

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 368

Introduced by: **REP. RAUL V. DEL MAR**

EXPLANATORY NOTE

Oftentimes, criminals facilitate the commission of their crimes by wearing the uniforms of the Armed Forces of the Philippines and the Philippine National Police. This misrepresentation has also caused damage to the reputation of the military and the police.

The use of military and/or police uniforms and accessories has been prohibited under special law and the revised Penal Code of the Philippines. Republic Act No. 493 regulates the wearing, using, manufacturing and selling of insignias, decorations and medals, badges, patches and identification cards prescribed for the AFP and Philippine Constabulary, now the Philippine National Police, by persons not in the service. Article 179 of the revised Penal Code provides that any person who publicly and improperly makes use of insignia, uniforms or dress pertaining to an office not held by such person or to class of persons of which he is not a member shall be penalized by *arresto mayor*. Further, Article 177 prohibits any person to falsely represent himself as officer, agent or representative of any department or agency of the Philippine Government. Despite these legal prohibitions, criminal syndicates and individuals have not been deterred in using military or police uniforms in their unlawful and illegal activities. The prohibition under Republic Act No. 493 does not cover the use and wearing of military/police uniforms as well as the manufacture and sale of military/police uniforms and the textile for these uniforms. Article 179 of the Revised Penal Code of the Philippines is universal to all departments of agencies of the Philippine Government. Moreover, the penalties provided by these laws are perceived to be light.

Furthermore, many civilians can be seen wearing what resembles "military or police" uniform in public. In the recent past, the "military look" became fashionable that several imitations of the military uniforms were sold commercially and were often prominently displayed in department stores. Unauthorized persons have taken advantage of the proliferation of imitations of uniforms bearing close resemblance to

the official military and police uniforms to falsely represent themselves as members of the AFP or the PNP.

This measure therefore seeks to amend Republic Act No. 493 to provide a strong and effective deterrent to crimes associated with the illegal use of AFP and PNP uniforms by including in coverage of the prohibition the use and wearing of military and police or imitations thereof, as well as the manufacture and sale of military/police uniforms or imitations thereof and the textile for these uniforms. Stiffer penalty against individuals unlawfully wearing AFP and PNP uniforms has also been provided.

In view of the foregoing, approval of the proposed measure is earnestly requested.



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AN ACT
AMENDING REPUBLIC ACT NUMBERED FOUR HUNDRED NINETY THREE (RA 493) TO INCLUDE IN THE COVERAGE OF PROHIBITION THE USE, WEARING MANUFACTURE AND SALE OF UNIFORMS AND TEXTILE OF UNIFORMS OF THE MEMBERS OF THE ARMED FORCES OF THE PHILIPPINES AND THE PHILIPPINE NATIONAL POLICE, PRESCRIBING HEAVIER PENALTY FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES

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

SECTION 1. Hereafter, it shall be unlawful for any or association of persons not in the service of the Armed Forces of the Philippines or the PHILIPPINE NATIONAL POLICE to use or confer upon himself or another who is not in the service of the said Armed Forces or NATIONAL POLICE, any military, POLICE or naval grade or title to which is, or may hereafter be, prescribed by laws and regulations for the use of the Armed Forces or NATIONAL POLICE. Provided, That the foregoing shall not be construed as prohibiting the use of such military, POLICE or naval grades or title by personnel or persons now authorized by law and by following persons:

- (a) All veterans of any war when recognized by the Philippines or United States Government and only for the ranks of which they are recognized;
- (b) Commissioned officers and personnel, retired or in active duty of the PHILIPPINE COAST GUARD, of the quarantine services and the customs service;

(c) Commissioned and enlisted reservists including organized guerilla officers on inactive status when using their authorized grades for purely military or police purpose;

(d) Trainees in the Armed Forces OR IN THE NATIONAL POLICE while undergoing any period of trainee instruction pursuant to law.

SEC. 2. Hereafter, it shall be unlawful for any person not in the service of the Armed Forces of the Philippines OR THE PHILIPPINE NATIONAL POLICE, except those excluded from the prohibition in Section 1 of this Act, to use or wear the duly prescribe insignia, UNIFORM, badge or emblem of rank of the members of the Armed Forces of the Philippines or the PHILIPPINE NATIONAL POLICE, or any colorable imitation thereof: *Provided*, That foregoing shall not be construed as prohibiting any person from using or wearing any military, POLICE or naval insignia, UNIFORM, badge or emblem of rank in any play-house or theater or in moving naval character not tending to bring discredit or reproach upon the Armed Forces of the Philippines, the PHILIPPINE NATIONAL POLICE or the PHILIPPINE COAST GUARD: *Provided further*, That the use or wearing of any military, POLICE or naval insignia, POLICE, or naval character as herein above described, shall be subject to supervision and regulation by the SECRETARY OF NATIONAL DEFENSE FOR THE MEMBERS OF THE ARMED FORCES OF THE PHILIPPINES OR THE SECRETARY OF THE INTERIOR AND LOCAL GOVERNMENT FOR THE MEMBERS OF THE PHILIPPINE NATIONAL POLICE. The phrase, "duly prescribe insignia, UNIFORM, badge or emblem of rank", shall, for the purpose of this Act, mean any insignia, UNIFORM, badge or emblem of rank which is, or may hereafter be, prescribed by Congress, THE SECRETARY OF NATIONAL DEFENSE FOR THE ARMED FORCES OF THE PHILIPPINES OR THE SECRETARY OF INTERIOR OR LOCAL GOVERNMENT FOR THE PHILIPPINE NATIONAL POLICE.

SEC. 3. Hereafter the use, wearing, manufacture and sale of any medal or decoration, badge, insignia, UNIFORM, TEXTILE FOR SAID UNIFORM, patch or identification card which has been, or may hereafter be, authorized by Congress or prescribed or awarded by the President of the Philippines, or the Secretary of National Defense for the members of the Armed Forces of the Philippines, OR THE

SECRETARY OF INTERIOR AND LOCAL GOVERNMENT FOR THE MEMBERS OF THE PHILIPPINE NATIONAL POLICE, or any colorable imitation thereof, is prohibited except when authorized under such regulations as the Secretary of National Defense or the SECRETARY OF INTERIOR AND LOCAL GOVERNMENT SHALL PRESCRIBE AS THE CASE MAYBE.

SEC. 4. Any person who confers upon himself or another any military, police or naval grade or title in violation of Section 1 of this Act shall, upon conviction, be punished by A FINE OR NOT LESS THAN TEN THOUSAND AND NOT EXCEEDING TWENTY THOUSAND PESOS OR BY IMPRISONMENT OF NOT LESS THAN FIVE (5) YEARS AND NOT EXCEEDING TEN (10) YEARS, OR BOTH AT THE DISCRETION OF THE COURT.

Any person who violated any other provision of this Act shall, upon conviction, be punished by A FINE OF NOT LESS THAN FIVE THOUSAND (P5,000) PESOS AND NOT EXCEEDING TEN THOUSAND (P10,000) PESOS OR BY IMPRISONMENT OF NOT LESS THAN TWO (2) YEARS AND NOT EXCEEDING FIVE (5) YEARS, OR BOTH. In case the violation is committed by a corporation, the manager and all the members of the board of directors or governing body thereof shall be liable individually in accordance with this section.

SEC. 5. *Implementing Rules and Regulations.* – The Secretaries of the Departments of National Defense and the Interior and Local Government shall revise and promulgate the Rules and Regulations necessary to ensure the effective implementations of the Republic Act No. 492 as amended by this Act.

SEC. 6. *Separability Clause.* – If any portion or provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions not affected thereby.

SEC. 7. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations and other issuances or parts thereof which are inconsistent with the provisions of this Act, are hereby repealed, amended or modified accordingly.

SEC. 8. *Effectivity.* – This Act shall take effect AFTER FIFTEEN (15) DAYS FOLLOWING ITS PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION OR IN THE OFFICIAL GAZETTE.

Approved,