

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Congress
Regular Session

House Bill No. **5898**



Introduced by Representative **Dr. REY B. AQUINO**

EXPLANATORY NOTE

This Bill seeks to deter, if not to arrest, the rampant theft of telecommunication cables nationwide. Recent experience showed an alarming rate in the number of telecommunication cable theft committed by unscrupulous persons, sometimes individually and sometimes perpetrated by a group of organized malefactors whose aim is to identify prospective targets which are usually installed along the side of streets and national highways, steal, cart, and sell telecommunication cables to equally unscrupulous buyers, who are mostly owners of junkshops.

Encouraged by the presence of ready buyers who offer excellent price per kilogram of copper, there seem to be no more end to this malady. In the National Capital Region alone, there were 1,037 recorded telecommunication cable theft incidents for the period January to December 2005, resulting in the disruption of communication services of 108,427 lines. The surge in the number of incidents involving theft of telecommunication cables can be explained by the increasing price of copper metal in the world market. Data show that from P90.00/kg in 2003, the price of copper rose to P160/kg in 2004 and jumped further to high of 320/kg for the current year 2006. As a result of this increasing demand for copper, devious individuals have turned to stealing telecommunication cables, which are usually installed unprotected outside the telecommunication company's premises, and easily cut and carted away specially in isolated areas along the national highways. Needless to say, this rampant thievery has affected and is continuously affecting not only the telecommunication industry in terms of lost revenues and cost of restoration, but most importantly, the public and private sectors that rely heavily on telecommunication facilities as the primary tool in providing public service and in the conduct of various business activities.

The importance of telecommunication cannot be over emphasized. Aside from our individual needs to communicate, the economy is propelled in no small measure by the availability of efficient and reliable telecommunication infrastructure. Hampered by the service interruptions caused by the continual theft of telecommunication cables which are the main transmission highways of voice, data and video communications, there now appears a very strong need to put an end to these telecommunication cable thievery. While there are existing laws penalizing theft and fencing of personal properties, and even special decrees and legislation similarly imposing penalties for pilferage of specified commodities or chattels i.e electricity, water and telephone lines, the punishment imposed for the violation of the said laws does not seem to deter these ruthless thieves from carrying-out their nefarious activities, which at the rate of its current prevalence, now amounts to economic sabotage. Given the continuing peril to the existing telecommunication infrastructure and the dreadful effect to the public and business sector and the economy as a whole, stiffer penalties for theft of telecommunication cables is therefore apt and necessary.

With this continuing threat to our national economy, support and approval of this bill is earnestly sought.

Dr. REY B. AQUINO
Rep. 3rd District, Pampanga

AN ACT

RECLASSIFYING THEFT AND FENCING OF TELCOMMUNICATION CABLES AS ECONOMIC SABOTAGE AND PRESCRIBING HEAVIER PENALTIES THEREFOR.

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

Section 1 – Title

This act shall be known as “Anti Telecommunication Cable Theft and Fencing Act of 2006”

Section 2 – Definitions

The following terms as used in this Act shall have the following meanings:

“Telecommunication Cable” – any wire or cable, whether copper, fiber optic or of whatever make that enables a telecommunications entity to transmit or relay and receive voice, data, or electronic messages, written or printed matter, fixed or moving picture, words music or visible or audible signals or any control signals of any design.

“Person” – a person committing, or group of persons collaborating, confederating, or mutually helping one another in the commission of, the crime defined herein.

“Fencing” - the act of any person who, whether done for profit or gain, or not, shall buy, receive, possess, keep, acquire, conceal, sell or dispose of, or shall buy and sell, or in any other manner deal with any telecommunication cable which he knows or should have been known to him, to be to have been derived from the proceeds of theft of telecommunication cable.

“Fence” - shall include any person, firm, association, corporation or partnership or other organization who or which commits the act of fencing of telecommunication cable.

Section 3 – Theft of telecommunication cable

It is hereby declared unlawful for any person or persons to take, steal, carry away, or remove any telecommunication cable from a tower, pole, or any other installation or place of installation, or any place or site where it may rightfully or lawfully installed, without the consent of the owner thereof, whether or not the act is done for profit or gain;

Section 4 – Fencing of telecommunication cable

It is hereby declared unlawful for any person to buy, receive, possess, keep, acquire, conceal, sell or dispose of, or buy and sell, or in any manner deal with any telecommunication cable without the consent of the owner, whether or not the act is done for profit or gain.

Section 5 - Presumption of Fencing of telecommunication cable

The mere possession of any telecommunication cable that has been the subject of theft under this Act shall be prima facie evidence of fencing.

Section 6 – Liability for fencing of officials of juridical persons

If the fence as described in this Act is a partnership, firm, corporation, or association, the president or the manager, or any other officer thereof who knows or should have known the commission of the crime punishable herein shall be liable.

Section 7 – Penalties

Any person found guilty of the crimes described under this Act, whether he be a thief or a fence shall suffer the penalty of reclusion temporal in its maximum period or a fine ranging from twenty thousand (P20,000.00) to fifty thousand pesos (P50,000.00), or both.

Section 8 – Repealing Clause

Any provision of law, decree, order or rules and regulation which are inconsistent with the provisions of this Act are hereby deemed repealed or modified accordingly.

Section 10 – Effectivity

This Act shall take effect upon its approval and fifteen (15) days after its publication in two (2) newspapers of general circulation.