

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



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 2756

EXPLANATORY NOTE

Private armies have been a longstanding practice in the Philippines. Successive central governments have allowed official militias to form, and have often allowed the military and police to use them against communist or Muslim separatist groups. Some local politicians have co-opted these civilian volunteers to do their bidding, with Manila turning a blind eye. In return, local politicians have used their influence over the electorate to ensure the election to national office of candidates that support the central government.

According to a New York Times article, private armies have flourished in the Philippines. Philippine governments have supported local politicians with private armies to help suppress insurgents and Islamic radicals, and these conflicts often become inextricably linked with clan warfare.

Last December, 2009, then President Arroyo formed an independent commission established to disband the private armies, the Independent Commission Against Private Armies. This Commission has identified the existence of 74 private armies. However, the Philippine National Police (PNP) reported that there are around 112 private armies scattered across the country, some with as few as four members but others with hundreds.

In the Commission's report, it was stated that these private armies are used by influential politicians to violently enforce their will in villages, towns and even cities. It also reported that killings done by these private armies are not isolated events.

The PNP also raised the alarming fact that many members of these private armies were armed and paid by the national government, supposedly as "force multipliers" for law enforcement or counter-insurgency operations. It further said that these "volunteer groups" or "auxiliary" units are set up for legal objectives such as anti-drug campaigns or even traffic control, but in reality, these private armies are used for partisan activities by the local government that created them.

As of October 2018, the PNP has been monitoring 77 private armed groups which have around 2,000 members

While there may be a need to have "force multipliers" to help the PNP and other law enforcement agencies suppress lawlessness and insurgency, measures must be in place to ensure that these "force multipliers" are used and maintained only for the right reasons, reasons within the bounds of the law.

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


RUFUS B. RODRIGUEZ

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. **2756**

AN ACT
DEFINING "PRIVATE ARMIES", PROHIBITING THEIR MAINTAINANCE, MANDATING
THEIR DISMANTLING, AND PRESCRIBING PENALTIES THEREFOR

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

SECTION 1. *Short Title.* This Act shall be known as the "**Anti-Private Army Act**".

SEC. 2. *Declaration of Policy.* It is the policy of the State that private armies and other groups not duly recognized by duly constituted authorities shall be dismantled.

SEC. 3. *Definition of terms.*

(a) *Private Army* – is a group of armed men being maintained by any person, such as politicians or local kingpins outside of the regular national police and Armed Forces of the Philippines.

They may be used for, among others, the commission of crimes or the advancement or protection of vested political or economic interests of an individual, family, clan or private group in an oppressive way, such as by way of bodyguards, intimidation force or mercenaries.

This also refers to authorized government armed groups which no longer possess strategic or tactical value in the maintenance and administration of peace and order;

(b) *Private Armed Group* – is a group not recognized by duly constituted authority, consisting of at least three (3) individuals with weaponry, utilized in the same way as a private army;

(c) *"Recognized by the duly constituted authority"* – means authorized by law or in accordance with law, and operating according to law. This includes duly registered private security agencies and gun clubs, as long as they are not utilized for the advancement/protection of vested political or economic interests;

(d) *Dismantling* - refers to the disbandment, disarming, demobilization or dissolution of private armies, as well as the arrest and prosecution of those involved, or their voluntary surrender of firearms and abandonment of their organization and activities;

(e) *Government Connection* – cover the areas pertaining to government units, civil service, the PNP and the AFP where officials and any personnel thereof are found to be leaders, members, protectors, financiers or suppliers of private armies, or are otherwise benefiting economically or psychologically from the existence or activities thereof;

(f) *Leadership* – pertains to personalities who maintain and/or use private armies, control the actions or activities thereof, provide the direction or "brains" thereof, or otherwise get the most economic or psychological advantage out of the existence or activities;

(g) *Membership* – refers to those who directly participate in activities of private armies without falling within the definition of leadership, are accomplices or accessories as defined by the Revised Penal Code to the criminal activities thereof;

(h) *Weaponry* – covers all types of weapons, firearms, explosives, and ammunition used;

(i) *Financial and Logistical Resources* – include all forms of transportation, communication, safe houses, bank accounts, businesses, money-producing activities, sources of weaponry, front organizations, etc., which private armies used to support their existence or activities.

SEC. 4. Prohibited Acts – The following acts are prohibited:

(a) Maintenance and use of private armies;

(b) Abuse of the utilization of the military and police personnel as security detail;

(c) Abuse of various permits pertaining to firearms, as well as the unregistered importation thereof;

(d) Utilization of the paramilitary forces and private security agencies as private armies; and

(e) Protection, financing, supplying or otherwise giving aid and comfort to private armies.

SEC. 5. Penalties –

a. *Leaders* – Any leader of a private army or private armed group shall be punished by imprisonment of not less than twelve (12) years and one (1) day nor more than twenty (20) years, or by a fine of not less than Two Hundred Thousand Pesos (P200,000) nor more than One Million Pesos (P1,000,000), or both;

b. *Public Officer* – If the leader is also a public officer, he shall, in addition, be punished with perpetual absolute disqualification and subject to administrative sanctions;

c. *Juridical Person* – If the leadership uses the veil or a juridical person, the responsible officers thereof shall also be punished as leaders. In addition, its registration, license or permit shall be cancelled or revoked;

d. *Alien* – If the leader is an alien, he shall, after serving its penalty, be deported.

e. *Protectors, Financiers, or Suppliers* – shall be treated and punished as leaders

f. *Members* – Any member of the private army or private armed group shall be punished by imprisonment of not less than six (6) years and one (1) day nor more than twelve (12) years, or by a fine of not less than Fifty Thousand Pesos (P50,000) nor more than Two Hundred Thousand Pesos (P200,000.00), or both. If the member is also a public officer, he shall, in addition, be punished with temporary absolute disqualification and subject to administrative sanctions.

SEC. 6. Confiscation of Weaponry – All weaponry of private armies and private armed groups shall be confiscated, whether licensed or not. The same shall be disposed of under existing policies, particularly for firearms, explosives, and ammunition.

SEC. 7. Abuse of Security Detail – This shall include but not be limited to the following forms:

a. excess number of military or police personnel as security detail for Very Important Persons (VIP) under existing policies;

b. utilization of an allowable security detail for the advancement/protection of the vested political or economic interests, including for criminal or oppressive acts;

c. utilization of unauthorized personnel as security detail; and

d. formation of so-called civil security units.

Those responsible shall be punished with imprisonment of not less than six (6) years and one (1) day nor more than twelve (12) years, or by a fine of not less than Fifty Thousand Pesos (P50,000) nor more than Two Hundred Thousand Pesos (P200,000.00), or both.

If the offender is also a public officer, he shall, in addition, be subject to administrative sanctions.

SEC. 8. Abuse of Firearms Permits. - This shall include but not limited to the following forms:

- a. violation of existing policies on the ban on the carrying of firearms outside of residence, issuance of Memorandum Receipts (MRs), Mission Orders (MOs), and duty detail orders;
- b. unauthorized issuance of MRs and MOs to carry firearms;
- c. unauthorized acquisition of firearms by government units; and
- d. unabated importation of firearms which are registered in accordance with existing laws.

Those responsible shall be punished as in Sec. 5 and Sec. 7, without prejudice to liability for illegal possession of firearms and violations of other applicable laws.

SEC. 9. Paramilitary Forces as Private Armies – Paramilitary forces, such as the CAFGU's and CVOs, utilized as private armies, or which no longer possess strategic or tactical value in the maintenance and administrative of peace and order, shall be immediately dismantled, demobilized or dissolved. Erring personnel shall be immediately dismissed.

SEC. 10. Security Agencies as Private Armies – Private security agencies utilized as private armies shall likewise be dismantled or disarmed, and their registration canceled or revoked. Private security forces shall be regulated against their utilization for the advancement /protection of vested political or economic interests beyond legitimate security needs. No public officer shall own or operate any private security agency. A violation of the latter prohibition shall subject the public officer to administrative sanctions and the private security agency to cancellation of registration.

SEC. 11. Dismantling of Private Armies – The DILG, PNP, DND, AFP, NBI, and other law enforcement agencies will coordinate with each other and immediately dismantle all existing private armies, prosecute its leaders and members and prevent any re-emergence of any private armies in the future.

SEC. 12. Sanction on Unit Commanders and Heads – Unit commanders or heads of law enforcement units who are negligent in dismantling private armies in their respective areas of responsibility shall be subject to administrative sanctions.

SEC. 13. Implementing Rules and Regulations – The government agencies mentioned in Sec. 11 shall also coordinate with each other and issue the necessary rules and regulations for the implementation of this Act.

SEC. 14. Separability Clause – If for any reason, any section or provision of this Act, or any portion thereof, or the application of such section, provision, or portion thereof to any person, group or circumstances is declared invalid or unconstitutional, the remainder of this Act shall not be affected by such declaration.

SEC. 15. Repealing Clause – All laws, decrees, orders, rules, and ordinances inconsistent with this Act are hereby repealed or amended accordingly.

SEC. 16. Effectivity – This Act shall take effect immediately following its publication in at the Official Gazette or in at least two (2) national newspapers of general circulation

Approved,