EXPLANATORY NOTE

There have been many cases wherein perpetrators of crimes take advantage of using or wearing military uniforms and accessories to advance their evil motives and intentions. This misrepresentation may also tarnish the reputation and public image of the members of the military and police.

Republic Act No. 493 prohibits the unauthorized use of titles and wearing of insignia, badge or emblem or rank of members of the Armed Forces of the Philippines and the Philippine Constabulary (now the Philippine National Police). However, the prohibition does not cover the use and wearing of military and police uniforms. The manufacturing and sale of military and police uniforms, as well as the textiles used, are also not included.

This bill seeks to amend RA 493 to include in the coverage of prohibition the illegal use, manufacturing, and sale of military and police uniforms. Stiffer penalties for violations of the Act are also provided to serve as stronger deterrent. Further, military and police uniforms and insignias have attached authority and are conferred only to those deserving of them. This measure also stresses the value and significance of uniforms and insignias.

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

MANUEL DG. CABOCHAN III
Representative
Magdalo Para Sa Pilipino Party-List
AN ACT

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

SECTION 1. Section 1 of Republic Act No. 493 is hereby amended to read as follows:

"SECTION 1. Hereafter it shall be unlawful for any person or association or persons not in the service of the Armed Forces of the Philippines [of the Philippine Constabulary] OR THE PHILIPPINE NATIONAL POLICE to use, or confer upon himself or another who is not in the service of the said Armed Forces or [Constabulary] NATIONAL POLICE, any military, POLICE or naval grade or title which is, or may hereafter be, prescribed by laws and regulations for the use of the Armed Forces or [Constabulary] NATIONAL POLICE: Provided, That the foregoing shall not be construed as prohibiting the use of such military, POLICE or naval grade[s] or title by personnel or persons now authorized by law and by the following persons:

(a) All veterans of any war when recognized by the Philippine or United States Government and only for the ranks for which they are recognized;

(b) Commissioned officers and personnel, retired or in active duty, of the [Bureau of Coast and Geodetic Survey] PHILIPPINE COAST GUARD, of the quarantine service, and of the customs service;

(c) Commissioned and enlisted reservists including recognized guerrilla officers on inactive status when using their authorized grades for a purely military purposes;

(d) Trainees in the Armed Forces OR THE NATIONAL POLICE while undergoing any period of trainee instruction pursuant to law."

SEC. 2. Section 2 of Republic Act No. 493 is hereby amended to read as follows:
“SEC. 2. Hereafter it shall be unlawful for any person not in the service of the Armed Forces of the Philippines or the Philippine [Constabulary] NATIONAL POLICE, except those excluded from the prohibition in section one of this Act, to use or wear the duly prescribed insignia, UNIFORM, badge or emblem or rank of the members of the Armed Forces of the Philippines or the Philippine [Constabulary] NATIONAL POLICE, or any colorable imitation thereof: Provided, That the foregoing shall not be construed as prohibiting any person from using or wearing any military, POLICE or naval insignia, UNIFORM, badge or emblem of rank in any play-house or theater or in moving-picture films while actually engaged in representing therein a military, POLICE or naval character not tending to bring discredit or reproach upon the Armed Forces of the Philippines, the Philippine [Constabulary] NATIONAL POLICE or the [Bureau of Coast and Geodetic Survey] PHILIPPINE COAST GUARD: Provided, further, That the use or wearing of any military, POLICE or naval insignia, UNIFORM, badge or emblem of rank while engaged in representing a military, POLICE or naval character as hereinabove described, shall be subject to supervision and regulation by the Secretary of National Defense FOR THE ARMED FORCES OF THE PHILIPPINES OR THE SECRETARY OF INTERIOR AND LOCAL GOVERNMENT FOR THE PHILIPPINE NATIONAL POLICE. The phrase "duly prescribed insignia, UNIFORM, badge or emblem of rank" shall, for the purpose of this Act, mean any insignia, UNIFORM, badge or emblem of rank which is, or may hereafter be, prescribed by Congress, the Secretary of National Defense FOR THE ARMED FORCES OF THE PHILIPPINES or the [Chief of Constabulary] SECRETARY OF INTERIOR AND LOCAL GOVERNMENT FOR THE PHILIPPINE NATIONAL POLICE.”

SEC. 3. Section 3 of Republic Act No. 493 is hereby amended to read as follows:

“SEC.3. Hereafter the use, wearing, manufacture and sale of any medal or decoration, badge, insignia, UNIFORM, TEXTILE OF SAID UNIFORM, patch, or identification card which has been, or may hereafter be, authorized by Congress or prescribed or awarded by the President of the Philippines, or the Secretary of National Defense for the members of the Armed Forces of the Philippines, OR THE SECRETARY OF INTERIOR AND LOCAL GOVERNMENT FOR THE PHILIPPINE NATIONAL POLICE, or any colorable imitation thereof, is prohibited, except when authorized under such regulations as the Secretary of National Defense OR THE SECRETARY OF INTERIOR AND LOCAL GOVERNMENT shall prescribe AS THE CASE MAY BE.”

SEC.4. Section 4 of Republic Act No. 493 is hereby amended to read as follows:

“SEC.4. Any person who confers upon himself or another any military, POLICE or naval grade or title in violation of section one of this Act shall, upon conviction, be punished by a fine of not less than [two] TEN thousand pesos (P10,000.00) and not exceeding [five] TWENTY thousand pesos (P20,000.00) or by imprisonment for not less than [two] FIVE (5) years and not exceeding [five] TEN (10) years, or both AS MAY BE DETERMINED BY THE COURT. Any person who violates any other provision of this Act shall, upon conviction, be punished by a fine of not less than [one hundred] FIVE THOUSAND pesos (P5,000.00) and not exceeding [two] TEN thousand pesos (P10,000.00), or by imprisonment for not less than [one month] TWO (2) YEARS and not exceeding [two] FIVE (5) years, or both AS MAY BE
DETERMINED BY THE COURT. In case the violation is committed by a corporation, the manager and all the members of the board of directors or governing body thereof, shall be liable individually in accordance with this section.”

SEC. 5. Implementing Rules and Regulations. – The Secretaries of the Departments of National Defense and the Interior and Local Government shall formulate the necessary rules and regulations for the effective implementation of this Act.

SEC. 6. Separability Clause. – If any part or provision of this Act is declared invalid or unconstitutional, the other parts not otherwise affected shall remain in full effect and force.

SEC. 7. Repealing Clause. – All laws, decrees, executive orders or parts thereof inconsistent with the provisions of this Act is hereby repealed or modified accordingly.

SEC. 8. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,