

13th Congress of the Republic)
of the Philippines)
First Regular Session)

'04 JUN 30 P10:57

SENATE

S. B. No. 1134

RECEIVED BY: 

Introduced by Senator Aquilino Q. Pimentel, Jr.

EXPLANATORY NOTE

This bill seeks to prohibit any person to carry firearms, even if licensed, outside the confines of his private domain, in the absence of a valid permit to carry firearms.

It is sad to note that most of the accidents that happened and crimes perpetrated were through the use of firearms. In fact, gun-slayings are prevalent among reported cases of provocation, traffic altercation, gambling dispute and other occasions of scuffle. Given this grim scenario, there is an imperative need to limit the circumstances under which an individual may be permitted to carry a firearm in public.

This legislative measure is in response to the constitutional mandate that "the maintenance of peace and order, protection of life, liberty and property and promotion of the general welfare are essential for the enjoyment by all people of the blessing of democracy" (Article II, Sec. 5)

The passage of the bill is therefore, most earnestly requested.


AQUILINO Q. PIMENTEL, JR.

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**AN ACT
TO REGULATE THE CARRYING OF FIREARMS, PROVIDE
PENALTIES FOR ITS VIOLATION AND FOR OTHER
PURPOSES**

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

SECTION 1. Short Title. – This Act shall be known as the “Firearms Regulation Act of 2004”.

SECTION 2. Declaration of Policy. – Pursuant to the Constitutional declaration that the primordial duty to maintain peace and order, protect life, liberty and property, and promote general welfare rests upon the State, it is hereby declared as policy of the State that the carrying of firearms shall be authorized only for those directly and primarily engaged in military, police and law enforcement functions, and for those specifically authorized under this Act.

SECTION 3. Firearms. -- For purposes of this Act, the term “firearms” shall refer to any and all weapons, instruments, devices or materials such as, but not limited to, rifles, revolvers, muskets, carbines, shotguns, and all other similar devices from which a bullet, ball shotshell and other missiles or projectiles may be discharged by means of gunpowder or other propellant: Provided, That the barrel of any firearm shall be considered as a complete firearm.

SECTION 4. Prohibited Carrying of Firearms. – In the absence of a valid permit to carry firearms, it shall be unlawful for any person to carry the same, even if licensed, anywhere outside his camp, station, residence, or sports facility.

SECTION 5. Permit to Carry. – No permit to carry firearms shall be issued to any person whosoever, except:

- a. a regular member or officer of the Armed Forces of the Philippines (AFP) and Philippine National Police (PNP);
- b. a regular agent or officer of the National Bureau of Investigation (NBI), the Criminal Investigation Service (CIS), the Narcotics Command (NARCOM), the Intelligence Service of the AFP (ISAFP), the Sheriff’s Offices of the various courts, and other law

enforcement agencies created pursuant to law or executive order; and

- c. a regular agent or personnel of a duly licensed private security agency or the security forces of government agencies or government-owned or controlled corporations, and only under the conditions prescribed in the succeeding and related provisions of this Act.

Provided, however, That no permit to carry shall be issued to any temporary or conditional agents or informers of the military, police or any law enforcement agency.

SECTION 6. Condition For Permit. -- Any holder of a permit for a firearm, issued pursuant to Section 5 of this Act, shall carry the firearm covered by or pertaining to the said permit only when he/she is in the actual performance of an official duty and /or assignment directly related to or in connection with his/her employment, including while he/she is commuting directly to and from his work station or place of assignment with no unauthorized side trips and while pursuing a person committing a crime or who has just committed a crime in his presence.

A regular member and officer of the AFP, the PNP or such other law enforcement agencies shall be presumed to be engaged in the actual performance of his or her duty, assignment, or responsibility whenever or wherever he or she is in the full uniform of his or her position or rank in the said services or agencies. No such presumption shall exist, however, in all cases when he/she is charged with any crime or offense other than the violation of this Act.

SECTION 7. Security Agents and Public Officials. – It shall be unlawful for any public official of whatever rank or position, whether elective or appointive, to employ, avail of, or engage the services of security personnel who are not regular enlisted men and women or commissioned officers of the AFP or the PNP. Any such public official who may have need to employ, engage or secure such security personnel, shall apply for the same with the unit of office of the AFP or the PNP specifically established for this purpose; Provided, however, That such designated unit or office of the military or police establishments shall approve or grant such applications only in accordance with the rules and regulations promulgated jointly by the Department of National Defense (DND) and the Department of Interior and Local Government (DILG); Provided, further, That all members or officers of the AFP or the PNP assigned to such security duties pursuant to this Section shall do so only while properly attired or in the full uniform of their service units thereat.

SECTION 8. Sports Equipment. – No permit to carry firearms shall be issued to any person as a tool or equipment of any sport, game, sporting event or competition, or sports-related activity unless the applicant for the same:

- a. is a regular member in good standing of a duly licensed or government accredited gun or shooting club, association, or society (hereinafter called sports facility);
- b. first executes and files a verified undertaking to keep and maintain the firearm covered by the permit only in his or her residence, office or sports facility of which he or she is a member for its safekeeping.

A permit issued under this Section shall not authorize its holder to carry the firearm, covered by or pertaining to the said permit, in any other public place nor to transport or otherwise convey the same to and from his or her residence, office or sports facility unless it is unloaded or deactivated and kept in the locked trunk or locked storage compartment of any motor vehicle.

SECTION 9. Smuggled And Illegal Deadly Weapons. – No permit to possess or carry shall be issued for any firearm which has been confiscated by any proper authority or agency of the Government as an instrument of which has been forfeited in favor of the Government as an instrument of any crime or prohibited act. All confiscated, forfeited, smuggled or illegally acquired firearms shall, within fifteen (15) days of such confiscation, forfeiture, or seizure, be publicly destroyed in the presence of the media and concerned non-governmental organizations, except as follows:

- a. any such firearm which is required in any hearing shall be securely retained until after the finale disposition of any proceeding related to such hearing; or
- b. any such firearm which is proven to be a recovery of a firearm previously stolen, or otherwise unlawfully taken from a holder of a permit to possess or carry or from a military, police or law enforcement officer described in Section 5 hereof.

SECTION 10. Implementing Rules and Regulations. – The Department of Interior and Local Government shall, within thirty (30) days from the effectivity of this Act, jointly prescribe and promulgate the rules and regulations for the uniform implementation of the provisions of this Act.

SECTION 11. Penalty. – Any violation of this Act shall be punished by imprisonment of not less than six (6) years and one (1) day but not more than ten (10) years and a fine of not less than Pesos Twenty Thousand (P20,000.00) nor more that Pesos One Hundred Thousand (P100,000.00).

SECTION 12. Violation by Public Official. -- In addition to the penalty prescribed in Section 11 of this Act, the penalty of perpetual and absolute disqualification from any public office, elective or appointive, or dishonorable discharge from the military or police service, as the case may be and forfeiture of all retirement privileges and benefits, shall be imposed on the violator if he or she is a public official, whether in civilian, military, police or law enforcement service.

SECTION 13. Separability Clause. – If for any reason, any section or provision of this Act is held unconstitutional or invalid, other sections or provisions not affected thereby shall remain valid and effective.

SECTION 14. Effectivity Clause. -- This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or two (2) newspapers of general circulation.

Approved,