

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5175

Introduced by **HONORABLE ROMERO FEDERICO "MIRO" S. QUIMBO**

EXPLANATORY NOTE

The alarming increase in recent incidences of theft of government risk reduction and preparedness equipment, accessories, parts and other vital facility items warrant an upgrading of our existing laws on theft and robbery. Since December 2010, thefts have occurred in four (4) out of thirty (30) fully automatic rainfall and water level gauging stations, in the upland stations of the Agno River Basin, and the Mayapyap station at the Nueva Ecija side of the Pampanga River Basin. The government risk reduction and preparedness equipment, accessories or parts that were stolen, which cost millions of pesos, were said to be sold to junkshops for two hundred pesos or less.

The recent series of thefts rendered our country's need for an upgrade in risk reduction and preparedness equipment more acute and imperative. More importantly, it endangers the lives of the Filipinos especially those who reside in flood-prone areas, like the Second District of Marikina City.

This bill seeks to prevent, if not completely eradicate, the dangerous practice of stealing vital government risk reduction and preparedness equipment, accessories or parts through a two-pronged approach. First, it seeks to deter possible offenders by imposing stiffer penalties for the offense of stealing, tampering, buying and selling of government risk reduction and preparedness equipment, accessories or parts. Second, this bill seeks to prevent the theft of vital government risk reduction and preparedness equipment through proper *information dissemination in partnership with local government units*. Most of the offenders steal the government risk reduction and preparedness equipment, accessories or parts simply because they have little to nil appreciation of the importance in ensuring the efficiency of our weather reporting system. The prescriptions of this bill seek to address this.

In view thereof, the expedient approval of this bill is strongly recommended.



ROMERO FEDERICO "MIRO" S. QUIMBO
Representative
Second District, Marikina City

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HOUSE BILL NO. 5175

Introduced by **Rep. Romero Federico "Miro" S. Quimbo**

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

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 the "Anti-Pilferage of Government Risk Reduction and Preparedness Equipment Act of 2011."

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to protect the life, liberty and property of its citizens. This includes ensuring the safety, security, welfare and preparedness of the people in times of natural calamities. Government risk reduction and preparedness equipment, accessories and other vital facility items are critical for the government in the performance of this mandate. The State shall therefore adopt measures to secure government risk reduction and preparedness equipment, accessories and other vital facility items.

SEC. 3. Definition of Government Risk Reduction and Preparedness Equipment, Accessories and other vital facility items, or parts thereof. – For the purpose of this Act, "government risk reduction and preparedness equipment, accessories and other vital facility items, or parts thereof" shall mean pieces of equipment or devices, or parts thereof that gather meteorological and seismological data and information which are analyzed and used in warning the public regarding weather, earthquake, volcanic or tsunami activities and other natural calamities.

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 of its agencies and the National Disaster Risk Reduction Management Council (NDRRMC) shall provide a list of all government risk reduction and preparedness equipment, accessories and other vital facility items 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 government risk reduction and preparedness equipment, accessories and other vital facility items shall be provided jointly by the DOST and the NDRRMC to concerned government agencies for the purpose of implementing the provisions of this Act. This list shall be updated as the need arises.

SEC. 4. Punishable actions under this Act. The following acts are punishable under this Act:

(a) Unlawful taking of any device or instrument or piece of equipment, or a part thereof, listed under Section 3 of this Act or accessories thereof;

(b) Possession, without authority, of any device or instrument or piece of equipment, or a part thereof, listed under Section 3 of this Act;

(c) Selling and/or buying of stolen device, instrument or piece of equipment, or a part thereof, listed under Section 3 of this Act;

(d) Tampering, dismantling, disassembling of any device, instrument or piece of equipment, or a part thereof, listed under Section 3 of this Act;

(e) Attempting to commit any of the prohibited acts enumerated in section 4 (a) to (d); and

(f) Benefitting from the proceeds or fruits of any of the prohibited acts enumerated in section 4 (a) to (e) despite knowing that such proceeds or fruits are sourced from the commission of said prohibited acts and provided that the person benefitting from the said proceeds or fruits is not liable for any of the prohibited acts enumerated in section 4 (a) to (e).

SEC. 5. Prima Facie Evidence. – The possession or custody of any government risk reduction and preparedness equipment, accessories and other vital facility items, or parts thereof, as defined in Section 3 hereof, by any person, natural or juridical, without proper authority shall be prima facie evidence that such instrument, part or accessory, is the fruit of the offense defined in Section 4 hereof and therefore such instrument or accessory may be immediately confiscated from the person in possession, control or custody thereof.

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

(a) Unlawful taking or possession without authority of government risk reduction and preparedness equipment, accessories and other vital facility items, or a part thereof, or selling or buying of stolen government risk reduction and preparedness equipment, accessories and other vital facility items, or a part thereof. – The penalty of twelve (12) to fifteen (15) years imprisonment or a fine ranging from Two Hundred Thousand Pesos (P 200,000.00) to Three Hundred Thousand Pesos (P 300,000.00) or both, at the discretion of the court, shall be imposed upon any person found guilty of stealing, possessing, or selling or buying of stolen disaster warning and risk reduction instruments, or parts thereof, as defined in Section 3 of this Act;

(b) Tampering, dismantling, or disassembling of any device, instrument or piece of government risk reduction and preparedness equipment, accessories and other vital facility items, or a part thereof. – The penalty of six (6) to ten (10) years imprisonment or a fine

ranging from One Hundred Thousand Pesos (P 100,000.00) to One Hundred Fifty Thousand Pesos (P 150,000.00) or both, at the discretion of the court, shall be imposed upon any person found guilty of tampering, dismantling, or disassembling government risk reduction and preparedness equipment, accessories and other vital facility items, or parts thereof, as defined in Section 3 of this Act;

(c) Attempting to commit any of the prohibited acts enumerated in section 4 (a) to (d) - The penalty of six (6) to eight (8) years imprisonment or a fine ranging from One Hundred Thousand Pesos (P 100,000.00) to One Hundred Fifty Thousand Pesos (P 150,000.00) or both, at the discretion of the court, shall be imposed upon any person found guilty of tampering, dismantling, or disassembling government risk reduction and preparedness equipment, accessories and other vital facility items, or parts thereof, as defined in Section 3 of this Act;

(d) Benefitting from the proceeds or fruits of any of the prohibited acts enumerated in section 4 (a) to (c) despite knowing that such proceeds or fruits are sourced from the commission of said prohibited acts and provided that the person benefitting from the said proceeds or fruits is not liable for any of the prohibited acts enumerated in section 4 (a) to (c) - The penalty of two years (2) to seven years (7) years imprisonment or a fine ranging from One Hundred Thousand Pesos (P 100,000.00) to One Hundred Fifty Thousand Pesos (P 150,000.00) or both, at the discretion of the court, shall be imposed upon any person found guilty of benefitting from the proceeds or fruits of any of the prohibited acts enumerated in section 4 (a) to (c) despite knowing that such proceeds or fruits are sourced from the commission of said prohibited acts and provided that the person benefitting from the said proceeds or fruits is not liable for any of the prohibited acts enumerated in section 4 (a) to (c); and

(e) In addition to the criminal penalties, any person found guilty of committing any of the prohibited acts enumerated in section 4 shall be civilly liable to pay the full cost of repair or replacement of the government risk reduction and preparedness equipment, accessories and other vital facility items, or parts thereof, which is the object of the crime.

SEC. 7. *Penalty for Government Officials or Employees Who Assist Persons in the Commission of the Acts Prohibited Under Section 4.* - Government employees who shall assist any person in the commission of the prohibited acts enumerated in section 4 shall suffer the same penalty imposable on the nature of the prohibited act committed by the person assisted. In addition, such government employee shall be administratively dismissed from service and all his or her benefits from government forfeited. The criminally or administratively guilty government employee shall be perpetually disqualified from civil service.

The same penalty provided in the preceding paragraph shall be imposed on any government prosecutor who shall refuse to charge or prosecute violators of this Act despite sufficient evidence to establish probable cause.

Prosecution or conviction under this Act shall not bar the filing of cases for violation of Republic Act No. 3019, as amended, Republic Act No. 6713, Republic Act No. 7080 and other laws.

SEC. 8. *Non-applicability of some provisions 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 of this Act shall apply.

SEC. 9. *Information Dissemination.* – The DOST, NDRRMC and local government units (LGUs) shall, in cooperation with each other, undertake a vigorous campaign to inform the public of the provisions of this Act, within sixty (60) days from the effectivity of this Act and at least once a year thereafter.

SEC. 10. *Public Education and Information.* – The DOST and NDRRMC shall, in coordination with the local government units (LGUs) and non-governmental organizations (NGOs) or people's organizations, conduct a continuing education, and information campaign and such education and information program shall:

(a) Aim to develop public awareness of the ill-effects of stealing, tampering and buying and selling of stolen government risk reduction and preparedness equipment, accessories and other facility items, or parts thereof, and the community-based solutions to prevent the occurrence of such offense; and

(b) Encourage the general public, NGOs and people's organizations to safeguard and protect these government risk reduction and preparedness equipment, accessories and other vital facility items, or parts thereof, within their areas of jurisdiction.

SEC. 11. *Implementing Rules and Regulations.* – The DOST and NDRRMC shall issue within one hundred eighty (180) days from the date of approval of this Act, the implementing rules and regulations for this Act.

SEC. 12. *Separability clause.* – The invalidity or unconstitutionality of any portion or provision of this Act shall not invalidate the validity and effectivity of the other portions or provisions hereof.

SEC. 13. *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.

SEC. 14. *Effectivity clause.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation.

Approved,