AN ACT AMENDING ARTICLE 39 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE

REPUBLIC ACT NO. 10159, April 10, 2012

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

SECTION 1. Article 39 of Act No. 3815, as amended, 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 amount equivalent to the highest minimum wage rate prevailing in the Philippines at the time of the rendition of judgment of conviction by the trial court, 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 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 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 months, if the culprit shall have been prosecuted for a grave or less grave felony, and shall not exceed fifteen days, if for a fight 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 period of 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 circumstances should improve." (As amended by Republic Act No. 5465, which lapsed into law on April 21, 1969.)

SEC. 2. Separability Clause. – If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 3. Repealing Clause. – All laws, presidential decrees or issuances, executive orders, letters of instruction, administrative orders or rules and regulations which may be inconsistent with this Act shall be deemed repealed, amended or modified accordingly.

SEC. 4. Effectivity. – This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,

(Sgd.) FELICIANO BELMONTE JR.

(Sgd.) JUAN PONCE ENRILE

Speaker of the House
of Representatives

President of the Senate

This Act which is a consolidation of Senate Bill No. 2808 and House Bill No. 600 was finally passed by the Senate and the House of Representatives on May 23, 2011 and January 30, 2012, respectively.

(Sgd.) MARILYN B. BARUA-YAP

(Sgd.) EMMA LIRIO-REYES

Secretary General
House of Representatives

Secretary of the Senate

Approved: April 10, 2012

(Sgd.) BENIGNO SIMEON C. AQUINO III

President of the Philippines

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