

AMENDING ARTICLES THREE HUNDRED AND TWENTY OF THE REVISED PENAL CODE PROVISIONS ON ARSON.

PRESIDENTIAL DECREE NO. 1744, November 11, 1980

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WHEREAS, there have been rampant and wanton burnings of residential houses, public buildings, markets, hotels, and other commercial establishments;

WHEREAS, to effectively discourage and deter the commission of arson, and to prevent destruction of properties and protect the lives of innocent people, it is necessary that the capital punishment be imposed upon arsonists;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree that Article 320, Revised Penal Code be amended:

SECTION 1. Article 320 of the Revised Penal Code shall read as follows:

"Article 320. —DESTRUCTIVE ARSON. — The penalty of RECLUSION TEMPORAL in its Maximum period to death shall be imposed upon any person who shall burn:

1. One (1) or more buildings or edifices, consequent to one single act of burning, or as a result of simultaneous burnings, or committed on several or different occasions;
2. Any building of public Or private ownership, devoted to the use of the public in general, or where people usually gather or congregate for a definite purpose such as "but not limited to official governmental function or business, private' transaction, commerce, trade, worship, meetings and conferences, or merely incidental to a definite purpose such as but not limited to hotels, motels, transient dwellings, public conveyance or stops or terminals, regardless of whether the offender had knowledge that there are persons in said building or edifice at the time it is set on fire, and regardless also of whether the building is actually inhabited or not.
3. Any train or locomotive, ship or vessel, airship or airplane, devoted to transportation or convenience, or for public use, entertainment or leisure.
4. Any building, factory, warehouse, installation and any tenances thereto, which are devoted to the service of public utilities.
5. Any Building, the burning of which is for the purpose of concealing or destroying, evidence of another violation of law, or for the purpose of concealing bankruptcy or defrauding creditors or to collect from insurance.

Irrespective of the application of the above enumerated qualifying circumstances, the penalty of DEATH shall likewise be imposed when the arson is perpetrated or committed by the (2) or more persons or by a group of persons, regardless of whether their purpose is merely to burn or destroy the building of the edifice, or the burning merely constitutes an overt act in the commission or another violation of law.

The penalty of RECLUSION TEMPORAL in its maximum period to DEATH shall also be imposed upon any person who shall burn:

1. Any arsenal, shipyard, storehouse or military powder or fireworks factory, ordnance storehouse, archives or general museum of the government.

2. In an inhabited place, any storehouse or factory of inflammable or explosive materials.

If as a consequence of the commission of any of the acts penalized under this Article, death or injury results, or any valuable documents, equipment, machineries, apparatus, or other valuable properties were burned or destroyed, the mandatory penalty of death shall be imposed."

SEC. 2. Provisions of Articles 320, 321 and 322 of the Revised Penal Code which are or may be inconsistent herewith are hereby repealed.

SEC. 3. Effectivity. —This Decree shall take effect immediately .

Done in the City of Manila, this 11th day of November, in the year of Our Lord, nineteen hundred and eighty.

(SGD.) FERDINAND E. MARCOS

President

Republic of the Philippines

By the President:

(SGD.) JOAQUIN T. VENUS, JR.

Presidential Assistant

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