

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
FIRST REGULAR SESSION)

'04 JUN 30 P2:07

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SENATE

S.B. NO. 180

Introduced by **Senator LUISA "LOI" P. EJERCITO ESTRADA**

EXPLANATORY NOTE

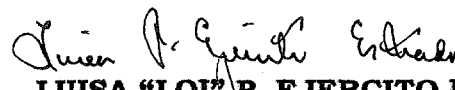
Presidential Decree No. 1866, as amended, entitled "Codifying The Laws on Illegal/Unlawful Possession, Manufacture, Dealing In, Acquisition or Disposition of Firearms, Ammunition or Explosives, And Imposing Stiffer Penalties for Certain Violations hereof and for Relevant Purposes" does not contain a provision providing for stiffer penalties if the perpetrators are government officials and employees and officers and members of police agencies and the armed forces and does not penalize the act of "planting" evidence to implicate an innocent person.

Under Article 363 of the Revised Penal Code, the penalty for incriminating innocent persons is punishable by *arresto mayor* or one (1) month and one (1) day to six (6) months imprisonment only. But "planting squads" have become rampant among law enforcers thus the need to penalize those who plant incriminating evidence becomes imperative. Media accounts of false accusations and wrongful convictions on account of "planted" evidence are replete. The agony of a jail sentence and payment of a fine due to wrongful conviction, especially of the poor who do not have the means to defend themselves, is beyond measure.

The abuse by law enforcers of a law which punishes mere illegal possession by the mere expedient of "planting" evidence to establish guilt, was noted by the Supreme Court in the case of *People vs. Purisima* (86 SCRA 542, 549-50; 1978). In the recent case of *People vs. Alcantara*, 240 SCRA 122, 138 (1995), the Supreme Court stated that in the haste of law enforcers to solve crimes, people accused of serious offenses are stripped of their constitutional rights.

This bill provides for the maximum penalties for the acts punishable by PD 1866 concerning illegal firearms, ammunition or explosives and the instruments in the manufacture of the same when the acts punishable by said law are committed by government officials and employees and officers and members of police agencies and the armed forces and penalizes the act of "planting" incriminating evidence.

Thus, the immediate approval of this bill is earnestly sought.


LUISA "LOI" P. EJERCITO ESTRADA
Senator

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AN ACT

IMPOSING STIFFER PENALTIES FOR GOVERNMENT OFFICIALS AND EMPLOYEES AND OFFICERS AND MEMBERS OF POLICE AGENCIES AND THE ARMED FORCES AND PENALIZING "PLANTING" OF EVIDENCE, INCORPORATING SECTION 7-A INTO PRESIDENTIAL DECREE NO. 1866, AS AMENDED, ENTITLED "CODIFYING THE LAWS ON ILLEGAL/UNLAWFUL POSSESSION, MANUFACTURE, DEALING IN, ACQUISITION OR DISPOSITION OF FIREARMS, AMMUNITION OR EXPLOSIVES OR INSTRUMENTS USED IN THE MANUFACTURE OF FIREARMS, AMMUNITION OR EXPLOSIVES AND IMPOSING STIFFER PENALTIES FOR CERTAIN VIOLATIONS THEREOF AND FOR RELEVANT PURPOSES"

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

Section 1. A new Section 7-A is hereby incorporated in Presidential Decree 1866 to read as follows:

"Section 7-A. Penalties for Government Official and Employees and Officers and Members of Police Agencies and the Armed Forces; "Planting" of Evidence. The maximum penalties provided for in Sections 1, 3, 5, 6 and 7 shall be imposed, if those found guilty of any of the said offenses are government officials, employees or officers including members of police agencies and the armed forces.

Any government official, employee or officer, including member of police agencies and the armed forces who is found guilty of "planting" any firearm, ammunition or explosive or instrument used in their manufacture punished in Sections 1, 3, 5, 6 and 7 of this Decree in the person or in the immediate vicinity of another as evidence to implicate the latter, shall suffer the maximum penalty as therein provided".

Section 2. **Separability Clause.** - If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

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,