

APPLICABILITY OF SPECIAL LAWS IN THE PHILIPPINES PUNISHABLE

BY LIFE IMPRISONMENT

*Jennifer M. Cueto, PhD
Jesse Nelson P. Llana, DPA
Assoc. Prof. Sandy M. Gonzales
Asst. Prof. Lovilet C. Molo
Mrs. Elaine Noreen G. Baxa*

*Batangas State University
Lemery campus
Philippines*

jennifer.cueto@g.batstate-u.edu.ph, jessenelson.llana@g.batstate-u.edu.ph,
sandy.gonzales@g.batstate-u.edu.ph, elainenoreen.baxa@g.batstate-u.edu.ph,
lovilet.molo@g.batstate-u.edu.ph

ABSTRACT

This paper presents the applicability of special laws in the Philippines punishable by life imprisonment. It includes the discussion on life imprisonment and reclusion perpetua, its differences, and laws that supports life imprisonment. Presenting this paper makes the readers understand laws in the Philippines focusing those punishable by life imprisonment.

Life imprisonment has no set length or duration, and prisoners serving life sentences are eligible for parole at any time. When a person commits a crime, the court of law will punish which later imprison them, depriving them of their freedom and removing them from society. It is known as Reclusion Perpetua, and it is punishable under the Revised Penal Code.

In its decision in 2012, the Supreme Court clarified that life imprisonment means only life in prison. Life imprisonment entails imprisonment for the rest of one's life. Reclusión Perpetua is imposed for crimes punishable under the Revised Penal Code, whereas life imprisonment refers to offenses punishable under Special Laws.

Furthermore, special law refers to a law that is directed at a specific situation, circumstance, or entity and does not establish a rule of future conduct with any significant degree of generality but may provide ad hoc benefits of some kind to an individual or entity or a group of them.

These include the following, which are punishable by life imprisonment: (a) PD 269 August 6, 1973, The National Electrification Administration Decree; (b) the Philippine Red Cross Act of 2009, enacted on April 20, 2010.

Keywords: Special Law, Philippines, PD 269, RA 10072, RA 10157

INTRODUCTION

Life imprisonment is one of the issues that are crucial and controversial to discuss.

In the Philippines, the penalty of life imprisonment is provided which called special laws. To clearly understand these special laws, a wide overview of Philippine law should be first understood. Philippine law can be classified into substantive law, procedural law, and administrative law. Substantive laws are the Revised Penal Code, Civil Law, Labor Code, and Taxation Law. Procedural law on the other hand is the Rules of Court embodied in the Civil Procedure, Criminal Procedure, and Special Proceedings.

However, Administrative law is a branch of public law that is concerned with the procedures, rules, and regulations of several governmental agencies. Administrative law specifically deals with such administrative agencies' decision-making capabilities, as they carry out laws passed by the legislative acts of Congress. An example of administrative law is the regulation and operation of the Social Security Administration, and the administration of benefits to the people.

Moreover, Special laws having a penalty of life imprisonment emanates from substantive law. This has been emanated in the form of legislative acts of Congress. These special laws are enabling laws to give furthermore teeth to the substantive law. This operates to widen the scope of the provisions in terms of commission of a certain crime and furtherly elaborate matters pertaining thereto.

Thus, Special laws are applicable in the Philippines according to the commission of an offense. The penalty for an offense charged under the special laws is life imprisonment. (Aquino, 2017)

This paper focused on life imprisonment and reclusion perpetua including the Presidential Decree 269 August 6, 1973, is The National Electronification Administration Decree under Section 54, The Philippine Red Cross Act of 2009, enacted on April 20, 2010, under Section 10, and crimes punishable by life imprisonment such as (1) Republic Act No. 7877 – An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment, and other purposes; (2) Republic Act 11313 – Safe Places Act – An Act Defining Gender-Based Sexual Harassment in Streets, Public Spaces, Online, Workplaces, and Educational or Training Institutions, Providing Protective Measures and Prescribing Penalties

The objectives of this paper are to ascertain the difference between life imprisonment and reclusion perpetua in the Philippines; to determine the Philippine crimes punishable by life imprisonment; and lastly, to discern the applicability of special laws in the imposition of life imprisonment in the Philippines.

More so, this paper is a qualitative research content analysis method, and the basis of the discussions mainly comes from the laws or provisions existing in the Philippine laws in application to life imprisonment. Hence, this will give additional information to other nationalities that have an interest in learning the laws of other countries.

RESULTS AND DISCUSSION:

Life Imprisonment and Reclusion Perpetua in the Philippines

In the interview conducted by Robillos (2015) of CNN Philippines to Atty. Theodore Te, he explained that “life imprisonment and reclusion perpetua are distinct and separate penalties with different natures, periods and consequences. “Meaning, it can’t be used interchangeably. The legal consultant mentioned that reclusion perpetua is a penalty for a crime committed under Revised Penal Code while life imprisonment is a sentence for a crime that falls under a special penal law.”

Under Administrative Circular No. 6-A-92 (1993) signed by Chief Justice Andres Narvasa of the Philippine Supreme Court, he emphasized that reclusion perpetual is not the same as life imprisonment the fact that does not have an accessory penalty and do not have any definite duration or extent.

Crimes Punishable by Life Imprisonment

Republic Act 7877 - An Act Declaring Sexual Harassment Unlawful In the Employment, Education or Training Environment, and for Other Purposes and Republic Act 11313; Safe Spaces Act - Aa Act Dwfining Gender-Based Sexual Harassment In Streets, Public Spaces, Online, Workplaces, and Educational or Training Institutions, Providing Protective Measures and Prescribing Penalties.

This requires the employer or the head of the work-related, educational, or training environment or institution to establish procedures for the resolution, settlement, or prosecution of sexual harassment incidents. The employer must form a committee on decorum and the investigation of sexual harassment cases.

Section 7 states that penalties states that any person who violates the provisions of this Act shall, upon conviction, be penalized by imprisonment of not less than one (1) month nor more than six (6) months, or a fine of not less than ten thousand pesos (P10,000) nor more than Twenty thousand pesos (P20,000), or both such fine and imprisonment at the discretion of the court. Any action arising from the violation of the provisions of this Act shall prescribe in three (3) years.

Republic Act 11313; Safe Spaces Act - Aa Act Defining Gender-Based Sexual Harassment In Streets, Public Spaces, Online, Workplaces, and Educational or Training Institutions, Providing Protective Measures and Prescribing Penalties

The Safe Spaces Act defines gender-based sexual harassment in public places, on the internet, in the workplace, and in educational and training institutions. The law criminalizes all forms of sexual harassment in public places and on the street, as well as online.

Section 14 provides the penalty of prison correctional in its medium period or a fine of not less than one hundred thousand pesos (P100,000.00) but not more than Five hundred

thousand pesos (P500,000.00), or both, at the discretion of the court shall be imposed upon any person found guilty of any gender-based online sexual harassment.

Special Laws Punishable by Life Imprisonment

Presidential Decree 269 August 6, 1973, is The National Electrification Administration Decree.

This is creating the "national electrification administration" as a corporation, prescribing its powers and activities, appropriating the necessary funds therefor and declaring a national policy objective for the total electrification of the Philippines on an area coverage service basis, the organization, promotion and development of electric cooperatives to attain the said objective, prescribing terms and conditions for their operations, the repeal of republic act no. 6038, and for other purposes.

More so, any person who shall neglect or refuse to answer any lawful inquiry or produce before the NEA books, papers, tariffs, contracts, agreements, and documents, or other things called for by the NEA if his power to do so, in obedience to the subpoena or lawful inquiry of the NEA, upon conviction thereof by a court of competent jurisdiction, shall be punished by a fine not exceeding five thousand pesos (P5,000.00) or by imprisonment not exceeding one year, or both in the discretion of the court. It also includes that any NEA Board Member shall have the power to administer oaths in all matters under the jurisdiction of the NEA.

Any person who shall obstruct the NEA or any member of the NEA Board while engaged in the discharge of official duties, or who shall conduct himself in a rude, disrespectful or disorderly manner before the NEA or any NEA Board Member while engaged in the discharge of official duties, or shall orally or in writing be disrespectful to, offend or insult any of the NEA board members on occasion or by reason of the performance of official duties, upon conviction thereof by a court of competent jurisdiction, shall be punished for each offense by a fine not exceeding one thousand pesos (P1,000), or by imprisonment not exceeding six months, or both, in the discretion of the court.

An Act Recognizing the Philippine National Red Cross

As an independent, autonomous, nongovernmental organization auxiliary to the authorities of the Republic of the Philippines in the Humanitarian Field is the Republic Act No. 10072, The Philippine Red Cross. Section 10 is the Penal Clause that indicates that any person, whether natural or juridical, violating any section of this Act shall, upon conviction, therefore, be liable to a fine of not less than fifty thousand pesos (P50,000.00) or imprisonment for a term not exceeding one (1) year, or both, at the discretion of the court for each violation. In case the violation is committed by a corporation or an association, the penalty shall devolve upon the president, director, or any other officer responsible for such violation.

CONCLUSIONS:

Based on the findings and recapitulations aligned from the objectives of the study, the following conclusions were drawn:

- (1) The penalty clause for PD 269 otherwise known as The National Electrification Administrative Decree is provided under Sec. 54. For the Philippine Red Cross Act, the penalty clause is under Sec. 10.
- (2) Those penalty deals with life imprisonment under the special laws provided herein.
- (3) Unlike penalties under the Revised Penal Code of the Philippines such as reclusion perpetua, reclusion temporal down to aresto menor, there are graduation of penalty. While in the penalty of life imprisonment, the penalty is at one specific duration of period. Life imprisonment should not be taken in its literal sense. It has still a duration.
- (4) Crimes punishable by life imprisonment in the Philippines include Republic Act 7877 - An Act Declaring Sexual Harassment Unlawful In the Employment, Education or Training Environment, and for Other Purposes and Republic Act 11313; Safe Spaces Act - Aa Act Defining Gender-Based Sexual Harassment In Streets, Public Spaces, Online, Workplaces, and Educational or Training Institutions, Providing Protective Measures and Prescribing Penalties.

RECOMMENDATIONS:

Based on the findings and data collected, the researchers recommended the following:

1. To conduct in-depth study to craft an investigative inquiry on Life imprisonment in the Philippines.
2. To facilitate study-related research employing various criteria on variables. It could be quantitative research that focuses on impact of Life Imprisonment in the Philippines among the prisoners

REFERENCES:

Aquino, David Robert (2017). Introduction to Law. Central Book Supply Inc. ISBN: 978-621-02-0226-7

Chan Robles Virtual Library (2021). Philippine Supreme Court Circulars <https://www.chanrobles.com/index1.htm>

The LawPhil Project. (2021). Arellano Law Foundation, Philippine Laws and Jurisprudence Databank. <https://www.lawphil.net/>

Presidential Decree 269 (1973). The National Electrification Administration Decree. Malacanang Palace, Manila

Republic Act No. 1007 (2009). The Philippine Red Cross, Republic of the Philippines. Congress of the Philippines, Manila, Fourteen Congress, Third Regular Session

Republic Act No. 10157 (2011). The Kindergarten Act. Republic of the Philippines. Congress of the Philippines. Manila, Fifteen Congress, Second Session

Republic Act 7877 (1995). An Act Declaring Sexual Harassment Unlawful In The Employment, Education Or Training Environment, And For Other Purposes. Republic Of The Philippines, House Of Senate And House Of Representatives, Manila.

Republic Act 11313. (2018) Safe Spaces Act An Act Defining Gender-based Sexual Harassment In Streets, Public Spaces, Online, Workplaces, And Educational Or Training Institutions, Providing Protective Measures And Prescribing Penalties. Congress Of The Philippines, Manila, 17th Congress, 3rd Regular Session

Robillos, Alyosha J. (2015). Life imprisonment, reclusion perpetua, and other legal terms you should know. CNN Philippines

Supreme Court of the Philippines (1993). THE CORRECT APPLICATION OF THE PENALTIES OF RECLUSION PERPETUA AND LIFE IMPRISONMENT. Administrative Circular No. 6-A-92