

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

NINETEENTH CONGRESS
First Regular Session

House Bill No. 539



Introduced by Honorable Dan S. Fernandez

EXPLANATORY NOTE

Kidnapping has been defined as the crime of seizing, confining, inveigling, abducting, or carrying away a person by force or fraud often with a demand for ransom in furtherance of another crime.

In recent years, a new type or kind of “kidnapping” has emerged. Known as fake or hoax kidnapping, it happens when the supposed “victim” stages his or her own kidnapping for the purpose of extorting ransom from the victim’s own family or other entities or coercing the latter to do or not to do an act. The Philippine National Police-Anti-Kidnapping Group (PNP-AKG) has recorded some 35 hoax kidnapping incidents from 2017 to 2019.

The problem with hoax kidnapping is that there is no such specific and distinct crime that is defined and penalized either in the Revised Penal Code or in our special statutes. Hence, the perpetrators of these fake kidnappings are charged only for violations of Articles 318 or 287 of the Revised Penal Code (RPC). Article 318 punishes “other deccits” with *arresto mayor* (imprisonment of one month and one day to six months) and a fine of not less than the amount of the damage caused and not more than twice the amount. On the other hand, Article 287 punishes “other coercions or unjust vexations” with *arresto menor* (imprisonment of one day to 30 days) or a fine from P1,000 to not more than P40,000, or both.

The solution does not seem to lie in amending Article 267 of the Revised Penal Code (on kidnapping and serious illegal detention). Since there is no real or actual kidnapping that takes place in hoax kidnapping, it would be somewhat incongruous to put a new provision penalizing it under or in relation to the existing article on kidnapping and serious illegal detention. A more feasible approach would be to craft an entirely new special law that would define and penalize the new crime.

This bill recognizes the reality of fake or hoax kidnapping and its pernicious effects on society by making it a specific and distinct crime.

On the basis of the foregoing reasons, the immediate passage of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read 'Dan S. Fernandez', with a stylized, sweeping flourish extending to the right.

HON. DAN S. FERNANDEZ
Representative
Lone District, Santa Rosa City

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AN ACT
DEFINING AND PENALIZING THE CRIME OF HOAX KIDNAPPING

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

SECTION 1. *Hoax Kidnapping; Penalties.* – Hoax kidnapping is the faking, orchestrating or staging by a person of his or her own kidnapping and detention for the purpose of extorting ransom from that person's family or other entities, or coercing the latter to do or not to do an act. Any person who is found guilty of hoax kidnapping shall suffer the penalty of *prision correccional* and a fine of one hundred thousand pesos (P100,000.00) to one million pesos (P1,000,000.00).

SEC. 2. *Repealing Clause.* – All laws inconsistent with this Act are hereby repealed or modified accordingly. All other laws, decrees executive order, rules and regulations, or parts or provisions thereof which are not affected shall continue to remain in full force and effect.

SEC. 3. *Effectivity.* - This Act shall take effect fifteen (15) days following completion of its publication in at least two (2) newspapers of general circulation.

Approved,