

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

HOUSE OF REPRESENTATIVES
H.B. No. 2933

HOUSE OF REPRESENTATIVES

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Introduced by Representative H. Harry L. Roque Jr.

AN ACT
IMPOSING HIGHER PENALTIES FOR THE ACT OF THREATENING OR
INJURING A MEMBER OF A GOVERNMENT OFFICIAL'S AND LAW
ENFORCEMENT OFFICER'S FAMILY IN ORDER TO INFLUENCE, IMPEDE, OR
RETALIATE AGAINST HIM

EXPLANATORY NOTE

The Constitution, Article 11, Section 5 states that:

Section 5. The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

This bill seeks to implement this policy by imposing higher penalties for people who would threaten or injure a member of a government official's family in order to influence, impede, or retaliate against him, either during or after his tenure in office.

Government officials are civil servants and are expected to observe a higher degree of care in their dealings and actuations as evidenced by the existence of various laws which regulate their conduct. However, there are instances when a government official is forced to exercise less than appropriate behavior, violating laws in some cases, because of fear, not for his own safety but for the safety of his family.

Government officials and their families are constantly subject to threats, blackmail and even violence, to force these officials to act in the interests of the perpetrator. These inappropriate behavior or actions do not cease even if the government official is no longer in office. Hence, in order to deter these people from interfering with the duties of government officers, as well as law enforcement officers, this bill aims to impose higher penalties on anyone who would threaten or injure a member of a government official's and law enforcement officer's family in order to influence, impede, or retaliate against him, either during or after his tenure of office.¹



H. HARRY L. ROQUE JR.

¹ This bill was originally filed in the Thirteenth Congress, Second Regular Session, and subsequently refiled in the Sixteenth Congress, Third Regular Session by Miriam Defensor-Santiago.

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*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 “Freedom from Threats
2 Act.”

3 SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State
4 to maintain peace and order, protect life, liberty, and property, and promote the general
5 welfare by allowing its officials to perform their duties without fear of retaliation or
6 reprisal from anyone.

7 SECTION 3. *Definition of Terms.* – As used in this Act, the term:

8 (A) “Government official” means the President, Vice President, a Member
9 of Congress, a Cabinet Member or any head of the executive branch and the
10 different heads of law enforcement agencies, and judges, which includes any

judicial officer of the Philippines, justice of the Supreme Court and the Court of Appeals; and judges of all inferior courts.

(B) "Immediate family member" of an individual means his spouse, ascendants, descendants, brother or sister, or any person under his guardianship or any other person living in his household and related to him by consanguinity or affinity within the sixth civil degree;

(C) "Law enforcement officer" means any officer, agent, or employee of the Philippines authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal laws;

SECTION 4. *Acts Punished.* – (A) Whoever assaults, kidnaps, or murders, or attempts or conspires to assault, kidnap or murder, or threatens to assault, kidnap or murder a member of the immediate family of a government official or a law enforcement officer; or threatens to assault, kidnap, or murder, a government official or law enforcement officer, with intent to impede, intimidate, or interfere with such official or law enforcement officer while engaged in the performance of official duties, or with intent to retaliate against such official or law enforcement officer on account of the performance of official duties, shall be punished as provided in Section 5.

(B) Whoever assaults, kidnaps, or murders, or attempts or conspires to kidnap or murder, or threatens to assault, kidnap, or murder, any person who formerly served as a person designated in paragraph (A), or a member of the immediate family of any person who formerly served as a person designated in paragraph (A), with intent to retaliate

1 against such person on account of the performance of official duties during the term of
2 service of such person, shall be punished as provided in Section 5.

3 SECTION 5. *Penalty.* – Whoever violates this Act, or any regulation issued
4 pursuant thereto, shall be punished with a penalty imposed in the Penal Code for the
5 crime is committed but the penalty shall be one degree higher and in no case can the
6 penalty be lower than ten (10) years imprisonment plus a fine not lower than Ten
7 Thousand Pesos (P10,000.00).

8 SECTION 6. *Separability Clause.* – If any provision or part hereof is held invalid
9 or unconstitutional, the same shall not affect the validity and effectivity of the other
10 provisions hereof.

11 SECTION 7. *Repealing Clause.* – All laws, decrees, orders, and issuances, or
12 portions thereof, which are inconsistent with the provisions of this Act, are hereby
13 repealed, amended or modified accordingly.

14 SECTION 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
15 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,