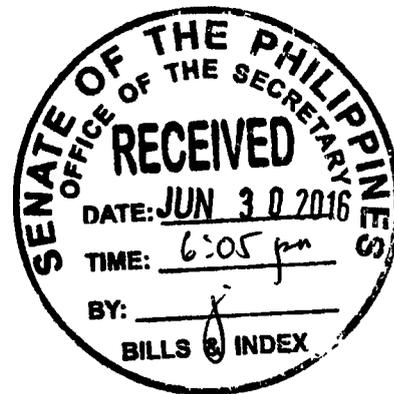


2.

SEVENTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

SENATE
S.B. NO. 186



INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

**AN ACT TO IMPOSE THE DEATH PENALTY ON THE HEINOUS CRIME OF
KIDNAPPING, AMENDING FOR THAT PURPOSE THE REVISED PENAL LAWS,
AS AMENDED, AND FOR OTHER PURPOSES**

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

EXPLANATORY NOTE:

The recent upsurge in the killing of kidnap victims by terrorists, and the continuing distress of Filipinos across social classes over the safety of their family members from kidnap for ransom gangs demand prompt action.

Kidnapping crimes, and especially those made for ransom, exchange priceless lives for a lesser interest. Kidnappers victimize not only the wealthy, but with increasing incidents now, even the ordinary families. At times, kidnapping leads to other crimes, including the violation of the chastity or killing of victims.

The menace of kidnapping for ransom has also resulted into an international concern for the Philippines as domestic terror groups endanger foreign nationals in their effort to get money that can fund more nefarious activities. It has brought shame to the country, and caused foreigners, even those with intentions to help our people, to seriously think over their travel to the Philippines.

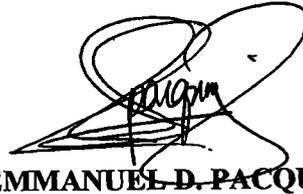
The State is bound to secure its people, and foreign expatriates and tourists that it hosts, from the threat of kidnapers. They cannot be allowed to live and work in fear of the criminals.

Against the terrorist kidnapers, the State must strengthen its no-ransom policy with a deterring enactment that clearly imposes a penalty approximating the value of the lives that the crime endangers.

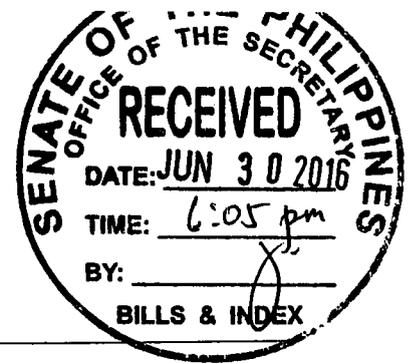
Therefore, the present bill is being filed separate from similarly intended bills for other kinds of crimes in order for the bill to be addressed promptly and independent of more lengthy discussion of other crimes.

This will show that the State is deliberate in strengthening its responsibility to secure the safety of people in the country against kidnapers.

In view of the foregoing, approval of this bill is earnestly sought

A handwritten signature in black ink, appearing to read 'EMMANUEL D. PACQUIAO', is written over a large, loopy scribble.

EMMANUEL D. PACQUIAO



SENATE

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

1 **WHEREAS**, the Constitution, specifically Article III, Section 19 paragraph (1)
2 thereof, states "Excessive fines shall not be imposed nor cruel, degrading or inhuman
3 punishment inflicted. Neither shall death penalty be imposed, unless, for compelling reasons
4 involving heinous crimes, the Congress hereafter provides for it. . .";

5
6 **WHEREAS**, the crimes punishable by death under this Act are heinous for being
7 grievous, odious and hateful offenses and which, by reason of their inherent or manifest
8 wickedness, viciousness, atrocity and perversity are repugnant and outrageous to the common
9 standards and norms of decency and morality in a just, civilized and ordered society;

10
11 **WHEREAS**, the alarming upsurge of such crimes has resulted not only in the loss of
12 human lives but also undermined the people's faith in the Government and the latter's ability
13 to maintain peace and order in the country;

14
15 **WHEREAS**, the Congress, in the justice, public order and the rule of law, and the
16 need to rationalize and harmonize the penal sanctions for heinous crimes, finds compelling
17 reasons to impose the death penalty for said crimes;

18
19 Now, therefore,

20
21
22 **Section 1. Declaration of Policy.** – It is hereby declared the policy of the State to
23 foster and ensure not only obedience to its authority, but also to adopt such measures as
24 would effectively promote the maintenance of peace and order, the protection of life, liberty
25 and property, and the promotion of the general welfare which are essential for the enjoyment
26 by all the people of the blessings of democracy in a just and humane society;

27
28 **Section 2.** Article 267 of the Revised Penal Code, as amended, is hereby amended to
29 read as follows:

30
31 "Art. 267. Kidnapping and serious illegal detention. – Any private
32 individual who shall kidnap or detain another, or in any other manner deprive
33 him of his liberty, shall suffer the penalty of reclusion perpetua to death:
34

1 1. If the kidnapping or detention shall have lasted more than three
2 days.

3
4 2. If it shall have been committed simulating public authority.

5
6 3. If any serious physical injuries shall have been inflicted upon the
7 person kidnapped or detained; or if threats to kill him shall have been made.

8
9 4. If the person kidnapped or detained shall be a minor, except when
10 the accused is any of the parents, female or a public officer.

11
12 The penalty of death shall be imposed where the kidnapping or
13 detention was committed for the purpose of extorting ransom from the victim
14 or any other person, even if none of the circumstances above-mentioned were
15 present in the commission of the offense.

16
17 **THE PENALTY OF DEATH SHALL BE IMPOSED WHERE**
18 **THE KIDNAPPING OR DETENTION WAS COMMITTED TO**
19 **FURTHER ANY ACT OR PURPOSE OF INSURGENCY AGAINST**
20 **THE STATE, EVEN IF NONE OF THE CIRCUMSTANCES ABOVE-**
21 **MENTIONED WERE PRESENT IN THE COMMISSION OF THE**
22 **OFFENSE.**

23
24 When the victim is killed or dies as a consequence of the detention or
25 is raped, or is subjected to torture or dehumanizing acts, the maximum penalty
26 shall be imposed.”

27
28 **Section 3. Republic Act No. 9346 is hereby repealed or amended insofar as it**
29 **prohibits the imposition of death penalty for the crimes provided in this Act. All other**
30 **laws, presidential decrees and issuances, executive orders, rules and regulations or parts**
31 **thereof inconsistent with the provisions of this Act are hereby repealed or modified**
32 **accordingly.**

33
34 **Section 4.** If, for any reason or reasons, any part of the provision of this Act shall be
35 held to be unconstitutional or invalid, other parts or provisions hereof which are not affected
36 thereby shall continue to be in full force and effect.

37
38
39 **Section 5.** This Act shall take effect fifteen (15) days after its publication in two (2)
40 national newspapers of general circulation. The publication shall not be later than seven (7)
41 days after the approval hereof.

42
43 Approved,