



**Sangguniang Panglungsod ng Bacolod**  
**Lungsod ng Bacolod**

**CITY ORDINANCE NO. 358**  
**January 29, 2004**

**AN ORDINANCE DEFINING "DEADLY WEAPONS" OR SIMILAR INSTRUMENTS, PROHIBITING THE CARRYING THEREOF OUTSIDE RESIDENCE OR WORKPLACE, PROVIDING EXEMPTIONS THEREFOR, AND PENALTIES FOR VIOLATION THEREOF.**

**WHEREAS**, an old law, P. D. 9, prohibits the carrying of bladed or point weapons outside of one's residence;

**WHEREAS**, this old law, which is of Martial Law vintage, has caused so considerable confusion or frustration in the administration of justice in the present time in view of the Supreme Court decision of *People of the Philippines vs. Purisima* (SCRA 542, November 20, 1978), where prosecution under said law can only be successfully pursued if the carrying of the weapons is proved to be "in furtherance of, to abet, or in connection with subversion, rebellion, lawless violence, criminality, chaos or public disorder;"

**WHEREAS**, the City of Manila has an Ordinance (Ordinance No. 3820 amended by 3298) which punishes the offense aforesaid without necessarily having a connection with insurrection, rebellion, etc.;

**WHEREAS**, the Supreme Court in said case of *People vs. Purisima* encouraged prosecution of carrying of deadly weapons under the ordinance and not under P. D. 9;

**WHEREAS**, with the proliferation of illegal drugs in our present society, there is every good reason to prohibit the carrying of bladed and/or deadly weapons, outside residence or workplace where the same are ordinarily used;

**NOW THEREFORE**, be it ordained by the Sangguniang Panlungsod of Bacolod that:

**TITLE:**

This ordinance shall be known as an **ORDINANCE DEFINING "DEADLY WEAPONS" OR SIMILAR INSTRUMENTS, PROHIBITING THE CARRYING THEREOF OUTSIDE RESIDENCE OR WORKPLACE, PROVIDING EXEMPTIONS THEREFOR, AND PENALTIES FOR VIOLATION THEREOF.**

**Article 1**      **Definition of Terms.**

1. A "deadly weapon" for purposes of this ordinance is any bladed, pointed or blunt weapon such as fan knife, "batangas", "Indian target", "white rabbit" spear, dagger, bolo, barong, kris, or club and such other similar weapons or instruments, except when such articles are being used as necessary tools or implements to earn a livelihood or used in connection therewith a list shall be provided hereunder;

2. Excluded from this definition are tools such as "Swiss knives" or other similar tools such as folding pliers, etc., with component knives, provided that such component knives are four (4) inches or shorter;

### **Article 2. Punishable offense.**

It is hereby declared the local legislative policy of the City of Bacolod that the bringing out of these weapons or instruments outside of residence or the workplace where the same are ordinarily used, or when the same are brought to public places or gatherings, is punishable, except in cases where exemptions are recognized, such as those provided in the succeeding article, the purpose being to eliminate the unnecessary carrying of bladed weapons outside of the home or workplace in our society as much as possible.

### **Article 3. Exemptions**

Exempted from the foregoing are the following:

1. "Espadings" or cane knives used by agricultural farm workers for harvesting of sugarcane or for weeding, provided that, this exemption covers instances only when the same are brought to, during, and from work. However, it is hereby required that after such work where such knives are required, the worker concerned must bring these knives home or to a common quarter for workers as the case maybe, and must not be carried elsewhere.
2. "Gunas", hrowels, or similar instruments used for weeding or gardening, provided that they are properly covered or placed in a bag, and are carried to and from work, and are not brought to public places or gatherings where they are not needed.
3. Bringing of these bladed objects or instruments in campings or family outings or the like.
4. Weapons as may be allowed or not prohibited, by law for tanods to carry.
5. Bringing outside or residence or workplace of bladed or similar objects or instruments by people whose trade or business requires the use of these instruments, provided that the carrying of these objects is connected to such trade or occupation, is on the occasion of going to or from said trade or business or an incident thereof, such as but not limited to cases such as "manog-ihaws" (butchers), and provided further that these instruments are not brought to places where they are not necessary.
6. Bladed and or blunt weapons as may be legitimately used for the learning, training in, and/or propagation of the martial arts, provided that the same are used only in the regular place of practice or training, are carried to and from the same and the place or residence, and are not brought to public places or gatherings, except during legitimate competitions or exhibitions.

6.a. The Courts, in determining what is legitimate or otherwise consider such factors as presence of organized martial arts club with vide or qualified teachers, a regular place of practice, whether less taught for a fee and whether the carrier of the weapon is a paying member and such other factors as would aid the Court in determining the propriety of carrying the weapon outside of residence.

**Article 4. Penalties.**

Any person carrying any deadly or bladed weapon as defined herein outside the residence or workplace, and which does not fall under any of the exemptions in Article 3 hereof, regardless as to whether said person, at the time of apprehension actually committing or is about to commit a crime or not, shall be punished by a fine of P500.00 and/or imprisonment of up to one month for a first offense.

For a second offense, the penalty of fine of P2,000.00 and/or imprisonment to six months shall be imposed, depending on the discretion of the court.

For a third offense, the maximum of P5,000.00 and/or imprisonment of up to one year shall be imposed, depending on the discretion of the court.

For a fourth and succeeding offense, the penalty imposed shall be the maximum of both fine and imprisonment.

**Article 5. Aggravating circumstance.**

If any person caught with a deadly weapon is either under the influence of alcohol or alcoholic beverage, or of drugs, he shall be punished with a penalty the next higher, or with the maximum penalty imposable, depending on the discretion of the court.

**Article 6. Effectivity.**

This ordinance shall be effective upon compliance with the pertinent requirements of Art. 114 of the Implementing Rules of RA 7160 otherwise known as the Local Government Code.

**Article 7. Separability Clause.**

Should any part of this ordinance be declared null and void by competent authority, the parts not so affected shall remain in force and effect.

**CARRIED BY THE VOTE OF:**

Affirmative:

Councilors: Jude Thaddeus A. Sayson, Celia Matea R. Flor, G. Gabuat, Lyndon P. Caña, Bobbie S. Lucasan, G. Gasataya, Reynold I. Iledan, Sonya M. Verdeflor, Al Parreño.

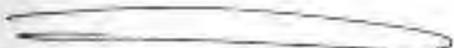
Negative : None

Absent : Councilor Archie S. Baribar

Official Travel: Vice Mayor Ramiro L. Garcia, Jr  
Official Leave: Councilor Ana Marie V. Palermo,  
Author : Councilor Lyndon P. Caña.  
Passed : January 29, 2004 (132nd Regular Session).  
Comments: P a s s e d .  
Councilors Elmer T. Sy and Marx Louie S. de la Rosa were  
not yet around when this ordinance was passed.

  
**ROBERTO M. ROJAS**  
Acting Presiding Officer

ATTESTED:

  
**ATTY. NILO T. ALEJANDRINO**  
Secretary to the Sanggunian

APPROVED: February \_\_\_\_\_, 2004.

**LUZVIMINDA S. VALDEZ**  
City Mayor

**10 DAYS LAPSED**  
**45 OF** 2/20/04 g

NTAMPLU/jemz