

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

7 JUL -3 A9:57

SENATE

RECEIVED BY: 

SBN No. 655

Introduced by Senator JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

In the Philippines, there is no law prohibiting the manufacture or production of toy look-alike or imitation firearms which can be used by lawless elements in the commission of crimes against persons. Thus, the production and manufacture of such look-alike firearms contribute to the ever increasing criminality in the country.

This bill seeks to regulate the manufacture or production of toy look-alike or imitation firearms unless such imitation firearms are approved by the Department of Trade and Industry.

Immediate approval of this bill is earnestly solicited.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
PROHIBITING THE MANUFACTURE AND SALE OF IMITATION FIREARMS

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

Section 1. Short Title. - This Act may be known as "*Anti Look-Alike and Imitation Firearms Act*".

Section 2. Declaration of Policy. - It is hereby declared to be the policy of the state to protect the welfare of its citizen by regulating the manufacture and sale of look-alike and imitation firearms.

Section 3. Definition of Terms . - For purposes of this Act – the term:

a) "toy look-alike or imitation firearms' means any imitation of any original firearm which was manufactured, designed and produced since 1898, including toy guns, water guns, replica non-guns and air soft guns firing non-metallic projectiles.

Section 4. A) Acts Prohibited. - It shall be unlawful for any person to produce manufacture, sell, use, ship, transport, give or receive any toy look-alike or imitation firearm unless such firearm contains, or has affixed to it, a marking approved by the Secretary of Trade and Industry, as provided in paragraph (b) hereof.

B) Distinctive Marking for Toys, Look-alike or imitation Firearms, Exception; Waiver; Adjustment and Changes.

- 1) Except as provided in paragraph (2) or (3) hereof, each toy, look-alike, or imitation firearm shall have as an integral part, permanently affixed, a blaze orange plug inserted in the barrel of such toy, look-alike or imitation firearm. Such plug shall be recessed no more than six (6) millimeters from the muzzle end of the barrel of such firearm.
- 2) The Secretary of Trade and Industry may provide for an alternative marking or device for any toy, look-alike or imitation firearm not capable of being marked as provided in paragraph 1 and may waive the requirement of any such marking or device for any toy, look-alike or imitation firearm that will only be used in the theatrical, movie or television industry.

- 3) The Secretary is likewise authorized to make adjustments and changes in the marking system provided for by this section, after consultation with interested persons.

Section 5. Penalties. - Any person or entity found to have violated the provisions of this Act shall be fined with not less than Fifty Thousand Pesos (P50,000.00) or imprisoned for not less than six (6) months, or both at the discretion of the court. All look-alike firearms shall be confiscated in favor of the government.

Section 6. Study for Criminal Misuse of Toy, look-alike and imitation firearms; report. - The Philippine National Police Director General is authorized and directed to conduct a study of the criminal misuse of toy, look-alike or imitation firearm, including studying police report of such incidences and shall report incidences relative to marked and unmarked firearms.

Section 7. Separability Clause. - If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

Section 8. Repealing Clause. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

Section 9. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,