

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

7 NOV 19 1927

SENATE

RECEIVED BY: 

Senate Bill No. 1883

Introduced by Sen. Juan Ponce Enrile

EXPLANATORY NOTE

Presidential Decree 1866 was enacted to penalize any person or persons who have access to explosives which can cause massive destruction to properties and loss of lives, among other crimes. The penalties, however, were found to be too severe as the decree also included mere illegal possession of firearms. Congress thereafter enacted Republic Act No. 8294 to reduce the penalties for the crimes committed under PD 1866.

While the effort to reduce the penalties of illegal possession was indeed laudable for humanitarian considerations, the effect was a sweeping change for, under the present law, even illegal possession of explosives has been given the same lesser penalty. Undoubtedly, the possession of explosives, hazardous materials and other chemicals of the same nature is more dangerous than the possession of a mere firearm. Even a small quantity of explosives and other materials can cause multiple deaths or massive destruction to property. It is high time therefore to address this imminent threat to public safety and institute more improved safeguards for the benefit of our people.

This bill seeks to further amend Presidential Decree 1866, as amended, to expand the definition of illegal possession of explosives and consequently increase the penalties therefor.

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



JUAN PONCE ENRILE

Senator 

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

7 NOV 19 1960

SENATE
Senate Bill No. 1883

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AN ACT

FURTHER AMENDING THE PROVISIONS OF PRESIDENTIAL DECREE NO. 1866, AS AMENDED, ENTITLED "CODIFYING THE LAWS ON ILLEGAL/UNLAWFUL POSSESSION, MANUFACTURE, DEALING IN, ACQUISITION OR DISPOSITION OF FIREARMS, AMMUNITION OR EXPLOSIVES OR INSTRUMENTS USED IN THE MANUFACTURE OF FIREARMS, AMMUNITION OR EXPLOSIVES, AND IMPOSING STIFFER PENALTIES FOR CERTAIN VIOLATIONS THEREOF, AND FOR OTHER PURPOSES

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

1 SECTION 1. Section 3 of Presidential Decree No. 1866, as amended by Republic
2 Act No. 8294, is hereby further amended to read as follows:

3

4 Section 3. *Unlawful Manufacture, Sales, Acquisition,*

5 *Disposition or Possession of Explosives OR INSTRUMENTS USED OR*

6 *INTENDED TO BE USED THEREFOR.* – The penalty of [prison mayor

7 in its maximum period to reclusion temporal and a fine of not less

8 than Fifty thousand pesos (P50,000)] *RECLUSION PERPETUA* shall be

9 imposed upon any person who shall unlawfully manufacture,

10 assemble, deal in, acquire, dispose or possess ANY EXPLOSIVE OR

11 INCENDIARY DEVICE OR ANY PART, MACHINERY, TOOL OR

12 INSTRUMENT THEREOF, WHETHER CHEMICAL, MECHANICAL,

1 ELECTRONIC, ELECTRICAL OR OTHERWISE, USED OR INTENDED TO BE
2 USED FOR ITS MANUFACTURE, CONSTRUCTION, ASSEMBLY,
3 DELIVERY OR DETONATION, WHERE THE EXPLOSIVE OR INCENDIARY
4 DEVICE IS CAPABLE OR IS INTENDED TO BE CAPABLE OF PRODUCING
5 MASSIVE DESTRUCTION TO PROPERTY OR CAUSING DEATH TO ANY
6 PERSON, including hand grenade (s), rifle grenade(s) and other
7 explosive[s], including but not limited to “pillbox bomb”, “Molotov
8 cocktail bomb”, “fire bomb”, hand grenade, rifle grenade, and other
9 explosive and incendiary devices [capable of producing destructive
10 effect on contiguous objects or causing injury or death to any
11 person].

12
13 Any person who commits any of the crimes defined in the Revised
14 Penal Code or special laws with the use of the aforementioned
15 explosives, detonation agents or incendiary devices, which results in
16 the death of any person or persons [, THE USE OF SUCH EXPLOSIVES,
17 DETONATION AGENTS OR INCENDIARY DEVICES SHALL BE
18 CONSIDERED AS AN AGGRAVATING CIRCUMSTANCES] shall be
19 punished with the penalty of *RECLUSION PERPETUA*.

20
21 If the violation of this Section is in furtherance of, or incident to, or in
22 connection with the crimes of rebellion, insurrection, SEDITION OR
23 [attempted] *coup d' etat*, INCLUDING THE PROPOSAL OR
24 CONSPIRACY TO COMMIT THE CRIMES MENTIONED ABOVE, [shall be

1 absorbed as an element of the crimes of rebellion, insurrection,
2 sedition or attempted coup d' etat] THE PENALTY OF *RECLUSION*
3 *PERPETUA* SHALL BE IMPOSED.

4
5 The [same] penalty OF *RECLUSION PERPETUA* shall be imposed upon
6 the owner, president, manager, director or other responsible officer
7 of any public or private firm, company, corporation or entity, who
8 shall willfully or knowingly allow any of the explosives owned by such
9 firm, company, corporation or entity, to be used by any person or
10 persons found guilty of violating the provisions of the preceding
11 paragraphs.

12

13 SEC. 2. Section 4 of Presidential Decree No. 1866, as amended, is hereby further
14 amended to read as follows:

15

16 **SEC. 4. *Presumption of Unlawful Manufacture.*** – The
17 possession of any PART, machinery, tool or instrument directly used
18 in the manufacture, CONSTRUCTION, ASSEMBLY, DELIVERY OR
19 DETONATION of explosives, by any person whose business or
20 employment does not lawfully deal with the manufacture of
21 explosives shall be prima facie evidence that such article is intended
22 to be used in the unlawful/illegal manufacture, CONSTRUCTION,
23 ASSEMBLY, DELIVERY OR DETONATION of explosives.

24

1 SEC. 3. *Separability Clause.* – If, for any reason, any provision of this Act is
2 declared to be unconstitutional or invalid, the other Sections or provisions thereof
3 which are not affected thereby shall continue to be in full force and effect.

4

5 SEC. 4. *Repealing Clause.* All laws, decrees, orders, rules and regulations or parts
6 thereof inconsistent with the provisions of this Act are hereby repealed,
7 amended, or modified accordingly.

8

9 SEC. 5. *Effectivity.* – This Act shall take effect after fifteen (15) days following its
10 publication in the Official Gazette or in two (2) newspapers of general
11 circulations.

12

13 Approved