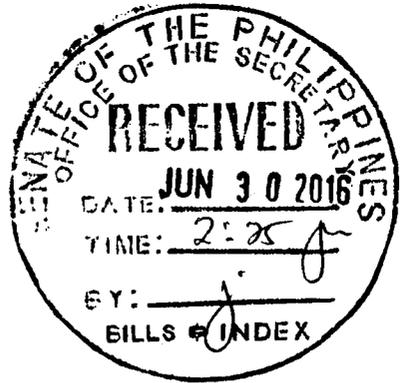


SEVENTEENTH CONGRESS OF THE REPUBLIC }
OF THE PHILIPPINES }
First Regular Session

SENATE
Senate Bill No. 42



Introduced by SENATOR LACSON

EXPLANATORY NOTE

Article III, Section 19, paragraph (1) of the Constitution states that:

“Excessive fines shall not be imposed nor cruel, degrading or inhuman punishment inflicted. Neither shall death penalty be imposed, unless, for compelling reasons involving heinous crimes, the Congress hereafter provides for it.”

While the Fundamental Law suspended the imposition of the death penalty and commuted all the death penalties imposed then to *reclusion perpetua*, the framers were mindful that the said suspension was merely temporary. As can be seen from the wordings of the aforementioned provision of the 1987 Constitution, Congress was not altogether prevented from re-imposing it “for compelling reasons involving heinous crimes.” Thus, on December 13, 1993, Congress in the exercise of its legislative powers deemed fit to enact Republic Act 7659 which imposed the death penalty on certain crimes which it defined as “heinous for being grievous, odious and hateful offenses and which, by reason of their inherent or manifest wickedness, viciousness, atrocity and perversity are repugnant and outrageous to the common standards and norms of decency and morality in a just, civilized and ordered society.”

This Law was implemented for nearly 13 years with a number of convicted criminals sentenced to death penalty and received their dues. A record of convicts, however, was removed from the death row due to the timely intervention of opponents of the Law who are mostly members of the church. Thence, the Congress enacted Republic Act 9346 on June 24, 2006. This Law prohibited the imposition of the said penalty and commuted their sentence to either *reclusion perpetua* or life imprisonment depending on whether the law violated made use of the nomenclature of their penalties by the Revised Penal Code or not.

However, the alarming surge of heinous crimes in recent years has shown that *reclusion perpetua*, in lieu of death penalty, is not a deterrent to grave offenders.

In 2015, the Philippine National Police (PNP) reported that 75 percent of the most heinous crimes are drug-related while 65 percent of inmates in prisons are either accused or convicted of drug-related crimes.

Relatedly, PNP-Directorate for Investigation and Detective Management (DIDM) has documented 9,646 murder cases; 31,741 cases of robbery; and, 10,298 rape cases in 2015. These translate to an average crime incidence of a murder every 54 minutes, a robbery every 16 minutes, and a rape case every 51 minutes.

Data from January to May of 2016 also showed a staggering number of crime incidents: 3,615 murder cases, 3,996 rape cases, and 9,971 robbery cases.

Hence, to reinstate public order and the rule of law, there is an impending need to revisit and re-impose the death penalty on certain heinous crimes which as ratiocinated by R.A. 7659 or the Death Penalty Law, "is appropriately necessary due to the alarming upsurge of such crimes which has resulted not only in the loss of human lives and wanton destruction of property but also affected the nation's efforts towards sustainable economic development and prosperity while at the same time has undermined the people's faith in the Government and the latter's ability to maintain peace and order in the country."

In view of the foregoing, the passage of this bill is earnestly recommended.


PANFILO M. LACSON
Senator

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



S E N A T E

Senate Bill No. 42

Introduced by Senator Lacson

**AN ACT
RE-INSTITUTING THE DEATH PENALTY IN THE PHILIPPINES**

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

1 SEC. 1. *Short Title.* - This Act shall be known as the "DEATH PENALTY ACT OF
2 2016."

3 SEC. 2. *Declaration of Policy.* -

4 (a) Section 5, Article II of the Constitution provides: "*The maintenance of peace and
5 order, the protection of life, liberty, and property, and the promotion of the general welfare are
6 essential for the enjoyment by all the people of the blessings of democracy.*"

7 (b) The State hereby declares the protection of its citizens as its paramount obligation as
8 such adopts measures that would effectively promote and advance peace and order and instill
9 respect in the rule of law.

10 SEC. 3. Article 114, Section One, Chapter One, Title One of Book Two of the Revised
11 Penal Code, as amended, is hereby amended to read as follows:

12 "Art. 114. Treason. - Any Filipino citizen who levies war against the Philippines or
13 adheres to her enemies giving them aid or comfort within the Philippines or elsewhere, shall be
14 punished by *reclusion perpetua* to DEATH and shall pay a fine not to exceed 100,000 pesos.

15 No person shall be convicted of treason unless on the testimony of two witnesses at least
16 to the same overt act or on confession of the accused in open court.

1 Likewise, an alien, residing in the Philippines, who commits acts of treason as defined in
2 paragraph 1 of this Article shall be punished by reclusion temporal to DEATH and shall pay a
3 fine not to exceed 100,000 pesos.”

4 SEC. 4. Articles 122 and 123 of Section One, Chapter One, Title One of Book Two of the
5 Revised Penal Code, as amended, are hereby amended to read as follows:

6 “Section Three. - Piracy and mutiny on the high seas or in the Philippine waters

7 Art. 122. Piracy in general and mutiny on the high seas or in Philippine waters. - The
8 penalty of *reclusion perpetua* shall be inflicted upon any person who, on the high seas, or in
9 Philippine waters, shall attack or seize a vessel or, not being a member of its complement nor a
10 passenger, shall seize the whole or part of the cargo of said vessel, its equipment or passengers.

11 The same penalty shall be inflicted in case of mutiny on the high seas or in Philippine
12 waters.

13 Art. 123. Qualified piracy. - The penalty of reclusion perpetua to DEATH shall be
14 imposed upon those who commit any of the crimes referred to in the preceding article, under any
15 of the following circumstances:

- 16 1. Whenever they have seized a vessel by boarding or firing upon the same;
- 17 2. Whenever the pirates have abandoned their victims without means of saving
18 themselves or;
- 19 3. Whenever the crime is accompanied by murder, homicide, physical injuries or rape.”

20 SEC. 5. Article 211-A of Section Two, Chapter Two, Title Seven of Book Two of the
21 Revised Penal Code, as amended, is hereby amended to read as follows:

22 Art. 211-A. Qualified Bribery. - If any public officer is entrusted with law enforcement
23 and he refrains from arresting or prosecuting an offender who has committed a crime punishable
24 by *reclusion perpetua* and/or death in consideration of any offer, promise, gift or present, he
25 shall suffer the penalty for the offense which was not prosecuted.

26 If it is the public officer who asks or demands such gift or present, he shall suffer the
27 penalty of DEATH.”

28 SEC. 6. Article 246 of Section One, Chapter One, Title Eight of Book Two of the
29 Revised Penal Code, as amended, is hereby amended to read as follows:

1 “Art. 246. Parricide. - Any person who shall kill his father, mother, or child, whether
2 legitimate of illegitimate, or any of his ascendants, or descendants, or his spouse, shall be guilty
3 of parricide and shall be punished by the penalty of reclusion perpetua to DEATH.”

4 SEC. 7. Article 248 of Section One, Chapter One, Title Eight of Book Two of the
5 Revised Penal Code, as amended, is hereby amended to read as follows:

6 “Art. 248. Murder. - Any person who, not falling within the provisions of Article 246
7 shall kill another, shall be guilty of murder and shall be punished by reclusion perpetua, to
8 DEATH if committed with any of the following attendant circumstances:

9 1. With treachery, taking advantage of superior strength, with the aid of armed men, or
10 employing means to weaken the defense or of means or persons to insure or afford impunity.

11 2. In consideration of a price, reward or promise.

12 3. By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel,
13 derailment or assault upon a railroad, fall of an airship, or by means of motor vehicles, or with
14 the use of any other means involving great waste and ruin.

15 4. On occasion of any of the calamities enumerated in the preceding paragraph, or of an
16 earthquake, eruption of a volcano, destructive cyclone, epidemic or other public calamity.

17 5. With evident premeditation.

18 6. With cruelty, by deliberately and inhumanly augmenting the suffering of the victim,
19 or outraging or scoffing at his person or corpse.”

20 SEC. 8. Article 255 of Section Two, Chapter One, Title Eight of Book Two of the
21 Revised Penal Code, as amended, is hereby amended to read as follows:

22 “Art. 255. Infanticide. - The penalty provided for parricide in Article 246 and for murder
23 in Article 248 shall be imposed upon any person who shall kill any child less than three days of
24 age.

25 If any crime penalized in this Article be committed by the mother of the child for the
26 purpose of concealing her dishonor, she shall suffer the penalty of prision mayor in its medium
27 and maximum periods, and if said crime be committed for the same purpose by the maternal
28 grandparents or either of them, the penalty shall be reclusion temporal.”

1 SEC. 9. Articles 266-A and 266-B, of Chapter Three, Title Eight of Book Two of the
2 Revised Penal Code, as amended, is hereby amended to read as follows:

3 "Article 266-A. Rape: *When And How Committed*. - Rape is committed:

4 1) By a man who shall have carnal knowledge of a woman under any of the following
5 circumstances:

6 a) Through force, threat, or intimidation;

7 b) When the offended party is deprived of reason or otherwise unconscious;

8 c) By means of fraudulent machination or grave abuse of authority; and,

9 d) When the offended party is under twelve (12) years of age or is demented, even
10 though none of the circumstances mentioned above be present.

11 2) By any person who, under any of the circumstances mentioned in paragraph 1 hereof,
12 shall commit an act of sexual assault by inserting his penis into another person's mouth or anal
13 orifice, or any instrument or object, into the genital or anal orifice of another person.

14 "Article 266-B. *Penalty*. - Rape under paragraph 1 of the next preceding article shall be
15 punished by reclusion perpetua.

16 Whenever the rape is committed with the use of a deadly weapon or by two or more
17 persons, the penalty shall be reclusion perpetua to DEATH.

18 When by reason or on the occasion of the rape, the victim has become insane, the penalty
19 shall become reclusion perpetua to DEATH.

20 When the rape is attempted and a homicide is committed by reason or on the occasion
21 thereof, the penalty shall be reclusion perpetua to DEATH.

22 When by reason or on the occasion of the rape, homicide is committed, the penalty shall
23 be DEATH.

24 The DEATH PENALTY shall also be imposed if the crime of rape is committed with any
25 of the following aggravating/qualifying circumstances:

26 1) When the victim is under eighteen (18) years of age and the offender is a parent,
27 ascendant, step-parent, guardian, relative by consanguinity or affinity within the third
28 civil degree, or the common-law spouse of the parent of the victim;

- 1 2) When the victim is under the custody of the police or military authorities or any law
2 enforcement or penal institution;
- 3 3) When the rape is committed in full view of the spouse, parent, any of the children or
4 other relatives within the third civil degree of consanguinity;
- 5 4) When the victim is a religious engaged in legitimate religious vocation or calling and
6 is personally known to be such by the offender before or at the time of the
7 commission of the crime;
- 8 5) When the victim is a child below seven (7) years old;
- 9 6) When the offender knows that he is afflicted with the Human Immuno-Deficiency
10 Virus (HIV)/Acquired Immune Deficiency Syndrome (AIDS) or any other sexually
11 transmissible disease and the virus or disease is transmitted to the victim;
- 12 7) When committed by any member of the Armed Forces of the Philippines or para-
13 military units thereof or the Philippine National Police or any law enforcement
14 agency or penal institution, when the offender took advantage of his position to
15 facilitate the commission of the crime;
- 16 8) When by reason or on the occasion of the rape, the victim has suffered permanent
17 physical mutilation or disability;
- 18 9) When the offender knew of the pregnancy of the offended party at the time of the
19 commission of the crime; and,
- 20 10) When the offender knew of the mental disability, emotional disorder and/or physical
21 handicap of the offended party at the time of the commission of the crime.

22 Rape under paragraph 2 of the next preceding article shall be punished by prision mayor.

23 Whenever the rape is committed with the use of a deadly weapon or by two or more
24 persons, the penalty shall be prision mayor to reclusion temporal.

25 When by reason or on the occasion of the rape, the victim has become insane, the penalty
26 shall be reclusion temporal.

27 When the rape is attempted and a homicide is committed by reason or on the occasion
28 thereof, the penalty shall be reclusion temporal to reclusion perpetua to DEATH.

1 When by reason or on the occasion of the rape, homicide is committed, the penalty shall
2 be reclusion perpetua to DEATH.

3 Reclusion temporal shall be imposed if the rape is committed with any of the ten
4 aggravating/ qualifying circumstances mentioned in this article

5 SEC. 10. Article 267 of Section One, Chapter One, Title Nine of Book Two of the
6 Revised Penal Code, as amended, is hereby amended to read as follows:

7 “Art. 267. Kidnapping and serious illegal detention. - Any private individual who shall
8 kidnap or detain another, or in any other manner deprive him of his liberty, shall suffer the
9 penalty of reclusion perpetua to DEATH:

- 10 1. If the kidnapping or detention shall have lasted more than three days.
- 11 2. If it shall have been committed simulating public authority.
- 12 3. If any serious physical injuries shall have been inflicted upon the person kidnapped or
13 detained; or if threats to kill him shall have been made.
- 14 4. If the person kidnapped or detained shall be a minor, except when the accused is any
15 of the parents, female or a public officer.

16 The penalty shall be DEATH PENALTY where the kidnapping or detention was
17 committed for the purpose of extorting ransom from the victim or any other person, even if none
18 of the circumstances above-mentioned were present in the commission of the offense.

19 When the victim is killed or dies as a consequence of the detention or is raped, or is
20 subjected to torture or dehumanizing acts, the maximum penalty shall be imposed.”

21 SEC. 11. Article 294 of Section One, Chapter One, Title Ten of Book Two of the Revised
22 Penal Code, as amended, is hereby amended to read as follows:

23 “Art. 294. Robbery with violence against or intimidation of persons - Penalties. - Any
24 person guilty of robbery with the use of violence against or intimidation of any person shall
25 suffer:

- 26 1. The penalty of reclusion perpetua to DEATH, when by reason or on occasion of the
27 robbery, the crime of homicide shall have been committed, or when the robbery shall
28 have been accompanied by rape or intentional mutilation or arson.

- 1 2. The penalty of reclusion temporal in its medium period to reclusion perpetua, when or
2 if by reason or on occasion of such robbery, any of the physical injuries penalized in
3 subdivision I of Article 263 shall have been inflicted.
- 4 3. The penalty of reclusion temporal, when by reason or on occasion of the robbery, any
5 of the physical injuries penalized in subdivision 2 of the article mentioned in the next
6 preceding paragraph, shall have been inflicted.
- 7 4. The penalty of prision mayor in its maximum period to reclusion temporal in its
8 medium period, if the violence or intimidation employed in the commission of the
9 robbery shall have been carried to a degree clearly unnecessary for the commission of
10 the crime, or when in the course of its execution, the offender shall have inflicted
11 upon any person not responsible for its commission any of the physical injuries
12 covered by subdivisions 3 and 4 of said Article 263.
- 13 5. The penalty of prision correccional in its maximum period to prision mayor in its
14 medium period in other cases.”

15 SEC. 12. Article 320, Chapter Eight, Title Ten of Book Two of the Revised Penal Code,
16 as amended, is hereby amended to read as follows:

17 “Art. 320. Destructive Arson. - The penalty of reclusion perpetua to DEATH shall be
18 imposed upon any person who shall burn:

- 19 1. One (1) or more buildings or edifices, consequent to one single act of burning, or as a
20 result of simultaneous burnings, committed on several or different occasions.
- 21 2. Any building of public or private ownership, devoted to the public in general or
22 where people usually gather or congregate for a definite purpose such as, but not
23 limited to, official governmental function or business, private transaction, commerce,
24 trade, workshop, meetings and conferences, or merely incidental to a definite purpose
25 such as but not limited to hotels, motels, transient dwellings, public conveyances or
26 stops or terminals, regardless of whether the offender had knowledge that there are
27 persons in said building or edifice at the time it is set on fire and regardless also of
28 whether the building is actually inhabited or not.

1 3. Any train or locomotive, ship or vessel, airship or airplane, devoted to transportation
2 or conveyance, or for public use, entertainment or leisure.

3 4. Any building, factory, warehouse installation and any appurtenances thereto, which
4 are devoted to the service of public utilities.

5 5. Any building the burning of which is for the purpose of concealing or destroying
6 evidence of another violation of law, or for the purpose of concealing bankruptcy or
7 defrauding creditors or to collect from insurance.

8 Irrespective of the application of the above enumerated qualifying circumstances, the
9 penalty of reclusion perpetua to DEATH shall likewise be imposed when the arson is perpetrated
10 or committed by two (2) or more persons or by a group of persons, regardless of whether their
11 purpose is merely to burn or destroy the building or the burning merely constitutes an overt act in
12 the commission or another violation of law.

13 The penalty of reclusion perpetua to DEATH shall also be imposed upon any person who
14 shall burn:

15 1. Any arsenal, shipyard, storehouse or military powder or fireworks factory, ordnance,
16 storehouse, archives or general museum of the Government.

17 2. In an inhabited place, any storehouse or factory of inflammable or explosive
18 materials.

19 If as a consequence of the commission of any of the acts penalized under this Article,
20 death results, the mandatory penalty of DEATH shall be imposed.

21 SEC. 13. *Death Penalty for the crime of Plunder as penalized under of Republic Act*
22 *7080, as amended.* – The penalty of death is imposed on the unlawful act of plunder as defined
23 under Section 2 of Republic Act 7080, otherwise known as An Act Defining and Penalizing the
24 Crime of Plunder, as amended, to wit:

25 “Sec. 2. Definition of the Crime of Plunder; Penalties. - Any public officer who, by
26 himself or in connivance with members of his family, relatives by affinity or consanguinity,
27 business associates, subordinates or other persons, amasses, accumulates or acquires ill-gotten
28 wealth through a combination or series of overt criminal acts as described in Section 1 (d) hereof
29 in the aggregate amount or total value of at least Fifty million pesos (P50,000,000.00) shall be

1 guilty of the crime of plunder and shall be punished by DEATH. Any person who participated
2 with the said public officer in the commission of an offense contributing to the crime of plunder
3 shall likewise be punished for such offense. The court shall declare any and all ill-gotten wealth
4 and their interests and other incomes and assets including the properties and shares of stocks
5 derived from the deposit or investment thereof forfeited in favor of the State.”

6 SEC. 14. *Death Penalty for Violation of Republic Act 9165.* – The penalty of death
7 imposed on unlawful acts as defined under Sections 4, 5, 6, 8, 11, 16, 19, 27 and 29 of Article II
8 of Republic Act 9165, otherwise known as *Comprehensive Dangerous Drugs Act of 2002*, is
9 hereby enforced, to wit:

10 Sec. 4. *Importation of Dangerous Drugs and/or Controlled Precursors and Essential*
11 *Chemicals.*- .The penalty of life imprisonment to DEATH and a ranging from Five hundred
12 thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any
13 person, who, unless authorized by law, shall import or bring into the Philippines any dangerous
14 drug, regardless of the quantity and purity involved, including any and all species of opium
15 poppy or any part thereof or substances derived therefrom even for floral, decorative and
16 culinary purposes.

17 The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty
18 (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred
19 thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law,
20 shall import any controlled precursor and essential chemical.

21 The maximum penalty provided for under this Section shall be imposed upon any person,
22 who, unless authorized under this Act, shall import or bring into the Philippines any dangerous
23 drug and/or controlled precursor and essential chemical through the use of a diplomatic passport,
24 diplomatic facilities or any other means involving his/her official status intended to facilitate the
25 unlawful entry of the same. In addition, the diplomatic passport shall be confiscated and
26 canceled.

27 The maximum penalty provided for under this Section shall be imposed upon any person,
28 who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this
29 Section.

1 The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment
2 and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand
3 pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any
4 violator of the provisions under this Section.

5 *Sec. 5. Sale, Trading, Administration, Dispensation, Delivery, Distribution and*
6 *Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals. -*

7 The penalty of life imprisonment to DEATH and a fine ranging from Five hundred thousand
8 pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person,
9 who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to
10 another, distribute dispatch in transit or transport any dangerous drug, including any and all
11 species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in
12 any of such transactions.

13 The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty
14 (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred
15 thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law,
16 shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit
17 or transport any controlled precursor and essential chemical, or shall act as a broker in such
18 transactions.

19 If the sale, trading, administration, dispensation, delivery, distribution or transportation of
20 any dangerous drug and/or controlled precursor and essential chemical transpires within one
21 hundred (100) meters from the school, the maximum penalty shall be imposed in every case.

22 For drug pushers who use minors or mentally incapacitated individuals as runners,
23 couriers and messengers, or in any other capacity directly connected to the dangerous drugs
24 and/or controlled precursors and essential chemical trade, the maximum penalty shall be imposed
25 in every case.

26 If the victim of the offense is a minor or a mentally incapacitated individual, or should a
27 dangerous drug and/or a controlled precursor and essential chemical involved in any offense
28 herein provided be the proximate cause of death of a victim thereof, the maximum penalty
29 provided for under this Section shall be imposed.

1 The maximum penalty provided for under this Section shall be imposed upon any person
2 who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this
3 Section.

4 The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment
5 and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand
6 pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any
7 violator of the provisions under this Section.

8 *Sec. 6. Maintenance of a Den, Dive or Resort.* - The penalty of life imprisonment to
9 DEATH and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million
10 pesos (P10,000,000.00) shall be imposed upon any person or group of persons who shall
11 maintain a den, dive or resort where any dangerous drug is used or sold in any form.

12 The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty
13 (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred
14 thousand pesos (P500,000.00) shall be imposed upon any person or group of persons who shall
15 maintain a den, dive, or resort where any controlled precursor and essential chemical is used or
16 sold in any form.

17 The maximum penalty provided for under this Section shall be imposed in every case
18 where any dangerous drug is administered, delivered or sold to a minor who is allowed to use the
19 same in such a place.

20 Should any dangerous drug be the proximate cause of the death of a person using the
21 same in such den, dive or resort, the penalty of DEATH and a fine ranging from One million
22 (P1,000,000.00) to Fifteen million pesos (P500,000.00) shall be imposed on the maintainer,
23 owner and/or operator.

24 If such den, dive or resort is owned by a third person, the same shall be confiscated and
25 escheated in favor of the government: *Provided*, That the criminal complaint shall specifically
26 allege that such place is intentionally used in the furtherance of the crime: *Provided, further*,
27 That the prosecution shall prove such intent on the part of the owner to use the property for such
28 purpose: *Provided, finally*, That the owner shall be included as an accused in the criminal
29 complaint.

1 The maximum penalty provided for under this Section shall be imposed upon any person
2 who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this
3 Section.

4 The penalty twelve (12) years and one (1) day to twenty (20) years of imprisonment and a
5 fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos
6 (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any
7 violator of the provisions under this Section.

8 "xxx"

9 *Sec. 8. Manufacture of Dangerous Drugs and/or Controlled Precursors and Essential*
10 *Chemicals.* - The penalty of life imprisonment to DEATH and a fine ranging Five hundred
11 thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any
12 person, who, unless authorized by law, shall engage in the manufacture of any dangerous drug.

13 The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty
14 (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred
15 thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law,
16 shall manufacture any controlled precursor and essential chemical.

17 The presence of any controlled precursor and essential chemical or laboratory equipment
18 in the clandestine laboratory is a *prima facie* proof of manufacture of any dangerous drug. It
19 shall be considered an aggravating circumstance if the clandestine laboratory is undertaken or
20 established under the following circumstances;

21 (a) Any phase of the manufacturing process was conducted in the presence or with the
22 help of minor/s;

23 (b) Any phase or manufacturing process was established or undertaken within one
24 hundred (100) meters of a residential, business, church or school premises;

25 (c) Any clandestine laboratory was secured or protected with booby traps;

26 (d) Any clandestine laboratory was concealed with legitimate business operations; and,

27 (e) Any employment of a practitioner, chemical engineer, public official or foreigner.

1 The maximum penalty provided for under this Section shall be imposed upon any person,
2 who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this
3 Section.

4 The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment
5 and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand
6 pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any
7 violator of the provisions under this Section.

8 "xxx"

9 Sec. 11. *Possession of Dangerous Drugs.* - The penalty of life imprisonment to DEATH
10 and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos
11 (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall
12 possess any dangerous drug in the following quantities, regardless of the degree of purity
13 thereof:

- 14 (1) 10 grams or more of opium;
- 15 (2) 10 grams or more of morphine;
- 16 (3) 10 grams or more of heroin;
- 17 (4) 10 grams or more of cocaine or cocaine hydrochloride;
- 18 (5) 50 grams or more of methamphetamine hydrochloride or "shabu";
- 19 (6) 10 grams or more of marijuana resin or marijuana resin oil;
- 20 (7) 500 grams or more of marijuana; and,
- 21 (8) 10 grams or more of other dangerous drugs such as, but not limited to,
22 methylenedioxymethamphetamine (MDA) or "ecstasy", paramethoxyamphetamine
23 (PMA), trimethoxyamphetamine (TMA), lysergic acid diethylamine (LSD), gamma
24 hydroxyamphetamine (GHB), and those similarly designed or newly introduced
25 drugs and their derivatives, without having any therapeutic value or if the quantity
26 possessed is far beyond therapeutic requirements, as determined and promulgated by
27 the Board in accordance to Section 93, Article XI of this Act.

28 Otherwise, if the quantity involved is less than the foregoing quantities, the penalties
29 shall be graduated as follows:

- 1 (1) Life imprisonment and a fine ranging from Four hundred thousand pesos
2 (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the quantity of
3 methamphetamine hydrochloride or "shabu" is ten (10) grams or more but less than
4 fifty (50) grams;
- 5 (2) Imprisonment of twenty (20) years and one (1) day to life imprisonment and a fine
6 ranging from Four hundred thousand pesos (P400,000.00) to Five hundred thousand
7 pesos (P500,000.00), if the quantities of dangerous drugs are five (5) grams or more
8 but less than ten (10) grams of opium, morphine, heroin, cocaine or cocaine
9 hydrochloride, marijuana resin or marijuana resin oil, methamphetamine
10 hydrochloride or "shabu", or other dangerous drugs such as, but not limited to,
11 MDMA or "ecstasy", PMA, TMA, LSD, GHB, and those similarly designed or
12 newly introduced drugs and their derivatives, without having any therapeutic value
13 or if the quantity possessed is far beyond therapeutic requirements; or three hundred
14 (300) grams or more but less than five (hundred) 500) grams of marijuana; and,
- 15 (3) Imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine
16 ranging from Three hundred thousand pesos (P300,000.00) to Four hundred thousand
17 pesos (P400,000.00), if the quantities of dangerous drugs are less than five (5) grams
18 of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or
19 marijuana resin oil, methamphetamine hydrochloride or "shabu", or other dangerous
20 drugs such as, but not limited to, MDMA or "ecstasy", PMA, TMA, LSD, GHB, and
21 those similarly designed or newly introduced drugs and their derivatives, without
22 having any therapeutic value or if the quantity possessed is far beyond therapeutic
23 requirements; or less than three hundred (300) grams of marijuana.

24 "xxx"

25 *Sec. 16. Cultivation or Culture of Plants Classified as Dangerous Drugs or are Sources*
26 *Thereof.* - The penalty of life imprisonment to DEATH and a fine ranging from Five hundred
27 thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any
28 person, who shall plant, cultivate or culture marijuana, opium poppy or any other plant
29 regardless of quantity, which is or may hereafter be classified as a dangerous drug or as a source

1 from which any dangerous drug may be manufactured or derived: *Provided*, That in the case of
2 medical laboratories and medical research centers which cultivate or culture marijuana, opium
3 poppy and other plants, or materials of such dangerous drugs for medical experiments and
4 research purposes, or for the creation of new types of medicine, the Board shall prescribe the
5 necessary implementing guidelines for the proper cultivation, culture, handling, experimentation
6 and disposal of such plants and materials.

7 The land or portions thereof and/or greenhouses on which any of said plants is cultivated
8 or cultured shall be confiscated and escheated in favor of the State, unless the owner thereof can
9 prove lack of knowledge of such cultivation or culture despite the exercise of due diligence on
10 his/her part. If the land involved is part of the public domain, the maximum penalty provided for
11 under this Section shall be imposed upon the offender.

12 The maximum penalty provided for under this Section shall be imposed upon any person,
13 who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this
14 Section.

15 The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment
16 and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand
17 pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any
18 violator of the provisions under this Section.

19 "xxx"

20 *Sec. 19. Unlawful Prescription of Dangerous Drugs.* – The penalty of life imprisonment
21 to DEATH and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million
22 pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall
23 make or issue a prescription or any other writing purporting to be a prescription for any
24 dangerous drug.

25 "xxx"

26 *Sec. 27. Criminal Liability of a Public Officer or Employee for Misappropriation,*
27 *Misapplication or Failure to Account for the Confiscated, Seized and/or Surrendered Dangerous*
28 *Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals,*
29 *Instruments/Paraphernalia and/or Laboratory Equipment Including the Proceeds or Properties*

1 *Obtained from the Unlawful Act Committed.* – The penalty of life imprisonment to DEATH and
2 a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos
3 (P10,000,000.00), in addition to absolute perpetual disqualification from any public office, shall
4 be imposed upon any public officer or employee who misappropriates, misapplies or fails to
5 account for confiscated, seized or surrendered dangerous drugs, plant sources of dangerous
6 drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory
7 equipment including the proceeds or properties obtained from the unlawful acts as provided for
8 in this Act.

9 Any elective local or national official found to have benefited from the proceeds of the
10 trafficking of dangerous drugs as prescribed in this Act, or have received any financial or
11 material contributions or donations from natural or juridical persons found guilty of trafficking
12 dangerous drugs as prescribed in this Act, shall be removed from office and perpetually
13 disqualified from holding any elective or appointive positions in the government, its divisions,
14 subdivisions, and intermediaries, including government-owned or –controlled corporations.

15 *Sec. 29. Criminal Liability for Planting of Evidence.* – Any person who is found guilty of
16 "planting" any dangerous drug and/or controlled precursor and essential chemical, regardless of
17 quantity and purity, shall suffer the penalty of DEATH.

18 *SEC. 15. Sections 3 and 4 of Republic Act 9372, otherwise known as Human Security Act*
19 *of 2007, are hereby amended to read as follows.–*

20 "Sec. 3. *Terrorism.* — Any person who commits an act punishable under any of the
21 following provisions of the Revised Penal Code:

22 (a) Article 122 (Piracy in General and Mutiny in the High Seas or in the Philippine
23 Waters);

24 (b) Article 134 (Rebellion or Insurrection);

25 (c) Article 134-a (Coup d'Etat), including acts committed by private persons;

26 (d) Article 248 (Murder);

27 (e) Article 267 (Kidnapping and Serious Illegal Detention);

28 (f) Article 324 (Crimes Involving Destruction), or under

29 (1) Presidential Decree No. 1613 (The Law on Arson);

1 (2) Republic Act No. 6969 (Toxic Substances and Hazardous and Nuclear Waste
2 Control Act of 1990);

3 (3) Republic Act No. 5207, (Atomic Energy Regulatory and Liability Act of 1968);

4 (4) Republic Act No. 6235 (Anti-Hijacking Law);

5 (5) Presidential Decree No. 532 (Anti-Piracy and Anti-Highway Robbery Law of
6 1974); and,

7 (6) Presidential Decree No. 1866, as amended (Decree Codifying the Laws on Illegal
8 and Unlawful Possession, Manufacture, Dealing in, Acquisition or Disposition of
9 Firearms, Ammunitions or Explosives)

10 thereby sowing and creating a condition of widespread and extraordinary fear and panic among
11 the populace, in order to coerce the government to give in to an unlawful demand shall be guilty
12 of the crime of terrorism and shall suffer the penalty of DEATH.

13 *Sec. 4 Conspiracy to Commit Terrorism.* — Persons who conspire to commit the crime of
14 terrorism shall suffer the penalty of DEATH.

15 There is conspiracy when two or more persons come to an agreement concerning the
16 commission of the crime of terrorism as defined in Section 3 hereof and decide to commit the
17 same.”

18 *SEC. 16. Sec. 14 of Republic Act No. 6539, as amended, known as the “Anti- Carnapping*
19 *Act of 1972”, is hereby amended to read as follows:*

20 “Sec. 14. Penalty for Carnapping. - Any person who is found guilty of carnapping, as this
21 term is defined in Section Two of this Act, shall, irrespective of the value of motor vehicle taken,
22 be punished by imprisonment for not less than fourteen years and eight months and not more
23 than seventeen years and four months, when the carnapping is committed without violence or
24 intimidation of persons, or force upon things; and by imprisonment for not less than seventeen
25 years and four months and not more than thirty years, when the carnapping is committed by
26 means of violence against or intimidation of any person, or force upon things; and the penalty of
27 reclusion perpetua to DEATH shall be imposed when the owner, driver or occupant of the
28 carnapped motor vehicle is killed or raped in the course of the commission of the carnapping or
29 on the occasion thereof.”

1 SEC. 17. *Section 10 (e) of Republic Act No. 9208, otherwise known as Anti-Trafficking in*
2 *Persons Act of 2003, as amended, is hereby further amended to read as follows. –*

3 SEC. 10. *Penalties and Sanctions. – The following penalties and sanctions are hereby*
4 *established for the offenses enumerated in this Act:*

5 “xxx”

6 (e) Any person found guilty of qualified trafficking under Section 6 shall suffer the
7 penalty of DEATH and a fine of not less than Two million pesos (P2,000,000.00) but not more
8 than Five million pesos (P5,000,000.00).

9 SEC. 18. *Section 7(b) of Republic Act 8042, otherwise known as “Migrant Workers and*
10 *Overseas Filipinos Act of 1995”, is hereby amended to read as follows:*

11 “xxx”

12 (b) The penalty of life imprisonment TO DEATH and a fine of not less than five hundred
13 thousand pesos (P500,000.00) nor more than one million pesos (P1,000,000.00) shall be imposed
14 if illegal recruitment constitutes economic sabotage as defined herein.

15 Provided, however, that the maximum penalty shall be imposed if the person illegally
16 recruited is less than eighteen (18) years of age or committed by a non-licensee or non-holder of
17 authority.

18 SEC. 19. *Article 81 of the Revised Penal Code is hereby amended to read as follows.*

19 “Art. 81. When and how the death penalty is to be executed. - The death sentence shall be
20 executed by lethal injection under the authority of the Director of the Bureau of Corrections,
21 endeavoring so far as possible to mitigate the sufferings of the person under the sentence during
22 the execution as well as during the proceedings prior to the execution.

23 The Director of the Bureau of Corrections shall take steps to ensure that the lethal
24 injection to be administered is sufficient to cause the instantaneous death of the convict.

25 The death sentence shall be carried out not later than one (1) year after the judgment has
26 become final and executory without prejudice to the exercise by the President of the executive
27 clemency powers at all times.”

1 SEC. 20. *Implementing Rules and Regulations.* –The Secretary of the Department of
2 Justice shall promulgate the rules and regulations to implement this Act within
3 sixty (60) days from its effectivity.

4 SEC. 21. *Repealing Clause.* – Republic Act 9436, otherwise known as *An Act Prohibiting*
5 *the Imposition of Death Penalty in the Philippines*, is hereby repealed and all laws,
6 presidential decrees or issuances, executive orders, letter of instructions, administrative orders,
7 rules or regulations or parts thereof contrary or inconsistent with any provision of this Act
8 are hereby amended or repealed

9 SEC. 22. *Separability Clause.* - Any portion or provision of this Act that may be declared
10 unconstitutional or invalid shall not have the effect of nullifying other portions or provisions
11 hereof, as long as such remaining portions or provisions can still subsist and be given effect in
12 their entirety.

13 SEC. 23. *Effectivity.* - This Act shall take effect immediately after its complete
14 publication in two (2) newspapers of general circulation.

15 *Approved,*