

SIXTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Third Regular Session )



75 JUL 28 P3:42

SENATE  
S. No. 2876

RECEIVED BY: *[Signature]*

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Introduced by Senator 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

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>

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



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

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

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

7 SECTION 3. *Definition of Terms.* – As used in this Act, the term:

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

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

1 (C) "Law enforcement officer" means any officer, agent, or employee of  
2 the Philippines authorized by law to engage in or supervise the prevention,  
3 detection, investigation, or prosecution of any violation of criminal laws;

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

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

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

23 SECTION 6. *Separability Clause.* – If any provision or part hereof is held invalid  
24 or unconstitutional, the same shall not affect the validity and effectivity of the other  
25 provisions hereof.

1           SECTION 7. *Repealing Clause.* – All laws, decrees, orders, and issuances, or  
2 portions thereof, which are inconsistent with the provisions of this Act, are hereby  
3 repealed, amended or modified accordingly.

4           SECTION 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after  
5 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

/rapt24July2015