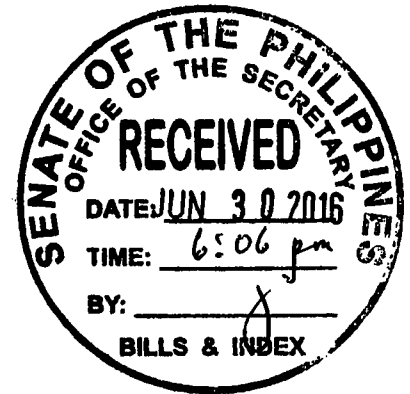


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SEVENTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session



SENATE
S.B. NO. 187

INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

AN ACT
TO IMPOSE THE DEATH PENALTY ON THE HEINOUS CRIME OF
AGGRAVATED RAPE, 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:

There is almost nothing more deplorable than receiving news of a crime that discounts both the honor and the life of the victim.

Filipinos are repeatedly angered by increasing reports of crimes of rape, with more rage in the cases that come with the death of the victim. Honor in chastity is as priceless as life.

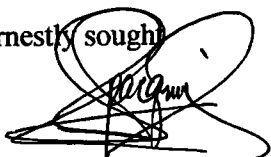
The danger does not only come from unknown persons, but at times from within the corners of the home that should have been safe. Criminals have violated and victimized even children of mean ages. The futures of the victims are lost. Families are destroyed, and the shame of the country follows the growing number of crimes of rape.

The State has a duty to protect its people from those who have lost their moral values. The increasing incidents of rape, and especially those that result in the death of the victim, must be addressed.

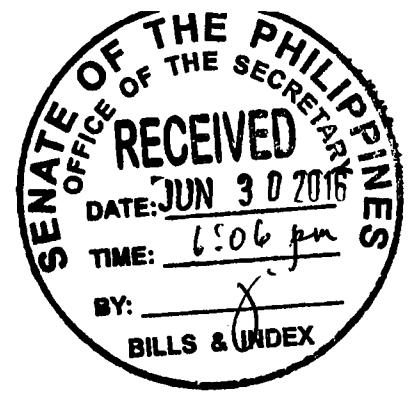
The present bill is being filed separate from similarly intended bills for other kinds of crimes in order for the bill to be given the greater consideration that it deserves and with distinct attention to crimes of rape as against other crimes.

This will show that the State is deliberate in strengthening its responsibility to secure the safety of people in the country against those who want to violate their honor.

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



EMMANUEL D. PACQUIAO



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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 the heinous crimes, finds
17 compelling 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 335 of the same Code is hereby amended to read as follows:

29

1 “Art. 335. When and how rape is committed. – Rape is committed by
2 having carnal knowledge of a woman under any of the following
3 circumstances:

- 4
- 5 1. By using force or intimidation;
 - 6
 - 7 2. When the woman is deprived of reason or otherwise unconscious;
 - 8 and
 - 9
 - 10 3. When the woman is under twelve years of age or is demented.

11 The crime of rape shall be punished by reclusion perpetua.

12

13 Whenever the crime of rape is committed with the use of a deadly
14 weapon or by two or more persons, the penalty shall be reclusion perpetua to
15 death.

16

17 When by reason or on the occasion of the rape, the victim has become
18 insane, the penalty shall be death.

19

20 When the rape is attempted or frustrated and a homicide is committed
21 by reason or on the occasion thereof, the penalty shall be reclusion perpetua to
22 death.

23

24 When by reason or on the occasion of the rape, a homicide is
25 committed, the penalty shall be death.

26

27 The death penalty shall also be imposed if the crime of rape is
28 committed with any of the following attendant circumstances:

29

- 30 1. when the victim is under eighteen (18) years of age and the offender
31 is a parent, ascendant, step-parent, guardian, relative by consanguinity or
32 affinity within the third civil degree, or the common-law-spouse of the parent
33 of the victim.

34

- 35 2. when the victim is under the custody of the police or military
36 authorities.

37

- 38 3. when the rape is committed in full view of the husband, parent, any
39 of the children or other relatives within the third degree of consanguinity.

40

- 41 4. when the victim is a religious or a child below seven (7) years old.

42

- 43 5. when the offender knows that he is afflicted with Acquired Immune
44 Deficiency Syndrome (AIDS) disease.

45

- 46 6. when committed by any member of the Armed Forces of the
47 Philippines or the Philippine National Police or any law enforcement agency.

1 7. when by reason or on the occasion of the rape, the victim has
2 suffered permanent physical mutilation.”
3

4 **Section. 3. Republic Act No. 9346 is hereby repealed or amended insofar as it**
5 **prohibits the imposition of death penalty for the crimes provided in this Act.** All other
6 laws, presidential decrees and issuances, executive orders, rules and regulations or parts
7 thereof inconsistent with the provisions of this Act are hereby repealed or modified
8 accordingly.
9

10 **Section 4.** If, for any reason or reasons, any part of the provision of this Act shall be
11 held to be unconstitutional or invalid, other parts or provisions hereof which are not affected
12 thereby shall continue to be in full force and effect.
13

14 **Section 5.** This Act shall take effect fifteen (15) days after its publication in two (2)
15 national newspapers of general circulation. The publication shall not be later than seven (7)
16 days after the approval hereof.
17

18 Approved,
19