

## Recent Amendments to the Revised Penal Code of the Philippines

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In 1932, the Legislature enacted Act No. 3815, entitled An Act Revising the Penal Code and Other Penal Laws, also known as the Revised Penal Code (hereinafter the Code). The Code is divided into two Books — Book 1 contains general principles to govern the State's penal laws, such as terms of imprisonment, penalties, and the like, while Book 2 includes a variety of articles defining, qualifying, and penalizing different felonies sought to be prevented by the State. Book 1 is comprised of articles, which, among others, enumerate the different penalties and their respective periods.

In 2012, the Legislature enacted three significant amendments to the Code, both of which effectively modify the landscape of penal law. Republic Act No. 10158, entitled An Act Decriminalizing Vagrancy, Amending For This Purpose Article 202 Of Act No. 3815, As Amended, Otherwise Known As The Revised Penal Code, does just that — it decriminalizes certain actions defined as vagrancy in the Code, but without further amending and/or decriminalizing the act of prostitution. Republic Act No. 10592, entitled An Act Amending Articles 29, 94, 97, 98 And 99 Of Act No. 3815, As Amended, Otherwise Known As The Revised Penal Code, on the other hand, modifies certain articles in Book 1 of the Code which provide definitions and directives that govern preventive imprisonment, special time allowances, and allowances for good conduct. It likewise amends the provision governing partial extinguishment of criminal liability by adding a clause allowing good conduct for prisoners undergoing preventive imprisonment as a means for such partial extinguishment. Republic Act No. 10592, entitled An Act Providing For A Comprehensive Law On Firearms And Ammunition And Providing Penalties For Violations Thereof, on the other hand, makes significant amendments on pertinent firearm laws in order to address loopholes and other issues that have come up with regard to implementation.

The Article provides a historical narrative to the decriminalization of vagrancy by citing significant jurisprudence, which highlights the Supreme Court's various decisions and statements on the said crime. The Authors also

trace the legislative history of the crime of vagrancy by looking back at laws that go as far back as the Penal Code of 1870 (Spain). Discussions on the jurisprudence mentioned, and the Authors' legal opinions on certain doctrines laid down by the Supreme Court, may also be found in the Article. The Authors delve into the effects and repercussions of the crime (as defined in the Code) as well as the jurisprudence that comes with it, in light of the social and cultural realities that one deals with today as well.

The Article likewise discusses the effects of the amendments made to specific provisions found in Book 1 of the Code. The Authors look into the possible outcome of such changes to the State's penal system, such as how the benefit of good conduct time allowances are now made available to persons undergoing preventive imprisonment. The addition of benefits such as those mentioned previously may provide for the possibility of resolution to the overwhelming problem on overpopulated penal institutions, and also for the enforcement of penal sanctions, which are deemed to be more humane and more accommodating towards an accused or convicted during his service sentence.

The Article also engages the reader with an account on the development of firearms legislation in the Philippines, from which it may be seen that the legislature as well as the executive has sought to adapt to technological developments in the firearms industry. Over the course of the last 20 years, quite a number of new firearms have been created, thereby calling for amendments in the laws available so as to properly regulate the handling, possession, and use of firearms.