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REPUBLIC OF THE PHILIPPINES )  
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SENATE  
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SENATE

S. NO. 238

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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### 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. According to military reports in 2001, some 100 private armies were behind about 80% of election-related violence. A special military task force estimates that these private armies are responsible for 68 of the 98 deaths recorded in the 2001 elections.<sup>1</sup> 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.

In this light, this bill seeks to provide the Executive with the appropriate policy framework to address the problem of private armies. It defines "private army" and "private armed group", and lays down penalties for leaders, protectors, financiers, suppliers, and members of such groups. It is hoped that the enactment of this measure will empower the State to curb and eventually put a halt to the anarchy of abusive government officials and private citizens.

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

  
ANTONIO "SONNY" F. TRILLANES IV  
Senator

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<sup>1</sup> Patino, Patrick., Velasco, Djorina. *Election Violence in the Philippines*. Friedrich Ebert Stiftung Online Papers. Information retrieved from: [http://www.fes.org.ph/papers\\_elecviolence.htm#\\_edn1](http://www.fes.org.ph/papers_elecviolence.htm#_edn1). Retrieved on 24 July 2008.

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SENATE

S. NO. 238

RECEIVED

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 the House of Representatives of the Philippines in Congress assembled:*

1           **SECTION 1. Title.** – This Act shall be known as "*The Anti-Private Army Law of*  
2    *2010.*"

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 armies;
- 12    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,