

SENATE
S. B. No. 3369

Introduced by Senator Ramon "Bong" Revilla, Jr.

EXPLANATORY NOTE

The State has the authority, under its police power, to define and punish crimes and to lay down the rules of criminal procedure. States, as part of their police power, have a large measure of discretion in creating and defining criminal offenses.¹

Statistics would show that over the years, there has been an increase in victims of "Akyat Bahay", "Ipit Taxi", "Laglag Barya", "Dugo-dugo" and other crimes committed wherein its malefactors act in an organized and concerted manner to ensure successful consummation of their intended act. While apparently being isolated crimes, the truth thereof is that the same is being committed by organized crime groups, albeit some are merely small scale organizations.

In 2006, Republic Act 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006", took effect. While the same is a good statute aimed at the reformation and protection of children at risk, or children in conflict with the law and obviously inspired by the positivist theories of criminal law, organized criminal groups have taken advantage of the law by employing misguided minors in executing their unlawful designs.

It is thus intended that through the passage of this bill, it will effectively define and punish acts connected with the operation, and recruitment of members, of street gangs which has been difficult to prosecute in the past by reason of the absence of a punitive law declaring the same unlawful, thereby protecting the innocent public under the principle of *salus populi est suprema lex*. The welfare of the people is the supreme law.

Passage of this bill into law is therefore recommended.


RAMON "BONG" REVILLA, JR.

¹ People v. Santiago (43 Phil. 120, 124)

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**AN ACT DETERRING AND PUNISHING THE ESTABLISHMENT AND
OPERATION OF CRIMINAL STREET GANGS, RECRUITMENT OF
INDIVIDUALS TO PARTICIPATE IN THE COMMISSION OF GANG CRIMES
AND FOR OTHER PURPOSES**

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

SECTION 1. Short Title. - This Act shall be known as the "Criminal Street
Gang Deterrence and Punishment Act of 2009".

SEC. 2. Definition of Terms. - As used in this Act, the following terms
shall mean as follows:

(a) "Criminal Street Gang" - formal or informal group, club,
organization or association of three (3) or more members who, alone or
any combination thereof, act(s) or agree(s) to act in concert in order to
commit two (2) or more predicate gang crimes.

(b) "Predicate Gang Crime" - any threat or act, or attempted act or
threat, which is punishable under the Revised Penal Code and other
special penal laws and punishable by imprisonment of more than one (1)
year, involving murder; attempted murder; gambling; kidnapping; robbery;
extortion; arson; obstruction of justice; tampering with or retaliating against
a witness, victim or informant; burglary; sexual assault; carjacking;
manufacturing, importing, distributing and possessing with intent to
distribute, or otherwise dealing in controlled substance(s) or chemicals; or
other similar offenses.

SEC. 3. Prohibited Acts and Penalties. -

(a) **Recruitment of a Person into a Criminal Street Gang.** - It
shall be unlawful for any person to use any facility or cause another to do
so in order to recruit, solicit, induce, employ, command or cause another
individual to gain entrance to, remain a member of or increase his position
in a criminal street gang or conspire to do so with the intent that the said
individual shall participate in any offense described in Section 2(b) of this
Act.

Any person who violates the above provision shall suffer the
penalty of imprisonment of not more than ten (10) years: *Provided*, That if

the individual recruited, solicited, induced, employed, commanded or caused to gain entrance to, or to remain a member of, or increase his position in a criminal street gang is a minor, the offender shall be imprisoned for not less than five (5) years nor more than ten (10) years and fined at the discretion of the court. In addition, the offender shall be held liable for any costs incurred by the government for maintaining and rehabilitating the individual until he/she attains the age of eighteen (18) years.

(b) Inducement to Participate in Street Gang Crime. - It shall be unlawful to employ, use, command, coerce, counsel, persuade, induce or entice any individual to commit, cause to commit or facilitate the commission of a predicate gang crime in furtherance of or in aid of the activities of a criminal street gang.

Any person who violates the above provision shall suffer the penalty of imprisonment of not more than fifteen (15) years: *Provided*, That if the individual induced to participate in a street gang crime is a minor, the offender shall be imprisoned for not less than ten (10) years nor more than fifteen (15) years and fined at the discretion of the court. In addition, the offender shall be held liable for any costs incurred by the government for maintaining and rehabilitating the individual until he attains the age of eighteen (18) years.

(c) Participation in Street Gang Crimes. - Any person who shall commit, conspire or attempt to commit two (2) or more predicate gang crimes in furtherance of or in aid of the activities of a criminal street gang shall be imprisoned for not more than twenty (20) years: *Provided*, That a person who at the time of the offense occupied a position of organizer, leader, supervisor, manager or any other position of management or supervision in the criminal street gang involved in such violation shall be imprisoned for not less than thirty (30) years.

SEC. 4. Violent Crime in Furtherance or in Aid of a Criminal Street Gang. - Any person who, in furtherance of, or in aid of, a criminal street gang, commits a crime of violence against any individual, or conspires or attempts to do so, shall be punished in addition and consecutive to the punishment provided for any other violation of this Act, as follows:

- (a) For murder: by life imprisonment;
- (b) For kidnapping for ransom: by life imprisonment;
- (c) For sexual assault: by imprisonment for ten (10) years;
- (d) For maiming: by imprisonment for five (5) years;
- (e) For assault with a dangerous weapon or assault resulting in serious bodily injury: by imprisonment for (5) years;
- (f) For attempting or conspiring to commit murder, kidnapping, maiming or sexual assault: by imprisonment for (5) years; and
- (g) For attempting or conspiring to commit a crime involving assault with a dangerous weapon or assault resulting in serious bodily injury by imprisonment for five (5) years.

SEC. 5. Forfeiture of Assets. - A person who violates any provision of this Act shall, in addition to the penalties provided for the violation, suffer forfeiture of assets corresponding to the following:

(a) Any property constituting or derived from any proceeds the person obtained, directly or indirectly, as a result of the violation; and

(b) Any property, used or intended to be used, in any manner or part, to commit or to facilitate the commission of the violation.

SEC. 6. Implementing Rules and Regulations. - The Department of Justice and the Department of the Interior and Local Government shall jointly issue the implementing rules and regulations necessary for the effective implementation of this Act.

SEC. 7. Separability Clause. - If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provisions not otherwise affected shall remain valid and subsisting.

SEC. 8. Repealing Clause. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 9. Effectivity Clause. -This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,