

HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Third Regular Session

House Bill No. **10358**



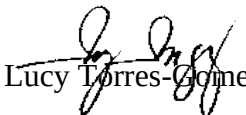
Introduced by

Representative Lucy Torres-Gomez

EXPLANATORY NOTE

Kidnapping is a heinous crime that continues to be committed, despite penalties as intense as life imprisonment to death. This bill seeks to further expand the penalty of kidnapping by decreasing the number of detention days from more than five (5) to more than three (3), for the event to be considered a kidnapping or serious illegal detention, even if none of the other conditions in Article 267 of the Revised Penal Code are present.

Moreover, this bill identifies and penalizes Hoax Kidnapping—a willfully-orchestrated detention for the purpose of demanding ransom, as a separate crime all together. Despite the fact that no real detention may occur, the deception and illusion of an authentic kidnapping still exacts mental, emotional, and financial damages on concerned persons. This bill seeks a penalty of prison correccional or a fine of P100,000 to P1,000,000 or both, depending on the court's discretion.


Lucy Torres-Gomez

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**AN ACT EXTENDING THE COVERAGE OF THE LAW IN KIDNAPPING AND
PENALIZING HOAX KIDNAPPING AMENDING FOR THE PURPOSE ARTICLE 267
OF THE REVISED PENAL CODE AS AMENDED BY REPUBLIC ACT 18 AND
FURTHER AMENDED BY REPUBLIC ACT 6127 AND FOR OTHER PURPOSES**

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

SECTION 1. Article 267 of the Revised Penal Code, as amended, is hereby amended to read as follows:

“Art. 267-A. 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 to death:

“1. If the kidnapping or detention shall have lasted three days or more.

“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 or her shall have been made.

“4. If the person kidnapped or detained shall be a minor, female or a public officer.

“The penalty shall be death 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.”

“Art. 267-B. Hoax Kidnapping and Hoax Illegal Detention.—When the kidnapping is willfully orchestrated by the victim and that of his family or both in conspiracy with the perpetrators, to obtain money or any kind as a ransom, shall suffer the penalty of prison correccional or fine of not less than One Hundred Thousand Pesos (P100,000.00) but not more than One Million Pesos (P1,000,000.00) or both at the discretion of the court, in favor of the government.”

SEC. 2. *Separability Clause.* – If, for any reason, any provision of this Act is declared to be unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 3. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations, and other issuances or parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SEC. 4. *Effectivity Clause.* – The Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved,