

Republic of the Philippines
Congress of the Philippines
Metro Manila
Fifteenth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-third day of July, two thousand twelve.

[REPUBLIC ACT NO. **10344**]

AN ACT PENALIZING THE UNAUTHORIZED TAKING,
STEALING, KEEPING OR TAMPERING OF
GOVERNMENT RISK REDUCTION AND
PREPAREDNESS EQUIPMENT, ACCESSORIES AND
SIMILAR FACILITIES

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 "Risk Reduction and Preparedness Equipment Protection Act".

SEC. 2. *Declaration of Policy.* — It is the policy of the State to protect the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. The State shall continue the policy to create, develop, maintain and improve conditions under which man and nature can thrive in productive and enjoyable harmony with each other. Towards this end, all government agencies are mandated to institute

measures to ensure the safety of its citizens and their properties through the installation of data and information gathering devices and the network of national and local authorities to disseminate risk reduction warning and advice.

SEC. 3. *List of Government Risk Reduction and Preparedness Equipment and Other Vital Facility Items.* – The Department of Science and Technology (DOST) shall, in coordination with the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA), the Philippine Institute of Volcanology and Seismology (PHIVOLCS) and the National Disaster Risk Reduction and Management Council (NDRRMC), provide a list of all government risk reduction and preparedness equipment, accessories and other vital facility items such as, but not limited to, radars, weather forecasting equipment, flood monitoring instruments, seismographs, tsunami warning systems and automated weather systems.

The complete list of government risk reduction and preparedness equipment, accessories and other vital facility items shall be provided jointly by the DOST and the NDRRMC to government agencies engaged in disaster preparedness. The list shall be regularly updated.

For purposes of this Act, "government risk reduction and preparedness equipment, accessories and other vital facility items, or parts thereof" refer to pieces of equipment or devices, or parts thereof that gather, store, archive or monitor meteorological and seismological data and information which are analyzed and used to warn the public about weather conditions, earthquake, volcanic or tsunami activities and similar natural calamities.

SEC. 4. *Prohibited Acts.* – The government risk reduction and preparedness equipment, accessories and other vital facility items, or parts thereof shall, at all times, be protected and it shall be unlawful for any person to commit any of the following acts:

- (a) Steal, or take, or possess any of the equipment or any part thereof;
- (b) Sell or buy stolen equipment or any part thereof;

(c) Tamper, dismantle, or disassemble equipment or any part thereof;

(d) Attempt to commit any of the abovementioned prohibited acts; and

(e) Benefit from the proceeds or fruits of any of the abovementioned prohibited acts knowing that the proceeds or fruits are derived from the commission of said prohibited acts.

SEC. 5. *Prima Facie Evidence.* – The possession or custody of any government risk reduction and preparedness equipment, accessories and other vital facility items, or any part thereof, as defined in Section 3 hereof, by any person, natural or juridical, without proper authority shall be *prima facie* evidence that such instrument, part or accessory, is the fruit of the offense defined in Section 4 hereof and therefore such equipment, instrument, accessory, or other vital facility items, or parts thereof may be immediately confiscated from the person in possession, control or custody thereof.

SEC. 6. *Penalties.* – The following penalties are hereby imposed:

(a) The penalty of imprisonment of not less than twelve (12) years but not more than fifteen (15) years or a fine of not less than One million pesos (P1,000,000.00) but not more than Three million pesos (P3,000,000.00), or both imprisonment and fine at the discretion of the court shall be imposed upon any person found guilty of stealing or unauthorized taking or possession without authority or selling or buying with intent to gain of any stolen government risk reduction and preparedness equipment, accessories and other vital facility items, or parts thereof;

(b) The penalty of imprisonment of not less than six (6) years but not more than ten (10) years or a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00), or both imprisonment and fine at the discretion of the court shall be imposed upon any person found guilty of unauthorized tampering, dismantling or disassembling of government risk reduction and preparedness equipment, accessories and other vital facility items, or parts thereof;

(c) The penalty of imprisonment of not less than six (6) years but not more than eight (8) years or a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00), or both imprisonment and fine at the discretion of the court shall be imposed upon any person who attempts to commit any of the prohibited acts provided in Section 4 of this Act; and

(d) The penalty of imprisonment of not less than two (2) years but not more than seven (7) years or a fine of not less than Two hundred thousand pesos (P200,000.00) but not more than Five hundred thousand pesos (P500,000.00), or both imprisonment and fine at the discretion of the court shall be imposed upon any person found guilty of unlawfully benefiting from the proceeds or fruits of any of the prohibited acts enumerated in Section 4 of this Act knowing that such proceeds or fruits are derived from the commission of said prohibited acts.

Payment of the full cost of repair or replacement of the government risk reduction and preparedness equipment, accessories and other vital facility items, or parts thereof, which is the object of the crime shall likewise be imposed upon any person who shall commit any of the prohibited acts described in Section 4 of this Act.

SEC. 7. Penalty for Government Officers or Employees.

— Any government officer or employee who shall assist in the commission of any of the prohibited acts enumerated in Section 4 of this Act shall suffer the same penalty imposed upon the person who committed the prohibited act. In addition, after due notice and hearing, they shall be administratively dismissed from the service and all their benefits from the government shall be forfeited. They shall likewise be perpetually disqualified from holding any public office.

The prosecution or conviction under this Act shall not bar the filing of any case for the violation of Republic Act No. 3019, as amended, otherwise known as the "Anti-Graft and Corrupt Practices Act"; Republic Act No. 6713, otherwise known as the "Code of Conduct and Ethical Standards for Public Officials and Employees"; Republic Act No. 7080, entitled "An Act Defining and Penalizing the Crime of Plunder"; and other laws.

SEC. 8. *Non-Applicability on the Provisions of Theft of the Revised Penal Code.* – The prosecution under this Act shall bar any prosecution arising from the same Act under Articles 308, 309, 310 and 311 of the Revised Penal Code.

SEC. 9. *Public Education and Information.* – At least once a year, the DOST and the NDRRMC shall, in coordination with the local government units (LGUs) and nongovernment organizations (NGOs) or people's organizations (POs), disseminate information and conduct continuing education on the provisions of this Act through the media and other lawful means available. The dissemination of information and continuing education on the provisions of this Act shall commence within sixty (60) days from the approval of its implementing rules and regulations.

Such information dissemination and continuing education shall:

(a) Aim to develop public awareness of: (1) the ill effects of unlawful taking or stealing, tampering and buying and selling of stolen government risk reduction and preparedness equipment, accessories and other vital facility items, or parts thereof; and (2) the community-based solutions to prevent the occurrence of such offense; and

(b) Encourage the public, NGOs and POs to safeguard and protect these government risk reduction and preparedness equipment, accessories and other vital facility items, or parts thereof, within their areas of jurisdiction.

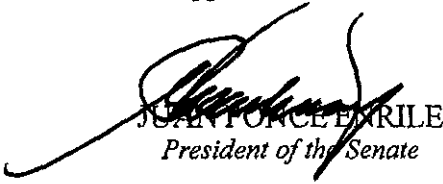
SEC. 10. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the Secretary of Science and Technology shall, in coordination with the NDRRMC, issue the implementing rules and regulations for the effective implementation of this Act.

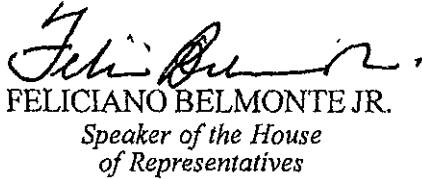
SEC. 11. *Separability Clause.* – If any part or provision of this Act shall be declared invalid or unconstitutional, the remaining provisions or parts not affected shall remain in full force and effect.

SEC. 12. *Repealing Clause.* – All other laws, presidential decrees, executive orders, rules and regulations or parts thereof which are inconsistent with any provision of this Act are hereby repealed, amended or modified accordingly.


SEC. 13. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in two (2) national newspapers of general circulation.

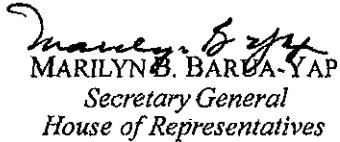
Approved,


JUAN PONCE ENRILE
President of the Senate

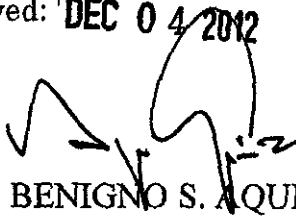

FELICIANO BELMONTE JR.
*Speaker of the House
of Representatives*

This Act which originated in the House of Representatives was finally passed by the House of Representatives and the Senate on March 21, 2012 and September 17, 2012, respectively.


EMMA LIRIO-REYES
Secretary of the Senate


MARILYN B. BARUA-YAP
*Secretary General
House of Representatives*

Approved: 'DEC 04 2012


BENIGNO S. AQUINO III

President of the Philippines



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