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# THE IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 10344, OTHERWISE KNOWN AS “THE RISK REDUCTION AND PREPAREDNESS EQUIPMENT PROTECTION ACT”

*DOST, June 25, 2013*

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Pursuant to Section 10 of 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, the Department of Science and Technology (DOST), in coordination with the National Disaster Risk Reduction and Management Council (NDRRMC), hereby adopts and promulgates the following Rules and Regulations to implement the aforesaid law.

RULE I
GENERAL PROVISIONS

SECTION 1. Title - These Rules and Regulations shall be known and cited as The Implementing Rules and Regulations of Republic Act No. 10344, otherwise known as the “Risk Reduction and Preparedness Equipment Protection Act.”

SECTION 2. Purpose - These Rules and Regulations are hereby promulgated to prescribe the procedures and guidelines for the implementation of the “Risk Reduction and Preparedness Equipment Protection Act” in order to facilitate the compliance therewith and to achieve the objectives thereof.

SECTION 3. Construction - These Rules shall be strictly construed to attain the efficient and effective implementation of R.A. 10344.

SECTION 4. 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.

RULE II
DEFINITION OF TERMS

SECTION 1. Definition of Terms. - As used in these Rules and Regulations, the following terms shall mean:

- “ACT” shall refer to Republic Act No. 10344, otherwise known as The Risk Reduction and Preparedness Equipment Protection Act.

- “DOST” shall mean the Department of Science and Technology.

- “NDRRMC” shall mean the National Disaster Risk Reduction and Management Council and shall include other member agencies and organizations of the Council.


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- “PAGASA” shall mean the Philippine Atmospheric, Geophysical and Astronomical Services Administration.

- “PHIVOLCS” shall mean the Philippine Institute of Volcanology and Seismology.

- “Government Risk Reduction and Preparedness Equipment, Accessories and Other Vital Facility Items or Parts” refer to pieces of equipment or devices or parts thereof that gather, transmit, store, archive, process and analyze meteorological, hydrological, oceanographic, geodetic, geological, volcanological and seismological data, and disseminate information, which are used for preparing and warning the public about weather, hydrological and oceanographic conditions, earthquake, volcanic or tsunami activities and similar natural phenomena.

RULE III
LIST OF GOVERNMENT RISK REDUCTION AND PREPAREDNESS
EQUIPMENT, ACCESSORIES AND OTHER VITAL FACILITY ITEMS OR
PARTS

SECTION 1. List of Government Risk Reduction and Preparedness Equipment and Other Vital Facility Items - The list of government risk reduction and preparedness equipment and other vital facility items as included in the official list provided by the DOST, which shall be regularly updated.

The list shall include, but not limited to, the following:

- Weather Radar Surveillance System

- Weather Monitoring System

- Flood Monitoring Systems

- Oceanographic Monitoring System

- Earthquake Monitoring System

- Volcano Monitoring System

- Tsunami Monitoring and Warning Systems

- Landslide Monitoring System

- Radionuclide Monitoring Equipment

- Hazards and Risk Assessment Equipment

- Information, Education and Communication Equipment

The detailed List of Risk Reduction Instruments and Equipment of PAGASA and PHIVOLCS and NDRRMC are provided in Appendix A[*] and in Appendix B[*], respectively, and shall form an integral parts of this IRR.

SECTION 2. Dissemination of the Complete List of Government Risk Reduction and Preparedness Equipment and Other Vital Facility Items - the DOST and the NDRRMC shall jointly provide the complete list of government risk reduction and preparedness and risk reduction equipment and other vital facilities to all government agencies engaged in disaster preparedness.

RULE IV
PROHIBITED ACTS

SECTION 1. Prohibited Acts - The government risk reduction and preparedness equipment, accessories and other vital facility items, or parts thereof shall, at all times, be protected. It shall be unlawful for any person, natural or


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juridical, private or public to:

(a)

Steal, or take, or possess any of the equipment or any part thereof, as enumerated in Section 1 of the immediately foregoing Rule;

(b)

Sell or buy stolen equipment or any part thereof;

(c)

Tamper, dismantle, or disassemble the equipment or any part thereof;

(d)

Attempt to commit any of the above-mentioned prohibited acts; and

(e)

Benefit from the proceeds or fruits of any of the above-mentioned prohibited acts knowing that the proceeds or fruits are derived from the commission of said prohibited acts.

RULE V
PRIMA FACIE EVIDENCE

SECTION 1. Prima facie evidence - The possession, control or custody by any person, natural or juridical, of any government risk reduction and preparedness equipment, accessories and other vital facility items, or any part thereof, as enumerated in Section 1, Rule III hereof, without proper authority or consent of the concerned agency shall constitute prima facie evidence that such instrument, part or accessory, is the fruit of the offense, enumerated in Section 1 of the immediately foregoing Rule, by the person benefited thereby.

In order to constitute prima facie evidence, the discovery and confiscation of the equipment must be in accordance with the Rules of Court, and personally witnessed and attested to by the agency concerned or its duly authorized representative or any officer of the law, as the case may be.

The burden of proof rests upon the party to present evidence on the fact in issue necessary to establish his defense that the confiscated equipment is not a government property.

An authorized representative is one who is an employee of the agency concerned or designated by the agency to represent it.

An officer of the law is any person who, by direct provision of law or by election or by appointment by competent authority, is charged with the maintenance of public order and the protection and security of life and property, such as, but not limited to the barangay chairman, barangay councilman, officer or member of Barangay Community Brigades, barangay policeman, PNP policeman, municipal councilor, and municipal mayor.

SECTION 2. A prima facie evidence of possession, control or custody of any government risk reduction and preparedness equipment, accessories and other vital facility items, or parts thereof without the consent of the concerned agency shall be the basis for:

(a)

immediate confiscation from the person in possession, control or custody thereof; and


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(b)

the holding of inquest proceedings or preliminary investigation, as the case may be, by the prosecutor and the subsequent filing in court of the pertinent information.

SECTION 3. Discovery of Prima Facie Evidence - The concerned agency or its duly authorized representative, upon discovery of any of the equipment and circumstances mentioned in Rule III and Rule IV hereof, shall immediately report the incident to the nearest Barangay or Police Station.

In case of confiscation, the stolen, tampered, dismantled, or disassembled government risk reduction and preparedness equipment, accessories and other vital facility items subject of the offense must be placed in a suitable storage, properly identified, sealed and secured and shall be subject to disposition in accordance with the Rules of Court.

RULE VI
PENALTIES

SECTION 1. 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.

SECTION 2. Penalty for Juridical Persons - If any of the prohibited acts provided in Section 1, Rule IV hereof is committed by a partnership, firm, corporation, association, or any legal entity, the penalty shall be imposed on the president, manager and each of the officers thereof who shall have knowingly permitted, failed to prevent or was


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otherwise responsible for the commission of the offense.

SECTION 3. Penalty for Government Officers and Employees - If any of the prohibited acts described in Section 1, Rule IV hereof is committed by, or in connivance with, or through the assistance of any government officer or employee, such officer or employee shall, upon conviction, suffer the same penalty imposed upon the person who committed the prohibited act.

Without prejudice to the imposition of applicable criminal sanctions, the officer or employee, after due notice and hearing, shall be administratively dismissed from the service under the Revised Rules on Administrative Cases in the Civil Service (RRACCS) and his/her benefits from the government shall be forfeited. He/she shall likewise be perpetually disqualified from holding any public office.

SECTION 4. Payment for the cost of repair and replacement of Government Risk Reduction and Preparedness Equipment and Other Vital Facility Items - Payment of the full cost of repair or replacement of the government risk reduction and preparedness equipment, accessories and other vital facility items, or part thereof, which is the object of the crime shall likewise be imposed upon any person, natural or juridical, who shall be found guilty of commission of the prohibited acts described in Section 1, Rule IV hereof.

SECTION 5. The prosecution or conviction under the 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.

RULE VII P
UBLIC EDUCATION AND INFORMATION

SECTION 1. Public Education and Information - At least once a year, the DOST and the NDRRMC shall, in coordination with the Philippine Information Agency (PIA), the local government units (LGUs) and non-government organizations (NGOs) or people’s organizations (POs), disseminate information and conduct continuing education on the provisions of the Republic Act No. 10344 through the media and other lawful means available.

The dissemination of information and continuing education shall commence within sixty (60) days from the approval of this Implementing Rules and Regulations.

Such information dissemination and continuing education shall:

(a)

Aim to develop public awareness of:

i.

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

ii.

the community-based solutions to prevent the occurrence of such offense.


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(b)

Encourage and involve 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. For this purpose, the DOST may provide awards, recognitions and technology trainings or assistance under existing DOST programs.

(c)

All government information agencies and media facilities, in coordination with private media agencies, shall be tapped to assist in the dissemination of government risk reduction instruments, parts and accessories covered or protected under this Act.

RULE VIII
NON-APPLICABILITY ON THE PROVISIONS OF THEFT OF THE REVISED
PENAL CODE

SECTION 1. Non-applicability on the Provisions of Theft of the Revised Penal Code - The prosecution under the Republic Act No. 10344 shall bar any prosecution arising from the same act under Articles 308, 309, 310 and 311 of the Revised Penal Code.

RULE IX
REPEAL AND SEPARABILITY

SECTION 1. Repeal and Separability - All circulars, memoranda, executive orders, rules and regulations or parts thereof which are inconsistent with any provisions of these Rules are hereby repealed, amended or modified accordingly. If any part or provision of these Rules or declared invalid or unconstitutional, the remaining provisions or parts not affected shall remain in full force and effect.

RULE X
EFFECTIVITY

SECTION 1. Effectivity – These Rules shall take effect fifteen (15) days after its publication in the Official Gazette or two newspapers of general circulation in the country.

(SGD) MARIO G. MONTEJO
Secretary
Department of Science and Technology

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[*] Text Available at the Office of the National Administrative Register, U.P. Law Complex, Diliman, Quezon City.


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