



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Seventeenth Congress
First Regular Session

01
HOUSE BILL NO. _____

HB 1

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REGISTRATION UNIT BILLS AND INDEX SERVICE	

Introduced by **REPRESENTATIVES FREDENIL H. CASTRO,**
PANTALEON D. ALVAREZ, RODOLFO C. FARIÑAS, ROLANDO G. ANDAYA, JR.,
MICHAEL JOHN R. DUAVIT, CARLOS O. COJUANGCO, ELISA T. KHO,
RANEO E. ABU, BENHUR L. SALIMBANGON, DANILO E. SUAREZ, and
RODEL M. BATOCABE

EXPLANATORY NOTE

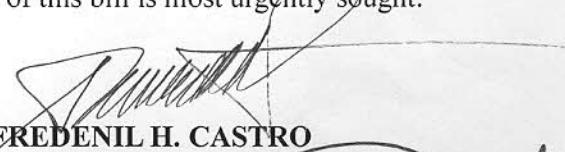
There is no denying the scourge illicit drugs have foisted upon our society, and neither is there any denying the audacity with which malefactors, whether under the influence or otherwise, have perpetuated the most perverse and atrocious crimes in the most repugnant of manners.

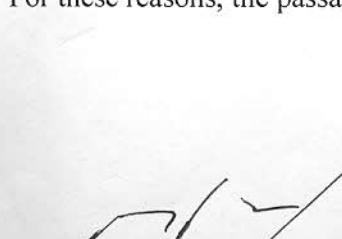
Our criminal justice system has had to make do with penal laws that are perceived to be less than dissuasive. There is evidently a need to reinvigorate the war against criminality by reviving a proven deterrent coupled by its consistent, persistent, and determined implementation. And this need is as compelling and critical as any.

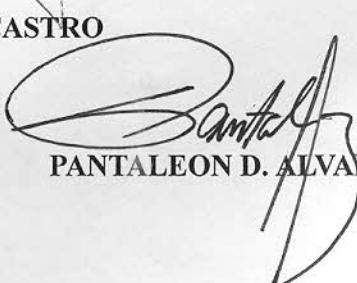
The imposition of the death penalty for heinous crimes and the mode of its implementation, both subjects of repealed laws, are crucial components of an effective dispensation of both reformatory and retributive justice.

It is, thus, imperative that this Congress, in the exercise of its mandate to take every conceivable step to protect the honor and dignity and the very life of each and every law-abiding Filipino, pass in the most expeditious manner such laws re-imposing the penalty of death for the most abhorrent of offenses and provide for its execution.

For these reasons, the passage of this bill is most urgently sought.


FREDENIL H. CASTRO


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AN ACT

**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 AMENDING ACT NO.
3815, AS AMENDED, OTHERWISE KNOWN AS THE "REVISED PENAL CODE," AND
OTHER SPECIAL PENAL LAWS**

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 “Death Penalty Law.”

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

Towards this end, in the interest of justice, public order and rule of law, and the need to rationalize and harmonize the penal sanctions, the Congress, finds compelling reasons to impose the death penalty for heinous crimes, for being grievous, odious and hateful offenses, 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.

SEC. 3. *Imposition of Death Penalty.* – The death penalty is hereby imposed on heinous crimes, as defined and enumerated in this Act, amending for the purpose Act No. 3815, as amended, otherwise known as the “*Revised Penal Code*,” and other special

1 penal laws.

2 SEC. 4. Article 114 of the Revised Penal Code, as amended, is hereby amended to
3 read as follows:

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

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

11 Likewise, an alien, residing in the Philippines, who commits acts of
12 treason as defined in paragraph 1 of this Article shall be punished by
13 *reclusion temporal* to [*reclusion perpetua*] DEATH and shall pay a fine not
14 to exceed 100,000 pesos."

15 SEC. 5. Section Three, Chapter One, Title One of Book Two of the Revised Penal
16 Code, as amended, is hereby further amended to read as follows:

17 "Section Three. – *Piracy and mutiny on the high seas or in
18 Philippine waters*

19 ART. 122. **Piracy in general and mutiny on the high seas or in
20 Philippine waters**. – The penalty of *reclusion perpetua* shall be inflicted
21 upon any person who, on the high seas, or in Philippine waters, shall
22 attack or seize a vessel or, not being a member of its complement nor a
23 passenger, shall seize the whole or part of the cargo of said vessel, its
24 equipment or passengers.

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

27 ART. 123. **Qualified piracy**. – The penalty of *reclusion perpetua*
28 TO DEATH shall be imposed upon those who commit any of the crimes
29 referred to in the preceding article, under any of the following
30 circumstances:

- 31 1. Whenever they have seized a vessel by boarding or firing upon
32 the same;

- 1 2. Whenever the pirates have abandoned their victims without
2 means of saving themselves or;
3 3. Whenever the crime is accompanied by murder, homicide,
4 physical injuries or rape."

5 SEC. 6. Article 211-A of the Revised Penal Code, as amended, is hereby amended
6 to read as follows:

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

12 If it is the public officer who asks or demands such gift or present,
13 he shall suffer the penalty of [*reclusion perpetua*] DEATH."

14 SEC. 7. Article 246 of the Revised Penal Code, as amended, is hereby amended to
15 to read as follows:

16 "ART. 246. **Parricide.** – Any person who shall kill his father, mother,
17 or child, whether legitimate or illegitimate, or any of his ascendants, or
18 descendants, or his spouse, shall be guilty of parricide and shall be
19 punished by the penalty of *reclusion perpetua* TO DEATH."

20 SEC. 8. Article 248 of the Revised Penal Code, as amended, is hereby further
21 amended to read as follows:

22 "ART. 248. **Murder.** – Any person who, not falling within the
23 provisions of Article 246 shall kill another, shall be guilty of murder and
24 shall be punished by *reclusion perpetua*, TO DEATH if committed with any
25 of the following attendant circumstances:

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

29 2. In consideration of a price, reward or promise;

30 3. By means of inundation, fire, poison, explosion, shipwreck,
31 stranding of a vessel, derailment or assault upon a railroad, fall of an

1 airship, or by means of motor vehicles, or with the use of any other means
2 involving great waste and ruin;

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

6 5. With evident premeditation;

7 6. With cruelty, by deliberately and inhumanly augmenting the
8 suffering of the victim, or outraging or scoffing at his person or corpse."

9 SEC. 9. Article 255 of the Revised Penal Code, as amended, is hereby amended to
10 read as follows:

11 "ART. 255. ***Infanticide.*** – The penalty provided for parricide in
12 Article 246 and for murder in Article 248 shall be imposed upon any
13 person who shall kill any child less than three days of age.

14 If any crime penalized in this Article be committed by the mother of
15 the child for the purpose of concealing her dishonor, she shall suffer the
16 penalty of *prision mayor* in its medium and maximum periods, and if said
17 crime be committed for the same purpose by the maternal grandparents or
18 either of them, the penalty shall be *reclusion temporal.*"

19 SEC. 10. Article 266-A and 266-B of the Revised Penal Code, as amended, is
20 hereby amended to read as follows:

21 "ART. 266-A. ***Rape: When and How Committed.*** – Rape is
22 committed:

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

25 a) Through force, threat, or intimidation;

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

28 c) By means of fraudulent machination or grave abuse of
29 authority; and

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

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

8 ART. 266-B. ***Penalty.*** – Rape under paragraph 1 of the next
9 preceding article shall be punished by *reclusion perpetua*.

10 Whenever the rape is committed with the use of a deadly weapon
11 or by two or more persons, the penalty shall be *reclusion perpetua* TO
12 DEATH.

13 When by reason or on the occasion of the rape, the victim has
14 become insane, the penalty shall be *reclusion perpetua* TO DEATH.

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

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

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

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

27 2) When the victim is under the custody of the police or military
28 authorities or any law enforcement or penal institution;

29 3) When the rape is committed in full view of the spouse,
30 parent, any of the children or other relatives within the third civil degree
31 of consanguinity;

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

4 5) When the victim is a child below seven (7) years old;

5 6) When the offender knows that he is afflicted with the Human
6 Immuno-Deficiency Virus (HIV)/Acquired Immune Deficiency Syndrome
7 (AIDS) or any other sexually transmissible disease and the virus or
8 disease is transmitted to the victim;

9 7) When committed by any member of the Armed Forces of the
10 Philippines or para-military units thereof or the Philippine National Police
11 or any law enforcement agency or penal institution, when the offender
12 took advantage of his position to facilitate the commission of the
13 crime;

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

16 9) When the offender knew of the pregnancy of the offended
17 party at the time of the commission of the crime; and

18 10) When the offender knew of the mental disability, emotional
19 disorder and/or physical handicap of the offended party at the time of the
20 commission of the crime.

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

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

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

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

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

1 *Reclusion temporal* shall be imposed if the rape is committed with
2 any of the ten aggravating/qualifying circumstances mentioned in
3 this article.”

4 SEC. 11. Article 267 of the Revised Penal Code, as amended, is hereby
5 amended to read as follows:

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

10 1. If the kidnapping or detention shall have lasted more than
11 three days.

12 2. If it shall have been committed simulating public authority.

13 3. If any serious physical injuries shall have been inflicted upon
14 the person kidnapped or detained; or if threats to kill him shall have been
15 made.

16 4. If the person kidnapped or detained shall be a minor, except
17 when the accused is any of the parents, female or a public officer.

18 The penalty shall be [*reclusion perpetua*] DEATH where the
19 kidnapping or detention was committed for the purpose of extorting
20 ransom from the victim or any other person, even if none of the
21 circumstances above-mentioned were present in the commission of the
22 offense.

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

26 SEC. 12. Article 294 of the Revised Penal Code, as amended, is hereby further
27 amended to read as follows:

28 “ART. 294. ***Robbery with violence against or intimidation of***
29 ***persons – Penalties.*** – Any person guilty of robbery with the use of
30 violence against or intimidation of any person shall suffer:

31 1. The penalty of *reclusion perpetua* TO DEATH, when by
32 reason or on occasion of the robbery, the crime of homicide shall have

1 been committed, or when the robbery shall have been accompanied by
2 rape or intentional mutilation or arson.

3 2. The penalty of *reclusion temporal* in its medium period to
4 *reclusion perpetua*, when or if by reason or on occasion of such robbery,
5 any of the physical injuries penalized in subdivision 1 of Article 263 shall
6 have been inflicted.

7 3. The penalty of *reclusion temporal*, when by reason or on
8 occasion of the robbery, any of the physical injuries penalized in
9 subdivision 2 of the article mentioned in the next preceding paragraph,
10 shall have been inflicted.

11 4. The penalty of *prision mayor* in its maximum period to
12 *reclusion temporal* in its medium period, if the violence or intimidation
13 employed in the commission of the robbery shall have been carried to a
14 degree clearly unnecessary for the commission of the crime, or when in
15 the course of its execution, the offender shall have inflicted upon any
16 person not responsible for its commission any of the physical injuries
17 covered by subdivisions 3 and 4 of said Article 263.

18 5. The penalty of *prision correccional* in its maximum period to
19 *prision mayor* in its medium period in other cases."

20 SEC. 13. Article 320 of the Revised Penal Code, as amended, is hereby further
21 amended to read as follows:

22 "ART. 320. **Destructive Arson.** – The penalty of *reclusion*
23 *perpetua* TO DEATH shall be imposed upon any person who shall burn:

24 1. One (1) or more buildings or edifices, consequent to one
25 single act of burning, or as a result of simultaneous burnings, committed
26 on several or different occasions.

27 2. Any building of public or private ownership, devoted to the
28 public in general or where people usually gather or congregate for a
29 definite purpose such as, but not limited to, official governmental function
30 or business, private transaction, commerce, trade, workshop, meetings
31 and conferences, or merely incidental to a definite purpose such as but
32 not limited to hotels, motels, transient dwellings, public conveyances or

1 stops or terminals, regardless of whether the offender had knowledge that
2 there are persons in said building or edifice at the time it is set on fire and
3 regardless also of whether the building is actually inhabited or not.

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

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

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

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

19 The penalty of *reclusion perpetua* TO DEATH shall also be imposed
20 upon any person who shall burn:

21 1. Any arsenal, shipyard, storehouse or military powder or
22 fireworks factory, ordnance, storehouse, archives or general museum of
23 the Government.

24 2. In an inhabited place, any storehouse or factory of
25 inflammable or explosive materials.

26 If as a consequence of the commission of any of the acts penalized
27 under this Article, death results, the mandatory penalty of [reclusion
28 *perpetua*] DEATH shall be imposed."

29 SEC. 14. Section 2 of Republic Act No. 7080, as amended, entitled "An Act
30 *Defining and Penalizing the Crime of Plunder,*" is further amended to read as follows:

31 "SEC. 2. **Definition of the Crime of Plunder; Penalties.** – Any
32 public officer who, by himself or in connivance with members of his family,

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

15 SEC. 15. Sections 4, 5 and 6 of Republic Act No. 9165, as
16 amended, otherwise known as the "Comprehensive Dangerous Drugs Act of
17 2002," are hereby amended to read as follows:

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

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

32 The maximum penalty provided for under this Section shall be
33 imposed upon any person, who, unless authorized under this Act, shall
34 import or bring into the Philippines any dangerous drug and/or controlled

1 precursor and essential chemical through the use of a diplomatic passport,
2 diplomatic facilities or any other means involving his/her official status
3 intended to facilitate the unlawful entry of the same. In addition, the
4 diplomatic passport shall be confiscated and canceled.

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

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

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

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

30 If the sale, trading, administration, dispensation, delivery,
31 distribution or transportation of any dangerous drug and/or controlled
32 precursor and essential chemical transpires within one hundred (100)

1 meters from the school, the maximum penalty shall be imposed in every
2 case.

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

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

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

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

21 SEC. 6. **Maintenance of a Den, Dive or Resort.** – The
22 penalty of life imprisonment TO DEATH and a fine ranging from Five
23 hundred thousand pesos (P500,000.00) to Ten million pesos
24 (P10,000,000.00) shall be imposed upon any person or group of persons
25 who shall maintain a den, dive or resort where any dangerous drug is
26 used or sold in any form.

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

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

5 Should any dangerous drug be the proximate cause of the death of
6 a person using the same in such den, dive or resort, the penalty of
7 [reclusion perpetua] DEATH and a fine ranging from One million
8 (P1,000,000.00) to Fifteen million pesos (P15,000,000.00) shall be
9 imposed on the maintainer, owner and/or operator.

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

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

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

25 SEC. 16. Section 8 of Republic Act No. 9165, as amended, is hereby amended to
26 read as follows:

27 "SEC. 8. ***Manufacture of Dangerous Drugs and/or Controlled***
28 ***Precursors and Essential Chemicals.*** – The penalty of life
29 imprisonment TO DEATH and a fine ranging from Five hundred thousand
30 pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be
31 imposed upon any person, who, unless authorized by law, shall engage in
32 the manufacture of any dangerous drug.

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

6 The presence of any controlled precursor and essential chemical or
7 laboratory equipment in the clandestine laboratory is a *prima facie* proof of
8 manufacture of any dangerous drug. It shall be considered an aggravating
9 circumstance if the clandestine laboratory is undertaken or
10 established under the following circumstances:

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

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

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

18 (d) Any clandestine laboratory was concealed with legitimate
19 business operations; or

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

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

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

30 SEC. 17. Section 11 of Republic Act No. 9165, as amended, is hereby amended to
31 read as follows:

1 “SEC. 11. **Possession of Dangerous Drugs.** – The penalty of life
2 imprisonment TO DEATH and a fine ranging from Five hundred thousand
3 pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be
4 imposed upon any person, who, unless authorized by law, shall possess
5 any dangerous drug in the following quantities, regardless of the
6 degree of purity thereof:

- 7 (1) 10 grams or more of opium;
- 8 (2) 10 grams or more of morphine;
- 9 (3) 10 grams or more of heroin;
- 10 (4) 10 grams or more of cocaine or cocaine hydrochloride;
- 11 (5) 50 grams or more of methamphetamine hydrochloride or
12 “shabu”;
- 13 (6) 10 grams or more of marijuana resin or marijuana resin oil;
- 14 (7) 500 grams or more of marijuana; and
- 15 (8) 10 grams or more of other dangerous drugs such as, but not
16 limited to, methylenedioxymethamphetamine (MDMA) or “ecstasy”,
17 paramethoxyamphetamine (PMA), trimethoxyamphetamine (TMA),
18 lysergic acid diethylamine (LSD), gamma hydroxyamphetamine (GHB),
19 and those similarly designed or newly introduced drugs and their
20 derivatives, without having any therapeutic value or if the quantity
21 possessed is far beyond therapeutic requirements, as determined and
22 promulgated by the Board in accordance to Section 93, Article XI of this
23 Act.

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

- 26 (1) Life imprisonment and a fine ranging from Four hundred
27 thousand pesos (P400,000.00) to Five hundred thousand pesos
28 (P500,000.00), if the quantity of methamphetamine hydrochloride or
29 “shabu” is ten (10) grams or more but less than fifty (50) grams;
- 30 (2) Imprisonment of twenty (20) years and one (1) day to life
31 imprisonment and a fine ranging from Four hundred thousand pesos
32 (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the

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

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

21 SEC. 18. Section 16 of Republic Act No. 9165, as amended, is hereby amended
22 to read as follows:

23 “SEC. 16. ***Cultivation or Culture of Plants Classified as***
24 ***Dangerous Drugs or are Sources Thereof.*** – The penalty of life
25 imprisonment TO DEATH and a fine ranging from Five hundred thousand
26 pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be
27 imposed upon any person, who shall plant, cultivate or culture marijuana,
28 opium poppy or any other plant regardless of quantity, which is or may
29 hereafter be classified as a dangerous drug or as a source from which any
30 dangerous drug may be manufactured or derived: *Provided*, That in the
31 case of medical laboratories and medical research centers which cultivate
32 or culture marijuana, opium poppy and other plants, or materials of such
33 dangerous drugs for medical experiments and research purposes, or for
34 the creation of new types of medicine, the Board shall prescribe the

1 necessary implementing guidelines for the proper cultivation, culture,
2 handling, experimentation and disposal of such plants and materials.

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

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

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

18 SEC. 19. Section 19 of Republic Act No. 9165, as amended, is hereby amended to
19 read as follows:

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

26 SEC. 20. Section 27 of Republic Act No. 9165, as amended, is hereby amended to
27 read as follows:

28 “SEC. 27. ***Criminal Liability of a Public Officer or Employee for
29 Misappropriation, Misapplication or Failure to Account for the
30 Confiscated, Seized and/or Surrendered Dangerous Drugs, Plant
31 Sources of Dangerous Drugs, Controlled Precursors and Essential
32 Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment
33 Including the Proceeds or Properties Obtained from the Unlawful Act***

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

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

19 SEC. 21. Section 29 of Republic Act No. 9165, as amended, is hereby amended to
20 read as follows:

21 “SEC. 29. **Criminal Liability for Planting of Evidence.** – Any
22 person who is found guilty of “planting” any dangerous drug and/or
23 controlled precursor and essential chemical, regardless of quantity and
24 purity, shall suffer the penalty of [reclusion perpetua] DEATH.”

25 SEC. 22. Section 14 of Republic Act No. 6539, as amended, otherwise known as
26 the “Anti-Carnapping Act of 1972,” is hereby amended to read as follows:

27 “SEC. 14. **Penalty for Carnapping.** – Any person who is found
28 guilty of carnapping, as this term is defined in Section Two of this Act,
29 shall, irrespective of the value of motor vehicle taken, be punished by
30 imprisonment for not less than fourteen years and eight months and not
31 more than seventeen years and four months, when the carnapping is
32 committed without violence or intimidation of persons, or force upon
33 things; and by imprisonment for not less than seventeen years and four

1 months and not more than thirty years, when the carnapping is committed
2 by means of violence against or intimidation of any person, or force upon
3 things; and the penalty of *reclusion perpetua* TO DEATH shall be imposed
4 when the owner, driver or occupant of the carnapped motor vehicle is
5 killed or raped in the course of the commission of the carnapping or on the
6 occasion thereof."

7 SEC. 23. Article 47 of the Revised Penal Code, as amended, is hereby amended to
8 read as follows:

9 **"ART. 47. *In what cases the death penalty shall not be imposed;***
10 ***Automatic Review of Death Penalty Cases.*** – The death penalty shall
11 be imposed in all cases in which it must be imposed under existing laws,
12 except when the guilty person is below eighteen (18) years of age at the
13 time of the commission of the crime or is more than seventy (70) years of
14 age or when upon appeal or automatic review of the case by the Supreme
15 Court, the required majority vote is not obtained for the imposition of the
16 death penalty, in which cases the penalty shall be *reclusion perpetua*.

17 In all cases where the death penalty is imposed by the trial court,
18 the records shall be forwarded to the Supreme Court for automatic review
19 and judgment by the Court *en banc*, within twenty (20) days but not earlier
20 than fifteen (15) days after promulgation of the judgment or notice of
21 denial of any motion for new trial or reconsideration. The transcript shall
22 also be forwarded within ten (10) days from the filing thereof by the
23 stenographic reporter."

24 SEC. 24. Article 81 of the Revised Penal Code, as amended, is hereby further
25 amended to read as follows:

26 **"ART. 81. *When and how the death penalty is to be executed.* –**
27 The death sentence shall be executed with preference to any other
28 penalty and shall consist in putting the person under the sentence to death
29 by [electrocution] ANY OF THE FOLLOWING METHODS:

- 30 A) HANGING;
31 B) FIRING SQUAD; OR
32 C) LETHAL INJECTION.
33

1 The death sentence shall be executed under the authority of the
2 Director of [Prisons] CORRECTIONS [, endeavoring so far as possible to
3 mitigate the sufferings of the person under the sentence during the lethal
4 injection as well as during the proceedings prior to the execution]. WHO
5 SHALL TAKE STEPS TO ENSURE THAT THE HANGING, FIRING
6 SQUAD OR LETHAL INJECTION TO BE ADMINISTERED IS
7 SUFFICIENT TO CAUSE THE INSTANTANEOUS DEATH OF THE
8 CONVICT.

9 [If the person under sentence so desires, he shall be anaesthetized
10 at the moment of the electrocution.]

11 PURSUANT TO THIS, ALL PERSONNEL INVOLVED IN THE
12 HANGING, FIRING SQUAD AND IN THE ADMINISTRATION OF THE
13 LETHAL INJECTION SHALL BE TRAINED PRIOR TO THE
14 PERFORMANCE OF SUCH TASK.

15 THE AUTHORIZED PHYSICIAN OF THE BUREAU OF
16 CORRECTIONS, AFTER THOROUGH EXAMINATION, SHALL
17 OFFICIALLY MAKE A PRONOUNCEMENT OF THE CONVICT'S DEATH
18 AND SHALL CERTIFY THERETO IN THE RECORDS OF THE BUREAU
19 OF CORRECTIONS.

20 THE DEATH SENTENCE SHALL BE CARRIED OUT NOT
21 EARLIER THAN ONE (1) YEAR NOR LATER THAN EIGHTEEN (18)
22 MONTHS AFTER THE JUDGMENT HAS BECOME FINAL AND
23 EXECUTORY WITHOUT PREJUDICE TO THE EXERCISE BY THE
24 PRESIDENT OF HIS EXECUTIVE CLEMENCY POWERS AT ALL
25 TIMES."

26 SEC. 25. ***Implementing Rules and Regulations.*** – Within *thirty* (30) days from the
27 approval of this Act, the Secretary of Justice shall promulgate the necessary rules and
28 regulations for the effective implementation of this Act.

29 SEC. 26. ***Separability Clause.*** – If any provision or part of this Act is declared

1 invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full
2 force and effect.

3 **SEC. 27. *Repealing Clause.*** – Republic Act No. 9346, entitled “*An Act Prohibiting*
4 *the Imposition of the Death Penalty in the Philippines*” is hereby repealed. All other laws,
5 rules, regulations, orders, circulars, and other issuances or parts thereof, which are
6 inconsistent with the provisions of this Act are hereby repealed, amended or modified
7 accordingly.

8 **SEC. 28. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
9 publication in the *Official Gazette* or in a newspaper of general circulation.

10 Approved,