

## HOUSE OF REPRESENTATIVES

H. No. 1344

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BY REPRESENTATIVES ACOP, PADUANO, GARCIA (G.), ROCAMORA AND  
PRIMICIAS-AGABAS

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AN ACT PRESCRIBING STIFFER PENALTIES FOR 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:*

SECTION 1. Article 156, Chapter 5, Title Three, Book Two of Act  
No. 3815, as amended, otherwise known as “The Revised Penal Code of the  
Philippines”, is hereby further amended to read as follows:

ART. 156. *Delivering prisoners from jail.* – The penalty  
of [*arresto mayor*] **PRISION MAYOR** in its **MEDIUM AND**  
maximum periods [to *prision correccional* in its minimum  
period] **OR THE PENALTY NEXT LOWER IN DEGREE THAN THAT**  
**IMPOSED ON THE PRISONER IN ITS MEDIUM AND MAXIMUM**  
**PERIODS** shall be imposed upon any person who shall remove  
from any jail or penal establishment any person confined therein  
or shall help the escape of such person, by means of violence,

intimidation or bribery[.], **WHICHEVER IS HIGHER**. If other means are used, the penalty of [*arresto*] **PRISION mayor IN ITS MINIMUM AND MEDIUM PERIODS OR TWO DEGREES LOWER THAN THAT IMPOSED ON THE PRISONER IN ITS MEDIUM PERIOD** shall be imposed[.], **WHICHEVER IS HIGHER**.

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

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

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

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

“(2) By *prision [correccional]* **MAYOR** in its minimum period **OR THE PENALTY EQUIVALENT TO THAT PRESCRIBED TO AN ACCESSORY BASED ON THE CRIME IMPUTED UPON THE**

**PRISONER, IN ITS MAXIMUM PERIOD, WHICHEVER IS HIGHER and [temporary special] PERPETUAL ABSOLUTE** disqualification, in case the fugitive shall not have been finally convicted but only held as a detention prisoner for any crime or violation of law or municipal ordinance.

**“(3) BY RECLUSION PERPETUA AND PERMANENT ABSOLUTE DISQUALIFICATION, IF THE FUGITIVE WHO IS HELD AS A DETENTION PRISONER OR CONVICT HAS BEEN CHARGED FOR OR CONVICTED OF ANY CRIME PENALIZED BY RECLUSION PERPETUA.”**

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

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

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

SEC. 5. *Effectivity.* – This Act shall take effect fifteen (15) days following the completion of its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,

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