

[PRESIDENTIAL DECREE NO. 767, August 15, 1975]

AMENDING ARTICLE 294(2) OF THE REVISED PENAL CODE

WHEREAS, there is a disparity in the penalty for rape when committed with a deadly weapon or by two or more persons and that for robbery with rape when committed under the same circumstances, in the sense that the penalty for the former is *reclusion perpetua* to death while the penalty for the latter, which is more serious, is *reclusion temporal* in its medium period to *reclusion perpetua*;

WHEREAS, the disparity is due to the failure to make a corresponding increase in the penalty for robbery with rape after increasing the penalty for rape when committed with a deadly weapon or by two or more persons;

WHEREAS, the crime of robbery with rape is more serious than the crime of rape and should therefore be punished by the same penalty when committed under the same circumstances;

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

1. Article 294(2) of the Revised Penal Code is hereby amended to read as follows:

"ART. 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:

2. The penalty of *reclusion temporal* in its medium period to *reclusion perpetua*, when the robbery shall have been accompanied by rape or intentional mutilation, or if by reason or on occasion of such robbery, any of the physical injuries penalized in sub division 1 of article 263 shall have been inflicted; *PROVIDED HOWEVER, THAT WHEN THE ROBBERY ACCOMPANIED WITH RAPE IS COMMITTED WITH THE USE OF A DEADLY WEAPON OR BY TWO OR MORE PERSONS THE PENALTY SHALL BE RECLUSION PERPETUA TO DEATH.*

2. This Decree shall take effect immediately.

Done in the City of Manila, this 15th day of August, in the year of Our Lord, nineteen hundred and seventy-five.

(Sgd.) **FERDINAND E. MARCOS**
President
Republic of the
Philippines