

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 3771



Introduced by **Hon. Joseph Gilbert F. Violago**

EXPLANATORY NOTE

The prime duty of any government is to serve and protect the people.

According to American constitutional experts, "the right to protection was not merely a matter of constitutional theory, but a doctrine with concrete legal meaning. In the common law tradition, the protection of the law implied both the recognition of fundamental rights by law, and the enforcement of such rights by government."

It includes not just the government's duty to protect individuals against violence, as this duty was understood to include "not only the enforcement of civil and criminal law with respect to injuries already committed, but also the responsibility to prevent violence before it occurred." As they described it, it is a most fundamental obligation the government owed to its citizens.

Although it is admitted that there may be other fundamental duties of the government, the assertion and recognition of the classical thinkers in affirming that every member of society has the right to be protected in the enjoyment of life, liberty and property has never lost its strength and universal acclaim.

Locke's theory of social contract is relevant: "The end of government is to direct the force of all the subjects of the commonwealth" for the purpose of "preserving the members of the commonwealth in peace from injury and violence," and as government is established for this purpose, it is "obliged" to secure every individual's life, liberty, and property."

Verily, it included the prevention of violence, as well as the arrest, prosecution, and punishment of offenders, because in the legal tradition, the enactment and enforcement of criminal laws was recognized as one of the principal means of assuring the security of person and property.

This principle is well-recognized and well-entrenched in our system of constitutional democracy and in our adherence to republican ideals. It is even said that this is a central doctrine in our Constitution and of our laws.

This proposed bill is in accordance with this solemn duty.

It declares robbery as a heinous crime when committed in banks, banking and finance institutions, loan and credit facilities, and it imposes the penalty of reclusion

perpetua to death.

It also extends the same application of robbery committed against pawnshops.

But....why include pawnshops?

A pawnshop is defined as a store which offers loans in exchange for personal property as equivalent collateral. If the loan is repaid in the contractually agreed time frame, the collateral may be repurchased at its initial price plus interest. If the loan cannot be repaid on time, the collateral may be liquidated by the pawn shop through a pawnbroker or second-hand dealer through sales to customers.

Through the years, pawnshops have played a vital developmental role---a ready and quick access of Juan dela Cruz to credit with affordable transaction costs and easy requirement of collaterals and a most reliable last resort and dependable alternative for instant money during times of financial emergency to attend to some very compelling urgencies.

In the Philippines, pawnshops are widely-known as providers of an additional source of credit especially for small borrowers left unserved by the banking and other financial institutions in the country. They also offer various services such as but not limited to money remittances, bills payment, collections, and e-loading services.

Despite the important contributions of pawnshops to the local economy and most importantly, for the benefit of the citizenry, notably those in the lower strata of society, government has not rewarded them with adequate incentives for them to generate more than ample profits to expand capital as easily attained by banks and other financial institutions.

Further, they are tightly regulated by the Central Bank squeezing further their limited room to generate profits. Still, they have remained content in continuing their business and trade and readily available services, as they have always thrived and flourished even amidst tough economic recessions.

The pawnshops' number one nemesis, however, which had always hurt their operations are the robberies staged by lawless elements of society. Millions and millions are lost every year by pawnshops due to these criminal incidents. The fire and burglar-proof steel safe to keep pawns and records have not deterred armed robbers as they easily overpower the often solitary guard of the pawnshop establishment and order at gunpoint the pawnshop's personnels to open their secure vaults.

Needless to stress, its effects are readily felt by these pawnshops as these lead serious monetary losses resulting either to a temporary cessation of business operations or bankruptcy and worse, to an irreversible and unrecoverable financial loss that effectively pins the owner till he or she is out of business.

An example of this daring robbery by men armed with M-16s on two pawnshops in Cebu City a few years ago carting away more than P13 million worth of jewelry which was just one of the series of hold-ups and robberies in pawnshops within Metro Cebu impelled the Mandaue City Council to urge pawnshops through a resolution to

install closed-circuit television systems (security cameras) and other alarm systems.

In Ilocos Sur, the police had also expressed alarm on the prevalence of robberies in convenience stores and pawnshops that resulted to bankruptcy of some of them. In Marikina, more than a hundred pawnshops operating in the area were ordered through a city ordinance to install CCTVs and alarm devices to curb criminality.

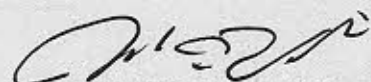
These aforementioned measures are laudable as they lend support to law enforcement operatives in effectively identifying and apprehending the robbery suspects who are often members of armed notorious criminal syndicates.

But, these are never enough, and even when we consider employing a greater police visibility in commercial districts and other busy streets of our towns and cities, there remains an equally crucial, if not an indispensable, recourse to be swiftly taken.

It is in this light that this bill is being proposed----to give further teeth in deterring these armed robberies and in furtherance of an avowed state policy "to foster and ensure not only obedience to its authority, but also to adopt such measures as would effectively promote the maintenance of peace and order, the protection of life, liberty and property, and the promotion of the general welfare which are essential for the enjoyment by all the people of the blessings of democracy in a just and humane society."

With the inclusion of robbery of this nature in the list of heinous crimes and consequently, with a graver penalty, its commission could verily be effectively curbed, if not significantly minimized.

Support and approval for this proposed legislation are hereby earnestly sought.



JOSEPH F. VIOLAGO

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. **3771**

Introduced by **Hon. Joseph Gilbert F. Violago**

AN ACT

DECLARING ROBBERY IN BANKS, GOVERNMENT FINANCING INSTITUTIONS, PAWNSHOPS AND OTHER ENTITIES OR FACILITIES OFFERING LOANS OR CREDIT AND OTHER FINANCE-RELATED SERVICES A HEINOUS CRIME, AMENDING FOR THE PURPOSE THE REVISED PENAL CODE OF THE PHILIPPINES, AS AMENDED, AND FOR OTHER PURPOSES

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

SECTION 1. A new section of Act No. 3815, also known as The Revised Penal Code of the Philippines, as amended, and in relation to Republic No. 7659 (AN ACT TO IMPOSE THE DEATH PENALTY ON CERTAIN HEIOUS CRIMES, AMENDING FOR THAT PURPOSE THE REVISED PENAL LAWS, AS AMENDED, OTHER SPECIAL PENAL LAWS, AND FOR OTHER PURPOSES), is hereby added to read as follows:

Article 295. Robbery with violence against or intimidation of persons; Penalties.--
Any person guilty of robbery with the use of violence against or intimidation of any person shall suffer:

1. The penalty of reclusion perpetua to death, when by reason or on occasion of the robbery, the crime of homicide shall have been committed.

THE SAME PENALTY SHALL BE IMPOSED ON ANY PERSON GUILTY OF ROBBERY OF BANKS, GOVERNMENT FINANCING INSTITUTIONS, PAWNSHOPS AND OTHER ENTITIES OR FACILITIES OFFERING LOANS OR CREDIT AND OTHER FINANCE-RELATED SERVICES, NOW HEREIN DECLARED A HEINOUS CRIME, REGARDLESS OF THE VALUE OF THE PROPERTY TAKEN AND THE MANNER OF COMMITTING THE CRIME WHETHER IT WAS COMMITTED WITH VIOLENCE AGAINST OR INTIMIDATION OF PERSONS OR BY THE USE OF FORCE UPON THINGS.

IF THE ROBBERY IS COMMITTED BY A BAND OR BY AN ARMED SYNDICATE, WHEN BY REASON OR ON OCCASION OF THE ROBBERY, THE CRIME OF ARSON, RAPE OR MUTILATION IS COMMITTED, THE MAXIMUM PENALTY SHALL BE CARRIED OUT, SUBJECT TO THE CURRENT LAW ON THE IMPOSITION OF THE DEATH PENALTY. IF THE SAME IS COMMITTED BY ANY STAFF OR EMPLOYEE OF THE BANK, GOVERNMENT FINANCING INSTITUTION, PAWNSHOP OR THE ENTITY

OR FACILITY OFFERING LOANS OR CREDIT AND OTHER FINANCE-RELATED SERVICES, OR BY ANY MEMBER OF THE ARMED FORCES OF THE PHILIPPINES, PHILIPPINE NATIONAL POLICE OR ANY MEMBER OF THE COUNTRY'S LAW ENFORCEMENT AGENCIES, THE SAME PENALTY SHALL BE IMPOSED. IN ALL THESE CASES, BAIL SHALL BE DENIED.

SEC. 2. If any provision of this Act or parts hereof is declared to be unconstitutional, the remaining provisions not affected thereby shall continue to be in full force and effect.

SEC. 3. All laws, decrees, orders and issuances inconsistent with this Act are hereby repealed or amended accordingly.

SEC. 4. This Act shall take effect fifteen (15) days following its publication in two (2) newspapers of general circulation.

Approved.