

AN ACT AMENDING ARTICLES ONE HUNDRED FORTY-SIX, TWO HUNDRED NINETY-FIVE, TWO HUNDRED NINETY-SIX AND THREE HUNDRED SIX OF THE REVISED PENAL CODE.

REPUBLIC ACT NO. 12, September 05, 1946

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

SECTION 1. Article one hundred forty-six of the Revised Penal Code is hereby amended to read as follows:

"Art. 146. Illegal assemblies.—The penalty of prision correccional in its maximum period to prision mayor in its medium period shall be imposed upon the organizers or leaders of any meeting attended by armed persons for the purpose of committing any of the crimes punishable under this Code, or of any meeting in which the audience is incited to the commission of the crime of treason, rebellion or insurrection, sedition or assault upon a person in authority or his agents. Persons merely present at such meeting shall suffer the penalty of arresto mayor, unless they are armed, in which case the penalty shall be prision correctional.

"If any person present at the meeting carries an unlicensed firearm, it shall be presumed that the purpose of said meeting, insofar as he is concerned, is to commit acts punishable under this Code, and he shall be considered a leader organizer of the meeting within the purview of the preceding paragraph.

"As used in this article, the word 'meeting' shall be understood to include a gathering or group, whether in a fixed place or moving."

SEC. 2. Article two hundred ninety-five of the Revised Penal Code is hereby amended to read as follows:

"Art. 295. Robbery with physical injuries committed in an uninhabited place or by a band.—If the offenses mentioned in the next preceding article shall be committed in an uninhabited place or by a band, or by attacking a train, car, vehicle, vessel or craft, or by entering any compartment thereof or, in any manner, taking the persons therein 'by surprise in the respective conveyances, the offender shall be punished by the maximum period of the proper penalties.

"In the same cases, the penalty next higher in degree shall be imposed upon the leader of the band."

SEC. 3. Article two hundred ninety-six of the Revised Penal Code is hereby amended to read as follows:

"Art. 296. Definition of a band and penalty incurred by the members thereof.—When more than three armed malefactors take part in the commission of a robbery, it shall be deemed to have been committed by a band. When any of the arms used in the commission of the offense be an unlicensed firearm, the penalty to be imposed upon all the malefactors shall be the maximum of the corresponding penalty provided by law, without prejudice to the criminal liability for illegal possession of such unlicensed firearm.

"Any member of a band who is present at the commission of a robbery by the band, shall be punished as principal of any of the assaults committed by the band, unless it be shown that he attempted to prevent the same."

SEC. 4. Article three hundred six of the Revised Penal Code is hereby amended to read as follows;

"Art. 306. Who are brigands-Penalty.—When more than three armed persons form a band of robbers for the purpose of committing robbery in the highway, or kidnapping persons for the purpose of extortion or to obtain ransom, for any other purpose to be attained by means of force and violence, they shall be deemed highway robbers or brigands.

"Persons found guilty of this offense shall be punished by prision mayor in its medium period to reclusion temporal in its minimum period if the act or acts committed by them are not punishable by higher penalties, in which case, they shall suffer such higher penalties.

"If any of the arms carried by any of said persons be an unlicensed firearm, it shall be presumed that said persons are highway robbers or brigands, and in case of conviction the penalty shall be imposed in the maximum period.

SEC. 5. This Act shall take effect upon its approval.

Approved, September 5, 1946.

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