

## RECENT LEGISLATIONS

[REPUBLIC ACT NO. 1790]

AN ACT TO AMEND ARTICLE THREE HUNDRED AND SIXTY-FIVE OF THE REVISED PENAL CODE. (Re penalty for reckless imprudence.)

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

SECTION 1. Article three hundred and sixty-five of the Revised Penal Code is hereby amended, to read as follows:

"ART. 365. *Imprudence and negligence.*—Any person who, by reckless imprudence, shall commit any act which, had it been intentional, would constitute grave felony, shall suffer the penalty of *arresto mayor* in its maximum period to *prisión correccional* in its medium period; if it would have constituted a less grave felony, the penalty of *arresto mayor* in its minimum and medium periods shall be imposed; if it would have constituted a light felony, the penalty of *arresto menor* in its maximum period shall be imposed.

"Any person who, by simple imprudence or negligence, shall commit an act which would otherwise constitute a grave felony, shall suffer the penalty of *arresto mayor* in its medium and maximum periods; if it would have constituted a less serious felony, the penalty of *arresto mayor* in its minimum period shall be imposed.

"When the execution of the act covered by this article shall have only resulted in damage to the property of another, the offender shall be punished by a fine ranging from an amount equal to the value of said damages to three times such value, but which shall in no case be less than twenty-five pesos.

"A fine not exceeding two-hundred pesos and censure shall be imposed upon any person who, by simple imprudence or negligence, shall cause some wrong which, if done maliciously, would have constituted a light felony.

"In the imposition of these penalties, the courts shall exercise their sound discretion, without regard to the rules prescribed in Article sixty-four.

"The provisions contained in this article shall not be applicable:

"1. When the penalty provided for the offense is equal to or lower than those provided in the first two paragraphs of this article, in which case the courts shall impose the penalty next lower in degree than that which should be imposed in the period which they may deem proper to apply.

"2. When, by imprudence or negligence and with violation of the Automobile Law, the death of a person shall be caused, in which case the defendant shall be punished by *prisión correccional* in its medium and maximum periods.

"Reckless imprudence consists in voluntarily, but without malice, doing or failing to do an act from which material damage results by reason of inexcusable lack of precaution on the part of the person performing or failing to perform such act, taking into consideration his employment or occupation, degree of intelligence, physical condition and other circumstances regarding persons, time and place.

"Simple imprudence consists in the lack of precaution displayed in those cases in which the damage impending to be caused is not immediate nor the danger clearly manifest.

"The penalty next higher in degree to those provided for in this article shall be imposed upon the offender who fails to lend on the spot to the injured parties such help as may be in his hands to give."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 21, 1957.

—oOo—

[REPUBLIC ACT NO. 1827]

AN ACT TO REGULATE LOBBYING IN THE CONGRESS OF THE PHILIPPINES AND IN THE COMMISSION ON APPOINTMENTS.

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

SECTION 1. *Legislative purpose.*—The purpose of this Act is to prohibit corrupt or undesirable methods of lobbying, to promote a high standard of ethics in the practice of lobbying, to prevent harassing unfair and unethical lobbying practices, and to provide for the licensing of lobbyists and the suspension or revocation of such licenses.

SEC. 2 *Corrupt means to influence legislation; disclosure of interest.*—Any person who shall, directly or indirectly, give or agree or offer to give any money or property or valuable thing or any security therefor to any person, for the service of such person or of any other person in procuring the passage or defeat of any measure before the Congress of the Philippines or before either House or any committee thereof, upon the contingency or condition of the passage or defeat of such measure, or who shall receive, directly or indirectly, or agree to receive any such money, property, thing of value or security therefor for such service, upon any such contingency or condition, or who, having a pecuniary or other interest, or acting as the agent or attorney of any person in procuring or attempting to procure the passage or defeat of any measure before the Congress of the Philippines or before either House or any committee thereof, shall attempt in any manner to influence any member of said Congress for or against such measure, without first making known to such member the real and true interest he has in such measure, either personally or as such agent or attorney, shall be punished by imprisonment of not more than two years or by fine not exceeding five thousand pesos or both such imprisonment and fine.

SEC. 3 *Corrupt or secret means to influence confirmation of appointment.* Any person who shall, directly or indirectly, give or agree or offer to give any money or property or valuable thing or any security therefor to any person, for the service of such person or of any other person in procuring the confirmation or rejection or by-passing of any appointment before the Commission on Appointments or before any committee thereof, upon the contingency or condition of the confirmation or rejection or by-passing of such appointment, or who shall receive, directly or indirectly, or agree to receive any such money, property, thing of value or security therefor for such service, upon any such contingency or condition, or who, having an appointment in his favor pending before the Commission on Appointments or before any committee thereof, shall through secret or clandestine methods attempt in any manner to influence any member of such Commission to vote for confirmation of such appointment, shall be punished by imprisonment of not more than two years or by a fine not exceeding five thousand pesos or both such imprisonment and fine.

SEC. 4. *Definitions.*—The following words and phrases shall have the meaning respectively ascribed to them:

(1) *Measure*.—Any proposed legislation either in the form of bill, resolution or otherwise or any amendment thereof.

(2) *Lobbying*.—The practice of promoting or opposing the introduction or passage of legislation before either House of the Congress of the Philippines or any of its committees, or promoting or opposing the confirmation of any pending appointment before the Commission on Appointments or any of its committees.

(3) *Lobbyist*.—Any person who engages in the practice of lobbying for hire except in the manner authorized by section twelve of this Act. Lobbying for hire shall include activities of any officers, agents, attorneys or employees of any principal who are paid a regular salary or retainer by such principal and whose duties include lobbying.

(4) *Unprofessional conduct*.—A violation of any of the provisions of this Act, or soliciting employment from any principal, or instigating the introduction of legislation for the purpose of obtaining employment in opposition thereto, or attempt to influence the vote of members of Congress on any measure pending or to be proposed or on any appointment submitted for confirmation by the promise of support or opposition at any future election, or by any other means than a full and fair argument on the merits thereof, or by making public any unsubstantiated charges of improper conduct on the part of any other lobbyist or of any member of Congress, or engaging in practices which reflect discredit on the practice of lobbying or the Congress.

(5) *Principal*.—(a) Any person, corporation or association which engages a lobbyist or other person in connection with any legislation, pending before the Congress or to be proposed, affecting the pecuniary interest of such person, corporation or association, or in connection with any appointment pending before the Commission on Appointments.

(b) Any branch or subdivision or instrumentality of the government, including government-owned and government-controlled corporations, which engages a lobbyist or other person in connection with any legislation pending or to be proposed affecting the statutory powers, duties or appropriation of such branch, subdivision, or instrumentality.

(6) *Docket*.—The register of licensed lobbyists maintained by the Secretary of the House of Representatives and by the Secretary of the Senate (insofar as Congress is concerned) or by the Secretary of the Commission on Appointments (insofar as said Commission is concerned) pursuant to section seven of this Act.

(7) *Report*.—The statement of expenses filed with the Secretary of the House of Representatives and the Secretary of the Senate (insofar as Congress is concerned) or with the Secretary of the Commission on Appointments (insofar as said Commission is concerned) by lobbyists pursuant to section nine of this Act.

(8) *Pecuniary interest*.—This term includes without limitation any legislation which creates, alters or repeals any statutory charge by way of tax, license fee, registration fee or otherwise, or which creates, alters or repeals any statutory privilege, power, restriction or obligation of any principal, or which creates, alters or repeals the powers or duties of any court or government agency before which the principal does business.

SEC. 5 *Licenses for lobbyists; suspension or revocation*.—(1) *Licenses; fees; eligibility*.—Any person of legal age and good moral character who is a citizen of the Philippines is qualified to be licensed as a lobbyist as herein provided. The Secretary of the House of Representatives and the Secretary of the Senate

(insofar as Congress is concerned) or the Secretary of the Commission on Appointments (insofar as said Commission is concerned) shall provide for the form of application for license. Such application may be obtained in the office of the Secretary of either House of Congress or of the Secretary of either House of Congress or of the Secretary of the Commission on Appointments, as the case may be, and filed therein. No application shall be approved except by unanimous vote of the Secretaries of both Houses insofar as lobbying in Congress is concerned. Upon approval of such application and payment of the license fee of seventy-five pesos to the Secretary of either House or to the Secretary of the Commission on Appointments, as the case may be, a license shall be issued which shall entitle the licensee to practice lobbying on behalf of any one or more principals. Each license shall expire on December thirty-first of the year in which it was issued. No application shall be disapproved without affording the applicant a hearing which shall be held and decision entered within ten days of the date of filing of the application. Denial of a license may be reviewed by mandamus proceeding in the proper court.

(2) *Suspension or revocation of license.*—Upon verified complaint in writing charging the holder of a license with having been guilty of unprofessional conduct or with having procured his license by fraud or deceit or through error, the Solicitor General is hereby authorized to bring civil action in the proper Court of First Instance against the holder and in the name of the state as plaintiff to revoke the license. The procedure in such civil action shall be as provided in the Rules of Court. If the court finds for the plaintiff judgment shall be rendered revoking the license and the clerk of the court shall file a certified copy of the judgment with the Secretaries of both Houses or with the Secretary of the Commission on Appointments, as the case may be. If the court shall determine that the complaint made to the Solicitor General was without proper cause, it shall enter judgment against the person making the complaint for the costs of the action with such damages as the court may award. The licensing authority may commence such action on their own motion.

(3) *Suspension of lobbying privileges.*—No lobbyist whose license has been suspended or revoked and no person who has been convicted of a violation of any provision of this Act shall engage in any activity permitted by section twelve hereof until he has been reinstated to the practice of lobbying and duly licensed.

SEC. 6. *Lobby registry.*—Except as provided in section twelve (2) hereof every principal who employs any lobbyist shall within one week after such employment cause the name of said lobbyist to be entered upon the docket. It shall also be the duty of the lobbyist to enter his name upon the docket. Upon the termination of such employment such fact may be entered opposite the name of the lobbyist either by the lobbyist or the principal.

SEC. 7. *Docket; authorization.*—(1) The Secretaries of both Houses or the Secretary of the Commission on Appointments, as the case may be, shall prepare and keep a docket in which shall be entered the name and business address of each lobbyist, the name and business address of his principal, and the subject or subjects of legislation or pending appointment to which the employment relates. Such docket shall be a public record and open to the inspection of any citizen upon demand at any time during the regular business hours of the office of the said Secretaries.

(2) Any principal employing any lobbyist shall when further subjects of legislation or further appointments are submitted which such lobbyist is to promote or oppose, make or cause to be made additional entries in the docket stating such employment so that the docket will show at all times all subjects of legislation or pending appointments in relation to which the lobbyist is employed. The docket may also show the number or designation of bills, resolutions or other measures in relation to which the lobbyist is employed.

(3) Within ten days after his registration in the docket, a lobbyist shall file with the Secretaries of both Houses or with the Secretary of the Commission on Appointments, as the case may be, a written authorization to act as such signed by his principal.

SEC. 8. *Restriction on practice of lobbying.*—(1) No person shall practice as a lobbyist unless he has been duly licensed under the provisions of section five hereof and unless his name appears upon the docket as employed in respect to such matters as he shall be promoting or opposing. No principal shall directly or indirectly authorize or permit any lobbyist employed by him to practice lobbying in respect of any legislation or appointment in which such principal is interested until such lobbyist is duly licensed and the name of such lobbyist is duly entered on the docket. No person shall be employed as a lobbyist for a compensation dependent in any manner upon the passage or defeat of any proposed or pending legislation or upon any other contingency connected with the action of the Congress or of either House thereof or of any committee thereof, or upon the confirmation or rejection or by-passing of any appointment pending before the Commission on Appointments.

(2) Within five days after delivering any written or printed statement, argument or brief to the entire membership of either or both Houses of Congress, three copies thereof shall be deposited with the Secretaries of both Houses or with the Secretary of the Commission on Appointments, as the case may be.

SEC. 9 *Reports of lobbyists; reports to Congress.*—(1) Every lobbyist required to have his name entered upon the docket shall, within ten days after the end of each calendar month of any regular or special session of Congress, file with the Secretaries of both Houses or with the Secretary of the Commission on Appointments, as the case may be, a sworn statement of expenses made and obligations incurred by himself or any agent in connection with or relative to his activities as such lobbyist for the preceding month or fraction thereof, except that he need not list his own personal living and travel expenses in such statement.

(2) Within ten days following the beginning of any regular or special session of Congress and on every week thereafter for the duration of such session, the Secretaries of both Houses or the Secretary of the Commission on Appointments, as the case may be, shall from their records report to each House of Congress or to the Commission the names of lobbyists registered under section six hereof who were not previously reported, the names of the persons whom they represent as such lobbyist, and the subjects of legislation or appointments in which they are interested. Such reports shall be incorporated into the journal of each House. The Secretaries of both Houses or the Secretary of the Commission on Appointments, as the case may be, shall also forward to each House or to the Commission a copy of each statement required to be filed under subsection (1). Such copy shall be open to public inspection but shall not be incorporated in the journal unless the House or Commission so orders. Any expenditures made or obligation incurred by any lobbyist in behalf of or for the entertainment of any government official or employee concerning pending or proposed legislative matters or pending appointment shall be reported according to the provisions of this section.

SEC. 10. *Statement of expense by principal.*—Within thirty days after the sine die adjournment of Congress, every principal whose name appears upon the docket or who has employed any person to engage in any activity permitted under section twelve hereof shall file with the Secretaries of both Houses or with the Secretary of the Commission on Appointments, as the case may be, a complete and detailed statement verified under oath by the person making

the same, or in the case of a corporation by its president or treasurer, of all expenses paid or incurred by such principal in connection with the employment of lobbyists or in connection with promoting or opposing in any manner the passage by Congress of any legislation affecting the pecuniary interest of such principal, or in connection with any appointment pending before the Commission on Appointments. The accounts shall be rendered in such forms as shall be prescribed by the Secretaries of both Houses or by the Secretary of the Commission on Appointments, as the case may be. Such accounts shall be open to public inspection.

**SEC. 11. Penalties.**—(1) Any principal violating any of the provisions of sections four to ten hereof (excepting the last sentence in section 8[1], the violation of which is penalized under sections 2 and 3) shall for such offense be fined not less than one thousand pesos nor more than twenty thousand pesos.

(2) Any lobbyist who shall fail to comply with any of the provisions of said sections or any person who shall act as lobbyist without being duly licensed shall be fined not less than five hundred pesos nor more than ten thousand pesos and shall be disbarred from acting as a lobbyist for a period of three years from the date of such conviction.

(3) Any lobbyist who fails to make and file the statement required by section nine hereof shall be punished by a fine not to exceed one thousand pesos or by imprisonment not to exceed six months or by both such fine and imprisonment. Any lobbyist who shall file a false statement shall be punished by a fine of not less than one thousand pesos nor more than five thousand pesos or by imprisonment for not less than six months nor more than two years, or both such fine and imprisonment.

**SEC. 12. Personal lobbying prohibited, exceptions.**—(1) It shall be unlawful for any person other than a licensed lobbyist to attempt personally and directly to influence any member of Congress to vote for or against any measure pending therein, or to be proposed, or to vote for or against confirmation of any appointment pending before the Commission on Appointments, otherwise than by appearing before the regular committees thereof, when in session, or by newspaper publications, or by public addresses to persons other than members of Congress or Commission on Appointments, as the case may be, or by written or printed statements, arguments or briefs delivered to each member of Congress or Commission on Appointments, as the case may be; provided, that within five days after delivering such statement, argument or brief, three copies thereof shall be deposited with the Secretaries of both Houses or with the Secretary of the Commission on Appointments, as the case may be. No officer, agent, appointee, or employee, in the service of the government, shall attempt to influence any member of Congress to vote for or against any measure pending therein, affecting the pecuniary interests of such person, excepting in the manner authorized herein in the case of lobbyists. Nothing in this section shall be construed to deprive any citizen not lobbying for hire of his constitutional right to communicate with members of Congress.

(2) Any person who limits his lobbying solely to appearance before either House of Congress or Commission on Appointments or its committees and registers his appearance on the records of such House or Commission or committee in writing, shall not be required to be licensed as a lobbyist, pay a license fee, register with the Secretaries of both Houses or with the Secretary of the Commission on Appointments, as the case may be, or make any report of expenditures.

Any person violating any of the provisions of this section shall be punished by imprisonment of not more than six months or by a fine not exceeding one thousand pesos, or both such imprisonment and fine.

SEC. 13. *Compensation for published articles on matters pending before Congress to be reported; penalty.*—Whenever money or other thing of value is paid, or a promise or agreement to pay money or other thing of value is given, to the owner or publisher or any editor, reporter, agent or employee of any newspaper or periodical for the publication therein of any article, editorial or other matter favoring or opposing, or which is intended or tends to favor or oppose, any bill, resolution or other matter pending in the Congress, or any appointment pending in the Commission on Appointments, excepting a paid advertisement showing the name and address of the person authorizing the publication and the amount paid or agreed to be paid therefor, the owner or publisher of such newspaper or periodical shall, within ten days after such publication, file with the Secretaries of both Houses, or with the Secretary of the Commission on Appointments, as the case may be, a statement showing the amount of money or other things of value paid or agreed to be paid and the name and address of the person, firm or corporation from whom such payment or agreement was received.

Violation of this section shall be punishable by a fine of not less than five hundred pesos nor more than ten thousand pesos.

SEC. 14. This Act shall take effect upon its approval.

Approved, June 22, 1957.

[REPUBLIC ACT NO. 1916]

AN ACT EXEMPTING FROM THE PAYMENT OF ALL TAXES AND DUTIES ALL DONATIONS IN ANY FORM AND IMPORTATIONS OF ARTICLES WHICH ARE DONATIONS TO INTERNATIONAL CIVIC ORGANIZATIONS, RELIGIOUS OR CHARITABLE INSTITUTIONS AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

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

SECTION 1. The provisions of existing laws to the contrary notwithstanding, all donations in any form and all articles imported into the Philippines, consigned to a duly incorporated or established international civic organization, religious or charitable society or institution for civic, religious or charitable purposes shall be exempt from the payment of all taxes and duties upon proof satisfactory to the Commissioner of Customs and/or Collector of Internal Revenue that such donations in any form and articles so imported are donations for its use or for free distribution and not for barter, sale or hire: *Provided, however,* That in case such articles are subsequently conveyed or transferred to other parties for a consideration, taxes and duties shall be collected thereon at double the rate provided under existing laws payable by the transferor: *Provided, further,* That rules and regulations shall be promulgated by the Department of Finance for the implementation of this Act.

SEC. 2. This Act shall take effect upon its approval.

Approved, June 22, 1957.

[REPUBLIC ACT NO. 1956]

AN ACT AMENDING ARTICLE ONE HUNDRED AND EIGHTY-SIX OF THE REVISED PENAL CODE, CONCERNING MONOPOLIES AND COMBINATIONS IN RESTRAINT OF TRADE.

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

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

ART. 186. *Monopolies and combinations in restraint of trade.*—The penalty of *prision correccional* in its minimum period or a fine ranging from two hundred to six thousand pesos, or both, shall be imposed upon:

"1. Any person who shall enter into any contract or agreement or shall take part in any conspiracy or combination in the form of a trust or otherwise, in restraint of trade or commerce or to prevent by artificial means free competition in the market;

"2. Any person who shall monopolize any merchandise or object of trade or commerce, or shall combine with any other person or persons to monopolize said merchandise or object in order to alter the price thereof by spreading false rumors or making use of any other artifice to restrain free competition in the market;

"3. Any person who, being a manufacturer, producer, or processor of any merchandise or object of commerce or an importer of any merchandise or object of commerce from any foreign country, either as principal or agent, wholesaler or retailer, shall combine, conspire or agree in any manner with any person likewise engaged in the manufacture, production, processing, assembling or importation of such merchandise or object of commerce or with any other person not so similarly engaged for the purpose of making transactions prejudicial to lawful commerce, or of increasing the market price in any part of the Philippines, of any such merchandise or object of commerce manufactured, produced, assembled in or imported into the Philippines, or of any article in the manufacture of which such manufactured, produced, processed, or imported merchandise or object of commerce is used.

"If the offense mentioned in this Article affects any food substance, motor fuel or lubricants, or other articles of prime necessity, the penalty shall be that of *prision mayor* in its minimum and medium periods, it being sufficient for the imposition thereof that the initial steps have been taken toward carrying out the purposes of the combination.

"Any property possessed under any contract or by any combination mentioned in the preceding paragraphs, and being the subject thereof, shall be forfeited to the Government of the Philippines.

"Whenever any of the offenses described above is committed by a corporation or association, the president and each one of the directors or managers of said corporation or association or its agent or representative in the Philippines in case of a foreign corporation or association, who shall have knowingly permitted or failed to prevent the commission of such offenses, shall be held liable as principals thereof."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 22, 1957.