

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

'04 JUL 29 P4 50

SENATE
S.B. No. 1564

RECEIVED BY: _____

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The proliferation of handguns has caused untoward incidents involving irresponsible individuals who lack the knowledge and skills for their safe use, maintenance and storage.

This bill provides for and obligatory course of instruction on the safe use, maintenance and storage of handguns as a requisite for an individual to acquire a license to possess a handgun.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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AN ACT
REQUIRING AVAILABILITY OF HANDGUNS ONLY TO PERSONS WITH
DEMONSTRATED KNOWLEDGE AND SKILL IN THEIR SAFE USE, MAINTENANCE
AND STORAGE.

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress Assembled.

SECTION 1. *Short Title.* - This Act shall be cited as "Requirement of Course of Instruction in the Safe Use, Maintenance and Storage of Handguns Act".

SECTION 2. *Declaration of Policy.* - It is the policy of the State to ensure that handguns are available only to persons with demonstrated knowledge and skill in their safe use, maintenance and storage.

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

(1) The term "handgun" means any firearm designed to be fired by the use of a single hand, and any combination of parts from which such a firearm can be assembled.

(2) The term "Secretary" means the Secretary of Interior and Local Government or his delegate.

SECTION 4. *Regulations for the Issuance of a Handgun Permit.* -

The Secretary shall prescribe regulations providing for the issuance of a handgun permit to any individual who —

(1) has successfully completed a course of instruction in the safe use, maintenance, and storage of handguns, offered by a law enforcement agency under the Philippine National Police or an entity designed by such an agency to offer the instruction.

(2) has trained the age of twenty-one years;

(3) is not otherwise prohibited by law from possessing a handgun; and

(4) has not willfully violated any provision in this Act.

SECTION 5. *Prohibited Acts.* - An individual who has not complied with the requirements prescribed under Section 4 may not possess a handgun on or after the date final regulations are prescribed pursuant to said Section, until the earlier of —

(1) The first day the individual does not own the handgun; or

(2) The end of the ninety-day period that begins with the final regulations are so prescribed.

SECTION 6. *Penalties.* —

(1) In the case of an individual's first violation of Section 5, the Secretary shall, after notice and opportunity for a hearing, impose a civil fine of not more than TEN THOUSAND PESOS (P10, 000.00) upon the individual.

(2) In the case of an individual's second or subsequent violation of Section 5, the Secretary shall, after notice and opportunity for a hearing —

(a) impose a fine of not more than P50,000.00 upon the individual; and

(b) seize the handgun.

SECTION 7. *Notice and Hearing.* -

(1) The Secretary shall provide written notice to the individual of any action to be taken under Section 6 with respect to the individual and promptly hold a hearing to review the action.

(2) After receiving an action taken under paragraph 6 with respect to an individual, the Secretary shall provide written notice to the individual of any decision of the Secretary to affirm, reverse or modify the action.

(3) Within sixty (60) days after an individual receives notice provided under subparagraph 6 of a decision of the Secretary to affirm or modify an action taken with respect to the individual, the individual may file a petition in the Metropolitan or Municipal Trial Court where the individual resides for review of the action.

SECTION 8. *Deadline for Issuance of Final Regulations.* - Not later than one hundred and eighty (180) days after the date of the enactment of this Act the Secretary shall prescribe final regulations to carry out its provisions.

SECTION 9. *Separability Clause.* - If any provision or part thereof, is held invalid or unconstitutional, the remainder of the law of the provision not otherwise affected shall remain valid and subsisting.

SECTION 10. *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 accord

SECTION 11. *Effectivity Clause.* - Act shall take effect fifteen (15) days after its publication in at least two (2) newspaper of general circulation.

Approved.