

AN ACT PROVIDING THAT PERSONS SENTENCED TO FINE FOR CRIMINAL OFFENSES MADE PUNISHABLE BY ACTS OF THE PHILIPPINE COMMISSION OR FOR VIOLATION OF THE ORDINANCES OF THE CITY OF MANI...

Act No. 1732, October 01, 1907

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By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. When a fine is imposed as a whole or any part of the punishment by any criminal offense made punishable by any Act or Acts of the Philippine Commission, the court shall also sentence the guilty person to suffer subsidiary imprisonment until the fine is satisfied : Provided, however, That nothing herein contained shall be construed to prevent the levying of execution upon the goods and property of the guilty person or the prosecution of any other civil remedy which the law may afford; but the court shall limit the time of such subsidiary imprisonment in each case in the following manner:

- (a) The term of such subsidiary imprisonment shall be calculated at the rate of two pesos and fifty centavos per day, no fraction or part of a day being counted against the prisoner.
- (b) In case the sentence of the court imposes both fine and imprisonment, the subsidiary imprisonment shall not exceed one-third of the term of imprisonment imposed by such sentence, and in no case shall such subsidiary imprisonment exceed one year.
- (c) In case the sentence of the court merely imposes a fine, the subsidiary imprisonment shall not exceed six months.
- (d) In case the sentence of the court imposes an imprisonment of more than six Years in addition to a fine, no subsidiary imprisonment shall be imposed.

SEC. 2. The subsidiary imprisonment imposed by the court in accordance with the provisions of section one of this Act shall not be taken into consideration in fixing the status of prisoners under subdivision (d) of section one and subdivision (c) of section three of Act Numbered Seventeen hundred and three, except when the sentence imposes a fine only, in which case the term of subsidiary imprisonment, if any there be, which is necessary to satisfy such fine shall determine the status of the prisoner under the above-mentioned sections and subdivisions of Act Numbered Seventeen hundred and three.

SEC. 3. When a fine is imposed as a whole or any part of the punishment for any criminal offense made punishable by any municipal ordinance or ordinances of the city of Manila, the court shall also sentence the guilty person to suffer subsidiary imprisonment at hard labor at the rate of one peso per day until the fine is satisfied: Provided, however, That nothing herein contained shall be construed to prevent the levying of execution upon the goods and property of the guilty person or the prosecution of any other civil remedy which the law may afford.

Sec. 4. All that part of Section forty of Act Numbered One hundred and eighty-three, as amended, which reads as follows—

""The judgments of each court may be enforced by imprisonment of any defendant adjudged guilty therein until the fines, fees and costs assessed have been paid, or until the same shall have been satisfied by imprisonment at

hard labor at the rate of twenty-five cents a day; and any such judgment may also be enforced by execution against the property of the defendant adjudged guilty therein"—

is hereby repealed: and the provisions of articles fifty, fifty-two of the Penal Code of the Philippine Islands in relation to subsidiary imprisonment, which were modified and partially repealed in so far as concerns the municipal court of the city of Manila by Act Numbered One hundred and eighty-three, as amended, are hereby reenacted.

SEC. 5. The provisions of Act Numbered Fifteen hundred and thirty-three, as amended by Act Numbered Fifteen hundred and fifty-nine, shall apply to subsidiary imprisonment imposed under the authority of this Act.

SEC. 6. The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with section two of "An Act prescribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

SEC. 7. This Act shall take effect on November first, nineteen hundred and seven.

Enacted, October 1, 1907.

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