

Presidential Decree No. 1612, s. 1979

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MALACAÑANG

MANILA

PRESIDENTIAL DECREE No. 1612

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, 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.

Section 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.

Section 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 correccional 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 correccional 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 prision correccional 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.

Section 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.

Section 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.

Section 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 of 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.

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 All laws or parts thereof, which are inconsistent with the provisions of this Decree are hereby repealed or modified accordingly.

Section 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.

(Sgd.) **FERDINAND E. MARCOS**
President of the Philippines

By the President:

(Sgd.) JUAN C. TUVERA
Presidential Assistant

Source: **Malacañang Records Office**

RESOURCES

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[Presidential Decree No. 1612 March 02, 1979](http://www.officialgazette.gov.ph/downloads/1979/03Mar/19790302-PD-1612-FM.pdf)
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