

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4010

Introduced by Hon. ANGELO B. PALMONES

AN ACT
IMPOSING STIFFER PENALTIES ON THE OFFENSE OF STEALING OR TAMPERING
GOVERNMENT RISKS REDUCTION AND PREPAREDNESS EQUIPMENT,
ACCESSORIES AND OTHER FACILITY ITEMS, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The Philippines is geographically situated in an area where there are various natural disasters occurring. Around 20 tropical cyclones or typhoons cross the country bringing disastrous loss of lives and properties brought about by strong winds or raging flood waters. The country also lies in what is known as the "ring of fire" where there are active volcanoes. They are equally destructive, if not more so. The most recent volcanic eruption that had world-wide impact was that of Mt. Pinatubo which erupted about 20 years ago. The Philippines also has its share of devastating earthquakes.

It is the policy of the State to "protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature" as expressed under Section 16, Article II of the 1987 Philippine Constitution. Furthermore Section 1 of Presidential Decree 1151 states that it is the "continuing policy of the State to create, develop, maintain and improve condition under which man and nature can thrive in productive and enjoyable harmony with each other".

The Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA) and the Philippine Institute of Volcanology and Seismology (PHIVOLCS), both are of the Department of Science and Technology, are mandated to provide protection against natural calamities through the use of scientific knowledge as an effective instrument to insure the safety, well-being and economic security of the people. They provide information and warning, through the National Disaster and Risk Reduction Management Council (NDRRMC) so that the public may be warned and properly guided on what precautions to make regarding impending natural calamities.

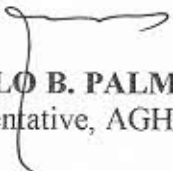
To be able to do these PAGASA and PHIVOLCS have installed equipment and instruments to gather data on rain, wind, flood level, and seismic activities of volcanoes and impending tsunamis to prepare and protect community people from natural hazards;

Unfortunately these instruments have been stolen, pilfered, dismantled or plainly destroyed. PHIVOLCS have complained of stolen installed seismic instruments to monitor activities of volcanoes. Most recently, in four instances in 2010 cables of PAGASA flood monitoring equipment that were donated by the Japanese Government were stolen in Bugallon, Pangasinan; Bayambang, Pangasinan; Sta. Maria, Pangasinan; and Tibag, Tarlac.

The loss of these cables and seismological instruments have hindered the acquisition and transmission of data needed to properly monitor water levels and seismological activities, putting at risk the lives of people and threat to properties in the affected areas;

To discourage if not entirely prevent the theft or destruction of these instruments this Act proposes ^{A.M.}stiffer penalties that those found in the Penal Code for both the perpetrators and those found to buy these stolen government properties.

It is therefore urgently proposed that this Act be approved as soon as possible.


ANGELO B. PALMONES
Representative, AGHAM Party List

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

SECTION 1. Title. This Act shall be known as the **Anti-pilferage Act of Risk Reduction and Preparedness Equipment of 2011.**

SECTION 2. Declaration of Policy. It is the policy of the State to “protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature” as expressed under Section 16, Article II of the 1987 Philippine Constitution. Furthermore Section 1 of Presidential Decree 1151 states that it is the “continuing policy of the State to create, develop, maintain and improve condition under which man and nature can thrive in productive and enjoyable harmony with each other”.

Toward this end the State has mandated government agencies to institute measures to ensure the safety of its citizens and their properties through the installation of data and information gathering devices and a network of national and local authorities to disseminate risk-reduction warning and advices.

SECTION 3. Theft and tampering of risk-reduction instruments – It shall be unlawful to dismantle, disassemble, remove, transfer, or in any way tamper or steal any disaster warning and risk-reduction instruments installed by national and local governments or non-government organizations for the purpose of gathering meteorological and seismological data and information. It is likewise unlawful to store, keep in inventory such disaster warning and risk-reduction instruments without authority from the government or any of its instrumentalities for any purpose whatsoever.

SECTION 4. Disaster warning and risk-reduction instruments – For the purpose of this Act “disaster warning and risk-reduction instruments” shall mean pieces of equipment or devices that gather meteorological and seismological data and information that are analyzed and used in providing weather, earthquake, volcanic activities or tsunami activities warning to the public to avert or prevent the loss of lives and properties.

The Department of Science and Technology (DOST) through the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA) and the Philippine Institute of

Volcanology and Seismology (PHIVOLCS) or any other of its agencies and the National Disaster Risk Reduction Management Council (NDRRMC) shall provide a list of all disaster warning and risk-reduction instruments such as but not limited to: radars, weather forecasting equipment, flood monitoring instruments, seismographs, tsunami warning systems, automated weather systems, etc. The complete list of disaster warning and risk-reduction instruments shall be provided jointly by the DOST and the NDRRMC to concerned government agencies for the purpose of implementing the provisions of this Act. The list shall be updated as the need arises.

SECTION 5. Punishable actions under this Act – the following actions are punishable under this Act:

1. Mere possession without authority any device or instrument or piece of equipment listed under Section 4 of this Act or accessories thereof;
2. Selling and buying of stolen device, instrument or piece of equipment listed under Section 4 of this Act or accessories thereof;
3. Tampering, dismantling, disassembling of any device, instrument or piece of equipment listed under Section 4 of this Act or any accessories thereof.

SECTION 6. Penalties – The following penalties shall apply to violations under this Act:

1. **Stealing of disaster warning and risk-reduction instruments and their accessories** - The penalty of twelve to fifteen (12 - 15) years imprisonment or a fine ranging from Two Hundred Thousand Pesos (Php 200,000.00) to Three Hundred Thousand Pesos (Php 300,000.00) or both, at the discretion of the court, shall be imposed on any person found guilty of violating stealing disaster warning and risk-reduction instruments as defined in Section 4 of this Act;
2. **Tampering of or destroying disaster warning and risk-reduction instruments and their accessories** - The penalty of six to ten (6 -10) years imprisonment or a fine ranging from One Hundred Thousand Pesos (Php 100,000.00) to One Hundred Fifty Thousand Pesos (Php 150,000.00) or both, at the discretion of the court, shall be imposed on any person found guilty of tampering or destroying disaster warning and risk-reduction instruments and their accessories as defined in Section 4 of this Act;
3. **Selling or buying of disaster warning and risk-reduction instruments and their accessories** – The penalty of selling or buying disaster warning and risk reduction instruments and their accessories as defined in Section 4 of this Act shall be similar to those under 1 of Section 6 of this Act.
4. **Government employees as accomplice in the violation of provisions of this Act** – Government employees found guilty of violation of this Act either as principal or as an accomplice shall be penalized according to Section 6 of this Act. In addition, such government employee shall forfeit all his/her retirement benefits and shall be barred from any employment within the government service.

SECTION 7. Incentives – Incentives shall be provided to a person or persons who will provide information leading to the apprehension of violators of this Act. The nature and amount of incentives shall be provided for in the implementing rules and regulations of this Act.

SECTION 8. Non-applicability of Articles 308, 309, 310 and 311 of the Revised Penal Code. - Articles 308, 309, 310 and 311 of the Revised Penal Code shall not be applicable to cases contemplated or enumerated in this Act. For theft cases the provisions in this Act shall apply.

Failure of the government prosecutors to charge violators under this Act shall constitute an administrative offense on the part of the concerned government prosecutors.

SECTION 9. Implementing rules and regulations – The DOST and the NDRRMC shall issue within 180 days from the date of approval of this Act, the implementing rules and regulations for this Act.

SECTION 10. Separability clause - Any portion or provision of this Act which may be declared unconstitutional or invalid shall not have the effect of nullifying other portions or provisions hereof.

SECTION 11. Repealing Clause. - All other laws, ordinances, rules, regulations, and other issuances or parts thereof, which are inconsistent with this Act, are hereby repealed or modified accordingly.

SECTION 12. Effectivity Clause - This Act shall take effect immediately after its publication in two (2) Newspapers of general circulation.

Approved.