

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
Second Regular Session



COMMITTEE REPORT NO. 1941
28 FEB 2012

Submitted by the Committee on Revision of Laws on

Re House Bill No. 5932

Recommending its approval in substitution of House Bill Nos. 4010 and 5175

Sponsors Representatives Marlyn L. Primicias-Agabas, Angelo B. Palmones and Romero Federico "Miro" S. Quimbo

Mr. Speaker:

The Committee on Revision of Laws to which was referred House Bill No. 4010, introduced by Reps. Angelo B. Palmones, Erico B. Aumentado, Romero Federico "Miro" S. Quimbo and Homer A. Mercado, entitled:

"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";

and House Bill No. 5175, introduced by Reps. Romero Federico "Miro" S. Quimbo, Erico B. Aumentado, Tomas V. Apacible and Rachel Marguerite B. Del Mar, entitled:

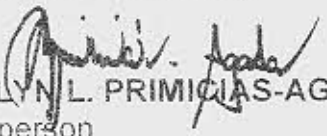
"AN ACT IMPOSING STIFFER PENALTIES ON THE OFFENSE OF STEALING OR TAMPERING WITH GOVERNMENT RISK REDUCTION AND PREPAREDNESS EQUIPMENT, ACCESSORIES, PARTS AND OTHER VITAL FACILITY ITEMS, AND FOR OTHER PURPOSES"

has considered the same and recommends that the attached House Bill No. 5932 entitled:

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

be approved in substitution to House Bill Nos. 4010 and 5175 with Reps. Angelo B. Palmones, Erico B. Aumentado, Romero Federico "Miro" S. Quimbo, Tomas V. Apacible, Homer A. Mercado, Rachel Marguerite B. Del Mar, Victorino Dennis M. Socrates, Mercedes K. Alvarez, Giorgidi B. Aggabao, Emmi A. De Jesus, Daisy Avance-Fuentes, Mylene J. Garcia-Albano and Marlyn L. Primicias-Agabas as authors thereof.

Respectfully submitted,


MARLYN L. PRIMICIAS-AGABAS
Chairperson

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
Second Regular Session

HOUSE BILL NO. **5332**
in substitution of House Bill No. 4010 and 5175

Introduced by Honorable Angelo B. Palmones, Erico B. Aumentado, Romero Federico "Miro" S. Quimbo, Tomas V. Apacible, Mercado A. Homer, Rachel Marguerite B. del Mar, Victorino Dennis Socrates, Mercedes K. Alvarez, Giorgido B. Aggabao, Emmi A. de Jesus, Daisy Avance-Fuentes, Mylene J. Garcia-Albano and Marlyn L. Primicias-Agabas

AN ACT

PENALIZING THE UNAUTHORIZED TAKING, STEALING, KEEPING OR
TAMPERING OF GOVERNMENT RISK REDUCTION AND PREPAREDNESS
EQUIPMENT, ACCESSORIES AND SIMILAR FACILITIES

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

SECTION 1. *Short Title*. – This Act shall be known as the *Risk Reduction
and Preparedness Equipment Protection Act*.

SEC. 2. *Declaration of Policy*. – It is the policy of the State to protect the
right of the people to a balanced and healthful ecology in accord with the rhythm and
harmony of nature. The State shall continue the policy to create, develop, maintain
and improve conditions under which man and nature can thrive in productive and
enjoyable harmony with each other. Towards this end, all government agencies are
mandated to institute measures to ensure the safety of its citizens and their
properties through the installation of data and information gathering devices and the
network of national and local authorities to disseminate risk-reduction warning and
advice.

SEC. 3. *List of Government Risk Reduction and Preparedness
Equipment and Other Vital Items*. – The Department of Science and Technology

(DOST) shall, in coordination with the Philippine Atmospheric Geophysical and Astronomical Services Administration (PAGASA), the Philippine Institute of Volcanology and Seismology (PHIVOLCS), and the National Disaster Risk Reduction Management Council (NDRRMC), 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.

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 government agencies engaged in disaster preparedness. The list shall be regularly updated.

For purposes of this Act, *“government risk reduction and preparedness equipment, accessories and other vital facility items, or parts thereof”* refer to pieces of equipment or devices, or parts thereof that gather, store, archive or monitor meteorological and seismological data and information which are analyzed and used to warn the public about weather conditions, earthquake, volcanic or tsunami activities and similar natural calamities.

SEC. 4. ***Prohibited Acts.*** – The government risk reduction and preparedness equipment, accessories and other vital facility items, or parts thereof shall, at all times, be protected and it shall be unlawful for any person to commit any of the following acts:

- a) Steal, or take, or possess any of the equipment or any part thereof;
- b) Sell or buy stolen equipment or any part thereof;
- c) Tamper, dismantle, or disassemble equipment or any part thereof;
- d) Attempt to commit any of the abovementioned prohibited acts; and

1 e) Benefit from the proceeds or fruits of any of the abovementioned
2 prohibited acts knowing that the proceeds or fruits are derived from the commission
3 of said prohibited acts.

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

12 SEC. 6. ***Penalties.*** – The following penalties are hereby imposed:

13 a) The penalty of imprisonment for not less than twelve (12) years but not
14 more than fifteen (15) years or a fine of not less than One Million pesos
15 (P1,000,000.00) but not more than Three Million Pesos (P3,000,000.00), or both
16 imprisonment and fine at the discretion of the court shall be imposed upon any
17 person found guilty of stealing or unauthorized taking or possession without authority
18 or selling or buying with intent to gain of any stolen government risk reduction and
19 preparedness equipment, accessories and other vital facility items, or parts thereof;

20 b) The penalty of imprisonment for not less than six (6) years but not more
21 than ten (10) years or a fine of not less than Five hundred thousand pesos
22 (P500,000.00) but not more than One Million pesos (P1,000,000.00), or both
23 imprisonment and fine at the discretion of the court shall be imposed upon any
24 person found guilty of unauthorized tampering, dismantling or disassembling of
25 government risk reduction and preparedness equipment, accessories and other vital
26 facility items, or parts thereof;

1 c) The penalty of imprisonment for not less than six (6) year but not more
2 than eight (8) years or a fine of not less than Five hundred thousand pesos
3 (P500,000.00) but not more than One Million pesos (P1,000,000.00), or both
4 imprisonment and fine at the discretion of the court shall be imposed upon any
5 person who attempt to commit any of the prohibited acts provided in Section 4 of this
6 Act.

7 d) The penalty of imprisonment of not less than two (2) years but not more
8 than seven (7) years or a fine of not less than Two hundred thousand pesos
9 (P200,000.00) but not more than Five hundred thousand pesos (P500,000.00), or
10 both imprisonment and fine at the discretion of the court upon any person found
11 guilty of unlawfully benefiting from the proceeds or fruits of any of the prohibited acts
12 enumerated in Section 4 of this Act knowing that such proceeds or fruits are derived
13 from the commission of said prohibited acts.

14 Payment of the full cost of repair or replacement of the government risk
15 reduction and preparedness equipment, accessories and other vital facility items, or
16 parts thereof, which is the object of the crime shall likewise be imposed upon any
17 person who shall commit any of the prohibited acts described in Section 4 of this Act.

18 **SEC. 7. *Penalty for Government Officers or Employees.*** – Any
19 government officer or employee who shall assist in the commission of any of the
20 prohibited acts enumerated in Section 4 shall suffer the same penalty imposed upon
21 the person who committed the prohibited act. In addition, after due notice and
22 hearing, they shall be administratively dismissed from the service and all their
23 benefits from the government shall be forfeited. They shall likewise be perpetually
24 disqualified from holding any public office.

25 The prosecution or conviction under this Act shall not bar the filing of any
26 case for the violation of Republic Act No. 3019, as amended, otherwise known as the

1 "Anti-Graft and Corrupt Practices Act," Republic Act No. 6713, otherwise known as
2 the "Code of Conduct and Ethical Standards for Public Officials and Employees Act,"
3 and Republic Act No. 7080, entitled "An Act Defining and Penalizing the Crime of
4 Plunder," and other laws.

5 SEC. 8. **Non-Applicability on the Provisions of Theft of the Revised**
6 **Penal Code.** – The prosecution under this Act shall bar any prosecution arising from
7 the same act under Articles 308, 309, 310 and 311 of the Revised Penal Code.

8 SEC. 9. **Public Education and Information.** – At least once a year, the
9 DOST and NDRRMC shall, in coordination with the local government units and non-
10 government organizations (NGOs) or people's organizations (POs), disseminate
11 information and conduct continuing education on the provisions of this Act through
12 the media and other lawful means available. The dissemination of information and
13 continuing education on the provisions of this Act shall commence within sixty (60)
14 days from the approval of its implementing rules and regulations.

15 Such information dissemination and continuing education shall:

16 a) Aim to develop public awareness of: i) the ill effects of unlawful taking
17 or stealing, tampering and buying and selling of stolen government risk reduction and
18 preparedness equipment, accessories and other facility items, or parts thereof; and
19 ii) the community-based solutions to prevent the occurrence of such offense; and

20 b) Encourage the public, NGOs and POs to safeguard and protect these
21 government risk reduction and preparedness equipment, accessories and other
22 facility items, or parts thereof, within their areas of jurisdiction.

23 SEC. 10. **Implementing Rules and Regulations.** – Within ninety (90) days
24 from the effectivity of this Act, the Secretary of Science and Technology shall, in
25 coordination with the NDRRMC, issue the implementing rules and regulations for the
26 effective implementation of this Act.

1 SEC. 11. **Separability Clause**. – If any part or provision of this Act shall be
2 declared invalid or unconstitutional, the remaining provisions or parts not affected
3 shall remain in full force and effect

4 SEC. 12. **Repealing Clause**. – All other laws, presidential decrees, executive
5 orders, rules and regulations or parts thereof which are inconsistent with any
6 provisions of this Act are hereby repealed, amended, or modified accordingly.

7 SEC. 13. **Effectivity**. – This Act shall take effect fifteen (15) days after its
8 publication in the Official Gazette or in two (2) national newspapers of general
9 circulation.

10 ~~Approved,~~

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House of Representatives Committee Affairs Department

FACT SHEET

HOUSE BILL NO. **5932**
(In substitution of House Bill No. 4010 and 5175)

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

Introduced by: Hon. ANGELO B. PALMONES, ERICO B. AUMENTADO, ROMERO
FEDERICO "MIRO" S. QUIMBO, TOMAS V. APACIBLE, MERCADO A. HOMER, RACHEL
MARGUERITE B. DEL MAR, VICTORINO DENNIS SOCRATES, MERCEDES K. ALVAREZ,
GIORGIDI B. AGGABAO, EMMI A. DE JESUS, DAISY AVANCE-FUENTES, MYLENE J.
GARCIA-ALBANO AND MARLYN L. PRIMICIAS-AGABAS

Committee Referral: **COMMITTEE ON REVISION OF LAWS**
Committee Chairperson: **Hon. Marlyn L. Primicias-Agabas**

OBJECTIVE:

- To ensure safety of the citizenry and their properties through the installation and maintenance of data and information gathering devices utilized to monitor disasters, natural calamities, and siesmologic phenomena by imposing stiffer penalties on offenses of stealing or tampering of such government-owned devices.

KEY PROVISIONS:

- Mandates the concerned government agencies to institute measures to ensure the safety of its citizens and their properties through the installation of data and information gathering devices.
- Mandates the Department of Science and Technology (DOST) through the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA) and Philippine Institute of Volcanology and Seismology (PHILVOLCS) to disseminate risk-reduction informations, warnings and advices.
- Prohibits the following acts and providing its corresponding penalties:
 - (a) Unlawful taking of government risk reduction equipments and accessories, or selling or buying of such equipments. The penalty of which is twelve (12) to

fifteen (15) years imprisonment or fine ranging from One Million Pesos (P1,000,000.00) to Three Million Pesos (P3,000,000.00) or both;

(b) Tampering of any government risk reduction equipment, accessories and other vital facility items. The penalty of which is six (6) to ten (10) years imprisonment or a fine ranging from Five Hundred Thousand Pesos (P500,000.00) to One Million Pesos (P1,000,000.00) or both;

(c) Attempting to commit any of the prohibited acts enumerated therein shall be penalized for six (6) to ten (8) years imprisonment or a fine ranging from Five Hundred Thousand Pesos (P500,000.00) to One Million Pesos (P1,000,000.00) or both;

(d) Benefiting from the proceeds or fruits of any of the prohibited acts enumerated therein despite knowing that such proceeds are sourced from the commission of said prohibited acts and provided that the person benefiting from the said proceeds is not liable for any of the prohibited acts enumerated herein shall be penalized for two (2) to seven (7) years imprisonment or a fine ranging from Two Hundred Thousand Pesos (P200,000.00) to Five Hundred Thousand Pesos (P500,000.00) or both; and

(e) Aside from the criminal penalties, any person who shall commit any of the prohibited acts enumerated herein shall be liable to pay the full cost of repair or replacement of the government risk reduction paraphernalias.

- Provides that government employees who shall assist any person in the commission of any of the prohibited acts shall suffer the same penalty imposable on the nature of the prohibited act committed by the person who assisted.
- Provides that persons who will provide information leading to the conviction of violators shall receive incentives in cash which shall not be less than Ten Thousand Pesos (P10,000.00) but not more than Fifty Thousand Pesos (P50,000.00)