

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **5429**



Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

EXPLANATORY NOTE

In 1973, the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons including Diplomatic Agents was adopted by the UN General Assembly. It came into force on 20 February 1977 and was acceded to by the Philippines on 26 November 1976.

The convention aims to provide protection by punishing those who would commit acts of terrorism against heads of state, heads of government, ministers of foreign affairs, representatives of states, and officials of international organizations. The convention extends this protection to members of their families who accompany them in their official functions abroad. It shall also punish attacks upon the official premises, private accommodations, or means of transportation of a protected person.

Though the Philippines had already acceded to the convention, there is still a need for us to adopt similar measures. We must recognize the need to enact such measure as jeopardizing the safety of these persons may threaten our normal relations with other States.

This proposed measure therefore defines internationally protected persons and criminalizes attacks on them or on their liberty, as well as attacks on their residence, and even their vehicles.

In view of the foregoing, immediate approval of this measure is earnestly sought.


GARY C. ALEJANO

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AN ACT
TO GIVE EFFECT TO THE CONVENTION ON THE PREVENTION AND
PUNISHMENT OF CRIMES AGAINST INTERNATIONALLY PROTECTED
PERSONS AND FOR OTHER PURPOSES

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

1 **SECTION 1. *Short Title.*** - This Act shall be known as the “*Internationally Protected*
2 *Persons Act of 2017*”.

3
4 **SEC. 2. *Declaration of Policy.*** - The Philippines renounces war as an instrument of
5 national policy, adopts the generally accepted principles of international law as part of the
6 law of the land, and adheres to a policy of peace, equality, justice, freedom, cooperation, and
7 amity with all nations.

8
9 **SEC. 3. *Definition of Terms.***- As used in this Act, the following terms shall mean:

10 A. Convention means the Convention on the Prevention and Punishment of Crimes
11 Against Internationally Protected Persons including Diplomatic Agents adopted by
12 the General Assembly of the United Nations on 14 December 1973.

13 B. Convention Country means a foreign country that is a party to the Convention.

14 C. Country includes a State or territory, as the case may be.

15 D. Internationally Protected Persons shall mean:

- 16 1) A Head of State, including a member of a collegial body that performs the
17 functions of a Head of State under the Constitution of the State concerned, a
18 head of a government or a minister responsible for foreign affairs, whenever
19 he is outside the State which he holds that position or office;

- 2) A member of the family of a person referred to in paragraph (a) who is accompanying the person in an official business;
- 3) A representative or an official of a State or an official or agent of an international organization of an intergovernmental character who, at the time and place of the alleged offense, is entitled under international law to special protection from any attack on his person, freedom or dignity; or
- 4) A member of the family of a person referred to in paragraph (c) who forms part of the person's household.

E. Offense against an internationally protected person means:

- 1) An offense under section 4, 5 or 6; or
- 2) An abetment of, or a conspiracy or attempt to commit, an offense under section 4 or 5.

F. Relevant premises means premises at which an internationally protected person resides or is staying or which he uses for the purpose of carrying out his functions as such person.

G. Vehicle includes any means of conveyance. The Foreign Affairs Secretary may issue a written certificate stating any matter relevant to the question whether a person is, or was, at any time, or in respect of any period, an internationally protected person, and such certificate is admissible in any proceedings as prima facie evidence of the matters stated in the certificate.

SEC. 4. Offenses Against Persons.-

A. Shall be committed by any person who commits outside the Philippines any act –

- 1) To or in relation to a person whom he knows to be an internationally protected person; and
- 2) Which, if committed in the Philippines, would have constituted an offense specified below:

Article 248 of the Revised Penal Code (Murder)	Article 266 of the Revised Penal Code (Slight Physical Maltreatment)
Article 249 of the Revised Penal Code (Homicide)	Article 266-A of the Revised Penal Code (Rape, Committed)

Article 262 of the Revised Penal Code (Mutilation)	Article 267 of the Revised Penal Code (Kidnapping Detention)
Article 263 of the Revised Penal Code (Serious Physical Injuries)	Article 268 of the Revised Penal Code (Slight Illegal Detention)
Article 265 of the Revised Penal Code (Less Serious Physical Injuries)	Article 270 of the Revised Penal Code (Kidnapping and Failure to Return a Minor)

- shall be guilty of the abovementioned offense and shall be liable on conviction to the same punishment to which he would have been liable had he/she been convicted of that offense.

B. That person may be dealt with as if the offense had been committed in the Philippines.

SEC. 5. Offenses against premises or vehicles.-

A. Any person who commits outside the Philippines any act –

1) to or in relation to the-

i. premises which he knows to be relevant premises; or

ii. vehicle which he knows is used by an internationally protected person;

2) which is likely to endanger the person or liberty of the internationally protected person; and

3) which, if committed in the Philippines, would have constituted an offense specified below:

Article 280 of the Revised Penal Code (<i>Qualified Trespass to Dwelling</i>)	Article 324 of the Revised Penal Code (<i>Crimes Involving Destruction</i>)
Article 281 of the Revised Penal Code (<i>Other Forms of Trespass</i>)	Article 327 of the Revised Penal Code (<i>Who are Liable for Malicious Mischief</i>)

Article 320 of the Revised Penal Code (<i>Destructive Arson</i>)	Article 328 of the Revised Penal Code (<i>Special Cases of Malicious Mischief</i>)
Article 321 of the Revised Penal Code (<i>Other Forms of Arson</i>)	Article 329 of the Revised Penal Code (<i>Other Mischiefs</i>)

shall be guilty of the abovementioned offense and shall be liable on conviction to the same punishment to which he would have been liable had he/she been convicted of that offense.

B. That person may be dealt with as if the offense had been committed in the Philippines.

SEC. 6. Making threats.-

A. Any person who, in or outside of the Philippines, threatens to commit an act which is-

1) An offense specified under Section 5 or in relation to a person whom he/she knows to be an internationally protected person; or

2) An offense specified under Section 5 to or in relation to –

i. Premises which he knows to be relevant premises; or

ii. A vehicle which he knows is used by an internationally protected person, and which, if committed, is likely to endanger the person or liberty of the internationally protected person, shall be guilty of an offense under this Act and shall be liable on conviction to a fine or to imprisonment for a term not exceeding –

a. Seven (7) years; or

b. The term of imprisonment to which a person would be liable for the offense constituted by committing the act threatened at the time of the offense to which the conviction relates, whichever is lesser, or to both fine and imprisonment.

B. Where no term of imprisonment is prescribed for the offense under subsection (1)(B), the person shall be liable on conviction to a fine or to imprisonment for a term not exceeding seven (7) years, or to both fine and imprisonment.

C. If the offense is committed outside the Philippines, that person may be dealt with as if the offense had been committed in the Philippines.

1 **SEC. 7. *Attempt, abetment, and conspiracy punishable as offenses.*** - Any person
2 who, outside the Philippines, commits an act which, if committed in the Philippines, would
3 constitute an abetment of or a conspiracy or an attempt to commit:

4 A. An offense specified under Section 4, where the offense is or is to be committed to or
5 in relation to a whom he knows to be an internationally protected person; or

6 B. An offense specified under Section 5, where the offense is or is to be committed to or
7 in relation to:

8 1) Premises which he knows to be relevant premises; or

9 2) A vehicle which he knows is used by an internationally protected person, and,
10 if committed, is likely to endanger the person or liberty of the internationally
11 protected person, is deemed to commit the act in the Philippines and may be
12 dealt with accordingly.

13
14 **SEC. 8. *Presumption of knowledge.***-

15 A. Where, in any proceedings for an offense under Section 4, it is proved that the
16 accused had committed the act referred to, in that section, or in relation to an
17 internationally protected person, it shall be presumed, unless the contrary is proved
18 that the accused knew that the person in question was an internationally protected
19 person.

20 B. Where, in any proceedings for an offense under Section 5, it is proved that the
21 accused had committed the act referred to, in that section, or in relation to relevant
22 premises or a vehicle used by an internationally protected person, it shall be presumed
23 unless the contrary is proved, that the accused knew that the premises in question
24 were relevant premises or the vehicle in question was a vehicle used by an
25 internationally protected person.

26 C. Where, in any proceedings for an offense under Section 6, it is proved that the
27 accused had made a threat to commit an act referred to in that section to or in relation
28 to an internationally protected person, relevant premises or a vehicle used by an
29 internationally protected person (as the case may be), it shall be presumed, unless the
30 contrary is proved, that the accused knew that the person in question was an
31 internationally protected person, the premises in question were relevant premises or
32 the vehicle in question was a vehicle used by an internationally protected person.

33 D. Where, in any proceedings for an offense under Section 7, it is proved that-

- 1) The accused had committed an act which, if committed in the Philippines, would constitute an abetment of or a conspiracy or an attempt to commit an offense referred to in that section; and
- 2) The offense is or is to be committed to or in relation to an internationally protected person, relevant premises or a vehicle used by an internationally protected person (as the case may be), it shall be presumed, unless the contrary is proved, that the accused knew that the person in question was an internationally protected person, the premises in question were relevant premises or the vehicle in question was a vehicle used by an internationally protected person.

SEC. 9. Information relating to offense.-

- A. Every person in the Philippines who has information which he knows or believes may be of material assistance-
 - 1) In preventing the commission by another person of a relevant offense; or
 - 2) In securing the apprehension, prosecution or conviction of another person, in the Philippines, for an offense involving the commission, preparation or instigation of a relevant offense, and who fails to disclose the information immediately to a police officer shall be guilty of an offense and shall be liable on conviction to a fine not exceeding P50,000 or to imprisonment for a term not exceeding five (5) years or to both.
- B. No criminal or civil proceedings shall lie against a person for any disclosure made in good faith under this section.
- C. A person who makes a disclosure in good faith under this section shall not be treated as being in breach of any restriction upon the disclosure of information imposed by law, contract or rules of professional conduct.
- D. In this section, "relevant offense" means-
 - 1) An offense specified under Section 4 committed to or in relation to an internationally protected person;
 - 2) An offense specified under Section 5 committed to or in relation to relevant premises or a vehicle used by an internationally protected person; or
 - 3) An abetment of or a conspiracy or an attempt to commit an offense under paragraph (a), (b) or (c).

1 **SEC. 10. *Mutual assistance among States.*** - Mutual assistance may be provided by
2 the Philippines to a Convention country for a criminal matter involving an offense in that
3 country that corresponds to an offense against an internationally protected person.
4

5 Likewise, the Philippines may also request for such assistance from another country
6 for criminal matters involving certain offenses in relation to an internationally protected
7 person, his official premises or place of residence or a vehicle used by him.
8

9 **SEC. 11. *Extradition.*** - Offenses against an internationally protected person shall be
10 deemed extraditable acts.
11

12 Also, offenses of a declared Commonwealth country that corresponds to offenses
13 against an internationally protected person are extradition crimes in relation to that country.

14 **SEC. 12. *Separability Clause.***- If any provision or part thereof is held invalid
15 or unconstitutional, the remainder of the law or the provision not otherwise affected shall
16 remain valid and subsisting.
17

18 **SEC. 13. *Repealing Clause.*** - Any law, presidential decree or issuance, executive
19 order, letter of instruction, administrative order, rule or regulation .contrary to, or inconsistent
20 with the provisions of this Act is hereby repealed, modified or amended accordingly.
21

22 **SEC. 14. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its
23 publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,