

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 JUN 30 P4:54

SENATE

RECEIVED BY: Attu

S. No. 373

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

Piracy as a scourge of humankind has continued to this day and even became more rampant and more violent, continuing to justify its historic characterization as "hostis humanis generis".

In the Philippines, piracy has been an endemic national scourge almost endowed with a cultural/religious element. It dates back to as early as the 15th Century, where the seafaring forebears of our Muslim brothers in the South developed a natural instinct to consider any ship that sailed as irresistible challenge to their wits and skills. Kidnapping expeditions, such as those that happened in recent times in Sipadan and Dos Palmas, were conducted with ease throughout the archipelago, to a point where coastal communities had to construct stone watchtowers for early warning against the marauders. During the Spanish regime in the Philippines, the Sultanate of Mindanao used the pirates of Sulu, who later gained the title "the amphibian warriors of the Pacific", as a legitimate part of their organized resistance against foreign rule but also served as the local version of "privateers" enriching the Sultan's coffers. Such nefarious practice went well into the 20th Century until the closing of the slave market in Sulu and Tawi-Tawi, and for a time it seemed that it had ceased altogether. In a regional/international scale, the Philippine experience with piracy was related to depredations against the Galleon trade.

Today, the Philippines is experiencing a resurgence of the menace of piracy in its waters and in the region, brought about by region-wide economic difficulties, political upheavals and even the increase in the volume of international trade. Geography is also a historical factor contributing to the proliferation of piracy incidents in the Philippines. The country's archipelagic configuration and strategic location renders sea-borne foreign and inter-island trade inherently vulnerable. The long stretches of coastlines and the outlying uninhabited islands in the country conduce to these activities as they make a perfect hideaway for pirates, either as a base for their activities or to hide loot. The narrow passages and channels of the archipelago render targeted vessels more vulnerable as they are forced to reduce speed.

On account of the pernicious effects of piracy on shipping in general, the definition of the crime is sought to be expanded to include armed robbery against ships at sea or anchored in a port and attacks made by pirates on a community upon descending from sea.

Approval of this bill is earnestly sought.

S. Osmeña III
SERGIO R. OSMEÑA III
Senator

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AN ACT
EXPANDING THE DEFINITION OF PIRACY AND INCREASING THE PENALTY
FOR QUALIFIED PIRACY, AMENDING FOR THE PURPOSE ARTICLES 122 OF
ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL
CODE

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

1 SECTION 1. Article 122 of Act No. 3815, as amended, otherwise known
2 as the Revised Penal Code, is hereby further amended to read as follows:

3 "ARTICLE 122. Piracy in general and mutiny on the high seas or in
4 Philippine waters. — The penalty of reclusion perpetua shall be inflicted
5 upon any person who, on the high seas, or in Philippine waters, shall
6 attack or seize a vessel [or,] AT SEA OR ANCHORED IN A PORT not
7 being a member of its complement nor a passenger, shall seize the
8 whole or part of the cargo of said vessel, its equipment, or personal
9 belongings of its complement or passengers; OR DESCENDING FROM
10 THE SEA, SHALL ATTACK A COMMUNITY.

11 The same penalty shall be inflicted in case of mutiny on the high
12 seas or in Philippine waters.

13 SEC. 2. All laws, decrees, executive orders, rules and regulations, or
14 parts hereof inconsistent with the provision of this Act are hereby repealed,
15 amended or modified accordingly.

1 SEC. 3. This Act shall take effect fifteen (15) days after its publication in
2 the Official Gazette or in at least two (2) newspapers of general circulation
3 whichever comes earlier.
4 Approved,