

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

TWENTIETH CONGRESS
First Regular Session

House Bill NO. **2189**



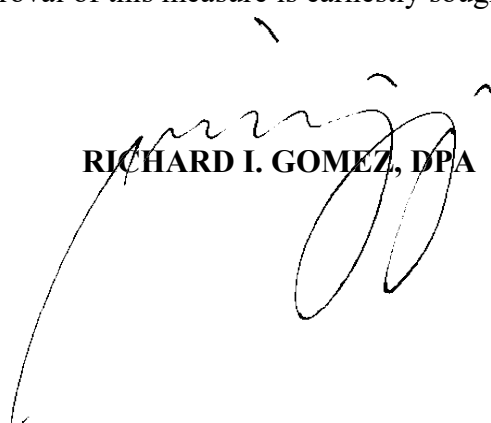
Introduced by Representative Richard I. Gomez, DPA

EXPLANATORY NOTE

Kidnapping is a heinous crime that brings mental and emotional torture to the victims, on top of the resulting physical harm inflicted to the latter, in the course thereof. Unfortunately, despite penalties as intense as life imprisonment to death, the crime continues to be committed. This bill seeks to further strengthen the penalty of kidnapping by decreasing the number of detention days from more than five (5) to more than two (2) days, 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 temporal or a fine of P100,000 to P1,000,000 or both, depending on the court's discretion.

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


RICHARD I. GOMEZ, DPA

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**AN ACT EXTENDING THE COVERAGE OF THE LAW ON KIDNAPPING AND
PENALIZING HOAX KIDNAPPING AMENDING FOR THE PURPOSE ARTICLE NO.
267 OF THE REVISED PENAL CODE AS AMENDED BY REPUBLIC ACT NO. 18,
AND FURTHER AMENDED BY REPUBLIC ACT NO. 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. 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 TEMPORAL* IN ITS MEDIUM PERIOD TO *reclusion perpetua*..

“1. If the kidnapping or detention shall have lasted TWO 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 RECLUSION PERPETUA 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 mentioned above were present in the commission of the offense.”

SEC. 2. A new provision, Article 267-A, is hereby inserted after Article 267 of the Revised Penal Code, as amended, to read as follows:

“Art. 267-A. HOAX KIDNAPPING OR HOAX ILLEGAL DETENTION; PENALTIES.—
HOAX KIDNAPPING OR HOAX ILLEGAL DETENTION OCCURS WHEN THE
KIDNAPPING IS WILLFULLY FAKED, ORCHESTRATED OR STAGED BY THE
VICTIM OR HIS FAMILY OR BOTH, IN CONSPIRACY WITH THE PUTATIVE
KIDNAPERS, TO EXTORT RANSOM FROM THE VICTIM’S FAMILY OR OTHER
ENTITIES, OR COERCE 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* IN ITS MEDIUM PERIOD TO *RECLUSION*
***TEMPORAL* IN ITS MINIMUM PERIOD.”**

SEC. 3. *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. 4. *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. 5. *Effectivity Clause.* – The Act shall take effect fifteen (15) days after its complete publication in a newspaper of general circulation.

Approved,