



## HOUSE OF REPRESENTATIVES

H. No. 5827

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BY REPRESENTATIVES RODRIGUEZ, ANTONINO, CAJAYON, EMANO, ESCUDERO,  
PANCRUDO, ROMUALDO, CODILLA, GONZALES (N.), DE GUZMAN,  
AGBAYANI, VELARDE AND ROMULO, PER COMMITTEE REPORT  
No. 1690

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AN ACT DETERRING AND PUNISHING THE ESTABLISHMENT AND  
OPERATION OF CRIMINAL STREET GANGS, RECRUITMENT  
OF INDIVIDUALS TO PARTICIPATE IN THE COMMISSION OF  
GANG CRIMES AND FOR OTHER PURPOSES

*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 “Criminal  
2 Street Gang Deterrence and Punishment Act of 2009”.

3           SEC. 2. *Definition of Terms.* – As used in this Act, the following terms  
4 shall mean as follows:

5           (a) “Criminal street gang” – formal or informal group, club,  
6 organization or association of three (3) or more members who, alone or any  
7 combination thereof, act(s) or agree(s) to act in concert in order to commit two  
8 (2) or more predicate gang crimes.

9           (b) “Predicate gang crime” – any threat or act, or attempted act or  
10 threat, which is punishable under the Revised Penal Code and other special  
11 penal laws and punishable by imprisonment of more than one (1) year,  
12 involving murder; attempted murder; gambling; kidnapping; robbery;

1 extortion; arson; obstruction of justice; tampering with or retaliating against a  
2 witness, victim or informant; burglary; sexual assault; carjacking;  
3 manufacturing, importing, distributing and possessing with intent to distribute,  
4 or otherwise dealing in controlled substance(s) or chemicals; or other similar  
5 offenses.

6 SEC. 3. *Prohibited Acts and Penalties.* –

7 (a) Recruitment of a Person into a Criminal Street Gang – It shall be  
8 unlawful for any person to use any facility or cause another to do so in order to  
9 recruit, solicit, induce, employ, command or cause another individual to gain  
10 entrance to, remain a member of or increase his/her position in a criminal street  
11 gang or conspire to do so with the intent that the said individual shall  
12 participate in any offense described in Section 2(b) of this Act.

13 Any person who violates the above provision shall suffer the penalty of  
14 imprisonment of not more than ten (10) years: *Provided*, That if the individual  
15 recruited, solicited, induced, employed, commanded or caused to gain entrance  
16 to or to remain a member of or increase his/her position in a criminal street  
17 gang is a minor, the offender shall be imprisoned for not less than five (5)  
18 years nor more than ten (10) years and fined at the discretion of the court. In  
19 addition, the offender shall be held liable for any costs incurred by the  
20 government for maintaining and rehabilitating the individual until he/she  
21 attains the age of eighteen (18) years.

22 (b) Inducement to Participate in Street Gang Crime – It shall be  
23 unlawful to employ, use, command, coerce, counsel, persuade, induce or entice  
24 any individual to commit, cause to commit or facilitate the commission of a  
25 predicate gang crime in furtherance of or in aid of the activities of a criminal  
26 street gang.

27 Any person who violates the above provision shall suffer the penalty of  
28 imprisonment of not more than fifteen (15) years: *Provided*, That if the

1 individual induced to participate in a street gang crime is a minor, the offender  
2 shall be imprisoned for not less than ten (10) years nor more than fifteen (15)  
3 years and fined at the discretion of the court. In addition, the offender shall be  
4 held liable for any costs incurred by the government for maintaining and  
5 rehabilitating the individual until he/she attains the age of eighteen (18) years.

6 (c) Participation in Street Gang Crimes – Any person who shall commit,  
7 conspire or attempt to commit two (2) or more predicate gang crimes in  
8 furtherance of or in aid of the activities of a criminal street gang shall be  
9 imprisoned for not more than twenty (20) years: *Provided, That a person who*  
10 *at the time of the offense occupied a position of organizer, leader, supervisor,*  
11 *manager or any other position of management or supervision in the criminal*  
12 *street gang involved in such violation shall be imprisoned for not less than*  
13 *thirty (30) years or for life.*

14 SEC. 4. *Violent Crime in Furtherance or in Aid of a Criminal Street*  
15 *Gang.* – Any person who, in furtherance or in aid of a criminal street gang,  
16 commits a crime of violence against any individual, or conspires or attempts to  
17 do so, shall be punished in addition and consecutive to the punishment  
18 provided for any other violation of this Act, as follows:

19 (a) For murder: by life imprisonment;

20 (b) For kidnapping for ransom: by life imprisonment;

21 (c) For sexual assault: by imprisonment for ten (10) years;

22 (d) For maiming: by imprisonment for five (5) years;

23 (e) For assault with a dangerous weapon or assault resulting in serious  
24 bodily injury: by imprisonment for (5) years;

25 (f) For attempting or conspiring to commit murder, kidnapping,  
26 maiming or sexual assault: by imprisonment for (5) years; and

1 (g) For attempting or conspiring to commit a crime involving assault  
2 with a dangerous weapon or assault resulting in serious bodily injury: by  
3 imprisonment for five (5) years.

4 SEC. 5. *Forfeiture of Assets.* – A person who violates any provision of  
5 this Act shall, in addition to the penalties provided for the violation, suffer  
6 forfeiture of assets corresponding to the following:

7 (a) Any property constituting or derived from any proceeds the person  
8 obtained, directly or indirectly, as a result of the violation; and

9 (b) Any property, used or intended to be used, in any manner or part, to  
10 commit or to facilitate the commission of the violation.

11 SEC. 6. *Implementing Rules and Regulations.* – The Department of  
12 Justice and the Department of the Interior and Local Government shall jointly  
13 issue the implementing rules and regulations necessary for the effective  
14 implementation of this Act.

15 SEC. 7. *Separability Clause.* – If any provision or part hereof is held  
16 invalid or unconstitutional, the remainder of the law or the provisions not  
17 otherwise affected shall remain valid and subsisting.

18 SEC. 8. *Repealing Clause.* – Any law, presidential decree or issuance,  
19 executive order, letter of instruction, administrative order, rule or regulation  
20 contrary to or inconsistent with the provisions of this Act is hereby repealed,  
21 modified or amended accordingly.

22 SEC. 9. *Effectivity Clause.* – This Act shall take effect fifteen (15) days  
23 after its publication in at least two (2) newspapers of general circulation.

Approved,