


'11 OCT 11 P4:26

SENATE
Senate Bill No. 2993

RECEIVED BY: 

Introduced by SENATOR LACSON

EXPLANATORY NOTE

The present day realities have rendered the Firearms Code or Presidential Decree No. 1866, as amended, obsolete and there is a need to overhaul it in order to be more responsive. The number of privately owned firearms is increasing as the perception that the Philippine National Police is failing in its mandate of securing the citizenry is likewise increasing. The same is true when it comes to the number of loose firearms and number of firearms whose licenses were never renewed by their owners.

In the website, www.gunpolicy.org, reports have it that the estimated total number of firearms in the hands of Filipino civilian are 3,900,000 and the ratio of firearms per 100 persons is 4:7; the Philippines ranks no. 20 in the field of 178 nations in terms of the rate of civilian firearm possession and 105th in comparison to the rate of private gun ownership per 100 persons in 179 countries; approximately there are around 400,000 licensed firearms owners in the country. The military has a reported number of almost 500,000 firearms, while the PNP has around 170,000. Not included in the list are the number of assault rifles being turned over by the United States of America to the Armed Forces of the Philippines during the annual Balikatan military exercise and those that are being smuggled into the country by the separatist groups in Southern Philippines.

There is a therefore a need to pass a new law that will recognize the right of the State to regulate firearms ownership and at the same time establish the statutory right of qualified citizens to own firearms for legitimate purposes in keeping with the constitutional mandate that no one shall be deprived of life, liberty and property without due process of law.

This bill is intended to minimize, if not to totally eradicate gun violence in the country. This proposed legislation proposes to provide higher penalties in the illicit manufacturing of firearms and explosives; illegal and unauthorized possession of firearms outside of residence; regulate the import and export of firearms, ammunitions, parts of firearms and ammunitions. Moreover, concrete measures that will prevent civilians from owning light weapons that should only be in the hands of the military and some specialized units of the Philippine National Police is likewise being proposed.

This bill also features the regulation of the trade of gunsmiths and the possession of firearms and ammunitions by individuals who are engaged in competitive shooting and by those who are keeping antique firearms as part of their personal collection or estate.

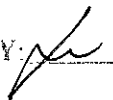
With the 2013 elections just around the corner where gun related violence is expected to escalate, there is no doubt that there is an urgency to pass this bill into law,

For the reasons above stated, approval of this bill is earnestly sought.


PANFILO M. LACSON
Senator

'11 OCT 11 P4:26

SENATE
Senate Bill No. 2993

RECEIVED BY: 

Introduced by SENATOR LACSON

AN ACT
PROVIDING FOR A COMPREHENSIVE LAW ON FIREARMS, LIGHT WEAPONS
AND AMMUNITIONS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF
AND REPEALING FOR THE PURPOSE PRESIDENTIAL DECREE NUMBERED
EIGHTEEN HUNDRED SIXTY-SIX

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

ARTICLE 1
TITLE, DECLARATION OF POLICY AND DEFINITION OF TERMS

SECTION 1. *Short Title.* - This act shall be known as the "*Comprehensive Firearms and Ammunition Regulation Act*".

SEC. 2. *Declaration of State Policy.* - It is the policy of the State to maintain peace and order and protect the people against violence. The State also recognizes the right of its citizens to self-defense through the use of firearms. Towards this end, the State shall provide for a comprehensive law regulating the ownership, possession, carrying, manufacture, dealing in and importation of firearms, ammunition, or parts thereof, in order to provide legal support to law enforcement agencies in their campaign against crime, stop the proliferation of illegal firearms or weapons and the illegal manufacture of firearms or weapons, ammunition and parts thereof.

SEC. 3. - *Definition of Terms As Used in This Act*-

a) *Accessories* refer to parts of a firearm or light weapon for purposes of embellishment thereof which may enhance or increase the operational efficiency or accuracy of a firearm or light weapon but will not constitute any major or minor internal parts thereof such as, but not limited to laser scope, telescopic sight and sound suppressor or silencer;

b) *Ammunition* refers to a complete unfired unit consisting of a bullet, gunpowder, cartridge case and primer or loaded shell for use in any firearm;

c) *Antique firearm* refers to any : i) firearm which was manufactured at least seventy-five (75) years prior to the current date but not including replicas; ii) firearm which is certified by the National Museum of the Philippines to be curio or relic of museum interest; and iii) any other firearm which derive a substantial part of their

monetary value from the fact that they are novel, rare, bizarre or because of their association with some historical figure, period or event;

d) *Arms smuggling* refers to the import, export, acquisition, sale, delivery, movement or transfer of firearms, light weapons, their parts and components and ammunition, from or across the territory of one country to that of another country if any one of these countries concerned does not authorize any of the transaction mentioned in accordance with its domestic law;

e) *Authority to import* refers to a document issued by the Chief of the Philippine National Police (PNP) authorizing the importation of firearm or its parts, ammunition and other components;

f) *Confiscated firearm or light weapon* refers to a firearm or light weapon that is taken into custody by the Philippine National Police (PNP), National Bureau of Investigation (NBI), Philippine Drug Enforcement Agency (PDEA), and all other law enforcement agencies by reason of their mandate and must be necessarily reported or turned-over to Firearms and Explosives Office (FEO,) of the PNP;

g) *Dealer* refers to any person, legal entity, corporation, partnership or business entity duly licensed by the FEO to engage in the business of buying and selling ammunition, firearm light weapons or parts thereof, at wholesale or retail basis;

h) *Demilitarized firearm* refers to a firearm deliberately made incapable of performing its main purpose of firing a projectile;

i) *Duty Detail Order* refers to a document issued by the juridical entity or employer wherein the details of the disposition of firearm is spelled-out thus indicating the name of the employee, the firearm information, the specific duration and location of posting or assignment and the authorized bonded firearm custodian for the juridical entity to whom such firearm is turned-over after the lapse of the order;

j) *Engaged in the business* refers to a person, legal entity, corporation or partnership which devotes time, attention, and labor to manufacture, repair, buy or sell firearms or light weapons or parts thereof or ammunition as a regular course of trade or business with the principal objective of livelihood and profit through sale or distribution of the same;

k) *Firearms Information Management System (FIMS)* refers to the compilation of all data of firearms information of ownership and disposition for record purposes;

l) *Firearm* refers to any handheld or portable weapon that expels or is designed to expel a bullet, shot, slug or any projectile, which is discharged by means of expansive force of gases from burning gunpowder or other form of combustion or any similar instrument or implement;

For purposes of this Act, the frame or receiver is considered a firearm;

m) *Forfeited firearm or light weapon* refers to firearm or light weapon that is subject to forfeiture by reason of court order as accessory penalty or the disposition by Firearms and Explosives Office of the Philippine National Police of firearms considered as abandoned, surrendered, confiscated or revoked in compliance with existing rules and regulations;

n) *Gun Club* refers to an organization duly registered and accredited in good standing by the Firearms and Explosives Office of the Philippine National Police which is established for the purpose of propagating responsible and safe gun ownership, appreciation and use of firearms by its members, for the purpose of sport and shooting competition, self-defense and collection purposes;

o) *Gunsmith* refers to any person, legal entity, corporation, partnership or business duly licensed by the Firearms and Explosives Office of the Philippine National Police to engage in the business of repairing firearms, light weapons and other weapons or constructing or assembling firearms and weapons from finished or manufactured parts thereof on a per order basis and not in commercial quantities or of making minor parts for the purpose of repairing or assembling said firearms or weapons;

p) *Imitation firearm* refers to a replica of a firearm or light weapon, or other device that is so substantially similar in coloration and overall appearance to an existing firearm or light weapon as to lead a reasonable person to believe that such imitation firearm or light weapon is a real firearm or light weapon;

q) *Importer* refers to any person, legal entity, corporation, partnership or business duly licensed by the Firearms and Explosives Office of the Philippine National Police to engage in the business of importing or bringing ammunition and firearms or light weapons or parts thereof into the territory of the Republic of the Philippines for purposes of sale or distribution under the provisions of this Act;

r) *Licensed citizen* refers to any Filipino who complies with the qualifications set forth in this Act and duly issued with a license to possess or to carry firearms outside of the residence as a matter of right under this Act;

s) *Licensed juridical entity* refers to corporations, organizations, businesses including security agencies and local government units which are licensed to own and possess firearms in accordance with this Act;

t) *Light weapon* refers to any firearm mounted with 20 millimeter rifled barrel or grenade launchers not exceeding 40 millimeter, or weapons designed for use by two or more persons serving as crew, or those which may be carried and used by a single person which shall include belt-fed submachine guns, light and heavy machine guns, and portable anti-aircraft and anti-tank guns, recoilless rifles, portable launchers of anti-aircraft missile systems, grenade launchers, and the like;

u) *Long certificate of registration* refers to licenses issued to government agencies or offices or government-owned or controlled corporations for firearms to be used by their officials and employees, excluding security guards;

v) *Loose firearm* refers to an unregistered firearm, an obliterated or altered firearm, firearm which has been lost or stolen, illegally manufactured firearms, registered firearms in the possession of an individual other than the licensee and those with revoked licenses in accordance with the rules and regulations;

w) *Major part or components of a firearm or light weapons* refer to the barrel, slide, cylinder and the bolt assembly. The term also includes any part or kit designed and intended for use in converting a semi-automatic burst to a full automatic firearm;

x) *Manufacturer* refers to any person, legal entity, corporation, or partnership duly licensed by the Firearms and Explosives Office of the Philippine National Police to engage in the business of manufacturing ammunition and firearms, light weapons or parts thereof for purposes of sale or distribution;

y) *Minor parts of a firearm* refers to the parts of the firearm other than the major parts which are necessary to effect and complete the action of expelling a projectile by way of combustion, except those classified as accessories;

z) *Obliterated or altered firearm* refers to any firearm which serial number has been intentionally modified, obliterated or altered without authority;

aa) *Permit to Carry Firearm Outside of Residence* refers to a written authority issued to a licensed person by the Chief, Philippine National Police which entitles such person to carry his registered or lawfully issued firearm outside of the residence for the duration and purpose specified in the authority;

bb) *Permit to Transport Firearm* refers to a written authority issued to a person or entity by the Chief, Philippine National Police or by a Philippine National Police Regional Director or which entitles such person or entity to transport particular firearm from and to a specific location, within the duration and purpose in the authority;

cc) *Shooting Range* refers to a sports facility established for the purpose of firearms training and skills development, firearm testing, as well as for sport and competition shooting either for the exclusive use of its members or open to the general public, duly registered and accredited in good standing by the Firearms and Explosives Office of the Philippine National Police;

dd) *Small Arms* refer to firearm or weapon intended to be primarily designed for individual use or that which is generally considered to mean a weapon intended to be fired from the hand or shoulder such as:

(1) handgun which is a firearm which is intended to be fired from the hand, which includes:

(i) a pistol which is a hand-operated firearm having a chamber integral with or permanently aligned with the bore which may be self loading; and

(ii) revolver which is a hand-operated firearm with a revolving cylinder containing chambers for individual cartridges.

(2) rifle which is a shoulder firearm or designed to be fired from the shoulder that can discharge a bullet through a rifled barrel by different actions of loading, which may be classified as lever, bolt, self-loading or automatic and by different modes of discharge;

(3) shotgun which is a weapon designed, made and intended to fire a number of ball shots or a single projectile through a smooth bore by the action or energy from burning gunpowder;

ee) *Sports shooting competition* refers to a defensive, precision or practical sport shooting competition duly authorized by the FEO; and

ff) *Thermal Weapon Sight* refers to a battery operated, un-cooled thermal imaging device which amplifies available thermal signatures so that the viewed scene becomes clear to the operator which is used to locate and engage targets during daylight and from low light to total darkness and operates in adverse conditions such as light rain, light snow, and dry smoke or in conjunction with other optical and red dot sights

ARTICLE II
OWNERSHIP AND POSSESSION OF FIREARMS

SEC. 4. Declaration of Statutory Right of Filipinos to Own Firearms.- It is hereby declared that under this law, any qualified Filipino citizen has the right to own firearms for self defense and other legitimate purposes.

SEC.5. Standards and Requisites for Issuance of and Obtaining a License to Own and Possess Firearms. – In order to qualify and acquire a license to own and possess a firearm or firearms and ammunition the applicant must be a Filipino citizen, at least twenty-one (21) years old, has a police clearance and has gainful work, occupation or business or has filed an income tax return (ITR) for the preceding year as proof of income, profession, business or occupation.

In addition, the applicant shall submit the following certification issued by appropriate authorities attesting the following:

- a) the applicant has not been convicted of any crime involving moral turpitude;
- b) the applicant has passed the psychiatric test administered by a PNP accredited psychologist or psychiatrist;
- c) the applicant has passed the drug test conducted by an accredited and authorized drug testing laboratory or clinic; and
- d) the applicant has passed a gun safety seminar which is administered by the PNP or a registered and authorized gun club; and has filed in writing the application to possess a registered firearm which shall state the personal circumstances of the applicant.
- e) that there is no pending criminal case against the applicant before any courts of law for a crime that is punishable with a penalty of more than two (2) years.

For purposes of this Act, an acquittal or permanent dismissal of a criminal case before the courts of law shall qualify the accused thereof to qualify and acquire a license

The applicant shall pay the reasonable licensing fees as may be provided in the implementing rules and regulation of this Act.

SEC. 6. Ownership of Firearms and Ammunition by a Juridical Entity. –A juridical person may be issued a regular license to own and possess firearms and ammunition under the following conditions:

- a) it must be Filipino owned and duly registered with the Securities and Exchange Commission;
- b) it is current, operational and a continuing concern;
- c) it has completed and submitted all its reportorial requirements to the Security and Exchange Commission; and
- d) it has paid all its income taxes for the year, as duly certified by the Bureau of Internal Revenue;

The application shall be made in the name of the juridical person represented by its President or any of its main officers as duly authorized in a board resolution: *Provided*, That the officer applying for the juridical entity shall possess all the qualifications required of a citizen applying for a license to possess firearms.

For purposes of this act, the following corporate officers are eligible to represent the juridical person: the vice-president, treasurer, and board secretary.

Security agencies and local government units shall be included in this category of licensed holders but shall be subject to additional requirements as may be required by the Chief, PNP.

Juridical entities which are not Filipino owned but is licensed to do business in the Philippines may also purchase firearms provided that an authority is given to them by the Chief, PNP.

SEC. 7. *Ownership of Firearms by the National Government.*- All firearms owned by the National Government shall be registered with the Firearms and Explosives Office of the Philippine National Police. For reason of national security, firearms and light weapons of the Armed Forces of the Philippines, Coast Guard and other law enforcement agencies shall only be reported to the Firearms and Explosives Office of the Philippine National Police.

SEC. 8.- *Carrying of Firearms Outside of Residence or Place of Business.*- A permit to carry firearms outside of residence shall be issued by the Chief, PNP to any qualified person whose life in under actual threat or their lives are in imminent danger due to the nature of their profession, occupation or business.

It shall be the burden of the applicant to prove that his life is under actual threat by submitting a threat assessment certificate from the PNP.

For purposes of this Act, the following professionals are considered to be imminent danger due to the nature of their profession, occupation or business:

- a. Members of the Philippine Bar;
- b. Certified Public Accountants;
- c. Accredited Media Practitioners;
- d. Cashiers, Bank Tellers;
- e. Priests, Ministers, Rabbi, Imams
- f. Physicians and Nurses;
- g. Engineers, and
- h. Businesspersons

ARTICLE III REGISTRATION AND LICENSING

SEC. 9. *Authority to Issue License.* - The Chief , PNP through the Firearms and Explosives Office of the Philippine National Police, shall issue licenses to qualified individuals and to cause the registration of firearms.

SEC. 10. *Licenses Issued to Individuals.*- Subject to the requirements set forth in this law and payment of required fees to be determined by the Chief,PNP, a qualified individual may be issued the appropriate license under the following categories:

- a. Type 1 license – allows a citizen to own and possess a maximum of two (2) registered firearms;
- b. Type 2 license – allows a citizen to own and possess a maximum of five (5) registered firearms;
- c. Type 3 license – allows a citizen to own and possess a maximum of ten (10) registered firearms;
- d. Type 4 license – allows a citizen to own and possess a maximum of fifteen (15) registered firearms; and
- e. Type 5 license – allows a citizen to own and possess more than fifteen (15) registered firearms such as certified and licensed gun collectors.

For Types 1 to 5 licenses, a vault or a secured container for the safekeeping of firearms shall be required.

For Types 3 to 5 licenses, the citizen must comply with the inspection and bond requirements.

SEC. 11. *Firearms That May Be Registered.* - Only small arms may be registered by licensed citizens for ownership, possession and concealed carry.

A light weapon shall be lawfully acquired or possessed exclusively by the Armed Forces of the Philippines, the Philippine National Police and other law enforcement agencies authorized by the President in the performance of their duties.

SEC. 12. *Registration of Firearms.* - The licensed citizen shall register his firearms so purchased with the designated regulatory service of the PNP for firearms in accordance with the type of license such licensed citizen possesses. A certificate of registration of the firearm shall be issued upon payment of reasonable fees.

For purposes of this Act, registration refers to the application, approval, record-keeping and monitoring of firearms with the Firearms and Explosives Office of the Philippine National Police in accordance with the type of license issued to any person under Section 10 of this Act.

SEC. 13. *License Issued to Public Officers.* - Except for the registration and the issuance of card registrations for firearms supplied by the government, the provisions on licensing and possession of licensed firearms shall not apply to law enforcement agencies, soldiers and members of the Armed Forces of the Philippines, the National Bureau of Investigation, the Philippine National Police, the Bureau of Jail Management and Penology, the Bureau of Corrections, as well as the President and Vice President of the Republic of the Philippines, Senators and Representatives of the Houses of Congress, Justices of the Supreme Court and the Court of Appeals, judges of lower courts, prosecutors and officials of the Department of Justice, Cabinet Secretaries, governors, and mayors, members of the Bureau of Customs Police, Philippine Ports Authority Security Forces, Airport Security, and Export Processing Zones Authority Police Force, University of the Philippines Police Force, when such firearms are issued in connection with their work and service to the government;

All appropriate offices of government agencies, must maintain a list of firearms, including ballistics, which must be submitted to the Firearms and Explosives Office of the Philippine National Police . Any discrepancy in the list submitted shall be considered as negligence in the performance of official duties.

For reasons of national security, the Armed Forces of the Philippines shall maintain a list of their small arms and light weapons which shall be reported to the Firearms and Explosives Office of the Philippine National Police.

Members of the Judiciary, including Clerk of Courts and Court Attorneys of the Supreme Court; Prosecutors and State Counsel of the Department of Justice (DOJ); Government Corporate Counsel of the Office of the Government Corporate Counsel (OGCC); Special Prosecutors and Graft Investigators of the Office of the Ombudsman shall be allowed to carry one (1) registered firearm.

SEC. 14. *Issuance of License to Manufacture or Deal In Firearms and Ammunition.* - Any person desiring to manufacture or deal in firearms, parts of firearms or ammunition thereof, or instruments and implements used or intended to be used in the manufacture of firearms, parts of firearms, or ammunition, shall make an application to:

- a. the Secretary of the Department of Interior and Local Government in the case of an application for a license to manufacture; and
- b. the Chief, PNP in the case of a license to deal in firearms and firearms parts, ammunition, and gun repair stating the amount of capitalization for

manufacture or cost of the purchase and sale of said articles intended to be transacted by such applicant, and the types of arms, ammunition or implements which the applicant intends to manufacture or purchase and sell under the license applied for, and such additional information as may be especially requested by the Secretary of the DILG or the Chief, PNP.

The Secretary of DILG or the Chief, PNP may approve or disapprove such application based on the prescribed guidelines. In the case of approval, the amount of the bond to be executed by the applicant and the period of time by which said license shall be effective, unless sooner revoked by their authority.

Upon approval of the license to manufacture or otherwise deal in firearms by the Secretary of DILG or the Chief, PNP as the case may be, the same shall be transmitted to the Firearms and Explosives Office of the Philippine National Police who shall issue the license in accordance with the approved terms and conditions, upon the execution and delivery by the applicant of the required bond conditioned upon the faithful compliance on the part of the licensee to the laws and regulations relative to the business licensed.

SEC. 15. *Scope of License to Manufacture Firearms and Ammunitions.* – The license to manufacture shall also include:

- a. the License to Manufacture authorizes the manufacture and assembly of firearms, ammunition, spare parts and accessories, ammunition components, and reloading of ammunitions, within sites, areas, and factories reflected therein. The Secretary of Interior and Local Government shall approve such license;
- b. the License to Manufacture necessarily includes the license to deal or sell in all the items covered by the License to Manufacture, such as parts, firearms or ammunition and components;
- c. the License to Manufacture shall also include the authority to subcontract the manufacturing of parts and accessories necessary for the firearms which the manufacturer is licensed to manufacture;
- d. for service rendered without new parts being manufactured, e.g. machining, the service provider will be governed by the license of the contracting manufacturer;
- e. the License to Manufacture shall include the authority to import machinery, equipment, and firearm parts and ammunition components for the manufacture thereof. Firearm parts and ammunition components to be imported shall however be limited to those authorized to be manufactured as reflected in the approved License to Manufacture. The Import Permit shall be under the administration of the PNP ;
- f. a licensed manufacturer of ammunition is also entitled to import various reference firearms needed to test the ammunition manufactured under the license to manufacture. A licensed manufacturer of firearms, on the other hand, is entitled to import various firearm for reference, test and evaluation for manufacture of similar types of firearms covered by the License to Manufacture; and
- g. An export permit shall, however, be necessary to export manufactured parts or finished products of firearms and ammunition. The Export Permit of firearms and ammunition shall be under the administration of the PNP.

SEC. 16. ***License and Scope of License to Deal.*** The license to deal authorizes the purchase, sale and general business in handling firearms and ammunition, spare parts, components, and reloading machines, which shall be issued by the Chief, PNP. The license to deal in or sell ammunition and firearms shall be necessary to engage in the said business and shall be separate from the license to manufacture and authority to import and export the same.

SEC. 17.- ***License and Scope of License for Gunsmiths.*** The license for gunsmiths shall allow the grantee to repair firearms, light weapons and other weapons. The license shall include customization of firearms from finished or manufactured parts thereof on per order basis and not in commercial quantities. The license for gunsmiths shall be issued by the Chief, PNP.

SEC. 18.- ***Firearms for Use in Sports and Competitions.***-A qualified individual shall apply for a permit to transport his registered firearm/s from his residence to the firing range/s and competition sites as may be warranted.

SEC. 19.- ***Renewal of Licenses and Registration.***- All types of licenses to possess firearm shall be renewed every two (2) years. Failure to renew the license shall cause the revocation of the registered firearm under said licensee. The registration of the firearm shall be renewed every four (4) years. Failure to renew the registration of the licensed firearm after six (6) months from the date of expiration shall cause the revocation of the license of the firearm. The said firearm shall be confiscated or forfeited in favor of the government after due process and shall cause the holder of the firearm to be perpetually disqualified from applying for any firearm license.

SEC. 20.- ***Inspection and Inventory*** - The Chief, PNP or his authorized representative shall require the submission of reports, inspect or examine the inventory and records of a licensed manufacturer, dealer or importer of firearm and ammunition during reasonable hours.

ARTICLE IV ACQUISITION, DEPOSIT OF FIREARMS, ABANDONED, DEMILITARIZED AND ANTIQUE FIREARMS

SEC. 21.- ***Acquisition or Purchase and Sale of Firearm and Ammunition.*** - Firearm and ammunition may only be purchased from authorized dealers, importers or local manufacturers and may be transferred or sold only from a registered owner to another qualified person.

SEC. 22.- ***Deposit of Firearms by Persons Arriving From Abroad.*** - A person arriving in the Philippines who is legally in possession any firearm or ammunition not covered by Philippine license shall deposit the same upon written receipt with the Collector of Customs for delivery to the Firearms and Explosives Office of the Philippine National Police for safekeeping or, for the issuance of a permit to transport if the person is a competitor in a sport shooting competition. If the importation of the same is allowed and the party in question desires to obtain a domestic firearm license, the same should be undertaken in accordance with the provisions of this Act. If no license is desired or leave to import is not granted, the firearm or ammunition in question shall remain in the custody of the Firearms and Explosives Office of the Philippine National Police until otherwise disposed of in accordance with law.

SEC. 23.- ***Return of Firearms to Owner upon Departure from the Philippines.*** Upon the departure from the Philippines of any person whose firearm or ammunition is in the custody of the Firearms and Explosives Office of the Philippine National Police,

the same shall, upon timely request, be delivered to the person through the Collector of Customs. In the case of a participant in a local sport shooting competition, the firearm must be presented to the Collector of Customs before the same is allowed to be loaded on board the carrier on which the person is to board.

SEC. 24.- Safekeeping of Firearms and Ammunition. - Any licensee may deposit a registered firearm to the Firearms and Explosives Office of the Philippine National Police, or any Police Regional Office for safekeeping. Reasonable fees for storage shall be imposed.

SEC. 25.- Surrendered Firearms. - Firearms with expired registration shall be surrendered to the Firearms and Explosives Office of the Philippine National Police or Police Regional Office and such firearms shall be retained by the police custodian pending renewal of the registration: *Provided*, That administrative fines shall be imposed for the period of expiration of the registration prior to the surrender of the firearms: *Provided, Further*, That if the period of expiration of the registration exceeds six (6) months from the date of expiration and the licensee of the firearms failed to surrender the firearms, the provision of Section 19 of this Act shall apply.

SEC. 26.- Abandoned Firearms and Ammunition.- Any firearm or ammunition deposited in the custody of the Firearms and Explosives Office of the Philippine National Police pursuant to any provision of this Act shall be deemed to have been abandoned by the owner or his authorized representative if any one of them failed to reclaim the same within five (5) years or failed to advise the Firearms and Explosives Office of the Philippine National Police of the disposition to be made for the purpose. Thereafter, the Firearms and Explosives Office of the Philippine National Police may dispose of the firearm after compliance with the established requirements for the disposition of the same.

SEC. 27.- Death or Disability of Licensee.- Upon the death or legal disability of the holder of a firearm license, it shall be the duty of the nearest relative, legal representative, or other person who shall knowingly come into possession of such firearm or ammunition, to deliver the same to the Firearms and Explosives Office of the Philippine National Police or Police Regional Office, and such firearm and ammunition shall be retained by the police custodian pending the issuance of a license thereof in accordance with the law. The failure to deliver the firearm or ammunition after six (6) months from the death or legal disability of the licensee shall be subject to applicable rules provided in this Act.

SEC. 28.- Antique Firearm. - Any person who possesses an antique firearm shall register the same and secure a collector's license from the Firearms and Explosives Office of the Philippine National Police. Proper storage of antique firearm shall be strictly imposed. Non-compliance of this provision shall be considered as illegal possession of firearm as penalized in this Act.

ARTICLE V PENAL PROVISIONS

SEC. 29.- Unlawful, Acquisition, or Possession of Firearms, Light Weapon and Ammunition. The penalty of *reclusion temporal* in its minimum period shall be imposed upon any person who shall unlawfully acquire or possess a firearm.

The penalty of *reclusion temporal* in its medium period to its maximum period shall be imposed upon any person who shall unlawfully possess any firearm under any or combination of the following conditions:

- a) loaded with ammunition or inserted with a loaded magazine;

- b) fitted or mounted with laser or any gadget used to guide the shooter to hit the target such as thermal weapon sight (TWS) and the like;
- c) fitted or mounted with sniper scopes, firearm muffler or firearm silencer;
- d) accompanied with an extra barrel;
- e) converted to be in any type such as pistol to rifle; and
- f) converted to be fired semi- automatic or full automatic.

The penalty of *prision mayor* in its maximum period shall be imposed if the offender is a public official or employee or a member of the law enforcement agencies.

The penalty of *reclusion temporal* to *reclusion perpetua* shall be imposed if three (3) or more firearms are unlawfully acquired or possessed by any person.

The penalty of *reclusion perpetua* shall be imposed upon any person who shall unlawfully acquire or possess light weapon.

The penalty of *prision mayor* in its minimum period shall be imposed upon any person who shall unlawfully possess a major part or component of a firearm.

The penalty of *prision mayor* in its minimum period shall be imposed upon any person who shall unlawfully acquire or possess ammunition for light weapon. If the violation of this paragraph is committed by the same person charged with the unlawful acquisition or possession of light weapon, the former shall be absorbed by the latter.

That the penalty of *prision mayor* in its maximum period shall be imposed upon any person who shall unlawfully possess a major part or component of a light weapon.

SEC. 30.- Use of Loose Firearm in the Commission of a Crime. - If the use of a loose firearm or light weapon as defined in Section 3 of this Act is inherent in the commission of a crime where the penalty imposable is more than six (6) years and one (1) day, it shall be considered as a special aggravating circumstance.

If the crime committed with the use of a loose firearm or light weapon is penalized by law with a maximum penalty lower than that prescribed in this section, the penalty to be imposed shall be *prision mayor* in its maximum period.

When the act is committed with the use of a loose firearm or light weapon by two (2) or more persons who have acted together, the maximum penalty for the offense committed shall be imposed.

If the crime is committed by the person without using the firearm or light weapon unlawfully possessed or acquired, the violation of this Act shall be considered as a distinct and separate offense.

SEC. 31.- Liability of Juridical Person .- The penalty of *prision mayor* in its minimum to *prision mayor* in its medium period shall be imposed upon the owner, president, manager, director or other responsible officer of any public or private firm, company, corporation or entity who shall willfully or knowingly allow any of the firearms owned by such firm, company, corporation or entity to be used by any person or persons found guilty of violating the provisions of the preceding paragraph, or willfully or knowingly allow any of them to use unregistered firearm or firearms without any legal authority to be carried out outside of their residence in the course of their employment.

SEC. 32.- Absence of Permit to Carry Outside of Residence. - The penalty of *prision correccional* and a fine of Ten Thousand Pesos (P10,000) shall be imposed upon any person who is licensed to own a firearm but who shall carry the registered firearm outside his residence without any legal authority.

SEC. 33.- Unlawful Manufacture, Importation, Sale or Disposition of Firearm, Light Weapon or Ammunition, or Parts Thereof, Machinery, Tool or Instrument Used or Intended to be Used in the Manufacture of Firearm, Light Weapon, Ammunition or Parts Thereof. - The penalty of *reclusion temporal* to *reclusion perpetua* shall be imposed upon any person who shall unlawfully engage in the manufacture, importation, sale or disposition of firearm, light weapon or ammunition, or major parts of firearm, light

weapon or ammunition, or machinery, tool or instrument used or intended to be used by the same person in the manufacture of firearm, light weapon, ammunition, or major parts thereof.

If the dealer, manufacturer or importer violates the requirements in the permit such as using recycled indentors license, purchase orders, end-user certificates and such instances not provided for in Section 40 of this Act, such dealer, manufacturer or importer shall be perpetually disqualified to apply for a permit, in addition to the impossible penalty of *reclusion temporal* or fine equivalent to three times (3x) the value of the manufactured, imported, sold or disposed goods, or both fine and imprisonment.

The possession of any machinery, tool or instrument used directly in the manufacture of firearms, light weapons, ammunition, or major parts thereof by any person whose business or activity does not lawfully deal with the manufacture of such article, shall be *prima facie* evidence that such article is intended to be used in the unlawful or illegal manufacture of firearms, light weapons, ammunition, or parts thereof.

The penalty of *reclusion temporal* shall be imposed upon any laborer, worker or employee of a licensed firearms dealer who shall unlawfully take, sell or otherwise dispose of parts of firearm, light weapon or ammunition which the company manufactures and sells, and other materials used by the company in the manufacture or sale of firearms, light weapons or ammunitions. The buyer or possessor of such stolen parts or materials shall suffer the same penalty as the laborer, worker or employee.

If the violation or offense is committed by a corporation, partnership, association or other juridical entity, the penalty provided for in this section shall be imposed upon the directors, officers, employees or other officials or persons therein who knowingly and willingly participated in the unlawful act.

SEC. 34.- Arms Smuggling. - The penalty of *reclusion perpetua* shall be imposed upon any person who shall engage or participate in arms smuggling as defined in this Act.

SEC. 35.- Obliteration or Alteration of Firearms Identification. - The penalty of *prision correccional* to *prision mayor* in its minimum period shall be imposed upon any person who shall obliterate or alter without authority the name of the maker, model, or serial number, slide, frame or receiver and bolt assembly, including its individual or peculiar identifying characteristics essential in forensic examination of a firearm or light weapon.

The PNP shall place this information, including its individual or peculiar identifying characteristics into the database of integrated firearms identification system of the PNP Crime Laboratory for future use and identification of a particular firearm.

Possession of any firearm or light weapon with an obliterated or altered identification shall be penalized with *prision correccional* in its minimum period.

SEC. 36. - Use of an Imitation Firearm or Light Weapon. - An imitation firearm or light weapon used in the commission of a crime shall be considered a real firearm or light weapon as defined in this Act and the person who committed the crime shall be punished in accordance with this Act.

SEC. 37.- In Custodia Legis .- During the pendency of any case filed in violation of this Act, seized firearm, light weapon, ammunition, or parts thereof, machinery, tools or instruments shall remain in the custody of the court. If the court decides that it has no adequate means to safely keep the same, the court shall issue an order to turn over to the PNP Crime Laboratory such firearm, light weapon, ammunition, or parts thereof, machinery, tools or instruments in its custody during the pendency of the case and to produce the same to the court when so ordered. No bond shall be admitted for the release of the firearm, light weapon, ammunition or parts thereof, machinery, tool or

instrument. Any violation of this paragraph shall be punishable by *prision mayor* in its minimum period to *prision mayor* in its medium period.

SEC. 38.- Confiscation and Forfeiture. - The imposition of penalty for any violation of this Act shall carry with it the accessory penalty of confiscation and forfeiture of the firearm, light weapon, ammunition, or parts thereof, machinery, tool or instrument in favor of the government which shall be disposed of in accordance with law.

SEC. 39.- Liability for Planting Evidence. - The penalty of *prision mayor* in its maximum period shall be imposed upon any person who shall willfully and maliciously insert, place, and or attach, directly or indirectly, through any overt or covert act, any firearm, light weapon or ammunition, or parts thereof in the person, house, effects, or in the immediate vicinity of an innocent individual for the purpose of implicating or incriminating the person, or imputing the commission of any violation of the provisions of this Act to said individual. If the person found guilty under this paragraph is a public officer or employee, such person shall suffer the penalty of *reclusion perpetua*.

SEC. 40.- Grounds for Revocation, Cancellation or Suspension of License or Permit. - The Chief, PNP or his authorized representative may revoke, cancel or suspend a license or permit on the following grounds:

- a) Commission of a crime or offense involving the firearm, light weapon, ammunition, or major parts thereof;
- b) Conviction by a crime involving moral turpitude or any offense where the penalty carries an imprisonment of more than six (6) years;
- c) Loss of the firearm, light weapon, ammunition, or any parts thereof through negligence;
- d) Carrying of the firearm, light weapon, ammunition, or major parts thereof outside of residence or workplace without the proper permit to carry the same;
- e) Carrying of the firearm, light weapon, ammunition, or major parts thereof in prohibited places;
- f) Dismissal for cause from the service in case of government official and employee;
- g) Commission of any of the acts penalized under Republic Act No. 9165 otherwise known as the *Comprehensive Dangerous Drugs Act of 2002*;
- h) Submission of falsified documents or misrepresentation in the application to obtain a license or permit; and,
- i) Non-compliance of reportorial requirements; and
- j) by virtue of a court order.

SEC. 41.- Failure to Notify Lost or Stolen Firearm or Light Weapon - A fine of Ten Thousand Pesos (P10,000.00) shall be imposed upon any licensed firearm holder who fails to report to the FEO that the subject firearm has been lost or stolen within a period of thirty (30) days from the date of discovery.

Likewise, a fine of Five Thousand Pesos (P5,000.00) shall be imposed upon any person holding a valid firearm license who shall changes residence or office address other than indicated in the license card and fails within a period of thirty (30) days from said transfer to notify the FEO of such change of address.

SEC. 42.- Illegal Transfer/Registration of Firearms. - It shall be unlawful to transfer possession of any firearm to any person who has not yet obtained or secured the necessary license or permit thereof.

The penalty of *prision correccional* shall be imposed upon any person who shall violate the provision of the preceding paragraph. In addition, he or she shall be disqualified to apply for a license to possess other firearms and all his or her existing firearms licenses whether for purposes of commerce or possession, shall be revoked. If government-issued firearms, light weapons, ammunition or major parts of firearms or light weapons

are unlawfully disposed, sold or transferred by any law enforcement agent or public officer to private individuals, the penalty of *reclusion temporal* shall be imposed.

Any public officer or employee or any person who shall facilitate the registration of a firearm through fraud, deceit, misrepresentation or submission of falsified documents shall suffer the penalty of *prision correccional*.

ARTICLE VI FINAL PROVISIONS

SEC. 43.- *Firearms Repository.* - The FED shall be the sole repository of all firearms records to include imported and locally manufactured firearms, light weapons and ammunition. Within one (1) year upon approval of this Act, all military and law enforcement agencies, government agencies, LGUs and GOCCs shall submit an inventory of all their firearms, light weapons and ammunition to the PNP.

SEC. 44.- *Final Amnesty.* - Persons in possession of unregistered firearms and holders of expired license or unregistered firearms shall register and renew the same through the Final General Amnesty within six (6) months from the promulgation of the implementing rules and regulations of this Act. During the interim period of six (6) months, no person applying for license shall be charged of any delinquent payment accruing to the firearm subject for registration. The Philippine National Police shall conduct an intensive nation-wide campaign to ensure that the general public is properly informed of the provisions of this Act.

SEC. 45.- *Implementing Rules and Regulations.* - Within one hundred twenty (120) days after the effectivity of this Act, the Chief of the Philippine National Police and the representatives from the firearms manufacturers and dealers; and from the non-government organizations, shall formulate the necessary rules and regulations for the effective implementation of this Act to be published in at least two national newspapers of general circulation.

SEC. 46.- *Repealing Clause.* - This Act repeals all the provisions of Presidential Decree No. 1866 relative to firearms and ammunition and all other laws, executive orders, letters of instruction, issuances, circulars, administrative orders, rules or regulations that are inconsistent therewith.

SEC 47.- *Separability Clause.* - If any provision of this Act or any part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 48.- *Effectivity.* - This Act shall take effect fifteen (15) days after publication in a newspaper of nationwide circulation.

Approved.