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Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

NINETEENTH CONGRESS
Third Regular Session

House Bill No. 11166

Introduced by

HON. JUDE AVORQUE ACIDRE
Representative, TINGOG Partylist

AN ACT DEFINING THE CRIME OF SOLICITATION TO MURDER AND PROVIDING PENALTIES THEREOF

EXPLANATORY NOTE

This proposed legislation ensures accountability and deterrence for acts of solicitation to murder, reinforcing the State's commitment to uphold life and justice.

Murder, as defined under the Revised Penal Code, as the intentional killing of another person under specific circumstances. However, the preparatory act of soliciting another person to commit murder remains inadequately addressed under Philippine law. While current laws address conspiracy and accomplice liability, there is no specific provision that criminalizes solicitation to murder as a separate offense.

Solicitation, in this context, refers to the act of intentionally urging, inciting, or persuading another person to commit the crime of murder. This proposed legislation seeks to define solicitation to murder as a distinct crime, establish clear penalties, and deter such actions, thereby ensuring accountability for individuals who induce or persuade others to carry out such grievous acts.

Finally, this measure aims to strengthen our criminal justice system by filling a legislative gap and providing clear legal parameters, thereby fostering public safety and justice.

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

REP. JUDE AVORQUE ACIDRE
Representative, TINGOG Partylist

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

Section 1. ***Title.*** This Act shall be known as the "Anti-Solicitation to Murder Act."

Section 2. ***Declaration of Policy.*** It is the policy of the State to safeguard the right to life and to maintain peace and order. Toward this end, the State shall provide measures to prevent and penalize the solicitation or inducement to commit murder.

Section 3. ***Definition of Terms.*** For the purposes of this Act, the following terms are defined as follows:

(a) *Solicitation to Murder* - Any act of requesting, encouraging, persuading, or inducing another person, whether directly or indirectly, to commit the crime of murder, with or without any compensation or promise of reward;

(b) *Murder* - the intentional killing of another person committed with any of the enumerated attendant circumstances provided under Article 248 of the Revised Penal Code, as amended;

(c) *Solicitor* - The person who commits the act of solicitation to murder;

(d) *Solicitee* - The person who is solicited to commit the murder.

Section 4. *Crime of Solicitation to Murder.* Any person who, requests, encourages, persuades, or induces another person, whether directly or indirectly, to commit murder, with or without any compensation or promise of reward shall be guilty of solicitation to murder.

The crime of solicitation to murder shall be consummated whether or not:

(a) The solicitee agrees to commit the act;

(b) The solicitee takes any step toward the commission of the murder; or

(c) The solicited murder is actually carried out.

Section 5. *Penalties.* Any person found guilty of solicitation to commit murder shall be penalized as follows:

(a) *Solicitation Leading to Murder.* If the solicitation directly results in the death of the person subject of the solicitation, the solicitor shall be penalized with the same penalty prescribed for the crime of murder under Article 248 of the Revised Penal Code, which is *reclusion perpetua*.

(b) *Solicitation Leading to Homicide.* If the solicitation directly results in the death of another person aside from the person intended to be killed, the solicitor shall be penalized with the same penalty prescribed for the crime of homicide under Article 249 of the Revised Penal Code, which is *reclusion temporal.*

(c) *Solicitation with Frustrated Murder.* If the solicitation leads to the frustrated crime of killing another, the solicitor shall be penalized with *reclusion temporal* in its maximum (17 years, 4 months, and 1 day to 20 years) and a fine of not less than one million pesos (P 1,000,000.00) but not exceeding two million pesos (P2,000,000.00).

(d) *Solicitation with Attempted Murder.* If the solicitation leads to an attempt to commit murder, the solicitor shall be penalized with *reclusion temporal* in its medium period (14 years, 8 months, and 1 day to 17 years and 4 months) and a fine of not less than five hundred thousand pesos (P 500,000.00) but not exceeding two million pesos (P2,000,000.00).

(e) *Solicitation Resulting in the Non-Commission of the Crime.* Any person found guilty of solicitation to murder shall be punished with *prision mayor* in its medium period (8 years and 1 day to 10 years) to maximum period (10 years and 1 day to 12 years) and a fine of a fine of not less than five hundred thousand pesos (P 500,000.00) but not exceeding one million pesos (P1,000,000.00).

The eventual non-commission of the crime solicited shall not absolve the offender of liability under this Act. The crime of solicitation shall penalized as an independent offense, separate from the substantive crime of murder.

Section 6. *Aggravating Circumstances.* The following circumstances shall be considered aggravating factors in the imposition of penalties:

(a) If the solicitation involves a minor, vulnerable person, or any person with mental or physical disability, in which case the penalty shall be imposed in its maximum period;

(b) If the solicitor is a public officer or government employee abusing their position;

(c) If the solicitor uses force, threat, intimidation, or deceit; or

(d) If the solicitation is motivated by payment, promise of reward, or pecuniary interest.

Section 7. ***Exempting Circumstance.*** The solicitor shall be exempted from the crime of solicitation when the solicitor voluntarily and effectively prevents the commission of the crime solicited by the same person.

Section 8. ***Liability of Juridical Persons.*** If the solicitation to commit murder is carried out by an officer or employee of a juridical person, in furtherance of its business or purpose, the juridical person shall be fined an amount not less than five hundred thousand pesos (P 500,000.00) but not exceeding two million pesos (P2,000,000.00).

Section 9. ***Prosecution and Evidence.*** The prosecution of solicitation to murder may proceed independently of the prosecution for murder or attempted murder. Furthermore, the intent and act of solicitation may be proven through testimony, recordings, correspondence, or other admissible evidence.

Section 10. ***Civil Liability.*** In addition to the criminal penalties provided herein, the offender shall be civilly liable to the victim or the victim's family for moral and exemplary damages as provided under existing laws.

Section 11. ***Attempt or Conspiracy to Solicit.*** Any person who aids, abets, or conspires with the principal offender in the solicitation to commit murder shall be liable as an accomplice or accessory under the Revised Penal Code, as applicable, and shall be penalized with *prison mayor* in its medium period (8 years and 1 day to 10 years).

Section 12. ***Implementing Rules and Regulations.*** The Department of Justice (DOJ), in consultation with the Philippine National Police (PNP), shall issue the necessary rules and regulations for the effective implementation of this Act within 90 days from its effectivity.

Section 13. ***Separability Clause.*** If any provision of this Act is declared invalid or unconstitutional, the remaining provisions shall not be affected and shall continue to be in full force and effect.

Section 14. ***Repealing Clause.*** All laws, presidential decrees, executive orders, rules, and regulations inconsistent with or contrary to the provisions of this Act are hereby repealed or modified accordingly.

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

Approved,