

SENATE

Senate Bill No. 1292

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INTRODUCED BY SEN. MANNY VILLAR

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EXPLANATORY NOTE

This bill corrects the outdated part of Article 39 which states that subsidiary personal liability of a convict is at the rate of one day for each Eight Pesos (P8.00). Instead, One Hundred Pesos (P100.00) will be the rate of the subsidiary personal liability. The latest amendment to Article 39 was embodied in R.A. 5465 on April 21, 1969.

This bill also clarifies paragraph 2 of Article 39 whereby the principal penalty referred to shall be that imposed upon conviction of the culprit, and not that for which he might have been prosecuted, since the penalty imposed upon conviction due to plea bargaining or evidence during the trial might be lower than the penalty of the felony for which the culprit might have been originally prosecuted.

Approval of this measure is requested on behalf of those who cannot afford to pay the fine due to poverty and are subjected to a subsidiary personal liability or subsidiary imprisonment.

  
MANNY VILLAR

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AN ACT  
TO AMEND ARTICLE 39 OF ACT NO. 3815, AS AMENDED, THE REVISED  
PENAL CODE, DEFINING THE EXTENT TO WHICH SUBSIDIARY  
IMPRISONMENT SHALL BE REQUIRED

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

**SECTION 1.** Article 39 on "Subsidiary Penalty" of Act No. 3815, as amended, the Revised Penal Code, is hereby further amended to read as follows:

**"ART. 39. Subsidiary Penalty.** – If the convict has no property with which to meet the fine mentioned in paragraph 3 of the next preceding article, he shall be subject to a subsidiary personal liability at the rate of one day for each ONE HUNDRED [eight] Pesos (P100.00), subject to the following rules:

1. If the principal penalty imposed be *prision correccional* or *arresto* and fine, he shall remain under confinement until his fine referred to in the preceding paragraph is satisfied, but his subsidiary imprisonment shall not exceed one-third of the term of the sentence, and in no case shall it continue for more than one (1) year, and no fraction or part of a day shall be counted against the prisoner.

2. When the principal penalty imposed be only a fine, the subsidiary imprisonment shall not exceed six (6) months, if the culprit shall have been CONVICTED OF [prosecuted for] a grave or less grave felony.

3. When the principal penalty imposed is higher than *prision correccional*, no subsidiary imprisonment shall be imposed upon the culprit.

4. If the principal penalty imposed is not to be executed by confinement in a penal institution, but such penalty is of fixed duration, the convict, during the time established in the preceding rules, shall continue to suffer the same deprivations as those of which the principal penalty consists.

5. The subsidiary personal liability which the convict may have suffered by reason of his insolvency shall not relieve him, from the fine in case his financial circumstance should improve.”

**SECTION 2. Effectivity.** - This Act shall take effect upon approval and completion of publication in one (1) newspaper of general circulation.

Approved,