

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 1133

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Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

Explanatory Note

Article XVIII, Section 24 of the Constitution declares that private armies and other groups not recognized by duly constituted authority shall be dismantled. However, up until now, no law has been enacted to penalize private armies and other armed groups. The culture of fear still prevails especially during elections, brought about chiefly by the existence of local warlords and their private armies.

Politicians usually hire goons and build up private armies not only for their protection but also for intimidation of opponents. The Philippine National Police (PNP) estimates that there are 3,779 numbers of PAGs in the country with also a total of 1,110,277 number of loose firearms. A special military task force estimates that these private armies are responsible for 68 of the 98 deaths recorded in the 2001 elections. During the lasted 2013 elections, a reported 67 election related incidents and 52 casualties in this election. Though there have been a number of documented abuses committed by these groups but due to lack of clear-cut government policy guidelines, they have not been curbed, instead, they have remained strong. Conversely, their strength has rendered the State weak and unable to protect its citizenry.

This measure was filed by the Magdalo Party-List in the 16th Congress and was subsequently referred to the Committee on Public Order and Safety.

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


HON. GARY C. ALEJANO

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HON. GARY C. ALEJANO

AN ACT
DEFINING "PRIVATE ARMIES AND OTHER ARMED GROUPS", IMPLEMENTING
THE CONSTITUTIONAL PROVISION FOR THEIR DISMANTLING, PRESCRIBING
PENALTIES THEREFOR, AND FOR OTHER PURPOSES

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

1 **SECTION 1. *Short Title.*** - This Act shall be known as "*The Anti-Private*
2 *Army Law of 2016*".

3

4 **Sec. 2. *Declaration of Policy.*** - Private armies and other armed groups not
5 recognized by duly constituted authority shall be dismantled. Toward this end, the
6 following are prohibited:

7 a) maintenance and/use of private armies;

8 b) abuse of the utilization of the military and police personnel as security
9 detail;

10 c) abuse of various permits pertaining to firearms, as well as the unregistered
11 importation thereof;

12 d) utilization of the paramilitary forces and private security agencies as
13 private armies, and;

14 e) protection, financing, supplying or otherwise giving aid and comfort to
15 private armies.

16

17 **SEC. 3. *Definition of Terms.*** -

18 a) *Private Army* - is a group of at least ten (10) individuals, with a leadership
19 structure and weaponry, utilized for:

20 1. the commission of crimes;

21 2. the advancement/protection of vested political or economic interests of
22 an individual, family, clan or private group in an oppressive way, such
23 as by way of bodyguards, intimidation force, or mercenaries.

1 b) This also refers to authorized government armed groups which no longer
2 possess strategic or tactical value in the maintenance and administration of peace and
3 order. This definition does not include rebel armies or units such as those of the CPP-
4 NPA-NDF; MNLF; and MILF. But it includes the so-called "lost commands", as
5 well, as paramilitary forces and private security forces utilized for the advancement.

6 c) Private Armed Group - is a group not recognized by duly constituted
7 authority, consisting of at least three (3) individuals with weaponry, utilized in the
8 same way as a private army;

9 d) "Recognized by the duly constituted authority" - means authorized by law
10 or in accordance with law, and operating according to law. This includes duly
11 registered private security agencies and gun clubs, as long as they are not utilized for
12 the advancement/protection of vested political or economic interests. But there are no
13 private armies recognized duly constituted authority;

14 e) Dismantling - or "Paglalansag" in Filipino, refers to the disbandment,
15 disarming, demobilization or dissolution of private armies, as well as the arrest and
16 prosecution of those involved, or their voluntary surrender of firearms and
17 abandonment of their organization and activities;

18 f) Government Connection - cover the areas pertaining to government units,
19 civil service, the PNP and the AFP where officials and any personnel thereof are
20 found to be leaders, members, protectors, financiers or suppliers of private armies, or
21 are otherwise benefitting economically or psychologically from the existence or
22 activities thereof;

23 g) Leadership - pertains to personalities who maintain and/or use private
24 armies, control the actions or activities thereof, provide the direction or "brains"
25 thereof, or otherwise get the most economic or psychological advantage out of the
26 existence or activities thereof;

27 h) Membership - refers to those who directly participate in activities of
28 private armies without falling within the definition of leadership, are accomplices or
29 accessories as defined by the Revised Penal Code to the criminal activities thereof.

30 i) Weaponry - covers all types of weapons, firearms, explosives, and
31 ammunition used by private armies;

32 j) Financial and Logistical Resources - include all forms of transportation,
33 communication, safe houses, bank accounts, businesses, money-producing activities,
34 sources of weaponry, front organizations, etc., which private armies used to support
35 their existence or activities;

1 ***SEC. 4. Penalties for Leaders and Members. -***

2 a) Leaders - Any leader or private army or private armed group shall be
3 punished by imprisonment of not less than twelve (12) years and one (1) day nor
4 more than twenty (20) years, or by a fine of not less than Two Hundred Thousand
5 Pesos (P200,000.00) nor more than One Million Pesos (P1,000,000.00), or both such
6 imprisonment and fine, at the discretion of the court, taking all circumstances into
7 consideration;

8 b) Public Officer - If the leader is also a public officer, he shall, in addition,
9 be punished with perpetual absolute disqualification and subject to administrative
10 sanctions;

11 c) Juridical Person - If the leadership uses the veil or a juridical person, the
12 responsible officers thereof shall also be punished as leaders. In addition, its
13 registration, license or permit shall be cancelled or revoked;

14 d) Alien - If the leader is an alien, he shall, after serving its penalty, be
15 deported.

16 e) Protectors, Financiers, or Suppliers - shall be treated and punished as
17 leaders;

18 f) Members - Any member of the private army or private armed group shall
19 be punished by imprisonment of not less than six (6) years and one (1) day nor more
20 than twelve (12) years, or by a fine of not less than Fifty Thousand Pesos
21 (P50,000.00) nor more than Two Hundred Thousand Pesos (P200,000.00), or both
22 such imprisonment and fine, at the discretion of the court taking all circumstances
23 into consideration. If the member is also a public officer, he shall, in addition, be
24 punished with temporary absolute disqualification and subject to administrative
25 sanctions.

26
27 ***SEC. 5. Confiscation of Weaponry. -*** All weaponry of private armies and
28 private armed groups shall be confiscated, whether licensed or not. The same shall be
29 disposed of under existing policies, particularly for firearms, explosives, and
30 ammunition.

31
32 ***SEC. 6. Abuse of Security Detail. -*** This shall include but not limited to the
33 following forms:

34 a) excess number of military or police personnel as security detail for Very
35 Important Persons (VIP) under existing policies;

36 b) utilization of an allowable security detail for the advancement/protection
37 of the vested political or economic interests, including for criminal or oppressive acts;

38 c) utilization of unauthorized personnel as security detail; and

1 d) formation of so-called civil security units.

2

3 Those responsible shall be punished with imprisonment of not less than six (6)
4 years and one (1) day nor more than twelve (12) years, or by a fine of not less than
5 Fifty Thousand Pesos (P50,000.00) nor more than Two Hundred Thousand Pesos
6 (P200,000.00), or both such imprisonment and fine, at the discretion of the court,
7 taking all circumstances into consideration. If the offender is also a public officer, he
8 shall, in addition, be subject to administrative sanctions.

9

10 **SEC. 7. Abuse of Firearms Permits.** - This shall include but not limited to the
11 following forms:

12 a) a violation of existing policies on the ban on the carrying of firearms
13 outside of residence, issuance of Memorandum Receipts (MRs), Mission Orders
14 (MOs), and duty detail orders;

15 b) b. unauthorized issuance of MRs and MOs to carry firearms;

16 c) c. unauthorized acquisition of firearms by government units; and

17 d) d. unabated importation of firearms which are registered in accordance
18 with existing laws.

19

20 Those responsible shall be punished as in Sec. 5, without prejudice to liability
21 for illegal possession of firearms and violations of other applicable laws.

22

23 **SEC. 8. Paramilitary Forces as Private Armies.** - Paramilitary forces, such as
24 the CAFGU's and CVOs, utilized as private armies, or which no longer possess
25 strategic or tactical value in the maintenance and administrative of peace and order,
26 shall be immediately dismantled, demobilized or dissolved. Erring personnel shall be
27 immediately dismissed.

28

29 **SEC. 9. Security Agencies as Private Armies.** - Private security agencies
30 utilized as private armies shall likewise be dismantled or disarmed, and their
31 registration cancelled or revoked. Private security forces shall be regulated against
32 their utilization for the advancement protection of vested political or economic
33 interests beyond legitimate security needs. No public officer shall own or operate any
34 private security agency. A violation of the latter prohibition shall subject the public
35 officer to administrative sanctions and the private security agency to cancellation of
36 registration.

1 **SEC. 10. Priorities.** - The DILG/PNP, DND/AFP, DOJ/NBI shall give
2 priority to dismantling of private armies to the following:

- 3 a) large and long-existing private armies;
- 4 b) private armies with government connections;
- 5 c) paramilitary forces and private security forces utilized as private armies;
- 6 d) private armies with formidable weaponry and financial/logistical sources;
- 7 and
- 8 e) leaders, protectors, financiers and suppliers of private armies.

9
10 **SEC. 11. Sanction on Unit Commanders and Heads.** - Unit commanders or
11 heads of law enforcement units who are negligent in dismantling private armies in
12 their respective areas of responsibility shall be subject to administrative sanctions.

13
14 **SEC. 12. Incentives.** - The full range of incentives shall be applied to
15 dismantling of private armies, including but not limited to the following:

- 16 a) rewards and incentives to government witnesses and informants;
- 17 b) immunity from criminal prosecution to government witnesses;
- 18 c) state witness rule;
- 19 d) witness protection program;
- 20 e) non-prosecution for voluntary surrender of weaponry and voluntary
- 21 disbandment within a specified period;
- 22 f) incentives for voluntary surrender of firearms as in the "balik-baril"
- 23 program; and
- 24 g) promotion and incentives for meritorious action of law enforcement units.

25
26 **SEC. 13. System of Monitoring.** - There shall be set into a system of
27 monitoring the following, among others:

- 28 a) surrendered or confiscated weaponry and financial/logistical resources;
- 29 b) surrendered and demobilized members especially with connections to or in
- 30 connection with the AFP, PNP, CAFGUs, CVOs, and the like;
- 31 c) security detail for the VIPs; and
- 32 d) various permits to pertaining to firearms, including importation thereof.

33
34 **SEC. 14. Special Prosecutors.** - The DOJ, in coordination with the Regional
35 State Provincial and City Prosecutors, shall designate at least two (2) special
36 prosecutors per province and city to handle prosecution under this Act.

1 **SEC. 15. Jurisdiction.** - The Regional Trial Courts shall have original and
2 exclusive jurisdiction overall case involving offenses punishable under this Act. The
3 Supreme Court may also designate at least two (2) special branches of the RTC per
4 province and city to hear such cases.

5
6 **SEC. 16. Oversight Committee.** - Within thirty (30) days upon the removal of
7 this Act, there shall be formed an Oversight Committee composed of the following;

8	Chairperson	Secretary, DILG
9	Members	Secretary, DND
10		Secretary, DOJ
11		Presidential Adviser on the Peace Process
12		Director-General, PNP
13		Chief-of-Staff, AFP
14		Director, NBI
15		Two (2) Senators (designated by the Senate President)
16		Two (2) Representatives (designated by the Speaker)
17		

18 **SEC. 17. Implementing Rules.** - Within thirty (30) days form the formation of
19 the Oversight Committee, it shall issue the necessary rules and regulations for the
20 effective implementation of this Act without prejudice to the implementation of
21 provisions that do not need implementing rules.

22
23 **SEC. 18. Appropriations.** - The amount necessary for the dismantling of
24 private armies shall be charged to the appropriation of the DILG under the current
25 General Appropriations Act. Thereafter, such amount as may be necessary for the
26 continued dismantling of private armies shall be included in the annual GAA.

27
28 **SEC. 19. Separability Clause.** - If for any reason, any section or provision of
29 this Act, or any portion thereof, or the application of such section, provision, or
30 portion thereof to any person, group or circumstances is declared invalid or
31 unconstitutional, the remainder of this Act shall not be affected by such declaration.

32
33 **SEC. 20. Repealing Clause.** - All laws, decrees, orders, rules, and ordinances
34 inconsistent with this Act are hereby repealed or amended accordingly.

35
36 **SEC. 21. Effectivity.** - This Act shall take effect immediately following its
37 publication in at the Official Gazette or in at least two (2) national newspapers of
38 general circulation.

Approved,