



HOUSE OF REPRESENTATIVES

H. No. 4727

BY REPRESENTATIVES CASTRO (F.H.), ALVAREZ (P.), FARIÑAS, BIAZON, BARBERS, PACQUIAO, ANDAYA, DUAVIT, COJUANGCO, KHO, ABU, SALIMBANGON, SUAREZ, BATOCABE, UMALI, VELOSO, GARCIA (G.), OAMINAL, LEACHON, BATAOIL, MERCADO, COSALAN, BRAVO (M.V.), PANGANIBAN, YAP (V.), FLOIRENDO, LOBREGAT, ANTONIO AND LAZATIN, PER COMMITTEE REPORT NO. 47

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 FURTHER AMENDING ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS "THE REVISED PENAL CODE", AND REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002"

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

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

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

1 Towards this end, and in the interest of justice, public order and the rule
2 of law, and the need to rationalize and harmonize the penal sanctions, the
3 Congress finds compelling reasons to impose the death penalty on heinous
4 crimes committed by offenders who are a continuous threat to society.

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

11 Accordingly, Act No. 3815, as amended, otherwise known as “The
12 Revised Penal Code”, and Republic Act No. 9165, as amended, otherwise
13 known as the “Comprehensive Dangerous Drugs Act of 2002”, are hereby
14 amended for the purpose of imposing the death penalty on heinous crimes
15 enumerated under this Act.

16 *SEC. 4.* Sections 4, 5, 6, 8, 11, 25, 27, and 29 of Republic Act
17 No. 9165, as amended, otherwise known as the “Comprehensive Dangerous
18 Drugs Act of 2002”, are hereby amended to read as follows:

19 *“SEC. 4. Importation of Dangerous Drugs and/or*
20 *Controlled Precursors and Essential Chemicals.* – The penalty
21 of [life imprisonment] *RECLUSION PERPETUA TO DEATH* and a
22 fine ranging from Five hundred thousand pesos (P500,000.00) to
23 Ten million pesos (P10,000,000.00) shall be imposed upon any
24 person, who, unless authorized by law, shall import or bring into
25 the Philippines any dangerous drug, regardless of the quantity
26 and purity involved, including any and all species of opium
27 poppy or any part thereof or substances derived therefrom even
28 for floral, decorative and culinary purposes.

29 “x x x.”

1 “SEC. 5. *Sale, Trading, Administration, Dispensation,*
2 *Delivery, Distribution and Transportation of Dangerous Drugs*
3 *and/or Controlled Precursors and Essential Chemicals.* – The
4 penalty of [life imprisonment] *RECLUSION PERPETUA TO DEATH*
5 and a fine ranging from Five hundred thousand pesos
6 (P500,000.00) to Ten million pesos (P10,000,000.00) shall be
7 imposed upon any person, who, unless authorized by law, shall
8 sell, trade, administer, dispense, deliver, give away to another,
9 distribute, dispatch in transit or transport any dangerous drug,
10 including any and all species of opium poppy regardless of the
11 quantity and purity involved, or shall act as a broker in any of
12 such transactions.

13 “x x x.”

14 “SEC. 6. *Maintenance of a Den, Dive or Resort.* – The
15 penalty of [life imprisonment] *RECLUSION PERPETUA TO DEATH*
16 and a fine ranging from Five hundred thousand pesos
17 (P500,000.00) to Ten million pesos (P10,000,000.00) shall be
18 imposed upon any person or group of persons who shall
19 maintain a den, dive or resort where any dangerous drug is used
20 or sold in any form.

21 “x x x.”

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

29 “x x x.”

1 "SEC. 11. *Possession of Dangerous Drugs.* - The
2 penalty of [life imprisonment] *RECLUSION PERPETUA* and a fine
3 ranging from Five hundred thousand pesos (P500,000.00) to Ten
4 million pesos (P10,000,000.00) shall be imposed upon any
5 person, who, unless authorized by law, shall possess any
6 dangerous drug in the following quantities, regardless of the
7 degree of purity thereof:

8 "(1) 10 grams or more of opium;

9 "(2) 10 grams or more of morphine;

10 "(3) 10 grams or more of heroin;

11 "(4) 10 grams or more of cocaine or cocaine
12 hydrochloride;

13 "(5) 50 grams or more of methamphetamine
14 hydrochloride or 'shabu';

15 "(6) 10 grams or more of marijuana resin or marijuana
16 resin oil;

17 "(7) 500 grams or more of marijuana; and

18 "(8) 10 grams or more of other dangerous drugs
19 such as, but not limited to, methylenedioxymethamphetamine
20 (MDMA) or 'ecstasy', paramethoxyamphetamine (PMA),
21 trimethoxyamphetamine (TMA), lysergic acid diethylamine
22 (LSD), gamma hydroxybutyrate (GHB), and those similarly
23 designed or newly introduced drugs and their derivatives,
24 without having any therapeutic value or if the quantity possessed
25 is far beyond therapeutic requirements, as determined and
26 promulgated by the Board in accordance to Section 93,
27 Article XI of this Act.

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

1 “(1) [Life imprisonment] *RECLUSION PERPETUA* and a
2 fine ranging from Four hundred thousand pesos (P400,000.00) to
3 Five hundred thousand pesos (P500,000.00), if the quantity of
4 methamphetamine hydrochloride or ‘shabu’ is ten (10) grams or
5 more but less than fifty (50) grams;

6 “x x x.”

7 “SEC. 25. *Qualifying Aggravating Circumstances in the*
8 *Commission of a Crime by an Offender Under the Influence of*
9 *Dangerous Drugs.* – Notwithstanding the provisions of any law
10 to the contrary, a positive finding for the use of dangerous drugs
11 shall be a qualifying aggravating circumstance in the
12 commission of a crime by an offender, and the application of the
13 penalty provided for in the Revised Penal Code shall be
14 applicable.

15 “IF THE CRIME COMMITTED BY SUCH PERSON UNDER
16 THE INFLUENCE OF DANGEROUS DRUGS IS PUNISHABLE BY
17 *RECLUSION TEMPORAL* OR HIGHER, THE PENALTY TO BE
18 IMPOSED SHALL BE *RECLUSION PERPETUA* TO DEATH:

19 “*PROVIDED, THAT THE LABORATORY EXAMINATION OR*
20 *DRUG TEST IS STRICTLY CONDUCTED PURSUANT TO ARTICLE*
21 *III OF THIS ACT:*

22 “*PROVIDED, FURTHER, THAT THE COMPLAINT OR*
23 *INFORMATION SHALL ALLEGE WITH PARTICULARITY THAT*
24 *THE ACCUSED WAS UNDER THE INFLUENCE OF DANGEROUS*
25 *DRUGS AT THE TIME OF THE COMMISSION OF THE OFFENSE:*

26 “*PROVIDED, FINALLY, THAT ONCE A COMPLAINT OR*
27 *INFORMATION HAS BEEN FILED, NO AMENDMENT TO*
28 *INCLUDE THE ALLEGATION THAT THE ACCUSED WAS UNDER*
29 *THE INFLUENCE OF DANGEROUS DRUGS AT THE TIME OF THE*
30 *COMMISSION OF THE OFFENSE SHALL BE ALLOWED.*”

1 “Sec. 27. *Criminal Liability of a Public Officer or*
2 *Employee for Misappropriation, Misapplication or Failure*
3 *to Account for the Confiscated, Seized and/or Surrendered*
4 *Dangerous Drugs, Plant Sources of Dangerous Drugs,*
5 *Controlled Precursors and Essential Chemicals,*
6 *Instruments/Paraphernalia and/or Laboratory Equipment*
7 *Including the Proceeds or Properties Obtained from the*
8 *Unlawful Act Committed. – The penalty of [life imprisonment]*
9 *RECLUSION PERPETUA TO DEATH and a fine ranging from Five*
10 *hundred thousand pesos (P500,000.00) to Ten million pesos*
11 *(P10,000,000.00), in addition to absolute perpetual*
12 *disqualification from any public office, shall be imposed upon*
13 *any public officer or employee who misappropriates, misapplies*
14 *or fails to account for confiscated, seized or surrendered*
15 *dangerous drugs, plant sources of dangerous drugs, controlled*
16 *precursors and essential chemicals, instruments/paraphernalia*
17 *and/or laboratory equipment including the proceeds or properties*
18 *obtained from the unlawful acts as provided for in this Act.*

19 “Any elective local or national official found to have
20 benefited from the proceeds of the trafficking of dangerous
21 drugs as prescribed in this Act, or have received any financial or
22 material contributions or donations from natural or juridical
23 persons found guilty of trafficking dangerous drugs as
24 prescribed in this Act, shall be removed from office and
25 perpetually disqualified from holding any elective or
26 appointive positions in the government, its divisions,
27 subdivisions, and intermediaries, including government-owned
28 or -controlled corporations.”

1 "SEC. 29. *Criminal Liability for Planting of Evidence.* -
2 Any person who is found guilty of 'planting' any dangerous
3 drug and/or controlled precursor and essential chemical,
4 regardless of quantity and purity, shall suffer the penalty of [life
5 imprisonment] *RECLUSION PERPETUA TO DEATH.*"

6 SEC. 5. Article 47 of the Revised Penal Code, as amended, is further
7 amended to read as follows:

8 "ART. 47. *IN WHAT CASES THE DEATH PENALTY SHALL*
9 *NOT BE IMPOSED; AUTOMATIC REVIEW OF THE DEATH PENALTY*
10 *CASES.* - THE DEATH PENALTY SHALL NOT BE IMPOSED WHEN
11 THE GUILTY PERSON IS BELOW EIGHTEEN (18) YEARS OF AGE
12 AT THE TIME OF THE COMMISSION OF THE CRIME OR IS MORE
13 THAN SEVENTY (70) YEARS OF AGE OR UPON THE AUTOMATIC
14 REVIEW OF THE CASE BY THE COURT OF APPEALS OR, WHERE
15 APPLICABLE, BY THE SUPREME COURT *EN BANC*, THE
16 REQUIRED MAJORITY VOTE IS NOT OBTAINED FOR THE
17 IMPOSITION OF THE DEATH PENALTY.

18 "IN ALL CASES WHERE THE DEATH PENALTY IS IMPOSED,
19 THE RECORDS SHALL BE FORWARDED BY THE TRIAL COURT
20 TO THE COURT OF APPEALS OR THE SUPREME COURT *EN*
21 *BANC*, WITHIN TWENTY (20) DAYS BUT NOT EARLIER THAN
22 FIFTEEN (15) DAYS AFTER PROMULGATION OF THE JUDGMENT
23 OR NOTICE OF DENIAL OF ANY MOTION FOR NEW TRIAL OR
24 RECONSIDERATION. THE TRANSCRIPT SHALL ALSO BE
25 FORWARDED WITHIN TEN (10) DAYS FROM THE FILING
26 THEREOF BY THE STENOGRAPHIC REPORTER. NO NOTICE OF
27 APPEAL SHALL BE REQUIRED FOR THE PERFECTION OF AN
28 AUTOMATIC APPEAL."

1 SEC. 6. Article 81 of the Revised Penal Code, as amended, is hereby
2 further amended to read as follows:

3 "ART. 81. *WHEN AND HOW THE DEATH PENALTY IS TO*
4 *BE EXECUTED.* - THE DEATH SENTENCE SHALL BE EXECUTED
5 WITH PREFERENCE TO ANY OTHER AND SHALL CONSIST IN
6 PUTTING THE PERSON UNDER SENTENCE TO DEATH BY ANY OF
7 THE FOLLOWING METHODS:

8 "(A) HANGING;

9 "(B) FIRING SQUAD; OR

10 "(C) LETHAL INJECTION.

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

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

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

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

1 SEC. 7. *Duty of Prosecutor When Filing Information Involving*
2 *Heinous Offenses.* – Upon the filing of an information involving any offense
3 punishable by death, the public prosecutor shall furnish copies of said
4 information to the Commission on Human Rights, which is mandated to give
5 notice to interested parties including, but not limited to, the Integrated Bar of
6 the Philippines and religious or civic organizations.

7 SEC. 8. *Creation of Special Panel of Senior Government Lawyers for*
8 *Cases on Appeal Where the Death Penalty is Imposed.* – After a judgment of
9 conviction by a Regional Trial Court sentencing the accused to the penalty of
10 death had been rendered, the Chief Public Attorney shall convene a special
11 panel composed of senior Public Attorneys to handle the automatic appeal or
12 to assist the accused in death penalty cases, without prejudice to the exercise
13 by the Office of the Solicitor General of its mandate as the People's Tribune to
14 avoid a miscarriage of justice.

15 The Solicitor General or the Chief Public Attorney may recommend to
16 the Office of the President the reprieve or the suspension of the execution of
17 the death sentence.

18 SEC. 9. *Implementing Rules and Regulations.* – Within thirty (30)
19 days from the approval of this Act, the Secretary of Justice shall promulgate
20 the necessary rules and regulations for the effective implementation of this
21 Act.

22 SEC. 10. *Separability Clause.* – If any provision or part of this Act is
23 declared invalid or unconstitutional, the remaining parts or provisions not
24 affected shall remain in full force and effect.

25 SEC. 11. *Repealing Clause.* – Republic Act No. 9346, entitled "An
26 Act Prohibiting the Imposition of the Death Penalty in the Philippines" is
27 hereby repealed. Act No. 3815 and Republic Act No. 9165 are hereby
28 amended accordingly. All other laws, rules, regulations, orders, circulars and

1 other issuances or parts thereof which are inconsistent with the provisions of
2 this Act are hereby repealed, amended or modified accordingly.

3 SEC. 12. *Effectivity.* – This Act shall take effect fifteen (15) days after
4 its publication in the *Official Gazette* or in at least two (2) newspapers of
5 general circulation.

Approved,

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