

[PRESIDENTIAL DECREE NO. 1728, October 08, 1980]

AMENDING PARAGRAPH 4 OF PRESIDENTIAL DECREE NO. 9 DATED OCTOBER 2, 1972.

WHEREAS, Presidential Decree No. 9, dated October 2, 1972, was adopted and promulgated for the purpose of providing an effective deterrent to the use of illegal firearms, explosives, and other deadly weapons, as means, for the commission and/or furtherance of subversion, rebellion, insurrection, lawless violence, and widespread public disorder, which, problems, and conditions gravely imperilled the existence and survival of the State.

WHEREAS, in view of the recent bombings, arsons, and other acts of terrorism and lawlessness committed or being carried out by the radicals and other criminal elements in Metro Manila and in other parts of the country, resulting in the loss of human lives, serious injuries to innocent civilians, sizeable damage to property, and the waste and destruction of valuable resources, there is an urgent necessity to amend Presidential Decree No. 9, to better serve its purpose and insure the complete success of the continuing efforts of the government aimed at solving the problems of subversion, rebellion, insurrection, lawlessness, and public disorder, on the one hand, and the restoration of normalcy in the country, on the other;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree as follows:

SECTION I. Paragraph 4 of Presidential Decree No. 9, dated October 2, 1972, is hereby amended to read as follows:

"4. when the violation penalized in the preceding paragraphs 2 and 3 is committed during the commission of or for the Purpose of committing, any other crime, the penalty shall be imposed upon the offender in its maximum extent, in addition to the penalty *provided* for the particular offense/s committed or intended to be committed: *Provided, however*, that, any provision of law to the contrary notwithstanding, any person who, with the use of deadly weapons enumerated in the preceding, paragraph 2, including hand grenades, rifle grenades, and other types of explosives, commits any of the crimes against persons or property as defined in the Revised Penal Code, resulting in the death of the victims of such crimes, shall suffer the mandatory penalty of death.

"The conspiracy or proposal, as these terms are defined in Article 8 of the Revised Penal Code, as amended, to maliciously damage or destroy any building, vehicle, or other personal or real property by means of explosives, incendiary devices, or any similar agency or means of destruction as those enumerated in the preceding paragraph 2, shall be punished, respectively, by imprisonment of not more than six (6) years and a fine of not more than ten thousand pesos (P10,000.00), and by imprisonment of not more than five (5) years and a fine of not more than five thousand pesos (P5,000.00).