

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3642



Introduced by Hon. Giorgidi B. Aggabao

EXPLANATORY NOTE

It is a universally accepted rule of international law that the courts of one state or country will not execute the penal or criminal laws of another state or country, for such laws are deemed to be strictly local. A local statute has no extra-territorial operation, and a party cannot be indicted in the Philippines, for instance, for wrongdoings he may have committed in Hongkong, Singapore, or Saudi Arabia.

The nationality or citizenship of the wrongdoer is immaterial. He is subject in all respects to the laws of the country within which the crime is committed and as that law existed at the time.

Except when restricted by the Constitution and international conventions, the legislature, however, may enact laws providing that any offense may be prosecuted in the first instance in the country although the offense may have been committed elsewhere. Thus, Section 2 of the Revised Penal Code (Act No. 3815, as amended) provides for five (5) instances where Philippine penal laws may be enforced even outside the jurisdiction of the country against those who:

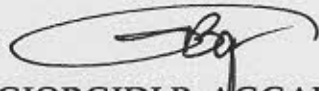
- (a) Should commit an offense while on a Philippine ship or airship;
- (b) Should forge or counterfeit any coin or currency note of the Philippine Islands or obligations and securities issued by the Government of the Philippine Islands;
- (c) Should be liable for acts connected with the introduction into these islands of the obligations and securities in the preceding number;

- (d) While being public officers or employees, should commit an offense in the exercise of their functions, or
- (e) Should commit any of the crimes against national security and the law of nations, defined in Title One of Book Two of this Code.

There are at least eight million Filipinos presently working abroad. Many of them have been victims of crimes but, owing to the inherent difficulty of prosecuting these crimes under unfamiliar laws, they opt simply to suffer in silence.

To provide additional protections to them, it is proposed that an additional exception to Section 2 above-described, be added. As proposed under this bill, in case a foreign national commits an act against an overseas Filipino worker, which acts constitutes an offense under the Revised Penal Code or any other criminal statutes of the country, the offender may be prosecuted in Philippine Courts and arrested when present in Philippine territory. The assets of the wrongdoer, located in the Philippines, may also be reached to satisfy any judgement.

Considering the importance of this bill, it is urged that its immediate passage be effected.


GIORGIDI B. AGGABAO

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

3642

HOUSE BILL NO. _____

Introduced by Hon. Giorgidi B. Aggabao

AN ACT
AMENDING SECTION 2 OF THE REVISED PENAL CODE
(ACT NO. 3815 AS AMENDED) EXPANDING THE CRIMINAL JURISDICTION
OF THE PHILIPPINE COURTS TO OFFENSES COMMITTED AGAINST
OVERSEAS FILIPINO WORKERS (OFW)

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

Section 1. The provisions of Article 2 of the Act, is hereby amended to read as follows;

"Section 2. Application of its provisions. - Except as provided in the treaties and laws of preferential application, the provisions of this Code shall be enforced not only within the Philippine Archipelago, including its atmosphere, its interior waters and maritime zone, but also outside of its jurisdiction, against those who:

1. Should commit an offense while on a Philippine ship or airship;
2. Should forge or counterfeit any coin or currency note of the Philippine Islands or obligations and securities issued by the Government of the Philippine Islands;
3. Should be liable for acts connected with the introduction into these islands of the obligations and securities mentioned in the preceding number;
4. While being public officers and employees, should commit an offense in the exercise of their functions; or
5. Should commit any of the crimes against national security and the law of nations, defined in Title One of Book Two of this Code;

"6. SHOULD COMMIT AN ACT AGAINST AN OVERSEAS FILIPINO WORKER IN HIS STATE OF EMPLOYMENT OR ANYWHERE ELSE OUTSIDE THE PHILIPPINES, PROVIDED THE ACT CONSTITUTES AN OFFENSE UNDER THE REVISED PENAL CODE OR OTHER LAWS. THE LEGAL PROCESS AFFECTING THE OFFENDER MAY REACH INTO HIS ASSETS WITHIN THE PHILIPPINE TERRITORY. "

SECTION 3. DEFINITION OF OVERSEAS FILIPINO WORKER.- AN OVERSEAS FILIPINO WORKER AS DEFINED IN THIS ACT REFERS TO A FILIPINO CITIZEN WHO IS EMPLOYED IN WORK OUTSIDE THE PHILIPPINES.

Section 4. Repealing Clause. - All laws or parts thereof, which are inconsistent with the provisions of this law are hereby repealed or modified accordingly.

Section 5. Effectivity. - This law shall take effect fifteen (15) day after its publication in at least two national newspapers of general publication.