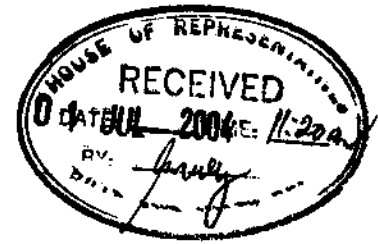


Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

THIRTEENTH CONGRESS

First Regular Session

House Bill No. **215**



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Introduced By Hon. Rozzano Rufino B. Biazon

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**EXPLANATORY NOTE**

Section 5 of Article 2 of the 1987 Constitution provides that "*The maintenance of peace and order, the protection of life, liberty and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessing of democracy.*"

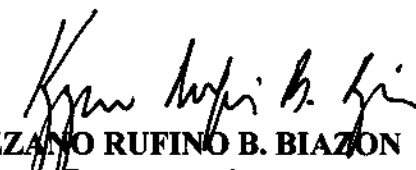
Corrolarily, the State in the exercise of its police power may enact and impose such reasonable measure that will prohibit all that is harmful to the comfort, safety and welfare of society and its subjects.

The passage and implementation of laws, such as Republic Act No. 8294, regulating the possession, manufacture, dealing in and acquisition or disposition of firearms, ammunition or explosives or instruments used in the manufacture of such are some of the means employed by the State to comply with this constitutional mandate.

There has been an upsurge of crimes vitally affecting public order and safety due to the proliferation of illegally possessed and manufactured firearms, ammunition, and explosives. These criminal acts have resulted in loss of human lives, damage to property and destruction of valuable resources of the country.

There are some provisions in said laws and presidential decrees which must be updated and revised in order to be more effective deterrents to violations of the law on firearms, ammunition and explosives.

The proposed measure will change the manner of penalty if the selling of firearms, ammunition, explosives or any parts of components used in the manufacture of firearms, ammunition or explosives of any member of the Armed Forces of the Philippines (AFP), or the Philippine National Police (PNP) or any law enforcement agency, and government officials shall suffer the extreme penalty from *reclusion perpetua* to death.

  
**ROZZANO RUFINO B. BIAZON**  
Representative  
Lone District of Muntinlupa

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
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**AN ACT**

**PENALIZING THE PROVISION OF FIREARMS, AMMUNITIONS,  
EXPLOSIVES, CHEMICAL, BIOLOGICAL OR NUCLEAR WEAPONS OR  
ANY PARTS OR COMPONENTS USED IN THE MANUFACTURE  
THEREOF TO ENEMIES OF THE STATE**

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

SECTION 1. *Declaration of Policy.* – It is the policy of the State to safeguard national security and protect public safety. Towards this end, the government shall institute measures to prevent and penalize the provision of firearms, ammunitions, explosives, chemical, biological or nuclear weapons or any parts or components used in the manufacture thereof to enemies of the State.

SEC. 2. *Definition of Term.* – For purposes of this Act, the term “Enemy of the State” shall mean any individual or group of individuals who have commenced act(s) of hostility constituting crime(s) against national security and the laws of nations and public order as defined and penalized under Titles I and III, Book Two of the Revised Penal Code: *Provided, further,* That the term “Enemy of the State” shall include persons, natural or juridical, who commit acts of terrorism against innocent civilians regardless of motivation.

SEC. 3. *Prohibited Acts and Penalties.* – It shall be unlawful for any person, natural or juridical, to knowingly sell, transfer, or in any manner provide, directly or indirectly, any firearms, ammunitions, explosives, chemical, biological or nuclear weapons or any parts or components used in the manufacture thereof, to enemies of the

State. In cases where a juridical entity was used in the commission of such violations, the owner, president, manager, director or other responsible officers of any public or private firm, corporation or entity shall be held liable and responsible.

The Certificate of Incorporation of said corporation shall automatically be revoked by the Securities and Exchange Commission upon finding probable cause for the commission of any of the aforementioned prohibited acts against the owner, president, manager, director or other responsible officers of any private firm, corporation or entity.

The penalty of *reclusion perpetua* to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to One million pesos (P1,000,000.00) shall be imposed upon any person who shall knowingly sell, transfer, or in any manner provide, directly or indirectly, the following types of firearms and explosives to enemies of the State:

- (1) Crew-served weapons;
- (2) Light anti-tank weapons;
- (3) Light machine guns;
- (4) Anti-tank and anti-personnel recoilless rifles, bazookas;
- (5) Submachine guns;
- (6) Other high-powered firearms as determined under existing rules and regulations;
- (7) Substantial quantity of high explosives, as determined by implementing rules and regulations, which include but are not limited to the following:
  - (a) "Composition Four;"
  - (b) Dynamite;
  - (c) Trinitrotoluene (TNT);
  - (d) Chlorates;
  - (e) Nitrates; and
  - (f) Chemicals with Nitric Acid Base including Detonators (Blasting Cap).

*Provided*, That the same penalty and fine shall be imposed upon any person found guilty of committing any of the aforementioned illegal acts involving other high caliber ammunitions, chemical, biological or nuclear weapons.

The penalty of *reclusion temporal* in its maximum period to *reclusion perpetua* and a fine ranging from Two hundred thousand pesos (P200,000.00) to less than Five hundred thousand pesos (P500,000.00) shall be imposed upon any person found guilty of committing any of the aforementioned prohibited acts involving firearms, ammunitions, explosives, chemical, biological or nuclear weapons that are lower in caliber, as determined under implementing rules and regulations.

Conspiracy or proposal to commit any of the aforementioned prohibited acts shall also be punished by the penalty of *prision mayor* in its maximum period and a fine which shall not exceed to One hundred fifty thousand pesos (P150,000.00).

SEC. 4. *Failure to Report Prohibited Acts.* – The penalty of *reclusion temporal* in its maximum period to *reclusion perpetua* and a fine ranging from Two hundred thousand pesos (P200,000.00) to less than Five hundred thousand pesos (P500,000.00), shall be imposed upon any person who, having knowledge of any of the prohibited acts mentioned in Section 3, who fail to report the same to the proper authorities.

SEC. 5. *Implementing Rules and Regulations.* – The Philippine National Police, the National Bureau of Investigation and the Armed Forces of the Philippines shall jointly issue the rules and regulations for the effective implementation of this Act within ninety (90) days after its approval. The appropriate committees of both Houses of Congress shall be furnished copies of such rules and regulations within thirty (30) days from the promulgation thereof.

SEC. 6. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or parts thereof inconsistent with any of the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 7. *Effectivity.* – This Act shall take effect fifteen (15) days following its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,