

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila
Eighteenth Congress
First Regular Session
HOUSE BILL NO. 6273



Introduced by:

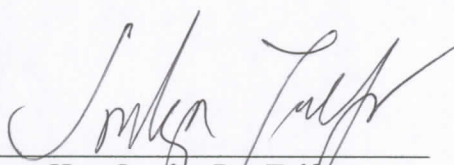
ACT-CIS Party Representatives: Eric Yap, Jocelyn P. Tulfo, Nina Taduran


EXPLANATORY NOTE

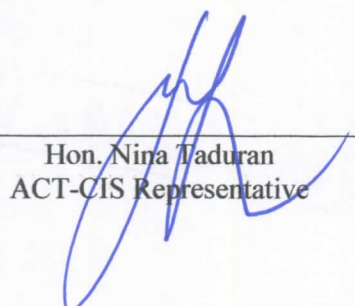
Engaging in contracts with common-carriers has become increasingly present in our present day to day life. With the rise of new transportation methods such as Grab, Angkas, Lala Move, and Joy Ride, more contractual undertakings between the public and common carriers are being executed. In this manner, protection must be given not only to the public who avails of the service, but also to the common-carriers who usually risk both their own funds and safety in delivering passengers and goods to their final destination.

In order to give this added protection, it is proposed that a bill amending the definition of Estafa or Swindling be enacted in order to prevent abuses of the new methods of engaging common-carriers. Stories abound of people ordering or booking any one of these services and then later refusing to pay for the service after the same has been completed. This leaves the common-carrier in a precarious situation wherein they are left to cover the expenses they incurred which severely affects their capacity to continue their work for the day. This is amplified if their first customer is a non-payer as they have no capital to use in performing the services in which they are to be engaged in.

It has been a trend to legislate for rider or client safety and precaution but it is now urged that this bill be enacted to level the field in order to protect the drivers, riders, and delivery men who are now involved in common-carriage as their primary means of livelihood.


Hon. Jocelyn Pua Tulfo
ACT-CIS Representative


Hon. Eric Go Yap
ACT-CIS Representative


Hon. Nina Taduran
ACT-CIS Representative

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AN ACT AMENDING THE REVISED PENAL CODE’S ARTICLE 315 TO INCLUDE WILFUL NON-
PAYMENT OF CORRECTLY IMPOSED PUBLIC TRANSPORTATION FEES AS A MODE OF
COMMITTING ESTAFA

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

Section 1. - Article 315 of Act No. 3815, otherwise known as the Revised Penal Code, is hereby amended to read as follows:

“Art. 315. *Swindling (estafa)*. — Any person who shall defraud another by any of the means mentioned hereinbelow shall be punished by:

1st. The penalty of prision correccional in its maximum period to prision mayor in its minimum period, if the amount of the fraud is over 12,000 pesos but does not exceed 22,000 pesos, and if such amount exceeds the latter sum, the penalty provided in this paragraph shall be imposed in its maximum period, adding one year for each additional 10,000 pesos; but the total penalty which may be imposed shall not exceed twenty years. In such cases, and in connection with the accessory penalties which may be imposed under the provisions of this Code, the penalty shall be termed prision mayor or reclusion temporal, as the case may be.

2nd. The penalty of prision correccional in its minimum and medium periods, if the amount of the fraud is over 6,000 pesos but does not exceed 12,000 pesos;

3rd. The penalty of arresto mayor in its maximum period to prision correccional in its minimum period if such amount is over 200 pesos but does not exceed 6,000 pesos; and

4th. By arresto mayor in its maximum period, if such amount does not exceed 200 pesos, provided that in the four cases mentioned, the fraud be committed by any of the following means:

xxxxxxxxxx

1. With unfaithfulness or abuse of confidence, namely:

xxxxxxxxxx

2. By means of any of the following false pretenses or fraudulent acts executed prior to or simultaneously with the commission of the fraud:

XXXXXXXXXX

3. Through any of the following fraudulent means:

(a) By inducing another, by means of deceit, to sign any document.

(b) By resorting to some fraudulent practice to insure success in a gambling game. chanrobles virtual law library

(c) By removing, concealing or destroying, in whole or in part, any court record, office files, document or any other papers.

(d) By wilful refusal to pay the properly imposed fees to any common-carrier, regardless of the amount due."

(irrelevant or unchanged portions omitted)

Section 2. This Act shall take effect fifteen days after its publication in the Official Gazette or in at least two national newspapers of general circulation, whichever comes earlier.

Approved