

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

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SENATE  
S. No. **2237**

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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

The Constitution, Article 11, Section 5 states that:

Section 5. 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 behavior 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.<sup>1</sup>

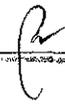
*ccs. Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO

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<sup>1</sup> This bill was originally filed in the Thirteenth Congress, Second Regular Session.

SENATE  
S. No. **2237**

RECEIVED BY



Introduced by Senator Miriam Defensor Santiago

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

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

6 SECTION 1. *Short Title.* - This Act shall be known as the "Freedom from Threats Act."

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

10 SECTION 3. *Definition of Terms.* - As used in this Act, the term -

11 (A) "Law enforcement officer" means any officer, agent, or employee of the  
12 Philippines authorized by law to engage in or supervise the prevention, detection,  
13 investigation, or prosecution of any violation of criminal laws;

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

18 (C) "Government official" means the President, Vice President, a Member of  
19 Congress, a Cabinet Member or any head of the executive branch and the different heads  
20 of law enforcement agencies, and judges, which includes any judicial officer of the  
21 Philippines, justice of the Supreme Court and the Court of Appeals; and judges of all  
22 inferior courts.

1           SECTION 4. *Acts Punished.* - (A) Whoever assaults, kidnaps, or murders, or attempts or  
2           conspires to assault, kidnap or murder, or threatens to assault, kidnap or murder a member of the  
3           immediate family of a government official or a law enforcement officer; or threatens to assault,  
4           kidnap, or murder, a government official or law enforcement officer, with intent to impede,  
5           intimidate, or interfere with such official or law enforcement officer while engaged in the  
6           performance of official duties, or with intent to retaliate against such official or law enforcement  
7           officer on account of the performance of official duties, shall be punished as provided in Section  
8           5.

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

15          SECTION 5. *Penalty.* - Whoever violates this Act, or any regulation issued pursuant  
16          thereto, shall be punished with a penalty imposed in the Penal Code for the crime is committed  
17          but the penalty shall be one degree higher and in no case can the penalty be lower than ten (10)  
18          years imprisonment plus a fine not lower than Ten Thousand Pesos (P10,000.00).

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

22          SECTION 7. *Repealing Clause.* - Any law, presidential decree or issuance, executive  
23          order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent  
24          with the provisions of this Act is hereby repealed, modified or amended accordingly.

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

Approved,