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SENATE
Senate Bill No. 2189

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INTRODUCED BY SEN. MANNY VILLAR

EXPLANATORY NOTE

According to the record of the Philippine Bomb Data Center of the Philippine National Police, there were **374 explosive-related incidents** nationwide for CY 2006. These incidents are broken down as follows:

- 107 bombings;
- 37 explosions;
- 210 recovery of improvised explosive devices (IEDs), unexploded ordnances (UXO)s, explosive ingredients, and hoax device;
- 1 stolen/theft of explosives; and
- 19 bomb threats.


Of the combined number of bombing and explosion incidents, a total of **94** people were **killed** while **276** were **injured** for a total of **368**.

On bombing incidents, statistics **by target** showed that **32** targeted **government** personnel and facilities; **32** were **commercial establishments**; and **40** were **private** individuals/residences.

On the other hand, statistics **by motives** showed that **3** were acts of terrorism; **36** were **vandalism**; **2** were political; **12** were **emotions (revenge; love/hate relationship)**; **11** were **ideological beliefs** perpetrated by dissident terrorists (DTs); **1** for personal gain; and **38** had no established motive or reason. Statistics **by location** showed that for the last quarter, **NCR** had the most number of incidents with **63 incidents**; followed by **Region 4A** with **42** incidents; and by **Regions 3 and ARMM** with **38 incidents** each.

Apparently, bombings and explosions have caused so much destruction to the lives and property and to the economy of our country. The proposed bill is aimed to provide stiffer penalties for illegal/unlawful importation, manufacture, acquisition, sale, disposition or possession of explosives and chemicals or accessories used in the manufacture of explosives.

In view of the foregoing, the approval of this bill is earnestly requested.


MANNY VILLAR

FOURTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

OFFICE OF THE SECRETARY

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AN ACT
PROVIDING FOR THE STRICT REGULATION AND STIFFER PENALTIES
FOR THE ILLEGAL / UNLAWFUL IMPORTATION, MANUFACTURE,
ACQUISITION, SALE, DISPOSITION OR POSSESSION OF EXPLOSIVES
AND CHEMICALS OR ACCESSORIES USED IN THE MANUFACTURE OF
EXPLOSIVES, REPEALING FOR THE PURPOSE OF EXECUTIVE ORDER
NO. 522 AND AMENDING CERTAIN PROVISIONS OF PRESIDENTIAL
DECREE NO. 1866, AS AMENDED, AND FOR OTHER PURPOSES.

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

**SECTION 1. Authority to Import, Sell or Possess Chemicals or
Accessories for Explosives.** – Only persons or entities issued a manufacturer's
license, dealer's license or purchaser's license by the Philippine National Police
(PNP) – Firearms and Explosives Division may import any of the chemicals or
accessories that can be used in the manufacture of explosives ingredients from
foreign suppliers, or possess or sell them to licensed dealers or end users, as the
case may be.

SECTION 2. Types of Chemicals/Accessories Covered – The
chemicals and accessories mentioned in the preceding section shall exclusively
refer to chlorates, nitrates, nitric acid and such other chemicals and accessories
that can be used for the manufacture of explosives and explosive ingredients
from foreign suppliers, or possess or sell them to licensed dealers or end users,
as the case may be.

SECTION 3. Record of Transactions – Any person or entity who intends
to import, sell or possess the aforesaid chemicals or accessories shall file an
application with the chief of the PNP, stating therein the purpose for which the
license and/or permit is sought and such other information as may be required by
the said official. The concerned person or entity shall maintain a permanent
record of all transactions entered into in relation with the aforesaid chemicals or
accessories, which documents shall be open to inspection by the appropriate
authorities.

Failure to comply with the provision of this section shall constitute a
violation and shall be penalized in accordance with Section 4 of this Act.

SEC.4. Unlawful Importation, Acquisition, Sale Disposition or Possession of Chemicals or Accessories that can be used in the Manufacture of explosives or Explosive ingredients. – The penalty of imprisonment of not less than one (1) year but not more than five (5) years and a fine of not less than Fifty Thousand pesos (Php 50,000.00) but not more than One Hundred Thousand Pesos (Php 100,000.00) shall be imposed upon any person or entity who shall unlawfully import, acquire, sell, dispose of or possess chemicals or accessories that can be used in the manufacture of explosives or explosive ingredients, or who shall fail to comply with the provision of Section 3 of this Act: *Provided*, That if the guilty party is a corporation or a partnership, the fine to be imposed shall be the maximum amount.

In the event that a person or entity is found without authority in possession of chemicals or accessories or other device which when combined together can be used in the manufacture of explosives or explosive ingredients, then the maximum penalties under Section 5 of this Act shall apply.

The same penalty shall be imposed upon the owner, president, manager, director or other responsible officer of any public or private firm, company, corporation or entity, who shall willfully or knowingly allow any of the explosives owned by such firm, company, corporation or entity, to be used by any person or persons found guilty of violating the provisions of the preceding paragraphs/section.

In addition thereto, any violation of this Act shall be sufficient cause for the cancellation of the license and the confiscation of all such chemicals or accessories, whether or not lawfully imported, purchased or possessed by the subject person or entity.

SEC. 5. Unlawful Importation, Manufacture, Acquisition, Sale, Disposition or Possession of Explosives or Instruments Used or Intended to Used Therefor. – The penalty of *reclusion temporal to reclusion perpetua*, subject to the presence of mitigating circumstances, shall be imposed upon any person who shall unlawfully import, manufacture, assemble, acquire, sell, deal in, dispose of or possess any explosives or incendiary device is capable or is intended to be capable of producing massive destruction to property causing death or injury to any person or persons including, but not limited to, pillbox bomb, Molotov cocktail bomb, hand grenade, rifle grenade, mortar or other explosive or incendiary device.

Any person who commits any of the crimes defined in the Revised Penal Code or special laws with the use of the aforementioned explosives, detonations agents or incendiary devices, which resulted in the death of any person or persons, shall be punished with the penalty of *reclusion perpetua*.

If the violation of this section is in furtherance of, or incident to, or in connection with the crime of rebellion, insurrection, sedition or subversion, including the proposal or conspiracy to commit any of the aforesaid crimes, the penalty of *reclusion perpetua* shall be imposed.

The penalty of *reclusion perpetua* shall be imposed upon the owner, president, manager, director, or other responsible officer of any public or private firm, company, corporation or entity, who shall willfully or knowingly allow any of the explosives or incendiary devices owned by such firm, company, corporation or entity to be used by any person or persons found guilty of violating the provisions of the preceding paragraphs.

A person arrested under this section shall not be allowed to post bail.

SEC. 6 . *Presumption of Unlawful Manufacture* – The possession of any part, machinery, tool or instrument directly used in the manufacture, construction, assembly, delivery or detonation of explosives ingredients, by any person whose business or employment does not lawfully deal with the manufacture of explosives, shall be *prima facie* evidence that such article is intended to be used in the unlawful / illegal manufacture, construction, assembly, delivery or detonation of explosives ingredients, and shall be penalized accordingly.

SEC. 7. *Disqualification from Public Office* – If a public officer is found guilty of violating any of the provisions of this Act, he/she shall be perpetually disqualified from public office with automatic forfeiture in favor of the government of any benefits or privileges due him/her, in addition to the penalties mentioned in the preceding sections.

SEC. 8. *Implementing Rules and Regulations (IRR)* – The PNP, in consultation with the Department of Trade and Industry, the Department of Agriculture, the Fertilizers and Pesticides Authority, the Department of Environment and Natural Resources and the relevant stakeholders in the commercial and industrial chemical industry, shall promulgate, not later than ninety (90) days after the approval of this Act, such rules and regulations necessary to effectively implement this Act.

SEC. 9. *Repealing Clause* – All laws, decrees, orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC.10. *Separability Clause* – If, for any reason, any provision of this Act is declared to be unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC.11. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days following its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,