

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



23 MAR 22 P5 :30

SENATE
S. No. 2042

RECEIVED BY: _____

Introduced by Senator Robinhood Padilla

AN ACT
IMPOSING DEATH PENALTY ON THE HEINOUS CRIME OF SECURITY PERSONNEL ENGAGED TO COMMIT MURDER, AND PROVIDING PENALTIES FOR ANY PERSON WHO RECRUIT, MAINTAIN, USE, AID, FUND, OR TRAIN SECURITY PERSONNEL TO COMMIT MURDER, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Our fundamental law suspended the imposition of the death penalty and commuted all the death penalties imposed then to *reclusion perpetua*. Nonetheless, as can be seen from the following provision of the 1987 Constitution, the Congress may re-impose it "for compelling reasons involving heinous crimes".

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."

The merciless killings perpetrated by scalawags or individuals who are former or present members of law enforcement agencies or paramilitary forces of the government have been so perverse and repugnant that it gravely threatens our civilized and orderly society. It also puts the good name of our public institutions into a bad light and undermines the mandate of our law enforcement agencies to guarantee public safety and security.

The murder of Governor Roel Degamo and numerous others on the morning of March 4, 2023 has deeply shaken our nation. Governor Degamo, who was meeting

with his constituents in Negros Oriental province, was killed by rifle-bearing men who entered his home in Pamplona town and opened fire, thereby causing the death of eight (8) other civilians. Undeniably, this heinous crime is a tragedy that must never be repeated.

The involvement of former security personnel in this brutal act is deeply concerning. These individuals were once entrusted with the task of safeguarding our country and were trained by the government at great expense to do so. The fact that their specialized training was used to carry out such a horrific crime is unacceptable.

To address this issue, this proposed bill thus imposes death penalty on the heinous crime of security personnel engaged to commit murder. This measure also provides corresponding penalties to any person who will recruit, use, maintain, fund, aid or train security personnel to commit murder.

This representation firmly believes that this is a step towards sending a strong message that the government will not tolerate the misuse of specialized training and skills for criminal purposes.

Lest we forget that we owe it to our citizens to ensure that they are protected from those who would seek to harm them, especially those who have been entrusted with the responsibility of safeguarding our nation.

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



ROBINHOOD PADILLA
Senator

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SECURITY PERSONNEL TO COMMIT MURDER, AND FOR OTHER PURPOSES

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

1 Section. 1. Short Title. —This Act shall be known as "*Anti-Scalawag Act*".

2 Sec. 2. Declaration of Policy. — It is hereby declared the policy of the State to
3 foster and ensure not only obedience to its authority but also to adopt such measures
4 that would effectively promote the maintenance of peace and order, the protection of
5 life, liberty and property, and the promotion of the general welfare which are essential
6 for the enjoyment by all the people of the blessings of democracy in a just and humane
7 society.

8 Sec. 3. *Definition of Terms.* — As used in this Act, the term:

9 (a) "*Person*" includes any natural or juridical person, unless the context
10 indicates otherwise;

11 (b) "*Scalawag*" refers to security personnel who are engaged to commit
12 murder under Article 248 (Murder) of the Revised Penal Code (RPC);

13 (c) "*Security personnel*" refers to active or former personnel, regardless of
14 rank, of the Armed Forces of the Philippines (AFP), Philippines National
15 Police (PNP), Bureau of Fire Protection (BFP), Bureau of Jail
16 Management and Penology (BJMP), National Bureau of Investigation

1 (NBI), Philippine Drug Enforcement Agency (PDEA), Philippine Coast
2 Guard (PCG), intelligence agencies of the government, and paramilitary
3 forces trained by the government; and

4 (d) "Engagement" refers to an agreement, in any form, with or without
5 pecuniary consideration, obtaining the service of security personnel for
6 the commission of murder under the RPC.

7 Sec. 4. *Prohibited Acts Committed by a Security Personnel.* — It shall be
8 unlawful for any security personnel to be engaged by another person in the
9 commission of murder under the RPC.

10 Sec. 5. *Recruiting, Maintaining, Using, Aiding, Funding, or Training of Security*
11 *Personnel.* — It shall be unlawful for any person to participate in the recruitment,
12 maintenance, use, aid, funding, or training of security personnel for the commission
13 of murder under the RPC.

14 The acts of recruiting, maintaining, using, aiding, funding, and training Security
15 Personnel are defined as follows:

16 (a) "*Recruiting security personnel*" is an act of enlisting or securing the
17 services of security personnel to engage in the commission of murder
18 under the RPC;

19 (b) "*Maintaining security personnel*" is an act of keeping security personnel
20 to commit murder under the RPC;

21 (c) "*Using security personnel*" is an act of utilizing security personnel to
22 commit murder under the RPC;

23 (d) "*Aiding security personnel*" is an act of providing any form of support,
24 other than financial aid, to security personnel to engage in the
25 commission of murder under the RPC;

26 (e) "*Funding security personnel*" is an act of providing financial support to
27 security personnel engaged to commit murder under the RPC; and

28 (f) "*Training security personnel*" is an act of training a security personnel
29 engaged to commit murder under the RPC.

30 Any person who shall recruit, maintain, use, aid, fund, or train security
31 personnel under this provision shall suffer the penalty of twenty (20) years

1 imprisonment with the corresponding accessories penalties under the RPC including
2 forfeiture of retirement benefits, if applicable.

3 *Sec. 6. Declaration of Heinous Crime.* — It is hereby declared as a heinous
4 crime when the acts defined and penalized under Secs. 4 and 5 resulted in the
5 consummation of murder.

6 *Sec. 7. Imposition of Death Penalty.* — Death penalty shall be imposed on the
7 heinous crime provided in this Act.

8 *Sec. 8. Suspension of the execution of the death sentence.* - The death
9 sentence shall not be inflicted upon a woman while she is pregnant or within one (1)
10 year after delivery, nor upon any person over seventy years of age. In this last case,
11 the death sentence shall be commuted to the penalty of forty (40) years imprisonment
12 with the accessory penalties provided under the Revised Penal Code.

13 *Sec. 9. Separability Clause.* — If any portion or provision of this Act is declared
14 unconstitutional, the remainder of this Act or any provisions not affected thereby shall
15 remain in force and effect.

16 *Sec. 10. Repealing Clause.* — Republic Act No. 9346 or An Act Prohibiting the
17 Imposition of Death Penalty is hereby amended accordingly in so far as the prohibition
18 of death penalty on crimes as specified on this Act. Any law, presidential decree or
19 issuance, executive order, letter of instruction, rule or regulation inconsistent with the
20 provisions of this Act is hereby repealed or modified accordingly.

21 *Sec. 11. Effectivity Clause.* — This Act shall take effect after fifteen (15) days
22 following its complete publication in the Official Gazette or a newspaper of general
23 circulation.

Approved,