

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



23 MAY -9 A8:50

SENATE
S. No. 2151

RECEIVED BY:

Introduced by Senator Jinggoy Ejercito Estrada

AN ACT
AMENDING REPUBLIC ACT NO. 493 TO INCLUDE IN THE COVERAGE OF PROHIBITION THE USE, WEARING, MANUFACTURE AND SALE OF UNIFORMS AND TEXTILE OF UNIFORMS OF THE MEMBERS OF THE ARMED FORCES OF THE PHILIPPINES AND THE PHILIPPINE NATIONAL POLICE, PRESCRIBING STIFFER PENALTIES FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The military and police uniform represents visual evidence of the authority and responsibility vested in the individual. There have been instances wherein such uniforms were used to intimidate or harass other people and even perpetrate crimes. As the defense establishment and our uniformed personnel strive hard to cleanse their ranks of corrupt elements, the illegal use of their uniform by people who do not belong to the organization posing as legitimate members while doing unlawful activities, cause harm to the entire force and negatively affect the people's trust and confidence to the authorities.

In many cases, the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) reminded the public of the regulations in place with respect to the improper and inappropriate wearing of uniform of the military and the police. But prevailing policies and light penalties seem not to deter the public from wearing the uniform of our law enforcement officers and protectors of the people and the State.

This bill proposes to protect the image of the AFP and the PNP as a unified, well disciplined and respectable organization, by updating and clarifying Republic Act No. 493, which was enacted in 1950, to specifically include in the prohibition the wearing of uniform of military and police personnel by those who are not in the service of the AFP and the PNP. This measure proposes longer jail term and heavier fines for violators of the law, hopefully to serve as more effective deterrent.

The passage of this legislation is earnestly sought.



JINGGOY EJERCITO ESTRADA

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UNIFORMS AND TEXTILE OF UNIFORMS OF THE MEMBERS OF THE ARMED
FORCES OF THE PHILIPPINES AND THE PHILIPPINE NATIONAL POLICE,
PRESCRIBING STIFFER PENALTIES FOR VIOLATION THEREOF, AND FOR
OTHER PURPOSES**

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

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

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

- 1 (a) All veterans of any war when recognized by the Philippine
2 or United States Government and only for the ranks for
3 which they are recognized;
- 4 (b) Commissioned officers and personnel, retired or in active
5 duty, of the [~~Bureau of Coast and Geodetic Survey~~]
6 **PHILIPPINE COAST GUARD**, of the quarantine service,
7 and of the customs service;
- 8 (c) Commissioned and enlisted reservists including recognized
9 guerrilla officers on inactive status when using their
10 authorized grades for a purely military purpose;
- 11 (d) Trainees in the Armed Forces **OR THE NATIONAL**
12 **POLICE** while undergoing any period of trainee instruction
13 pursuant to law."

14 Sec. 2. Section 2 of Republic Act No. 493 is hereby amended to read as
15 follows:

16 "SEC. 2. Hereafter it shall be unlawful for any person not in the
17 service of the Armed Forces of the Philippines or the Philippine
18 [~~Constabulary~~] **NATIONAL POLICE**, except those excluded from the
19 prohibition in section one of this Act, to use or wear the duly
20 prescribed insignia, **UNIFORM**, badge or emblem or rank of the
21 members of the Armed Forces of the Philippines or the Philippine
22 [~~Constabulary~~] **NATIONAL POLICE**, or any colorable imitation
23 thereof: *Provided*, That the foregoing shall not be construed as
24 prohibiting any person from using or wearing any military, **POLICE** or
25 naval insignia, **UNIFORM**, badge or emblem of rank in any play-house
26 or theater or in moving-picture films while actually engaged in
27 representing therein a military, **POLICE** or naval character not tending
28 to bring discredit or reproach upon the Armed Forces of the
29 Philippines, the Philippine [~~Constabulary~~] **NATIONAL POLICE** or the
30 [~~Bureau of Coast and Geodetic Survey~~] **PHILIPPINE COAST**
31 **GUARD**: *Provided, further*, That the use or wearing of any military,
32 **POLICE** or naval insignia, **UNIFORM**, badge or emblem of rank while

1 engaged in representing a military, **POLICE** or naval character as
2 hereinabove described, shall be subject to supervision and regulation
3 by the Secretary of National Defense **FOR THE ARMED FORCES OF**
4 **THE PHILIPPINES, THE SECRETARY OF THE INTERIOR AND**
5 **LOCAL GOVERNMENT FOR THE PHILIPPINE NATIONAL POLICE**
6 **OR THE SECRETARY OF TRANSPORTATION FOR THE**
7 **PHILIPPINE COAST GUARD.** The phrase "duly prescribed insignia,
8 **UNIFORM,** badge or emblem of rank" shall, for the purposes of this
9 Act, mean any insignia, **UNIFORM,** badge or emblem of rank which is,
10 or may hereafter be, prescribed by Congress, the Secretary of National
11 Defense **FOR THE ARMED FORCES OF THE PHILIPPINES, [or the**
12 ~~Chief of Constabulary]~~ **SECRETARY OF THE INTERIOR AND**
13 **LOCAL GOVERNMENT FOR THE PHILIPPINE NATIONAL POLICE**
14 **OR THE SECRETARY OF TRANSPORTATION FOR THE**
15 **PHILIPPINE COAST GUARD."**

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

18 "SEC. 3. Hereafter the use, wearing, manufacture and sale of
19 any medal or decoration, badge, insignia, **UNIFORM, TEXTILE OF**
20 **SAID UNIFORM,** patch, or identification card which has been, or may
21 hereafter be, authorized by Congress or prescribed or awarded by the
22 President of the Philippines or the Secretary of National Defense for
23 the members of the Armed Forces of the Philippines, **THE**
24 **SECRETARY OF THE INTERIOR AND LOCAL GOVERNMENT FOR**
25 **THE PHILIPPINE NATIONAL POLICE OR THE SECRETARY OF**
26 **TRANSPORTATION FOR THE PHILIPPINE COAST GUARD,** or
27 any colorable imitation thereof, is prohibited, except when authorized
28 under such regulations as the Secretary of National Defense,
29 **SECRETARY OF THE INTERIOR AND LOCAL GOVERNMENT, OR**
30 **THE SECRETARY OF TRANSPORTATION** shall prescribe **AS THE**
31 **CASE MAY BE."**

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

3 "SEC. 4. Any person who confers upon himself or another any
4 military, **POLICE** or naval grade or title in violation of section one of
5 this Act shall, upon conviction, be punished by a fine of not less than
6 [~~two~~] **TEN** thousand pesos (**P10,000**) and not exceeding [~~five~~]
7 **TWENTY** thousand pesos (**P20,000**) or by imprisonment for not less
8 than [~~two~~] **FIVE (5)** years and not exceeding [~~five~~] **TEN (10)** years,
9 or both **AS MAY BE DETERMINED BY THE COURT**. Any person
10 who violates any other provision of this Act shall, upon conviction, be
11 punished by a fine of not less than [~~one-hundred~~] **FIVE THOUSAND**
12 pesos (**P5,000**) and not exceeding [~~two~~] **TEN** thousand pesos
13 (**P10,000**), or by imprisonment for not less than [~~one-month~~] **TWO**
14 **(2) YEARS** and not exceeding [~~two~~] **FIVE (5)** years, or both **AS**
15 **MAY BE DETERMINED BY THE COURT**. In case the violation is
16 committed by a corporation, the manager and all the members of the
17 board of directors or governing body thereof, shall be liable individually
18 in accordance with this section."

19 Sec. 5. *Implementing Rules and Regulations*. – The Secretaries of the
20 Departments of National Defense, Interior and Local Government, and
21 Transportation shall formulate the necessary rules and regulations for the effective
22 implementation of this Act.

23 Sec. 6. *Separability Clause*. – If any provision of this Act is declared invalid or
24 unconstitutional, the remaining provision not affected thereby shall continue to be in
25 full force and effect.

26 Sec. 7. *Repealing Clause*. – All laws, decrees, orders or regulations or part
27 thereof inconsistent with this Act are hereby repealed or modified accordingly.

28 Sec. 8. *Effectivity*. – This Act shall take effect fifteen (15) days following the
29 completion of its publication in the *Official Gazette* or in a national newspaper of
30 general circulation.

Approved,