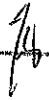


8 APR 28 1991

SENATE
S.B. 2197

RECEIVED BY: 

Introduced by Senator Villar

Explanatory Note

“*Kotong*” happens when a law enforcement official or public official extorts or unlawfully extracts money or property through intimidation or undue exercise of their authority against any person facing apprehension or charges for violating or suspected of violating any law in exchange for protection against possible arrest or filing of charges. In familiar terms, it occurs when a policeman tries to collect money from civilians by way of delaying the issuances of clearance or reports or dropping hints of having no gasoline to use for a vehicle or “*pang-gasolina lang po* or *pampadulas*.”

There are existing statutes to combat extortion activities of rogue uniformed personnel and other public officials, e.g., the Anti-Graft and Corrupt Practices Act, the PNP Reform Act, the Administrative Code of the Philippines and the Revised Penal Code. The laws are complemented by various issuances and regulations providing guidelines proscribing *kotong* operations and extortion and sanctions on the said criminal activities.


But mulcting or kotong has tainted the image of the country’s law enforcement agencies even if a negligible percent of public officers/law enforcers are engaged in this illicit activity. For example, in the statistics on Central Luzon vis-à-vis kotong in the area, only one percent (1 %) or 80 out of 8,000 policemen are involved in extortion and that most of them are neophyte cops with ranks of Police Officer 1 or 2.

This bill is thus submitted in earnest, with the following highlights:

1. It defines the crime of kotong or mulcting, to remove scalawags in uniform and enumerates the public officers/law enforcement agents covered;
2. A set of stiffer penalty is imposed. Under the legislation, any person who shall violate this Act shall, upon conviction, be penalized by imprisonment of not less than six (6) months nor more than one (1) year, or a fine of not more than one hundred thousand pesos (Php 100,000.00) or both such fine and imprisonment at the discretion of the court.

3. A system of reporting “kotong” cops or erring public officer is being established, using new mechanisms such as formation of “honesty teams”, dedicated communication lines and SMS.

Early enactment of this bill is recommended.



MANNY VILLAR

8 APR 28 1975

SENATE
S.B. **2197**

RECEIVED BY: _____

Introduced by Senator Villar

AN ACT
DEFINING THE CRIME OF MULCTING OR "KOTONG", PROVIDING
PENALTIES THEREFOR AND FOR OTHER PURPOSES

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

SECTION 1. The crime of mulcting or "kotong" is committed when a law enforcement official or public official extorts or unlawfully extracts money or property through intimidation or undue exercise of their authority against any person facing apprehension or charges for violating or suspected of violating any law in exchange for protection against possible arrest or filing of charges.

The law enforcement officials or public officials mentioned in this Act shall include law enforcement officials in the national or local government unit level including but not limited to employees of the Philippine National Police (PNP), Armed Forces of the Philippines (AFP), National Bureau of Investigation (NBI), duly appointed *barangay tanods*, environment police or forest guards, deputized traffic enforcers/personnel and other apprehending authorities.

Any person who shall violate this Act shall, upon conviction, be penalized by imprisonment of not less than six (6) months nor more than one (1) year, or a fine of not more than one hundred thousand pesos (Php 100,000.00) or both such fine and imprisonment at the discretion of the court.

SECTION 2. Prosecution under this Act shall be without prejudice to any liability for violation of any provision of the Revised Penal Code or any other law.

SECTION 3. The Philippine National Police, the National Bureau of Investigation and other law enforcement agencies must establish a system of tracking down "kotong" cops or agents or public officials with the assistance of the citizens taking into consideration their privacy, risks and safety. It may include but not limited to the creation of a devoted phone or communication line that will accept or process reports of extortion, installations of surveillance cameras to entrap erring

policemen or public officer, formation of “honesty teams” in the organization that will handle reports of mulcting or kotong activities, mandatory and continuing education or seminars, and others.

SECTION 4. If any provision or part of this Act is declared invalid or unconstitutional, the other parts or provisions thereof shall remain valid and effective.

SECTION 5. All laws, orders, rules or regulations which are inconsistent with or contrary to the provisions of this Act are hereby amended or repealed accordingly.

SECTION 6. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two newspapers of general circulation, whichever is earlier.

Approved,