


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

5 OCT 13 11:24

SENATE
S.B. No. 2140

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

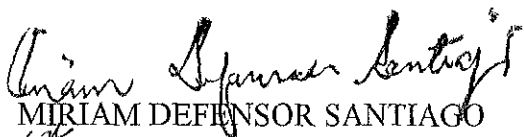
The Constitution, Article 2, Section 5 provides that:

The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

This bill seeks to implement this policy by imposing higher penalties for people who would threaten or injure a member of a government official's family in order to influence, impede, or retaliate against him, either during or after his tenure in office.

Government officials are civil servants and are expected to observe a higher degree of care in their dealings and actuations as evidenced by the existence of various laws which regulate their conduct. However, there are instances when a government official is forced to exercise less than appropriate behavior, violating laws in some cases, because of fear, not for his own safety but for the safety of his family.

Government officials and their families are constantly subject to threats, blackmail and even violence to force these officials to act in the interests of the perpetrator. These inappropriate behaviors or actions do not cease even if the government official is no longer in office. Hence, in order to deter these people from interfering with the duties of government officers, as well as law enforcement officers, this bill aims to impose higher penalties on anyone who would threaten or injure a member of a government official's and law enforcement officer's family in order to influence, impede, or retaliate against him, either during or after his tenure of office.


MIRIAM DEFENSOR SANTIAGO

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AN ACT
IMPOSING HIGHER PENALTIES FOR THE ACT OF THREATENING OR INJURING A
MEMBER OF A GOVERNMENT OFFICIAL'S AND LAW ENFORCEMENT OFFICER'S
FAMILY IN ORDER TO INFLUENCE, IMPEDE, OR RETALIATE AGAINST HIM

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

SECTION 1. *Short Title.* – This Act shall be known as the “Freedom from Threats Act of 2005.”

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to maintain peace and order, protect life, liberty, and property, and promote the general welfare by allowing its officials to perform their duties without fear of retaliation or reprisal from anyone.

SECTION 3. *Definition of Terms.* – As used in this section, the term –

(a) “Law enforcement officer” means any officer, agent, or employee of the Philippines authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal laws;

(b) “Immediate family member” of an individual means his spouse, ascendants, descendants, brother or sister, or any person under his guardianship or any other person living in his household and related to him by consanguinity or affinity within the sixth civil degree;

(c) “Government official” means the President, Vice President, a Member of Congress, a Cabinet Member or any head of the executive branch, the heads of law enforcement agencies, and judges, which includes any judicial officer of the Philippines, justice of the Supreme Court and the Court of Appeals; and judges of all inferior courts.

SECTION 4. *Acts Punished.* –

(a) Whoever assaults, kidnaps, or murders, or attempts or conspires to assault, kidnap or murder, or threatens to assault, kidnap or murder a member of the immediate family of a government official or a law enforcement officer; or threatens to assault, kidnap, or murder, a government official or law enforcement officer, with intent to impede, intimidate, or interfere with such official or law enforcement officer while engaged in the performance of official duties, or with intent to retaliate against such official or law enforcement officer on account of the performance of official duties, shall be punished as provided in Section 5.

(b) Whoever assaults, kidnaps, or murders, or attempts or conspires to kidnap or murder, or threatens to assault, kidnap, or murder, any person who formerly served as a person designated in paragraph (a), or a member of the immediate family of any person who formerly served as a person designated in paragraph (a), with intent to retaliate against such person on account of the performance of official duties during the term of service of such person, shall be punished as provided in Section 5.

SECTION 5. *Penalty.* – Whoever violates this Act, or any regulation issued pursuant thereto, shall be punished with a penalty imposed in the Penal Code for the crime/s committed but the penalty shall be one degree higher and in no case can the penalty be lower than ten (10) years imprisonment plus a fine not lower than ten thousand pesos (P10,000.00).

SECTION 6. *Separability Clause.* – If any provision or part thereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 7. *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.

SECTION 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,