

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



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 1842

EXPLANATORY NOTE

The sudden boom of the mobile phone industry in the country opened up new permutations of criminal activities which led not only to loss of properties but of lives as well. It is for this reason that this bill seeks to amend Presidential Decree No. 1612, otherwise known as the "Anti-Fencing Law of 1979."

Snatching and stealing of mobile phones have proliferated and become a way of life to some people. Sadly, this is not abated because there are unscrupulous establishments which buy or acquire these items as pawn even if these are suspected to be proceeds of robbery or theft. The countless victims of this particular street crime are the compelling reasons for the need to come up with legal and regulatory measures to effectively address this problem.

Hence, to discourage owners or manager of stores, establishments or entities from dealing with stolen goods such as mobile or cellular phones, and for snatchers and thieves to stop their illegal activities, approval of this bill is highly and earnestly recommended.


RUFUS B. RODRIGUEZ

EIGHTEENTH CONGRESS)
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AN ACT

FURTHER REGULATING THE SALE OF SECOND HAND ARTICLES PARTICULARLY ELECTRONIC AND TELECOMMUNICATIONS EQUIPMENT, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1612, OTHERWISE KNOWN AS THE "ANTI-FENCING LAW OF 1979."

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

SECTION 1. Section 6 of Presidential Decree No. 1612, otherwise known as the "Anti-Fencing Law of 1979," is hereby amended to read as follows:

"Section 6. *Clearance/Permit to Sell/Use Second Hand Articles.* – For purposes of this Act, all stores, establishments or entities dealing in the buy and sell of any good, article, item, object or anything of value obtained from an unlicensed dealer, [or]supplier OR INDIVIDUAL [thereof] shall before BUYING AND offering the same for sale to the public, secure the necessary clearance or permit from the station commander of the [Integrated] PHILIPPINE National Police in the town or city where such store, establishment or entity is located.

IN THE CASE OF ELECTRONIC AND TELECOMMUNICATIONS EQUIPMENT, HOWEVER, SUCH AS BUT NOT LIMITED TO MOBILE OR CELLULAR PHONES, THE OWNER OR MANAGER OF SUCH STORE, ESTABLISHMENT OR ENTITY SHALL FIRST REQUIRE THE PROOF OF PURCHASE OR OWNERSHIP AND THE NECESSARY CLEARANCE FROM THE NATIONAL TELECOMMUNICATIONS COMMISSION FROM THE SELLER OF THE SAID ITEM BEFORE BUYING, ACQUIRING, OR ACCEPTING THE SAME AS PAWN. [The Chief of Constabulary/Director General, Integrated National Police shall promulgate such rules and regulations to carry out the provisions of this section.] Any person who fails to secure the clearance or permit AND THE PROOF OF PURCHASE OR OWNERSHIP required by this section or who violates any of the provisions of the rules and regulations promulgated thereunder shall, upon conviction, be punished as a fence. FURTHER, THE PERMIT OR LICENSE TO OPERATE OF SUCH STORE, ESTABLISHMENT OR ENTITY SHALL BE REVOKED."

SEC. 2. The Director General of the Philippine National Police shall, within sixty (60) days after the effectivity of this Act, promulgate such rules and regulations to implement this Act.

SEC. 3. This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,