

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



Senate
Office of the Secretary

'15 NOV 24 P3:45

SENATE
S. No. 3014

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

AN ACT
INCREASING THE PENALTY FOR PLANTING EVIDENCE, AMENDING FOR
THE PURPOSE REPUBLIC ACT NO. 10591, OTHERWISE KNOWN AS THE
"COMPREHENSIVE FIREARMS AND AMMUNITION REGULATION ACT"

EXPLANATORY NOTE

The Constitution, Article 3, Section 1, provides:

Section 1. No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

While the state is clothed with the power to maintain peace and order throughout the country, said power is counterbalanced by the primordial right of every individual to due process of law. As the law enforcement arm of the government is duty-bound to enforce our laws, so too must it protect the innocent individuals who are prejudiced by its indiscriminate and/or unwarranted implementation.

Recently, it has come to light that "tanim-bala" syndicates that operate in our airports and seaports are using Republic Act No. 10591, otherwise known as the "Comprehensive Firearms and Ammunition Regulation Act," to take advantage of unwitting passengers by planting ammunition on their luggage. Once the ammunition is discovered, corrupt law enforcers would then coerce the putative offenders into paying bribes in exchange for the dropping the charges against them.

This nefarious practice can start as soon as a person is identified to be a passenger who will have his luggage inspected by law enforcement officials. Even porters, luggage

handlers, and taxi drivers are able to participate in this activity. Thus the "tanim-bala" syndicates include not only public officers but also private individuals.

Even if proposed amendments to R.A. No. 10591 decriminalizing possession of not more than three bullets, the "tanim-bala" operations can still persist, simply by increasing the number of ammunition planted.

The government must send a clear message to these syndicates that it will not tolerate these criminal activities and will prosecute those who plant evidence with as much zeal as it pursues those who smuggle firearms and ammunition. The law must punish those who, in the guise of upholding peace and order, abuse the law to prey on the innocent, whether these offenders are public officers or private citizens.

This bill increases the penalty against any private individuals who shall willfully and maliciously insert; place, and/or attach, directly or indirectly, through any overt or covert act, any firearm, ammunition, or parts thereof in the person, house, effects, or in the immediate vicinity of an innocent individual for the purpose of implicating or incriminating the person, or imputing the commission of any violation of the provisions of R.A. No. 10591 to said individual.


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

1 SECTION 1. Section 30 of Republic Act No. 10591, otherwise known as the
2 "Comprehensive Firearms and Ammunition Regulation Act", is hereby amended to read
3 as follows:

4 SEC. 38. *Liability for Planting Evidence.* – The penalty of ~~prison~~
5 ~~mayor~~ RECLUSION TEMPORAL ~~in its maximum period~~ shall be
6 imposed upon any person who shall willfully and maliciously insert, place
7 and/or attach, directly or indirectly, through any overt or covert act, any
8 firearm, or ammunition, or parts thereof in the person, house, effects, or in
9 the immediate vicinity of an innocent individual for the purpose of
10 implicating or incriminating the person, or imputing the commission of any
11 violation of the provisions of this Act to said individual. If the person found
12 guilty under this paragraph is a public officer or employee, such person
13 shall suffer the penalty of *reclusion perpetua*.

1 SECTION 2. *Repealing Clause.* – All laws, decrees, orders, and issuances, or
2 portions thereof, which are inconsistent with the provisions of this Act, are hereby
3 repealed, amended or modified accordingly.

4 SECTION 3. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
5 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

/apm11Nov2015