

or outside it against another State, exposing Panama to the danger of war or a breakdown in its international relations, shall be sentenced to imprisonment for three to six years.

Article 313. Anyone who impedes or disrupts the implementation of the conventions and treaties concluded and ratified by the Republic in such a way as to compromise the responsibilities of Panama shall be sentenced to imprisonment for one to three years.

XXXII. PHILIPPINES⁷⁷

1. AN ACT PROHIBITING CERTAIN ACTS INIMICAL TO CIVIL AVIATION AND FOR OTHER PURPOSES

Section 1. It shall be unlawful for any person to compel a change in course or destination of an aircraft of Philippine registry, or to seize or usurp the control thereof, while it is in flight. An aircraft is in flight from the moment all its external doors are closed following embarkation until any of such doors is opened for disembarkation.

It shall likewise be unlawful for any person to compel an aircraft of foreign registry to land in Philippine territory or to seize or usurp the control thereof while it is within the said territory.

Section 2. Any person violating any provision of the foregoing section shall be punished by an imprisonment of not less than twelve years but not more than twenty years, or by a fine of not less than twenty thousand pesos but not more than forty thousand pesos.

The penalty of imprisonment of fifteen years to death, or a fine of not less than twenty-five thousand pesos but not more than fifty thousand pesos shall be imposed upon any person committing such violation under any of the following circumstances:

1. Whenever he has fired upon the pilot, member of the crew or passenger of the aircraft;
2. Whenever he has exploded or attempted to explode any bomb or explosive to destroy the aircraft; or
3. Whenever the crime is accompanied by murder, homicide, serious physical injuries or rape.

⁷⁷ Transmitted to the Secretariat by that Government on 7 July 1997.

Section 3. It shall be unlawful for any person, natural or juridical, to ship, load or carry in any passenger aircraft operating as a public utility within the Philippines, any explosive, flammable, corrosive or poisonous substance or material.

Section 4. The shipping, loading or carrying of any substance or material mentioned in the preceding section in any cargo aircraft operating as a public utility within the Philippines shall be in accordance with regulations issued by the Civil Aeronautics Administration.⁷⁸

Section 5. As used in this Act —

(1) "Explosive" shall mean any substance, either solid or liquid, mixture or single compound, which by chemical reaction liberates heat and gas at high speed and causes tremendous pressure resulting in explosion. The term shall include but not limited to dynamites, firecrackers, blasting caps, black powders, bursters, percussions, cartridges and other explosive materials, except bullets for firearm.

(2) "Flammable" is any substance or material that is highly combustible and self-igniting by chemical reaction and shall include but not limited to acrolein, allene, aluminum, dyethyl monochloride, and other aluminum compounds, ammonium chlorate and other ammonium mixtures and other similar substances or materials.

(3) "Corrosive" is any substance or material, either liquid, solid or gaseous, which through chemical reaction wears away, impairs or consumes any object. It shall include but not limited to alkaline battery fluid packed with empty storage battery, allyl chloroformate, allyl trichlorosilane, ammonium dinitro-orthocresolate and other similar materials and substances.

(4) "Poisonous" is any substance or materials, except medicinal drug, either liquid, solid or gaseous, which through chemical reaction kills, injures or impairs a living organism or person, and shall include but not limited to allyl isothiocyanate, ammunition (chemical, non-explosive but containing Class A, B or poison), aniline oil, arsine, bromobenzyle cyanide, bromoacetone and other similar substances or materials.

Section 6. Any violation of section three hereof shall be punishable by an imprisonment of at least five years but not more than ten years or by a fine of not less than ten thousand pesos but not more than twenty thousand pesos: *Provided*, That if the violation is committed by a juridical person, the penalty shall be imposed upon the manager, representative, director, agent or employee who violated, or caused, directed, cooperated or participated in the violation thereof: *Provided, further*, That in case the violation is committed in the interest of a foreign corporation legally doing business in the Philippines, the penalty shall be

⁷⁸ Now Bureau of Air Transportation.

imposed upon its resident agent, manager, representative or director responsible for such violation and in addition thereto, the license of said corporation to do business in the Philippines shall be revoked.

Any violation of Section four hereof shall be an offence punishable with the minimum of the penalty provided in the next preceding paragraph.

Section 7. For any death or injury to persons or damage to property resulting from a violation of Sections three and four hereof, the person responsible therefore may be held liable in accordance with the applicable provisions of the Revised Penal Code.

Section 8. Aircraft companies which operate as public utilities or operators of aircraft which are for hire are authorized to open and investigate suspicious packages and cargoes in the presence of the owner or shipper, or his authorized representatives if present; in order to help the authorities in the enforcement of the provisions of this Act: *Provided,* That if the owner, shipper or his representative refuses to have the same opened and inspected, the airline or air carrier is authorized to refuse the loading thereof.

Section 9. Every ticket issued to a passenger by the airline or air carrier concerned shall contain among others the following condition printed thereon: "Holder hereof and his hand-carried luggage(s) are subject to search for, and seizure of, prohibited materials or substances. Holder refusing to be searched shall not be allowed to board the aircraft," which shall constitute a part of the contract between the passenger and the air carrier.

Section 10. The Civil Aeronautics Administration is hereby directed to promulgate within one month after the approval of this Act such regulations as are provided in Section four hereof and cause the publication of such rules and regulations in the *Official Gazette* and in a newspaper of national circulation for at least once a week for three consecutive weeks. Such regulations shall take effect fifteen days after publication in the *Official Gazette*.

Section 11. This Act shall take effect after the publication mentioned in the preceding section.⁷⁹

Approved, June 19, 1971.

2. PRESIDENTIAL DECREE No. 532: ANTI-PIRACY AND ANTI-HIGHWAY ROBBERY LAW OF 1974

Section 1. Title. This Decree shall be known as the Anti-Piracy and Anti-Highway Robbery Law of 1974.

⁷⁹ The regulation was published on 4 October, 1971 issue of the *Official Gazette*.

Section 2. Definition of Terms. The following shall mean and be understood, as follows:

- a. "Philippine Waters": It shall refer to all bodies of water, such as but not limited to seas, gulfs, bays around, between and connecting each of the Islands of the Philippine Archipelago, irrespective of its depth, breadth, length or dimension, and all other waters belonging to the Philippines by historic or legal title, including territorial sea, the sea-bed, the insular shelves, and other submarine areas over which the Philippines has sovereignty or jurisdiction.
- b. "Vessel": Any vessel or watercraft used for transport of passengers and cargo from one place to another through Philippine waters. It shall include all kinds and types of vessels or boats used in fishing.
- c. "Philippine Highway": It shall refer to any road, street, passage, highway and bridges or other parts thereof, or railway or railroad within the Philippines used by persons, or vehicles, or locomotives or trains for the movement or circulation of persons or transportation of goods, articles, or property or both.
- d. "Piracy": Any attack upon or seizure of any vessel, or the taking away of the whole or part thereof or its cargo, equipment, or the personal belongings of its complement or passengers, irrespective of the value thereof, by means of violence against or intimidation of persons or force upon things, committed by any person, including a passenger or member of the complement of said vessel, in Philippine waters, shall be considered as piracy. The offenders shall be considered as pirates and punished as hereinafter provided.
- e. "Highway Robbery/Brigandage": The seizure of any person for ransom, extortion or other unlawful purposes, or the taking away of the property of another by means of violence against or intimidation of persons or force upon things or other unlawful means, committed by any person on any Philippine Highway.

Section 3. Penalties. Any person who commits piracy or highway robbery/brigandage as herein defined, shall, upon conviction by competent court be punished by:

- a. *Piracy.* The penalty of *reclusion temporal* in its medium and maximum periods shall be imposed. If physical injuries or other crimes are committed as a result or on the occasion thereof, the penalty of *reclusion perpetua* shall be imposed. If rape, murder or homicide is committed as a result or on the occasion of piracy, or when the offenders abandoned the victims without means of saving themselves, or when the seizure is accompanied by firing upon or boarding a vessel, the mandatory penalty of death shall be imposed.

b. *Highway Robbery/Brigandage.* The penalty of *reclusion temporal* in its minimum period shall be imposed. If physical injuries or other crimes are committed during or on the occasion of the commission of the robbery or brigandage, the penalty of *reclusion temporal* in its medium and maximum periods shall be imposed. If kidnapping for ransom or extortion, or murder or homicide, or rape is committed as a result or on the occasion thereof, the penalty of death shall be imposed.

Section 4. Aiding pirates or highway robbers/brigands or abetting piracy or highway robbery/brigandage. Any person who knowingly and in any manner aids or protects pirates or highway robbers/brigands, such as giving them information about the movement of police or other peace officers of the government, or acquires or receives property taken by such pirates or brigands or in any manner derives any benefit therefrom; or any person who directly or indirectly abets the commission of piracy or highway robbery or brigandage, shall be considered as an accomplice of the principal offenders and be punished in accordance with the rules prescribed by the Revised Penal Code.

It shall be presumed that any person who does any of the acts provided in this Section has performed them knowingly, unless the contrary is proven.

Section 5. Repealing Clause. Pertinent portions of Act No. 3815, otherwise known as the Revised Penal Code; and all laws, decrees, or orders or instructions, or parts thereof, insofar as they are inconsistent with this Decree are hereby repealed or modified accordingly.

Section 6. Effectivity. This Decree shall take effect upon approval.

Done in the City of Manila this 8th day of August, in the year of Our Lord, nineteen hundred and seventy-four.

3. REVISED PENAL CODE⁸⁰

Article 122. Piracy in general and mutiny on the high seas or in Philippine waters. The penalty of *reclusion perpetua* shall be inflicted upon any person who, on the high seas, or in Philippine waters, shall attack or seize a vessel or not being a member of its complement nor a passenger, shall seize the whole or part of the cargo of the said vessel, its equipment, or personal belongings of its complement or passengers.

⁸⁰ Under Philippine law, terrorist acts are punished as common felonies (e.g. murder, kidnapping). In determining sentences, however, the terroristic circumstances of the crime which qualify as aggravating circumstances may be taken into account to apply higher penalties. The Philippines is studying several drafts of proposed legislation on international terrorism.

The same penalty shall be inflicted in case of mutiny on the high seas or in Philippines waters.

Article 123. Qualified Piracy. The penalty of *reclusion perpetua* to death shall be imposed upon those who commit any of the crimes referred to in the preceding article, under any of the following circumstances:

1. Whenever they have seized a vessel by boarding or firing upon the same;
2. Whenever the pirates have abandoned their victims without means of saving themselves;
3. Whenever the crime is accompanied by murder, homicide, physical injuries or rape.

Article 248. Murder. Any person who, not falling within the provisions of Article 246 shall kill another, shall be guilty of murder and shall be punished by *reclusion perpetua*, to death if committed with any of the following attendant circumstances:

1. With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defence or of means or persons to insure or afford impunity.
2. In consideration of price, reward or promise.
3. By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assaults upon a railroad, fall of an airship, or by means of motor-vehicles, or with the use of any other means involving great waste and ruin.
4. On occasion of any of the calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic or other public calamity.

Article 249. Homicide. Any person who, not falling within the provisions of Article 246, shall kill another without the attendance of any of the circumstances enumerated in the next preceding article, shall be deemed guilty of homicide and be punished by *reclusion temporal*.

Article 262. Mutilation. The penalty of *reclusion temporal* to *reclusion perpetua* shall be imposed upon any person who shall intentionally mutilate another by depriving him, either totally or partially, of some essential organ of production.

Any other intentional mutilation shall be punished by *prision mayor*, in its medium and maximum periods.

Article 263. Serious physical injury. Any person who shall wound, beat, or assault another, shall be guilty of the crime of serious physical injuries and shall suffer:

1. The penalty of *prision mayor*, if in consequence of the physical injuries inflicted, the injured person shall become insane, imbecile, impotent, or blind;
2. The penalty of *prision correccional* in its medium and maximum periods, if in consequence of the physical injuries inflicted, the person injured shall have lost the use of speech or the power to hear or to smell, or shall have lost an eye, a hand, a foot, an arm or a leg or shall have lost the use of any such member, or shall have become incapacitated for the work in which he was therefore habitually engaged;
3. The penalty of *prision correccional* in its minimum and medium periods, if in consequence of the physical injuries inflicted, the person injured shall have become deformed, or shall have lost any other part of his body, or shall have lost the use thereof, or shall have been ill or incapacitated for the performance of the work in which he was habitually engaged for a period of more than ninety days;
4. The penalty of *arresto mayor* in its maximum period to *prision correccional* in its minimum period, if the physical injuries inflicted shall have caused the illness or incapacity for labour of the injured person for more than thirty days.

If the offence shall have been committed against any of the persons enumerated in Article 246, or with attendance of any of the circumstances mentioned in Article 248, the case covered by subdivision number 1 of this article shall be punished by *reclusion temporal* in its medium and maximum periods; the case covered by subdivision number 2 by *prision correccional* in its maximum period to *prision mayor* in its minimum period; the case covered by subdivision number 3 by *prision correccional* in its medium, and maximum periods; and the case covered by subdivision number 4 by *prision correccional* in its minimum and medium periods.

The provisions of the preceding paragraph shall not be applicable to a parent who shall inflict physical injuries upon his child by excessive chastisement.

Article 264. Administering injurious substances or beverages. The penalties established by the next preceding article shall be applicable in the respective case to any person who, without intent to kill, shall inflict upon another any serious physical injury, by knowingly administering to him any injurious substances or beverages or by taking advantage of his weakness of mind or credulity.

Article 265. Less serious physical injury. Any person who shall inflict upon another injuries not described in the preceding articles, but which shall incapacitate the offended party for the labour for ten days or more, or shall require medical

attendance for the same period, shall be guilty of less serious physical injuries and shall suffer the penalty of *arresto mayor*.

Whenever less serious physical injuries shall have been inflicted with the manifest intent to insult, or offend the injured person, under circumstances adding ignominy to the offence, in addition to the penalty of *arresto mayor*, a fine not exceeding 500 pesos shall be imposed.

Any less serious physical injuries inflicted upon the offender's parents, ascendants, guardians, curators, teachers, or persons of rank or persons in authority, shall be punished by *prision correccional* in its minimum and medium periods, provided that in the case of persons in authority, the deed does not constitute the crime of assault upon such person.

Article 266. Slight physical injuries and maltreatment. The crime of slight physical injuries shall be punished:

1. By *arresto menor* when the offender has inflicted physical injuries which shall incapacitate the offended party for labor from, one to nine days, or shall require medical attendance during the same period.
2. By *arresto menor* or a fine not exceeding 20 pesos and censure when the offender has caused physical injuries which do not prevent the offended party from engaging in his habitual work nor require medical attendance.
3. By *arresto menor* in its minimum period or a fine not exceeding 50 pesos when the offender shall ill-treat another by deed without causing injury.

Article 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 perpetua* to death:

1. If the kidnapping or detention shall have lasted more than three days.
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 shall have been made.
4. If the person kidnapped or detained shall be a minor, except when the accused is any of the parents, female or a public officer.

The penalty shall be death 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 above-mentioned were present in the commission of the offence.

When the victim is killed or dies as a consequence of the detention or is raped, or is subjected to torture, or dehumanizing acts, the maximum penalty shall be imposed.

If the offender shall voluntarily release the person so kidnapped or detained within three days from the commencement of the detention, without having attained the purpose intended, and before the institution of criminal proceedings against him, the penalty shall be *prision mayor* in its minimum and medium periods and a fine not exceeding seven hundred pesos.

Article 293. Who are guilty of robbery. Any person who, with intent to gain, shall take any personal property belonging to another, by means of violence against or intimidation of any person, or using force upon anything shall be guilty of robbery.

Article 294. Robbery with violence against or intimidation of persons. Penalties. Any person guilty of robbery with the use of violence against or intimidation of any person shall suffer.

1. The penalty of *reclusion perpetua* to death, when by reason or on occasion of the robbery, the crime of homicide shall have been committed, or when the robbery shall have been accompanied by rape or intentional mutilation or arson.
2. The penalty of *reclusion temporal* in its medium period to *reclusion perpetua*, when or if by reason or on occasion of such robbery, any of the physical injuries penalized in subdivision 1 of Article 263 shall have been inflicted.
3. The penalty of *reclusion temporal*, when by reason or on occasion of the robbery, any of the physical injuries penalized in subdivision 2 of the article mentioned in the next preceding paragraph, shall have been inflicted.
4. The penalty of *prision mayor* in its maximum period to *reclusion temporal* in its medium period, if the violence or intimidation employed in the commission of the robbery shall have been carried to a degree clearly unnecessary for the commission of the crime, or when in the course of its execution, the offender shall have inflicted upon any person not responsible for its commission any of the physical injuries covered by subdivisions 3 and 4 of said Article 263.
5. The penalty of *prision correccional* in its maximum period to *prision mayor* in its medium period in other cases.

Article 295. Robbery with physical injuries, committed in an uninhabited place

and by a band, or with the use of firearm on the street, road or alley. If the offences mentioned in subdivisions three, four and five of the next preceding article shall have been committed in an uninhabited place or by a band, or by attacking a moving train, street car, motor vehicle or airship, or by entering the passenger's compartments in a train or, in any manner, taking the passengers thereof by surprise in the respective conveyances, or on a street, road, highway, or alley, and the intimidation is made with the use of firearm, the offender shall be punished by the maximum period of the proper penalties.

In the same cases, the penalty next higher in degree shall be imposed upon the leader of the band.

Article 296. Definition of a band and penalty incurred by the members thereof. When more than three armed malefactors take part in the commission of a robbery, it shall be deemed to have been committed by a band. When any of the arms used in the commission of the offence be an unlicensed firearm, the penalty to be imposed upon all the malefactors shall be the maximum of the corresponding penalty provided by law, without prejudice to the criminal liability for illegal possession of such unlicensed firearms.

Any member of a band who is present at the commission of a robbery by the band, shall be punished as principal of any of the assaults committed by the band; unless it is shown that he attempted to prevent the same.

Article 297. Attempted and frustrated robbery, committed under certain circumstances. When by reason or on occasion of an attempted or frustrated robbery a homicide is committed, the person guilty of such, offences shall be punished by *reclusion temporal* in its maximum period to *reclusion perpetua*, unless the homicide committed shall deserve a higher penalty under the provisions of this Code.

Article 298. Execution of deeds by means of violence or intimidation. Any person who, with intent to defraud another, by means of violence or intimidation, shall compel him to sign, execute or deliver any public instrument or documents, shall be held guilty of robbery and punished by the penalties respectively prescribed in this Chapter.

Article 299. Robbery in an inhabited house or public building or edifice devoted to worship. Any armed person who shall commit robbery in an inhabited house or public building or edifice devoted to religious worship, shall be punished by *reclusion temporal* if the value of the property taken shall exceed 250 pesos, and if:

(a) The malefactors shall enter the house or building in which the robbery was committed, by any of the following means:

1. Through an opening not intended for entrance or egress.

2. By breaking any wall, roof or floor or breaking any door or window.
3. By using false keys picklocks or similar tools.
4. By using any fictitious name or pretending the exercise of public authority.

Or if:

(b) The robbery be committed under any of the following circumstances:

1. By the breaking of doors wardrobes, chests, or any other kind of locked or sealed furniture or receptacle;
2. By taking such furniture or objects to be broken or forced open outside the place of the robbery.

When the offenders do not carry arms and the value of the property taken exceeds 250 pesos, the penalty next lower in degree shall be imposed.

The same rule shall be applied when the offenders are armed, but the value of the property taken does not exceed 250 pesos.

When said offenders do not carry arms and the value of the property taken does not exceed 250 pesos, they shall suffer the penalty prescribed in the two next preceding paragraphs, in its minimum period.

If the robbery be committed in one of the dependencies of an inhabited house, public building, or building dedicated to religious worship, the penalties next lower in degree than those prescribed in this article shall be imposed.

Article 300. Robbery in an uninhabited place and by a band. The robbery mentioned in the next preceding article, if committed in an uninhabited place and by a band, shall be punished by the maximum period of the penalty provided therefore.

Article 301. What is an inhabited house, public building or building dedicated to religious worship and their dependencies. Inhabited house means any shelter, ship or vessel constituting the dwelling of one or more persons, even though the inhabitants thereof shall temporarily be absent there from when the robbery is committed.

All interior courts, corrals, warehouses, granaries, barns, coach-houses, stables or other departments or enclosed places contiguous to the building or edifice, having an interior entrance connected therewith and which form part of the

whole, shall be deemed dependencies of an inhabited house, public building or building dedicated to religious worship.

Orchards and other lands used for cultivation or production are not included in the terms of the next preceding paragraph, even if closed, contiguous to the building and having direct connection therewith.

The term "public building" included every building owned by the Government or belonging to a private person but used or rented by the Government, although temporarily unoccupied by the same.

Article 302. Robbery in an uninhabited place or in a private building. Any robbery committed in an uninhabited place or in a building other than those, mentioned in the first paragraph of Article 299, if the value of the property taken exceeds 250 pesos, shall be punished by *prision correccional* if any of the following circumstances is present:

1. If the entrance has been effected through any opening not intended for entrance or egress.
2. If any wall, roof, floor or outside door or window has been broken.
3. If the entrance has been effected through the use of false keys, picklocks or other similar tools.
4. If any door, wardrobe, chest, or any sealed or closed furniture or receptacle has been broken.
5. If any closed or sealed receptacle, as mentioned in the preceding paragraph, has been removed even if the same be broken open elsewhere.

When the value of the property taken does not exceed 250 pesos, the penalty next lower in degree shall be imposed.

In the cases specified in Article 294, 295, 297, 299, 300, and 302 of this Code, when the property taken is mail matter or large cattle, the offender shall suffer the penalties next higher in degree, than those provided in said articles.