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SENATE

S.B. No. 1173

RECEIVED BY: 

Introduced by **SENATOR IMEE R. MARCOS**

AN ACT
PROHIBITING UNTRACEABLE FIREARMS, PROVIDING PENALTIES
THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Article II, Section 5 of the 1987 Constitution provides that, "*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.*"

The proliferation of loose or unregistered firearms have been the major concern of law enforcement agencies for decades and statistics show that more than 90 percent (90%) of all crime incidents involved the use of loose or unregistered firearms. In the recent years, law enforcement agencies in many parts of the world have voiced their concerns on the existence of ghost guns. Ghost Guns refer to firearms, including frames or receivers, which lack serial numbers engraved on the frames or receivers by a licensed manufacturer, importer, or dealer, including those made through three-dimensional (3D) printing machines.

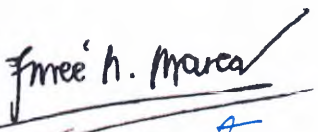
These undetectable and untraceable firearms are illegal. The United Nations on Drugs and Crime (UNODC) has reported that with the advent of 3D printing, illegal software produced individual 3D printed firearms that looked rather unlike weapons on the legal market and pose a grave threat to public safety.

With the advent of three-dimensional (3D) printing, 3D printed firearms have become an emerging source of illicit firearms. The said 3D printed firearms or ghost guns are untraceable and are mostly or entirely made of materials undetectable by

traditional security scanning systems. Thus, the State should act immediately in putting a stop to the illicit manufacturing of and trafficking of firearms, their parts, components and ammunitions that pose a major threat to the security and welfare of the people.

Thus, this bill seeks to penalize the manufacture, sale, offer to sell, transfer, purchase, import, acquire, possess, or receive a ghost gun or parts thereof, machinery, tool or instrument, including 3D printing machines used or intended to be used in the manufacture of ghost guns or parts thereof, among others, to put a stop and prevent the threat such firearm/s poses.

Given the abovementioned circumstances, the immediate passage of this bill is earnestly sought.


IMEE R. MARCOS

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

1 **SECTION 1. Short Title.** – This Act shall be known as the “*Anti-Untraceable*
2 *Firearms Act.*”
3

4 **SEC. 2. Declaration of Policy.** – The State shall maintain peace and order and
5 protect the people against violence. For decades, the proliferation of loose or
6 unregistered firearms have been the major concern of law enforcement agencies and
7 statistics show that more than 90 percent (90%) of crimes involve the use of such
8 firearms.

9 With the advent of three-dimensional (3D) printing, 3D printed firearms have
10 become an emerging source of illicit firearms. The said 3D printed firearms or ghost
11 guns are untraceable and are mostly or entirely made of materials undetectable by
12 traditional security scanning systems. Thus, the State should act immediately in putting
13 a stop to the illicit manufacturing of and trafficking of firearms, their parts, components
14 and ammunitions that pose a major threat to the security and welfare of the people.
15

16 **SEC. 3. Definition of Terms.** – The following shall be defined in this Act, as
17 follows:

18 (a) “*Accessories*” shall refer to parts of a firearm which may enhance or increase
19 the operational efficiency or accuracy of a firearm but not constitute any of the major
20 or minor internal parts thereof such as, but not limited to, laser scope, telescopic sight
21 and sound suppressor or silencer;

1 (b) "Ammunition" shall refer to a complete unfixed unit consisting of a bullet,
2 gun powder, cartridge case, and primer or loaded shell for use in any firearm;

3 (c) "Detectable Material" shall refer to any material that creates a magnetic field
4 equivalent to more than 3.7 ounces of 17-4 PH stainless steel;

5 (d) "Firearm" shall refer to any handheld or portable weapon, whether small arm
6 or light weapon, that expels or is designed to expel a bullet, shot, slug, missile or any
7 projectile, which is discharged by means of expansive gases from burning gunpowder
8 or other form of combustion or any similar instrument or implement. For purposes of
9 this Act, the barrel, frame or receiver, including an unfinished frame or receiver, any
10 firearm muffler or firearm silencer, or any combination of parts designed or intended
11 for use in converting any device into a firearm and from which a firearm may be readily
12 assembled, is considered a firearm. Provided that, such term does not include "antique
13 firearms";

14 (e) "Firearms Tracing" shall refer to the systematic tracking of the movement of
15 firearms recovered by law enforcement officials from the first sale of a firearm by the
16 manufacturer or importer through the distribution chain, including wholesaler and
17 retailer, to the first purchaser;

18 (f) "Frame or Receiver" shall refer to the part of the firearm that can provide the
19 action or housing for the hammer, bolt, or breechblock and firing mechanism. It also
20 includes a frame or lower receiver blank, casting, or machined body that requires
21 further machining or molding to be used as part of a functional firearm, and which is
22 designed and intended to be used in the assembly of a functional firearm. *Provided*
23 *that*, it does not include a piece of material that has had "its size or external shape
24 altered solely to facilitate transportation and storage" or "solely its chemical
25 composition altered";

26 (g) "Ghost Guns or Untraceable Firearms" shall refer to a firearm, including a
27 frame or receiver, that lacks a serial number engraved or cast in the metal or metal
28 alloy on the frame or receiver by a licensed manufacturer or importer in accordance
29 with this Act and shall include 3D printed guns, as defined in Sec. 3 (o) of this Act.
30 *Provided that*, it does not include a firearm that has been rendered permanently
31 inoperable.

32 (h) "Firearms Trafficking" shall refer to the diversion of firearms from lawful
33 commerce into the illegal market;

34 (i) "Ghost Gun Smuggling" shall refer to the import, export, acquisition, sale,
35 delivery, movement or transfer of ghost guns, their parts, and components from or
36 across the territory of the country to another country which has not been authorized,
37 in accordance with domestic laws, rules or regulations in either or both countries;

1 (j) "*Licensed Manufacturer*" refers to any person, including any corporation or
2 other legal entity, with license issued by the Secretary of the Interior and Local
3 Government, engaged in the business of manufacturing firearms and ammunition for
4 purposes of sale or distribution;

5 (k) "*Licensed Importer*" shall refer to any person, legal entity, corporation, or
6 partnership duly licensed by the Philippine National Police Firearms and Explosives
7 Office to engage in the business of importing ammunition and firearms, or parts thereof
8 into the territory of the Republic of the Philippines for purposes of sale or distribution
9 under the provisions R.A. No. 10591 otherwise known as the "*Comprehensive Firearms
10 and Ammunition Regulation Act*";

11 (l) "*Loose Firearm*" shall mean an unregistered firearm, an obliterated or altered
12 firearm, firearm which has been lost or stolen, illegally manufactured firearms,
13 registered firearms in the possession of an individual other than the licensee and those
14 with revoked licenses in accordance with the existing laws, rules, and regulations;

15 (m) "*Major Parts or Components of a Ghost Gun*" shall refer to the barrel, slide,
16 frame, receiver, cylinder, or bolt assembly. The term also includes any part or kit
17 designed and intended for use in converting a semi-automatic burst to a full automatic
18 firearm;

19 (n) "*Minor Parts or Components of a Ghost Gun*" shall refer to the parts of the
20 firearm other than the major parts which are necessary to effect and complete the
21 action of expelling a projectile by way of combustion, except those classified as
22 accessories; and

23 (o) "*3D Printed Guns*" shall refer to do-it-yourself guns made by using computer-
24 aided designs and 3D printers which do not have serial numbers and are mostly
25 undetectable and untraceable.

26
27 **SEC. 4. Requirements.** – Licensed importers and licensed manufacturers shall
28 identify by means of a serial number engraved or cast on the receiver or frame of the
29 weapon, in such manner as the Philippine National Police (PNP) shall by regulations
30 prescribe, on each firearm imported or manufactured.

31 The serial number shall be engraved or cast in metal or metal alloy and sufficient
32 to identify the firearm and the manufacturer or importer of the firearm. Thereafter,
33 such importer or manufacturer, including dealers, shall maintain such records of
34 importation, production, shipment, receipt, sale, or other disposition of firearms at his
35 or her place of business for such period, and in such form, as the PNP may by
36 regulations prescribe.

1 **SEC. 5. Prohibited Acts.** – The following acts shall be prohibited:

2 (a) It shall be unlawful for any person to manufacture, sale, offer to sell, transfer,
3 purchase, import, acquire, possess, or receive a ghost gun or parts thereof, machinery,
4 tool or instrument, including 3D printing machines used or intended to be used in the
5 manufacture of ghost guns or parts thereof;

6 (b) It shall be unlawful for a person other than a licensed manufacturer,
7 importer, or dealer to engrave or cast a serial number on a firearm in or affecting
8 domestic or foreign commerce;

9 (c) It shall be unlawful for any person to engage or participate in ghost gun
10 smuggling;

11 (d) It shall be unlawful for any person to willfully and/or maliciously insert, place,
12 or attach, directly or indirectly, any ghost gun, or ammunition, or parts thereof in the
13 person, house, effects, or in the immediate vicinity of another person for the purpose
14 of implicating or incriminating said person; and

15 (e) It shall be unlawful for any person to possess a digital blueprint for the
16 manufacture of a firearm on 3D printing machines.

17
18 **SEC. 6. Penalties.** – Any person found guilty of any of the Prohibited Acts, as
19 mentioned in Sec. 5, shall be punished with imprisonment of *prision mayor* to *reclusion*
20 *temporal* or a fine of one million pesos (P 1,000,000.00) to three million pesos (P
21 3,000,000.00), or both, at the discretion of the court. *Provided that*, the penalty of
22 *reclusion perpetua* shall be imposed upon any person who shall, unlawfully acquire or
23 possess a Class-B light weapon, as may be defined in R.A. No. 10591 otherwise known
24 as the “*Comprehensive Firearms and Ammunition Regulation Act*,” and the penalty of
25 *reclusion temporal* to *reclusion perpetua* shall be imposed if three (3) or more small
26 arms or Class-A light weapons are unlawfully acquired or possessed by any person, as
27 may be defined in R.A. No. 10591. *Provided further that*, if the act is committed by a
28 corporation, partnership, association or other juridical entity, the penalty provided for
29 in this Section shall be imposed upon the directors, officers, employees or other officials
30 or persons therein who knowingly and willingly participated in the unlawful act.
31 *Provided finally that*, the possession of any machinery, tool or instrument, including 3D
32 printing machines with blueprints used directly in the manufacture of ghost gun, or
33 major parts thereof by any person whose business, employment or activity does not
34 lawfully deal with the possession of such article, shall be prima facie evidence that such
35 article is intended to be used in the unlawful or illegal manufacture of ghost guns or
36 parts thereof.

37 The imposition of penalty for any violation of this Act shall carry with it the
38 confiscation and forfeiture of the ghost gun, ammunition or parts thereof, machinery,

1 tool, or instrument in favor of the government which shall be disposed of in accordance
2 with law.

3
4 **SEC. 7. *Use of Ghost Gun in the Commission of a Crime.*** – The use of a ghost
5 gun, when inherent in the commission of a crime punishable under the Revised Penal
6 Code or other special penal laws, shall be considered as an aggravating circumstance.

7
8 **SEC. 8. *Custodia Legis.*** – During the pendency of any case filed in violation of
9 this Act, seized ghost gun, ammunition, or parts thereof, machinery, tools or
10 instruments shall remain in the custody of the court. If the court decides that it has no
11 adequate means to safely keep the same, the court shall issue an order to turn over to
12 the PNP Crime Laboratory such ghost gun, ammunition, or parts thereof, machinery,
13 tools or instruments in its custody during the pendency of the case and to produce the
14 same to the court when so ordered. No bond shall be admitted for the release of the
15 ghost gun, ammunition or parts thereof, machinery, tool or instrument.

16
17 **SEC. 9. *Firearms Repository.*** – The Firearms and Explosive Office of the PNP
18 shall be the sole repository of all ghost guns and ammunition confiscated by
19 government law enforcement and security agencies.

20
21 **SEC. 10. *Repealing Clause.*** – All laws, decrees, orders, rules and regulations
22 or other issuances or parts thereof inconsistent with the provisions of this Act are
23 hereby repealed or modified accordingly.

24
25 **SEC. 11. *Separability Clause.*** – If any provision of this Act or any part hereof is
26 declared invalid or unconstitutional, the remainder of the law or the provision not
27 otherwise affected shall remain in force and effect.

28
29 **SEC. 12. *Effectivity.*** – This Act shall take effect after fifteen (15) days following
30 the completion of its publication in a newspaper of general circulation.

Approved,