

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

MAY 5 2007

SENATE  
S. No. 2245

RECEIVED BY: JA

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

In its May 2007 report, the Philippine Bomb Data Center recorded a total of 374 explosive-related incidents nationwide. These incidents are broken down as follows: 107 bombings; 37 explosions; 210 recoveries of improvised explosive devices (IEDs), unexploded ordnances (UXO)s, explosive ingredients, and hoax device; 1 stolen/theft of explosives; 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.

These alarming numbers call for strict regulation of explosives and its precursor chemicals, as well as stiffer penalties for illegal activities related to it.

This bill expands the list of chemicals and accessories used in the manufacture of explosives/explosive ingredients that would fall under the licensing and monitoring authority of the Philippine National Police. It imposes calibrated penalties for illegal importation, manufacture and possession of explosives and chemicals/accessories used in the manufacture of explosives/explosive ingredients.

This is a senate counterpart bill to one filed in the House of Representatives by Rep. Philip A. Pichay, et. al.

*acs*  
*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO

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

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

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

16 SECTION 2. *Types of Chemicals/Accessories Covered.* – The chemicals and accessories  
17 mentioned in the preceding section shall exclusively refer to chlorates, nitrates, nitric acid and  
18 such other chemicals and accessories that can be used for the manufacture of explosives and  
19 explosive ingredients.

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

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

3 SECTION 4. *Unlawful Importation, Acquisition, Sale, Disposition or Possession of*  
4 *Chemicals or Accessories that can be Used in the Manufacture of Explosives or Explosive*  
5 *Ingredients.* – The penalty of imprisonment of not less than one (1) year but not more than five  
6 (5) years and a fine of not less than Fifty Thousand Pesos (P50,000.00) but not more than One  
7 Hundred Thousand Pesos (P100,000.00) shall be imposed upon any person or entity who shall  
8 unlawfully import, acquire, sell, dispose of or possess chemicals or accessories that can be used  
9 in the manufacture of explosives or explosive ingredients, or who shall fail to comply with the  
10 provision of Section 3 of this Act: *Provided,* That if the guilty party is a corporation or a  
11 partnership, the fine to be imposed shall be the maximum amount. In the event that a person or  
12 entity is found without authority in possession of chemicals or accessories or other devices which  
13 when combined together can be used in the manufacture of explosives or explosive ingredients,  
14 then the maximum penalties under Section 5 of this Act shall apply.

15 The same penalty shall be imposed upon the owner, president, manager, director or other  
16 responsible officer of any public or private firm, company, corporation or entity, who shall  
17 willfully or knowingly allow any of the explosives owned by such firm, company, corporation or  
18 entity, to be used by any person or persons found guilty of violating the provisions of the  
19 preceding paragraphs/section. In addition thereto, any violation of this Act shall be sufficient  
20 cause for the cancellation of the license and the confiscation of all such chemicals or accessories,  
21 whether or not lawfully imported, purchased or possessed by the subject person or entity.

22 SECTION 5. *Unlawful Importation, Manufacture, Acquisition, Sale, Disposition or*  
23 *Possession of Explosives or Instruments Used or Intended to be Used Therefore.* – The penalty  
24 *of reclusion temporal to reclusion perpetua,* subject to the presence of mitigating circumstances,  
25 shall be imposed upon any person who shall unlawfully import, manufacture, assemble, acquire,  
26 sell, deal in, dispose of or possess any explosive or incendiary device or any part, machinery,  
27 tool or instrument thereof, whether chemical, mechanical, electronic, electrical or otherwise used  
28 or intended to be used for its manufacture, construction, assembly, delivery or detonation, where

1 the explosive or incendiary device is capable or is intended to be capable of producing massive  
2 destruction to property or causing death or injury to any person or persons including, but not  
3 limited to, pillbox bomb, molotov cocktail bomb, fire bomb, hand grenade, rifle grenade, mortar  
4 and other explosive or incendiary device. Any person who commits any of the crimes defined in  
5 the Revised Penal Code or special laws with the use of the aforementioned explosives,  
6 detonation agents or incendiary devices, which resulted in the death of any person or persons,  
7 shall be punished with the penalty of *reclusion perpetua*. If the violation of this section is in  
8 furtherance of, or incident to, or in connection with the crime of rebellion, insurrection, sedition,  
9 *coup d'etat*, or subversion, including the proposal or conspiracy to commit any of the aforesaid  
10 crimes, the penalty of *reclusion perpetua* shall be imposed. The penalty of *reclusion perpetua*  
11 shall be imposed upon the owner, president, manager, director or other responsible officer of any  
12 public or private firm, company, corporation or entity, who shall willfully or knowingly allow  
13 any of the explosives or incendiary devices owned by such firm, company, corporation or entity  
14 to be used by any person or persons found guilty of violating the provisions of the preceding  
15 paragraphs. A person arrested under this section shall not be allowed to post bail.

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

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

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

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

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

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

15          Approved,