

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

OFFICE OF THE CLERK

10 JUL 21 P4:05

SENATE
S. No. 1760

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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.*¹

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¹ This bill was originally filed during the 14th Congress 1st Regular Session

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 paragraph/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 of
24 *reclusion temporal to reclusion perpetua*, subject to the presence of mitigating circumstances, 25
25 shall be imposed upon any person who shall unlawfully import, manufacture, assemble, acquire,
26 26 sell, deal in, dispose of or possess any explosive or incendiary device or any part, machinery,
27 27 tool or instrument thereof, whether chemical, mechanical, electronic, electrical or otherwise
28 used or intended to be used for its manufacture, construction, assembly, delivery or detonation,

1 where the explosive or incendiary device is capable or is intended to be capable of producing
2 massive destruction to property or causing death or injury to any person or persons including, but
3 not limited to, pillbox bomb, molotov cocktail bomb, fire bomb, hand grenade, rifle grenade,
4 mortar and other explosive or incendiary device. Any person who commits any of the crimes
5 defined in 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,