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SENATE

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S. No. 494

Introduced by Senator Antonio "SONNY" F. Trillanes IV

Explanatory Note

Article XVIII, Section 24 of the Constitution declares that private armies and other groups not recognized by duly constituted authority shall be dismantled. However, up until now, no law has been enacted to penalize private armies and other armed groups. The culture of fear still prevails especially during elections, brought about chiefly by the existence of local warlords and their private armies.

Politicians usually hire goons and build up private armies not only for their protection but also for intimidation of opponents. The Philippine National Police (PNP) estimates that there are 3,779 numbers of PAGs in the country with also a total of 1,110,277 number of loose firearms. A special military task force estimates that these private armies are responsible for 68 of the 98 deaths recorded in the 2001 elections. During the lasted 2013 elections, a reported 67 election related incidents and 52 casualties in this election. Though there have been a number of documented abuses committed by these groups but due to lack of clear-cut government policy guidelines, they have not been curbed, instead, they have remained strong. Conversely, their strength has rendered the State weak and unable to protect its citizenry.

It is hoped that the passage of this measure shall put a halt to this fast-growing pandemic and shall bring about a healthier diabetes-free population.

In view of the foregoing, approval of this measure is earnestly sought.

ANTONIO "SONNY" F. TRILLANES IV
Senator



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SENATE
S. No. 494

RECEIVED BY: *[Signature]*

Introduced by Senator Antonio "SONNY" F. Trillanes IV

AN ACT
DEFINING "PRIVATE ARMIES AND OTHER ARMED GROUPS", IMPLEMENTING
THE CONSTITUTIONAL PROVISION FOR THEIR DISMANTLING, PRESCRIBING
PENALTIES THEREFOR, AND FOR OTHER PURPOSES

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

1 **SECTION 1. *Short Title.*** - This Act shall be known as "*The Anti-Private*
2 *Army Law of 2013*".

3

4 **Sec. 2. *Declaration of Policy.*** - Private armies and other armed groups not
5 recognized by duly constituted authority shall be dismantled. Toward this end, the
6 following are prohibited:

7 a. maintenance and/use of private armies;

8 b. abuse of the utilization of the military and police personnel as security detail;

9 c. abuse of various permits pertaining to firearms, as well as the unregistered
10 importation thereof;

11 d. utilization of the paramilitary forces and private security agencies as private
12 armies, and;

13 e. protection, financing, supplying or otherwise giving aid and comfort to private
14 armies.

15

16 **SEC. 3. *Definition of Terms.*** -

17 a. *Private Army* - is a group of at least ten (10) individuals, with a leadership structure
18 and weaponry, utilized for:

- 1 1. the commission of crimes;
- 2 2. the advancement/protection of vested political or economic interests of an
- 3 individual, family, clan or private group in an oppressive way, such as by way of
- 4 bodyguards, intimidation force or mercenaries.

5 This also refers to authorized government armed groups which no longer possess
6 strategic or tactical value in the maintenance and administration of peace and order.

7 This definition does not include rebel armies or units such as those of the CPP-NPA-
8 NDF; MNLF; and MILF. But it includes the so-called "lost commands", as well, as
9 paramilitary forces and private security forces utilized for the advancement

10 b. *Private Armed Group* – is a group not recognized by duly constituted authority,
11 consisting of at least three (3) individuals with weaponry, utilized in the same way as
12 a private army;

13 c. *"Recognized by the duly constituted authority"* – means authorized by law or in
14 accordance with law, and operating according to law. This includes duly registered
15 private security agencies and gun clubs, as long as they are not utilized for the
16 advancement/protection of vested political or economic interests. But there are no
17 private armies recognized duly constituted authority;

18 d. *Dismantling* – or "*Paglalansag*" in Filipino, refers to the disbandment, disarming,
19 demobilization or dissolution of private armies, as well as the arrest and prosecution
20 of those involved, or their voluntary surrender of firearms and abandonment of their
21 organization and activities;

22 e. *Government Connection* – cover the areas pertaining to government units, civil
23 service, the PNP and the AFP where officials and any personnel thereof are found to
24 be leaders, members, protectors, financiers or suppliers of private armies, or are
25 otherwise benefiting economically or psychologically from the existence or activities
26 thereof;

27 f. *Leadership* – pertains to personalities who maintain and/or use private armies, control
28 the actions or activities thereof, provide the direction or "brains" thereof, or otherwise

1 get the most economic or psychological advantage out of the existence or activities
2 thereof;

3 g. *Membership* – refers to those who directly participate in activities of private armies
4 without falling within the definition of leadership, are accomplices or accessories as
5 defined by the Revised Penal Code to the criminal activities thereof.

6 h. *Weaponry* – covers all types of weapons, firearms, explosives, and ammunition used
7 by private armies;

8 i. *Financial and Logistical Resources* – include all forms of transportation,
9 communication, safe houses, bank accounts, businesses, money-producing activities,
10 sources of weaponry, front organizations, etc., which private armies used to support
11 their existence or activities;

12
13 **SEC. 4. Penalties for Leaders and Members. –**

14 a. *Leaders* – Any leader or private army or private armed group shall be punished by
15 imprisonment of not less than twelve (12) years and one (1) day nor more than twenty
16 (20) years, or by a fine of not less than Two Hundred Thousand Pesos (P200,000.00)
17 nor more than One Million Pesos (P1,000,000.00), or both such imprisonment and
18 fine, at the discretion of the court, taking all circumstances into consideration;

19 b. *Public Officer* – If the leader is also a public officer, he shall, in addition, be punished
20 with perpetual absolute disqualification and subject to administrative sanctions;

21 c. *Juridical Person* – If the leadership uses the veil or a juridical person, the responsible
22 officers thereof shall also be punished as leaders. In addition, its registration, license
23 or permit shall be cancelled or revoked;

24 d. *Alien* – If the leader is an alien, he shall, after serving its penalty, be deported.

25 e. *Protectors, Financiers, or Suppliers* – shall be treated and punished as leaders

26 f. *Members* – Any member of the private army or private armed group shall be punished
27 by imprisonment of not less than six (6) years and one (1) day nor more than twelve
28 (12) years, or by a fine of not less than Fifty Thousand Pesos (P50,000.00) nor more
29 than Two Hundred Thousand Pesos (P200,000.00), or both such imprisonment and

1 fine, at the discretion of the court taking all circumstances into consideration. If the
2 member is also a public officer, he shall, in addition, be punished with temporary
3 absolute disqualification and subject to administrative sanctions.

4
5 **SEC. 5. Confiscation of Weaponry.** – All weaponry of private armies and private
6 armed groups shall be confiscated, whether licensed or not. The same shall be disposed
7 of under existing policies, particularly for firearms, explosives, and ammunition.

8
9 **SEC. 6. Abuse of Security Detail.** – This shall include but not limited to the
10 following forms:

- 11 a. excess number of military or police personnel as security detail for Very Important
12 Persons (VIP) under existing policies;
- 13 b. utilization of an allowable security detail for the advancement/protection of the vested
14 political or economic interests, including for criminal or oppressive acts;
- 15 c. utilization of unauthorized personnel as security detail; and
- 16 d. formation of so-called civil security units.

17 Those responsible shall be punished with imprisonment of not less than six (6) years and
18 one (1) day nor more than twelve (12) years, or by a fine of not less than Fifty Thousand
19 Pesos (P50,000.00) nor more than Two Hundred Thousand Pesos (P200,000.00), or both
20 such imprisonment and fine, at the discretion of the court, taking all circumstances into
21 consideration. If the offender is also a public officer, he shall, in addition, be subject to
22 administrative sanctions.

23
24 **SEC. 7. Abuse of Firearms Permits.** – This shall include but not limited to the
25 following forms:

- 26 a. violation of existing policies on the ban on the carrying of firearms outside of
27 residence, issuance of Memorandum Receipts (MRs), Mission Orders (MOs), and duty
28 detail orders;
- 29 b. unauthorized issuance of MRs and MOs to carry firearms;

- 1 c. unauthorized acquisition of firearms by government units; and
- 2 d. unabated importation of firearms which are registered in accordance with existing
- 3 laws.

4 Those responsible shall be punished as in Sec. 5, without prejudice to liability for illegal
5 possession of firearms and violations of other applicable laws.

6
7 **SEC. 8. *Paramilitary Forces as Private Armies.*** – Paramilitary forces, such as
8 the CAFGU's and CVOs, utilized as private armies, or which no longer possess strategic
9 or tactical value in the maintenance and administrative of peace and order, shall be
10 immediately dismantled, demobilized or dissolved. Erring personnel shall be immediately
11 dismissed.

12
13 **SEC. 9. *Security Agencies as Private Armies.*** – Private security agencies utilized
14 as private armies shall likewise be dismantled or disarmed, and their registration canceled
15 or revoked. Private security forces shall be regulated against their utilization for the
16 advancement /protection of vested political or economic interests beyond legitimate
17 security needs. No public officer shall own or operate any private security agency. A
18 violation of the latter prohibition shall subject the public officer to administrative
19 sanctions and the private security agency to cancellation of registration.

20
21 **SEC. 10. *Priorities.*** – The DILG/PNP, DND/AFP, DOJ/NBI shall give priority to
22 dismantling of private armies to the following:

- 23 a. large and long-existing private armies;
- 24 b. private armies with government connections;
- 25 c. paramilitary forces and private security forces utilized as private armies;
- 26 d. private armies with formidable weaponry and financial/logistical sources; and
- 27 e. leaders, protectors, financiers and suppliers of private armies.

1 **SEC. 11. Sanction on Unit Commanders and Heads.** – Unit commanders or
2 heads of law enforcement units who are negligent in dismantling private armies in their
3 respective areas of responsibility shall be subject to administrative sanctions.

4
5 **SEC. 12. Incentives.** – The full range of incentives shall be applied to dismantling
6 of private armies, including but not limited to the following:

- 7 a. rewards and incentives to government witnesses and informants;
- 8 b. immunity from criminal prosecution to government witnesses;
- 9 c. state witness rule;
- 10 d. witness protection program;
- 11 e. non-prosecution for voluntary surrender of weaponry and voluntary disbandment
12 within a specified period;
- 13 f. incentives for voluntary surrender of firearms as in the “*balik-baril*” program; and
- 14 g. promotion and incentives for meritorious action of law enforcement units.

15
16 **SEC. 13. System of Monitoring.** – There shall be set into a system of monitoring
17 the following, among others:

- 18 a. surrendered or confiscated weaponry and financial/logistical resources;
- 19 b. surrendered and demobilized members especially with connections to or in
20 connection with the AFP, PNP, CAFGUs, CVOs, and the like;
- 21 c. security detail for the VIPs; and
- 22 d. various permits pertaining to firearms, including importation thereof.

23
24 **SEC. 14. Special Prosecutors.** – The DOJ, in coordination with the Regional
25 State Provincial and City Prosecutors, shall designate at least two (2) special prosecutors
26 per province and city to handle prosecution under this Act.

27
28 **SEC. 15. Jurisdiction.** – The Regional Trial Courts shall have original and
29 exclusive jurisdiction over all cases involving offenses punishable under this Act. The

1 Supreme Court may also designate at least two (2) special branches of the RTC per
2 province and city to hear such cases.

3

4 **SEC. 16. Oversight Committee.** – Within thirty (30) days upon the removal of
5 this Act, there shall be formed an Oversight Committee composed of the following:

6 Chairperson Secretary, DILG

7 Members Secretary, DND

8 Secretary, DOJ

9 Presidential Adviser on the Peace Process

10 Director-General, PNP

11 Chief-of-Staff, AFP

12 Director, NBI

13 Two (2) Senators (designated by the Senate President)

14 Two (2) Representatives (designated by the Speaker)

15

16 **SEC. 17. Implementing Rules.** – Within thirty (30) days from the formation of
17 the Oversight Committee, it shall issue the necessary rules and regulations for the
18 effective implementation of this Act without prejudice to the implementation of
19 provisions that do not need implementing rules.

20

21 **SEC. 18. Appropriations.** – The amount necessary for the dismantling of private
22 armies shall be charged to the appropriation of the DILG under the current General
23 Appropriations Act. Thereafter, such amount as may be necessary for the continued
24 dismantling of private armies shall be included in the annual GAA.

25

26 **SEC. 19. Separability Clause.** – If for any reason, any section or provision of this
27 Act, or any portion thereof, or the application of such section, provision, or portion
28 thereof to any person, group or circumstances is declared invalid or unconstitutional, the
29 remainder of this Act shall not be affected by such declaration.

1 **SEC. 20. *Repealing Clause.*** – All laws, decrees, orders, rules, and ordinances
2 inconsistent with this Act are hereby repealed or amended accordingly.

3

4 **SEC. 21. *Effectivity.*** – This Act shall take effect immediately following its
5 publication in at the *Official Gazette* or in at least two (2) national newspapers of general
6 circulation.

Approved,