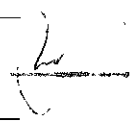


SENATE
S. No. 1813

10 JUL 21 P5 08

Introduced by Senator Miriam Defensor Santiago

RECEIVED BY 

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 blessings of democracy."

Presidential Decree No. 1866, as amended by Republic Act No. 8294, codifies the laws on illegal/unlawful possession, manufacture, dealing in, acquisition, or disposition of firearms, ammunition or explosives, and imposes stiffer penalties for certain violations.

The law presumes that all licensed possessors of firearms, ammunition, and explosives are responsible possessors and less likely to commit crimes using firearms, ammunitions and explosives than illegal possessors. Consequently, the law covers only the unlawful manufacture, sale, acquisition, disposition, or possession of firearms, ammunition, or explosives. Numerous incidents, however, prove the contrary.

This bill seeks to prevent crimes committed with the use of firearms, ammunitions, and explosives by prohibiting their sale to or acquisition of certain types of persons who possess attributes that make them unfit to own firearms, ammunitions and explosives.*


MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed during the Thirteenth Congress, First Regular Session.

SENATE
S. No. 1813

10 JUL 21 1958

Introduced by Senator Miriam Defensor Santiago RECEIVED BY (H)

1 AN ACT
2 REGULATING THE SALE, DELIVERY OR DISPOSITION OF ANY KIND OF FIREARM,
3 AMMUNITION, OR EXPLOSIVES TO CERTAIN TYPES OF PERSONS
4 AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

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

5 SECTION 1. *Short Title.* – This Act shall be known as the “Firearms Disposition
6 Regularization Act.”

7 SECTION 2. *Declaration of State Policy.* – It is the policy of the government to prevent
8 lawlessness and violence caused by the irresponsible disposition or transfer of firearms and to
9 regulate the sale or disposition of firearms by licensed sellers.

10 SECTION 3. *Definition of Terms.* – For the purpose of this Act, the term:

11 (A) “Person” means any individual, corporation, company, association, firm, partnership,
12 society or joint stock company;

13 (B) “Firearm” means any weapon, including a starter gun, which will or is designed to or
14 may readily be converted to expel a projectile by the action of an explosive;

15 (C) “Ammunition” means any ammunition or cartridge cases, primers, bullets, or
16 propellant powder designed for use in any firearm;

17 (D) “Explosives” means any chemical compound, mixture or devise, the primary or
18 common purpose of which is to function by explosion; the term includes, but is not
19 limited to, dynamite and other high explosives, black powder, pellet powder,
20 initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and
21 igniters; and

1 (E) "Fugitive from justice" means any person who has fled from any place to avoid
2 prosecution for a crime, or to avoid giving testimony in any criminal proceeding, or
3 to avoid serving or continuing to serve sentence imposed by the authorized body.

4 SECTION 4. *Unlawful Acts.* – It shall be unlawful for any person, with license to sell,
5 deliver, or otherwise dispose of any firearm or ammunition, to sell, deliver, or otherwise dispose
6 of any firearm or ammunition to any person knowing or having reasonable cause to believe that
7 such person is:

8 (A) Less than eighteen (18) years of age, and, if the firearm, or ammunition is other than
9 a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the
10 licensee knows or has reasonable cause to believe is less than twenty-one years of
11 age;

12 (B) Under indictment for, or has been convicted in any court of, a crime punishable by
13 imprisonment for a term exceeding one (1) year;

14 (C) A *fugitive from justice*;

15 (D) An unlawful user of, or addicted to, any regulated or prohibited drug as defined by the
16 Dangerous Drugs Act as amended;

17 (E) One who has been judicially declared insane or has been committed to any mental
18 institution; who, being an alien, is illegally or unlawfully residing in the Philippines;

19 (F) One who has been dishonorably discharged from the Armed Forces of the
20 Philippines;

21 (G) One who, having been a citizen of the Philippines, has renounced his citizenship; and

22 (H) Subject to a court order that restrains such persons from harassing, stalking, or
23 threatening an intimate partner or person, or engaging in other conduct that would
24 place an intimate partner in reasonable fear of bodily injury to the partner or child.

25 This paragraph shall only apply to a court order that was issued after a hearing of
26 which such person received actual notice and at which such person had the opportunity to
27 participate, including a finding that such person represents a credible threat to the
28 personal safety of such intimate partner or child; or by its terms, explicitly prohibits the

1 use, attempted use, or threatened use of physical force against such intimate partner or
2 child that would reasonably be expected to cause bodily injury.

3 This section shall not apply to the sale or disposition of firearm to a person who has been
4 declared by the Court to be relieved of any of the disqualification provided in this Act.

5 SECTION 5. *Penalty.* – Any person found guilty of violating the provisions of this Act
6 shall be punished with imprisonment of *arresto mayor* to *reclusion temporal* and cancellation of
7 the firearm license.

8 SECTION 6. *Separability Clause.* – If any provision or part hereof, is held invalid or
9 unconstitutional, the remainder of the law or provision not otherwise affected shall remain valid
10 and subsisting.

11 SECTION 7. *Repealing Clause.* – Any law, presidential decree or issuance, executive
12 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
13 with the provision of this Act is hereby repealed, modified or amended accordingly.

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

Approved.