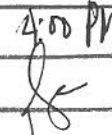


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila
SEVENTEENTH CONGRESS

First Regular Session
HOUSE BILL NO. 2189

HOUSE OF REPRESENTATIVES	
RECEIVED	
DATE:	01 AUG 2016
TIME:	4:00 PM
BY:	
REGISTRATION UNIT BILLS AND LEGISLATIVE SERVICE	

INTRODUCED BY REPRESENTATIVE XAVIER JESUS D. ROMUALDO

EXPLANATORY NOTE

The late Representative Pedro P. Romualdo originally filed this bill in the 15th Congress and was re-filed in the 16th Congress. The Explanatory Note of the late Representative Romualdo is herein reproduced and adopted as the explanation for the filing of this bill:

During the Third Congress, it passed Republic Act (RA) No. 1060, entitled "An Act Increasing the Penalty for the Crime of Malversation of Public Funds or Property, By Amending Article Two Hundred Seventeen of the Revised Penal Code", approved on 12 June 1954.

For nearly fifty-five (55) years, we have been implementing the penalties prescribed under the Revised Penal Code as amended by R.A. No. 1060. It is high time that we revisit the existing provisions of the Revised Penal Code on the subject of "Malversation of Public Funds or Property" as found in Articles 217 – 222 of Chapter Four.

The intent of this proposal is to upgrade the existing penalty structure and modify accordingly the equivalent misappropriated monetary value to reflect the prevailing value of our Philippine peso.

In the present provisions, the monetary classification is too small and yet, the penalties imposed are quite onerous. There are some cases which involved less than twelve thousand pesos and the corresponding penalty ranges from *prision correccional* to *reclusion temporal* in its minimum. Up to this day, many persons are still languishing in jail serving their jail sentences and have been meted out permanent disqualifications by the courts based on these existing provisions.

We need to revisit these provisions to promote a just and equitable law.

In view of the foregoing, the support of the Members of Congress for the prompt and timely passage of this proposed measure is earnestly requested.



XAVIER JESUS D. ROMUALDO

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INTRODUCED BY REPRESENTATIVE XAVIER JESUS D. ROMUALDO

AN ACT AMENDING
ARTICLES 217, 218, 219, 220, 221, AND 222 OF ACT NO. 3815, OTHERWISE
KNOWN AS THE REVISED PENAL CODE, AS AMENDED

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

1 SECTION 1. Article 217 of Act No. 3815, otherwise known as the Revised Penal
2 Code, as amended, is hereby further amended to read as follows:

3
4 Art. 217. *Malversation of public funds or property; Presumption of*
5 *malversation.* — Any public officer who, by reason of the duties of his OR
6 HER office, is accountable for public funds or property, shall appropriate the
7 same or shall take or misappropriate or shall consent, or through
8 abandonment or negligence, shall permit any other person to take such
9 public funds or property, wholly or partially, or shall otherwise be guilty of
10 the misappropriation or malversation of such funds or property, shall suffer:

11
12 [1. The penalty of prision correccional in its medium and maximum
13 periods, if the amount involved in the misappropriation or malversation
14 does not exceed two hundred pesos.

15
16 2. The penalty of prision mayor in its minimum and medium periods, if
17 the amount involved is more than two hundred pesos but does not
18 exceed six thousand pesos.

1
2 3. The penalty of prision mayor in its maximum period to reclusion
3 temporal in its minimum period, if the amount involved is more than six
4 thousand pesos but is less than twelve thousand pesos.

5
6 4. The penalty of reclusion temporal, in its medium and maximum
7 periods, if the amount involved is more than twelve thousand pesos but
8 is less than twenty-two thousand pesos. If the amount exceeds the latter,
9 the penalty shall be reclusion temporal in its maximum period to
10 reclusion perpetua.]

11
12 1. THE PENALTY OF ARRESTO MAYOR IN ITS MEDIUM PERIOD, IF
13 THE AMOUNT OR VALUE OF THE PROPERTY INVOLVED DOES
14 NOT EXCEED TEN THOUSAND PESOS.

15
16 2. THE PENALTY OF ARRESTO MAYOR IN ITS MAXIMUM PERIOD,
17 IF THE AMOUNT OR VALUE OF THE PROPERTY INVOLVED IS
18 MORE THAN TEN THOUSAND PESOS BUT DOES NOT EXCEED
19 TWENTY THOUSAND PESOS.

20
21 3. THE PENALTY OF PRISION CORRECCIONAL IN ITS MINIMUM
22 PERIOD, IF THE AMOUNT OR VALUE OF THE PROPERTY
23 INVOLVED IS MORE THAN TWENTY THOUSAND PESOS BUT
24 DOES NOT EXCEED THIRTY THOUSAND PESOS.

25
26 4. THE PENALTY OF PRISION CORRECCIONAL IN ITS MEDIUM
27 AND MAXIMUM PERIODS, IF THE AMOUNT OR VALUE OF THE
28 PROPERTY INVOLVED IS MORE THAN THIRTY THOUSAND
29 PESOS BUT DOES NOT EXCEED FIFTY THOUSAND PESOS.
30

1 5. THE PENALTY OF PRISION MAYOR IN ITS MINIMUM AND
2 MEDIUM PERIODS, IF THE AMOUNT OR VALUE OF THE
3 PROPERTY INVOLVED IS MORE THAN FIFTY THOUSAND
4 PESOS BUT DOES NOT EXCEED ONE HUNDRED THOUSAND
5 PESOS.

6
7 6. THE PENALTY OF PRISION MAYOR IN ITS MAXIMUM PERIOD
8 TO RECLUSION TEMPORAL IN ITS MINIMUM PERIOD, IF THE
9 AMOUNT OR VALUE OF THE PROPERTY INVOLVED IS MORE
10 THAN ONE HUNDRED THOUSAND PESOS BUT DOES NOT
11 EXCEED TWO HUNDRED FIFTY THOUSAND PESOS.

12
13 7. THE PENALTY OF RECLUSION TEMPORAL, IN ITS MEDIUM AND
14 MAXIMUM PERIODS, IF THE AMOUNT OR VALUE OF THE
15 PROPERTY INVOLVED IS MORE THAN TWO HUNDRED FIFTY
16 THOUSAND PESOS BUT DOES NOT EXCEED FIVE HUNDRED
17 THOUSAND PESOS.

18
19 8. THE PENALTY OF RECLUSION PERPETUA, IF THE AMOUNT OR
20 VALUE OF THE PROPERTY INVOLVED EXCEEDS FIVE
21 HUNDRED THOUSAND PESOS.

22
23 In all cases, persons guilty of malversation shall also suffer the penalty of
24 perpetual special disqualification and a fine equal to the amount of the funds
25 malversed or equal to the total value of the property embezzled.

26 The failure of a public officer to have duly forthcoming any public funds or
27 property with which he OR SHE is chargeable, upon demand by any duly
28 authorized officer, shall be prima facie evidence that he OR SHE has put
29 such missing funds or property to personal use.

1 SEC. 2. Article 218 of the same Code, is hereby amended to read as follows:

2 Art. 218. *Failure of accountable officer to render accounts.* — Any
3 public officer, whether in the service or separated therefrom by resignation
4 or any other cause, who is required by law or regulation to render account
5 to the [Insular Auditor, or to a provincial auditor] COMMISSION ON AUDIT
6 and who fails to do so for a period of two months after such accounts
7 should be rendered, shall be punished by prision correccional in its
8 minimum period, or by a fine [ranging from 200 to 6,000 pesos] OF
9 TWENTY THOUSAND PESOS, or both.

10 SEC. 3. Article 219 of the same Code, is hereby amended to read as follows:

11 Art. 219. *Failure of a responsible public officer to render accounts*
12 *before leaving the country.* — Any public officer who unlawfully leaves or
13 attempts to leave the [Philippine Islands] PHILIPPINES without securing a
14 certificate from the [Insular Auditor] COMMISSION ON AUDIT showing that
15 his OR HER accounts have been finally settled, shall be punished by
16 arresto mayor, or a fine ranging from TWENTY THOUSAND TO FIFTY
17 THOUSAND [200 to 4,000] pesos, or both.

18 SEC. 4. Article 220 of the same Code is hereby amended to read as follows:

19 Art. 220. *[Illegal use of public funds or property] TECHNICAL*
20 *MALVERSATION.* — Any public officer who shall apply any public funds or
21 property under his OR HER administration to any public use other than for
22 which such funds or property were appropriated by law or ordinance shall
23 suffer the penalty of prision correccional in its minimum period or a fine
24 [ranging from one-half to the total value of the sum] EQUIVALENT TO
25 FIFTY PERCENT OF THE SUM OR VALUE OF THE PROPERTY
26 misapplied, if by reason of such misapplication, any damage or

embarrassment shall have resulted to the public service. In either case, the offender shall also suffer the penalty of temporary special disqualification.

If no damage or embarrassment to the public service has resulted, the penalty shall be a fine RANGING from [5 to 50 per cent of the sum] FIVE TO FIFTY PERCENT OF THE SUM OR VALUE OF THE PROPERTY misapplied.

SEC. 5. Article 221 of the same Code is hereby amended to read as follows:

Art. 221. *Failure to make delivery of public funds or property.* — Any public officer under obligation to make payment from Government funds in his OR HER possession, who shall fail to make such payment, shall be punished by arresto mayor and a fine RANGING from [5 to 25 per cent] FIVE TO TWENTY-FIVE PERCENT of the sum which he OR SHE failed to pay.

This provision shall apply to any public officer who, being ordered by competent authority to deliver any property in his OR HER custody or under his OR HER administration shall refuse to make such delivery.

The fine shall be graduated in such case by the value of the thing, provided that it shall not be less than [50] FIVE THOUSAND pesos.

SEC. 6. Article 222 of the same Code is hereby amended to read as follows:

Art. 222. [Officers] PERSONS included in the preceding provisions. — The provisions of this chapter shall apply to private individuals who, in any capacity [whatever] WHATSOEVER, have charge of any [insular, provincial, or municipal] PUBLIC funds, revenues, or property and to any administrator or depository of funds or property attached, seized, or deposited by public authority, even if such property belongs to a private individual.

1 SEC. 7. If any provision of this Act is declared invalid or unconstitutional, the
2 other provisions not affected thereby shall continue to be in full force and effect.

3
4 SEC. 8. All laws, decrees, executive orders and issuances, rules and regulations,
5 and other issuances, or parts thereof, that are inconsistent with the provisions of this Act
6 are hereby repealed or modified accordingly.

7
8 SEC. 9. This Act shall take effect fifteen (15) days after its publication in the
9 Official Gazette or in a newspaper of general circulation.

10
11 Approved,