


SENATE  
S. No. 2926

ASSEMBLY



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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

Graffiti vandalism is a serious problem that affects the entire country, and has a considerable impact on our public spaces. Research suggests that graffiti vandalism can create the perception in the public that 'tagged' areas are unsafe, and can contribute to the deterioration of the quality of life in certain neighborhoods.

Tagging and graffiti is not simply a nuisance activity. It is an invasion of private and public property that is intimidating and antisocial. The majority of the graffiti in our communities cannot be considered art. It is mindless scrawl that causes great financial and emotional costs that the perpetrators care nothing about.

Graffiti vandalism is not only committed by bored individuals. It can have links to gang territoriality and other forms of juvenile delinquency that form the basis of future more serious offending.

This bill prohibits any act of vandalism and regulates the sale of spray can to minors.

  
MIRIAM DEFENSOR SANTIAGO

SENATE  
S. No. **2926**

RECEIVED

16

Introduced by Senator Miriam Defensor Santiago

1 AN ACT  
2 PROHIBITING VANDALISM AND IMPOSING PENALTIES THERETO  
3

4 *Be it enacted by the Senate and the House of Representatives of the Philippines in*  
5 *Congress assembled:*  
6

7 SECTION 1. *Short Title.* This Act may be known as the "Anti-Vandalism Act".

8 SECTION 2. *Definitions*

9 a) EVIDENCE OF AGE DOCUMENT - means a document that contains—

10 (i) a photograph of the person to whom it is issued; and

11 (ii) information enabling the person's age to be determined;

12 b) SPRAYCAN - means a container (made of any material or materials  
13 that—

14 (i) contains paint, dye, ink, or some other pigment; and

15 (ii) is so designed that the pigment it contains can be propelled  
16 from it (whether by a compressed or liquefied gas, or by  
17 mechanical means).

18 SECTION 3. *Graffiti vandalism, tagging, defacing.* A person is liable to  
19 imprisonment of not less than one year or a fine of not less than Ten Thousand Pesos  
20 (P10,000.00), if he or she damages or defaces any building, structure, road, tree, property,  
21 or other thing by writing, drawing, painting, spraying, or etching on it, or otherwise  
22 marking it,—

23 (a) without lawful authority; and

24 (b) without the consent of the occupier or owner or other person in lawful control.

25 SECTION 4. *Possession of graffiti implements.* A person is liable to  
26 imprisonment of not less than three days or a fine not exceeding Three Thousand Pesos  
27 (P3,000.00), or to both, if without reasonable excuse he or she has in his or her  
28 possession a thing capable of being used to commit an offence against Section 2 of this  
29 Act in which it can reasonably be inferred that he or she intends to use it to commit such  
30 an offence.

31 SECTION 5. *Sale of spray cans to people under 18 prohibited.* A person who  
32 sells a spray can to a person under the age of 18 years is liable to a fine not exceeding  
33 Ten Thousand Pesos (P10,000.00).

34 In any proceedings for an offence against this section, it is a defense if the  
35 defendant proves that at the time when the spray can was sold to the minor, the buyer was  
36 enrolled at a school or institution and the spray can was sold to the buyer to enable him or  
37 her to undertake the work of his or her course at the school or institution, or to complete  
38 an assignment or project for the school or institution.

39 SECTION 6. *Defense in the sale of spray cans.* In any proceedings for an offense  
40 against Section 5 in respect of selling a spray can to a minor, it is a defense if the  
41 defendant proves that:

42 (a) before or at the time of the sale of the spray can, a document purporting to be  
43 an evidence of age was presented to the defendant ; and

44 (b) the defendant believed on reasonable grounds that the document—

45 (i) was in fact an evidence of age document; and

46 (ii) related to the buyer; and

47 (iii) indicated that the buyer was of or over the age of 18 years.

48 SECTION 7 - *Access to spray cans in shops to be restricted.* This section applies  
49 to a spraycan if—

50 (a) it is kept for sale in a part of a shop to which members of the public have  
51 access; and

52 (b) it is not—

- 53 (i) under the physical control of the occupier of the shop, or an agent  
54 or employee of the occupier; or  
55 (ii) under the physical control of a potential buyer who is being  
56 directly supervised by the occupier of the shop, or an agent or  
57 employee of the occupier; and  
58 (c) the shop is open to the public.

59  
60 The occupier of a shop must ensure that every spraycan in the shop to which  
61 subsection (1) applies is stored in such a way that members of the public cannot  
62 obtain possession of it without the help of the occupier, or an agent or employee of  
63 the occupier.

64 The occupier of a shop who fails or refuses to comply with this section is liable to  
65 a fine not exceeding Ten Thousand Pesos (P10,000.00)

66 SECTION 8. *Separability Clause.* – If any provision or part thereof, is held  
67 invalid or unconstitutional, the remainder of the law or the provision not otherwise  
68 affected shall remain valid and subsisting.

69 SECTION 9. *Repealing Clause.* – Any law, presidential decree or issuance,  
70 executive order, letter of instruction, administrative order, rule or regulation contrary  
71 to, or inconsistent with the provisions of this Act is hereby repealed, modified or  
72 amended accordingly.

73 SECTION 10. *Effectivity Clause.* – This Act shall take effect fifteen (15) days  
74 after its publication in at least two (2) newspapers of general circulation.

75 Approved.