

SENATE

'19 JUL 25 AM 11:11

S. No. 780

RECEIVED



Introduced by **SENATOR LEILA M. DE LIMA**

**AN ACT
AMENDING ARTICLE 14 OF THE REVISED PENAL CODE TO ADD, AS
AN AGGRAVATING CIRCUMSTANCE, THE CRIME HAVING BEEN
COMMITTED AGAINST LAWYERS AND JUSTICE SECTOR OFFICIALS**

EXPLANATORY NOTE

Article II, Section 5 of the Constitution declares that “[t]he 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”.

We are a nation governed by the rule of law. This principle is based on our values which state that power is not lodged on any individual ruler but on the people and on the law. As such the effective and efficient management of justice is paramount to our way of life.

The courts and the lawyers are the ones tasked to ensure that justice is done. In the process, they place themselves in harm’s way against people who means to subvert justice.

The Basic Principles on the Role of Lawyers adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, provides:

“Guarantees for the functioning of lawyers

16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and

(c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

17. Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.”

In recent years, there has been a spate of killings against members of the legal profession which should call our government to action to send a clear message against offenders who specifically target lawyers and court officials.

Alternative Law Journal reported 114 legal professionals were killed between 01 January 1999 and October 2014 – four were Judges, eight were Prosecutors and the rest were lawyers.¹

This administration alone, at least 40 judges, prosecutors, and lawyers have been killed. Of this total, 9 were prosecutors, one was an assistant prosecutor and five were judges. According to a news report, almost half were gunned down by unidentified men.²

Last March 2019, an international delegation composed of lawyers from Belgium, Italy, Japan, Korea, the Netherlands and the United States visited the country to investigate on the killing of lawyers since President Rodrigo Roa Duterte assumed office by interviewing survivors, victims’ relatives, government agencies and prosecutors. Their full report will be ultimately submitted to the United Nations Human Rights Council, International Criminal Court and other international organizations.³

Attacks against legal professionals, as in human rights defenders, journalists and activists, continue to be common practice because suspects “are rarely caught.”⁴

¹ Alternative Law Journal. Retrieved from <http://www.altj.org/news-and-views/the-last-word/833-attacks-on-lawyers-a-threat-to-democracy>. Accessed 22 February 2018.

² Gavilan, J. Rappler.com. “LIST: Judges, prosecutors, lawyers killed under Duterte gov’t”. Retrieved from <https://www.rappler.com/newsbreak/iq/216239-list-judges-prosecutors-lawyers-killed-under-duterte-government>.

³ Samabalud M. and Reysio-Cruz, M. Inquirer.net. “Int’l group in Philippines to investigate killing of lawyers”. Retrieved from <https://newsinfo.inquirer.net/1096432/intl-group-in-philippines-to-investigate-killing-of-lawyers>.

⁴ Philippine Star Editorial (21 February 2018). Killing the Defense. Retrieved from <http://old.philstar.com/opinion/2018/02/21/1789779/editorial-killing-defense> Accessed 22 February 2018.

Various human rights groups and lawyer groups have expressed alarm over the recent incidents.

In their statement, the Integrated Bar of the Philippines even said that “by silencing a lawyer, many victims are also silenced” and that “the series of unsolved crimes against lawyers has germinated a dark halo of fear that has paralyzed the most important pillars of the justice system”.⁵

There is a clear need to amend existing law to establish a clear government policy to protect our justice system and the persons tasked to administer justice.

To deter commission of crimes against the person and property of lawyers and justice sector officials, this bill increases penalty against crimes committed against them by considering such crimes as an aggravating circumstance.

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


LEILA M. DE LIMA


⁵ Cigaral, I.N and Patag, K.J.Philippine Star. “HRW: 38th lawyer killed since Duterte admin possible ‘drug war murder’ victim” Retrieved from <https://www.philstar.com/headlines/2019/03/16/1901988/hrw-38th-lawyer-killed-duterte-admin-possible-drug-war-murder-victim>.

SENATE

'19 JUL 25 AM 11 :11

S. No. 780

RECEIVED



Introduced by **SENATOR LEILA M. DE LIMA**

AN ACT
AMENDING ARTICLE 14 OF THE REVISED PENAL CODE TO ADD, AS
AN AGGRAVATING CIRCUMSTANCE, THE CRIME HAVING BEEN
COMMITTED AGAINST LAWYERS AND JUSTICE SECTOR OFFICIALS

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

1 Section 1. The Revised Penal Code, Article 14 on Aggravating Circumstances
2 shall be amended adding a new sub-paragraph, sub-paragraph 22, as follows:

3 "Art. 14. Aggravating circumstances. — The following are
4 aggravating circumstances:

5 X X X

6 21. That the wrong done in the commission of the
7 crime be deliberately augmented by causing other
8 wrong not necessary for its commissions.

9 22. THAT THE CRIME BE COMMITTED
10 AGAINST THE PERSON OR PROPERTY OF
11 LAWYERS AND JUSTICE SECTOR OFFICIALS,
12 IN THE FULFILLMENT OF THEIR DUTY OR IN
13 THEIR LAWFUL EXERCISE OF A RIGHT OR
14 OFFICE."

15 Sec. 2. *Repealing Clause.* - All laws, executive orders, presidential decrees,
16 presidential proclamations, letters of instruction, rules and regulations or parts
17 thereof inconsistent with the provisions of this Act are hereby repealed or modified
18 accordingly.

1 Sec. 3. *Effectivity.* - This Act shall take effect fifteen (15) days following its
2 publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,