

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

8 APR 29 2008

SENATE

RECEIVED BY: **COMMITTEE REPORT NO. 46**Submitted by the Committee on Public Order and Illegal Drugs on APR 29 2008.Re: S. No. 2230, prepared by the Committee.

Recommending its approval in substitution of Senate Bill Nos. 1883, 2158 and 2189, taking into consideration House Bill No. 3242.

Sponsors: Senators Honasan, Enrile, Lapid and Villar

**MR. PRESIDENT:**

The Committee on Public Order and Illegal Drugs to which were referred Senate Bill No. 1883, introduced by Senator Enrile, entitled:

**“AN ACT  
 FURTHER AMENDING THE PROVISIONS OF 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 OTHER PURPOSES’”;**

Senate Bill No. 2158, introduced by Senator Lapid, entitled:

**“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  
 THIS PURPOSE EXECUTIVE ORDER NO. 522 AND AMENDING  
 CERTAIN PROVISIONS OF PRESIDENTIAL DECREE NO. 1866, AS  
 AMENDED, AND FOR OTHER PURPOSES”;**

and Senate Bill No. 2189, introduced by Senator Villar, entitled:

**“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  
 THIS PURPOSE EXECUTIVE ORDER NO. 522 AND AMENDING  
 CERTAIN PROVISIONS OF PRESIDENTIAL DECREE NO. 1866, AS  
 AMENDED, AND FOR OTHER PURPOSES”;**

taking into consideration House Bill No. 3242, introduced by Representatives Pichay, Antonino, Santiago (J), Mendoza, Abaya, Ablan, Angara, Biazon, Briones, Dueñas, Dumarpa, Dumpit, Emamo, Golez, Seachon-Lanete, Seares-Luna, Madrona, Pancrudo, Romualdo, Salimbangon, Tupas, Teodoro, Abante, Albano, Alcalá, Almario, Alvarez (A), Alvarez (G), Antonino-Custodio, Aquino, Arago, Arenas, Arnaiz, Arroyo (D), Barzaga, Belmonte, Beltran, Bichara, Biron, Bondoc, Cabilao, Cagas, Cajayon, Cajés, Castro, Chavez, Chiongbian, Chipeco, Clarete, Climaco, Coscolluela, Crisologo, Cua (J), Cuenco, Datumanong, Dayanghirang, Daza, De Guzman, De Venecia, Defensor (A), Del Mar, Dimaporo, Domogan, Duavit, Enverga, Ermita-Buhain, Escudero, Estrella (C), Fernandez, Fua, Garay, Garcia (A), Garcia (PJ), Garcia (P), Garcia (V), Garin, Gatchalian, Go, Gonzales (A), Gonzales (N), Gullas, Hofer, Hontiveros-Baraquel, Ilagan, Jaafar, Jala, Jalosjos, Jalosjos-Carreón, Joson, Labadlabad, Lagbas, Lagdameo, Lagman, Lim, Locsin, Magsaysay, Malapitan, Mangudadatu, Marañón, Matugas, Miraflores, Mitra, Nava, Nicolas, Olaño, Pingoy, Piñol, Plaza, Puno, Ramiro, Reyes (V), Rodriguez, Rodriguez-Zaldarriaga, Romarate, Romualdez, Romulo, Roxas, Silverio, Soon-Ruiz, Sy-Alvarado, Taliño-Mendoza, Tañada, Tieng, Uy (RA), Velarde, Villafuerte, Villanueva, Villarosa, Zamora (M) and Zamora (R), entitled:

**“AN ACT  
PROVIDING FOR 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 EXECUTIVE ORDER  
NO. 522 AND AMENDING CERTAIN PROVISIONS OF PRESIDENTIAL  
DECREE NO. 1866, AS AMENDED, AND FOR OTHER PURPOSES”;**

has considered the same and has the honor to report them back to the Senate with the recommendation that the attached bill, Senate Bill No. 2230, prepared by the Committee, entitled:

**“AN ACT  
FURTHER AMENDING THE PROVISIONS OF 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 OTHER PURPOSES’”;**

be approved in substitution of Senate Bill Nos. 1883, 2158 and 2189, taking into consideration House Bill No. 3242, with Senators Enrile, Lapid, Villar and Honasan, as authors.

Respectfully submitted,

Chairperson :

  
GREGORIO B. HONASAN II

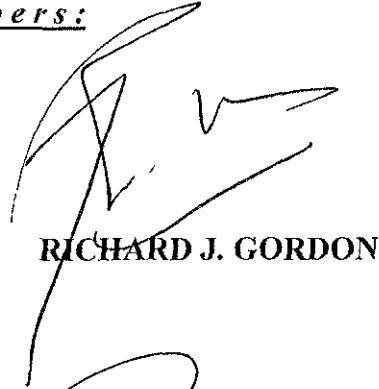
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JUAN PONCE ENRILE

  
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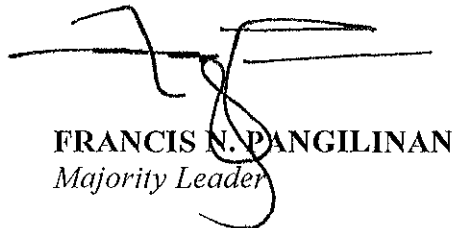
  
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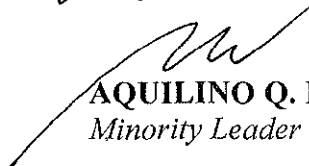
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*President Pro-Tempore*

*of Interpellations & Amendments*

  
FRANCIS N. PANGILINAN  
*Majority Leader*

*IS THIS NOT COVERED by the Human Security Act?*


  
AQUILINO Q. PIMENTEL, JR.  
*Minority Leader*

Hon. MANNY VILLAR  
*President*  
Senate of the Philippines  
Pasay City

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

8 APR 29 1965

SENATE

RECEIVED BY: 

**S. No. 2230**

*(In substitution of S. Nos. 1883, 2158 and 2189,  
taking into consideration H. No. 3242)*

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Prepared by the Committee on Public Order and Illegal Drugs with Senators Enrife, Lapid, Villar and Honasan as authors

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**AN ACT**

**FURTHER AMENDING THE PROVISIONS OF 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 OTHER PURPOSES"**

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

1 Section 1. Section 3 of Presidential Decree No. 1866, as amended by  
2 Republic Act No. 8294, is hereby further amended to read as follows:

3 "Section 3. *Unlawful Manufacture, Sales, Acquisition,*  
4 *Disposition or Possession of Explosives* **OR INSTRUMENTS USED**  
5 **OR INTENDED TO BE USED THEREFOR.** - The penalty of [prison  
6 mayor in its maximum period to reclusion temporal and a fine of not  
7 less than Fifty thousand pesos (P50,000)] **RECLUSION PERPETUA**  
8 shall be imposed upon any person who shall **WILLFULLY AND**  
9 unlawfully manufacture, assemble, deal in, acquire, dispose or  
10 possess **ANY EXPLOSIVE OR INCENDIARY DEVICE OR ANY**  
11 **PART, MACHINERY, TOOL OR INSTRUMENT THEREOF,**  
12 **WHETHER CHEMICAL, MECHANICAL, ELECTRONIC,**  
13 **ELECTRICAL OR OTHERWISE, USED OR INTENDED TO BE USED**  
14 **FOR ITS MANUFACTURE, CONSTRUCTION, ASSEMBLY,**  
15 **DELIVERY OR DETONATION, WHERE THE EXPLOSIVE OR**  
16 **INCENDIARY DEVICE IS CAPABLE OR IS INTENDED TO BE MADE**  
17 **CAPABLE OF PRODUCING DESTRUCTIVE EFFECT ON**

1           **CONTIGUOUS OBJECTS OR CAUSING INJURY OR DEATH TO**  
2           **ANY PERSON, INCLUDING** hand grenade (s), rifle grenade(s) and  
3           other explosive[s], including but not limited to “pillbox bomb”, “molotov  
4           cocktail bomb”, “fire bomb”, [or] **AND** other explosive and incendiary  
5           devices [capable of producing destructive effect on contiguous objects  
6           or causing injury or death to any person].

7           **ANY** [When a] person **WHO** commits any of the crimes defined  
8           in the Revised Penal Code or special laws with the use of the  
9           aforementioned explosives, detonation agents or incendiary devices,  
10          which results in the death of any person or persons [, the use of such  
11          explosives, detonation agents or incendiary devices shall be  
12          considered as an aggravating circumstances] **SHALL BE PUNISHED**  
13          **WITH THE PENALTY OF RECLUSION PERPETUA.**

14          If the violation of this Section is in furtherance of, or incident to,  
15          or in connection with the crimes of rebellion, insurrection, sedition or  
16          [attempted] coup d' etat, **INCLUDING THE PROPOSAL OR**  
17          **CONSPIRACY TO COMMIT THE CRIMES MENTIONED ABOVE,**  
18          [such violation shall be absorbed as an element of the crimes of  
19          rebellion, insurrection, sedition or attempted coup d' etat] **THE**  
20          **PENALTY OF RECLUSION PERPETUA SHALL BE IMPOSED.**

21          The [same] penalty **OF RECLUSION PERPETUA** shall be  
22          imposed upon the owner, president, manager, director or other  
23          responsible officer of any public or private firm, company, corporation  
24          or entity, who shall willfully or knowingly allow any of the explosives  
25          owned by such firm, company, corporation or entity, to be used by any  
26          person or persons found guilty of violating the provisions of the  
27          preceding paragraphs.”

28          Sec. 2. Section 4 of Presidential Decree No. 1866, as amended, is hereby  
29          further amended to read as follows:

30                 "Section 4. *Presumption of Unlawful Manufacture,*  
31                 **CONSTRUCTION, ASSEMBLY, DELIVERY OR DETONATION.** –  
32                 The **WILLFUL** possession of any **PART**, machinery, tool or instrument  
33                 directly used in the manufacture, **CONSTRUCTION, ASSEMBLY,**  
34                 **DELIVERY OR DETONATION** of explosives, by any person whose  
35                 business, **ACTIVITY** or employment does not lawfully deal with the  
36                 **POSSESSION OF SUCH ARTICLE** [manufacture of explosives] shall  
37                 be *prima facie* evidence that such article *is* intended to be used in the

1 unlawful/illegal manufacture, **CONSTRUCTION, ASSEMBLY,**  
2 **DELIVERY OR DETONATION** of explosives.”

3 Sec. 3. Insert a new Sec. 5, 6, 7 and 8 in PD 1866 to read as follows:

4 **"SECTION 5. AUTHORITY TO IMPORT, SELL OR POSSESS**  
5 **CHEMICALS OR ACCESSORIES FOR EXPLOSIVES. - ONLY**  
6 **PERSONS OR ENTITIES ISSUED A MANUFACTURER'S LICENSE,**  
7 **DEALER'S LICENSE OR PURCHASER'S LICENSE BY THE**  
8 **PHILIPPINE NATIONAL POLICE (PNP)-FIREARMS AND**  
9 **EXPLOSIVES DIVISION MAY IMPORT ANY OF THE CHEMICALS**  
10 **OR ACCESSORIES THAT CAN BE USED IN THE MANUFACTURE**  
11 **OF EXPLOSIVES OR EXPLOSIVE INGREDIENTS FROM FOREIGN**  
12 **SUPPLIERS, OR POSSESS OR SELL THEM TO LICENSED**  
13 **DEALERS OR END USERS, AS THE CASE MAY BE."**

14 **"SECTION 6. – TYPES OF CHEMICALS / ACCESSORIES**  
15 **COVERED. - THE CHEMICALS AND ACCESSORIES MENTIONED**  
16 **IN THE PRECEDING SECTION SHALL EXCLUSIVELY REFER TO**  
17 **CHLORATES, NITRATES, NITRIC ACID AND SUCH OTHER**  
18 **CHEMICALS AND ACCESSORIES THAT CAN BE USED FOR THE**  
19 **MANUFACTURE OF EXPLOSIVES AND EXPLOSIVE**  
20 **INGREDIENTS."**

21 **"SECTION 7. RECORD OF TRANSACTIONS. - ANY PERSON**  
22 **OR ENTITY WHO INTENDS TO IMPORT, SELL OR POSSESS THE**  
23 **AFORECITED CHEMICALS OR ACCESSORIES SHALL FILE AN**  
24 **APPLICATION WITH THE CHIEF OF THE PNP, STATING THEREIN**  
25 **THE PURPOSE FOR WHICH THE LICENSE AND/OR PERMIT IS**  
26 **SOUGHT AND SUCH OTHER INFORMATION AS MAY BE**  
27 **REQUIRED BY THE SAID OFFICIAL. THE CONCERNED PERSON**  
28 **OR ENTITY SHALL MAINTAIN A PERMANENT RECORD OF ALL**  
29 **TRANSACTIONS ENTERED INTO IN RELATION WITH THE**  
30 **AFORECITED CHEMICALS OR ACCESSORIES, WHICH**  
31 **DOCUMENTS SHALL BE OPEN TO INSPECTION BY THE**  
32 **APPROPRIATE AUTHORITIES."**

33 **"SECTION 8. CANCELLATION OF LICENSE - FAILURE TO**  
34 **COMPLY WITH THE PROVISION OF SECTION 5, 6 AND 7 SHALL**  
35 **BE SUFFICIENT CAUSE FOR THE CANCELLATION OF THE**  
36 **LICENSE AND THE CONFISCATION OF ALL SUCH CHEMICALS**  
37 **OR ACCESSORIES, WHETHER OR NOT LAWFULLY IMPORTED,**

1           **PURCHASED OR POSSESSED BY THE SUBJECT PERSON OR**  
2           **ENTITY."**

3           *Sec. 4. Separability Clause.* - If, for any reason, any provision of this Act is  
4 declared to be unconstitutional or invalid, the other Sections or provisions thereof  
5 which are not affected thereby shall continue to be in full force and effect.

6           *Sec. 5. Repealing Clause.* All laws, decrees, orders, rules and regulations or  
7 parts thereof inconsistent with the provisions of this Act are hereby repealed,  
8 amended, or modified accordingly.

9           *Sec. 6. Effectivity.* - This Act shall take effect after fifteen (15) days following  
10 its publication in the Official Gazette or in two (2) newspapers of general  
11 circulations.

12           Approved,