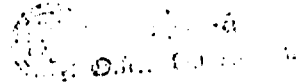


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE
Senate Bill No. 1650

20 JUL -2 P3:22

INTRODUCED BY SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO

**AN ACT
AMENDING SECTION 5 OF REPUBLIC ACT NO. 7610, OTHERWISE KNOWN
AS THE "SPECIAL PROTECTION OF CHILDREN AGAINST ABUSE,
EXPLOITATION, AND DISCRIMINATION ACT"**

EXPLANATORY NOTE

In *People v. Tulagan*,¹ the Supreme Court lamented the incongruent penalties for acts of lasciviousness committed against a child in which acts of lasciviousness committed against a child below (twelve) 12 years of age is punished less severely than the same acts committed against a child who is between twelve (12) to eighteen (18) years of age, to wit:

"Over and above the foregoing, We observe that despite the clear intent of R.A. No. 7610 to provide for stronger deterrence and special protection against child abuse, the penalty for violation of Section 5(b) of R.A. No. 7610 [*reclusion temporal* medium] when the victim is under 12 years old is lower compared to the penalty [*reclusion temporal* medium to *reclusion perpetua*] when the victim is 12 years old and below 18. The same holds true if the crime of acts of lasciviousness is attended by an aggravating circumstance or committed by persons under Section 31, Article XII of R.A. No. 7610, in which case, the imposable penalty is *reclusion perpetua*. In contrast, when no mitigating or aggravating circumstance attended the crime of acts of lasciviousness, the penalty

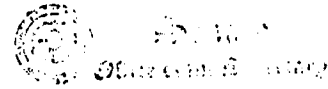
¹ G.R. No. 227363, 12 March 2019.

therefor when committed against a child under 12 years old is aptly higher than the penalty when the child is 12 years old and below 18. This is because, applying the Indeterminate Sentence Law, the minimum term in the case of the younger victims shall be taken from *reclusion temporal* minimum, whereas as the minimum term in the case of the older victims shall be taken from *prision mayor* medium to *reclusion temporal* minimum. It is a basic rule in statutory construction that what courts may correct to reflect the real and apparent intention of the legislature are only those which are clearly clerical errors or obvious mistakes, omissions, and misprints, but not those due to oversight, as shown by a review of extraneous circumstances, where the law is clear, and to correct it would be to change the meaning of the law. Thus, a corrective legislation is the proper remedy to address the noted incongruent penalties for acts of lasciviousness committed against a child."

This law takes into consideration the foregoing observation and clarifies, once and for all, the legislative intent of R.A. No. 7610.

In light of the foregoing, the immediate passage of the bill is sought.


SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO



SENATE

20 JUL -2 P3:22

Senate Bill No. 1650

FILE

INTRODUCED BY SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO

AN ACT
AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 7610,
OTHERWISE KNOWN AS THE "SPECIAL PROTECTION OF CHILDREN
AGAINST ABUSE, EXPLOITATION, AND DISCRIMINATION ACT"

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

1 Section 1. Section 5, Article III of Republic Act No. 7610, otherwise known as
2 the "Special Protection of Children Against Abuse, Exploitation, and Discrimination
3 Act," as amended, is hereby further amended to read as follows:

4
5 "Section 5. *Child Prostitution and Other Sexual Abuse.* – Children,
6 whether male or female, who for money, profit, or any other
7 consideration or due to the coercion or influence of any adult, syndicate
8 or group, indulge in sexual intercourse or lascivious conduct, are
9 deemed to be children exploited in prostitution and other sexual abuse.

10
11 "The penalty of *reclusion temporal* in its medium period to
12 reclusion perpetua shall be imposed upon the following:

13
14 (a) Those who engage in or promote, facilitate or induce child
15 prostitution which include, but are not limited to, the following:

16
17 (1) Acting as a procurer of a child prostitute;

18

1 (2) Inducing a person to be a client of a child prostitute by
2 means of written or oral advertisements or other similar means;

3
4 (3) Taking advantage of influence or relationship to
5 procure a child as prostitute;

6
7 (4) Threatening or using violence towards a child to
8 engage him as a prostitute; or

9
10 (5) Giving monetary consideration goods or other
11 pecuniary benefit to a child with intent to engage such child in
12 prostitution.

13
14 (b) Those who commit the act of sexual intercourse of lascivious
15 conduct with a child exploited in prostitution or subject to other sexual
16 abuse; *Provided*, That when the victims is under twelve (12) years of
17 age, the perpetrators shall be prosecuted under Article 335, paragraph
18 3, for rape and Article 336 of Act No. 3815, as amended, the Revised
19 Penal Code, for rape or lascivious conduct, as the case may be:
20 *Provided*, That the penalty for lascivious conduct when the victim is
21 under twelve (12) years of age shall be reclusion temporal in its medium
22 period **TO RECLUSION PERPETUA**; and

23
24 (c) Those who derive profit or advantage therefrom, whether as
25 manager or owner of the establishment where the prostitution takes
26 place, or of the sauna, disco, bar, resort, place of entertainment or
27 establishment serving as a cover or which engages in prostitution in
28 addition to the activity for which the license has been issued to said
29 establishment."

30
31 **Sec. 2. Coverage.** – This Act shall not be applicable to those accused who are
32 charged with violation of Sec. 5, Article III of R.A. No. 7610 through an Information

1 filed before the courts prior to the effectivity of this Act and are undergoing trial,
2 regardless of the stage thereof.

3
4 This Act shall only be applicable to acts committed after its effectivity.

5
6 No accused shall be convicted and penalized with the higher penalty under this
7 Act where the same would violate the constitutional proscription against *ex post facto*
8 laws.

9
10 **Sec. 3. *Implementing rules and regulations.*** – The Department of Justice, in
11 coordination with the Supreme Court, shall formulate and promulgate, in accordance
12 with applicable laws and rules, such rules or regulations as are necessary to implement
13 the provisions of this Act.

14
15 **Sec. 4. *Separability clause.*** – If for any reason any part or provision of this Act
16 is declared invalid or unconstitutional, the remaining parts or provisions not affected
17 thereby shall remain in full force and effect.

18
19 **Sec. 5. *Repealing clause.*** – All laws or parts of laws, presidential decrees,
20 executive orders, circulars, rules and regulations contrary to or inconsistent with the
21 provisions of this Act are hereby repealed or amended accordingly.

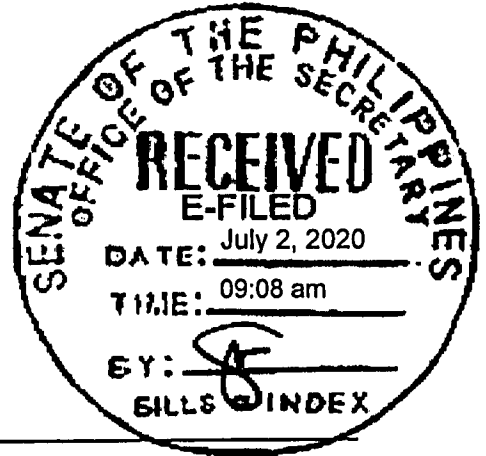
22
23 **Sec. 6. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
24 publication in the Official Gazette or in a newspaper of general circulation.

Approved,

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

SENATE

P.S.R. No. 460



INTRODUCED BY SENATOR RISA HONTIVEROS

RESOLUTION

CALLING FOR AN INVESTIGATION IN AID OF LEGISLATION INTO THE SHOOTING OF FOUR SOLDIERS OF THE ARMED FORCES OF THE PHILIPPINES (AFP) BY PERSONNEL OF THE PHILIPPINE NATIONAL POLICE (PNP) WITH THE END IN VIEW OF INSTITUTIONALIZING MEASURES AGAINST THE EXCESSIVE USE OF FORCE AND VIOLENCE WITHIN THE POLICE FORCE

WHEREAS, on June 29, 2020, police officers shot and killed four (4) soldiers of the Armed Forces of the Philippines in Jolo, Sulu;

WHEREAS, the fallen soldiers were Major Marvin Indammog (39), Captain Irwin Managuelod (33), Sergeant Jaime Velasco (38), Corporal Abdal Asula – all from the Army's 9th intelligence service unit who were tracking terrorist activity in the area¹;

WHEREAS, AFP Western Mindanao Command Chief Cirilito Sobejana said that the soldiers were merely "doing their work" aboard their Montero SUV when they were "fired upon" by the Sulu police personnel – prompting AFP Lieutenant General Gilbert Gapay, commanding general of the army to describe the encounter as 'murder' and a 'rubout'²;

WHEREAS, according to Philippine Army spokesperson Colonel Ramon Zagala, Major Indammog was shot despite holding his empty hands up in a gesture of peace and surrender, Captain Managuelod was working on his laptop inside the SUV at the moment of his death, and none of the AFP personnel fired a single shot³;

WHEREAS, Colonel Zagala also revealed that the roughly nine police officers who shot at the soldiers fled the scene instead of cordoning off the area and calling

¹<https://www.rappler.com/nation/265275-afp-says-no-exchange-fire-police-shot-intel-soldiers-jolo-incident>

²<https://www.rappler.com/nation/265338-it-was-murder-army-bares-details-jolo-rubout-4-soldiers>

³<https://www.rappler.com/nation/265394-afp-backs-army-chief-murder-claim-sulu>

for Scene of the Crime Operatives (SOCO);

WHEREAS, according to the version of the PNP, Jolo municipal cops and a member of the Sulu Provincial Drug Enforcement Unit spotted a gray Montero SUV with 4 men on board and, their suspicions aroused, asked them to verify their identities at the Jolo Police Station⁴;

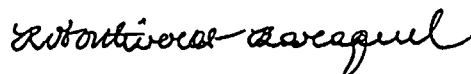
WHEREAS, a car chase allegedly ensued and the soldiers fired at the police officers, forcing the latter to open fire;

WHEREAS, only two months earlier, police personnel fatally shot a mentally-ill former soldier, Winston Ragos⁵, and the results of the investigation conducted by the National Bureau of Immigration (NBI) showed that Ragos did not have a gun in his possession⁶;

WHEREAS, while the PNP and the AFP have already agreed to allow the NBI to conduct an impartial investigation into the Sulu incident, the excessive use of force and violence by the police in separate recent incidents, demonstrates a disturbing pattern of behavior that may require long-term strategic measures and legislative action.

NOW THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED TO URGE THE PROPER SENATE COMMITTEE TO INQUIRE, IN AID OF LEGISLATION, INTO THE SHOOTING OF FOUR SOLDIERS OF THE ARMED FORCES OF THE PHILIPPINES (AFP) BY PERSONNEL OF THE PHILIPPINE NATIONAL POLICE (PNP) WITH THE END IN VIEW OF INSTITUTIONALIZING MEASURES AGAINST THE EXCESSIVE USE OF FORCE AND VIOLENCE WITHIN THE POLICE FORCE.

Adopted.



RISA HONTIVEROS
Senator

⁴ <https://www.rappler.com/nation/265275-afp-says-no-exchange-fire-police-shot-intel-soldiers-jolo-incident>

⁵ https://cnnphilippines.com/news/2020/4/23/retired-military-Winston-Ragos-Quezon-City-shooting-PNP-Gamboa.html?fbclid=IwAR2eg6UVjjTrDIUR8y4X7jRtx5MYIgsK1_AZz94i6CAV9hNK8QEHNID6YBk

⁶ <https://news.mb.com.ph/2020/06/05/policeman-found-no-handgun-in-ragos-bag-nbi/>