

SENATE
Senate Bill No. 27

'19 JUL -1 AIO :51

Introduced by **SENATOR LACSON**

RECEIVED



AN ACT
RE-INSTITUTING THE DEATH PENALTY IN THE PHILIPPINES

EXPLANATORY NOTE

Article III, Section 19, paragraph (1) of the Constitution states that:

“Excessive fines shall not be imposed nor cruel, degrading or inhuman punishment inflicted. Neither shall death penalty be imposed, unless, for compelling reasons involving heinous crimes, the Congress hereafter provides for it.”

While the Fundamental Law suspended the imposition of the death penalty and commuted all the death penalties imposed then to *reclusion perpetua*, the framers were mindful that the said suspension was merely temporary. As can be seen from the wordings of the aforecited provision of the 1987 Constitution, Congress was not altogether prevented from re-imposing it “for compelling reasons involving heinous crimes.” Thus, on December 13, 1993, Congress in the exercise of its legislative powers deemed fit to enact Republic Act 7659 which imposed the death penalty on certain crimes which it defined as “heinous for being grievous, odious and hateful offenses and which, by reason of their inherent or manifest wickedness, viciousness, atrocity and perversity are repugnant and outrageous to the common standards and norms of decency and morality in a just, civilized and ordered society.”

This Law was implemented for nearly 13 years with a number of convicted criminals sentenced to death penalty and received their dues. A record of convicts, however, was removed from the death row due to the timely intervention of opponents of the Law who are mostly members of the church. Thence, the Congress enacted Republic Act 9346 on June 24, 2006. This Law prohibited the imposition of the said penalty and commuted their sentence to either *reclusion perpetua* or life imprisonment depending on whether the law violated made use of the nomenclature of their penalties by the Revised Penal Code or not.

However, the alarming surge of heinous crimes in recent years has shown that *reclusion perpetua*, in lieu of death penalty, is not a deterrent to grave offenders.

In 2015, the Philippine National Police (PNP) reported that 75 percent of the most heinous crimes are drug-related while 65 percent of inmates in prisons are either accused or convicted of drug-related crimes.

Relatedly, PNP-Directorate for Investigation and Detective Management (DIDM) has documented 9,646 murder cases; 31,741 cases of robbery; and, 10,298 rape cases in 2015. These translate to an average crime incidence of a murder every 54 minutes, a robbery every 16 minutes, and a rape case every 51 minutes.

Data from January to May of 2016 also showed a staggering number of crime incidents: 3,615 murder cases, 3,996 rape cases, and 9,971 robbery cases.

Hence, to reinstate public order and the rule of law, there is an impending need to revisit and re-impose the death penalty on certain heinous crimes which as ratiocinated by R.A. 7659 or the Death Penalty Law, "is appropriately necessary due to the alarming upsurge of such crimes which has resulted not only in the loss of human lives and wanton destruction of property but also affected the nation's efforts towards sustainable economic development and prosperity while at the same time has undermined the people's faith in the Government and the latter's ability to maintain peace and order in the country."

In view of the foregoing, the passage of this bill is earnestly recommended.


PANFILO M. LACSON
Senator

SENATE
S.B. No. 27

'19 JUL -1 A10 :51

Introduced by **SENATOR LACSON**

RECEIVED



AN ACT
RE-INSTITUTING THE DEATH PENALTY IN THE PHILIPPINES

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

SEC. 1. Short Title. - This Act shall be known as the "**DEATH PENALTY ACT OF 2019.**"

SEC. 2. Declaration of Policy. -

(a) Section 5, Article II of the Constitution provides: "*The maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.*"

(b) The State hereby declares the protection of its citizens as its paramount obligation as such adopts measures that would effectively promote and advance peace and order and instill respect in the rule of law.

SEC. 3. Article 114, Section One, Chapter One, Title One of Book Two of the Revised Penal Code, as amended, is hereby amended to read as follows:

"Art. 114. Treason. - Any Filipino citizen who levies war against the Philippines or adheres to her enemies giving them aid or comfort within the Philippines or elsewhere,

1 shall be punished by reclusion perpetua to DEATH and shall pay a fine not to exceed
2 100,000 pesos.

3 No person shall be convicted of treason unless on the testimony of two witnesses
4 at least to the same overt act or on confession of the accused in open court.

5 Likewise, an alien, residing in the Philippines, who commits acts of treason as
6 defined in paragraph 1 of this Article shall be punished by reclusion temporal to DEATH
7 and shall pay a fine not to exceed 100,000 pesos.”
8

9 **SEC. 4.** Articles 122 and 123 of Section One, Chapter One, Title One of Book
10 Two of the Revised Penal Code, as amended, are hereby amended to read as follows:

11 “Section Three. - Piracy and mutiny on the high seas or in the Philippine waters

12 Art. 122. Piracy in general and mutiny on the high seas or in Philippine waters. -
13 The penalty of reclusion perpetua shall be inflicted upon any person who, on the high
14 seas, or in Philippine waters, shall attack or seize a vessel or, not being a member of its
15 complement nor a passenger, shall seize the whole or part of the cargo of said vessel, its
16 equipment or passengers.

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

19 Art. 123. Qualified piracy. - The penalty of reclusion perpetua to DEATH shall be
20 imposed upon those who commit any of the crimes referred to in the preceding article,
21 under any of the following circumstances:

- 22 1. Whenever they have seized a vessel by boarding or firing upon the same;
- 23 2. Whenever the pirates have abandoned their victims without means of saving
24 themselves or;
- 25 3. Whenever the crime is accompanied by murder, homicide, physical injuries or
26 rape.”

1 **SEC. 5.** Article 211-A of Section Two, Chapter Two, Title Seven of Book Two of
2 the Revised Penal Code, as amended, is hereby amended to read as follows:

3 Art. 211-A. Qualified Bribery. - If any public officer is entrusted with law
4 enforcement and he refrains from arresting or prosecuting an offender who has
5 committed a crime punishable by reclusion perpetua and/or death in consideration of any
6 offer, promise, gift or present, he shall suffer the penalty for the offense which was not
7 prosecuted.

8 If it is the public officer who asks or demands such gift or present, he shall suffer
9 the penalty of DEATH.”
10

11 **SEC. 6.** Article 246 of Section One, Chapter One, Title Eight of Book Two of the
12 Revised Penal Code, as amended, is hereby amended to read as follows:

13 “Art. 246. Parricide. - Any person who shall kill his father, mother, or child,
14 whether legitimate of illegitimate, or any of his ascendants, or descendants, or his spouse,
15 shall be guilty of parricide and shall be punished by the penalty of reclusion perpetua to
16 DEATH.”
17

18 **SEC. 7.** Article 248 of Section One, Chapter One, Title Eight of Book Two of the
19 Revised Penal Code, as amended, is hereby amended to read as follows:

20 “Art. 248. Murder. - Any person who, not falling within the provisions of Article
21 246 shall kill another, shall be guilty of murder and shall be punished by reclusion
22 perpetua, to DEATH if committed with any of the following attendant circumstances:

- 23 1. With treachery, taking advantage of superior strength, with the aid of armed
24 men, or employing means to weaken the defense or of means or persons to
25 insure or afford impunity.
26 2. In consideration of a price, reward or promise.

1 3. By means of inundation, fire, poison, explosion, shipwreck, stranding of a
2 vessel, derailment or assault upon a railroad, fall of an airship, or by means of
3 motor vehicles, or with the use of any other means involving great waste and
4 ruin.

5 4. On occasion of any of the calamities enumerated in the preceding paragraph, or
6 of an earthquake, eruption of a volcano, destructive cyclone, epidemic or other
7 public calamity.

8 5. With evident premeditation.

9 6. With cruelty, by deliberately and inhumanly augmenting the suffering of the
10 victim, or outraging or scoffing at his person or corpse.”

11
12 **SEC. 8.** Article 255 of Section Two, Chapter One, Title Eight of Book Two of the
13 Revised Penal Code, as amended, is hereby amended to read as follows:

14 “Art. 255. Infanticide. - The penalty provided for parricide in Article 246 and for
15 murder in Article 248 shall be imposed upon any person who shall kill any child less than
16 three days of age.

17 If any crime penalized in this Article be committed by the mother of the child for
18 the purpose of concealing her dishonor, she shall suffer the penalty of prision mayor in its
19 medium and maximum periods, and if said crime be committed for the same purpose by
20 the maternal grandparents or either of them, the penalty shall be reclusion temporal.”

21
22 **SEC. 9.** Articles 266-A and 266-B, of Chapter Three, Title Eight of Book Two of
23 the Revised Penal Code, as amended, is hereby amended to read as follows:

24 “Article 266-A. Rape: *When And How Committed*. - Rape is committed:

25 1) By a man who shall have carnal knowledge of a woman under any of the
26 following circumstances:

27 a) Through force, threat, or intimidation;

1 b) When the offended party is deprived of reason or otherwise
2 unconscious;

3 c) By means of fraudulent machination or grave abuse of authority; and,

4 d) When the offended party is under twelve (12) years of age or is
5 demented, even though none of the circumstances mentioned above be
6 present.

7 2) By any person who, under any of the circumstances mentioned in paragraph 1
8 hereof, shall commit an act of sexual assault by inserting his penis into another
9 person's mouth or anal orifice, or any instrument or object, into the genital or
10 anal orifice of another person.

11 “Article 266-B. *Penalty.* - Rape under paragraph 1 of the next preceding article
12 shall be punished by reclusion perpetua.

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

15 When by reason or on the occasion of the rape, the victim has become insane, the
16 penalty shall become reclusion perpetua to DEATH.

17 When the rape is attempted and a homicide is committed by reason or on the
18 occasion thereof, the penalty shall be reclusion perpetua to DEATH.

19 When by reason or on the occasion of the rape, homicide is committed, the penalty
20 shall be DEATH.

21 The DEATH PENALTY shall also be imposed if the crime of rape is committed
22 with any of the following aggravating/qualifying circumstances:

23 1) When the victim is under eighteen (18) years of age and the offender is a
24 parent, ascendant, step-parent, guardian, relative by consanguinity or affinity
25 within the third civil degree, or the common-law spouse of the parent of the
26 victim;

- 2) When the victim is under the custody of the police or military authorities or any law enforcement or penal institution;
- 3) When the rape is committed in full view of the spouse, parent, any of the children or other relatives within the third civil degree of consanguinity;
- 4) When the victim is a religious engaged in legitimate religious vocation or calling and is personally known to be such by the offender before or at the time of the commission of the crime;
- 5) When the victim is a child below seven (7) years old;
- 6) When the offender knows that he is afflicted with the Human Immuno-Deficiency Virus (HIV)/Acquired Immune Deficiency Syndrome (AIDS) or any other sexually transmissible disease and the virus or disease is transmitted to the victim;
- 7) When committed by any member of the Armed Forces of the Philippines or para-military units thereof or the Philippine National Police or any law enforcement agency or penal institution, when the offender took advantage of his position to facilitate the commission of the crime;
- 8) When by reason or on the occasion of the rape, the victim has suffered permanent physical mutilation or disability;
- 9) When the offender knew of the pregnancy of the offended party at the time of the commission of the crime; and,
- 10) When the offender knew of the mental disability, emotional disorder and/or physical handicap of the offended party at the time of the commission of the crime.

Rape under paragraph 2 of the next preceding article shall be punished by prison mayor.

Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be prison mayor to reclusion temporal.

1 When by reason or on the occasion of the rape, the victim has become insane, the
2 penalty shall be reclusion temporal.

3 When the rape is attempted and a homicide is committed by reason or on the
4 occasion thereof, the penalty shall be reclusion temporal to reclusion perpetua to
5 DEATH.

6 When by reason or on the occasion of the rape, homicide is committed, the penalty
7 shall be reclusion perpetua to DEATH.

8 Reclusion temporal shall be imposed if the rape is committed with any of the ten
9 aggravating/ qualifying circumstances mentioned in this article
10

11 **SEC. 10.** Article 267 of Section One, Chapter One, Title Nine of Book Two of the
12 Revised Penal Code, as amended, is hereby amended to read as follows:

13 “Art. 267. Kidnapping and serious illegal detention. - Any private individual who
14 shall kidnap or detain another, or in any other manner deprive him of his liberty, shall
15 suffer the penalty of reclusion perpetua to DEATH:

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

17 2. If it shall have been committed simulating public authority.

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

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

22 The penalty shall be DEATH PENALTY where the kidnapping or detention was
23 committed for the purpose of extorting ransom from the victim or any other person, even
24 if none of the circumstances above-mentioned were present in the commission of the
25 offense.

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

1 **SEC. 11.** Article 294 of Section One, Chapter One, Title Ten of Book Two of the
2 Revised Penal Code, as amended, is hereby amended to read as follows:

3 “Art. 294. Robbery with violence against or intimidation of persons - Penalties. -
4 Any person guilty of robbery with the use of violence against or intimidation of any
5 person shall suffer:

- 6 1. The penalty of reclusion perpetua to DEATH, when by reason or on occasion
7 of the robbery, the crime of homicide shall have been committed, or when the
8 robbery shall have been accompanied by rape or intentional mutilation or
9 arson.
- 10 2. The penalty of reclusion temporal in its medium period to reclusion perpetua,
11 when or if by reason or on occasion of such robbery, any of the physical
12 injuries penalized in subdivision I of Article 263 shall have been inflicted.
- 13 3. The penalty of reclusion temporal, when by reason or on occasion of the
14 robbery, any of the physical injuries penalized in subdivision 2 of the article
15 mentioned in the next preceding paragraph, shall have been inflicted.
- 16 4. The penalty of prision mayor in its maximum period to reclusion temporal in
17 its medium period, if the violence or intimidation employed in the commission
18 of the robbery shall have been carried to a degree clearly unnecessary for the
19 commission of the crime, or when in the course of its execution, the offender
20 shall have inflicted upon any person not responsible for its commission any of
21 the physical injuries covered by subdivisions 3 and 4 of said Article 263.
- 22 5. The penalty of prision correccional in its maximum period to prision mayor in
23 its medium period in other cases.”

24
25 **SEC. 12.** Article 320, Chapter Eight, Title Ten of Book Two of the Revised Penal
26 Code, as amended, is hereby amended to read as follows:

1 “Art. 320. Destructive Arson. - The penalty of reclusion perpetua to DEATH shall
2 be imposed upon any person who shall burn:

3 1. One (1) or more buildings or edifices, consequent to one single act of burning,
4 or as a result of simultaneous burnings, committed on several or different
5 occasions.

6 2. Any building of public or private ownership, devoted to the public in general
7 or where people usually gather or congregate for a definite purpose such as, but
8 not limited to, official governmental function or business, private transaction,
9 commerce, trade, workshop, meetings and conferences, or merely incidental to
10 a definite purpose such as but not limited to hotels, motels, transient dwellings,
11 public conveyances or stops or terminals, regardless of whether the offender
12 had knowledge that there are persons in said building or edifice at the time it is
13 set on fire and regardless also of whether the building is actually inhabited or
14 not.

15 3. Any train or locomotive, ship or vessel, airship or airplane, devoted to
16 transportation or conveyance, or for public use, entertainment or leisure.

17 4. Any building, factory, warehouse installation and any appurtenances thereto,
18 which are devoted to the service of public utilities.

19 5. Any building the burning of which is for the purpose of concealing or
20 destroying evidence of another violation of law, or for the purpose of
21 concealing bankruptcy or defrauding creditors or to collect from insurance.

22 Irrespective of the application of the above enumerated qualifying circumstances,
23 the penalty of reclusion perpetua to DEATH shall likewise be imposed when the arson is
24 perpetrated or committed by two (2) or more persons or by a group of persons, regardless
25 of whether their purpose is merely to burn or destroy the building or the burning merely
26 constitutes an overt act in the commission or another violation of law.

1 The penalty of reclusion perpetua to DEATH shall also be imposed upon any
2 person who shall burn:

3 1. Any arsenal, shipyard, storehouse or military powder or fireworks factory,
4 ordnance, storehouse, archives or general museum of the Government.

5 2. In an inhabited place, any storehouse or factory of inflammable or explosive
6 materials.

7 If as a consequence of the commission of any of the acts penalized under this
8 Article, death results, the mandatory penalty of DEATH shall be imposed.

9
10 **SEC. 13. *Death Penalty for the crime of Plunder as penalized under of Republic***
11 ***Act 7080, as amended.*** – The penalty of death is imposed on the unlawful act of plunder
12 as defined under Section 2 of Republic Act 7080, otherwise known as An Act Defining
13 and Penalizing the Crime of Plunder, as amended, to wit:

14 “**Sec. 2. Definition of the Crime of Plunder; Penalties.** - Any public officer who,
15 by himself or in connivance with members of his family, relatives by affinity or
16 consanguinity, business associates, subordinates or other persons, amasses, accumulates
17 or acquires ill-gotten wealth through a combination or series of overt criminal acts as
18 described in Section 1 (d) hereof in the aggregate amount or total value of at least Fifty
19 million pesos (P50,000,000.00) shall be guilty of the crime of plunder and shall be
20 punished by DEATH. Any person who participated with the said public officer in the
21 commission of an offense contributing to the crime of plunder shall likewise be punished
22 for such offense. The court shall declare any and all ill-gotten wealth and their interests
23 and other incomes and assets including the properties and shares of stocks derived from
24 the deposit or investment thereof forfeited in favor of the State.”

25
26 **SEC. 14. *Death Penalty for Violation of Republic Act 9165.*** – The penalty of
27 death imposed on unlawful acts as defined under Sections 4, 5, 6, 8, 11, 16, 19, 27 and 29

1 of Article II of Republic Act 9165, otherwise known as *Comprehensive Dangerous*
2 *Drugs Act of 2002*, is hereby enforced, to wit:

3 Sec. 4. *Importation of Dangerous Drugs and/or Controlled Precursors and*
4 *Essential Chemicals.*- .The penalty of life imprisonment to DEATH and a ranging from
5 Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall
6 be imposed upon any person, who, unless authorized by law, shall import or bring into
7 the Philippines any dangerous drug, regardless of the quantity and purity involved,
8 including any and all species of opium poppy or any part thereof or substances derived
9 therefrom even for floral, decorative and culinary purposes.

10 The penalty of imprisonment ranging from twelve (12) years and one (1) day to
11 twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to
12 Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who,
13 unless authorized by law, shall import any controlled precursor and essential chemical.

14 The maximum penalty provided for under this Section shall be imposed upon any
15 person, who, unless authorized under this Act, shall import or bring into the Philippines
16 any dangerous drug and/or controlled precursor and essential chemical through the use of
17 a diplomatic passport, diplomatic facilities or any other means involving his/her official
18 status intended to facilitate the unlawful entry of the same. In addition, the diplomatic
19 passport shall be confiscated and canceled.

20 The maximum penalty provided for under this Section shall be imposed upon any
21 person, who organizes, manages or acts as a "financier" of any of the illegal activities
22 prescribed in this Section.

23 The penalty of twelve (12) years and one (1) day to twenty (20) years of
24 imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to
25 Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts
26 as a "protector/coddler" of any violator of the provisions under this Section.

1 Sec. 5. *Sale, Trading, Administration, Dispensation, Delivery, Distribution and*
2 *Transportation of Dangerous Drugs and/or Controlled Precursors and Essential*
3 *Chemicals.* - The penalty of life imprisonment to DEATH and a fine ranging from Five
4 hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be
5 imposed upon any person, who, unless authorized by law, shall sell, trade, administer,
6 dispense, deliver, give away to another, distribute dispatch in transit or transport any
7 dangerous drug, including any and all species of opium poppy regardless of the quantity
8 and purity involved, or shall act as a broker in any of such transactions.

9 The penalty of imprisonment ranging from twelve (12) years and one (1) day to
10 twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to
11 Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who,
12 unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to
13 another, distribute, dispatch in transit or transport any controlled precursor and essential
14 chemical, or shall act as a broker in such transactions.

15 If the sale, trading, administration, dispensation, delivery, distribution or
16 transportation of any dangerous drug and/or controlled precursor and essential chemical
17 transpires within one hundred (100) meters from the school, the maximum penalty shall
18 be imposed in every case.

19 For drug pushers who use minors or mentally incapacitated individuals as runners,
20 couriers and messengers, or in any other capacity directly connected to the dangerous
21 drugs and/or controlled precursors and essential chemical trade, the maximum penalty
22 shall be imposed in every case.

23 If the victim of the offense is a minor or a mentally incapacitated individual, or
24 should a dangerous drug and/or a controlled precursor and essential chemical involved in
25 any offense herein provided be the proximate cause of death of a victim thereof, the
26 maximum penalty provided for under this Section shall be imposed.

1 The maximum penalty provided for under this Section shall be imposed upon any
2 person who organizes, manages or acts as a "financier" of any of the illegal activities
3 prescribed in this Section.

4 The penalty of twelve (12) years and one (1) day to twenty (20) years of
5 imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to
6 Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts
7 as a "protector/coddler" of any violator of the provisions under this Section.

8 Sec. 6. *Maintenance of a Den, Dive or Resort.* - The penalty of life imprisonment
9 to DEATH and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten
10 million pesos (P10,000,000.00) shall be imposed upon any person or group of persons
11 who shall maintain a den, dive or resort where any dangerous drug is used or sold in any
12 form.

13 The penalty of imprisonment ranging from twelve (12) years and one (1) day to
14 twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to
15 Five hundred thousand pesos (P500,000.00) shall be imposed upon any person or group
16 of persons who shall maintain a den, dive, or resort where any controlled precursor and
17 essential chemical is used or sold in any form.

18 The maximum penalty provided for under this Section shall be imposed in every
19 case where any dangerous drug is administered, delivered or sold to a minor who is
20 allowed to use the same in such a place.

21 Should any dangerous drug be the proximate cause of the death of a person using
22 the same in such den, dive or resort, the penalty of DEATH and a fine ranging from One
23 million (P1,000,000.00) to Fifteen million pesos (P500,000.00) shall be imposed on the
24 maintainer, owner and/or operator.

25 If such den, dive or resort is owned by a third person, the same shall be
26 confiscated and escheated in favor of the government: *Provided*, That the criminal
27 complaint shall specifically allege that such place is intentionally used in the furtherance

1 of the crime: *Provided, further*, That the prosecution shall prove such intent on the part of
2 the owner to use the property for such purpose: *Provided, finally*, That the owner shall be
3 included as an accused in the criminal complaint.

4 The maximum penalty provided for under this Section shall be imposed upon any
5 person who organizes, manages or acts as a "financier" of any of the illegal activities
6 prescribed in this Section.

7 The penalty twelve (12) years and one (1) day to twenty (20) years of
8 imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to
9 Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts
10 as a "protector/coddler" of any violator of the provisions under this Section.

11 "xxx"

12 Sec. 8. *Manufacture of Dangerous Drugs and/or Controlled Precursors and*
13 *Essential Chemicals.* - The penalty of life imprisonment to DEATH and a fine ranging
14 Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall
15 be imposed upon any person, who, unless authorized by law, shall engage in the
16 manufacture of any dangerous drug.

17 The penalty of imprisonment ranging from twelve (12) years and one (1) day to
18 twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to
19 Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who,
20 unless authorized by law, shall manufacture any controlled precursor and essential
21 chemical.

22 The presence of any controlled precursor and essential chemical or laboratory
23 equipment in the clandestine laboratory is a *prima facie* proof of manufacture of any
24 dangerous drug. It shall be considered an aggravating circumstance if the clandestine
25 laboratory is undertaken or established under the following circumstances;

26 (a) Any phase of the manufacturing process was conducted in the presence or
27 with the help of minor/s;

- 1 (b) Any phase or manufacturing process was established or undertaken within one
2 hundred (100) meters of a residential, business, church or school premises;
3 (c) Any clandestine laboratory was secured or protected with booby traps;
4 (d) Any clandestine laboratory was concealed with legitimate business operations;
5 and,
6 (e) Any employment of a practitioner, chemical engineer, public official or
7 foreigner.

8 The maximum penalty provided for under this Section shall be imposed upon any
9 person, who organizes, manages or acts as a "financier" of any of the illegal activities
10 prescribed in this Section.

11 The penalty of twelve (12) years and one (1) day to twenty (20) years of
12 imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to
13 Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts
14 as a "protector/coddler" of any violator of the provisions under this Section.

15 "xxx"

16 Sec. 11. *Possession of Dangerous Drugs.* - The penalty of life imprisonment to
17 DEATH and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten
18 million pesos (P10,000,000.00) shall be imposed upon any person, who, unless
19 authorized by law, shall possess any dangerous drug in the following quantities,
20 regardless of the degree of purity thereof:

- 21 (1) 10 grams or more of opium;
22 (2) 10 grams or more of morphine;
23 (3) 10 grams or more of heroin;
24 (4) 10 grams or more of cocaine or cocaine hydrochloride;
25 (5) 50 grams or more of methamphetamine hydrochloride or "shabu";
26 (6) 10 grams or more of marijuana resin or marijuana resin oil;
27 (7) 500 grams or more of marijuana; and,

(8) 10 grams or more of other dangerous drugs such as, but not limited to, methylenedioxymethamphetamine (MDA) or "ecstasy", paramethoxyamphetamine (PMA), trimethoxyamphetamine (TMA), lysergic acid diethylamine (LSD), gamma hydroxyamphetamine (GHB), and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements, as determined and promulgated by the Board in accordance to Section 93, Article XI of this Act.

Otherwise, if the quantity involved is less than the foregoing quantities, the penalties shall be graduated as follows:

(1) Life imprisonment and a fine ranging from Four hundred thousand pesos (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the quantity of methamphetamine hydrochloride or "shabu" is ten (10) grams or more but less than fifty (50) grams;

(2) Imprisonment of twenty (20) years and one (1) day to life imprisonment and a fine ranging from Four hundred thousand pesos (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the quantities of dangerous drugs are five (5) grams or more but less than ten (10) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or "shabu", or other dangerous drugs such as, but not limited to, MDMA or "ecstasy", PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or three hundred (300) grams or more but less than five (hundred) 500) grams of marijuana; and,

(3) Imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three hundred thousand pesos (P300,000.00) to Four

1 hundred thousand pesos (P400,000.00), if the quantities of dangerous drugs
2 are less than five (5) grams of opium, morphine, heroin, cocaine or cocaine
3 hydrochloride, marijuana resin or marijuana resin oil, methamphetamine
4 hydrochloride or "shabu", or other dangerous drugs such as, but not limited to,
5 MDMA or "ecstasy", PMA, TMA, LSD, GHB, and those similarly designed
6 or newly introduced drugs and their derivatives, without having any
7 therapeutic value or if the quantity possessed is far beyond therapeutic
8 requirements; or less than three hundred (300) grams of marijuana.

9 "XXX"

10 Sec. 16. *Cultivation or Culture of Plants Classified as Dangerous Drugs or are*
11 *Sources Thereof.* - The penalty of life imprisonment to DEATH and a fine ranging from
12 Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall
13 be imposed upon any person, who shall plant, cultivate or culture marijuana, opium
14 poppy or any other plant regardless of quantity, which is or may hereafter be classified as
15 a dangerous drug or as a source from which any dangerous drug may be manufactured or
16 derived: *Provided*, That in the case of medical laboratories and medical research centers
17 which cultivate or culture marijuana, opium poppy and other plants, or materials of such
18 dangerous drugs for medical experiments and research purposes, or for the creation of
19 new types of medicine, the Board shall prescribe the necessary implementing guidelines
20 for the proper cultivation, culture, handling, experimentation and disposal of such plants
21 and materials.

22 The land or portions thereof and/or greenhouses on which any of said plants is
23 cultivated or cultured shall be confiscated and escheated in favor of the State, unless the
24 owner thereof can prove lack of knowledge of such cultivation or culture despite the
25 exercise of due diligence on his/her part. If the land involved is part of the public domain,
26 the maximum penalty provided for under this Section shall be imposed upon the offender.

1 The maximum penalty provided for under this Section shall be imposed upon any
2 person, who organizes, manages or acts as a "financier" of any of the illegal activities
3 prescribed in this Section.

4 The penalty of twelve (12) years and one (1) day to twenty (20) years of
5 imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to
6 Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts
7 as a "protector/coddler" of any violator of the provisions under this Section.

8 "xxx"

9 Sec. 19. *Unlawful Prescription of Dangerous Drugs.* – The penalty of life
10 imprisonment to DEATH and a fine ranging from Five hundred thousand pesos
11 (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person,
12 who, unless authorized by law, shall make or issue a prescription or any other writing
13 purporting to be a prescription for any dangerous drug.

14 "xxx"

15 Sec. 27. *Criminal Liability of a Public Officer or Employee for Misappropriation,*
16 *Misapplication or Failure to Account for the Confiscated, Seized and/or Surrendered*
17 *Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and*
18 *Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment Including*
19 *the Proceeds or Properties Obtained from the Unlawful Act Committed.* – The penalty of
20 life imprisonment to DEATH and a fine ranging from Five hundred thousand pesos
21 (P500,000.00) to Ten million pesos (P10,000,000.00), in addition to absolute perpetual
22 disqualification from any public office, shall be imposed upon any public officer or
23 employee who misappropriates, misapplies or fails to account for confiscated, seized or
24 surrendered dangerous drugs, plant sources of dangerous drugs, controlled precursors and
25 essential chemicals, instruments/paraphernalia and/or laboratory equipment including the
26 proceeds or properties obtained from the unlawful acts as provided for in this Act.

1 Any elective local or national official found to have benefited from the proceeds
2 of the trafficking of dangerous drugs as prescribed in this Act, or have received any
3 financial or material contributions or donations from natural or juridical persons found
4 guilty of trafficking dangerous drugs as prescribed in this Act, shall be removed from
5 office and perpetually disqualified from holding any elective or appointive positions in
6 the government, its divisions, subdivisions, and intermediaries, including government-
7 owned or –controlled corporations.

8
9 **SEC. 15.** *Sections 3 and 4 of Republic Act 9372, otherwise known as Human*
10 *Security Act of 2007, are hereby amended to read as follows.—*

11 “Sec. 3. *Terrorism.* — Any person who commits an act punishable under any of the
12 following provisions of the Revised Penal Code:

13 (a) Article 122 (Piracy in General and Mutiny in the High Seas or in the Philippine
14 Waters);

15 (b) Article 134 (Rebellion or Insurrection);

16 (c) Article 134-a (Coup d’Etat), including acts committed by private persons;

17 (d) Article 248 (Murder);

18 (e) Article 267 (Kidnapping and Serious Illegal Detention);

19 (f) Article 324 (Crimes Involving Destruction), or under

20 (1) Presidential Decree No. 1613 (The Law on Arson);

21 (2) Republic Act No. 6969 (Toxic Substances and Hazardous and Nuclear Waste
22 Control Act of 1990);

23 (3) Republic Act No. 5207, (Atomic Energy Regulatory and Liability Act of
24 1968);

25 (4) Republic Act No. 6235 (Anti-Hijacking Law);

26 (5) Presidential Decree No. 532 (Anti-Piracy and Anti-Highway Robbery Law of
27 1974); and,

1 (6) Presidential Decree No. 1866, as amended (Decree Codifying the Laws on
2 Illegal and Unlawful Possession, Manufacture, Dealing in, Acquisition or
3 Disposition of Firearms, Ammunitions or Explosives)

4 thereby sowing and creating a condition of widespread and extraordinary fear and
5 panic among the populace, in order to coerce the government to give in to an
6 unlawful demand shall be guilty of the crime of terrorism and shall suffer the
7 penalty of DEATH.

8 Sec. 4. *Conspiracy to Commit Terrorism.* — Persons who conspire to commit the
9 crime of terrorism shall suffer the penalty of DEATH.

10 There is conspiracy when two or more persons come to an agreement concerning
11 the commission of the crime of terrorism as defined in Section 3 hereof and decide to
12 commit the same.”

13
14 SEC. 16. *Section 10 (e) and Section 11, (a), (2) of Republic Act No. 9208,*
15 *otherwise known as Anti-Trafficking in Persons Act of 2003, as amended, is hereby*
16 *further amended to read as follows. —*

17 SEC. 10. *Penalties and Sanctions.* — The following penalties and sanctions are
18 hereby established for the offenses enumerated in this Act:

19 “XXX”

20 (f) Any person found guilty of qualified trafficking under Section 6 shall suffer
21 the penalty of DEATH and a fine of not less than Two million pesos
22 (P2,000,000.00) but not more than Five million pesos (P5,000,000.00).

23 “XXX”

24 SEC. 11. *Use of Trafficked Persons.* — Any person who buys or engages the
25 services of a trafficked person for prostitution shall be penalized with the following:
26 Provided, That the Probation Law (Presidential Decree No. 968) shall not apply:

27 “XXX”

1 (2) If an offense under paragraph (a) involves carnal knowledge of, or sexual
2 intercourse with, a male or female trafficking victim and also involves the use
3 of force or intimidation, to a victim deprived of reason or to an unconscious
4 victim, or a victim under twelve (12) years of age, instead of the penalty
5 prescribed in the subparagraph above the penalty shall be a fine of not less
6 than One million pesos (P1,000,000.00) but not more than Five million pesos
7 (P5,000,000.00) and THE PENALTY of *reclusion perpetua* TO DEATH;
8 except that if a person violating paragraph (a) of this section knows the person
9 that provided prostitution services is in fact a victim of trafficking, the
10 offender shall not be likewise penalized under this section but under Section
11 10 as a person violating Section 4; and if in committing such an offense, the
12 offender also knows a qualifying circumstance for trafficking, the offender
13 shall be penalized under Section 10 for qualified trafficking. If in violating this
14 section the offender also violates Section 4, the offender shall be penalized
15 under Section 10 and, if applicable, for qualified trafficking instead of under
16 this section.

17
18 SEC. 17. Section 33 of *Republic Act 10591* is hereby amended to read as
19 *follows.* –

20 “SEC. 33. Arms Smuggling. – The penalty of *reclusion perpetua* TO DEATH shall
21 be imposed upon any person who shall engage or participate in arms smuggling as
22 defined in this Act.”

23
24 SEC. 18. *Article 81 of the Revised Penal Code* is hereby amended to read as
25 *follows.* –

26 “Art. 81. When and how the death penalty is to be executed. - The death sentence
27 shall be executed with preference to any other penalty and shall consist in putting the

1 person under the sentence to death by lethal injection. The death sentence shall be
2 executed under the authority of the Director of the Bureau of Corrections, endeavoring so
3 far as possible to mitigate the sufferings of the person under the sentence during the lethal
4 injection as well as during the proceedings prior to the execution.

5 The Director of the Bureau of Corrections shall take steps to ensure that the lethal
6 injection to be administered is sufficient to cause the instantaneous death of the convict.

7 The death sentence shall be carried out not later than one (1) year after the
8 judgment has become final and executory without prejudice to the exercise by the
9 President of the executive clemency powers at all times.”

10
11 **SEC. 19. *Implementing Rules and Regulations.*** – The Secretary of the
12 Department of Justice shall promulgate the rules and regulations to
13 implement this Act within sixty (60) days from its effectivity.

14
15 **SEC. 20. *Repealing Clause.*** – Republic Act 9436, otherwise known as *An Act*
16 *Prohibiting the Imposition of Death Penalty in the Philippines*, is hereby repealed
17 and all laws, presidential decrees or issuances, executive orders, letter of instructions,
18 administrative orders, rules or regulations or parts thereof contrary or inconsistent
19 with any provision of this Act are hereby amended or repealed

20
21 **SEC. 21. *Separability Clause.*** - Any portion or provision of this Act that may be
22 declared unconstitutional or invalid shall not have the effect of nullifying other portions
23 or provisions hereof, as long as such remaining portions or provisions can still subsist and
24 be given effect in their entirety.

25 **SEC. 22. *Effectivity.*** - This Act shall take effect immediately after its complete
26 publication in two (2) newspapers of general circulation.

27 *Approved,*