

JUL 27 1903

SENATE
S. No. 1894

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Child and Youth Welfare Code, Article 3, Paragraph 7 and 8 provide:

- (7) Every child has the right to full opportunities for safe and wholesome recreation and activities . . .
- (8) Every child has the right to protection against . . . improper influences, hazards, and other conditions or circumstances prejudicial to his physical, mental, emotional, social, and moral development;

The parents or guardian of a person of tender age have the responsibility to ensure his safety, until he reaches the age of majority. Firearms are regulated by a system of monitoring and licensing. However, they have proliferated in homes and communities, making them easily accessible to a child. Considering that a child has no discernment, his safety depends entirely on the conduct of adults around him.

This bill penalizes the act of making firearms accessible to a child; in order to prevent a child from injuring himself or others with a firearm.¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed during the Thirteenth Congress, First Regular Session

10 JUL 22 AM '93

SENATE
S. No. **1894**

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1 AN ACT
2 PENALIZING PARENTS OR GUARDIANS WHO FAIL TO SECURE THEIR FIREARMS
3 FROM BEING ACCESSED BY CHILDREN

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

4 SECTION 1. *Short Title.* - This Act shall be known as the "Child Firearm Access
5 Prevention Act."

6 SECTION 2. *Declaration of Policy.* - The State shall protect and promote the interests of
7 the child by providing him with a conducive and safe environment.

8 SECTION 3. *Definition of Terms.* -For purposes of this Act, the term:

9 (A) "Secure gun storage or safety device" refers to a:

10 (1) Device that, when installed on a firearm, prevents the firearm from being
11 operated without first deactivating or removing the device;

12 (2) Device incorporated into the design of the firearm that prevents the operation
13 of the firearm by anyone not having access to the device; or

14 (3) Safe, gun safe, gun case, lock box, or other device that is designed to be or can
15 be used to store a firearm and that can be unlocked by means of a key, a combination, or
16 other similar means.

17 (B) "Minor" refers to a person who has not yet attained the age of eighteen (18) years;

18 and

1 (C) "Director General" refers to the Director General of the Philippine National Police
2 (PNP), or to the head of the appropriate body tasked with the monitoring and issuance of licenses
3 for firearms.

4 SECTION 4. *Punishable Acts.* - Except as provided in Section 5, any person who-

5 (A) Keeps a loaded firearm, or an unloaded firearm and ammunition for the firearm,
6 within any premise that is under the custody or control of that person; and

7 (B) Knows, or reasonably should know, that a minor is capable of gaining access to the
8 firearm without the permission of the parent or legal guardian of the minor;

9 Shall, if a minor obtains access to the firearm and thereby causes death or bodily injury to
10 the minor or to any other person, or exhibits the firearm either in public place, be imprisoned for
11 not more than one (1) year, fined not more than One Hundred Thousand Pesos (P100,000.00) or
12 both.

13 SECTION 5. *Exceptions.* - Section 3 does not apply in the following cases:

14 (A) The person uses a secure gun storage or safety device for the firearm;

15 (B) The person is a peace officer, a member of the Armed Forces, or a member of the
16 Philippine National Police, with the license to carry and keep the firearm, and the minor obtains
17 the firearm during, or incidental to the performance of the official duties of the person in that
18 capacity;

19 (C) The minor obtains, or obtains and discharges, the firearm in a lawful act of self-
20 defense or defense of one (1) or more other persons; or

21 (D) The person has no reasonable expectation, based on objective facts and
22 circumstances, which a minor is likely to be present on the premises on which the firearm is
23 kept.

24 SECTION 6. *Notice.* - The Director General shall ensure that a copy of this Act appears
25 on the form required to be obtained by licensed dealer from a prospective transferee of a firearm.

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 otherwise affected shall remain valid
3 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 modified, or amended accordingly.

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

Approved,