with-Forensic-Genetic-Genealogy/>>

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

1 **SECTION 1.** Article 90 of Act No. 3815, or "The Revised Penal Code"
2 is hereby amended to read as follows:

3
4 **Article 90. Prescription of crimes.** — Crimes punishable by
5 death, *reclusión perpetua* or *reclusión temporal* shall prescribe in
6 twenty years.

7 Crimes punishable by other afflictive penalties shall
8 prescribe in fifteen years.

9 Those punishable by a correctional penalty shall prescribe in
10 ten years; with the exception of those punishable by *arresto*
11 *mayor*, which shall prescribe in five years.

12 The crime of libel or other similar offenses shall prescribe in
13 one year.

14 The offenses of oral defamation and slander by deed shall
15 prescribe in six months.

16 Light offenses prescribe in two months.

17 When the penalty fixed by law is a compound one, the
18 highest penalty shall be made the basis of the application of the

1 rules contained in the first, second and third paragraphs of this
2 article.

3 **PROVIDED, THAT THE CRIMES OF MURDER,**
4 **PARRICIDE, INFANTICIDE, HOMICIDE, AND OTHER**
5 **CRIMES BY REASON OR ON OCCASION OF WHICH**
6 **HOMICIDE IS COMMITTED, SHALL NOT PRESCRIBE;**
7 **PROVIDED FURTHER, THAT THIS SHALL NOT APPLY**
8 **TO RECKLESS IMPRUDENCE RESULTING IN**
9 **HOMICIDE AS DEFINED UNDER ARTICLE 365 OF THE**
10 **REVISED PENAL CODE.**

11 **SEC. 2. *Repealing Clause.*** – All laws, decrees, orders, issuances, rules
12 and regulations or parts thereof which are inconsistent with this Act are hereby
13 repealed or modified accordingly.

14
15 **SEC. 3. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
16 publication in the *Official Gazette* or in at least two (2) newspapers of general
17 circulation.

Approved,