

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3128



Introduced by REPRESENTATIVE DOY C. LEACHON

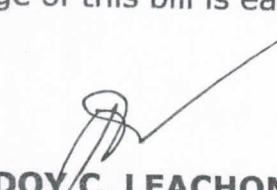
EXPLANATORY NOTE

This bill seeks to reinstate the death penalty for certain heinous crimes, particularly treason, aggravated rape, plunder, and for grave violations of Republic Act No. 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002".

The reinstatement of the death penalty is one of the major thrusts of the Duterte Administration and is one of the major components of President Duterte's war against drugs and criminality. There is a need to effectively carry out the death penalty for criminals who do not give value to the life and security of their fellow countrymen, to serve as a deterrent against the commission of heinous crimes and to bring justice to the victims of such crimes.

It is thus imperative for Congress, in the exercise of its mandate to take every conceivable step to protect the honor, dignity and the very life of each law-abiding Filipino citizen, to impose the death penalty for the heinous crime of treason, aggravated rape, plunder and certain grave violations of the Dangerous Drugs Act.

For these reasons, the urgent passage of this bill is earnestly sought.


DOY C. LEACHON
Representative
1st District – Oriental Mindoro

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AN ACT

IMPOSING THE DEATH PENALTY ON CERTAIN HEINOUS CRIMES, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 9346, ENTITLED "AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES", AND FURTHER AMENDING ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE "REVISED PENAL CODE", REPUBLIC ACT NO. 7080, AS AMENDED, ENTITLED "AN ACT DEFINING AND PENALIZING THE CRIME OF PLUNDER", AND REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002".

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

1 **SECTION 1. Short title.** - This Act shall be known as the "**Death**
2 **Penalty Law**".
3

4 **SEC. 2. Declaration of Policy.** - It is the declared policy of the State to
5 foster peace and order, and ensure obedience to its authority, to protect life,
6 liberty and property and to promote the general welfare which are essential
7 for the enjoyment by all the people of the blessings of democracy in a just
8 and humane society.
9

10 Towards this end, and in the interest of justice, public order and the
11 rule of law, and the need to rationalize and harmonize the penal sanctions,
12 the Congress finds compelling reasons to impose the death penalty on
13 heinous crimes committed by offenders who are a continuous threat to
14 society.
15

16 **SEC. 3. Imposition of Death Penalty; Heinous Crimes Defined.** - The
17 death penalty is hereby imposed on crimes defined under this Act as
18 heinous for being grievous, odious and hateful offenses, which by reason of
19 their inherent or manifest wickedness, viciousness, atrocity and perversity
20 are repugnant and outrageous to the common standards and norms of
21 decency and morality in a just, civilized and orderly society.
22

23 Accordingly, Act No. 3815, as amended, otherwise known as the "Revised
24 Penal Code", Republic Act No. 7080, as amended, entitled "An Act Defining

1 and Penalizing the Crime of Plunder", and Republic Act No. 9165, as
2 amended, otherwise known as the "Comprehensive Dangerous Drugs Act of
3 2002", are hereby amended for the purpose of imposing the death penalty
4 on heinous crimes enumerated under this Act.

5
6 **SEC. 4. Imposition of the Death Penalty for the Crime of Treason.** –
7 Article 114 of the Revised Penal Code, as amended, is further amended to
8 read as follows:

9
10 "Art. 114. **Treason.** – Any Filipino citizen who levies war against the
11 Philippines or adheres to her enemies giving them aid or comfort within the
12 Philippines or elsewhere, shall be punished by *reclusion perpetua* **TO**
13 **DEATH** and shall pay a fine not to exceed 100,000 pesos.

14
15 No person shall be convicted of treason unless on the testimony of two
16 witnesses at least to the same overt act or on confession of the accused in
17 open court.

18
19 Likewise, an alien, residing in the Philippines, who commits acts of
20 treason as defined in paragraph 1 of the Article shall be punished by the
21 *reclusion [temporal]* **PERPETUA TO DEATH** and shall pay a fine not to
22 exceed 100,000 pesos."

23
24 **SEC. 5. Imposition of the Death Penalty for the Crimes of Rape with**
25 **Homicide, Rape of a Minor, and Rape Committed by Law Enforcement**
26 **Officers.** – Article 266-A and Article 266-B of the Revised Penal Code, as
27 amended, is further amended to read as follows:

28
29 **"Article 266-A. Rape: When And How Committed.** - Rape is
30 committed:

31
32 1) By a man who shall have carnal knowledge of a woman
33 under any of the following circumstances:

34
35 a) Through force, threat, or intimidation;

36
37 b) When the offended party is deprived of reason or otherwise
38 unconscious;

39
40 c) By means of fraudulent machination or grave abuse of
41 authority; and

42
43 d) When the offended party is under twelve (12) years of age or
44 is demented, even though none of the circumstances mentioned
45 above be present.

46
47 2) By any person who, under any of the circumstances
48 mentioned in paragraph 1 hereof, shall commit an act of sexual
49 assault by inserting his penis into another person's mouth or anal

1 orifice, or any instrument or object, into the genital or anal orifice
2 of another person.

3

4 **"ART 266-B. Penalty.** - Rape under paragraph 1 of the next
5 preceding article shall be punished by *reclusion perpetua*.

6

7 Whenever the rape is committed with the use of a deadly
8 weapon or by two or more persons, the penalty shall be *reclusion*
9 *perpetua*.

10

11 When by reason or on the occasion of the rape, the victim has
12 become insane, the penalty shall become *reclusion perpetua*.

13

14 When the rape is attempted and a homicide is committed by
15 reason or on the occasion thereof, the penalty shall be *reclusion*
16 *perpetua*.

17

18 When by reason or on the occasion of the rape, homicide is
19 committed, the penalty shall be *reclusion perpetua TO DEATH*.

20

21 The penalty of *reclusion perpetua* shall also be imposed if the
22 crime of rape is committed with any of the following
23 aggravating/qualifying circumstances:

24

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

29

30 2) When the victim is under the custody of the police, [or]
31 military, **OR PARAMILITARY** authorities or any law enforcement
32 or penal institution;

33

34 3) When the rape is committed [~~in full~~] **WITHIN THE** view of the
35 **VICTIM'S** spouse, parent, any of the children or other relatives
36 within the third civil degree of consanguinity;

37

38 4) When the victim is a religious engaged in legitimate religious
39 vocation or calling and is personally known to be such by the
40 offender before or at the time of the commission of the crime;

41

42 5) When the victim is a child below [~~seven (7)~~] **TEN (10)** years
43 old;

44

45 6) When the offender knows that he is afflicted with the Human
46 Immuno-Deficiency Virus (HIV)/Acquired Immune Deficiency
47 Syndrome (AIDS) [~~or any other sexually transmissible disease~~] and
48 the virus or disease is transmitted to the victim;

49

1 7) When committed by any member of the Armed Forces of the
2 Philippines or para-military units thereof or the Philippine National
3 Police or any law enforcement agency or penal institution,
4 **INCLUDING BARANGAY POLICE OFFICERS (BPO)** [when the
5 offender took advantage of his position to facilitate the commission
6 of the crime];
7

8 8) When by reason or on the occasion of the rape, the victim
9 has suffered permanent physical mutilation or disability;
10

11 9) When the offender knew of the pregnancy of the offended
12 party at the time of the commission of the crime; and
13

14 10) When the offender knew of the mental disability, emotional
15 disorder and/or physical handicap of the offended party at the
16 time of the commission of the crime[.],
17

18 **PROVIDED, THAT FOR NUMBERS (5) AND (7) ABOVE, THE
19 PENALTY SHALL BE RECLUSION PERPETUA TO DEATH.**
20

21 Rape under paragraph 2 of the next preceding article shall be
22 punished by *prision mayor*.
23

24 Whenever the rape is committed with the use of a deadly
25 weapon or by two or more persons, the penalty shall be *prision*
26 *mayor* to *reclusion temporal*.
27

28 When by reason or on the occasion of the rape, the victim has
29 become insane, the penalty shall be *reclusion temporal*.
30

31 When the rape is attempted and a homicide is committed by
32 reason or on the occasion thereof, the penalty shall be *reclusion*
33 *temporal* to *reclusion perpetua*.
34

35 When by reason or on the occasion of the rape, homicide is
36 committed, the penalty shall be *reclusion perpetua*.
37

38 *Reclusion temporal* shall be imposed if the rape is committed
39 with any of the ten aggravating/qualifying circumstances
40 mentioned in this article.
41

42 **SEC. 6. Imposition of the Death Penalty for Plunder.** - Section 2 of
43 Republic Act No. 7080, as amended, entitled "An Act Defining and Penalizing
44 the Crime of Plunder", is further amended to read as follows:
45

46 **"SEC. 2. Definition of the Crime of Plunder; Penalties.** - Any
47 public officer who, by himself or in connivance with members of
48 his family, relatives by affinity or consanguinity, business
49 associates, subordinates or other persons, amasses, accumulates

1 or acquires ill-gotten wealth through a combination or series of
2 overt criminal acts as described in Section 1 (d) hereof in the
3 aggregate amount or total value of at least Fifty million pesos
4 (P50,000,000.00) shall be guilty of the crime of plunder and shall
5 be punished by *reclusion perpetua* **TO DEATH**. Any person who
6 participated with the said public officer in the commission of an
7 offense contributing to the crime of plunder shall likewise be
8 punished for such offense. In the imposition of penalties, the
9 degree of participation and the attendance of mitigating and
10 extenuating circumstances, as provided by the Revised Penal Code,
11 shall be considered by the court. The court shall declare any and
12 all ill-gotten wealth and their interests and other incomes and
13 assets including the properties and shares of stocks derived from
14 the deposit or investment thereof forfeited in favor of the State."

16 **SEC. 7. Imposition of the Death Penalty for Drug-Related Crimes.** -
17 Sections 4, 5, 6, 8, 11, 25, 27, and 29 of Republic Act No. 9165, as
18 amended, otherwise known as the "Comprehensive Dangerous Drugs Act of
19 2002," are hereby amended to read as follows:

21 "SEC. 4. *Importation of Dangerous Drugs and/or Controlled*
22 *Precursors and Essential Chemicals.* - The penalty of [life
23 imprisonment] **RECLUSION PERPETUA TO DEATH** and a fine
24 ranging from Five hundred thousand pesos (P500,000.00) to Ten
25 million pesos (P10,000,000.00) shall be imposed upon any person,
26 who, unless authorized by law, shall import or bring into the
27 Philippines any dangerous drug, regardless of the quantity and
28 purity involved, including any and all species of opium poppy or
29 any part thereof or substances derived therefrom even for floral,
30 decorative and culinary purposes.

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

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

45 The maximum penalty provided for under this Section shall be
46 imposed upon any person, who organizes, manages or acts as a

1 "financier" of any of the illegal activities prescribed in this Section.
2

3 The penalty of twelve (12) years and one (1) day to twenty (20)
4 years of imprisonment and a fine ranging from One hundred
5 thousand pesos (P100,000.00) to Five hundred thousand pesos
6 (P500,000.00) shall be imposed upon any person, who acts as a
7 "protector/coddler" of any violator of the provisions under this
8 Section.
9

10 "SEC. 5. *Sale, Trading, Administration, Dispensation, Delivery,*
11 *Distribution and Transportation of Dangerous Drugs and/or*
12 *Controlled Precursors and Essential Chemicals.* - The penalty of [life
13 imprisonment] **RECLUSION PERPETUA TO DEATH** and a fine
14 ranging from Five hundred thousand pesos (P500,000.00) to Ten
15 million pesos (P10,000,000.00) shall be imposed upon any person,
16 who, unless authorized by law, shall sell, trade, administer,
17 dispense, deliver, give away to another, distribute, dispatch in
18 transit or transport any dangerous drug, including any and all
19 species of opium poppy regardless of the quantity and purity
20 involved, or shall act as a broker in any of such transactions.
21

22 The penalty of imprisonment ranging from twelve (12) years and
23 one (1) day to twenty (20) years and a fine ranging from One
24 hundred thousand pesos (P100,000.00) to Five hundred thousand
25 pesos (P500,000.00) shall be imposed upon any person, who,
26 unless authorized by law, shall sell, trade, administer, dispense,
27 deliver, give away to another, distribute, dispatch in transit or
28 transport any controlled precursor and essential chemical, or shall
29 act as a broker in such transactions.
30

31 If the sale, trading, administration, dispensation, delivery,
32 distribution or transportation of any dangerous drug and/or
33 controlled precursor and essential chemical transpires within one
34 hundred (100) meters from the school, the maximum penalty shall
35 be imposed in every case.
36

37 For drug pushers who use minors or mentally incapacitated
38 individuals as runners, couriers and messengers, or in any other
39 capacity directly connected to the dangerous drugs and/or
40 controlled precursors and essential chemical trade, the maximum
41 penalty shall be imposed in every case.
42

43 If the victim of the offense is a minor or a mentally
44 incapacitated individual, or should a dangerous drug and/or a
45 controlled precursor and essential chemical involved in any offense
46 herein provided be the proximate cause of death of a victim
47 thereof, the maximum penalty provided for under this Section shall
48 be imposed.
49

1 The maximum penalty provided for under this Section shall be
2 imposed upon any person who organizes, manages or acts as a
3 "financier" of any of the illegal activities prescribed in this Section.
4

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

11
12 *"SEC. 6. Maintenance of a Den, Dive or Resort.* - The penalty of
13 [life imprisonment] **RECLUSION PERPETUA TO DEATH** and a fine
14 ranging from Five hundred thousand pesos (P500,000.00) to Ten
15 million pesos (P10,000,000.00) shall be imposed upon any person
16 or group of persons who shall maintain a den, dive or resort where
17 any dangerous drug is used or sold in any form.
18

19 The penalty of imprisonment ranging from twelve (12) years and
20 one (1) day to twenty (20) years and a fine ranging from One
21 hundred thousand pesos (P100,000.00) to Five hundred thousand
22 pesos (P500,000.00) shall be imposed upon any person or group of
23 persons who shall maintain a den, dive, or resort where any
24 controlled precursor and essential chemical is used or sold in any
25 form.
26

27 The maximum penalty provided for under this Section shall be
28 imposed in every case where any dangerous drug is administered,
29 delivered or sold to a minor who is allowed to use the same in such
30 a place.
31

32 Should any dangerous drug be the proximate cause of the death
33 of a person using the same in such den, dive or resort, the penalty
34 of death and a fine ranging from One million (P1,000,000.00) to
35 Fifteen million pesos (P15,000,000.00) shall be imposed on the
36 maintainer, owner and/or operator.
37

38 If such den, dive or resort is owned by a third person, the same
39 shall be confiscated and escheated in favor of the government:
40 *Provided*, That the criminal complaint shall specifically allege that
41 such place is intentionally used in the furtherance of the crime:
42 *Provided*, further, That the prosecution shall prove such intent on
43 the part of the owner to use the property for such purpose:
44 *Provided*, finally, That the owner shall be included as an accused
45 in the criminal complaint.
46

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

1
2 The penalty of twelve (12) years and one (1) day to twenty (20)
3 years of imprisonment and a fine ranging from One hundred
4 thousand pesos (P100,000.00) to Five hundred thousand pesos
5 (P500,000.00) shall be imposed upon any person, who acts as a
6 "protector/coddler" of any violator of the provisions under this
7 Section.
8

9 *"SEC. 8. Manufacture of Dangerous Drugs and/or Controlled
10 Precursors and Essential Chemicals.* - The penalty of [life
11 imprisonment] **RECLUSION PERPETUA TO DEATH** and a fine
12 ranging from Five hundred thousand pesos (P500,000.00) to Ten
13 million pesos (P10,000,000.00) shall be imposed upon any person,
14 who, unless authorized by law, shall engage in the manufacture of
15 any dangerous drug.
16

17 The penalty of imprisonment ranging from twelve (12) years and
18 one (1) day to twenty (20) years and a fine ranging from One
19 hundred thousand pesos (P100,000.00) to Five hundred thousand
20 pesos (P500,000.00) shall be imposed upon any person, who,
21 unless authorized by law, shall manufacture any controlled
22 precursor and essential chemical.
23

24 The presence of any controlled precursor and essential chemical
25 or laboratory equipment in the clandestine laboratory is a *prima
26 facie* proof of manufacture of any dangerous drug. It shall be
27 considered an aggravating circumstance if the clandestine
28 laboratory is undertaken or established under the following
29 circumstances:
30

31 (a) Any phase of the manufacturing process was conducted in
32 the presence or with the help of minor/s;
33

34 (b) Any phase or manufacturing process was established or
35 undertaken within one hundred (100) meters of a residential,
36 business, church or school premises;
37

38 (c) Any clandestine laboratory was secured or protected with
39 booby traps;
40

41 (d) Any clandestine laboratory was concealed with legitimate
42 business operations; or
43

44 (e) Any employment of a practitioner, chemical engineer, public
45 official or foreigner.
46

47 The maximum penalty provided for under this Section shall be
48 imposed upon any person, who organizes, manages or acts as a
49 "financier" of any of the illegal activities prescribed in this Section.
50

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

8
9 “SEC. 11. *Possession of Dangerous Drugs.* - The penalty of [life
10 imprisonment] **RECLUSION PERPETUA** and a fine ranging from
11 Five hundred thousand pesos (P500,000.00) to Ten million pesos
12 (P10,000,000.00) shall be imposed upon any person, who, unless
13 authorized by law, shall possess any dangerous drug in the
14 following quantities, regardless of the degree of purity thereof:

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

34
35 Otherwise, if the quantity involved is less than the foregoing
36 quantities, the penalties shall be graduated as follows:
37

38 (1) [Life imprisonment] **RECLUSION PERPETUA** and a fine
39 ranging from Four hundred thousand pesos (P400,000.00) to Five
40 hundred thousand pesos (P500,000.00), if the quantity of
41 methamphetamine hydrochloride or “shabu” is ten (10) grams or
42 more but less than fifty 50 grams;

43
44 (2) Imprisonment of twenty (20) years and one (1) day to life
45 imprisonment and a fine ranging from Four hundred thousand
46 pesos (P400,000.00) to Five hundred thousand pesos
47 (P500,000.00), if the quantities of dangerous drugs are five (5)
48 grams or more but less than ten (10) grams of opium, morphine,
49 heroin, cocaine or cocaine hydrochloride, marijuana resin or

1 marijuana resin oil, methamphetamine hydrochloride or "shabu",
2 or other dangerous drugs such as, but not limited to, MDMA or
3 "ecstasy", PMA, TMA, LSD, GHB, and those similarly designed or
4 newly introduced drugs and their derivatives, without having any
5 therapeutic value or if the quantity possessed is far beyond
6 therapeutic requirements; or three hundred (300) grams or more
7 but less than five (hundred) 500 grams of marijuana; and
8

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

22 "SEC. 25. *Qualifying Aggravating Circumstances in the*
23 *Commission of a Crime by an Offender Under the Influence of*
24 *Dangerous Drugs.* – Notwithstanding the provisions of any law to
25 the contrary, a positive finding for the use of dangerous drugs shall
26 be a qualifying aggravating circumstance in the commission of a
27 crime by an offender, and the application of the penalty provided
28 for in the Revised Penal Code shall be applicable.
29

30 **IF THE CRIME COMMITTED BY SUCH PERSON UNDER THE**
31 **INFLUENCE OF DANGEROUS DRUGS IS PUNISHABLE BY**
32 **RECLUSION TEMPORAL OR HIGHER, THE PENALTY TO BE**
33 **IMPOSED SHALL BE RECLUSION PERPETUA TO DEATH,**
34

35 **PROVIDED, THAT THE LABORATORY EXAMINATION OR**
36 **DRUG TEST IS STRICTLY CONDUCTED PURSUANT TO**
37 **ARTICLE III OF THIS ACT;**
38

39 **PROVIDED, FURTHER, THAT THE COMPLAINT OR**
40 **INFORMATION SHALL ALLEGE WITH PARTICULARITY THAT**
41 **THE ACCUSED WAS UNDER THE INFLUENCE OF DANGEROUS**
42 **DRUGS AT THE TIME OF THE COMMISSION OF THE**
43 **OFFENSE;**
44

45 **PROVIDED, FINALLY, THAT ONCE A COMPLAINT OR**
46 **INFORMATION HAS BEEN FILED, NO AMENDMENT TO**
47 **INCLUDE THE ALLEGATION THAT THE ACCUSED WAS UNDER**
48 **THE INFLUENCE OF DANGEROUS DRUGS AT THE TIME OF**
49 **THE COMMISSION OF THE OFFENSE SHALL BE ALLOWED."**

1
2 “SEC. 27. *Criminal Liability of a Public Officer or Employee for*
3 *Misappropriation, Misapplication or Failure to Account for the*
4 *Confiscated, Seized and/or Surrendered Dangerous Drugs, Plant*
5 *Sources of Dangerous Drugs, Controlled Precursors and Essential*
6 *Chemicals, Instruments /Paraphernalia and/or Laboratory*
7 *Equipment Including the Proceeds or Properties Obtained from the*
8 *Unlawful Act Committed.* – The penalty of [life imprisonment]
9 **RECLUSION PERPETUA TO DEATH** and a fine ranging from Five
10 hundred thousand pesos (P500,000.00) to Ten million pesos
11 (P10,000,000.00), in addition to absolute perpetual disqualification
12 from any public office, shall be imposed upon any public officer or
13 employee who misappropriates, misapplies or fails to account for
14 confiscated, seized or surrendered dangerous drugs, plant sources
15 of dangerous drugs, controlled precursors and essential chemicals,
16 instruments/paraphernalia and/or laboratory equipment
17 including the proceeds or properties obtained from the unlawful
18 acts as provided for in this Act.
19

20 Any elective local or national official found to have benefited
21 from the proceeds of the trafficking of dangerous drugs as
22 prescribed in this Act, or have received any financial or material
23 contributions or donations from natural or juridical persons found
24 guilty of trafficking dangerous drugs as prescribed in this Act,
25 shall be removed from office and perpetually disqualified from
26 holding any elective or appointive positions in the government, its
27 divisions, subdivisions, and intermediaries, including government-
28 owned or –controlled corporations.”
29

30 **“SEC. 29. *Criminal Liability for Planting of Evidence.*** – Any
31 person who is found guilty of "planting" any dangerous drug
32 and/or controlled precursor and essential chemical, regardless of
33 quantity and purity, shall suffer the penalty of [life imprisonment]
34 **RECLUSION PERPETUA TO DEATH.”**
35

36 **SEC. 8.** Article 47 of the Revised Penal Code, as amended, is further
37 amended to read as follows:
38

39 Art. 47. In what cases the death penalty shall not be imposed;
40 Automatic review of the Death Penalty Cases. – The death penalty
41 shall **NOT** be imposed [in all cases in which it must be imposed
42 under existing laws, except] when the guilty person is below
43 eighteen (18) years of age at the time of the commission of the
44 crime or is more than seventy (**70**) years of age or when upon
45 appeal or automatic review of the case by the **COURT OF**
46 **APPEALS, OR WHEN APPLICABLE, THE** Supreme Court **EN**
47 **BANC**, the required majority vote is not obtained for the imposition
48 of the death penalty, in which cases the penalty shall be *reclusion*
49 *perpetua*.

1
2 In all cases where the death penalty is imposed by the trial
3 court, the records shall be forwarded to the **COURT OF APPEALS**
4 **OR, WHEN APPLICABLE, TO THE** Supreme Court [for automatic
5 review and judgment by the Court] en banc, within twenty (20)
6 days but not earlier than fifteen (15) days after promulgation of the
7 judgment or notice of denial of any motion for new trial or
8 reconsideration. The transcript shall also be forwarded within ten
9 (10) days from the filing thereof by the stenographic reporter. **NO**
10 **NOTICE OF APPEAL SHALL BE REQUIRED FOR THE**
11 **PERFECTION OF AN AUTOMATIC APPEAL.**

12
13 **SEC. 9.** Article 81 of the Revised Penal Code, as amended, is hereby
14 reinstated to read as follows:

16 Art. 81. When and how the death penalty is to be executed. –
17 The death sentence shall be executed with preference to any other
18 penalty and shall consist in putting the person under the sentence
19 to death by lethal injection. The death sentence shall be executed
20 under the authority of the Director of the Bureau of Corrections,
21 endeavoring so far as possible to mitigate the sufferings of the
22 person under the sentence during the lethal injection as well as
23 during the proceedings prior to the execution.

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

29 Pursuant to this, all personnel involved in the administration of
30 lethal injection shall be trained prior to the performance of such
31 task.

33 The authorized physician of the Bureau of Corrections, after
34 thorough examination, shall officially make a pronouncement of
35 the convict's death and shall certify thereto in the records of the
36 Bureau of Corrections.

38 The death sentence shall be carried out not earlier than one (1)
39 year nor later than eighteen (18) months after the judgment has
40 become final and executory without prejudice to the exercise by the
41 President of his executive clemency powers at all times.

43 **SEC. 10. Duty of Prosecutor When Filing Information Involving**
44 **Heinous Offenses.** – Upon the filing of an information involving any offense
45 punishable by death, the public prosecutor shall furnish copies of said
46 information to the Commission on Human Rights, which is mandated to give
47 notice to interested parties, including but not limited to the Integrated Bar of
48 the Philippines and religious or civic organizations.

1 **SEC. 11. Creation of Special Panel of Senior Government Lawyers**
2 **for Cases on Appeal Where the Death Penalty is Imposed.** – After a
3 judgment of conviction sentencing the accused to the penalty of death had
4 been rendered, the Chief Public Attorney shall convene a special panel
5 composed of senior Public Attorneys to handle the automatic appeal or to
6 assist the accused in death penalty cases, without prejudice to the exercise
7 by the Office of the Solicitor General (OSG) of its mandate as the People's
8 Tribune to avoid a miscarriage of justice.
9

10 The Solicitor General or the Chief Public Attorney may recommend to the
11 Office of the President the reprieve or the suspension of the execution of the
12 death sentence.
13

14 **SEC. 12. Implementing Rules and Regulations.** - Within thirty (30)
15 days from the approval of this Act, the Secretary of Justice shall promulgate
16 the necessary rules and regulations for the effective implementation of this
17 Act.
18

19 **SEC. 13. Separability Clause.** – If any provision or part of this Act is
20 declared invalid or unconstitutional, the remaining parts or provisions not
21 affected shall remain in full force and effect.
22

23 **SEC. 14. Repealing Clause.** – Republic Act No. 9346, entitled “An Act
24 Prohibiting the Imposition of the Death Penalty in the Philippines” is hereby
25 repealed. Act No. 3815, Republic Act No. 7080, and Republic Act No. 9165
26 are hereby amended accordingly. All other laws, rules, regulations, orders,
27 circulars and other issuances or parts thereof, which are inconsistent with
28 the provisions of this Act are hereby repealed, amended or modified
29 accordingly.
30

31 **SEC. 15. Effectivity.** – This Act shall take effect fifteen (15) days after its
32 publication in the Official Gazette or in a newspaper of general circulation.
33

34 Approved,