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SENATE

S. NO. 2898

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

In 1973, the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons including Diplomatic Agents was adopted by the UN General Assembly. It came into force on 20 February 1977 and was acceded by the Philippines on 26 November 1976.

The convention aims to provide protection by punishing those who would commit acts of terrorism against heads of state, heads of government, ministers of foreign affairs, representatives of states, and officials of international organizations. The convention extends this protection to members of their families who accompany them in their official functions abroad. It shall also punish attacks upon the official premises, private accommodations, or means of transportation of a protected person.

Though the Philippines had already acceded to the convention, there is still a need for us to adopt similar measures. We must recognize the need to enact such measure as jeopardizing the safety of these persons may threaten our normal relations with other States.

This proposed measure therefore defines internationally protected persons and criminalizes attacks on internationally protected persons or on their liberty as well as attacks on their residence, and even their vehicles.

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



ANTONIO "SONNY" F. TRILLANES IV
Senator

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S. NO. 2898

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT
TO GIVE EFFECT TO THE CONVENTION ON THE PREVENTION AND
PUNISHMENT OF CRIMES AGAINST INTERNATIONALLY PROTECTED
PERSONS 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 “*Internationally*
2 *Protected Persons Act of 2008*”.

3
4 **Sec. 2. Declaration of Policy.** The Philippines renounces war as an instrument of
5 national policy, adopts the generally accepted principles of international law as part of the
6 law of the land, and adheres to a policy of peace, equality, justice, freedom, cooperation,
7 and amity with all nations.

8
9 **Sec. 3. Definition of Terms.** – As used in this Act, the term –

10 (1) “Convention” means the Convention on the Prevention and Punishment of
11 Crimes against Internationally Protected Persons, including Diplomatic Agents adopted
12 by the General Assembly of the United Nations on the 14th December 1973.

13 (2) “Convention Country” means a foreign country that is a Party to the
14 Convention.

15 (3) “Country” includes a State or territory, as the case may be.

16 (4) “Internationally Protected Persons” shall mean:

17 (a) a Head of State, including any member of a collegial body that
18 performs the functions of a Head of State under the constitution of
19 the State concerned, a head of a government or a minister

1 responsible for foreign affairs, whenever he is outside the State
2 which he holds that position or office;

3 (b) a member of the family of a person referred to in paragraph (a) who
4 is accompanying the person in an official business;

5 (c) a representative or an official of a State or an official or agent of an
6 international organization of an intergovernmental character who, at
7 the time and place of the alleged offense, is entitled under
8 international law to special protection from any attack on his person,
9 freedom or dignity; or

10 (d) a member of the family of a person referred to in paragraph (c) who
11 forms part of the person's household.

12 (5) "Offense against an internationally protected person" means:

13 (a) an offense under section 4, 5 or 6; or

14 (b) an abetment of, or a conspiracy or attempt to commit, an offense under
15 section 4 or 5

16 (6) "Relevant premises" means premises at which an internationally
17 protected person resides or is staying or which he uses for the purpose
18 of carrying out his functions as such person

19 (7) "Vehicle" includes any means of conveyance

20 The Foreign Affairs Secretary may issue a written certificate stating any
21 matter relevant to the question whether a person is, or was, at any time, or in
22 respect of any period, an internationally protected person, and such certificate is
23 admissible in any proceedings as prima facie evidence of the matters stated in the
24 certificate.

25
26 **Sec. 4. Offenses Against Persons. –**

27 (1) Shall be committed by any person who commits outside the Philippines
28 any act –

29 (a) to or in relation to a person whom he knows to be an internationally
30 protected person; and

31 (b) which, if committed in the Philippines, who have constituted an
32 offense specified below:

Article 248 of the Revised Penal Code (Murder)	Article 266 of the Revised Penal Code (Slight Physical Injuries and Maltreatment)
Article 249 of the Revised Penal Code (Homicide)	Article 266-A of the Revised Penal Code (Rape, When and How Committed)

Article 262 of the Revised Penal Code (<i>Mutilation</i>)	Article 267 of the Revised Penal Code (<i>Kidnapping and Serious Illegal Detention</i>)
Article 263 of the Revised Penal Code (<i>Serious Physical Injuries</i>)	Article 268 of the Revised Penal Code (<i>Slight Illegal Detention</i>)
Article 265 of the Revised Penal Code (<i>Less Serious Physical Injuries</i>)	Article 270 of the Revised Penal Code (<i>Kidnapping and Failure to Return a Minor</i>)

1 shall be guilty of the abovementioned offense and shall be liable on conviction to the
2 same punishment to which he would have been liable had he been convicted of that
3 offense.

4 (2) That person may be dealt with as if the offense had been committed in the
5 Philippines.

6
7 **Sec. 5. Offenses against premises or vehicles. –**

8 (1) Any person who commits outside the Philippines any act –

9 (a) to or in relation to the–

10 (i) premises which he knows to be relevant premises; or

11 (ii) vehicle which he knows is used by an internationally protected
12 person;

13 (b) which is likely to endanger the person or liberty of the internationally
14 protected person; and

15 (c) which, if committed in the Philippines, would have constituted an
16 offense specified below:

Article 280 of the Revised Penal Code (<i>Qualified Trespass to Dwelling</i>)	Art. 324 of the Revised Penal Code (<i>Crimes Involving Destruction</i>)
Art. 281 of the Revised Penal Code (<i>Other Forms of Trespass</i>)	Art. 327 of the Revised Penal Code (<i>Who are Liable for Malicious Mischief</i>)
Art. 320 of the Revised Penal Code (<i>Destructive Arson</i>)	Art. 328 of the Revised Penal Code (<i>Special Cases of Malicious Mischief</i>)
Art. 321 of the Revised Penal Code (<i>Other Forms of Arson</i>)	Art. 329 of the Revised Penal Code (<i>Other Mischiefs</i>)

17 shall be guilty of the abovementioned offense and shall be liable on conviction to the
18 same punishment to which he would have been liable had he been convicted of that
19 offense.

20
21 (2) That person may be dealt with as if the offense had been committed in the
22 Philippines.

1 **Sec. 6. Making threats. –**

2 (1) Any person who, in or outside of the Philippines, threatens to commit an
3 act which is –

4 (a) an offense specified under Section 5 or in relation to a person whom he
5 knows to be an internationally protected person; or

6 (b) an offense specified under Section 5 to or in relation to –

7 (i) premises which he knows to be relevant premises; or

8 (ii) a vehicle which he knows is used by an internationally protected
9 person,

10 and which, if committed, is likely to endanger the person or liberty of
11 the internationally protected person, .

12 shall be guilty of an offense under this Act and shall be liable on conviction to a fine or to
13 imprisonment for a term not exceeding –

14 (A) 7 years; or

15 (B) the term of imprisonment to which a person would be liable for the
16 offense constituted by committing the act threatened at the time of the
17 offense to which the conviction relates,

18 whichever is lesser, or to both fine and imprisonment.

19 (2) Where no term of imprisonment is prescribed for the offense under
20 subsection (1)(B), the person shall be liable on conviction to a fine or to imprisonment for
21 a term not exceeding 7 years, or to both fine and imprisonment.

22 (3) If the offense is committed outside the Philippines, that person may be
23 dealt with as if the offense had been committed in the Philippines.

24
25 **Sec. 7. Attempt, abetment, and conspiracy punishable as offenses. –** Any person
26 who, outside the Philippines, commits an act which, if committed in the Philippines,
27 would constitute an abetment of or a conspiracy or an attempt to commit –

28 (a) an offense specified under Section 4, where the offense is or is to be
29 committed to or in relation to a person whom he knows to be an
30 internationally protected person; or

31 (b) an offense specified under Section 5, where the offense is or is to be
32 committed to or in relation to –

33 (a) premises which he knows to be relevant premises; or

34 (b) a vehicle which he knows is used by an internationally protected
35 person,

1 and, if committed, is likely to endanger the person or liberty of the
2 internationally protected person,
3 is deemed to commit the act in the Philippines and may be dealt with accordingly.
4

5 **Sec. 8. *Presumption of knowledge.* –**

6 (1) Where, in any proceedings for an offense under Section 4, it is proved that
7 the accused had committed the act referred to in that section to or in relation to an
8 internationally protected person, it shall be presumed, unless the contrary is proved, that
9 the accused knew that the person in question was an internationally protected person.

10 (2) Where, in any proceedings for an offense under Section 5, it is proved that
11 the accused had committed the act referred to in that section to or in relation to relevant
12 premises or a vehicle used by an internationally protected person, it shall be presumed
13 unless the contrary is proved, that the accused knew that the premises in question were
14 relevant premises or the vehicle in question was a vehicle used by an internationally
15 protected person.

16 (3) Where, in any proceedings for an offense under Section 6, it is proved that
17 the accused had made a threat to commit an act referred to in that section to or in relation
18 to an internationally protected person, relevant premises or a vehicle used by an
19 internationally protected person (as the case may be), it shall be presumed, unless the
20 contrary is proved, that the accused knew that the person in question was an
21 internationally protected person, the premises in question were relevant premises or the
22 vehicle in question was a vehicle used by an internationally protected person.

23 (4) Where, in any proceedings for an offense under Section 7, it is proved
24 that-

25 (a) the accused had committed an act which, if committed in the
26 Philippines, would constitute an abetment of or a conspiracy or an
27 attempt to commit an offense referred to in that section; and

28 (b) the offense is or is to be committed to or in relation to an
29 internationally protected person, relevant premises or a vehicle used
30 by an internationally protected person (as the case may be),

31 it shall be presumed, unless the contrary is proved, that the accused knew that the person
32 in question was an internationally protected person, the premises in question were
33 relevant premises or the vehicle in question was a vehicle used by an internationally
34 protected person.
35

1 **Sec. 9. Information relating to offense. –**

2 (1) Every person in the Philippines who has information which he knows or
3 believes may be of material assistance

4 (a) in preventing the commission by another person of a relevant
5 offense; or

6 (b) in securing the apprehension, prosecution or conviction of another
7 person, in the Philippines, for an offense involving the commission,
8 preparation or instigation of a relevant offense,

9 and who fails to disclose the information immediately to a police officer shall be guilty of
10 an offense and shall be liable on conviction to a fine not exceeding P50,000 or to
11 imprisonment for a term not exceeding 5 years or to both.

12 (2) No criminal or civil proceedings shall lie against a person for any
13 disclosure made in good faith under this section.

14 (3) A person who makes a disclosure in good faith under this section shall not
15 be treated as being in breach of any restriction upon the disclosure of information
16 imposed by law, contract or rules of professional conduct.

17 (4) In this section, “relevant offense” means –

18 (a) an offense specified under Section 4 committed to or in relation to an
19 internationally protected person;

20 (b) an offense specified under Section 5 committed to or in relation to
21 relevant premises or a vehicle used by an internationally protected
22 person; or

23 (c) an abetment of or a conspiracy or an attempt to commit an offense
24 under paragraph (a), (b) or (c).

25
26 **Sec. 10. Mutual assistance among States. –** Mutual assistance may be provided
27 by the Philippines to a Convention country for a criminal matter involving an offense in
28 that country that corresponds to an offense against an internationally protected person.

29 Likewise, the Philippines may also request for such assistance from another
30 country for criminal matters involving certain offenses in relation to an internationally
31 protected person, his official premises or place of residence or a vehicle used by him.

32
33 **Sec. 11. Extradition. –** Offenses against an internationally protected person shall
34 be deemed extraditable acts.

1 Also, offenses of a declared Commonwealth country that corresponds to offenses
2 against an internationally protected person are extradition crimes in relation to that
3 country.

4
5 **Sec. 12. *Separability Clause.*** – If any provision or part thereof, is held invalid or
6 unconstitutional, the remainder of the law or the provision not otherwise affected shall
7 remain valid and subsisting.

8
9 **Sec. 13. *Repealing Clause.*** – Any law, presidential decree or issuance, executive
10 order, letter of instruction, administrative order, rule or regulation contrary to, or
11 inconsistent with the provisions of this Act is hereby repealed, modified or amended
12 accordingly.

13
14 **Sec. 14. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
15 publication in at least two (2) newspapers of general circulation.

Approved,