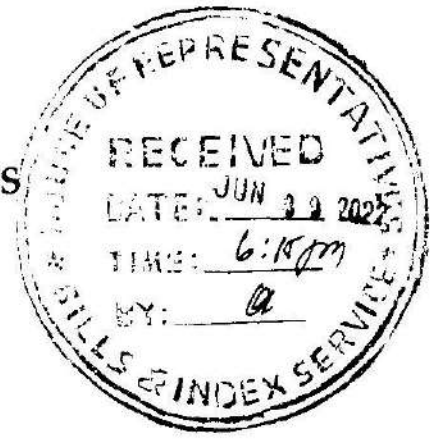


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
1st Regular Session

House Bill No. 501



Introduced by Representatives EDVIC G. YAP, ERIC G. YAP, PAOLO Z. DUTERTE, and JEFFREY SORIANO

EXPLANATORY NOTE

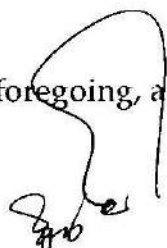
Paragraph 1, Section 19 of the Bill of Rights provides that the Congress may re-impose death penalty due to compelling reasons, particularly heinous crimes. At present, criminals become more outrageous in committing crimes blatantly, knowing that they could easily get away with such illegal actions. The authorities have been receiving numerous unfathomable reports of barbaric and inhumane acts wherein the vulnerable gets victimized and abused.

Our criminal justice system must assure that our penal laws are dissuasive, both on its imposition and implementation. While it can be argued that one's death will never commensurate his/her crimes, the fear of death as punishment serves as deterrence hindering potential criminals to commit such crime. This is for the fact that such initiative must be coupled with consistent, persistent, and determined enforcement.

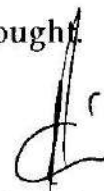
The state has the duty to prioritize the welfare and safety of the Filipinos, who in this case, are put into danger with their co-existence with monstrous criminals. Let those who will be rightfully convicted serve as an example to those who plan to be unlawful deviants in this society. Now, more than ever, is the time to restore the death penalty in the country because we must not be too complacent with these criminals at the expense of the safety of the whole nation.

As the subject of both repeal and amendment, the re-imposition of death penalty to combat heinous crimes serves as an effective dispensation of both reformative and retributive justice.

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



EDVIC G. YAP



PAOLO Z. DUTERTE



ERIC G. YAP



JEFFREY SORIANO

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
1st Regular Session

House Bill No. **501**

Introduced by Representatives ERIC G. YAP, PAOLO Z. DUTERTE,
EDVIC G. YAP, JOCELYN P. TULFO, JEFFREY SORIANO, and RALPH TULFO

AN ACT
IMPOSING THE DEATH PENALTY ON CERTAIN HEINOUS CRIMES,
REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 9346, ENTITLED "AN
ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE
PHILIPPINES" AND AMENDING ACT NO. 3815, AS AMENDED, OTHERWISE
KNOWN AS THE "REVISED PENAL CODE," AND OTHER SPECIAL PENAL
LAWS

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

SECTION 1. *Short Title.* – This Act shall be known as the "*Death Penalty Law.*"

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to foster peace and order, ensure obedience to its authority, protect life, liberty and property, and promote general welfare which are essential for the enjoyment by all the people of the blessings of democracy in a just and humane society.

Towards this end, in the interest of justice, public order and rule of law, and the need to rationalize and harmonize the penal sanctions, the Congress, finds compelling reasons to impose the death penalty for heinous crimes.

SEC. 3. *Imposition of Death Penalty; Heinous Crimes Defined.* – The death penalty is hereby imposed on heinous crimes defined under this Act as heinous for being grievous, odious and hateful offenses, which by reason of their inherent or manifest wickedness, viciousness, atrocity and perversity are repugnant and outrageous to the common standards and norms of decency and morality in a just, civilized and ordered society.

Accordingly, Act No. 3815, as amended, otherwise known as the "Revised Penal Code", and other special penal laws, are hereby amended for the purpose of imposing the death penalty on heinous crimes enumerated under this Act.

SEC. 4. Article 114 of the Revised Penal Code, as amended, is hereby amended to read as follows:

“ART. 114. *Treason*. – Any Filipino citizen who levies war against the Philippines or adheres to her enemies giving them aid or comfort within the Philippines or elsewhere, shall be punished by *reclusion perpetua* **TO DEATH** and shall pay a fine not to exceed 100,000 pesos.”

No person shall be convicted of treason unless on the testimony of two witnesses at least to the same overt act or on confession of the accused in open court.

Likewise, an alien, residing in the Philippines, who commits acts of treason as defined in paragraph 1 of this Article shall be punished by *reclusion temporal* to [*reclusion perpetua*] **DEATH** and shall pay a fine not to exceed 100,000 pesos.”

SEC. 5. Article 123 of the Revised Penal Code, as amended, is hereby further amended to read as follows:

“ART. 123. *Qualified piracy*. – The penalty of *reclusion perpetua* **TO DEATH** shall be imposed upon those who commit any of the crimes referred to in the preceding article, under any of the following circumstances:

1. Whenever they have seized a vessel by boarding or firing upon the same;
2. Whenever the pirates have abandoned their victims without means of saving themselves or;
3. Whenever the crime is accompanied by murder, homicide, physical injuries or rape.”

SEC. 6. Article 211-A of the Revised Penal Code, as amended, is hereby amended to read as follows:

“ART. 211-A. *Qualified Bribery*. – If any public officer is entrusted with law enforcement and he refrains from arresting or prosecuting an offender who has committed a crime punishable by *reclusion perpetua* and/or death consideration of any offer, promise, gift or present, he shall suffer the penalty for the offense which was not prosecuted.

If it is the public officer who asks or demands such gift or present, he shall suffer the penalty of [*reclusion perpetua*] **DEATH**.”

SEC. 7. Article 246 of the Revised Penal Code, as amended, is hereby amended to read as follows:

“ART. 246. *Parricide*. – Any person who shall kill his father, mother, or child, whether legitimate if illegitimate, or any of his ascendants, or

descendants, or his spouse, shall be guilty of parricide and shall be punished by the penalty of *reclusion perpetua* TO DEATH."

SEC. 8. Article 248 of the Revised Penal Code, as amended, is hereby further amended to read as follows:

"ART. 248. *Murder.* – Any person who, not falling within the provisions of Article 246 shall kill another, shall be guilty of murder and shall be punished by *reclusion perpetua*, TO DEATH if committed with any of the following attendant circumstances:

1. With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense or of means or persons to insure or afford impunity;
2. In consideration of a price, reward or promise;
3. By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assault upon a railroad, fall of an airship, or by means of motor vehicles, or the use of any other means involving great waste and ruin;
4. On occasion of any of the calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano destructive cyclone, epidemic or other public calamity;
5. With evident premeditation;
6. With cruelty, by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at his person or corpse.

PROVIDED, THAT FOR PARAGRAPHS 1, 3 AND 5, THE PENALTY SHALL BE RECLUSION PERPETUA."

SEC. 9. Article 255 of the Revised Penal Code, as amended, is hereby amended to read as follows:

"ART. 255. *Infanticide.* – The penalty provided for parricide in Article 246 and for murder in Article 248 shall be imposed upon any person who shall kill any child less than three days of age.

If any crime penalized in this Article be committed by the mother of the child for the purpose of concealing her dishonor, she shall suffer the penalty of *prison mayor* in its medium and maximum periods, and if said crime be committed for the same purpose by the maternal grandparents or either of them, the penalty shall be *reclusion temporal*."

SEC. 10. Article 266-A and 266-B of the Revised Penal Code, as amended, is hereby amended to read as follows:

"ART. 266-A. *Rape: When and How Committed.* – Rape is committed:

1. By a man who shall have carnal knowledge of a woman under any of the following circumstances:
 - a) Through force, threat, or intimidation;
 - b) When the offended party is deprived of reason or otherwise unconscious;
 - c) By means of fraudulent machination or grave abuse of authority; and
 - d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.
2. By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.

ART. 266-B. *Penalty.* – Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be *reclusion perpetua* **TO DEATH**.

When by reason or on the occasion of the rape, the victim has become insane, the penalty shall be *reclusion perpetua* **TO DEATH**.

When by rape is attempted and a homicide is committed by reason or on the occasion thereof, the penalty shall be *reclusion perpetua* **TO DEATH**.

When by reason or on the occasion of the rape, homicide is committed, the penalty shall be [*reclusion perpetua*] **DEATH**.

The **DEATH** penalty [*of reclusion perpetua*] shall also be imposed if the crime of rape is committed with any of the following aggravating/ qualifying circumstances:

1. When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim;
2. When the victim is under the custody of the police or military authorities or any law enforcement or penal institution;
3. When the rape is committed in full view of the spouse, parent, any of the children or other relatives within the third civil degree of consanguinity;
4. When the victim is a religious engaged in legitimate religious vacation or calling and is personally known to be such by the offender before or at the time of the commission of the crime;
5. When the victim is a child below seven (7) years old;
6. When the offender knows that he is afflicted with the Human Immuno-Deficiency Virus (HIV)/ Acquired Immune Deficiency Syndrome

- (AIDS) or any other sexually transmissible disease and the virus or disease is transmitted to the victim;
7. When committed by any member of the Armed Forces of the Philippines or para-military units thereof or the Philippine National Police or any law enforcement agency or penal institution, when the offender took advantage of his position to facilitate the commission of the crime;
 8. When by reason or on the occasion of the rape, the victim has suffered permanent physical mutilation or disability;
 9. When the offender knew of the pregnancy of the offended party at the time of the commission of the crime; and
 10. When the offender knew of the mental disability, emotional disorder and/or physical handicap of the offended party at the time of the commission of the crime.

Rape under paragraph 2 of the next preceding article shall be punished by *prison mayor*.

Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be *prison mayor* to *reclusion temporal*.

When by reason or on the occasion of the rape, the victim has become insane, the penalty shall be *reclusion temporal*.

When the rape is attempted and a homicide is committed by reason or on the occasion thereof, the penalty shall be *reclusion temporal* to *reclusion perpetua*.

When by reason or on the occasion of the rape, homicide is committed, the penalty shall be *reclusion perpetua*.

Reclusion temporal shall be imposed if the rape is committed with any of the ten aggravating/qualifying circumstances mentioned in this article."

SEC. 11. Article 267 of the Revised Penal Code, as amended, is hereby amended to read as follows:

"ART. 267. *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 more than three days.
2. If it shall have been committed simulation public authority.
3. If any serious physical injuries shall have been inflicted upon the person kidnapped or detained; or if threats to kill him shall have been made.
4. If the person kidnapped or detained shall be a minor, except when the accused is any of the parents, female or a public officer.

The penalty shall be [*reclusion perpetua*] **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.

When the victim is killed or dies as a consequence of the detention or is raped, or is subjected to torture or dehumanizing acts, the maximum penalty shall be imposed."

SEC. 12. Article 294 of the Revised Penal Code, as amended, is hereby further amended to read as follows:

"ART. 294. *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, or when the robbery shall have been accompanied by rape or intentional mutilation or arson.
2. The penalty of *reclusion temporal* in its medium period to *reclusion perpetua*, when or if by reason or on occasion of such robbery, any of the physical injuries penalized in subdivision 1 of Article 263 shall have been inflicted.
3. The penalty of *reclusion temporal*, when by reason or on occasion of the robbery, any of the physical injuries penalized in subdivision 2 of the article mentioned in the next preceding paragraph, shall have been inflicted.
4. The penalty of *prison mayor* in its maximum period to *reclusion temporal* in its medium period, if the violence or intimidation employed in the commission of the robbery shall have been carried to a degree clearly unnecessary for the commission of the crime, or when in the course of its execution, the offender shall have inflicted upon any person not responsible for its commission of the crime, or when in the course of its execution, the offender shall have inflicted upon any person not responsible for its commission any of the physical injuries covered by subdivisions 3 and 4 of said Article 263.
5. The penalty of *prison correctional* in its maximum period to *prison mayor* in its medium period in other cases."

SEC. 13. Article 320 of the Revised Penal Code, as amended, is hereby further amended to read as follows:

"ART. 320. *Destructive Arson.* - The penalty of *reclusion perpetua* **TO DEATH** shall be imposed upon any person who shall burn:

1. One (1) or more buildings or edifices, consequent to one single act of burning, or as a result of simultaneous burnings, committed on several or different occasions.
2. Any building of public or private ownership, devoted to the public in general or where people usually gather or congregate for a definite purpose such as, but not limited to, official governmental function or business, private transaction, commerce, trade, workshop, meetings and conferences, or merely incidental to a definite purpose such as but not limited to hotels, motels,

transient dwellings, public conveyances or stops or terminals, regardless of whether the offender had knowledge that there are persons in said building or edifice at the same time it is set on fire and regardless also of whether the building is actually inhabited or not.

3. Any train or locomotive, ship or vessel, airship or airplane, devoted to transportation or conveyance, or for public use, entertainment or leisure.
4. Any building, factory, warehouse installation and any appurtenances thereto, which are devoted to the service of public utilities.
5. Any building the burning of which is for the purpose of concealing or destroying evidence of another violation of the law, or for the purpose of concealing bankruptcy or defrauding creditors or to collect from insurance.

Irrespective of the application of the above enumerated qualifying circumstances, the penalty of *reclusion perpetua* TO DEATH shall likewise be imposed when the arson is perpetrated or committed by two (2) or more persons or by a group of persons, regardless of whether their purpose is merely to burn or destroy the building or the burning merely constitutes an overt act in the commission or another violation of law.

The penalty of *reclusion perpetua* TO DEATH shall also be imposed upon person who shall burn:

1. Any arsenal, shipyard, storehouse or military powder or fireworks factory, ordnance, storehouse, archives or general museum of the Government.
2. In an inhabited place, any storehouse or factory of inflammable or explosive materials.

If as a consequence of the commission of any of the acts penalized under this Article, death results, the mandatory penalty of [*reclusion perpetua*] DEATH shall be imposed."

SEC. 14. Section 2 of Republic Act No. 7080, as amended, entitled "An Act Defining and Penalizing the Crime of Plunder," is further amended to read as follows:

"SEC.2. *Definition of the Crime of Plunder; Penalties.* - Any public officer who, by himself or in connivance with members of his family, relatives by affinity or consanguinity, business associates, subordinates or other persons, amasses, accumulates or acquires ill-gotten wealth through a combination or series of overt criminal acts as describe in Section 1 (d) hereof in the aggregate amount or total value of at least Fifty million pesos (50,000,000.00) shall be guilty of the crime of plunder and shall be punished by *reclusion perpetua* TO DEATH. Any person who participated with the said public officer in the commission of an offense contributing to the crime of plunder shall likewise be punished for such offense. In the imposition of penalties, the degree of participation and the attendance of mitigating and extenuating circumstances, as provided by the Revised Penal Code, shall be considered by the court. The court shall declare any and ill-gotten wealth and their interests and other incomes and assets including the properties and shares of stocks derived from the deposit or investment thereof forfeited in favor of the State."

SEC. 15. Sections 4, 5 and 6 of Republic Act No. 9165, as amended, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002," are hereby amended to read as follows:

"SEC. 4. Importation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals. - The penalty of life imprisonment TO DEATH and a fine ranging from Five hundred thousand pesos (500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall import or bring into the Philippines any dangerous drug, regardless of the quantity and purity involved, including any and all species of opium poppy or any part thereof or substances derived therefrom even for floral, decorative and culinary purposes.

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law, shall import any controlled precursor and essential chemical.

The maximum penalty provided for under this Section shall be imposed upon any person, who, unless authorized under this Act, shall import or bring into the Philippines any dangerous drug and/or controlled precursor and essential chemical through the use of a diplomatic passport, diplomatic facilities or any other means involving his/her official status intended to facilitate the unlawful entry of the same. In addition, the diplomatic passport shall be confiscated and canceled.

The maximum penalty provided for under this Section shall be imposed upon any person, who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this Section.

The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/ coddler" of any violator of the provisions under this Section.

SEC. 5. Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemical. - The penalty of life imprisonment TO DEATH and a fine ranging from five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any controlled precursor and essential chemical, or shall act as a broker in such transactions.

If the sale, trading, administration dispensation, delivery, distribution or transportation of any dangerous drug and/or controlled precursor and essential chemical transpires within one hundred (100) meters from the school, the maximum penalty shall be imposed in every case.

For drug pushers who use minors or mentally incapacitated individuals as runners, couriers and messenger, or in any other capacity directly connected to the dangerous drugs and/or controlled precursors and essential chemical trade, the maximum penalty shall be imposed in every case.

If the victim of the offense is a minor or a mentally incapacitated individual, or should a dangerous drug and/or a controlled precursor and essential chemical involved in any offense herein provided be the proximate cause of death of a victim thereof, the maximum penalty provided for under this Section shall be imposed.

The maximum penalty provided for under this Section shall be imposed upon any person who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this Section.

The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any violator of the provisions under this Section.

SEC. 6. Maintenance of Den, Dive or Resort. - The penalty of life imprisonment TO DEATH and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person or group of persons who shall maintain a den, dive or resort where any dangerous drug is used or sold in any form.

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person or group of persons who shall maintain a den, dive, or resort where any controlled precursor and essential chemical is used or sold in any form.

The maximum penalty provided for under this Section shall be imposed in every case where any dangerous drug is administered, delivered or sold to a minor who is allowed to use the same in such a place.

Should any dangerous drug be the proximate cause of the death of a person using the same in such den, dive or resort, the penalty of [*reclusion perpetua*] DEATH and a fine ranging from One million pesos (P1,000,000.00) to Fifteen million pesos (P15,000,000.00) shall be imposed on the maintainer, owner and/or operator.

If such den, dive or resort is owned by a third person, the same shall be confiscated and escheated in favor of the government: *Provided*, That the criminal complaint shall specifically allege that such place is intentionally used in the furtherance of the crime: *Provided, further*, That the prosecution shall prove such intent on the part of the owner to use the property for such purpose: *Provided, finally*, That the owner shall be included as an accused in the criminal complaint.

The maximum penalty provided for under this Section shall be imposed upon any person who organizes, manages or acts as a “financier” of any of the illegal activities prescribed in this Section.

The penalty twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a “protector/coddler” of any violator of the provisions under this Section.”

SEC. 16. Section 8 of Republic Act No. 9165, as amended, is hereby amended to read as follows:

“SEC. 8. *Manufacture of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.* – The penalty of life imprisonment TO DEATH and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall engage in the manufacture of any dangerous drug.

The penalty of imprisonment ranging from twelve (12) years and (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law, shall manufacture any controlled precursor and essential chemical.

The presence of any controlled precursor and essential chemical or laboratory equipment in the clandestine laboratory is a *prima facie* proof of manufacture of any dangerous drug. It shall be considered an aggravating circumstance if the clandestine laboratory is undertaken or established under the following circumstances:

- a) Any phase of the manufacturing process was conducted in the presence or with the help of minor/s;
- b) Any phase or manufacturing process was established or undertaken within one hundred (100) meters of a residential, business, church or school premises;
- c) Any clandestine laboratory was secured or protected with booby traps;
- d) Any clandestine laboratory was concealed with legitimate business operations; or
- e) Any employment of a practitioner, chemical engineer, public official or foreigner.

The maximum penalty provided for under this Section shall be imposed upon any person, who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this Section.

The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any violator of the provisions under this Section."

SEC. 17. Section 11 of Republic Act No. 9165, as amended, is hereby amended to read as follows:

"SEC.11. Possession of Dangerous Drugs. - The penalty of life imprisonment TO DEATH and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall possess any dangerous drug in the following quantities, regardless of the degree of purity thereof:

1. 10 grams or more of opium;
2. 10 grams or more of morphine;
3. 10 grams or more of heroin;
4. 10 grams or more of cocaine or cocaine hydrochloride;
5. 50 grams or more of methamphetamine hydrochloride or "shabu";
6. 10 grams or more of marijuana resin or marijuana resin oil;
7. 500 grams or more of marijuana; and
8. 10 grams or more of other dangerous drugs such as, but not limited to, methylenedioxy-methamphetamine (MDMA) or "ecstasy", paramethoxy-amphetamine (PMA), trimethoxy-amphetamine (TMA), lysergic acid diethylamine (LSD), gamma hydroxyamphetamine (GHB), and those similarity designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements, as determined and promulgated by the Board in accordance to Section 93, Article XI of this Act.

Otherwise, if the quantity involved is less than the foregoing quantities, the penalties shall be graduated as follows:

1. Life imprisonment and a fine ranging from Four hundred thousand pesos (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the quantity of methamphetamine hydrochloride or "shabu" is ten (10) grams or more but less than fifty (50) grams;
2. Imprisonment of twenty (20) years and one (1) day to life imprisonment and fine ranging from Four hundred thousand pesos (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the quantities of dangerous drugs are five (5) grams or more but less than ten (10) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride or "shabu," or other dangerous drugs such as, but not limited to, MDMA or "ecstasy," PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or three hundred (300) grams or more but less than five hundred (500) grams of marijuana; and
3. Imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three hundred thousand pesos (P300,000.00) to Four hundred thousand pesos (P400,000.00), if the quantities of dangerous drugs are less than five (5) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride or "shabu," or other dangerous drugs such as, but not limited to, MDMA or "ecstasy," PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or less than three hundred (300) grams of marijuana."

SEC. 18. Section 16 of Republic Act No. 9165, as amended, is hereby amended to read as follows:

"SEC. 16. Cultivation or Culture of Plants Classified as Dangerous Drugs or are Sources Thereof. - The penalty of life imprisonment TO DEATH and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who shall plant, cultivate or culture marijuana, opium poppy or any other plant regardless of quantity, which is or may hereafter be classified as a dangerous drug or as a source from which any dangerous drug may be manufactured or derived: *Provided, That in the case of medical laboratories and medical research centers which cultivate or culture marijuana, opium poppy and other plants, or materials of such dangerous drugs for medical experiments and research purposes, or for the creation of new types of medicine, the Board shall prescribe the necessary implementing guidelines for the proper cultivation, culture, handling, experimentation and disposal of such plants and materials.*

The land or portions thereof and/or greenhouse on which any of said plants is cultivated or cultured shall be confiscated and escheated in favor of the State, unless the owner thereof can prove lack of knowledge of such cultivation or culture despite the exercise of due diligence on his/her part. If the land involved is part of the public domain, the maximum penalty provided for under this Section shall be imposed upon the offender.

The maximum penalty provided for under this Section shall be imposed upon any person, who organizes manages or acts as a "financier" of any of the illegal activities prescribed in this Section.

The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any violator of the provisions under this Section."

SEC. 19. Section 19 of Republic Act No. 9165, as amended, is hereby further amended to read as follows:

"SEC 19. Unlawful Prescription of Dangerous Drugs. – The penalty of life imprisonment **TO DEATH** and fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by the law, shall make or issue a prescription or any other writing purporting to be a prescription for any dangerous drug."

SEC. 20. Section 27 of Republic Act No. 9165, as amended, is hereby amended to read as follows:

"SEC. 27. Criminal Liability of a Public Officer or Employee for Misappropriation, Misapplication or Failure to Account for the Confiscated, Seized and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursor and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment Including the Proceeds or Proceeds or Properties Obtained from the Unlawful Act Committed. – The penalty of life imprisonment **TO DEATH** and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00), in addition to absolute perpetual disqualification from any public office, shall be imposed upon any public officer or employee who misappropriates, misapplies or fails to account for confiscated, seized or surrendered dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment including the proceeds or properties obtained from the unlawful acts as provided for in this Act.

Any elective local or national official found to have benefited from the proceeds of the trafficking of dangerous drugs as prescribed in this Act, or have received any financial or material contributions or donations from natural or

juridical persons found guilty of trafficking dangerous drugs as prescribed in this Act, shall be removed from office and perpetually disqualified from holding any elective or appointive positions in the government, its divisions, subdivisions, and intermediaries, including government-owned or -controlled corporations”

SEC. 21. Section 29 of Republic Act No. 9165, as amended, is hereby amended to read as follows:

“SEC. 29. Criminal Liability for Planting of Evidence. – Any person who is found guilty of “planting” any dangerous drug and/or controlled precursor and essential chemical, regardless of quantity and purity, shall suffer the penalty of [reclusion perpetua] DEATH.”

SEC. 22. Section 3 of Republic Act No. 10883, otherwise known as the “New Anti-Carnapping Act of 2016” is hereby amended to read as follows:

“SEC. 3. Carnapping; Penalties. – Carnapping is the taking, with intent to gain, of a motor vehicle belonging to another without the latter’s consent, or by means of violence against or intimidation of persons, or by using force upon things.

Any person who is found guilty of carnapping shall, regardless of the value of the motor vehicle taken, be punished by imprisonment for not less than twenty (20) years and one (1) day but not more than (30) years, when the carnapping is committed without violence against or intimidation of persons, or force upon things; and by imprisonment of not less than (30) years to (40) forty years, when the carnapping is committed by means of violence against or intimidation of persons, or force upon things; and the penalty of life imprisonment TO DEATH shall be imposed when the owner, driver, or occupant of the carnapped motor vehicle is killed or raped in the commission of the carnapping.

xxx xxx xxx”

SEC. 23. Article 47 of the Revised Penal Code, as amended, is hereby amended to read as follows:

“ART. 47. IN WHAT CASES THE DEATH PENALTY SHALL NOT BE IMPOSED; AUTOMATIC REVIEW OF DEATH PENALTY CASES. – THE DEATH PENALTY SHALL BE IMPOSED IN ALL CASES IN WHICH IT MUST BE IMPOSED UNDER EXISTING LAWS, EXCEPT WHEN THE GUILTY PERSON IS BELOW EIGHTEEN (18) YEARS OF AGE AT THE TIME OF THE TIME OF THE COMMISSION OF THE CRIME OR IS MORE THAN SEVENTY (70) YEARS OF AGE WHEN UPON APPEAL OR AUTOMATIC REVIEW OF THE CASE BY THE SUPREME COURT, THE REQUIRED MAJORITY VOTE IS NOT OBTAINED FOR THE IMPOSITION OF THE DEATH PENALTY, IN WHICH CASES THE PENALTY SHALL BE RECLUSION PERPETUA.

IN ALL CASES WHERE THE DEATH PENALTY IS IMPOSED BY THE TRIAL COURT, THE RECORDS SHALL BE FORWARDED TO THE SUPREME COURT FOR AUTOMATIC REVIEW AND JUDGMENT BY THE COURT EN BANC, WITHIN TWENTY (20) DAYS BUT NOT EARLIER THAN FIFTEEN (15) DAYS AFTER PROMULGATION OF THE JUDGMENT OR NOTICE OF DENIAL OF ANY MOTION FOR NEW TRIAL OR RECONSIDERATION. THE TRANSCRIPT SHALL ALSO BE FORWARDED WITHIN TEN (10) DAYS FROM THE FILING THEREOF BY THE STENOGRAPHIC REPORTER."

SEC. 24. Article 81 of the Revised Penal Code, as amended, is hereby further amended to read as follows:

"ART. 81. WHEN AND HOW THE DEATH PENALTY IS TO BE EXECUTED. - THE DEATH SENTENCE SHALL BE EXECUTED WITH PREFERENCE TO ANY OTHER PENALTY AND SHALL CONSIST IN PUTTING THE PERSON UNDER THE SENTENCE TO DEATH BY [ELECTROCUTION] ANY OF THE FOLLOWING METHODS:

- A) HANGING;
- B) FIRING SQUAD; OR
- C) LETHAL INJECTION

THE DEATH SENTENCE SHALL BE EXECUTED UNDER THE AUTHORITY OF THE DIRECTOR OF THE BUREAU OF CORRECTIONS WHO SHALL TAKE STEPS TO ENSURE THAT THE EXECUTION UNDER ANY OF THE ABOVE METHODS IS SUFFICIENT TO CAUSE THE INSTANTANEOUS DEATH OF THE CONVICT.

PURSUANT TO THIS, ALL PERSONNEL INVOLVED IN THE HANGING, FIRING SQUAD AND IN THE ADMINISTRATION OF THE LETHAL INJECTION SHALL BE TRAINED PRIOR TO THE PERFORMANCE OF SUCH TASK.

THE AUTHORIZED PHYSICIAN OF THE BUREAU OF CORRECTIONS, AFTER THOROUGH EXAMINATION, SHALL OFFICIALLY MAKE A PRONOUNCEMENT OF THE CONVICT'S DEATH AND SHALL CERTIFY THERETO IN THE RECORDS OF THE BUREAU OF CORRECTIONS.

THE DEATH SENTENCE SHALL BE CARRIED OUT NOT EARLIER THAN ONE (1) YEAR NOR LATER THAN EIGHTEEN (18) MONTHS AFTER THE JUDGMENT HAS BECOME FINAL AND EXECUTORY, WITHOUT PREJUDICE TO THE EXERCISE BY THE PRESIDENT OF HIS EXECUTIVE CLEMENCY POWERS AT ALL TIMES."

SEC. 25. *Implementing Rules and Regulations.* - Within thirty (30) days from the approval of this Act, the Secretary of Justice shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 26. *Separability Clause.* – If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 27. *Repealing Clause.* – Republic Act No. 9346, entitled “*An Act the Imposition of the Death Penalty in the Philippines*” is hereby repealed. All other laws, rules, regulations, orders, circulars, and other issuance or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 28. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,