

FIFTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

SENATE
OFFICE OF THE SECRETARY

10 JUL -8 P3 59

SENATE

Senate Bill No. 1043

RECEIVED BY:

INTRODUCED BY SEN. MANNY VILLAR

EXPLANATORY NOTE

The 1987 Philippine Constitution ordained that 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.

Under Republic Act No. 7349 or the Consumer Code of the Philippines, it provides that Filipinos must be protected against hazards to health and safety as well as protection against deceptive, unconscionable and unfair sales act and practices.

However, the proliferation of dangerous almost real-life gun replicas and toy guns are posing hazards to lives, safety and security of the people. While these replicas or look-alike guns are meant as playthings for entertainment, our security is somehow compromised and endangered since they are often used by some unscrupulous groups and individuals in perpetrating criminal acts such as hold-ups, kidnapping and similar felonies.

As such, this proposed measure seeks to regulate the manufacture and sale of gun replicas and toy guns which serve as a tool or paraphernalia for lawless elements of the society in the commission of crimes.

Immediate approval of this bill is hereby earnestly sought.


MANNY VILLAR

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AN ACT
REGULATING THE MANUFACTURE AND SALES OF GUN REPLICAS,
PROVIDING PENALTIES THEREOF AND FOR OTHER PURPOSES

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “Gun Replicas
2 Regulation Act”.

3 SEC. 2. *Declaration of Policy.* – It is hereby declared as policy of the State to
4 protect the general welfare of the people by regulating the manufacture and sale of gun
5 replicas.

6 SEC. 3. *Definition of Terms.* – For purposes of this Act, a gun replica is any
7 imitation or look-alike of any original gun or firearm which was manufactured, designed
8 and produced since 1898, including, but not limited to toy guns, water guns, air soft
9 guns, and similar guns firing non-metallic projectiles.

10 SEC. 4. *Regulation of Gun Replicas.* – It shall be unlawful for any person to
11 produce, manufacture, sell, use, ship, transport, give or receive any gun replica unless
12 such item contains, or has affixed to it a marking approved by the Department of Trade
13 and Industry, as provided in Section 5 hereof.

14 SEC. 5. *Distinctive Marking for Gun Replicas; Exception; Waiver; Adjustment*
15 *and Changes.* – Except as provided in the immediately succeeding paragraph, each
16 gun replica shall have as an integral part, permanently affixed, a blaze orange plug
17 inserted in the barrel of such item. Such plug shall be recessed no more than six (6)
18 millimeters from the muzzle end of the barrel of such replica.

19 The Department of Trade and Industry may provide for an alternative marking or
20 device for any gun replica not capable of being marked and may waive the requirement
21 of any such marking or device for any such item that will be used for sports, theatrical,
22 movie or the television industry. The Department is likewise authorized to make

1 adjustments and changes in the marking system provided for by this Section, after
2 consultation with interested and concerned individuals or groups.

3 SEC. 6. *Study of Criminal Misuse of Gun Replicas.* – The Philippine National
4 Police is authorized and directed to conduct a technical evaluation of the marking
5 systems provided for in this Act to determine their effectiveness in police combat
6 situations. The Chief of the Philippine National Police shall begin the study within three
7 months after the effectivity of this Act.

8 The Philippine National Police is likewise authorized and directed to conduct a
9 study of the criminal misuse of gun replicas including the analysis and statistics of
10 police reports on such incidences and shall make a report of the incidences relative to
11 marked and unmarked replicas.

12 SEC. 7. *Penalties.* – Any person or entity found to have violated the provisions of
13 this Act shall be liable to a fine of not less than One Hundred Thousand Pesos
14 (P100,000.00) or an imprisonment of not less than six (6) months, or both at the
15 discretion of the court. All unmarked gun replicas shall be confiscated in favor of the
16 government.

17 SEC. 8. *Implementing Rules and Regulations.* – The Department of Trade and
18 Industry, in coordination with the Philippine National Police and other concerned
19 government agencies, shall promulgate the necessary implementing rules and
20 regulations within ninety days after the approval of this Act.

21 SEC. 9. *Separability Clause.* – If any provision, or part hereof, is held invalid or
22 unconstitutional, the remainder of the law or the provision not otherwise affected shall
23 remain valid and subsisting.

24 SEC. 10. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or
25 part thereof inconsistent with the provisions of this Act are hereby repealed or modified
26 accordingly.

27 SEC. 11. *Effectivity.* – This Act shall take effect 15 days after its complete
28 publication in at least two (2) newspapers of general circulation.

29
30 Approved,