

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City**

**FIFTEENTH CONGRESS
First Regular Session**

HOUSE BILL NO. 552

Introduced by Congressman JUAN C. PONCE ENRILE, JR.

EXPLANATORY NOTE

Home invasion. Such is the term used to describe a disturbing pattern of crimes against persons which is more dangerous and devious with its premeditated use of violence against its victims who are predetermined based on their perceived inability to defend themselves.

Home invasion occurs when intruders force their way into an occupied residence or dwelling place and with the use of violence or threat of violence against the occupants, proceed with their criminal act. These criminals are different from ordinary burglars who target unoccupied dwellings and are normally deterred by barred windows, strong locks and alarm signals. Unlike common thieves who will avoid confrontation and will usually flee when approached, home invaders specifically target the resident more than the residence, and relies on the deliberate use of force during confrontation in order to overwhelm their victims.

The crime is made more condemnable as is it committed against a person in a place considered by all civilized people as an inviolable sanctuary of an individual – one's own home.

"The inviolability of the home is one of the most fundamental of all the individual human rights declared and recognized in the political codes of civilized nations. No one can enter into the home of another without the consent of its owners or occupants. The privacy of the home – the place of abode, the place where a man with his family may dwell in peace and enjoy the companionship of his wife and children unmolested by anyone has always been regarded by civilized nations as one of the most sacred personal rights to which men are entitled."

By defining the crime of home invasion and the imposition of strict penalties for the commission of the same, this proposed Home Invasion Protection Act seeks to deter the commission of such crimes against persons and to protect and preserve the sanctity of the home.

With the recognition that the State is only responsible for general order and public safety, it then becomes the responsibility of the individual homeowner to protect his own person, his family and his property with whatever legal means possible – including the use of a legally owned and duly registered firearm. Towards this end, this proposed measure likewise seeks to further define the circumstances by which the use of force by the homeowner will be deemed as legally justified when defending the sanctity of the home in the effort to prevent or repel any attacks against the same.

For the approval of the House of Representatives.

A handwritten signature in black ink, appearing to be 'JP Enrile', written over the printed name.

JUAN C. PONCE ENRILE, JR.

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AN ACT
DEFINING THE CRIME OF HOME INVASION, IMPOSING STATUTORY
PENALTIES FOR THE COMMISSION THEREOF AND DELINEATING THE
JUSTIFIABLE USE OF FORCE AS A DETERRENCE TO THE SAME, AMENDING
FOR THIS PURPOSE THE PERTINENT PROVISIONS OF THE REVISED PENAL
CODE OF THE PHILIPPINES

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

Article I
TITLE, POLICY, PRINCIPLES AND DEFINITION OF TERMS

Section 1: Short Title. This act shall be known and cited as the 'Home Invasion Protection Act';

Section 2: Declaration of State Policy. The State upholds the principle that the inviolability of the home as one of the most fundamental of all individual human rights, and that no one can enter the home of another without the consent of its owners or occupants. The privacy of the home is regarded by the State as one of the most sacred personal rights to which a citizen is entitled, and the State guarantees the right of the citizen of absolute protection to the privacy of his home.

While it is the acknowledged duty and responsibility of the Philippine National Police and other law enforcement agencies to protect and promote public order and safety, the State acknowledges that it is under no obligation to provide individual safety to each and every citizen, and it therefore becomes the primary obligation and responsibility of each individual to protect and uphold the sanctity of their homes and the safety of their own person and that of their family.

The State further recognizes the right of the individual citizen to protect the privacy of his home, his person, his family and his property from harm as an essential aspect of his inalienable human right, including the wherewithal and the ability to do so with whatever essential means possible and when circumstances so warrant. To ensure that that life and property of each and every citizen is protected, it becomes the fundamental duty of the State

to guarantee full respect not only for the human rights of its citizens, but just as importantly, their ability to protect and preserve such human rights.

It is thereby declared to be a national policy not only to uphold the right of its citizens to own and possess firearms for the protection of their human rights, the conveyance of the same when the need arises or the environment so require but likewise its lawful use when circumstances so warrant.

Section 3: Definition of terms. For purposes of this Act, the following terms shall mean and be interpreted as hereunder defined:

- (a) "Firearm" - as herein used, the term firearm includes rifles, shotguns, revolvers, pistols, or any device designed to be used as a weapon from which a projectile is expelled by the force of any explosion or other forms of combustion.
- (b) "Residence" or "dwelling place" - refers to a home, apartment, condominium unit, hotel room or ship's cabin used by its legal owners or authorized occupants as a place of residence either permanently or for a contracted period of time;
- (c) "resident" or "homeowner" - refers to the legal occupant, the members of said legal occupant's household including household helpers domiciled in said residence, as well as guests staying in the residence or dwelling place upon the invitation or with the express permission of the homeowner or the members of the homeowner's family;
- (d) "justified", "legally justified", "lawfully justified" or "justifying circumstances" - when the act of the person is said to be in accordance with law, so that such person is deemed not to have transgressed the law and is free from both criminal and civil liability.
- (e) "unauthorized entry" - illegal ingress or trespass of a person or persons, forcible or otherwise, armed or unarmed into the residence of another without the express permission of the legal resident thereof.

Article 2

DEFINING AND PENALIZING THE CRIME OF HOME INVASION

Section 1: Defining the Act of Home Invasion - Any person who enters the residence or dwelling place of another without the express permission or authority from the legal resident thereof, with the full knowledge or reason to believe that one or more persons are present in the said residence or dwelling place; or enters the residence or dwelling place of another in the absence of any person in the said residence or dwelling place, without the express permission of or authority from the legal resident thereof, and remains in such residence or dwelling place until one or more of the legal resident thereof are present; and

- (a) uses force or threatens the use of force upon any person or persons within such residence or dwelling, regardless of whether or not actual injury occurs, or
- (b) causes any injury by any means to any person or persons within such residence or dwelling place.

Section 2: Imposition of Statutory Penalties - The penalty of '*prision mayor*' shall be imposed upon any person or persons who is found guilty of the crime of home invasion.

The maximum penalty of '*reclusion temporal*' shall be imposed upon any person or persons who committed the crime of home invasion armed with a deadly weapon, regardless of whether or not said weapon was brought into the residence or dwelling place.

Should on the occasion of the commission of the crime of home invasion, either death or rape result to the resident or any person or persons domiciled in such residence or dwelling place, the penalty of '*reclusion perpetua to death*' shall be imposed on the perpetrators of the crime of home invasion. Should on the occasion of the commission of the crime of home invasion, serious physical injuries result to the resident or any person or persons domiciled in such residence or dwelling place, the penalty of '*reclusion temporal*' shall be imposed on the perpetrators of the crime of home invasion.

Article 3

JUSTIFIABLE USE OF FORCE AS A DETERRENCE TO HOME INVASION

Section 1: *Discharge of Firearms Within the Residence.* The willful discharge of a firearm duly licensed and legally registered firearm by the homeowner or by any member of the household who is a legal resident thereof and while within the premises of their residence shall be considered as legally justified; *provided*, that such discharge of firearm was undertaken in order to deter the commission of a crime or to raise alarm or warning against possible danger;

Section 2: *Presumption of Unlawful Intent.* The unauthorized entry of any person or persons inside the property limits of the legal residence of another, i.e., inside the perimeter walls or boundary lines of the residence but outside of the main edifice, shall be legally construed as having unlawful intent. The legal owner or authorized user of a firearm or any member of the household who is a legal resident thereof shall be lawfully justified when confronting said intruder or intruders with either a drawn firearm or a firearm aimed against said intruders;

Section 3: *Presumption of Unlawful Aggression.* The unauthorized entry of any person or persons inside the main edifice of the legal residence of another shall be legally construed to constitute unlawful aggression. The use of firearms by the legal owner or authorized user thereof or by any member of the household who is a legal resident thereof against such transgressions shall be lawfully construed to constitute reasonable necessity to prevent or repel said unlawful aggression.

Section 4: *Use of Firearms in the Protection and Preservation of the Residence.* The use of firearms by the legal owner or authorized user thereof or by any member of the household who is a legal resident thereof shall be considered as lawfully justified when undertaken to repel any attack against said residence, prevent further damage to, destruction or usurpation of the same or of any property or possession that are kept within the premises of said residence. *Provided*, that there is no sufficient provocation on the part of the resident or the homeowner and that such attacks or actions that will lead to the damage, destruction or usurpation of the property or possession kept within the residence have already been initiated against the same.

Section 5: *Use of Firearms Outside of Residence.* While in the act of defending one's person, family or property against the crime of home invasion or in the act of repelling the same, the legal owner or authorized user of firearms shall be considered as lawfully justified in using said firearms outside the premises of his residence. The pursuit of a person or persons who committed the crime of home invasion immediately after or within a reasonable time after the commission of the crime by the resident with a legally owned firearm outside

the premises of his residence shall be construed as an act integral to the defense of one's person, family or property.

Article 4 MISCELLANEOUS PROVISIONS

Section 1: Separability Clause. If, for any reason any section of this Home Invasion Protection Act, or any portion thereof, or the application of such section, provision or portion to any person, group or circumstances is declared invalid or unconstitutional, the remainder of this Act or the application of such section, portion or provision thereof to other persons, groups or circumstances shall not be affected by such declaration.

Section 2: Repealing Clause. All other laws, decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby amended or repealed.

Section 3: Effectivity Clause. This Home Invasion Protection Act shall take effect fifteen (15) days following its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,