

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SIXTEENTH CONGRESS
Second Regular Session

House Bill No. **5599**

Introduced by Representative ESTRELLITA "GING" B. SUANSING

EXPLANATORY NOTE

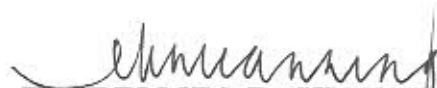
This bill seeks to amend Presidential Decree No. 1612, otherwise known as the Anti-Fencing Law of 1979, by imposing penalties on person or persons who buy, receive, possess, keep, acquire, conceal, sell, or dispose of, or shall buy and sell, or in any manner deal with properties owned by the government of the Philippines such as railings, manhole covers, signage, sign posts, slabs, and the like, which are known to have been derived from the proceeds of the crime of robbery or theft.

Over the years, theft of government properties, especially items deemed valuable and profitable, have become rampant. Railings found on sidewalks and railroad tracks, as well as manhole covers, among others, are being stolen and sold to junk yards and the like. Some cases, such as theft of railroad railings, can endanger the life of our fellow countrymen.

These properties are placed in their respective locations because the government trusts that the public will not steal and sell them. The rampant act of theft and robbery of government properties can be effectively curtailed by imposing penalties on persons who profit from these crimes. As they say, when there is no demand, then there shall be no supply.

This bill, therefore, focuses on the receivers of stolen property as the central figures in theft activities and in the distribution of stolen goods. The penalties provided herein are higher when the crime committed is against the government.

In view of the foregoing, the approval of this bill is earnestly sought.


ESTRELLITA B. SUANSING
1st District, Nueva Ecija

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AN ACT

IMPOSING PENALTIES ON PERSON OR PERSONS GUILTY OF FENCING PROPERTIES OWNED BY THE PHILIPPINE GOVERNMENT SUCH AS RAILINGS, MANHOLE COVERS, SIGNAGE, SIGN POSTS, SLABS, 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 Republic of the Philippines in Congress assembled:

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

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

- (a) xxx
- (b) xxx
- (c) xxx
- (d) xxx
- (e) xxx
- (f) xxx

(G) IF THE PROPERTY OF OBJECT OF FENCING IS OWNED BY THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES SUCH AS RAILINGS, MANHOLE COVERS, SIGNAGE, SIGN POSTS, SLABS, AND THE LIKE, THE FOLLOWING PENALTY SHALL BE IMPOSED:

- 1. THE PENALTY OF RECLUSION PERPETUA IF THE VALUE OF PROPERTY STOLEN IS MORE**

THAN ONE HUNDRED THOUSAND PESOS (P 100,000.00);

2. THE PENALTY OF RECLUSION TEMPORAL IN ITS MINIMUM AND MAXIMUM PERIODS, IF THE VALUE OF THE PROPERTY STOLEN IS MORE THAN FIFTY THOUSAND PESOS (P 50,000.00) BUT NOT EXCEEDING ONE HUNDRED THOUSAND PESOS (P 100,000.00);

3. THE PENALTY OF PRISION MAYOR IN ITS MINIMUM AND MAXIMUM PERIODS, IF THE VALUE OF THE PROPERTY STOLEN IS LESS THAN FIFTY THOUSAND PESOS (P 50,000.00)

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

SECTION 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 the purposes of this Act, all stores, establishments or entities dealing in the buy and sell of **ANY ITEM OR PROPERTY OWNED BY THE GOVERNMENT OF THE PHILIPPINES 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 **OR GOVERNMENT PROPERTY** is located. The Chief of [Constabulary/Director General, Integrated National Police] **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.

SECTION 3. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION 4. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,