

SENATE

S. No. 1442

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Introduced by Senator Gregorio B. Honasan II

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### Explanatory Note

Whenever people speak of police officers in this country, the same translates to "*hulidap or kotong cops*". The image of the PNP has been tarnished by the errant practices of some unscrupulous members of the force. These small number but noticeable scalawags are the ones who continue to taint the prestige of the police with their involvement in illegal activities such as *kotong, hulidap*, and other deplorable crimes.

It is more regrettable to note that the customary victims were the lowly wage earners such as taxi, jeepney, truck, bus drivers, and even sidewalk vendors, whose hard-earned money is taken away in exchange for non-apprehension for committing minor offenses.

This piece of legislation has the primal intention to cleanse the ranks not only of the Philippine National Police but also other government offices capable of extorting money and/or other properties with monetary value against people facing charges or about to be charged for violating any local ordinances and/or general laws. What we need now is to rectify the tarnished image of government authorities and rebuild the trust of the people to their police and other concerned public officials.

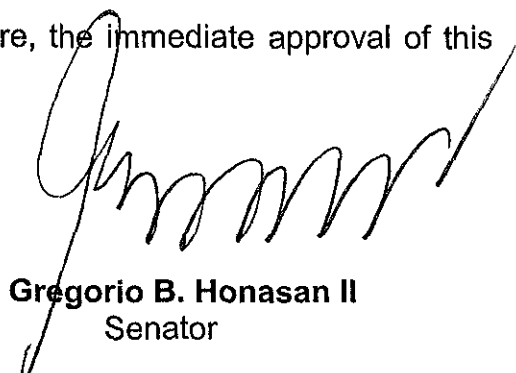
It is unfortunate that the existing laws like the PNP Reform Act, Anti-Graft and Corrupt Practices Act and similar statutes penalizing public officials criminally and administratively were not enough to discourage them from getting involved in extortion activities. Under the present system, the accustomed charges slapped on these rogue officials are the common crimes of robbery and theft under the Revised Penal Code.

This representation sees it fit to come up with a more specific and stringent measure to penalize violators in order to restore the dignity bestowed upon every public official who has taken the oath to serve the public with complete honesty and integrity. Through this measure, public officials who are

accountable to the people should be imposed with harsher penalty to align with the principle of public office is a public trust.

Since this type of crime committed by public officials is rampant nationwide, *I strongly believe that it is high time for this country to have a law specifically defining and penalizing the act of "Kotong".*

Considering the urgency of this measure, the immediate approval of this bill is earnestly sought.



**Gregorio B. Honasan II**  
Senator

FOURTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
1<sup>ST</sup> Regular Session )

SECRETARY

7 AUG -7 2012

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**AN ACT**  
**PENALIZING THE COMMISSION OF THE ACT OF "KOTONG" COMMITTED**  
**BY LAW ENFORCEMENT OFFICERS AND PUBLIC OFFICIALS AND FOR**  
**OTHER PURPOSES**

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

**SECTION 1. *Short Title*** - This Act shall be known as the "**Anti-Kotong Act of 2007**".

**SEC. 2. *Statement of Policy*** - It is hereby declared the policy of the State to:

a.) protect the citizens against extortions committed by abusive law enforcement officers and other public officials;

b.) uphold and respect at all times the fundamental human rights as guaranteed by the constitution; and

c.) ensure that the general image of public servants particularly law enforcement officers instill dignity, honor, and high regard from the entire nation and the global community.

For these purposes, the government shall institute a policy whereby law enforcement officers and public officials who will be implicated in the unlawful act

of "**Kotong**" as defined herein shall be penalized as well as encourage all concerned citizens to report such illegal activity to proper authorities.

**SEC. 3. Coverage** – The Act of Penalizing the crime of "**Kotong**" shall cover all law enforcement officers whether under the national government or local government agencies such as but not limited to the Philippine National Police (PNP), National Bureau of Investigation (NBI), and other apprehending authorities. Public officials or authorities under the executive branch of the government in the national or local level shall likewise be covered by this Act.

**SEC. 4. "**Kotong**", Defined and when Committed** – "**Kotong**" as used in this Act shall mean and deemed committed as a crime when an act of any law enforcement officer or public official involves extortion or unlawful extraction of money or property through intimidation or undue exercise of their authority against any person facing apprehension or charges for violating or suspected of having violated any law in exchange for protection against possible arrest, filing of charges or being imposed with penalties to the offense.

**SEC. 5. Penalties** – Any law enforcement officer or public official who commits the crime of "**Kotong**" as provided in the provision of this Act shall, upon conviction, at the discretion of the court be penalized by:

- a.) imprisonment of prision correccional in its maximum period up to prision mayor in its minimum period, or
- b.) separation from government service with perpetual disqualification from entering other government agencies or in the case of the Philippine National Police and the National Bureau of Investigation, either through dishonorable discharge from duty or demotion of two (2) ranks lower and transfer of

assignment to another PNP Regional Command or NBI Regional Office as may be determined by the PNP Chief or the NBI Director, as the case may be; or

c.) a fine to be paid to the victim equivalent to the involved amount extorted, *Provided*, however, if the victim is an indigent, the fine to be paid shall not be less than Ten Thousand Pesos (P10,000.00) but no more than double the amount extorted which will be exclusive of other damages that the court may deem fit to be awarded; or

d.) both fine and imprisonment or fine and dishonorable discharge from duty or demotion of two (2) ranks lower and transfer of assignment to another PNP Regional Command or NBI Regional Office.

*Provided*, however, that the subject law enforcement officer and public official while going through investigation and trial in the court of law shall, upon order of the court, undergo preventive suspension.

**SEC. 6. Shared Liability under Command Responsibility.** – In order to ascertain that every head of public office shall adhere to cleanse their respective organizations, such head of office shall be held equally liable for illegal “*kotong*” activities. *Provided*, however, where the violator involved is a member of the Philippine National Police (PNP), unit commanders will be held liable for the involvement of any personnel under the Regional Director’s direct command. *Provided*, further, that such liability as stated herein shall be solely limited to suspension for a fixed duration to be determined by the court.

**SEC. 7. Liability under Other Laws.** – A prosecution under this Act shall be without prejudice to any liability for violation of any provisions of Republic Act No. 3185, as amended, otherwise known as the Revised Penal Code; Republic Act No. 8551, or the Philippine National Police Reform and

Reorganization Act of 1998; Republic Act No. 3019, or the Anti-Graft and Corrupt Practices Act and other applicable statutes.

**SEC. 8. Repealing Clause.** – The provision of any law, Issuance, Executive Order, Letter of Instruction, Rules or Regulations which are inconsistent with the provision of this Act are hereby repealed, amended or modified accordingly.

**SEC. 9. Separability Clause.** - If for any reason, any provision of this Act is declared invalid or unconstitutional, the remainder of this Act shall not be affected.

**SEC. 10. Effectivity.** This Act shall take effect immediately upon publication in at least two (2) newspapers of general circulation.

Approved,