


THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

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SENATE
S.B. No. 1455

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article II, Section 5 provides: "The maintenance of peace and order, the protection of life, liberty and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy."

P.D. No. 1866 codifies the laws on illegal/unlawful possession, manufacture, dealing in, acquisition, or disposition of firearms, ammunition or explosives, and imposes stiffer penalties for certain violations.

The law presumes that all licensed possessors of firearms, ammunition, and explosives are responsible possessors and less likely to commit crimes using firearms, ammunitions and explosives than illegal possessors. Consequently, the law covers only the unlawful manufacture, sale, acquisition, disposition, or possession of firearms, ammunition, or explosives. Numerous incidents, however, prove the contrary.

This bill seeks to prevent crimes committed with the use of firearms, ammunitions, and explosives by prohibiting their sale to or acquisition of certain types of persons who possess attributes that make them unfit to own firearms, ammunitions and explosives.


MIRIAM DEFENSOR SANTIAGO

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SENATE **1455**
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AN ACT
REGULATING THE SALE, DELIVERY OR DISPOSITION OF ANY KIND OF
FIREARM, AMMUNITION, OR EXPLOSIVES TO CERTAIN TYPES OF
PERSONS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

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 Disposition Regularization Act."

SECTION 2. *Declaration of State Policy.* - It is the policy of the government to prevent lawlessness and violence caused by the irresponsible disposition or transfer of firearms and to regulate the sale or disposition of firearms by licensed sellers.

SECTION 3. *Definition of Terms.* - As used in this Act:

(1) "Person" includes any individual, corporation, company, association, firm, partnership, society or joint stock company;

(2) "Firearm" means any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.

(3) "Ammunition" means any ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

(4) "Explosives" means any chemical compound, mixture or devise, the primary or common purpose of which is to function by explosion; the term

includes, but is not limited to, dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and igniters.

(5) "Fugitive from justice" is any person who has fled from any place to avoid prosecution for a crime, or to avoid giving testimony in any criminal proceeding, or to avoid serving or continuing to serve sentence imposed by the authorized body.

SECTION 4. *Unlawful Acts.* – It shall be unlawful for any person, with license to sell, deliver, or otherwise dispose of any firearm or ammunition, to sell, deliver, or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person:

(1) is less than eighteen (18) years of age, and, if the firearm, or ammunition is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age;

(2) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one (1) year;

(3) is a fugitive from justice;

(4) is an unlawful user of, or addicted to, any regulated or prohibited drug as defined by the Dangerous Drugs Act as amended;

(5) has been judicially declared insane or has been committed to any mental institution;

(6) who, being an alien, is illegally or unlawfully residing in the Philippines;

(7) Who has been dishonorably discharged from the Armed Forces of the Philippines;

(8) Who, having been a citizen of the Philippines, has renounced his citizenship;

(9) Is subject to a court order that restrains such persons from harassing, stalking, or threatening an intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that the paragraph shall only apply to a court order that:

(a) was issued after a hearing of which such person received actual notice and at which such person had the opportunity to participate; and

(i) Includes a finding that such person represents a credible threat to the personal safety of such intimate partner or child; or

(ii) by its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

This provision shall not apply to the sale or disposition of firearm to a person who has been declared by the Court to be relieved of any of the disqualification provided in this Act.

SECTION 5. *Penalty.* – Any person found guilty of violating the provisions of this Act shall be punished with imprisonment of *arresto mayor* to *reclusion temporal* and cancellation of the firearm license.

SECTION 6. *Separability Clause.* – If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or provision not otherwise affected shall remain valid and subsisting.

SECTION 7. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provision of this Act is hereby repealed, modified or amended accordingly.

SECTION 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.

FN: 314