

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 879



Introduced by **MAGDALO Party-List Representative**
HON. MANUEL DG. CABOCHAN III

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 to protect themselves but also to intimidate political opponents. The Philippine National Police (PNP) estimates that there are 3,779 numbers of Private Army Groups (PAGs) in the country with also a total of 1,110,277 number of loose firearms. A special military task force estimates that these private armies are responsible for 68 of the 98 deaths recorded in the 2001 elections. During the 2013 elections, a reported 67 elections related incidents and 52 casualties were reported. This last May 2016 polls, there were 22 reported elections related violence leading to the death of 10 civilians and 3 others wounded.

Although there have been a number of documented abuses committed by these groups, the authorities have failed to suppress them due to the lack of clear-cut government policy guidelines. Conversely, their strength has rendered the state weak and unable to protect its citizenry.

It is hoped that the passage of this measure shall put a halt to this practice of organizing private armies by politicians.

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


MANUEL DG. CABOCHAN III
Representative
Magdalo Para sa Pilipino Party-List

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House Bill No. _____

Introduced by **MAGDALO Party-List Representative**
HON. MANUEL DG. CABOCHAN III

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 House of Representatives of the Philippines Congress
Assembled:*

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

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 following
6 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 unregistered importations
10 thereof;
11 d.) utilization of the paramilitary forces and private security agencies as private armies;
12 and
13 e.) Protections, 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. The commission of crimes;
2. The advancement/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. This definition does not include rebel armies or units such as those of the CPP-NPA; NDF; MNLF; and MILF. But includes the so-called "lost commands", as well, as paramilitary forces and private security forces utilized for the advancement.

- 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. But there are no private armies recognized duly constituted authority;
- d.) *Dismantling* – or "*Paglalansag*" in Filipino, 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* - covers 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;

- 1 f.) *Leadership* - pertains to personalities who maintain and/or use private armies,
2 control the actions or activities thereof provide the direction or “brains” thereof or
3 otherwise get the most economic or psychological advantage out of this existence or
4 activities thereof;
5
6 g.) *Membership* - refers to those who directly participate in activities of private armies
7 without falling with the definition of leadership, are accomplices or accessories as
8 defined by the Revised Penal code to the criminal activities thereof;
9
10 h.) *Weaponry* - covers all types of weapons, firearms, explosives, and ammunition used
11 by private armies; and
12
13 i.) *Financial and Logistical Resources* – include all forms of transportation,
14 communication, safe houses, bank accounts, businesses, money-producing activities,
15 sources of weaponry, front organizations, etc., which private armies used to support
16 their existence or activities.
17

18 **SEC.4 Penalties for Leaders and Members.-**

19

- 20 a) *Leaders* –Any leader or private army or private armed group shall be punished by
21 imprisonment of not less than twelve (12) years and one (1) day nor more than twenty
22 (20) years, or by a fine of not less than Two Hundred Thousand Pesos (P200,000.00)
23 nor more than One Million Pesos (P1,000,000.00), or both such imprisonment and
24 fine, at the discretion of the court, taking all circumstances into consideration;
25
26 b) *Public Officer* – If the leader is also a public officer, he shall, in addition, be punished
27 with perpetual absolute disqualification and subject to administrative sanctions;
28
29 c) *Juridical Person*- If the leadership uses the veil or juridical person, the responsible
30 officers thereof shall also be punished as leaders. In addition, its registration, license
31 or permit shall be cancelled or revoked;
32
33 d) *Alien* – If the leader is an alien, he shall, after serving its penalty, be deported;
34

1 e) *Protectors, Financers, or Suppliers*- shall be treated and punished as leader; and

2
3 f) *Members*- Any member of the private army or private armed group shall be punished
4 by imprisonment of not less than six (6) years and one (1) day no more than twelve
5 (12) years, or by a fine of not less than Fifty Thousand Pesos (P50, 000.00) nor more
6 than Two Hundred Thousand Pesos (P200,000.00), or both such imprisonment and
7 fine, at the discretion of the court taking all circumstances into consideration. If the
8 member is also a public officer, he shall, in addition, be punished with temporary
9 absolute disqualification and subject to administrative sanctions.

10
11 **SEC.5. Confiscation of Weaponry.**- All weaponry of private armies and private armed
12 groups shall be confiscated, whether licensed or not. The same shall be disposed of under
13 existing policies, particularly for firearms, explosives and ammunition.

14
15 **SEC.6. Abuse of Security Detail.**- This shall include but not limited to the following
16 forms:

- 17 a) excess number of military or police personnel as security detail for Very Important
18 Persons (VIP) under existing policies;
19
20 b) utilization of an allowable security detail for the advancement/protection of the vested
21 political or economic interests, including for criminal or oppressive acts;
22 c. utilization of unauthorized personnel as security detail; and
23 d. formation of so-called civil security units.

24 Those responsible shall be punished with imprisonment of not less than six (6) years and one
25 (1) day nor more than twelve (12) years, or by a fine not less than Fifty Thousand Pesos
26 (P50,000,00) nor more than Two Hundred Thousand Pesos (P200,000.00), or both such
27 imprisonment and fine, at the discretion of the court, taking all circumstances into
28 considerations. If the offender is also a public officer, he shall, in addition, be subject to
29 administrative sanctions.

30
31 **SEC. 7. Abuse of Firearms Permits.** – This shall include but not limited to the
32 following forms:

- 1 a) violation of existing policies on the ban on the carrying of firearms outside of
2 residence, issuance of memorandum receipts (MRs), Mission Orders (MOs), and duty
3 detail orders;
- 4 b) unauthorized issuance of MRs and MOs to carry firearms;
- 5
- 6 c) unauthorized acquisition of firearms by government units; and
- 7
- 8 d) unabated importation of firearms which are registered in accordance with existing
9 laws. Those responsible shall be punished as in Section 5, without prejudice to
10 liability for illegal possession of firearms and violations of other applicable laws.
11

12 **SEC. 8. *Paramilitary Forces as Private Armies***- Paramilitary forces, such as the
13 CAFGUs and CVOs, utilized as private armies, or which no longer possess strategic or
14 tactical value in the maintenance and administrative of peace and order, shall be immediately
15 dismantled, demobilized or dissolved. Erring personnel shall be immediately dismissed.
16

17 **SEC.9. *Security Agencies as Private Armies***.- Private security agencies utilized as
18 private armies shall likewise be dismantled or disarmed, and their registration canceled or
19 revoked. Privated security forces shall be regulated against their utilization for the
20 advancement / protection of vested political or economic interest beyond legitimate security
21 needs. No public officer shall own or operate any private security agency. A violation of the
22 latter prohibition shall subject the public officer to administrative sanctions and the private
23 security agency to cancellation of registration.

24 **SEC. 10. *Priorities***- The DILG/PNP,DND/AFP, DOJ/NBI shall give priority to
25 dismantling of private armies to the following:
26

- 27 a) large and long-existing private armies;
- 28 b) private armies with government connections;
- 29 c) paramilitary forces and private security forces utilized as private armies;
- 30 d) private armies with formidable weaponry and financial/logistical sources; and
- 31 e) leaders, protectors, financiers and suppliers of private armies.
32

1 **SEC. 11. Sanctions on Unit Commanders and Heads.-** Unite commanders or heads
2 of law enforcement units who are negligent in dismantling private armies in their
3 respective areas of responsibility shall be subject of administration sanctions.

4 **SEC. 12. Incentives.** – The full range of incentives shall be applied to dismantling of
5 private armies, including but not limited to the following:
6

- 7 a) rewards and incentives to government witness and informants;
- 8 b) immunity from criminal prosecution of 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 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 the
17 following, among others:
18

- 19 a) surrendered or confiscated weaponry and financial/logistical resources;
- 20 b) surrendered and demobilized members especially with connections to or in
- 21 connection with the AFP, PNP, CAFGUs, CVOs, and the like;
- 22 c) Security detail for the VIPs; and
- 23 d) various permits to pertaining to firearms, including importation thereof.

24
25 **SEC.14. Special Prosecutors.-** The DOJ, in coordination with Regional State
26 Provincial and City Prosecutors, shall designate at least two (2) prosecutors per province and
27 city to handle prosecution under this Act.
28

29 **SEC.15. Jurisdiction-** the Regional Trial Court shall have original and exclusive
30 jurisdiction over all case involving offenses punishable under this Act. The Supreme Court
31 may also designate at least two (2) special branches of the RTC per province and city to hear
32 such cases.
33

1 **SEC.16. Oversight Committee.-** Within thirty (30) days upon the removal of this
2 Act, there shall be formed on Oversight Committee composed of the following

3 Chairperson Secretary, DILG

4 Members Secretary, DND

5 Secretary, DOJ

6 Presidential Adviser on the Peace Process

7 Director-General, PNP

8 Chief-of-Staff, AFP

9 Director, NBI

10 Two (2) Senators (designated by the Senate President)

11 Two (2) Representatives (designated by the Speaker)

12
13 **SEC.17. Implementing Rules-** Within thirty (30) days from the formation of the
14 Oversight Committee, it shall issue the necessary rules and regulations for the effective
15 implementation of this Act without prejudice to the implementation of provisions that do not
16 need implementing rules.

17
18 **SEC.18. Appropriations-** The amount necessary for the dismantling of private
19 armies shall be charged to the appropriation of the DILG under the current General
20 Appropriations Act. Thereafter, such amount as may be necessary for the continued
21 dismantling of private armies shall be included in the annual GAA.

22
23 **SEC.19. Separability Clause.-** If for any reason, any section of provision of this
24 Act, or any portion thereof, or the application of such section, provision, or portion thereof to
25 any person, group or circumstances is declared invalid or unconstitutional, the remainder of
26 this Act shall not be affected by such declaration.

27
28 **SEC.20. Repealing Clause. -** All laws, decrees, orders, rules, and Ordinances
29 inconsistent with this Act are hereby repealed or amended accordingly.

30
31 **SEC.21. Effectivity-** This Act shall take effect immediately following its
32 publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,