

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



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 2731

EXPLANATORY NOTE

This bill was originally introduced as House Bill No. 3322 during the Fourteenth Congress. It was approved by the Committee on Public Order and Safety as substitute House Bill No. 5827 under Committee Report No. 1690, dated January 26, 2009. It was approved by the House of Representatives on March 5, 2009 and transmitted to the Senate on March 11, 2009 where it was not acted upon. It was re-filed during the 15th, 16th and 17th Congresses.

The disturbing presence of various criminal street gangs such as *Akyat Bahay* and *Bukas Kotse* further exacerbates crime situation in the country, which of late has reached an alarming level despite enforcement of supposedly stricter law enforcement measures.

In fact, law enforcement authorities have singled out a number of conspicuous and public places in Metro Manila as hot spots for commission of certain criminal activities by members of these gangs. While crimes perpetuated individually are at all time high, the same could not be effectively abated and deterred if the Philippine National Police and other law enforcement agencies will not succeed in its crackdown of various criminal street gangs. For indeed, most of these individual criminals, though may not be full pledged gang members, are in one way or another connected to many gangs and syndicates.

The purpose of this measure is to address this predicament by deterring and punishing establishment and operation of criminal street gangs, recruitment of individuals to participate therein, and commission of violent gang crimes. Through this, it is hoped that individuals will be prevented from further joining various syndicates and deter gang organizers and leaders to continue their operations.

Hence, immediate passage of this bill is earnestly sought.


RUFUS B. RODRIGUEZ

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AN ACT

DETERRING AND PUNISHING THE ESTABLISHMENT AND OPERATION OF CRIMINAL STREET GANGS, RECRUITMENT OF INDIVIDUALS TO PARTICIPATE IN THE COMMISSION OF GANG CRIMES, AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* - This Act shall be known as the "***Criminal Street Gang Deterrence and Punishment Act***".

SEC. 2. *Definition of Terms.* - As used in this Act:

1) CRIMINAL STREET GANG - Formal or informal group, club, organization, or association of three (3) or more members who alone or any combination thereof, act(s) or agree(s) to act in concert, in order to commit two (2) or more predicate gang crimes.

2) PREDICATE GANG CRIME. - Any act or threat, or attempted act or threat, which is punishable under the Revised Penal Code and other special penal laws and punishable by imprisonment for more than one (1) year, involving murder, attempted murder, gambling, kidnapping, robbery, extortion, arson, obstruction of justice, tampering with or retaliating against a witness, victim, or informant, burglary, sexual assault, carjacking, manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled substance(s) or chemicals, or other similar offenses.

SEC. 3. *Prohibited Acts and Penalties.*

(a) *Recruitment of a Person into a Criminal Street Gang.* - It shall be unlawful for any person to use any facility or cause another to do so, in order to recruit, solicit, induce, employ, command, or cause another individual to gain entrance to, remain a member of or increase his/her position in a criminal street gang, or conspire to do so with the intent that the said individual shall participate in any offense described in Section 2 (b) of this Act.

Any person who violates the above provision shall suffer the penalty of imprisonment of not more than ten (10) years: *Provided*, That if the individual recruited, solicited, induced, employed, commanded, or caused to individual to gain entrance to or to remain a member of or increase his/her position in a criminal street gang is a minor, the offender shall be imprisoned for not less than five (5) years nor more than ten (10) years and fined at the discretion of the court. In addition, the offender shall be held liable for any costs incurred by the government for maintaining and rehabilitating the individual until he/she attains the age of eighteen (18) years.

(b) *Inducement to Participate in Street Gang Crime.* - It shall be unlawful to employ, use, command, coerce, counsel, persuade, induce or entice any individual to commit, cause to commit, or facilitate the commission of a predicate gang crime in furtherance or in aid of the activities of a criminal street gang.

Any person who violates the above provision shall suffer the penalty of imprisonment of not more than fifteen (15) years: *Provided*, That if the individual induced to participate in a

street gang crime is a minor, the offender shall be imprisoned for not less than ten (10) years nor more than fifteen (15) years and fined at the discretion of the court. In addition, the offender shall be held liable for any costs incurred by the government for maintaining and rehabilitating the individual until he/she attains the age of eighteen (18) years.

(c) *Participation in Street Gang Crimes.* – Any person who shall commit, conspire or attempt to commit two (2) or more predicate gang crimes in furtherance of or in aid of the activities of a criminal street gang shall be imprisoned for not more than twenty (20) years: *Provided*, That a person who at the time of the offense occupied a position of organizer, leader, supervisor, manager, or other position of management or supervision in the criminal street gang involved in such violation, shall be imprisoned for not less than 30 years or for life.

SEC. 4. Violent Crimes in Furtherance or in Aid of Criminal Street Gang. – Any person who, in furtherance or in aid of a criminal street gang, commits a crime of violence against any individual or conspires or attempts to do so, shall be punished in addition and consecutive to the punishment provided for any other violation of this Act, as follows:

- (1). For murder: by life imprisonment;
- (2). For kidnapping for ransom: by life imprisonment;
- (3). For sexual assault: by imprisonment for ten (10) years;
- (4). For maiming: by imprisonment five (5) years;
- (5). For assault with a dangerous weapon or assault resulting in serious bodily injury: by imprisonment for five (5) years;
- (6). For attempting or conspiring to commit murder, kidnapping, maiming, or sexual assault: by imprisonment for five (5) years; and
- (7). For attempting or conspiring to commit a crime involving assault with a dangerous weapon or assault resulting in serious bodily injury: by imprisonment for five (5) years.

SEC. 5. Forfeiture of Assets. -- A person who violates any provision of this section shall, in addition to the penalties provided for the violation, suffer forfeiture of assets corresponding to the following:

(a) Any property constituting or derived from any proceeds the person obtained, directly or indirectly, as a result of the violation; and

(b) Any property, used or intended to be used, in any manner or part, to commit or to facilitate the commission of the violation.

SEC. 6. Implementing Rules and Regulations. – The Department of Justice and the Department of Interior and Local Government shall jointly issue the implementing rules and regulations necessary for the effective implementation of this Act.

SEC. 7. Separability Clause. – If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provisions not otherwise affected shall remain valid and subsisting.

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

SEC. 9. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,