

SEVENTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES
H. No. 4993



Introduced by Representative H. Harry L. Roque Jr.

EXPLANATORY NOTE

No person shall be deprived of life, liberty, or property without due process of law. The Bill of Rights upholds the fundamental rights of all citizens. They are especially significant in the face of abuses committed in the name of police power, a fundamental power of the State.

On October 18, 2016, Jee Ick-joo, a Korean national, was allegedly taken from his residence by a group of policemen. The abductors initially demanded a P5-million ransom, but refused to release Jee if his wife did not release another P4.5 million. While the criminals continued to extort money from Jee's wife, unknown to her, Jee was already killed, and his body cremated. Reports reveal that the owner of the crematorium was a former policeman himself. This terrible phenomenon known as "tokhang for ransom" is but one of the ways by which erring police continues to threaten the safety and security of the Filipino people.

"Tokhang" has already been criticized for being incompatible with the due process clause and international human rights law. The purpose of this bill is to strengthen efforts against the evils associated with these operations by prohibiting "tokhang for ransom" and increasing the penalty of police officers who abuse this State program. The passage of this bill is earnestly sought.

H. HARRY L. ROQUE JR.

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AN ACT
PUNISHING POLICE OFFICERS WHO COMMIT ROBBERY
IN RELATION TO POLICE OPERATIONS

SECTION 1. *Short title* – This act shall be known as the “Anti-Tokhang Act.”

SECTION 2. *Tokhang*– Any police officer who commits an act of Robbery under Article 294 (Robbery with violence against or intimidation of persons) of the Revised Penal Code in the course of their official functions including, but not limited to, anti-drug operations, or not, shall suffer the penalty of forty (40) years of imprisonment, without the benefit of parole as provided for under Act No. 4103, otherwise known as the Indeterminate Sentence Law. Police officers who blackmail subjects of police operations or detain them for the purpose of extorting ransom from them or other persons shall also suffer the aforementioned penalty.

SECTION 3. *Separability Clause*. - If any provision is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 4. *Repealing Clause*. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule, or regulation contrary

to or inconsistent with the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION 5 *Effectivity Clause*. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,