

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH (15TH) CONGRESS
Second (2nd) Regular Session

House Bill No. 6083



Introduced by: Rep. Bernadette Herrera-Dy

EXPLANATORY NOTE

Kidnapping in general continues to be a major security threat in this country. The Philippines's Annual Kidnapping Report for 2010¹ already recognized that kidnap-for-ransom has become a highly profitable business for many organized crime syndicates and terrorist organizations.

In a report published by the AKE Group², the Philippines is ranked fifth in the world for frequency of foreigners kidnapped.

The recent discovery of the *modus operandi* of certain syndicated gangs preying on minors with disabilities is highly deplorable and appalling. News Reports³ have released information stating that a number of female minors with disabilities have been abducted and forced to become sex slaves by the so-called "Kidnap Pipi Gang".

One such victim, a deaf mute, stated that she was abducted, her liberty restrained and coerced to become a sex slave and a beggar for three months. She also stated that her abductors are also keeping as many as eight other children with disabilities in captivity.

The Philippine National Police have stated that the syndicate specifically targets blind, deaf and mute girls by observing their movements near Special Education schools because it is difficult for them to adequately report their ordeal and describe the features of their captors.

¹ PSA Group. Philippines Annual Kidnapping Report – Recapping 2010.

<http://www.psagroup.com/knowledgesales/index.php?option=report&id=RCAA-8NL4TC>

² AKE Group. Kidnap Brief – Q2 2011 Hotspots.

<http://www.akegroup.com/mail2all/preview.php?c=3717&m=0&previewtype=html&a=0&h=642eef21f6887f411dd64fe20bfcdbe>

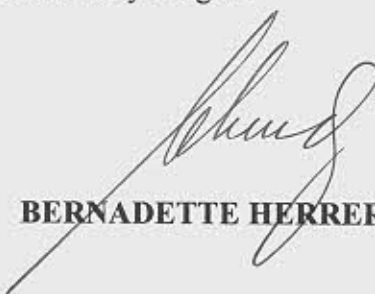
³ See "Another 'Kidnap Pipi Gang' Victim Surfaces", ABS-CBN News, <http://www.abs-cbnnews.com/-depth/03/27/12/another-kidnap-pipi-gang-victim-surfaces>; "Disabled Persons Cry Foul Over Kidnappings", ABS-CBN News, <http://www.abs-cbnnews.com/video/nation/metro-manila/03/27/12/disabled-persons-cry-foul-over-kidnappings>.

A report published by Agora Business Intelligence⁴ theorizes on the psychological mindset of the perpetrators in these cases. They state, "In the minds of criminals the answer is simple: fewer risks and more profits. People with disability that they target will have a hard time communicating with anyone, including authorities, to alert them of their condition."

The same report also warns of possible copycat gangs and syndicates adopting this *modus operandi* considering the ease of commission and amount of profits.

This alarming practice by syndicates and gangs must be brought to an end. It is for this purpose, and for the protection of all persons with disabilities, that the provisions of the Revised Penal Code on Kidnapping provide for stricter penalties for any kidnapping or serious illegal detention of persons with disabilities.

Urgent approval of this bill is earnestly sought.



BERNADETTE HERRERA-DY

⁴ Agora Business Intelligence. "Kidnappers Targeting Mute, Deaf and Blind Girls for Sex Trade". <http://agora.ph/recent.php?id=601>

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**AN ACT TO AMEND ARTICLE TWO HUNDRED AND SIXTY-SEVEN OF
THE REVISED PENAL CODE**

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

**Section 1. Article two hundred and sixty-seven of the Revised Penal Code
is hereby amended to read as follows:**

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

1. If the kidnapping or detention shall have lasted more than three days;
2. If it shall have been committed simulating public authority;
3. If any serious physical injuries shall have been inflicted upon the person kidnapped or detained, or if threats to kill him shall have been made;
4. If the person kidnapped or detained shall be a minor, except when the accused is any of the parents, female, or a public officer.
5. If the person kidnapped or detained is a person with disability.

In cases falling under the fifth category above, disabled persons shall refer to those suffering from restriction or different abilities, as a result of a mental, physical or sensory impairment, to perform an activity in the manner or within the range considered normal for a human being. Impairment shall refer to any loss, diminution or aberration of psychological, physiological, or anatomical structure or function. Disability shall refer to a physical or mental impairment that

substantially limits one or more psychological, physiological or anatomical function of an individual or activities of such individual.

Where the kidnapping or detention was committed for the purpose of extorting ransom from the victim or any other person, even if none of the circumstances above mentioned were present in the commission of the offense, the penalty shall be *reclusion perpetua*, and no mitigating, justifying, alternative, or exempting circumstance may be raised as a defense.

When the victim is killed or dies as a consequence of the detention, or is raped or is subjected to torture or dehumanizing acts, the penalty shall likewise be *reclusion perpetua*, and no mitigating, justifying, alternative, or exempting circumstance may be raised as a defense.”

Section 2. Separability Clause.— In the event that any provision of this Act is declared unconstitutional, invalid, or illegal, the constitutionality, validity, or legality of the remainder of the provisions of this Act shall not be affected thereby.

Section 3. Repealing Clause. All laws, presidential decrees, letters of instructions, executive orders, administrative orders, rules, regulations, and other issuances or parts thereof which are contrary to or inconsistent with the provisions of this Act are hereby revoked, repealed or modified accordingly.

Section 4. Effectivity. This Act shall take effect fifteen (15) days following the completion of its publication in any two (2) national newspapers of general circulation.

Approved,