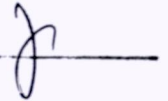


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

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SENATE

S.B. NO. 1234

Introduced by SENATOR IMEE R. MARCOS

AN ACT
REIMPOSING DEATH PENALTY ON CERTAIN HEINOUS CRIMES UNDER
REPUBLIC ACT NO. 7659, PROVIDING FOR ADDITIONAL
QUALIFICATIONS, AMENDING FOR THAT PURPOSE THE REVISED PENAL
CODE, AS AMENDED, OTHER SPECIAL LAWS, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Article II, Section 5 of the 1987 Constitution states that the State shall ensure the maintenance of peace and order, protection of life, liberty, and property, and the promotion of general welfare for the enjoyment by the people. Article III, Section 19 of the same Constitution provides that, "*excessive punishment shall not be imposed, nor cruel, degrading or inhuman punishment inflicted. Neither shall death penalty be imposed, unless for compelling reasons involving heinous crime.*" Thus, Congress may, by law, impose capital punishment to offenders.

The Covenant on Civil and Political Rights also recognize that capital punishment is an allowable limitation on the right to life which is subjected to the limitation that it be imposed for the "*most serious crimes.*"


As such, drug-related crimes impose an immense burden on society. In the Philippines, the Dangerous Drugs Board reported that more than 4.74 million persons in the country, or 6.1 percent of the population aged 10-69, have used illegal drugs at least once in their lifetime. According to the Philippine National Police, from July

2016 to January 2018, the total number of drug-related incidents has reached 2,235, about 21,908 cases referred to (42,182) cases filed in court.

The consistent rise of drug-induced crimes in the country pose that the imposition of *reclusio perpetua* and life imprisonment, in lieu of death penalty, may not be a notable deterrent to the commission of such crimes. John Stuart Mill, a former member of the British Parliament, defended the retention of death penalty if confined to atrocious cases stating that, to deter by suffering from inflicting suffering is not only possible, but the very purpose of penal justice.

Thus, this measure proposes to reimpose death penalty on certain heinous crimes under Republic Act No. 7659 while the offender is under the influence of dangerous drugs and having attended with certain circumstances, as provided, so as to ensure the maintenance of peace and order which is paramount for the enjoyment of every people of the blessings of democracy.

Given the abovementioned, the immediate passage of this bill is earnestly sought.


IMEE R. MARCOS

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CODE, AS AMENDED, OTHER SPECIAL LAWS, AND FOR OTHER PURPOSES

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, “*Reimposition of Death*
2 *Penalty Act of 2019.*”

3 Section 2. *Declaration of Policy.* – The maintenance of peace and order is
4 paramount for the enjoyment of every people of the blessings of democracy. Towards
5 this end, the state shall endeavor to strengthen its laws and impose capital punishment
6 on certain crimes that are classified as heinous.

7 Section 3. *Death Penalty for the crimes of Treason, Qualified Bribery, Plunder*
8 *and for offenses under the Dangerous Drugs Act* – The death penalty and other
9 penalties provided by Republic Act No. 7659 for the crimes of Treason, Qualified
10 Bribery, Plunder, and for the offenses under Sections 4, 5, 6, 8, 11, and 16 of Republic
11 Act No. 9165 otherwise known as the “Comprehensive Dangerous Drugs Act of 2002”
12 are hereby reimposed.

13 Section 4. *Death Penalty for the crimes of Piracy in General and Mutiny on the*
14 *High Seas or in Philippine Waters, Qualified Piracy, Parricide, Infanticide, Kidnapping*
15 *and Serious Illegal Detention, Robbery with Violence against or Intimidation of*
16 *Persons, and Destructive Arson.* – The death penalty and other penalties provided by
17 Republic Act No. 7659 for the crimes of Piracy in General and Mutiny on the High Seas
18 or in Philippine Waters, Qualified Piracy, Parricide, Infanticide, Kidnapping and Serious

1 Illegal Detention, Robbery with Violence against or Intimidation of Persons, and
2 Destructive Arson are hereby reimposed provided that the said crimes were committed
3 while the offender or any of the offenders is under the influence of dangerous.
4 Provided further the said crimes are attended by any of the following circumstances:

- 5 i. Moral Depravity, Extreme Brutality, Torture;
- 6 ii. Publication of the Crime, or Glorification of Criminals;
- 7 iii. Public Outrage, Terrorism, Social Trauma Causing Widespread Fear
8 and Anxiety, or Criminal Action Involving Multiple Victims; or
- 9 iv. Utilization of Nuclear, Biological, or Chemical Weapons.

10 Section 5. *Death Penalty for the crimes of Murder, Robbery with Violence*
11 *Against or Intimidation of Persons, and Rape* - The death penalty and other penalties
12 provided by Republic Act No. 7659 for the crimes of *Murder, Robbery with Violence*
13 *Against or Intimidation of Persons, and Rape* are hereby reimposed provided that the
14 said crimes were committed while the offender or any of the offenders is under the
15 influence of dangerous drugs. Provided further the said crimes are attended by any of
16 the following circumstances:

- 17 i. Publication of the Crime, or Glorification of Criminals;
- 18 ii. Public Outrage, Terrorism, Social Trauma Causing Widespread Fear and
19 Anxiety, or Criminal Action Involving Multiple Victims; or
- 20 iii. Utilization of Nuclear, Biological, or Chemical Weapons.

21 Section 4. *Lethal Injection*. - The death penalty shall be implemented in
22 accordance with Republic Act No. 8177 otherwise known as the, "*Act Designating*
23 *Death by Lethal Injection*."

24 Section 5. *Implementing Rules and Regulations*. - Within sixty (60) days after
25 the effectivity of this Act, the DOJ and the PDEA shall promulgate such rules and
26 regulations necessary to implement this Act.

27 Section 6. *Separability Clause*. - If any provision of this Act is held
28 unconstitutional, other provisions not affected thereby shall remain valid and binding.

29 Section 7. *Repealing Clause*. - All laws, decrees, ordinances and rules
30 inconsistent with the provisions of this Act are hereby modified or repealed
31 accordingly.

1 Section 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
2 the completion of its publication in the Official Gazette or in at least two (2) national
3 newspapers of general circulation.

4 Approved,