

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

House Bill No. 1791

Introduced by **Honorable PROSPERO A. PICHAY, JR.**

EXPLANATORY NOTE

The spate of bombings that rocked certain parts of the country and our Southeast Asian neighbors increasingly gives credence to the view that the region may just be a crucial arena in the fight against terror. These tragic incidents send an unequivocal message: be vigilant or be reduced to smithereens, both in the figurative and literal sense.

Since the collective outrage against terrorism started to sweep the globe, our government has formulated and implemented various methods in countering this vicious enemy. Contrary to twisted perception, the struggle is being conducted on all fronts – from grassroots anti-poverty programs to the use of military might against the more visible personifications of terror, like the bandit group Abu Sayyaf.

With the hope that said efforts may be strengthened, this bill seeks to impose harsher penalties on entities which may be found to wittingly or unwittingly abet terrorist activities. Specifically, the proposed measure provides for a more severe punishment to those responsible for the illegal trade of volatile materials used in making a terrorist weapon – bombs.

The author sadly notes for instance that for violating the present law governing the sale of explosive materials, Executive Order No. 522, a person is penalized with only a fine of not less than P600 but not more than P2,000 and imprisonment of not less than three months but not over two years, besides the cancellation of the license and confiscation of subject materials. Against the damage wrought by terrorist acts, these sanctions readily pale in comparison.

Urgent consideration and approval of this proposal is earnestly sought.

PROSPERO A. PICHAY, JR.



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AN ACT
PENALIZING THE UNLAWFUL IMPORTATION, POSSESSION AND SALE OF CHEMICALS USED AS INGREDIENTS IN THE MANUFACTURE OF EXPLOSIVES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Any person or entity who intends to import, possess or sell any of the chemicals used as ingredients in the manufacture of explosives shall file an application with the Chief of the Philippine National Police (PNP), stating therein the purpose for which the license and/or permit is sought and such information as may be required by the Chief, PNP.

SEC. 2. The chemicals mentioned in the preceding section shall exclusively refer to chlorates, nitrates and nitric acid.

SEC. 3. Only persons or entities issued the appropriate permit may import, possess or sell the aforesaid chemicals from licensed importers or dealers. They shall maintain a permanent record of all transactions entered into in relation with the said chemicals, which documents shall be open to inspection by appropriate authorities.

SEC. 4. Persons or entity who may purchase such chemicals to be used exclusively as pesticides or fertilizers or for other agricultural purposes shall, in lieu of the permit referred to in the preceding sections, seek the corresponding authority from the appropriate government agency as required by existing laws, rules and regulations: *Provided,* That should there be any excess of said chemicals, the same should be reported to the police station having jurisdiction, which office is under obligation to record such report.

Failure to comply with any provision of this section shall constitute a violation of this Act.

SEC. 5. Any violation of the provisions of this Act shall be punished with imprisonment of not less than one (1) year but not more than five (5) years or a fine of not less than P10,000 pesos but not more than P100,000, or both, at the discretion of the court: *Provided,* That if the guilty party is a corporation or a partnership, the fine to be imposed shall be the maximum amount.

In addition thereto, any violation of this Act shall be sufficient cause for the cancellation of the license and the confiscation of all such chemicals, whether or not lawfully imported, possessed or purchased by the subject person or entity.

If a public officer is found guilty of violating any provision of this Act, he shall be perpetually disqualified from public office with automatic forfeiture in favor of the government of any benefits and privileges, in addition to the penalties mentioned in the first paragraph of this section.

SEC. 6. The Philippine National Police, in consultation with the Department of Trade and Industry, the Department of Agriculture and the Department of Environment and Natural Resources shall promulgate not later than ninety (90) days after the approval of this Act such rules and regulations necessary to implement this Act.

SEC. 7. The amount necessary to implement the provisions of this Act shall be included in the General Appropriations Act of the year following its approval.

SEC. 8. All laws, executive issuances, rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 9. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or a newspaper of general circulation.

Approved,