

SEVENTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )




Senate  
Office of the Secretary

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SENATE

S. No. 479

RECEIVED BY: 

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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

#### 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 to protect themselves but also to intimidate political opponents. The Philippine National Police (PNP) estimates that there are 3,779 numbers of Private Army Groups (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 2013 elections, a reported 67 elections related incidents and 52 casualties were reported. This last May 2016 polls, there were 22 reported elections related violence leading to the death of 10 civilians and 3 others wounded.

Although there have been a number of documented abuses committed by these groups, the authorities have failed to suppress them due to the lack of clear-cut government policy guidelines. Conversely, their strength has rendered the state weak and unable to protect its citizenry.

It is hoped that the passage of this measure shall put a halt to this practice of organizing private armies by politicians.

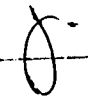
In view of the foregoing, approval of this measure is earnestly sought.

  
ANTONIO "SONNY" F. TRILLANES IV  
Senator

'16 JUL 19 AM 11:30

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

1           **SECTION 1. Short Title.** - This Act shall be known as "*The Anti-Private Army law*  
2           *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 following  
6 are prohibited:

- 7           a.) maintenance and/use of private armies;
- 8           b.) abuse of the utilization of the military and police personnel as security detail;
- 9           c.) abuse of various permits pertaining to firearms, as well as unregistered importations  
10           thereof;
- 11           d.) utilization of the paramilitary forces and private security agencies as private armies;  
12           and
- 13           e.) Protections, financing, supplying or otherwise giving aid and comfort to private  
14           armies.

15  
16           **SEC.3. Definition of Terms.** -

- 17           a.) *Private Army* - is a group of at least ten (10) individuals, with a leadership structure  
18           and weaponry, utilized for:
- 19           1. The commission of crimes;

1 2. The advancement/protection of vested political or economic interests of an  
2 individual, family, clan or private group in an oppressive way, such as by way of  
3 bodyguards, intimidation force or mercenaries.  
4

5 This also refers to authorized government armed groups which no longer possess  
6 strategic or tactical value in the maintenance and administration of peace and  
7 order. This definition does not include rebel armies or units such as those of the  
8 CPP-NPA; NDF; MNLF; and MILF. But includes the so-called "lost commands",  
9 as well, as paramilitary forces and private security forces utilized for the  
10 advancement.  
11

12 b.) *Private Armed Group* - is a group not recognized by duly constituted authority,  
13 consisting of at least three (3) individuals with weaponry, utilized in the same way as  
14 a private army;  
15

16 c.) "*Recognized by the duly constituted authority*" - means authorized by law or in  
17 accordance with law, and operating according to law. This includes duly registered  
18 private security agencies and gun clubs, as long as they are not utilized for the  
19 advancement/protection of vested political or economic interests. But there are no  
20 private armies recognized duly constituted authority;  
21

22 d.) *Dismantling* - or "*Paglalansag*" in Filipino, refers to the disbandment, disarming,  
23 demobilization or dissolution of private armies, as well as the arrest and prosecution  
24 of those involved, or their voluntary surrender of firearms and abandonment of their  
25 organization and activities;  
26

27 e.) *Government Connection* - covers the areas pertaining to government units, civil  
28 service, the PNP and the AFP where officials and any personnel thereof are found to  
29 be leaders, members, protectors, financiers or suppliers of private armies, or are  
30 otherwise benefiting economically or psychologically from the existence or activities  
31 thereof;  
32

33 f.) *Leadership* - pertains to personalities who maintain and/or use private armies,  
34 control the actions or activities thereof provide the direction or "brains" thereof or

1 otherwise get the most economic or psychological advantage out of this existence or  
2 activities thereof;

3  
4 g.) *Membership* - refers to those who directly participate in activities of private armies  
5 without falling with the definition of leadership, are accomplices or accessories as  
6 defined by the Revised Penal code to the criminal activities thereof;

7  
8 h.) *Weaponry* - covers all types of weapons, firearms, explosives, and ammunition used  
9 by private armies; and

10  
11 i.) *Financial and Logistical Resources* – include all forms of transportation,  
12 communication, safe houses, bank accounts, businesses, money-producing activities,  
13 sources of weaponry, front organizations, etc., which private armies used to support  
14 their existence or activities.

15  
16 **SEC.4 Penalties for Leaders and Members.-**

17  
18 a) *Leaders* –Any leader or private army or private armed group shall be punished by  
19 imprisonment of not less than twelve (12) years and one (1) day nor more than twenty  
20 (20) years, or by a fine of not less than Two Hundred Thousand Pesos (P200,000.00)  
21 nor more than One Million Pesos (P1,000,000.00), or both such imprisonment and  
22 fine, at the discretion of the court, taking all circumstances into consideration;

23  
24 b) *Public Officer* – If the leader is also a public officer, he shall, in addition, be punished  
25 with perpetual absolute disqualification and subject to administrative sanctions;

26  
27 c) *Juridical Person*- If the leadership uses the veil or juridical person, the responsible  
28 officers thereof shall also be punished as leaders. In addition, its registration, license  
29 or permit shall be cancelled or revoked;

30  
31 d) *Alien* – If the leader is an alien, he shall, after serving its penalty, be deported;

32  
33 e) *Protectors, Financers, or Suppliers*- shall be treated and punished as leader; and

34

1 f) *Members*- Any member of the private army or private armed group shall be punished  
2 by imprisonment of not less than six (6) years and one (1) day no more than twelve  
3 (12) years, or by a fine of not less than Fifty Thousand Pesos (P50, 000.00) nor more  
4 than Two Hundred Thousand Pesos (P200,000.00), or both such imprisonment and  
5 fine, at the discretion of the court taking all circumstances into consideration. If the  
6 member is also a public officer, he shall, in addition, be punished with temporary  
7 absolute disqualification and subject to administrative sanctions.

8  
9 **SEC.5. Confiscation of Weaponry.**- All weaponry of private armies and private armed  
10 groups shall be confiscated, whether licensed or not. The same shall be disposed of under  
11 existing policies, particularly for firearms, explosives and ammunition.

12  
13 **SEC.6. Abuse of Security Detail.**- This shall include but not limited to the following  
14 forms:

- 15 a) excess number of military or police personnel as security detail for Very Important  
16 Persons (VIP) under existing policies;  
17  
18 b) utilization of an allowable security detail for the advancement/protection of the vested  
19 political or economic interests, including for criminal or oppressive acts;  
20 c. utilization of unauthorized personnel as security detail; and  
21 d. formation of so-called civil security units.

22 Those responsible shall be punished with imprisonment of not less than six (6) years and one  
23 (1) day nor more than twelve (12) years, or by a fine not less than Fifty Thousand Pesos  
24 (P50,000,00) nor more than Two Hundred Thousand Pesos (P200,000.00), or both such  
25 imprisonment and fine, at the discretion of the court, taking all circumstances into  
26 considerations. If the offender is also a public officer, he shall, in addition, be subject to  
27 administrative sanctions.

28  
29 **SEC. 7. Abuse of Firearms Permits.** – This shall include but not limited to the  
30 following forms:

- 31 a) violation of existing policies on the ban on the carrying of firearms outside of  
32 residence, issuance of memorandum receipts (MRs), Mission Orders (MOs), and duty  
33 detail orders;

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

2  
3 c) unauthorized acquisition of firearms by government units; and

4  
5 d) unabated importation of firearms which are registered in accordance with existing  
6 laws. Those responsible shall be punished as in Section 5, without prejudice to  
7 liability for illegal possession of firearms and violations of other applicable laws.

8  
9 **SEC. 8. *Paramilitary Forces as Private Armies-*** Paramilitary forces, such as the  
10 CAFGUs and CVOs, utilized as private armies, or which no longer possess strategic or  
11 tactical value in the maintenance and administrative of peace and order, shall be immediately  
12 dismantled, demobilized or dissolved. Erring personnel shall be immediately dismissed.

13  
14 **SEC.9. *Security Agencies as Private Armies.-*** Private security agencies utilized as  
15 private armies shall likewise be dismantled or disarmed, and their registration canceled or  
16 revoked. Privated security forces shall be regulated against their utilization for the  
17 advancement / protection of vested political or economic interest beyond legitimate security  
18 needs. No public officer shall own or operate any private security agency. A violation of the  
19 latter prohibition shall subject the public officer to administrative sanctions and the private  
20 security agency to cancellation of registration.

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

- 23  
24 a) large and long-existing private armies;
- 25 b) private armies with government connections;
- 26 c) paramilitary forces and private security forces utilized as private armies;
- 27 d) private armies with formidable weaponry and financial/logistical sources; and
- 28 e) leaders, protectors, financers and suppliers of private armies.

29  
30 **SEC. 11. *Sanctions on Unit Commanders and Heads.-*** Unite commanders or heads  
31 of law enforcement units who are negligent in dismantling private armies in their  
32 respective areas of responsibility shall be subject of administration sanctions.

1           **SEC. 12. Incentives.** – The full range of incentives shall be applied to dismantling of  
2 private armies, including but not limited to the following:

- 3
- 4           a) rewards and incentives to government witness and informants;
  - 5           b) immunity from criminal prosecution of government witnesses;
  - 6           c) state witness rule;
  - 7           d) witness protection program;
  - 8           e) non-prosecution for voluntary surrender of weaponry and voluntary disbandment
  - 9                 within a specified period;
  - 10           f) incentives for voluntary surrender firearms as in the “*balik-baril*” program; and
  - 11           g) promotion and incentives for meritorious action of law enforcement units.
- 12

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

- 15
- 16           a) surrendered or confiscated weaponry and financial/logistical resources;
  - 17           b) surrendered and demobilized members especially with connections to or in
  - 18                 connection with the AFP, PNP, CAFGUs, CVOs, and the like;
  - 19           c) Security detail for the VIPs; and
  - 20           d) various permits to pertaining to firearms, including importation thereof.
- 21

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

25

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

30

31           **SEC.16. Oversight Committee.-** Within thirty (30) days upon the removal of this  
32 Act, there shall be formed on Oversight Committee composed of the following

33                           Chairperson                           Secretary, DILG  
34                           Members   Secretary, DND

1 Secretary, DOJ  
2 Presidential Adviser on the Peace Process  
3 Director-General, PNP  
4 Chief-of-Staff, AFP  
5 Director, NBI  
6 Two (2) Senators (designated by the Senate President)  
7 Two (2) Representatives (designated by the Speaker)  
8

9 **SEC.17. *Implementing Rules-*** Within thirty (30) days from the formation of the  
10 Oversight Committee, it shall issue the necessary rules and regulations for the effective  
11 implementation of this Act without prejudice to the implementation of provisions that do not  
12 need implementing rules.  
13

14 **SEC.18. *Appropriations-*** The amount necessary for the dismantling of private  
15 armies shall be charged to the appropriation of the DILG under the current General  
16 Appropriations Act. Thereafter, such amount as may be necessary for the continued  
17 dismantling of private armies shall be included in the annual GAA.  
18

19 **SEC.19. *Separability Clause-*** If for any reason, any section of provision of this  
20 Act, or any portion thereof, or the application of such section, provision, or portion thereof to  
21 any person, group or circumstances is declared invalid or unconstitutional, the remainder of  
22 this Act shall not be affected by such declaration.  
23

24 **SEC.20. *Repealing Clause.*** - All laws, decrees, orders, rules, and Ordinances  
25 inconsistent with this Act are hereby repealed or amended accordingly.  
26

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

*Approved,*