

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



Senate
Office of the Secretary

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SENATE

S. NO. 492

RECORDED BY: *ju*

Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

Hoarding, especially in times of scarcity, is undoubtedly one of the gravest manifestations of human selfishness. As a recognized public evil, it far antedates the Christian era and is probably as old as history itself.

Unfortunately, even up to this time, there is actually no law directly penalizing hoarding. In order to provide against this practice which has been causing untold sufferings upon the Filipino people and which has been very rampant in the light of the present acute scarcity and/or shortage of affordable prime commodities (particularly rice and flour), it is imperative to properly label the same as the grave social evil that it is and then to impose severe penalties for its commission.

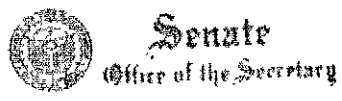
This Bill seeks to tag the highly pernicious practice of hoarding and its variants, price manipulation and profiteering, as tantamount to economic sabotage. Furthermore, the Bill seeks to define the said practices as criminal offenses punishable not only by substantial fines but also by incarceration.

It is the hope of the author that this measure will be of great help in the effort to stamp-out these malevolent business practices and provide much needed relief for our people.

The immediate passage of the measure is, therefore, imperative

ANTONIO "SONNY" F. TRILLANES IV
Senator

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ANACT

DEFINING THE OFFENSES OF HOARDING, PRICE MANIPULATION AND PROFITEERING, DECLARING THE SAME TO BE TANTAMOUNT TO ECONOMIC SABOTAGE, AND PROVIDING PENALTIES THEREFOR

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

1 **SECTION 1. Declaration of State Policy.** - It is hereby declared that offenses of
2 hoarding, price manipulation and profiteering with respect to the rice, palay, corn, flour, cereals,
3 sugar, powdered milk, infant formula and other essential foodstuff and staple food articles and
4 commodities, as defined below, amount to economic sabotage. Hence, it is the policy of the State
5 to consider the same as criminal offenses and to severely penalize the same.

6
7 **SEC. 2. Definition.** - The offenses of hoarding, price manipulation and profiteering
8 hereby are defined as follows:

9
10 (a) There is hoarding when a trader, wholesaler, miller, distributor, retailer, warehouse or
11 similar middlemen of rice, palay, corn, flour, cereals, sugar, powdered milk, infant
12 formula and other essential foodstuff and staple food articles and commodities, whether
13 licensed or unlicensed by the proper authorities, excessively accumulates said
14 commodities and withholds the same from the normal flow and distribution of said
15 commodities in the market. Hoarding shall likewise mean the keeping or concealing of
16 the subject commodities in amounts or quantities in excess of the ordinary demands of
17 trade or business.

1 (b) Price manipulation shall mean the acquisition of the subject commodities with the
2 intent of creating, or tending to create, or effecting artificial scarcity thereof in the
3 market, in order to alter prices; while --

4 (c) Profiteering shall mean cornering or hoarding commodities for the purpose of
5 obtaining unjustifiable profits therefrom, even if maximum prices have not been
6 fixed for such commodities.

7
8 **SEC. 3. Penalties.** - Any person found to be engaged in hoarding, price manipulation
9 and/or profiteering shall be subjected to imprisonment for a period of not less than four (6) years,
10 one (1) day but not more than ten (10) years or a fine of not less than one (1) million pesos nor
11 more than ten (10) million pesos, or both; *Provided, however,* That in the case of aliens, in
12 addition to the penalty herein provided, the offender shall, upon conviction, and after service of
13 sentence, be immediately deported without any further proceedings.

14 Whenever any of the offenses described above is committed by a corporation or
15 association, the president and each one of the managing director/s or managers of said
16 corporation or association, or its agent or representative in the Philippines, in case of a foreign
17 corporation or association, who shall knowingly permitted or failed to prevent the commission of
18 such offenses, shall be held liable as principals thereof.

19 Any government official or employee, who by neglect or connivance, has in any manner
20 aided or abetted in the violation or circumvention of the provisions of this Act, shall be held
21 criminally liable as co-principal under this section and shall, in addition, suffer the penalty of
22 perpetual absolute disqualification to hold public office.

23
24 **SEC. 4. Separability Clause.** - If any provision of this Act or the applicability of such
25 provision to any person or circumstance shall be held invalid, the validity of the other provisions
26 of this Act and the applicability of such provisions to other persons or circumstances shall not be
27 affected thereby.

1 **SEC. 5. *Repealing Clause.*** - All laws, executive issuances, orders and rules and
2 regulations contrary to or inconsistent with this Act, or any part thereof, are hereby repealed,
3 amended and/or modified accordingly.

4

5 **SEC. 6. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days following its
6 publication in the Official Gazette and two (2) newspapers of general circulation in the country.

7

8 Approved,