


Thirteenth Congress)
Republic of the Philippines)
Third Regular Session)

6 NOV 14 1979

SENATE

S.B. NO. 2509

RECEIVED BY: 

Introduced by Senator Ramon Bong Revilla, Jr.

EXPLANATORY NOTE

Fencing is the act of any person who, with intent to gain for himself or for another, shall buy, receive, possess, keep, acquire, conceal, seal, or dispose of, or shall buy and sell, or in any other manner deal in any article, item, object or anything of value which he knows, or should be known to him, to have been derived from the proceeds of the crime of robbery or theft. Through the object of property I fencing must have been previously taken by means of either robbery or theft but the place where the robbery or theft occurs is inconsequential. Fencing is an undesirable practice which has found its evil way into community and institutions through robbery or thievery.

The crime of fencing is the commission of robbery. The Anti-Fencing Law of 1979 is being amended to impose heavier penalties on persons who profit by the effects of the crimes of robbery or theft, no longer merely accessories under Article 19 paragraph 1, of the Revised Penal Code, but as equally guilty with the perpetrators of the robbery or theft itself. Mere possession of any good, article, item, object, or anything of value which has been the subject of robbery or thievery shall be *prima facie* evidence of fencing. The law does not require proof of purchase of the stolen articles by petitioner, as mere possession thereof is enough to give rise to a presumption of fencing

This law focuses on the receivers of stolen property as the central figures in theft activities and that the law should be focused on the criminal system that redistributing stolen goods.

The penalties are higher for a person who organizes or direct the fencing operation than for the person who merely "traffics in" stolen property.

The penalties are graded according to the value of the property involved.

This law tends to increase the penalty for more effective implementation of the law. Under existing law, fence can be prosecuted only as an accessory after the fact and punished lightly. It is imperative to impose heavy or severe penalties on persons who profit from the crimes of robbery or theft and if they continue to buy stolen materials such as copper wires, water meters and other electrical items. This law focuses on the receivers of stolen property as the central figures in theft activities and that the law should be focused on the criminal system that redistributing stolen goods.


This bill proposed to increase the penalties to lower the level of crimes involving fencing.


RAMON BONG REVILLA, JR.
Senator

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AN ACT AMENDING SECTION THREE OF PRESIDENTIAL DECREE NO. 1612 KNOWN AS THE ANTI-FENCING LAW OF 1979

SECTION 1. Section 3 of Presidential Decree No. 1612 is hereby amended to read as follows:

Section 3. (a) The penalty of prision mayor **IN ITS MEDIUM PERIOD**, if the value of the property involved is more than 12,000 pesos but not exceeding 22,000 pesos; if the value of such property exceeds the latter sum, the penalty provided in this paragraph shall be imposed in its maximum period, adding one year for each additional 10,000 pesos; but the total penalty which may be imposed shall not exceed twenty years. In such cases, the penalty shall be termed reclusion temporal and the accessory penalty pertaining thereto provided in the Revised Penal Code shall also be imposed.

(b) The penalty of prision correccional in its **MAXIMUM** period, if the value of the property robbed or stolen is more than 6,000 pesos but not exceeding 12,000 pesos.

(c) The penalty of prision correccional in its **MEDIUM** period, if the value of the property involved is more than 200 pesos but not exceeding 6,000 pesos.

(d) The penalty of arresto mayor in its **MAXIMUM** period to prision correccional in its **MAXIMUM** period, if the value of the property involved is over 50 pesos but not exceeding 200 pesos.

(e) The penalty of arresto mayor in its **MAXIMUM** period if such value is over 5 pesos but not exceeding 50 pesos.

(f) The penalty of arresto mayor in its **MEDIUM** period if such value does not exceed 5 pesos.

SECTION 2. Repealing Clause- The provisions of any general or special laws, decrees or orders which are in conflict or inconsistent with the provisions are hereby repealed or modified accordingly.

SECTION 3. Effectivity- This decree shall take effect after fifteen (15) days from its publication in at least two (2) newspapers of national circulation.

Approved