



FIFTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Second Regular Session )

 Senate  
Office of the Secretary

11 DEC -7 P 2 :28

SENATE  
S. No. 3083

RECEIVED BY: 

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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

The Constitution, Article 2, Section 5 states:

Section 5. The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

Various media have reported that according to the Philippine National Police (PNP), there is an estimated 600,000 unlicensed firearms in the country, which could be used to commit crimes. PNP Director General Nicanor Bartolome reportedly said that most of the firearms involved in crimes are unlicensed firearms, and that the PNP could only guess at the number of loose guns from intelligence reports. According to Bartolome, it is only when a crime is solved that there is a reduction in the number of loose firearms.

Due to the proliferation of illegal firearms and the increase of crime rate in the country, it has been urged that legislators amend the existing law on illegal possession of firearms. Bartolome reportedly admitted to the difficulty of prosecuting people caught for robbery because they could easily post bail and decide not to appear in court.

This Bill therefore seeks to address the need to amend Republic Act No. 8294 in order to prevent the proliferation of illegal firearms in the country and reduce the incidence of crimes committed with the use of such illegal firearms.

  
MIRIAM DEFENSOR SANTIAGO

FIFTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Second Regular Session )

11 DEC -7 P2:28

SENATE  
S. No. **3083**

RECEIVED BY:         

Introduced by Senator Miriam Defensor Santiago

1 AN ACT  
2 AMENDING SECTION 1 OF REPUBLIC ACT NO. 8294 ALSO KNOWN AS THE  
3 FIREARMS LAW OF 1997, ON THE UNLAWFUL MANUFACTURE, SALE,  
4 ACQUISITION, DISPOSITION OR POSSESSION OF FIREARMS OR  
5 AMMUNITION OR INSTRUMENTS USED OR INTENDED TO BE USED IN THE  
6 MANUFACTURE OF FIREARMS OR AMMUNITION, AS AMENDED  
7

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

8 SECTION 1. Section 1 of Republic Act No. 8294, also known as the Firearms Law of  
9 1997, as amended, is hereby further amended to read as follows:

10 Section 1. Sec. 1 Presidential Decree No. 1866, as amended, is hereby  
11 further amended to read as follows:

12 "Sec. 1. Unlawful manufacture, sale, acquisition, disposition or  
13 possession of firearms or ammunition or instruments used or intended to  
14 be used in the manufacture of firearms or ammunition. — The penalty of  
15 *PRISION MAYOR* in its maximum period and a fine of not less than ONE  
16 HUNDRED THOUSAND PESOS (P100,000) shall be imposed upon any  
17 person who shall unlawfully manufacture, deal in, acquire, dispose, or  
18 possess any low powered firearm, such as rimfire handgun, .38 or .32 and  
19 other firearm of similar firepower, part of firearm, ammunition, or  
20 machinery, tool or instrument used or intended to be used in the  
21 manufacture of any firearm or ammunition: Provided, That no other crime  
22 was committed.

1                   “The penalty of *RECLUSION TEMPORAL* and a fine of NOT  
2 LESS THAN TWO HUNDRED THOUSAND (P200,000) shall be  
3 imposed if the firearm is classified as high powered firearm which  
4 includes those with bores bigger in diameter than .38 caliber and 9  
5 millimeter such as caliber .40, .41, .44, .45 and also lesser calibered  
6 firearms but considered powerful such as caliber .357 and caliber .22  
7 center-fire magnum and other firearms with firing capability of full  
8 automatic and by burst of two or three: Provided, however, That no other  
9 crime was committed by the person arrested.

10                   “If homicide or murder is committed with the use of an  
11 unlicensed firearm, such use of an unlicensed firearm shall be considered  
12 as an aggravating circumstance.

13                   “IF THE VIOLATION OF THIS SEC. WAS COMMITTED BY A  
14 GROUP, COMPRISED OF THREE OR MORE PEOPLE, IN WHOSE  
15 POSSESSION THREE OR MORE ILLEGAL FIREARMS WERE  
16 FOUND, THEN THE PENALTY SHALL BE *RECLUSION PERPETUA*  
17 AND A FINE OF ONE HUNDRED FIFTY THOUSAND PESOS  
18 (P150,000) EACH IF THE UNLICENSED FIREARMS WERE NOT  
19 USED IN COMMITTING ANOTHER CRIME, OR *RECLUSION*  
20 *PERPETUA* AND A FINE OF TWO HUNDRED FIFTY THOUSAND  
21 PESOS (250,000) EACH IF THE UNLICENSED FIREARMS WERE  
22 USED IN FURTHERANCE OF ANOTHER CRIME COMMITTED BY  
23 THE GROUP.

24                   “If the violation of this Sec. is in furtherance of or incident to, or  
25 in connection with the crime of rebellion or insurrection, sedition, or  
26 attempted coup d'etat, such violation shall be absorbed as an element of  
27 the crime of rebellion, or insurrection, sedition, or attempted coup d'etat.

28                   “The same penalty shall be imposed upon the owner, president,  
29 manager, director or other responsible officer of any public or private

1 firm, company, corporation or entity, who shall willfully or knowingly  
2 allow any of the firearms owned by such firm, company, corporation or  
3 entity to be used by any person or persons found guilty of violating the  
4 provisions of the preceding paragraphs or willfully or knowingly allow  
5 any of them to use unlicensed firearms or firearms without any legal  
6 authority to be carried outside of their residence in the course of their  
7 employment.

8 “The penalty of *arresto mayor* shall be imposed upon any person  
9 who shall carry any licensed firearm outside his residence without legal  
10 authority.”

11 SECTION 2. 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 provisions of this Act is hereby repealed, modified, or amended accordingly.

14 SECTION 3. *Effectivity Clause*. – This Act shall take effect fifteen (15) days after its  
15 publication in at least two (2) newspapers of general circulation.

Approved,

/mant/6dec11