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SENATE

S. No. 2638

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Introduced by Senator JUAN MIGUEL F. ZUBIRI

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**Explanatory Note**

The recent incidents of theft of flood warning devices in Pangasinan and Tarlac are very alarming, to say the least. These devices were installed under the bridges at the Agno River in Bugallon, Pangasinan and in Barangay Tibag in Tarlac City. These flood monitoring devices are being used by the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA) to measure the volume, depth, and speed of the water current when flooding occurs. It is suspected that these devices were stolen and sold to junkshop for its copper and other metal parts. Each unit costs One million pesos and the devices were donated by the Japanese International Cooperating Agency to the Philippine government.

Though, the prices of these devices may not be expensive, we could not discount the value it provides to the affected communities. Such warning devices may prevent the destruction of properties and loss of lives during the occurrence of floods, disasters and other calamities. Thus, the safety and continued operation of these devices are of paramount concern to the government and our people. It seems that the perpetrators of this crime have become so callous and insensitive to set aside its significance in disaster risk reduction and prevention for personal gain and profit.

This representation believes that it is thus timely to severely penalize the commission of this crime, the perpetrators, their cohorts and the unauthorized possession of flood warning devices and similar disaster warning and risk reduction devices being used and operated by the government.

By imposing stiffer penalties for the theft and tampering of disaster warning and risk reduction devices, this bill is envisioned to minimize if not eradicate the perpetration of such crimes.

Hence, approval of this bill is earnestly sought.

  
JUAN MIGUEL F. ZUBIRI

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AN ACT  
PENALIZING THEFT AND TAMPERING OF DISASTER WARNING AND  
RISK REDUCTION DEVICES, 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 referred to as the "**Disaster Warning and**  
2 **Risk Reduction Devices Anti-Theft Act of 2011.**"

3  
4 **Section 2.** *Theft of Disaster Warning and Risk Reduction Devices.* – It is hereby  
5 declared unlawful for any person to:

6 (a) Dismantle, separate, remove, transfer or carry away any disaster warning and  
7 risk reduction device from any installation or any other place or site where it may  
8 be rightfully or lawfully installed, stored, deposited, kept, stocked, inventoried,  
9 situated or located, without authority from the government or any of its  
10 instrumentalities, whether or not the act is done for profit or gain; and

11 (b) Store, possess or otherwise keep in his premises, custody or control, any  
12 disaster warning and risk reduction device without authority from the government  
13 or any of its instrumentalities, whether or not the act is done for profit or gain.  
14

15 **Section 3.** *Tampering of Disaster Warning and Risk Reduction Devices* – It is hereby  
16 declared unlawful for any person to tamper, damage, or destroy any disaster warning  
17 and risk reduction device or allow the same to be so tampered, damaged, or destroyed  
18 as to interfere with the proper or accurate functions of such disaster warning and risk  
19 reduction device.  
20

21 **Section 4.** *Disaster Warning and Risk Reduction Devices* – For purposes of the  
22 preceding sections, "**disaster warning and risk reduction devices**" refers to the set  
23 of capacities that generate and disseminate timely and meaningful warning or

1 information to enable individuals, communities and organizations threatened by a  
2 disaster or hazard to prepare and to act appropriately and in sufficient time to avoid or  
3 reduce the possibility of harm or loss, such as, but not limited to:

- 4 (a) Flood Monitoring Device;
- 5 (b) Weather Forecasting Equipments;
- 6 (c) Doppler Radar;
- 7 (d) Seismographs;
- 8 (e) Tsunami Warning Systems;
- 9 (f) Other devices used, owned, and/or operated by the government and its  
10 agencies such as the Philippine Atmospheric, Geophysical and Astronomical  
11 Services Administration (PAGASA), Philippine Institute of Volcanology and  
12 Seismology (PHIVOLCS), Department of Science and Technology (DOST)  
13 and National Disaster Risk Reduction and Monitoring Council (NDRRMC);  
14 and
- 15 (g) Such other disaster warning and risk reduction devices analogous to the  
16 foregoing.

17  
18 The NDRRMC in coordination with DOST, PAGASA, PHIVOLCS, and other  
19 concerned agencies shall identify the other disaster warning and risk reduction devices  
20 within ninety (90) days upon the effectivity of this Act. The complete list shall be  
21 furnished the Department of Justice to serve as reference in filing the appropriate cases  
22 in court. The abovementioned list shall be updated by the NDRRMC every five (5)  
23 years.

24  
25 **Section 5. *Prima Facie Evidence.*** – Mere possession, control, or custody of any of the  
26 disaster warning and risk reduction devices found in the preceding section, in the  
27 absence of any valid written authority to possess, control, or have custody of the same,  
28 shall be *prima facie* evidence of violation of Section 2 hereof and therefore such  
29 disaster warning and risk reduction device(s) may be confiscated from the person in  
30 possession, control, or custody thereof.

31  
32 **Section 6. *Incentives.*** – An incentive scheme by way of a monetary reward in the  
33 amount of Ten Thousand Pesos (Php 10,000.00) shall be given to any person who shall  
34 report to the police authorities any act which constitutes a violation of Section 2 and/or  
35 Section 3 hereof. The Department of Interior and Local Government in consultation with  
36 the NDRRMC, Philippine Atmospheric, Geophysical and Astronomical Services  
37 Administration (PAGASA), Philippine Institute of Volcanology and Seismology  
38 (PHIVOLCS), the Local Government Units, and other concerned government agencies,

1 shall issue the necessary *guidelines* for the proper implementation of this scheme within  
2 Thirty (30) days from the effectivity of this Act.

3  
4 **Section 7. Penalties.** – (a) Violation of Section 2. – The penalty of twelve to fifteen (12  
5 – 15) years imprisonment or a fine ranging from Two Hundred Thousand Pesos (Php  
6 200,000.00) to Three Hundred Thousand Pesos (Php 300,000.00) or both, at the  
7 discretion of the court, shall be imposed on any person found guilty of violating Section  
8 2 hereof.

9  
10 (b) Violation of Section 3. – The penalty of six to ten (6 – 10) years imprisonment  
11 or a fine ranging from One Hundred Thousand Pesos (Php 100,000.00) to One Hundred  
12 Fifty Thousand Pesos (Php 150,000.00) or both, at the discretion of the court, shall be  
13 imposed on any person found guilty of violating Section 3 hereof.

14  
15 (c) Provisions common to violations of Section 2 and Section 3 hereof. – If the  
16 offense is committed by, or in connivance with an officer or employee of the government  
17 or any of its instrumentalities, such officer or employee, shall, upon conviction, be  
18 punished with a penalty of fifteen to twenty (15 – 20) years of imprisonment or a fine  
19 ranging from Three Hundred Thousand Pesos (Php 300,000.00) to Five Hundred  
20 Thousand Pesos (Php 500,000.00) or both, at the discretion of the court, and forthwith  
21 be dismissed and perpetually disqualified from government service.

22  
23 If the offense committed constitutes a violation of both Section 2 and Section 3  
24 hereof, then the penalty of twelve to fifteen (12 – 15) years imprisonment or a fine  
25 ranging from Two Hundred Thousand Pesos (Php 200,000.00) to Three Hundred  
26 Thousand Pesos (Php 300,000.00) or both, at the discretion of the court, shall be  
27 imposed.

28  
29 **Section 8. Non-applicability of Articles 308, 309, 310 and 311 of the Revised Penal**  
30 **Code.** – Articles 308, 309, 310 and 311 of the Revised Penal Code shall not be  
31 applicable to cases contemplated or enumerated in Section 2 hereof. For theft cases  
32 contemplated or enumerated under Section 2 hereof, the provisions in this Act shall  
33 apply.

34 Failure of the government prosecutors to charge theft cases under this Act shall  
35 constitute an administrative offense on the part of the concerned government  
36 prosecutors.

37

1 **Section 9. Separability Clause.** – Any portion or provision of this Act which may be  
2 declared unconstitutional or invalid shall not have the effect of nullifying other portions  
3 or provisions hereof.

4  
5 **Section 10. Repealing Clause.** – All other laws, ordinances, rules, regulations, and  
6 other issuances or parts thereof, which are inconsistent with this Act, are hereby  
7 repealed or modified accordingly.

8  
9 **Section 11. Effectivity Clause** – This Act shall take effect immediately after its  
10 publication in two (2) Newspapers of general circulation.

11

12 Approved.