


10 JUL 19 P5:38

SENATE
S. No. 1629

RECEIVED FOR: 

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 blessing of democracy.

The passage and implementation of laws, such as Republic Act No. 8294, regulating the possession, manufacture, dealing in, acquisition or disposition of firearms, ammunition or explosives or instruments used in the manufacture of such, are one of the means employed by the State to comply with the constitutional mandate.

Unfortunately, news accounts of shooting incidents or crimes still abound. An example is the controversial killing of a family housemaid by a seven year old boy because she switched the television channel from "Robocop" to a local program (*Manila Chronicle*. "Television in the age of violence," 13 January 1994, p. 13). Another more recent incident, is the shooting rampage in Colorado where two teenagers opened fire on classmates in their suburban high school, killing at least 16 people (*Philippine Daily Inquirer*. "16 killed in US school; killers laughed, hooted." 22 April 1999, p. 1).

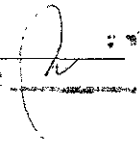
This bill aims to decrease shooting incidents or crimes by requiring the manufacturers to incorporate within its design and as part of its original manufacture, certain technology or locking devices, that will prevent the firing of a handgun by unauthorized or unrecognized users, specially children.¹


MIRIAM DEFENSOR SANTIAGO

¹ This bill was re-filed during the Thirteenth Congress, First Regular Session.

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1 AN ACT
2 TO PROVIDE FOR CHILDPROOF HANDGUNS

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

3 SECTION 1. *Short Title.* - This Act may be cited as the "Childproof Handgun Act."

4 SECTION 2. *Declaration of Policy.* - It is the policy of the State to maintain peace and
5 order, protect life, and promote the general welfare of the people.

6 SECTION 3. *Definition of Terms* - As used in this Act the following terms shall mean:

7 (A) "Childproof" means, with respect to a firearm which is a handgun, a handgun which
8 incorporates within its design and as part of its original manufacture technology that -

9 (1) Automatically limits the operational use of the handgun;

10 (2) Is not capable of being readily deactivated;

11 (3) Ensures that the handgun may only be filed by an authorized or recognized
12 user.

13 (B) "Technology" referred to in paragraph (A) includes -

14 (1) Radio tagging;

15 (2) Touch memory;

16 (3) Remote control;

17 (4) Fingerprint;

18 (5) Magnetic encoding; and

1 (6) Other automatic user identification systems that utilize biometrics,
2 mechanical, or electronic systems.

3 (C) "Locking device" means -

4 (1) A device that, if installed on a firearm and secured by means of a key or a
5 mechanically, electronically, or electromechanically operated combination lock, prevents
6 the firearm from being discharged without first deactivating or removing the device by
7 means of a key or mechanically, electronically, or electromechanically operated
8 combination lock; or

9 (2) A locking mechanism incorporated into the design of a firearm that prevents
10 discharge of the firearm by any person who does not have access to the key or other
11 device designed to unlock the mechanism and thereby allow discharge of the firearm.

12 SECTION 4. *Unlawful Acts.* -

13 (A) *In General.* - Except as provided in paragraph (B), beginning three (3) years after the
14 date of enactment of the Childproof Handgun Act, it shall be unlawful for any licensed
15 manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to
16 any person other than a licensed manufacturer, licensed importer, or licensed dealer, unless the
17 handgun is childproof.

18 (B) *Exceptions.* - Paragraph (A) does not apply to -

19 (1) The manufacturer for, transfer to, or possession by, the Republic of the
20 Philippines, or a department or agency of the state or political subdivision of
21 a State, of a handgun; or

22 (2) Transfer to, or possession by, a lawful enforcement officer of a handgun for
23 law enforcement purposes (whether on or off-duty).

24 SECTION 5. *Locking Devices and Warnings.* -

1 (A) *In General.* - Except as provided in paragraph (B), beginning ninety (90) days after
2 the date of promulgation of this Act, it shall be unlawful for any licensed manufacturer, licensed
3 importer, or licensed dealer to sell, deliver, or transfer any handgun -

4 (1) To any person other than a licensed manufacturer, licensed importer, or
5 licensed dealer, unless the transferee is provided with a locking device for that handgun;
6 or

7 (2) To any person, unless the handgun is accompanied by the following warning,
8 which shall appear in conspicuous and legible type in capital letters; and which shall be
9 printed on a label affixed to the handgun on a separate sheet of paper included within the
10 packaging enclosing the handgun:

11 "THE USE OF A LOCKING DEVICE FOR SAFETY LOCK IS ONLY ONE
12 ASPECT OF RESPONSIBLE FIREARM STORAGE. FIREARMS SHOULD BE
13 STORED UNLOADED AND LOCKED IN A LOCATION THAT IS BOTH
14 SEPARATE FROM THEIR AMMUNITION AND INACCESSIBLE TO CHILDREN.
15 FAILURE TO PROPERLY LOCK AND STORE YOUR FIREARM MAY RESULT IN
16 CIVIL OR CRIMINAL LIABILITY UNDER THE LAW."

17 (B) *Exceptions.* -Paragraph (A) does not apply to -

18 (1) The manufacturer for, transfer to, or possession by the Republic of the
19 Philippines, or a department or agency of the State or political subdivision of a State, of a
20 handgun; or

21 (2) Transfer to, or possession by, a law enforcement officer of a handgun for law
22 enforcement purposes, whether on or off-duty.

23 SECTION 6. *Penalties.* - Any person who violates this Act shall be imprisoned for a
24 period of six (6) years and one (1) day to not more than twelve (12) years, or be subjected to
25 suspension, revocation of license, or a civil penalty in an amount equal to but not more than Five
26 Hundred Thousand Pesos (P500,000.00).

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

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

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

9 Approved.