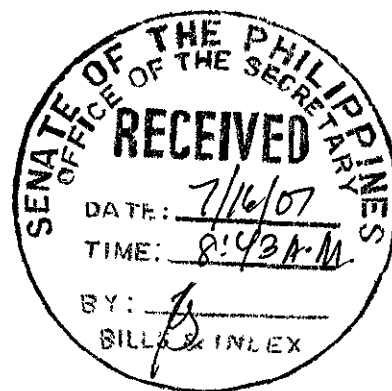


FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



SENATE
S. No. 1231

Introduced by **Senator Richard J. Gordon**

EXPLANATORY NOTE

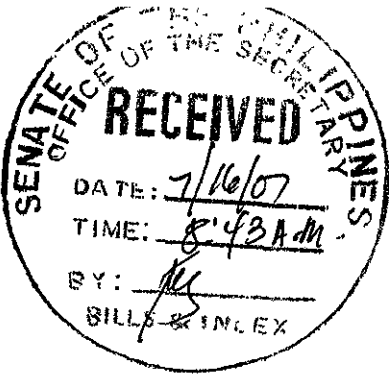
Out of the thirteen thousand seven hundred fifty-four (13,754) firearms used in criminal activities from 1993 to June 2004, eleven thousand eight hundred eleven (11,811) or eighty-five point eighty-seven percent (85.87%) thereof are unlicensed. This illustrates the audacity of criminal elements in using unlicensed firearms to commit crimes, relying on the fact that unlicensed firearms cannot be traced back to them. At the same time, the restriction on the ownership of firearms makes it difficult for responsible persons to be equipped with firearms for their lawful protection, while the availability of loose firearms, which was pegged by the Small Arms Survey of 2002 at close to 4.2 million, makes it very easy for criminals to avail of firearms for their criminal purposes.

Owning a gun is a privilege subject to regulation by the State. This bill incorporates the relevant provisions of Presidential Decree No. 1866, as amended by Republic Act No. 8294, entitled Codifying the Laws on Illegal Possession, Manufacture, Dealing in, Acquisition or Disposition, of Firearms, Ammunition or Explosives or Instruments Used in the Manufacture of Firearms, Ammunition or Explosives, and Imposing Stiffer Penalties for Certain Violations Thereof, and for Relevant Purposes. Aside from regulating the responsible ownership of firearms, this bill proposes to generate additional revenue for the government in terms of taxes and fees on firearms. The regulation of firearms and its treatment as a revenue source for the government undertaken by an independent and competent enforcement agency like the Firearms Regulatory Board created under this act should prove to be highly successful.

In sum, this bill seeks to institute a rational system to regulate, register and monitor the possession, licensing, manufacture and sale of firearms, to impose penalties for violations thereof and to generate government revenue in taxes and fees as well. For the foregoing reasons, the passage of this bill is earnestly sought.



RICHARD J. GORDON
M Senator *g*



SENATE
S. No. 1231

Introduced by **Senator Richard J. Gordon**

**AN ACT REGULATING THE POSSESSION, LICENSING, MANUFACTURE AND SALE
OF FIREARMS AND AMMUNITION THROUGH THE CREATION OF A FIREARMS
REGULATORY BOARD, IMPOSING TAXES AND FEES THEREON, AND PROVIDING
PENALTIES FOR VIOLATIONS THEREOF**

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

ARTICLE I

GENERAL PROVISIONS

SECTION 1. Short Title. – This Act shall be known as the “Firearms Act of 2007.”

Sec 2. Declaration of Policy. – It is hereby declared to be the policy of the State to recognize the right of a person to protect oneself, one’s family and one’s property in accordance with law. The State regards the possession of firearms as a privilege subject to regulation by the State.

Sec 3. Definition of terms. – For purposes of this Act,

(1) “Firearms” refers to handguns, revolvers, pistols, rifles, muskets, carbines, shotguns, cannons, home-made guns or other deadly weapons from which ammunition may be discharged;

(2) “Low Powered Firearms” refers to rimfire handguns, .38 or .32 and other firearms of similar firepower;

(3) “High Powered Firearms” refers to those with bores bigger in diameter than .38 caliber and 9 millimeter such as caliber .40, .41, .44, .45 and also lesser calibered firearms but considered powerful such as caliber .357 and caliber .22 center-fire magnum and other firearms with firing capability of full automatic and by burst of two or three ammunition;

(4) “Ammunition” refers to cartridge cases, primers, bullets, loaded shells, missiles, gunpowder or explosives designed for use in firearms;

(5) “Board” refers to the Firearms Regulatory Board;

By

1 (6) "National Firearms Database" refers to a database of information of all firearms in
2 the Philippines according to make, caliber, serial number and area of registration to match
3 the firearms with ammunition fired therefrom using the Integrated Ballistic Identification
4 System;

5 (7) "Integrated Ballistic Identification System" refers to a computerized matching
6 program of firearms and ammunition;

7 (8) "License to Possess" refers to the authority granted by the Board to possess
8 firearms;

9 (9) "Special License to Possess" refers to the authority granted by the Board to
10 possess firearms for the purpose of participating in firearm-related sports, exhibits and other
11 similar activities;

12 (10) "Permit to Transport" refers to the authority granted by the Board to allow a
13 person with a License to Possess to transport unloaded firearms from one specific point to
14 another under terms and conditions prescribed by the Board;

15 (11) "Permit to Carry" refers to the authority granted by the Board to allow a
16 person with a License to Possess to carry loaded firearms on his person outside of his
17 residence under terms and conditions prescribed by the Board;

18 (12) "Security or Investigation Agency" refers to a service provider of watchmen,
19 security guards, or private detectives;

20 (13) "Collector" refers to any person who owns, acquires, holds or possesses
21 firearms as curios, relics or souvenirs;

22 (14) "Manufacturer" refers to any person engaged in the manufacture of firearms
23 or ammunition;

24 (15) "Dealer" refers to any person engaged in the business of selling firearms or
25 ammunition at wholesale or retail, or any person engaged in the business of repairing
26 firearms, making or fitting special barrels, stocks or trigger mechanisms, or loading of
27 ammunition;

28 (16) "Importer" refers to any person engaged in the business of importing or
29 bringing firearms or ammunition in the Philippines for sale or distribution;

30 (17) "Unlicensed Firearms" refers to firearms with no licenses or permits, with
31 expired licenses or permits, or the unauthorized use of licensed firearms in the commission
32 of crimes;

1 (18) "Gun Smuggling" refers to the importation into the country, through the
2 airports, seaports or coastlines, of firearms of any make or caliber, or ammunition of any
3 quantity without lawful authority, including the evasion of customs, taxes and duties thereon;
4 and

5 (19) "Gun Running" refers to the transport within the country of firearms of more
6 than five (5) pieces or ammunition of more than one hundred (100) rounds without lawful
7 authority.

8 ARTICLE II

9 FIREARMS REGULATORY BOARD

10 **Sec. 4. Firearms Regulatory Board.** – A Firearms Regulatory Board is hereby
11 created to be composed of the Secretary of the Department of Interior and Local
12 Government as Chairperson, and six (6) Members made up of the Undersecretary of the
13 Revenue Operations Group of the Department of Finance, the Director General of the
14 Philippine National Police, the Director of the National Bureau of Investigation, one (1)
15 representative from the government arsenal, one (1) representative from security or
16 investigation agencies, collectors, manufacturers, dealers and importers, and one (1)
17 representative from firearm owners, whom the President shall appoint to serve for a term of
18 six (6) years or at the pleasure of the appointing authority.

19 The Chairperson and Members of the Board shall each receive a per diem of not
20 more than one thousand pesos (PhP1,000) for every board meeting, provided that the per
21 diem collected by the Chairperson or any Member of the Board does not exceed five
22 thousand pesos (PhP5,000) per month.

23 **Sec. 5. Powers and Functions.** – The Board shall be vested with the following
24 powers and functions:

25 (1) To implement the provisions of this Act;

26 (2) To designate the Philippine National Police Firearms and Explosives Division or
27 any duly authorized representative within the Philippines of the Board as its licensing and
28 enforcement arm;

29 (3) To supervise the Philippine National Police Firearms and Explosives Division or
30 any duly authorized representative within the Philippines of the Board in the issuance of all
31 licenses and permits under this Act, subject to ratification by the Board;

32 (4) To issue firearm licenses and permits under this Act;

33 (5) To establish and maintain the National Firearms Database;

- 1 (6) To accredit ballistic testing centers;
- 2 (7) To recall any firearm for ballistic checking and comparison;
- 3 (8) To expropriate firearms and ammunition when national security or public
- 4 necessity so demands it;
- 5 (9) To confiscate and forfeit firearms or ammunition in accordance with this Act;
- 6 (10) To call upon the Bureau of Internal Revenue to collect all taxes and fees
- 7 under this Act;
- 8 (11) To review and increase fees for licenses and permits under this Act; and
- 9 (10) To promulgate rules and regulations and perform such other powers and
- 10 functions as may be necessary, appropriate or incidental to this Act.

11 **Sec. 6. Ballistic Testing Centers.** – Ballistic Testing Centers shall be established

12 so that each firearm shall be test-fired for ballistics, and the make, caliber and serial number

13 shall be recorded. Ballistic Testing Centers are required to be accredited by the Board.

14 Ballistic Testing Centers in cities and municipalities nationwide may be established through

15 local government and private initiative.

16 ARTICLE III

17 LICENSES AND PERMITS

18 **Sec. 7. Minimum Qualifications.** – Licenses and permits under this Act may be

19 granted to a resident of the Philippines, who shall be at least twenty-one (21) years of age,

20 shall submit drug test and neuro-psychiatric clearances from the Philippine National Police,

21 any government hospital, or government-accredited psychiatrists, as well as police and

22 National Bureau of Investigation clearances, and shall complete a gun safety and

23 responsible gun ownership course prescribed by the Board.

24 **Sec. 8. Disqualifications.** – Licenses and permits under this Act shall not be

25 granted to a person who has been found positive of using illegal drugs, suffering from a

26 mental disorder or previously committed to a mental institution, convicted of a crime, or

27 prohibited by order of the court.

28 **Sec. 9. License to Possess.** – A person with the minimum qualifications in Sec. 7 of

29 this Act and none of the disqualifications in Sec. 8 of this Act may be granted a License to

30 Possess.

31 **Sec. 10. Special License to Possess.** – A person with the minimum qualifications

32 in Sec. 7 of this Act and none of the disqualifications in Sec. 8 of this Act may be granted a

1 Special License to Possess for the purpose of participating in firearm-related sports, exhibits
2 and other similar activities as determined by the Board.

3 **Sec. 11. Number of Firearms that may be Owned.** – A person may own an
4 unlimited number of firearms; Provided, That the firearms have been licensed and
5 registered; Provided further, That the owner has the proper armory to adequately and safely
6 store the firearms.

7 **Sec. 12. Limitation on Ownership of Firearms.** – No person may be allowed to
8 own firearms of the same type as military-issued firearms.

9 **Sec. 13. Permit to Transport.** – Any person with a License to Possess or Special
10 License to Possess who wishes to transport firearms from one specific point to another shall
11 apply for a Permit to Transport, indicating the purpose of transport, the points of transport,
12 the duration of transport and other relevant information as required by the Board. All
13 firearms shall be unloaded while in transport.

14 **Sec. 14. Permit to Carry.** – A Permit to Carry may be issued to a person with a
15 License to Possess upon application under oath to carry loaded firearms on his person
16 outside of his residence for valid and authorized reasons as determined by the Board.

17 **Sec. 15. License for Security or Investigation Agencies, Collectors,**
18 **Manufacturers, Dealers and Importers.** – No person, whether natural or juridical, shall
19 issue, collect, manufacture, deal in and import firearms and ammunition unless a license
20 from the Board has been obtained. All firearm-related activities, businesses or transactions
21 shall be subject to regulation by the Board.

22 **Sec. 16. Fees.** – Applications for licenses and permits under this Act shall be subject
23 to the following corresponding fees:

24 (1) License to Possess, one thousand to five thousand pesos (PhP1,000 – 5,000)
25 annually;

26 (2) Special License to Possess, one thousand to five thousand pesos (PhP1,000 –
27 5,000) annually;

28 (3) Permit to Transport, five hundred to five thousand pesos (PhP500 – 5,000);

29 (4) Permit to Carry, five thousand to ten thousand pesos (PhP5,000 – 10,000)
30 annually; and

31 (5) License for Security or Investigation Agencies, Collectors, Manufacturers,
32 Dealers and Importers, ten thousand to twenty thousand pesos (PhP10,000 – 20,000)
33 annually.

Sec. 17. Bond Required. – The issuance of licenses and permits under this Act shall be conditioned upon the filing of a bond to be fixed by the Board.

Sec. 18. Revocation. – The Board may revoke licenses or permits for violation of any provision of this Act or any rule or regulation promulgated by the Board.

Sec. 19. *Recording of Transactions.* – All security or investigation agencies, collectors, manufacturers, dealers and importers under this Act shall maintain complete and accurate records and accounts of their collection, production, stock, inventory, importation, sale or other transaction of firearms and ammunition.

Sec. 20. Reportorial Requirements. – All security or investigation agencies, collectors, manufacturers, dealers and importers under this Act shall make their records available for inspection at any time by the Board and shall submit periodic reports as may be required by the Board.

Sec. 21. Official Inspection. – The Board, the Philippine National Police Firearms and Explosives Division, or any duly authorized representative of the Board may enter the premises of security or investigation agencies, collectors, manufacturers, dealers and importers for the purpose of inspecting the firearms and ammunition kept or stored at such premises or examining their records of transactions at any time during business hours.

Sec. 22. Keeping and Posting of Licenses and Permits. – Licenses and permits issued under this Act shall always be kept with the firearms and made available for inspection at any time. Licenses for security or investigation agencies, collectors, manufacturers, dealers and importers shall be posted at a conspicuous place in the premises of security or investigation agencies, collectors, manufacturers, dealers and importers where the firearms and ammunition are kept or stored.

Sec. 23. Serial Numbers. – All firearms shall be identified by means of serial numbers in the firearms as prescribed by the Board.

ARTICLE IV

TAXES

Sec. 24. Excise Tax. – There shall be levied, assessed and collected *ad valorem* tax equivalent to twenty percent (20%) based on the price or value of importation used by the Bureau of Customs in determining tariff and customs duties, net of other taxes including value-added tax, of firearms and ammunition.

1 **Sec. 25. Local Taxation.** – Local government units may levy taxes, fees and
2 charges on firearms and ammunition consistent with the basic policy of local autonomy and
3 subject to Republic Act No. 7160, as amended, or the Local Government Code of 1991.

4 **ARTICLE V**

5 **PENAL PROVISIONS**

6 **Sec. 26. Unlawful Manufacture, Sale, Acquisition, Disposition or Possession of**
7 **Firearms or Ammunition or Instruments Used or Intended to be Used in the**
8 **Manufacture of Firearms or Ammunition.** – The penalty of *prision correccional* in its
9 maximum period under the Revised Penal Code or a fine of not less than fifteen thousand
10 pesos (Php15,000), or both shall be imposed upon any person who shall unlawfully
11 manufacture, deal in, acquire, dispose, or possess any low powered firearm, part of firearm,
12 ammunition, or machinery, tool or instrument used or intended to be used in the
13 manufacture of any firearm or ammunition.

14 The penalty of *prision mayor* in its maximum period under the Revised Penal Code
15 or a fine of thirty thousand pesos (Php30,000), or both shall be imposed if the firearm is
16 classified as a high powered firearm.

17 If homicide or murder is committed with the use of an unlicensed firearm, such use of
18 an unlicensed firearm shall be considered as an aggravating circumstance.

19 If the violation of this Section is in furtherance of or incident to, or in connection with
20 the crime of rebellion or insurrection, sedition, or attempted *coup d'etat*, such violation shall
21 be absorbed as an element of the crime of rebellion, or insurrection, sedition, or attempted
22 *coup d'etat*.

23 The same penalty shall be imposed upon the owner, president, manager, director or
24 other responsible officer of any public or private firm, company, corporation or entity, who
25 shall willfully or knowingly allow any of the firearms owned by such firm, company,
26 corporation or entity to be used by any person or persons found guilty of violating the
27 provisions of the preceding paragraphs or willfully or knowingly allow any of them to use
28 unlicensed firearms or firearms without any legal authority to be carried outside of their
29 residence in the course of their employment.

30 The penalty of *arresto mayor* under the Revised Penal Code shall be imposed upon
31 any person who shall carry any licensed firearm outside of his residence without legal
32 authority therefor.

1 **Sec. 27. Presumption of Unlawful Manufacture of Firearms or Ammunition.** –

2 The possession of any machinery, tool or instrument used directly in the manufacture of
3 firearms or ammunition, by any person whose business or employment does not lawfully
4 deal with the manufacture of firearms or ammunition, shall be *prima facie* evidence that
5 such article is intended to be used in the unlawful manufacture of firearms or ammunition.

6 **Sec. 28. Tampering of Firearm's Serial Number.** – The penalty of *prision*

7 *correccional* under the Revised Penal Code shall be imposed upon any person who shall
8 unlawfully tamper, change, deface or erase the serial number of any firearm.

9 **Sec. 29. Unauthorized Issuance of Licenses and Permits.** – The penalty of

10 *prision correccional* under the Revised Penal Code shall be imposed upon any person,
11 civilian or military, who shall issue licenses and permits under this Act without authority
12 therefor.

13 The penalty of *prision correccional* under the Revised Penal Code shall be imposed
14 upon any authorized officer of the Board who shall knowingly or negligently issue any
15 firearm-related permit of license to a disqualified applicant. In addition, such authorized
16 officer of the Board who is a public official or employee shall suffer perpetual disqualification
17 from holding public office.

18 **Sec. 30. Gun Smuggling or Gun Running.** – The penalty of *reclusion temporal*

19 under the Revised Penal Code or a fine of fifty thousand to one hundred thousand pesos
20 (Php50,000 – 100,000), or both, shall be imposed upon any person found guilty of gun
21 smuggling or gun running.

22 **Sec. 31. Confiscation and Forfeiture.** – Any firearm or ammunition used in the

23 commission of a crime, or in violation of this Act or any rule or regulation promulgated by the
24 Board shall be confiscated and forfeited by the Board.

25 **Sec. 32. Lost Firearms and Ammunition.** – Holders of licenses and permits under

26 this Act are required to report lost firearms or ammunition within forty-eight (48) hours from
27 loss or discovery of loss thereof. Holders of licenses and permits who willfully fail to report
28 lost firearms and ammunition shall suffer the penalty of *prision correccional* under the
29 Revised Penal Code.

30 **Sec. 33. Child Access Prevention.** – Firearms must be stored unloaded and locked

31 and ammunition must be stored separately and locked in a secure place, both of which must
32 be reasonably inaccessible to children. If a child obtains an improperly stored and loaded
33 gun, the owner shall be criminally liable. The penalty of *prision correccional* under the

1 Revised Penal Code shall be imposed upon any person who stores or leaves a loaded
2 firearm within reach or easy access of a minor who then gains access to the firearm.

3 **Sec. 34. Other Penalties.** – Except as otherwise provided in this Act, the penalty of
4 *prision correccional* under the Revised Penal Code or a fine of ten thousand to twenty
5 thousand pesos (PhP10,000 – 20,000), or both, shall be imposed upon any person who
6 violates any provision of this Act.

7 **Sec. 35. When Committed By a Corporation, Agency, Association or Any Other**
8 **Entity.** – If a corporation, agency, association or any other entity violates any penal
9 provision of this Act, the penalty shall be imposed upon the guilty officer or officers of such
10 corporation, agency, association or any other entity.

11 ARTICLE VI

12 FINAL PROVISIONS

13 **Sec. 36. Police and Military Use.** – This Act shall not apply to firearms issued for
14 official use of the Philippine National Police or the Armed Forces of the Philippines in the
15 exercise of their lawful functions.

16 **Sec. 37. Transitory Provision.** – Any person in possession of firearms regulated by
17 this Act shall surrender loose firearms and comply with the provisions of this Act within a
18 period of one (1) year from the effectivity of this Act. The Board may provide for a system of
19 incentives for the surrender of loose firearms, especially high powered firearms, which may
20 include the swapping of high powered firearms for low powered firearms.

21 **Sec. 38. Appropriation.** – For the initial operation of the Board, such sum as may
22 be necessary is hereby authorized to be appropriated from the National Treasury.

23 **Sec. 39. Repealing Clause.** – The relevant portions of Presidential Decree No.
24 1866, as amended by Republic Act No. 8294, and all laws, decrees, orders, rules and
25 regulations or other issuances or parts thereof inconsistent with the provisions of this Act
26 are hereby repealed or modified accordingly.

27 **Sec. 40. Separability Clause.** – If any portion or provision of this Act is declared
28 unconstitutional, the remainder of this Act or any provisions not affected thereby shall
29 remain in force and effect.

30 **Sec. 41. Effectivity.** – This Act shall take effect after fifteen (15) days following the
31 completion of its publication either in the Official Gazette or in a newspaper of general
32 circulation in the Philippines.

33 Approved,