

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila

**FIFTEENTH CONGRESS**  
First Regular Session

**HOUSE BILL No. 4960**

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Introduced by: **REPRESENTATIVE SALVIO B. FORTUNO**

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**EXPLANATORY NOTE**

This bill seeks to amend Presidential Decree No.1612 otherwise known as the Anti-Fencing Law of 1972 by imposing heavier penalties on persons who buy, receive, possess, keep, acquire, conceal, sell or dispose of, or shall buy and sell or in any manner deal properties owned by any of the government railway systems such as railings, slabs, clips and the like, which are known to have been derived from the proceeds of the crime of robbery or theft.

The Philippine National Railways (PNR) serves as one of the instrumentalities of the government in providing trans-national railroad and mass transport system. It owns and operates railroads for the purpose of transporting passengers and movable properties or objects to any point in Luzon.

It has come to the attention of the authorities however, that there is rampant theft of properties owned by PNR such as railings, slabs and clips among others.

Such act does not paralyze PNR operations but a substantial amount of money is required to restore train services but also endangers the safety of the passengers. This certainly erodes the confidence of the public in the PNR as one of the vital cogs of the transportation sector, in particular, and the economy, in general.

This situation perhaps does not exempt other railroad systems owned by the government such as the Metro Rail Transit System and Light Rail Transit from being victimized by thieves and robbers of such important components of the railway system.

It is therefore imperative that the resurgence of said crimes be effectively curtailed by imposing heavier penalties on persons who profit by the effects of the crime of theft of properties owned by government railway systems such as railings, slabs and clips among others.

In view of the foregoing reasons, the approval of this bills earnestly sought.

  
**SALVIO B. FORTUNO**  
Representative  
Fifth District, Camarines Sur

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**AN ACT**  
**INCREASING THE PENALTY ON PERSON GUILTY OF FENCING OF**  
**PROPERTIES OWNED BY GOVERNMENT RAILWAY SYSTEMS SUCH AS**  
**RAILINGS, SLABS, CLIPS AND THE LIKE AMENDING FOR THE PURPOSE**  
**SECTIONS 3 AND 6 OF PRESIDENTIAL DECREE No. 1612 OTHERWISE**  
**KNOWN AS THE ANTI-FENCING LAW OF 1972**

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

**SECTION 1.** Section 3 of Presidential Decree No. 1612 otherwise known as the Anti-Fencing Law of 1972 is hereby amended to read as follows:

**“Section 3. Penalties.** – Any person guilty of fencing shall be punished as hereunder indicated:

|         |     |     |
|---------|-----|-----|
| (a) xxx | xxx | xxx |
| xxx     | xxx | xxx |

(G) IF THE PROPERTY OR OBJECT OF FENCING IS OWNED BY ANY OF THE GOVERNMENT RAILWAY SYSTEMS SUCH AS RAILING, SLAB, CLIP AND THE LIKE, THE FOLLOWING PENALTY SHALL BE IMPOSED:

1. THE PENALTY OF RECLUSION PERPETUA IN ITS MINIMUM AND MAXIMUM PERIODS, IF THE VALUE OF PROPERTY STOLEN IS MORE THAN ONE HUNDRED THOUSAND PESOS (P100,000.00);

2. THE PENALTY RECLUSION TEMPORAL IN ITS MINIMUM AND MAXIMUM PERIODS, IF THE VALUE OF PROPERTY STOLEN IS MORE THAN FIFTY THOUSAND PESOS (P50,000.00) BUT DID NOT EXCEED ONE HUNDRED THOUSAND PESOS (P100,000.00);
3. THE PENALTY OF RECLUSION TEMPORAL IN ITS MINIMUM AN DMAXIMUM PERIODS, IF THE VALUE OF PROPERTY INVOLVED IS BELOW FIFTY THOUSAND PESOS (P50,000.00).

THE ACCESSORY PENALTY PERTAINING THERETO AS PROVIDED IN THE REVISED PENAL CODE SHALL ALSO BE IMPOSED.

**SEC. 2.** Section 6 of Presidential Decree No. 1612 otherwise known as the Anti-Fencing Law of 1972 is hereby amended to read as follows:

**"Section 6. Clearance/Permit to Sell/Used Second Hand Articles.** – For purposes of this Act, all stores, establishments or entities dealing in the buy and sell of ANY ITEM OR PROPERTY OWNED BY ANY OF THE GOVERNMENT RAILWAY SYSTEMS OR any good, article item, object of anything of value obtained from an unlicensed dealer or supplier thereof, shall before offering the same for sale to the public, secure the necessary clearance or permit from the [station commander of the Integrated National Police] Chief of the Philippine National Police (PNP) in the town or city where such store, establishment or entity is located OR FROM ALL GOVERNMENT RAILWAY SYSTEMS AS THE CASE MAYBE. The Chief of [Constabulary/Director General, Integrated National Police] OF THE PHILIPPINE NATIONAL POLICE shall promulgate such rules and regulations to carry out the provisions of this Section. Any person who fails to secure the clearance or permit required by this section shall upon conviction be punished as a fence.

**SEC. 3.** All laws, executive orders, presidential decrees, rules and regulations, which are inconsistent with this Act are hereby amended, repealed or modified accordingly.

**SEC. 4.** This Act shall effect fifteen (15) days after its publication in any newspaper of general circulation.

*Approved,*

A handwritten signature, possibly reading "M. S. L.", is written in dark ink. It is positioned in the lower right quadrant of the page, below the word "Approved,".