

[PRESIDENTIAL DECREE NO. 1612, June 15, 1979]

ANTI-FENCING LAW OF 1979

WHEREAS, reports from law enforcement agencies reveal that there is rampant robbery and thievery of government and private properties;

WHEREAS, such robbery and thievery have become profitable on the part of the lawless elements because of the existence of ready buyers, commonly known as fence, of stolen properties;

WHEREAS, under existing law, a fence can be prosecuted only as an accessory after the fact and punished lightly;

WHEREAS, it is imperative to impose heavy penalties on persons who profit by the effects of the crimes of robbery and theft.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree as part of the law of the land the following:

SECTION 1. Title.? This decree shall be known as the Anti-Fencing Law.

SEC. 2. *Definition of Terms.*—The following terms shall mean as follows:

- a. "Fencing" is the act of any person who, with intent to gain for himself or for another, shall buy, receive, possess, keep, acquire, conceal, sell or dispose of, or shall buy and sell, or in any other manner deal in any article, item, object or anything of value which he knows, or should be known to him, to have been derived from the proceeds of the crime of robbery or theft.
- b. "Fence" includes any person, firm, association corporation or partnership or other organization who/which commits the act of fencing.

SEC. 3. *Penalties.*—Any person guilty of fencing shall be punished as hereunder indicated:

- a) The penalty of prision mayor, if the value of the property involved is more than 12,000 pesos but not exceeding 22,000 pesos; if the value of such property exceeds the latter sum, the penalty provided in this paragraph shall be imposed in its maximum period, adding one year for each additional 10,000 pesos; but the total penalty which may be imposed shall not exceed twenty years. In such cases, the penalty shall be termed reclusion temporal and the accessory penalty pertaining thereto provided in the Revised Penal Code shall also be imposed.
- b) The penalty of prision correctional in its medium and maximum periods, if the value of the property robbed or stolen is more than 6,000 pesos but not exceeding 12,000 pesos.
- c) The penalty of prision correctional in its minimum and medium periods, if the value of the property involved is more than 200 pesos but

not exceeding 6,000 pesos.

d) The penalty of *arresto mayor* in its medium period to prison correctional in its minimum period, if the value of the property involved is over 50 pesos but not exceeding 200 pesos.

e) The penalty of *arresto mayor* in its medium period if such value is over five (5) pesos but not exceeding 50 pesos.

f) The penalty of *arresto mayor* in its minimum period if such value does not exceed 5 pesos.

SEC. 4. *Liability of Officials of Juridical Persons.*—If the fence is a partnership, firm, corporation or association, the president or the manager or any officer thereof who knows or should have known the commission of the offense shall be liable.

SEC. 5. *Presumption of Fencing.*—Mere possession of any good, article, item, object, or anything of value which has been the subject of robbery or thievery shall be *prima facie* evidence of fencing.

SEC. 6. *Clearance/Permit to Sell/Used 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 thereof, shall before offering the same for sale to the public, secure the necessary clearance or permit from the station commander of the Integrated National Police in the town or city where such store, establishment or entity is located. 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 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.

SEC. 7. *Repealing Clause.*—All laws or parts thereof, which are inconsistent with the provisions of this Decree are hereby repealed or modified accordingly.

SEC. 8. *Effectivity.*—This Decree shall take effect upon approval.

Done in the City of Manila, this 2nd day of March, in the year of Our Lord, nineteen hundred and seventy-nine.

RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF SECTION 6 OF PRESIDENTIAL DECREE NO. 1612, KNOWN AS THE ANTI-FENCING LAW.

Pursuant to Section 6 of Presidential Decree No. 1612, known as the Anti-Fencing Law, the following rules and regulations are hereby promulgated to govern the issuance of clearances/permits to sell used secondhand articles obtained from an unlicensed dealer or supplier thereof:

I. Definition of Terms

1. "Used secondhand article" shall refer to any goods, article, item, object or anything of value obtained from an unlicensed dealer or supplier, regardless of whether the same has actually or in fact been used.
2. "Unlicensed dealer/supplier" shall refer to any persons, partnership, firm, corporation, association or any other entity or establishment not licensed by

the government to engage in the business of dealing in or of supplying the articles defined in the preceding paragraph.

3. "Store", "establishment" or "entity" shall be construed to include any individual dealing in the buying and selling used secondhand articles, as defined in paragraph hereof.
4. "Buy and Sell" refer to the transaction whereby one purchases used secondhand articles for the purpose of resale to third persons.
5. "Station Commander" shall refer to the Station Commander of the Integrated National Police within the territorial limits of the town or city district where the store, establishment or entity dealing in the buying and selling of used secondhand articles is located.

II. Duty to Procure Clearance or Permit

1. No person shall sell or offer to sell to the public any used secondhand article as defined herein without first securing a clearance or permit for the purpose from the proper Station Commander of the Integrated National Police.
2. If the person seeking the clearance or permit is a partnership, firm, corporation, or association or group of individuals, the clearance or permit shall be obtained by or in the name of the president, manager or other responsible officer-in-charge thereof.
3. If a store, firm, corporation, partnership, association or other establishment or entity has a branch or subsidiary and the used secondhand article is acquired by such branch or subsidiary for sale to the public, the said branch or subsidiary shall secure the required clearance or permit.
4. Any goods, article, item, or object or anything of value acquired from any source for which no receipt or equivalent document evidencing the legality of its acquisition could be presented by the present possessor or holder thereof, or the covering receipt, or equivalent document, of which is fake, falsified or irregularly obtained, shall be presumed as having been acquired from an unlicensed dealer or supplier and the possessor or holder thereof must secure the required clearance or permit before the same can be sold or offered for sale to the public.

III. Procedure for Procurement of Clearances or Permits

1. The Station Commanders concerned shall require the owner of a store or the president, manager or responsible officer-in-charge of a firm, establishment or other entity located within their respective jurisdictions and in possession of or having in stock used secondhand articles as defined herein, to submit an initial affidavit within thirty (30) days from receipt of notice for the purpose thereof and subsequent affidavits once every fifteen (15) days within five (5) days after the period covered, which shall contain:
 - a. A complete inventory of such articles acquired daily from whatever source and the names and addresses of the persons from whom such articles were acquired.