EXPLANATORY NOTE

This bill seeks to reinstate the death penalty for certain heinous crimes, particularly treason, aggravated rape, plunder, and for grave violations of Republic Act No. 9165, otherwise known as the “Comprehensive Dangerous Drugs Act of 2002”.

The reinstatement of the death penalty is one of the major thrusts of the Duterte Administration and is one of the major components of President Duterte’s war against drugs and criminality. There is a need to effectively carry out the death penalty for criminals who do not give value to the life and security of their fellow countrymen, to serve as a deterrent against the commission of heinous crimes and to bring justice to the victims of such crimes.

It is thus imperative for Congress, in the exercise of its mandate to take every conceivable step to protect the honor, dignity and the very life of each law-abiding Filipino citizen, to impose the death penalty for the heinous crime of treason, aggravated rape, plunder and certain grave violations of the Dangerous Drugs Act.

For these reasons, the urgent passage of this bill is earnestly sought.

DOY C. LEACHON
Representative
1st District – Oriental Mindoro
Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City  

EIGHTEENTH CONGRESS  
First Regular Session  

HOUSE BILL NO. 3128  

Introduced by REPRESENTATIVE DOY C. LEACHON  

AN ACT  

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 the declared policy of the State to foster peace and order, and ensure obedience to its authority, to protect life, liberty and property and to promote the 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, and in the interest of justice, public order and the rule of law, and the need to rationalize and harmonize the penal sanctions, the Congress finds compelling reasons to impose the death penalty on heinous crimes committed by offenders who are a continuous threat to society.  

SEC. 3. Imposition of Death Penalty; Heinous Crimes Defined. – The death penalty is hereby imposed on 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 orderly society.  

Accordingly, Act No. 3815, as amended, otherwise known as the “Revised Penal Code”, Republic Act No. 7080, as amended, entitled “An Act Defining
and Penalizing the Crime of Plunder”, and Republic Act No. 9165, as amended, otherwise known as the “Comprehensive Dangerous Drugs Act of 2002”, are hereby amended for the purpose of imposing the death penalty on heinous crimes enumerated under this Act.

SEC. 4. Imposition of the Death Penalty for the Crime of Treason. – Article 114 of the Revised Penal Code, as amended, is further 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 the Article shall be punished by the reclusion [temporal] PERPETUA TO DEATH and shall pay a fine not to exceed 100,000 pesos.”

SEC. 5. Imposition of the Death Penalty for the Crimes of Rape with Homicide, Rape of a Minor, and Rape Committed by Law Enforcement Officers. – Article 266-A and Article 266-B of the Revised Penal Code, as amended, is further amended to read as follows:

"Article 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.

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

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

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

The 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, OR PARAMILITARY authorities or any law enforcement or penal institution;

3) When the rape is committed [in full] WITHIN THE view of the VICTIM'S 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 vocation 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)] TEN (10) 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, INCLUDING BARANGAY POLICE OFFICERS (BPO) [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[.],

**PROVIDED, THAT FOR NUMBERS (5) AND (7) ABOVE, THE PENALTY SHALL BE RECLUSION PERPETUA TO DEATH.**

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

Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be **prision 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. 6. Imposition of the Death Penalty for Plunder.** - 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 described in Section 1 (d) hereof in the aggregate amount or total value of at least Fifty million pesos (P50,000,000.00) 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 all 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. 7. Imposition of the Death Penalty for Drug-Related Crimes.** - Sections 4, 5, 6, 8, 11, 25, 27, and 29 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] **RECLUSION PERPETUA 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 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 Chemicals. - The penalty of [life imprisonment] RECLUSION PERPETUA 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 messengers, 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 a Den, Dive or Resort. - The penalty of [life imprisonment] RECLUSION PERPETUA 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 death and a fine ranging from One million (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 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. 8. Manufacture of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals. - The penalty of [life imprisonment] RECLUSION PERPETUA 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 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 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. 11. Possession of Dangerous Drugs. - The penalty of [life imprisonment] RECLUSION PERPETUA 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 (MDA) or "ecstasy", paramethoxy-amphetamine (PMA), trimethoxy-amphetamine (TMA), lysergic acid diethylamine (LSD), gamma-hydroxyamphetamine (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, 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] RECLUSION PERPETUA 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 a 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, marijuana resin or
marijuana resin oil, methamphetamine 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 (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, marijuana resin or marijuana resin oil, methamphetamine 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. 25. Qualifying Aggravating Circumstances in the Commission of a Crime by an Offender Under the Influence of Dangerous Drugs. – Notwithstanding the provisions of any law to the contrary, a positive finding for the use of dangerous drugs shall be a qualifying aggravating circumstance in the commission of a crime by an offender, and the application of the penalty provided for in the Revised Penal Code shall be applicable.

IF THE CRIME COMMITTED BY SUCH PERSON UNDER THE INFLUENCE OF DANGEROUS DRUGS IS PUNISHABLE BY RECLUSION TEMPORAL OR HIGHER, THE PENALTY TO BE IMPOSED SHALL BE RECLUSION PERPETUA TO DEATH,

PROVIDED, THAT THE LABORATORY EXAMINATION OR DRUG TEST IS STRICTLY CONDUCTED PURSUANT TO ARTICLE III OF THIS ACT;

PROVIDED, FURTHER, THAT THE COMPLAINT OR INFORMATION SHALL ALLEGE WITH PARTICULARITY THAT THE ACCUSED WAS UNDER THE INFLUENCE OF DANGEROUS DRUGS AT THE TIME OF THE COMMISSION OF THE OFFENSE;

PROVIDED, FINALLY, THAT ONCE A COMPLAINT OR INFORMATION HAS BEEN FILED, NO AMENDMENT TO INCLUDE THE ALLEGATION THAT THE ACCUSED WAS UNDER THE INFLUENCE OF DANGEROUS DRUGS AT THE TIME OF THE COMMISSION OF THE OFFENSE SHALL BE ALLOWED.”
“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 Precursors and Essential Chemicals, Instruments /Paraphernalia and/or Laboratory Equipment Including the Proceeds or Properties Obtained from the Unlawful Act Committed. – The penalty of [life imprisonment] RECLUSION PERPETUA 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. 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 [life imprisonment] RECLUSION PERPETUA TO DEATH.”

SEC. 8. Article 47 of the Revised Penal Code, as amended, is further amended to read as follows:

Art. 47. In what cases the death penalty shall not be imposed; Automatic review of the Death Penalty Cases. – The death penalty shall NOT 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 commission of the crime or is more than seventy (70) years of age or when upon appeal or automatic review of the case by the COURT OF APPEALS, OR WHEN APPLICABLE, THE Supreme Court EN BANC, 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 COURT OF APPEALS OR, WHEN APPLICABLE, 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. NO NOTICE OF APPEAL SHALL BE REQUIRED FOR THE PERFECTION OF AN AUTOMATIC APPEAL.

SEC. 9. Article 81 of the Revised Penal Code, as amended, is hereby reinstated 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 lethal injection. The death sentence shall be executed under the authority of the Director of the Bureau of Corrections, endeavoring so far as possible to mitigate the sufferings of the person under the sentence during the lethal injection as well as during the proceedings prior to the execution.

The Director of the Bureau of Corrections shall take steps to ensure that the lethal injection to be administered is sufficient to cause the instantaneous death of the convict.

Pursuant to this, all personnel involved in the administration of 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. 10. Duty of Prosecutor When Filing Information Involving Heinous Offenses. – Upon the filing of an information involving any offense punishable by death, the public prosecutor shall furnish copies of said information to the Commission on Human Rights, which is mandated to give notice to interested parties, including but not limited to the Integrated Bar of the Philippines and religious or civic organizations.
SEC. 11. Creation of Special Panel of Senior Government Lawyers for Cases on Appeal Where the Death Penalty is Imposed. - After a judgment of conviction sentencing the accused to the penalty of death had been rendered, the Chief Public Attorney shall convene a special panel composed of senior Public Attorneys to handle the automatic appeal or to assist the accused in death penalty cases, without prejudice to the exercise by the Office of the Solicitor General (OSG) of its mandate as the People’s Tribune to avoid a miscarriage of justice.

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

SEC. 12. 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. 13. 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. 14. Repealing Clause. – Republic Act No. 9346, entitled “An Act Prohibiting the Imposition of the Death Penalty in the Philippines” is hereby repealed. Act No. 3815, Republic Act No. 7080, and Republic Act No. 9165 are hereby amended accordingly. All other laws, rules, regulations, orders, circulars and other issuances or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

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

Approved,