



HOUSE OF REPRESENTATIVES

H. No. 3242

BY REPRESENTATIVES PICHAU, ANTONINO, SANTIAGO (J.), MENDOZA, ABAYA, ABLAN, ANGARA, BIAZON, BRIONES, DUEÑAS, DUMARPA, DUMPIT, EMANO, GOLEZ, SEACHON-LANETE, SEARES-LUNA, MADRONA, PANCRUDO, ROMUALDO, SALIMBANGON, TUPAS, TEODORO, ABANTE, ALBANO, ALCALA, ALMARIO, ALVAREZ (A.), ALVAREZ (G.), ANTONINO-CUSTODIO, AQUINO, ARAGO, ARIÑAS, ARNAIZ, ARROYO (D.), BARZAGA, BELMONTE, BELTRAN, BICHARA, BIRON, BONDOC, CABILAO, CAGAS, CAJAYON, CAJES, CASTRO, CHAVEZ, CHIONGBIAN, CHIPECO, CLARETE, CLIMACO, COSCOLLUELA, CRISOLOGO, CUA (J.), CUENCO, DATUMANONG, DAYANGHIRANG, DAZA, DE GUZMAN, DE VENECIA, DEFENSOR (A.), DEL MAR, DIMAPORO, DOMOGAN, DUAVIT, ENVERGA, ERMITA-BUHAIN, ESCUDERO, ESTRELLA (C.), FERNANDEZ, FUA, GARAY, GARCIA (A.), GARCIA (P.J.), GARCIA (P.), GARCIA (V.), GARIN, GATCHALIAN, GO, GONZALES (A.), GONZALES (N.), GULLAS, HOFER, HONTIVEROS-BARAQUEL, ILAGAN, JAAFAR, JALA, JALOSJOS, JALOSJOS-CARREON, JOSON, LABADLABAD, LAGBAS, LAGDAMEO, LAGMAN, LIM, LOCSIN, MAGSAYSAY, MALAPITAN, MANGUDADATU, MARAÑON, MATUGAS, MIRAFLORES, MITRA, NAVA, NICOLAS, OLAÑO, PINGOY, PIÑOL, PLAZA, PUNO, RAMIRO, REYES (V.), RODRIGUEZ, RODRIGUEZ-ZAIDARRIAGA, ROMARATE, ROMUALDEZ, ROMULO, ROXAS, SILVERIO, SOON-RUIZ, SY-ALVARADO, TALIÑO-MENDOZA, TAÑADA, TIENG, UY (R.A.), VELARDE, VILLAFUERTE, VILLANUEVA, VILLAROSA, ZAMORA (M.) AND ZAMORA (R.), PER COMMITTEE REPORT No. 106

AN ACT PROVIDING FOR STRICT REGULATION AND STIFFER PENALTIES FOR THE ILLEGAL/UNLAWFUL IMPORTATION, MANUFACTURE, ACQUISITION, SALE, DISPOSITION OR POSSESSION OF EXPLOSIVES AND CHEMICALS OR ACCESSORIES USED IN THE MANUFACTURE OF EXPLOSIVES,

REPEALING EXECUTIVE ORDER NO. 522 AND AMENDING
CERTAIN PROVISIONS OF PRESIDENTIAL DECREE NO. 1866,
AS AMENDED, AND FOR OTHER PURPOSES

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

1 SECTION 1. *Authority to Import, Sell or Possess Chemicals or*
2 *Accessories for Explosives.* – Only persons or entities issued a manufacturer’s
3 license, dealer’s license or purchaser’s license by the Philippine National
4 Police (PNP)-Firearms and Explosives Division may import any of the
5 chemicals or accessories that can be used in the manufacture of explosives or
6 explosive ingredients from foreign suppliers, or possess or sell them to
7 licensed dealers or end users, as the case may be.

8 SEC. 2. *Types of Chemicals/Accessories Covered* – The chemicals and
9 accessories mentioned in the preceding section shall exclusively refer to
10 chlorates, nitrates, nitric acid and such other chemicals and accessories that can
11 be used for the manufacture of explosives and explosive ingredients.

12 SEC. 3. *Record of Transactions* – Any person or entity who intends to
13 import, sell or possess the aforecited chemicals or accessories shall file an
14 application with the chief of the PNP, stating therein the purpose for which the
15 license and/or permit is sought and such other information as may be required
16 by the said official. The concerned person or entity shall maintain a permanent
17 record of all transactions entered into in relation with the aforecited chemicals
18 or accessories, which documents shall be open to inspection by the appropriate
19 authorities.

20 Failure to comply with the provision of this section shall constitute a
21 violation and shall be penalized in accordance with Section 4 of this Act.

22 SEC. 4. *Unlawful Importation, Acquisition, Sale, Disposition or*
23 *Possession of Chemicals or Accessories That can be Used in the Manufacture*
24 *of Explosives or Explosive Ingredients.* – The penalty of imprisonment of not

1 less than one (1) year but not more than five (5) years and a fine of not less
2 than Fifty thousand pesos (Php50,000.00) but not more than One hundred
3 thousand pesos (Php100,000.00) shall be imposed upon any person or entity
4 who shall unlawfully import, acquire, sell, dispose of or possess chemicals or
5 accessories that can be used in the manufacture of explosives or explosive
6 ingredients, or who shall fail to comply with the provision of Section 3 of this
7 Act: *Provided*, That if the guilty party is a corporation or a partnership, the fine
8 to be imposed shall be the maximum amount.

9 In the event that a person or entity is found without authority in
10 possession of chemicals or accessories or other devices which when combined
11 together can be used in the manufacture of explosives or explosive ingredients,
12 then the maximum penalties under Section 5 of this Act shall apply.

13 The same penalty shall be imposed upon the owner, president, manager,
14 director or other responsible officer of any public or private firm, company,
15 corporation or entity, who shall willfully or knowingly allow any of the
16 explosives owned by such firm, company, corporation or entity, to be used by
17 any person or persons found guilty of violating the provisions of the preceding
18 paragraphs/section.

19 In addition thereto, any violation of this Act shall be sufficient cause for
20 the cancellation of the license and the confiscation of all such chemicals or
21 accessories, whether or not lawfully imported, purchased or possessed by the
22 subject person or entity.

23 *SEC. 5. Unlawful Importation, Manufacture, Acquisition, Sale,*
24 *Disposition or Possession of Explosives or Instruments Used or Intended to be*
25 *Used Therefor. – The penalty of reclusion temporal to reclusion perpetua,*
26 *subject to the presence of mitigating circumstances, shall be imposed upon any*
27 *person who shall unlawfully import, manufacture, assemble, acquire, sell, deal*
28 *in, dispose of or possess any explosive or incendiary device or any part,*

1 machinery, tool or instrument thereof, whether chemical, mechanical,
2 electronic, electrical or otherwise used or intended to be used for its
3 manufacture, construction, assembly, delivery or detonation, where the
4 explosive or incendiary device is capable or is intended to be capable of
5 producing massive destruction to property or causing death or injury to any
6 person or persons including, but not limited to, pillbox bomb, molotov cocktail
7 bomb, fire bomb, hand grenade, rifle grenade, mortar and other explosive or
8 incendiary device.

9 Any person who commits any of the crimes defined in the Revised Penal
10 Code or special laws with the use of the aforementioned explosives, detonation
11 agents or incendiary devices, which resulted in the death of any person or
12 persons, shall be punished with the penalty of *reclusion perpetua*.

13 If the violation of this section is in furtherance of, or incident to, or in
14 connection with the crime of rebellion, insurrection, sedition, *coup d'etat*, or
15 subversion, including the proposal or conspiracy to commit any of the
16 aforesaid crimes, the penalty of *reclusion perpetua* shall be imposed.

17 The penalty of *reclusion perpetua* shall be imposed upon the owner,
18 president, manager, director or other responsible officer of any public or
19 private firm, company, corporation or entity, who shall willfully or knowingly
20 allow any of the explosives or incendiary devices owned by such firm,
21 company, corporation or entity to be used by any person or persons found
22 guilty of violating the provisions of the preceding paragraphs.

23 A person arrested under this section shall not be allowed to post bail.

24 SEC. 6. *Presumption of Unlawful Manufacture.* – The possession of
25 any part, machinery, tool or instrument directly used in the manufacture,
26 construction, assembly, delivery or detonation of explosives or explosive
27 ingredients, by any person whose business or employment does not lawfully
28 deal with the manufacture of explosives, shall be *prima facie* evidence that

1 such article is intended to be used in the unlawful/illegal manufacture,
2 construction, assembly, delivery or detonation of explosives or explosive
3 ingredients, and shall be penalized accordingly.

4 SEC. 7. *Disqualification from Public Office.* – If a public officer is
5 found guilty of violating any of the provisions of this Act, he/she shall be
6 perpetually disqualified from public office with automatic forfeiture in favor of
7 the government of any benefits or privileges due him/her, in addition to the
8 penalties mentioned in the preceding sections.

9 SEC. 8. *Implementing Rules and Regulations* – The PNP, in
10 consultation with the Department of Trade and Industry, the Department of
11 Agriculture, the Fertilizers and Pesticides Authority, the Department of
12 Environment and Natural Resources and the relevant stakeholders in the
13 commercial and industrial chemical industry, shall promulgate, not later than
14 ninety (90) days after the approval of this Act, such rules and regulations
15 necessary to effectively implement this Act.

16 SEC. 9. *Repealing Clause.* – All laws, decrees, orders, rules and
17 regulations or parts thereof inconsistent with the provisions of this Act are
18 hereby repealed, amended or modified accordingly.

19 SEC. 10. *Separability Clause.* – If, for any reason, any provision of this
20 Act is declared to be unconstitutional or invalid, the other sections or
21 provisions hereof which are not affected thereby shall continue to be in full
22 force and effect.

23 SEC. 11. *Effectivity Clause.* – This Act shall take effect after fifteen
24 (15) days following its publication in the *Official Gazette* or in two (2)
25 newspapers of general circulation.

Approved,