

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2616

Introduced by **HON. JOSEPH EMILIO A. ABAYA**

EXPLANATORY NOTE

When one scans the pages of newspapers or listens to news reports, one would be appalled at the number of killings committed almost everyday by gun owners. One is thus forced to think at the value we ascribe to human life – it is valued no more than that of game birds, the life of which are usually snuffed by raging bullets of whimsical hunters.

Without delving deeper into the implication of such killings, however, one would realize that the same speaks well of how persons irresponsibly exercise the privilege of owning, possessing and using their licensed firearms. It is thus another strong argument for leaving one's gun at home unless he is a law enforcer on duty. A would-be killer may have a permit to carry his gun, but had he left his gun at home, he would have no means to shoot another person.

The Inquirer editorial in 2003, concerning the senseless killing of an Atenean law graduate, Jose Ramos Llamas, says it well in arguing for the total gun ban. It stated: "(t)he impulse slaying is one of the rising number of cases of killings or shootings over minor traffic incidents. Surely, a human life is much more important and much more valuable than a dented fender, a damaged motorcycle or a bruised ego."

Indeed, the list of slain victims involved in simple traffic altercations is long. We have Eldon Maguan who was shot in 1993 by Rolito Go, Maureen Hultman who was shot by Claudio Teehankee, Jr., and Reynaldo Cantos, a jeepney driver, who was shot by Col. Alfonso Bernate, an officer of the Armed Forces of the Philippines. They now belong to the statistics of senseless deaths.

Clearly, however, such senseless killings would not have been committed had their killers not been allowed to bring their guns outside their homes. It is said that the carrying of guns outside one's home is evident of the machismo culture prevalent in our society.

Something has to be urgently done. If it is hard and probably would take time to redefine the machismo culture, at least, we policymakers need to adopt a measure to curb its condemnable expression – that of carrying guns outside the owner's home.

Further, the privilege to possess a licensed firearm is for the protection of the possessor while he is at home – to successfully repel a possible aggressor or intruder into the privacy and sanctity of his home, and not something to show-off to his fellow while on the road.

Adoption of this bill is, thus, earnestly sought.


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AN ACT
REGULATING THE POSSESSION OF LICENSED FIREARMS AND THE CARRYING
THEREOF OUTSIDE OF RESIDENCE AND FOR OTHER PURPOSES.

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

Section 1. Firearms Regulation. – Any person may possess and keep firearms inside his residence provided that permit to possess the same has been properly secured.

Section 2. Prohibition on the Carrying of Firearms. – It shall be unlawful for any person to carry firearms outside his residence or workplace without being issued a permit to carry the licensed firearms by the Philippine National Police.

Section 3. Persons Allowed to Carry Licensed Firearms Outside their Homes.
– Only the following persons are allowed to carry their licensed firearms outside their homes:

1. Law enforcers which include authorized members and officials of the Philippine National Police, Jail Management and Penology, and Armed Forces of the Philippines who are in the actual performance of duty and in uniform showing clearly and legibly their name, rank and serial number which shall remain visible at all times;
2. Members and officers of the Police Force or Security Force of the Bureau of Customs, Philippine Ports Authority, Export Processing Zones and Airports, and guards of the Bureau of Prisons and Provincial, City or Municipal Jails while in the actual performance of duty and in uniform showing clearly and legibly their name, rank and serial number which shall remain visible at all times;
3. Regular agents of the National Bureau of Investigation (NBI), the Criminal Investigation Service (CIS), the Narcotics Command, the Intelligence Service of the AFP (ISAFP), the Sheriffs Office of the various courts while in the actual performance of duty; and
4. Licensed security guards while on duty and inside or within the immediate premises of their places of duty, or when escorting the transfer of cash and other valuables.

A permit to carry firearms must be properly secured from the appropriate division of the Philippine National Police.

Section 4. Standards for Issuance of Permit to Possess Licensed Firearms. – The following shall govern the issuance of permit to possess licensed firearms:

1. Minors, insane, deaf and dumb, blind or otherwise suffering from some physical defect which restricts his means of action and communication with his fellow beings and those convicted of crimes for at least six years of imprisonment, shall not for any cause, be issued a permit to possess a licensed firearm.
2. Applicant must present a Certificate of Good Moral Character issued by the Barangay Chairman where he actually resides.
3. Applicant must have passed a psychological test administered by a psychologist duly accredited by PNP.
4. Applicant must have completed a course of training administered by the PNP and/or accredited agencies concerning instructions on firearms safety and the applicable law regarding permissible use of firearm.
5. A permit to possess a licensed firearm is valid for a period not exceeding three years from its issuance.
6. Application to possess a licensed firearm shall be filed in writing, signed by the applicant, and shall state the name, occupation, residence and business address of the applicant, his or her age, height, weight, color of eyes and hair.
7. The permit to possess a licensed firearm shall set forth the data under the two (2) preceding subsections, and in addition, shall contain a description of the weapon or weapons authorized to be possessed, with the name of the manufacturer, the serial number, and the caliber.
8. An applicant shall not be required to complete any additional application or form for a permit to possess, or to provide any information other than that necessary to complete the standard application form described under subsection (7), except to clarify or interpret information provided by the applicant on the standard application form.

Section 5. Standards for Issuance of Permit to Carry Licensed Firearms. – A permit to carry licensed firearms outside of residence shall be governed by the following rules:

1. A permit to carry firearms shall expire within one year.
2. Those authorized to carry firearms shall not bring their firearms inside public drinking places, cabarets, public dance halls and public amusement places, or while attending civic, political and religious rallies and meetings.
3. Carrying of long firearms is prohibited in Metro Manila, chartered cities, provincial capitals and other thickly populated places or in fiestas or other large gatherings, except in the exigencies of the service.
4. The permit may include any reasonable restrictions or conditions which the issuing authority deems warranted, including restrictions as to the time, place, manner and circumstances under which the person may carry a firearm.

Section 6. Allowable Setting-up of Checkpoints. – To effectively implement the provisions of this Act, operating units of the PNP, to include Provincial PNP Commands, upon the approval of the Chief of the Philippine National Police are hereby authorized to set-up checkpoints at strategic places within their jurisdiction as the need arises. However, utmost care and prudence should be exercised to prevent infringement of the civil rights of an individual.

Section 7. Penalties. – Any violation of this Act shall be punished by imprisonment of not less than six (6) years and one (1) day nor more than ten (10) years, and/or fine of not less than P20,000.00 nor more than P100,000 at the discretion of the Court.

In addition, any person, whether a government official or a private individual, who violates the provisions of this Act shall be disqualified from holding any public position, elective or appointive, for six years from the finality of the decision of the Court.

Section 8. Unauthorized Issuance of Permit to Possess and/or Carry Firearms.
– Any person, civilian or military, who shall issue permit to possess and/or authority to carry firearms outside of residence to those unauthorized persons, or who shall issue without authority therefore shall be punished by imprisonment of not less than six (6) years and one (1) day nor more than ten (10) years, and/or fine of not less than P20,000.00 nor more than P100,000 at the discretion of the Court.

Section 9. Rules and Regulations. – The Philippine National Police and the Department of Interior of Local Government shall, within ninety (90) days from the effectivity of this Act, shall jointly promulgate the rules and regulations for the effective implementation of this Act including the procedure to be observed in the issuance of permit to possess licensed firearms and/or the permit the carry the same outside of residence or workplace.

Section 10. Repealing Clause. – All laws, directives, rules and regulations not in conformity with this Act are hereby repealed, amended or modified accordingly.

Section 11. Effectivity. – This Act shall take effect fifteen (15) days from its publication in the Official Gazette or in a newspaper of general circulation.

Approved,