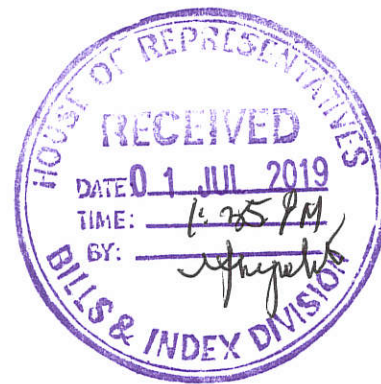


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 411



INTRODUCED BY REPRESENTATIVE XAVIER JESUS D. ROMUALDO

EXPLANATORY NOTE

Paragraph 3 of Presidential Decree No. 9, as amended by Batas Pambansa (BP) Blg. 6 provides:

It is unlawful to carry outside of one's residence any bladed, pointed or blunt weapon such as "knife", "spear", "pana", "dagger", "bolo", "barong", "kris", or "chako", except where such articles are being used as necessary tools or implements to earn a livelihood or in pursuit of a lawful activity. Any person found guilty thereof shall suffer the penalty of imprisonment of not less than one month nor more than one year or a fine of not less than Two Hundred Pesos nor more than Two Thousand Pesos, or both such imprisonment and fine as the Court may direct.

A weapon or dangerous article carried in public, even when it is concealed or not intended to be used, constitutes a threat to public order and safety. The possession of offensive weapons or bladed or pointed articles fosters violence, may lead to injury and even death, and facilitates the commission of crimes. Even if these objects are possessed or carried merely for displaying machismo or bravado or with the belief that they may be used for self-defense, experience has shown that in moments of rashness, irritation, anger, hostility, antagonism, real or perceived insult, drunkenness, or utterly trivial occurrences, such as the giving of a look, these objects are brought out and wielded and violence and the commission of serious offenses would follow.

BP Blg. 6 was enacted over 38 years ago. There is a need to update our law on the possession of offensive or deadly weapons and articles to enable the State to better fulfill its obligation to protect and keep the people safe and prevent crime.

Under this bill, the possession of offensive weapons (any object made or adapted to cause injury or possessed with the intent to cause injury) and bladed or pointed articles (any object that has a blade or is sharply pointed and not manufactured or made primarily to be used as a weapon or to cause injury) in public places without a legitimate purpose or lawful authority are penalized with imprisonment and a fine.

Increased penalties are provided for where such objects are unlawfully possessed in places where many people tend to be present or gather, specifically schools, healthcare facilities, government offices or facilities, ports, airports, bus stations or stops, railway stations, on board public transportation, or at public demonstrations.

Where an unlawfully possessed offensive weapon or bladed or pointed article is used in the commission of a crime, the offender will remain liable for the unlawful possession; in effect, he/she will be criminally liable for both the crime committed and the unlawful possession of the weapon or article used in the crime. Furthermore, the penalty for the unlawful possession will be imposed in the maximum period and amount.

To ensure that people will effectively be deterred from possessing offensive weapons and bladed or pointed articles in public, probation will not be available for those convicted under this proposed law. Also, considering that the dangerous quality of an offensive weapon or bladed or

pointed article would undoubtedly be known or obvious to a minor above 15 years of age, such a minor will be presumed to have acted with discernment if he/she unlawfully possesses an offensive weapon or a bladed or pointed article.

If this bill is enacted into law, it is believed that it will significantly contribute to the prevention and reduction of crime and the development of safer and more peaceful communities.

In view of all the foregoing, the support of the Members of Congress for the prompt and timely passage of this measure is earnestly sought.

A handwritten signature in black ink, consisting of a stylized 'X' followed by a horizontal line and a series of loops and curves.

XAVIER JESUS D. ROMUALDO

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HOUSE BILL NO. _____ **411**

INTRODUCED BY REPRESENTATIVE XAVIER JESUS D. ROMUALDO

**AN ACT
PROHIBITING AND PENALIZING THE POSSESSION OF OFFENSIVE WEAPONS
AND BLADED OR POINTED ARTICLES IN PUBLIC PLACES WITHOUT A
LEGITIMATE PURPOSE OR LAWFUL AUTHORITY**

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

1 SECTION 1. Short Title. – This Act shall be known and may be cited as the *Crime Prevention*
2 *Act*.

3
4 SEC. 2. Declaration of Policy. – The State recognizes that the unlawful possession of weapons of
5 any kind encourages violence and can lead to serious injury or death, as well as facilitate the
6 commission of other crimes. It is thus the policy of the State to control and restrict the carrying
7 and possession of offensive weapons and bladed or pointed articles in public places for the
8 purpose of deterring violent crime, suppressing criminality, and promoting public order and
9 safety.

10
11 SEC. 3. Definition of Terms. – As used in this Act, the following terms are hereby defined as
12 follows:

13
14 (a) Offensive weapon – refers to any object made or adapted to cause injury or possessed with
15 the intent to cause injury to any person, except firearms and explosive or incendiary devices
16 or weapons.

17

(b) Bladed or pointed article – refers to any object that has a blade or is sharply pointed and that is not manufactured or made primarily to be used as a weapon or to cause injury; provided, that a multi-tool with a knife blade shall not be considered a bladed or pointed article.

(c) Public place – refers to any area, space, thoroughfare, or any other premises or place of any description to which people or the public or any section of the public have or are permitted to have access, whether on payment or otherwise and whether or not the right of admission thereto is reserved.

(d) School – refers to any public or private early childhood, elementary, secondary, technical and vocational, or higher education institution, including learning centers or other places where alternative learning system sessions are conducted.

(e) Healthcare facility – refers to any public or private institution providing medical or surgical treatment or nursing care, such as hospitals, clinics, nursing homes, rural health units, and barangay health stations.

(f) Government office or facility – includes national and local government offices, buildings, and facilities, including gymnasiums, sports and recreational facilities, public cemeteries, jails, youth care facilities, and youth rehabilitation centers; offices and branches of government-owned and controlled corporations and government corporate entities; official residences of the President of the Philippines, the Vice-President of the Philippines, and local chief executives; prison and correctional facilities; halls of justice and court buildings; and camps, bases, stations, installations, and facilities of the Armed Forces of the Philippines and the Philippine National Police.

(g) Public transportation – refers to any mode of public passenger transportation, such as buses, jeepneys, taxicabs, motorcycle taxis or motorcycles-for-hire, auto-rickshaws, tricycles, pedicabs, trains, rapid transit systems, ferries, water taxis, and airliners.

1 (h) Public demonstration – refers to any assembly, gathering, procession, or concerted action of
2 persons, where the same is in pursuit of demonstrating or expressing an opinion, view, or
3 position on any matter, thing, or person, whether or not the gathering is spontaneous or is
4 confined to persons who are members of a particular organization, association, or other group
5 or to persons who have been invited to attend.

6
7 (i) Legitimate purpose – refers to the possession of an offensive weapon or a bladed or pointed
8 article for use at work or to earn a living, for educational purposes, for religious purposes, for
9 use in sports competitions or training, or in pursuit of any other lawful activity or act.

10
11 (j) Lawful authority – refers to the possession of an offensive weapon or a bladed or pointed
12 article in the fulfillment of a duty or the lawful exercise of an office.

13
14 SEC. 4. Unlawful Possession of Offensive Weapons. –
15

16 (a) Any person who, without a legitimate purpose or lawful authority, shall possess an offensive
17 weapon in any public place shall be liable to a penalty of imprisonment ranging from three
18 (3) months to one (1) year and a fine ranging from ten thousand pesos (P10,000.00) to fifty
19 thousand pesos (P50,000.00).
20

21 (b) Any person who, without a legitimate purpose or lawful authority, shall possess an offensive
22 weapon within the premises of a school, healthcare facility, government office or facility,
23 port, airport, bus station or stop, railway station, on board public transportation, or at a public
24 demonstration shall be liable to a penalty of imprisonment ranging from one (1) year to two
25 (2) years and a fine ranging from fifty thousand pesos (P50,000.00) to one hundred thousand
26 pesos (P100,000.00).
27

28 (c) The penalties provided in this Section shall be imposed in their maximum periods and
29 amounts where the unlawfully possessed offensive weapon was used by the offender in the
30 commission of another offense or felony.

1 SEC. 5. Unlawful Possession of Bladed or Pointed Articles. –

2
3 (a) Any person who, without a legitimate purpose or lawful authority, shall possess a bladed or
4 pointed article in any public place shall be liable to a penalty of imprisonment ranging from
5 one (1) month to six (6) months and a fine ranging from five thousand pesos (P5,000.00) to
6 fifteen thousand pesos (P15,000).

7
8 (b) Any person who, without a legitimate purpose or lawful authority, shall possess a bladed or
9 pointed article within the premises of a school, healthcare facility, government office or
10 facility, port, airport, bus station or stop, railway station, on board public transportation, or at
11 a public demonstration shall be liable to a penalty of imprisonment ranging from six (6)
12 months to one (1) year and a fine ranging from fifteen thousand pesos (P15,000.00) to thirty
13 thousand pesos (P30,000.00).

14
15 (c) The penalties provided in this Section shall be imposed in their maximum periods and
16 amounts where the unlawfully possessed bladed or pointed article was used by the offender
17 in the commission of another offense or felony.

18
19 SEC. 6. Presumption of Discernment for Minor Offenders. – A minor above 15 years but below
20 18 years of age who shall unlawfully possess an offensive weapon or a bladed or pointed article
21 shall be presumed to have acted with discernment.

22
23 SEC. 7. Non-Availability of Probation. – Any person convicted of unlawful possession of an
24 offensive weapon or a bladed or pointed article under this Act shall be disqualified from availing
25 of probation.

26
27 SEC. 8. Separability Clause. – If any provision of this Act is declared invalid or unconstitutional,
28 the other provisions not affected thereby shall remain in full force and effect.

1 SEC. 9. Repealing Clause. – Paragraph 3 of Presidential Decree No. 9, as amended by Batas
2 Pambansa Blg. 6, is hereby repealed. All laws, decrees, executive orders and issuances, rules and
3 regulations, and other issuances or parts thereof that are inconsistent with the provisions of this
4 Act are hereby repealed or modified accordingly.

5
6 SEC. 10. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the
7 Official Gazette or a newspaper of general circulation.

8
9 Approved,