


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

7 JUN 30 P4:21

SENATE

S. No. 234

RECEIVED BY: 

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Introduced by Senator Biazon  
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### Explanatory Note

Section 5 of Article 2 of the 1987 Constitution provides that "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.

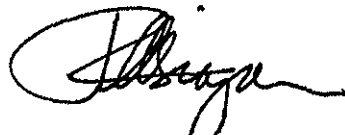
Corollarily, the State in the exercise of its police power may enact and impose such reasonable measures that will prohibit all that is harmful to the comfort, safety and welfare of society and its subjects.

The passage and implementation of laws such as Republic Act No 8294 regulating the possession, manufacture, dealing in and acquisition or disposition of firearms, ammunition or explosives or instrument used in the manufacture of such is one of the means employed by the State to comply with this constitutional mandate.

There has been an upsurge of crimes vitally affecting public order and safety due to the proliferation of illegally possessed and manufactured firearms, ammunitions and explosives. These criminal acts have resulted in loss of human lives, damage to property and destruction of valuable resources of the country.

There are some provisions in said laws and other pieces of legislation which must be updated and revised in order to more effectively deter violators of the law thereon.

The proposed measure will change the penalty if the selling of firearms, ammunition or explosives or any parts or components used in the manufacture of firearms, ammunition or explosives to the enemies of the state is done by any member of the Armed Forces of the Philippines (AFP), or the Philippine National Police (PNP) or any other law enforcement agency, and government officials. In which cases, it is proposed that the offender be made to suffer the penalty of reclusion perpetua.



RODOLFO G. BIAZON  
Senator

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AN ACT

PENALIZING THE SELLING OF FIREARMS, AMMUNITION OR EXPLOSIVES OR ANY PARTS OR COMPONENTS USED IN THE MANUFACTURE OF FIREARMS, AMMUNITION OR EXPLOSIVES TO THE ENEMIES OF THE STATE, IMPOSING PENALTIES THEREFOR AND FOR OTHER PURPOSES.

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

SECTION ONE. *Declaration of Policy.* – It is hereby declared the policy of the State to protect public security and safety by prohibiting the selling of firearms, ammunition or explosives or any parts or components used in the manufacture of firearms, ammunition or explosives to the enemies of the state.

Sec. 2. *Definition of Term.* – For purposes of this Act, the term “enemy of the State” is defined as a person or group of individuals who have commenced acts of hostility with the duly constituted authorities of a particular state by violating the laws particularly affecting its people, territory, sovereignty and government.

Sec. 3. *Prohibited Acts and Penalties Therefor.* – It shall be unlawful for any person to sell, directly or indirectly, any firearms, ammunition or explosives or any parts or components used in the manufacture of firearms, ammunition or explosives to the enemies of the state as defined in this Act.

Any person who commits such act shall be punished by reclusion temporal in its minimum to reclusion perpetua in its medium period and shall pay a fine not exceeding three hundred pesos (P300,000).

The penalty of reclusion perpetua in its maximum period shall be imposed if the offense is committed by any member of the Armed Forces of the Philippines (AFP), or the Philippine National Police (PNP) or any other law enforcement agency, or any government official, and shall pay a fine not exceeding five hundred pesos (P500,000).

Sec. 4. *Competent Court.* – Regular courts of competent jurisdiction shall have exclusive and original jurisdiction over private persons charged under this Act. The Sandiganbayan will have exclusive and original jurisdiction over government and public officials charged under this Act. Finally, all military and police officials and personnel charged under this Act shall be subject to the competent court martial duly constituted for such purpose.

Sec. 5. *Suspension and Loss of Benefits.* – Any government and public official, police or military officer or personnel against whom any criminal prosecution under a valid information under this Act in whatever stage of execution and mode of participation, is pending in court, shall be suspended from

office in accordance with law. Should he be convicted by final judgment, he shall lose all retirement or gratuity benefits under any law but, if he is acquitted, he shall be entitled to reinstatement and to the salaries and other benefits which he failed to receive during his time of suspension unless in the meantime administrative proceedings have been filed against him.

*Sec. 6. Repealing Clause.* – All laws, rules, regulations, orders, circulars and memoranda inconsistent with this Act are hereby repealed or modified accordingly.

*Sec. 7. Effectivity.* – This Act shall take effect immediately upon approval.

Approved,