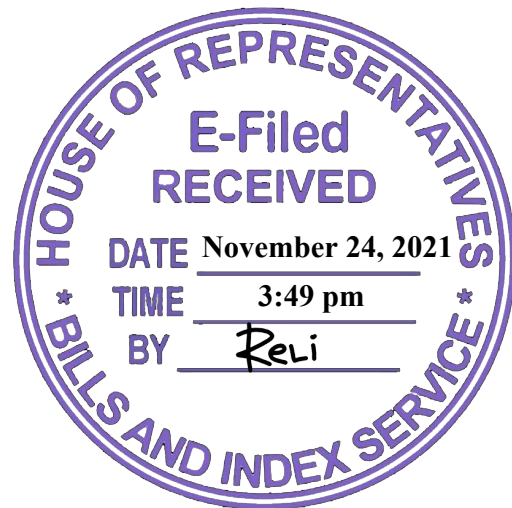


REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Third Regular Session

House Bill No. 10546



Introduced by **MAGDALO Party-List Representative**
HON. MANUEL DG. CABOCHAN III

EXPLANATORY NOTE

Article II, Section 5 of the 1987 Constitution affirms:

"The State shall assure the maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy."

Adhering to the basic principles on the use of force and firearms by law enforcers as adopted by the United Nations Congress, law enforcement officials shall apply non-violent means before resorting to the use of force or firearms.¹ This is embodied in the rules of various law enforcement agencies. The Revised Philippine National Police Operational Procedures of December 2013, Chapter 1, Rule 2 states that: Every police officer shall carry in his prescribed rig a non-lethal weapon (pepper spray, baton or stun gun), which shall be primarily used in a non-armed confrontation with an uncooperative and unruly offender during the arrest. However, there still have been incidents where unarmed offenders were killed.

¹ United Nations. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Information retrieved from <https://www.ohchr.org/en/professionalinterest/pages/useofforceandfirearms.aspx>. Dated 1990

For instance, on April 21, 2020, Police Master Sergeant Daniel Florendo Jr. and four police trainees were manning a checkpoint in Barangay Pasong Putik, Quezon City and killed retired Army Corporal Winston Ragos for allegedly carrying a weapon inside his sling bag and violated the enhanced community quarantine protocols.² The investigations yielded that Ragos did not carry any weapon but rather suffering from post-traumatic stress disorder after he served in the Philippine Army for seven years. Following a year after the death of retired Army Corporal Ragos, an 18-year-old teenager with autism was gunned down by the police in Valenzuela City. Edwin Arnigo was killed during a raid on an illegal cockfight after he allegedly attempted to grab the gun of a policeman during a scuffle.³

These incidents may have been prudently averted if police officers were equipped with non-lethal devices which can be used for non-armed confrontations. Naturally, these instance have put the police in bad light which erodes the trust of the public. In pursuance to a rights-based approach in law enforcement and public safety, this bill seeks to mandate the carrying and use of non-lethal weapons for law enforcement, peacekeeping, security and jail management. This is envisioned to curtail the risk of unnecessary use of lethal force against the public, and eventually, cultivate the trust of the people.

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



MANUEL DG. CABOCHAN III

Representative

Magdalo Para Sa Pilipino Party-List

² ABS-CBN. Cop who shot ex-soldier Winston Ragos failed to ‘exercise prudence’: Napolcom. Information retrieved from <https://news.abs-cbn.com/news/07/06/20/cop-who-shot-ex-soldier-winston-ragos-failed-to-exercise-prudence-napolcom>. Dated July 6, 2020

³ GMA. Family seeks justice for special needs youth killed by Valenzuela cops. Information retrieved from <https://www.gmanetwork.com/news/news/metro/788702/family-seeks-justice-for-special-needs-youth-killed-in-police-shooting/story/>. Dated May 24, 2021

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House Bill No. 10546

Introduced by **MAGDALO Party-List Representative**
HON. MANUEL DG. CABOCHAN III

AN ACT
MANDATING THE CARRYING AND USE OF NON-LETHAL WEAPONS FOR LAW ENFORCEMENT, PEACEKEEPING, SECURITY AND JAIL MANAGEMENT, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

1 SECTION 1. *Short Title.*– This Act shall be known as the “Mandatory Use of
2 Non-Lethal Weapons Act.”

3
4 Sec. 2. *Declaration of Policy.*– It is hereby declared the policy of the State to
5 maintain peace and order, protect life, liberty, and property, and the promotion of the
6 general welfare. It shall recognize the value of human dignity and respect for the
7 sanctity of life. It shall endeavor the dynamic application of rights-based approaches
8 in law enforcement and public safety. Towards this end, the State shall mandate the
9 training and use of non-lethal weapons for law enforcement, peacekeeping, security
10 and jail management to minimize the risk of use of lethal force against persons while
11 carrying out duties to serve and protect the public.

12

1 Sec. 3. *Definition of Terms.*–

2 (a) *Non-Lethal Weapons* – weapons which are explicitly designed and
3 developed to incapacitate or repel personnel with a lower probability
4 of fatality or permanent injury, or to disable equipment with minimal
5 undesired damage or impact on the environment than conventional
6 weapons such as metal or hard batons, knives, firearms and
7 explosives. Non-lethal weapon shall also mean less-than-lethal
8 weapons, non-deadly weapons, compliance weapons, or pain-
9 inducing weapons. For purposes of this Act, non-lethal weapons
10 include rubber or plastic baton/truncheon, pepper spray, pepper
11 launcher, pepper baton, PAVA spray, electroshock weapons and a
12 combination of these and other similar non-lethal weapons.

13 (b) *Rubber or Plastic Baton/Truncheon* – a cylindrical club made of
14 rubber or plastic. It can be used defensively to block; offensively to
15 strike or jab; and it can aid in the application of armlocks. It is also
16 used for non-weapon purposes such as breaking windows to free
17 trapped individuals, or turning out a suspect's pockets during a
18 search as a precaution against sharp objects.

19 (c) *Pepper Spray* – a device which contains and releases Oleum
20 Capsicum which is a chemical or organic substance that is a
21 lachrymatory agent intended to produce temporary physical
22 discomfort or disability through being sprayed, atomized, squirted in
23 droplets or continuous stream and dispensed by pressurized air or
24 pump.

25 (d) *Pepper Launcher* – a device which releases, using pressurized air or
26 gas, frangible plastic, resin or rubber ball or projectile that contains
27 powder consisting of ground pepper or PAVA powder that would
28 burst into a cloud of pepper or PAVA dust on contact which is
29 intended to produce temporary physical discomfort or disability.

30 (e) *PAVA Spray* – an incapacitant spray similar to pepper spray that is
31 dispensed from a handheld canister in a liquid stream or contained
32 as a powder in a ball or projectile made of frangible material such as

1 plastic or rubber. It contains a 0.3% solution of pelargonic acid
2 vanillylamide, a synthetic capsaicinoid, in a solvent of aqueous
3 ethanol.

4 (f) *Electroshock Weapon* – an incapacitating weapon or device that
5 delivers an electric shock aimed at temporarily disrupting muscle
6 functions and/or inflicting pain without usually causing significant
7 injury. Examples of such devices as stun guns, taser guns, batons,
8 and belts and tasers.

9 (g) *Law Enforcer* – the members of the Philippine National Police (PNP),
10 Military Police of the Armed Forces of the Philippines (AFP), National
11 Bureau of Investigation (NBI), Philippine Drug Enforcement Agency
12 (PDEA), Philippine Coast Guard (PCG), Bureau of Customs (BOC),
13 Bureau of Immigration (BI) and other government agencies
14 mandated for law enforcement.

15 (h) *Peacekeeper* – the Barangay Peace and Security Officer, Civil Security
16 Officers of the Local Government Units (LGUs), and the like.

17 (i) *Security Personnel* – the private and government security personnel
18 as defined by Republic Act No. 5487 or the Private Security Law.

19 (j) *Jail Officer* – the Jail Officers of the Bureau of Jail Management and
20 Penology (BJMP) and jails under the local government and the
21 Correction Officers of the Bureau of Corrections (BuCor).

22
23 Sec. 4. *Mandatory Use of Non-Lethal Weapons.* – All law enforcers,
24 peacekeepers, security personnel and jail officers shall be required to carry in their
25 rigs a non-lethal weapon as part of their standard uniform.

26
27 Sec. 5. *Trainings on the Use of Non-Lethal Weapons.* – Trainings on the use of
28 the non-lethal weapon shall form part of the basic and refresher training courses of
29 all law enforcers, peacekeepers, security personnel and jail officers.

30
31 Sec. 6. *Implementing Rules and Regulations.* – The PNP, Department of
32 National Defense, Department of Interior and Local Government and all other

1 concerned agencies shall within sixty (60) days from the effectivity of this Act,
2 promulgate the rules and regulation to effectively implement the provisions of this Act.

3
4 *Sec. 7. Appropriations.* – The amount needed for the initial implementation of
5 this Act shall be taken from the current year’s appropriations of the concerned
6 agencies. Thereafter, such sums as may be necessary for its continued implementation
7 shall be included in the annual General Appropriations Act.

8
9 *Sec. 8. Separability Clause.* – If any portion or provision of this Act is declared
10 unconstitutional, the remainder of this Act or any provisions not affected thereby shall
11 remain in force and effect.

12
13 *Sec. 9. Repealing Clause.* – Any law, presidential decree or issuance, executive
14 order, letter of instruction, rule or regulation inconsistent with the provisions of this
15 Act is hereby repealed or modified accordingly.

16
17 *Sec. 10. Effectivity.* – This Act shall take effect after fifteen (15) days following
18 its complete publication in the Official Gazette or a newspaper of general circulation.

Approved,