


FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
2nd Regular Session)



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SENATE

S.B. No. 2955

RECEIVED BY: 

Introduced by Senator **JUAN PONCE ENRILE**

EXPLANATORY NOTE

The Philippines, by virtue of its geographic circumstances is particularly vulnerable to the impacts of natural hazards and extreme weather occurrences. Our people have seen and experienced the damage and loss of lives and property brought about by our repeated encounters with calamities over the years.

The Department of Science and Technology, through the Philippine Atmospheric, Geophysical, and Astronomical Services Administration (PAGASA) and the Philippine Institute of Volcanology and Seismology (PHILVOCS), is the government agency tasked to provide the necessary services to prevent and minimize the ill-effects of natural calamities. Despite their meager budgets, PAGASA and PHILVOLCS, through its own initiatives, were able to procure and install equipment and instruments that would generate sufficient data in forecasting, predicting, and determining the presence or impending occurrence of natural calamities, allowing affected communities to be properly warned and guided.

Unfortunately, these vital instruments and equipments have been stolen, tampered with or even destroyed by unscrupulous individuals for financial gain or otherwise. One glaring example is the theft of the grounding rods for the sensors at five stations of PAGASA of the Agno River and its Tarlac river tributary since December 2010 that left a million people without advance warning of flash floods. Life saving equipment, including solar panels and special batteries, which form part of the grant given by the Japan International Cooperation Agency (JICA) have been stolen in Mt. Pinatubo in Pampanga, Taal in Batangas, Mayon in Albay and Bulusan in Sorsogon.

This landmark bill seeks to impose stiffer penalties on the offense of stealing or tampering government risk reduction and preparedness equipment, accessories and other facility items in order to deter, minimize or totally prevent the increasing incidence of theft and destruction of these instruments in order to save millions of lives in cases of calamities.

In view of the foregoing, the immediate passage of the bill is urgently sought.



JUAN PONCE ENRILE

Senator

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S.B. No. **2955**

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AN ACT
IMPOSING STIFFER PENALTIES ON THE OFFENSE OF STEALING OR
TAMPERING GOVERNMENT RISK REDUCTION AND PREPAREDNESS
EQUIPMENT, ACCESSORIES AND OTHER FACILITY ITEMS, AND FOR OTHER
PURPOSES

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

1 **SECTION 1. Title.** - This Act shall be known as the “Anti-pilferage Act of Risk
2 Reduction and Preparedness Equipment of 2011”.

3
4 **SECTION 2. Declaration of Policy.** - It is the policy of the State to “protect and advance
5 the right of the people to a balanced and healthful ecology in accord with the rhythm and
6 harmony of nature” as expressed under Section 16, Article II of the 1987 Philippine Constitution.
7 Furthermore, Section 1 of Presidential Decree 1151 states that it is the “continuing policy of the
8 State to create, develop, maintain and improve condition under which man and nature can thrive
9 in productive and enjoyable harmony with each other”.

10
11 Toward this end, the State has mandated government agencies to institute measures to
12 ensure the safety of its citizens and their properties through the installation of data and
13 information gathering devices and a network of national and local authorities to disseminate risk-
14 reduction warning and advices.

15
16 **SECTION 3. Theft and tampering of risk-reduction instruments.** - It shall be unlawful
17 to dismantle, disassemble, remove, transfer, or in any way tamper or steal any disaster warning
18 and risk-reduction instruments installed by national and local governments or non-government
19 organizations for the purpose of gathering meteorological and seismological data and
20 information. It is likewise unlawful to store and keep in inventory such disaster warning and risk-
21 reduction instruments without authority from the government or any of its instrumentalities for
22 any purpose whatsoever.

1 **SECTION 4. Disaster warning and risk-reduction instruments.** - For the purpose of
2 this Act “disaster warning and risk-reduction instruments” shall mean pieces of equipment or
3 devices that gather meteorological and seismological data and information that are analyzed and
4 used in providing weather, earthquake, volcanic activities or tsunami activities warning to the
5 public to avert or prevent the loss of lives and properties.

6
7 The Department of Science and Technology (DOST) through the Philippine
8 Atmospheric, Geophysical and Astronomical Services Administration (PAGASA) and the
9 Philippine Institute of Volcanology and Seismology (PHIVOLCS) or any other of its agencies
10 and the National Disaster Risk Reduction Management Council (NDRRMC) shall provide a list
11 of all disaster warning and risk-reduction instruments such as, but not limited to: radars, weather
12 forecasting equipment, flood monitoring instruments, seismographs, tsunami warning systems,
13 automated weather systems, etc. The complete list of disaster warning and risk-reduction
14 instruments shall be provided jointly by the DOST and the NDRRMC to concerned government
15 agencies for the purpose of implementing the provisions of this Act. The list shall be updated as
16 the need arises.

17
18 **SECTION 5. Punishable actions under this Act.** - The following actions are punishable
19 under this Act:

- 20
21 1. Mere possession without authority any device or instrument or piece of equipment
22 listed under Section 4 of this Act or accessories thereof;
23 2. Selling and buying of stolen device, instrument or piece of equipment listed under
24 Section 4 of this Act or accessories thereof;
25 3. Tampering, dismantling, disassembling of any device, instrument or piece of
26 equipment listed under Section 4 of this Act or any accessories thereof.

27
28 **SECTION 6. Penalties.** - The following penalties shall apply to violations under this
29 Act:

- 30
31 **1. Stealing of disaster warning and risk-reduction instruments and their**
32 **accessories** - The penalty of twelve to fifteen (12 - 15) years imprisonment or a fine
33 ranging from Two Hundred Thousand Pesos (Php 200,000.00) to Three Hundred
34 Thousand Pesos (Php 300,000.00) or both, at the discretion of the court, shall be
35 imposed on any person found guilty of violating stealing disaster warning and risk-
36 reduction instruments as defined in Section 4 of this Act;

37

1 **2. Tampering of or destroying disaster warning and risk-reduction instruments**
2 **and their accessories** - The penalty of six to ten (6 -10) years imprisonment or a fine
3 ranging from One Hundred Thousand Pesos (Php 100,000.00) to One Hundred Fifty
4 Thousand Pesos (Php 150,000.00) or both, at the discretion of the court, shall be
5 imposed on any person found guilty of tampering or destroying disaster warning and
6 risk-reduction instruments and their accessories as defined in Section 4 of this Act;

7
8 **3. Selling or buying of disaster warning and risk-reduction instruments and their**
9 **accessories** – The penalty of selling or buying disaster warning and risk reduction
10 instruments and their accessories as defined in Section 4 of this Act shall be similar to
11 those under 1 of Section 6 of this Act.

12
13 **4. Government employees as accomplice in the violation of provisions of this Act –**
14 Government employees found guilty of violation of this Act either as principal or as
15 an accomplice shall be penalized according to Section 6 of this Act. In addition, such
16 government employee shall forfeit all his/her retirement benefits and shall be barred
17 from any employment within the government service.

18
19 **SECTION 7. Incentives.** - Incentives shall be provided to a person or persons who will
20 provide information leading to the apprehension of violators of this Act. The nature and amount
21 of incentives shall be provided for in the implementing rules and regulations of this Act.

22
23 **SECTION 8. Non-applicability of Articles 308, 309, 310 and 311 of the Revised Penal**
24 **Code.** - Articles 308, 309, 310 and 311 of the Revised Penal Code shall not be applicable to
25 cases contemplated or enumerated in this Act. For theft cases the provisions in this Act shall
26 apply.

27
28 Failure of the government prosecutors to charge violators under this Act shall constitute
29 an administrative offense on the part of the concerned government prosecutors.

30
31 **SECTION 9. Information Dissemination.** – The DOST, NDRMMC and Local
32 Government Units (LGUs) shall undertake a vigorous campaign to inform the public of the
33 provisions of this Act, within sixty (60) days from its effectivity of this Act and at least once a
34 year thereafter.

35
36 **SECTION 10. Public Education and Information.** – The DOST, NDRMMC shall, in
37 coordination with the Local Government Units and Non-Government Organizations or Peoples

1 Organizations, conduct a continuing education, and information campaign and such education
2 and information program shall:

- 3 a) Aim to develop public awareness of the ill-effects of stealing/tampering of
4 government risk reduction and preparedness equipment, accessories and other facility
5 items and the community based solutions to prevent the occurrence of such offense;
6 and
7 b) Encourage the general public, NGOs and people's organizations to safeguard and
8 protect these Government Risk Reduction and Preparedness Equipment, Accessories
9 and Other Vital Facility Items within their areas of jurisdiction.

10
11 **SECTION 11. Prima Facie Evidence.** – The possession or custody of any disaster
12 warning risk-reduction instruments or any of its accessories as defined in Section 4 hereof, by
13 any person, natural or juridical, without proper authority shall be prima facie evidence and
14 therefore such instrument or accessory shall be confiscated from the person in possession,
15 control or custody thereof.

16
17 **SECTION 12. Implementing rules and regulations.** - The DOST and the NDRRMC
18 shall issue within 180 days from the date of approval of this Act, the implementing rules and
19 regulations for this Act.

20
21 **SECTION 13. Separability clause.** - Any portion or provision of this Act which may be
22 declared unconstitutional or invalid shall not have the effect of nullifying other portions or
23 provisions hereof.

24
25 **SECTION 14. Repealing Clause.** - All other laws, ordinances, rules, regulations, and
26 other issuances or parts thereof, which are inconsistent with this Act, are hereby repealed or
27 modified accordingly.

28
29 **SECTION 15. Effectivity Clause.** - This Act shall take effect immediately after its
30 publication in two (2) Newspapers of general circulation.

31 *Approved,*