

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Fifteenth Congress

First Regular Session

House Bill No. 2898

Introduced by **HON. ROMEO M. ACOP**

EXPLANATORY NOTE

A firearm, except when used properly for legitimate sports competitions, is always a potential instrument of death or injury whether for protective or aggressive purposes. Its use, especially when indiscriminate, inevitably leads to deadly if not merely harmful results.

Statistics show that in the period January 10 to June 9, 2010 alone, 436 incidents of violent crimes involving firearms were recorded where 360 and 572 persons were injured and killed respectively¹. The Philippine National Police (PNP) on the other hand reports a whopping 6,269 crime incidents with the use of firearms in 2009, an increase of roughly 9% from the 2008 level of 5,752 incidents.

It is illegal to own or possess firearms, including their ammunition, without the proper licenses and permits. As of May 2009, it is estimated that there are 1.1 million loose firearms nationwide broken down as follows :

- a) 559,326 have unexpired / unrenewed licenses
- b) 529,550 unregistered are with the general population
- c) 15,676 are with the threat groups
- d) 5,726 are with criminal elements².

1. Gun Ban Statistics Project, PROGUN

2. Executive Order 817

Various laws have been enacted to regulate the ownership and use of firearms. Beginning with Act No. 1780 in 1907 and up to their codification as embodied in Presidential Decree (PD) 1866 in 1983. Although, other laws have been passed since then including Republic Act No. 8294 in 1997 and Republic Act No. 9516 in 2007, PD 1866 remains as the basic law on firearms.

Republic Act 8294 has lowered the penalties for illegal possession of firearms to *Prision Correccional* in its maximum period (4 years and 6 months to six years of imprisonment) and a fine of not less than P 15,000.00 for a low-powered firearm, and *Prision Mayor* in its minimum period (6 years to 8 imprisonment) and a fine not less than P 30,000.00 for high-powered firearms. In 2007, Republic Act 9516 was passed, among other purposes, to once again impose stiffer penalties for violations of PD 1866. The stiffer penalties were intended to discourage people from possessing and using unlicensed firearms by making it more legally risky to obtain them and by posing the difficulty of longer prison terms. However, records of the Philippine National Police show that in the period of 2004 – 2009, the proliferation of loose firearms increased by 46%, while the incidents of crimes with the use of firearms increased by 47% in the same period. Hence, argumentatively, the need for yet a stiffer deterrent.

Moreover, the proposed bill provides an expanded definition of firearm as well as it makes its distinction with light weapons for purposes of coverage in consideration of technological advancements made in the arms industry in recent years. Similarly, definitions for ammunition and its major parts and that of a firearm are also proposed to address these growing collateral industries and their contribution to the problem.

The State has the paramount duty to protect its citizens and to maintain peace and order in society. The pervasiveness of guns in our midst continues to instil fear among our people for their lives and safety. An effective control, if not complete eradication of illegal firearms and regulation of lawfully acquired and possessed ones is their call that the present proposed measure seeks to respond to.

For these reasons, the passage of the bill is earnestly sought.


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AN ACT
FURTHER AMENDING PRESIDENTIAL DECREE NO. 1866, AS AMENDED
BY REPUBLIC ACTS NOS. 8294 AND 9516, BY PROVIDING FOR
STIFFER PENALTIES FOR CRIMES RELATING TO FIREARMS, LIGHT
WEAPONS AND AMMUNITIONS, AND FOR OTHER PURPOSES

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

SECTION 1. – Section 1 of Presidential Decree No. 1866, as amended by Republic Act No. 8294, is hereby further amended to read as follows :’

SECTION 1. *Unlawful (Manufacture, Sale) Acquisition, (Disposition) or Possession of Firearms, Light Weapons and Ammunition (or Instruments Used or Intended to Be used in the Manufacture of Firearms or)-* The penalty of *Prision MAYOR*(Correccional) in its MEDIUM PERIOD (maximum period and a fine of not less than fifteen thousand pesos [P 15,000]) shall be imposed upon any person whom shall unlawfully (manufacture, deal in) acquire (dispose) or possess (any low powered) A firearm.(such as rimfire handgun .380 or .32 and other firearm of similar firepower, part of firearm, ammunition, or machinery, tool or instrument used or intended to be used in the manufacture of any firearm or ammunition: Provided, that no other crime was committed.) THE TERM ‘FIREARM’ REFERS TO ANY HANDHELD OR PORTABLE WEAPON THAT EXPELS, 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 WHICH INCLUDES REVOLVERS, PISTOLS, RIFLES, CARBINES, SHOTGUNS, OR ANY SIMILAR INSTRUMENT OR IMPLEMENT.

THE TERM HOWEVER, DOES NOT APPLY TO THOSE USED AS TOYS WHERE PLASTIC SHOTS AND PAINTBALLS ARE DISCHARGED, INCLUDING 'ANTIQUE' OR 'RELIC' FIREARMS AS DEFINED BY THE UNITED NATIONS (UN) FIREARMS PROTOCOL, AND FIREARMS DEACTIVATED OR DEMILITARIZED AS CLASSIFIED BY THE PHILIPPINE NATIONAL POLICE, EXCEPT THOSE DEVICES MENTIONED IN SECTION 4 (5A) OF THIS ACT.

THE PENALTY OF ONE DEGREE HIGHER SHALL BE IMPOSED UPON ANY PERSON WHO SHALL UNLAWFULLY POSSESS ANY FIREARM IF ANY OR COMBINATION OF THE FOLLOWING CONDITIONS ARE PRESENT :

- A) THE FIREARM IS LOADED WITH AMMUNITION OR INSERTED WITH A LOADED MAGAZINE;
- B) THE FIREARM IS FITTED OR MOUNTED WITH LASER OR ANY GADGET USED TO GUIDE THE SHOOTER HIT THE TARGET SUCH AS THERMAL WEAPON SIGHT (TWS) AND THE LIKE;
- C) THE FIREARM IS FITTED OR MOUNTED WITH SNIPER SCOPES, FIREARM MUFFLER OR FIREARM SILENCER;
- D) THE FIREARM IS ACCOMPANIED WITH AN EXTRA BARREL;
- E) THE FIREARM IS CONVERTED TO BE IN ANY TYPE SUCH AS PISTOL TO RIFLE;
- F) THE FIREARM IS CONVERTED TO BE FIRED SEMI- AUTOMATIC OR FULL AUTOMATIC.

(The penalty of prision mayor in its minimum period and a fine of thirty thousand pesos [P 30,000] shall be imposed if the firearm is classified as high-powered firearm which includes those with bores bigger in diameter than .38 caliber and 9 millimeter such as calibre .40, .41, .44, .45 and also lesser calibered firearms but considered powerful such as calibre .357 and calibre .22 center-fire magnum and other firearms with firing capability of full automatic and by burst of two or three: Provided, however, that no other crime was committed by the person arrested.)

THE PENALTY OF *RESCLUSION 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 WEAPONS. 'LIGHT WEAPONS' REFER TO ANY FIREARM MOUNTED WITH 20MM RIFLED BARREL AND/OR GRENADE LAUNCHERS NOT EXCEEDING 40MM, OR WEAPONS DESIGNED FOR USE BY TWO (2) OR MORE PERSONS SERVING AS CREW, OR THOSE WHICH MAY BE CARRIED AND USED BY A SINGLE PERSON WHICH SHALL INCLUDE DRUM-FED AND BELT-FED SUBMACHINE GUNS, LIGHT AND HEAVY

MACHINE GUNS, AND PORTABLE ANTI-AIRCRAFT AND ANTI-TANK GUNS, RECOILESS RIFLES, PORTABLE LAUNCHERS OF ANTI-AIRCRAFT MISSILE SYSTEMS, GRENADE LAUNCHERS AND MORTARS. A LIGHT WEAPON SHALL BE LAWFULLY ACQUIRED OR POSSESSED EXCLUSIVELY BY THE ARMED FORCES OF THE PHILIPPINES (AFP), THE PHILIPPINE NATIONAL POLICE (PNP) AND OTHER AUTHORIZED LAW ENFORCEMENT AGENCIES IN THE PERFORMANCE OF THEIR DUTIES; *PROVIDED*, THAT PRIVATE INDIVIDUALS WHO ALREADY HAVE LICENSES TO POSSESS LIGHT WEAPONS UPON EFFECTIVITY OF THIS ACT SHALL NOT BE DEPRIVED OF THE PRIVILEGE TO CONTINUE POSSESSING THE SAME AND RENEWING LICENSES THEREOF, AND SHALL BE REQUIRED TO COMPLY WITH THE OTHER APPLICABLE PROVISIONS OF THIS ACT.

THE PENALTY OF *PRISION CORRECCIONAL* IN ITS MAXIMUM PERIOD SHALL BE IMPOSED UPON ANY PERSON WHO SHALL UNLAWFULLY ACQUIRE OR POSSESS AMMUNITION FOR FIREARMS AND LIGHT WEAPONS. THE TERM 'AMMUNITION' REFERS TO ANY BULLET, SHOT, SLUG OR ANY PROJECTILE WHICH CAN BE DISCHARGED BY MEANS OF EXPANSIVE FORCE OF GASES FROM BURNING GUNPOWDER OR OTHER FORM OF COMBUSTION, OR LOADED SHELLS FOR RIFLES, CARBINES SHOTGUNS, REVOLVERS, PISTOLS AND OTHER FIREARMS AND LIGHT WEAPONS; *PROVIDED*, THAT IF A VIOLATION OF THIS PARAGRAPH IS COMMITTED ON THE OCCASION OF THE UNLAWFUL ACQUISITION OR POSSESSION OF A FIREARM OR LIGHT WEAPON BY THE SAME PERSON, THE VIOLATION OF THIS PARAGRAPH SHALL BE ABSORBED BY THE UNLAWFUL ACQUISITION OR POSSESSION OF A FIREARM OR LIGHT WEAPON. *PROVIDED FURTHER*; THAT 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 OR LIGHT WEAPON. THE MAJOR PARTS OR COMPONENTS OF A FIREARM OR LIGHT WEAPON ARE THE BARREL, SLIDE, CYLINDER, FRAME OR RECEIVER, AND THE BOLT ASSEMBLY. THE TERM ALSO INCLUDES ANY PART OR KIT DESIGNED AND INTENDED FOR USE IN CONVERTING A SEMI-AUTOMATIC BURST OR AUTOMATIC FIREARM.

THE PENALTY OF *PRISION MAYOR* IN ITS MINIMUM PERIOD SHALL BE IMPOSED UPON ANY PERSON WHO SHALL UNLAWFULLY ACQUIRE OR POSSESS ARMOR-PIERCING AMMUNITION, INCENDIARY AMMUNITION, AND TRACER AMMUNITION OR ANY COMBINATION THEREOF, INCLUDING BULLETS CONTAINING HIGH EXPLOSIVES NOT EXCEEDING 20MM.

THE PENALTY OF *PRISION MAYOR* IN ITS MEDIUM PERIOD SHALL BE IMPOSED UPON ANY PERSON WHO SHALL UNLAWFULLY ACQUIRE OR POSSESS AMMUNITION FOR LIGHT WEAPONS EXCEEDING 20MM CONTAINING HIGH EXPLOSIVE.

(If Homicide or Murder is committed with the use of an unlicensed firearm, such use of an unlicensed firearm shall be considered an aggravating circumstance.

If the violation of this section is in furtherance of or incident to, or in connection with the crime of rebellion or insurrection, sedition, or attempted coup d'état, such violation shall be absorbed as an element of the crime of rebellion, or insurrection, sedition or attempted coup d'état.)

IF THE USE OF AN UNLICENSED FIREARM OR LIGHT WEAPON 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; *PROVIDED*, THAT IF THE CRIME COMMITTED WITH THE USE OF AN UNLICENSED 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. *PROVIDED, FURTHERMORE*, THAT WHEN THE ACT IS COMMITTED WITH THE USE OF AN UNLICENSED FIREARM OR LIGHT WEAPON BY TWO (2) OR MORE PERSONS WHO HAVE ACTED TOGETHER, THE MAXIMUM PENALTY FOR THE OFFENSE COMMITTED SHALL BE IMPOSED; *PROVIDED, FINALLY*, THAT 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.

The (same) penalty of *PRISION MAYOR* IN ITS MINIMUM PERIOD 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 wilfully 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 paragraphs, or wilfully or knowingly allow any of them to use unlicensed firearms or firearms without any legal authority to be carried outside of their residence in the course of their employment.

The penalty of (arresto mayor) *PRISION CORRECCIONAL* AND A FINE OF TWENTY THOUSAND PESOS [P 20,000] shall be imposed upon any person who IS LICENSED TO OWN A FIREARM BUT WHO shall carry THE SAME (any licensed firearm) outside his residence without any legal authority therefor.

SECTION 2. - Section 2 of Presidential Decree No. 1866 is hereby amended to read as follows :

SECTION 2.(*Presumption of illegal*) UNLAWFUL Manufacture, SALE OR DISPOSITION of Firearms LIGHT WEAPONS or Ammunition, OR PARTS THEREOF, MACHINERY, TOOLS OR INSTRUMENTS USED OR INTENDED TO BE USED IN THE MANUFACTURE OF FIREARMS, LIGHT WEAPONS, AMMUNITIONS, OR PARTS

THEREOF - THE PENALTY OF *RECLUSION TEMPORAL* TO *RECLUSION PERPETUA* SHALL BE IMPOSED UPON ANY PERSON WHO SHALL UNLAWFULLY ENGAGE IN THE MANUFACTURE, SALE OR DISPOSITION OF FIREARMS, LIGHT WEAPONS OR AMMUNITION, OR MAJOR PARTS OF FIREARMS, LIGHT WEAPONS OR AMMUNITION, OR MACHINERY, TOOL OR INSTRUMENT USED OR INTENDED TO BE USED BY THE SAME PERSON IN THE MANUFACTURE OF FIREARMS, LIGHT WEAPONS, AMMUNITION, OR MAJOR PART/S THEREOF.

The possession of any machinery, tool or instrument used directly in the manufacture of firearms, LIGHT WEAPONS,(or) ammunition, OR MAJOR PART/S THEREOF by any person whose business or ACTIVITY(employment) does not lawfully deal with the manufacture of SUCH ARTICLE (firearms or ammunition), shall be *prima facie* evidence that such article is intended to be used in the unlawful / illegal manufacture of firearms, LIGHT WEAPONS, (or) ammunition, OR PART/S THEREOF.

THE PENALTY OF *PRISION MAYOR* IN ITS MINIMUM PERIOD TO *PRISION MAYOR* IN ITS MEDIUM PERIOD 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 FIREARMS, LIGHT WEAPONS OR AMMUNITIONS WHICH THE COMPANY MANUFACTURES AND SELLS, AND OTHER MATERIALS USED BY THE COMPANY IN THE MANUFACTURE OR SALE OF FIREARMS, LIGHT WEAPONS OR AMMUNITION. 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 ENTITIES, 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.

SECTION 3. Section 5 of Presidential Decree No.1866, as amended by Republic Act No. 8294, is hereby further amended to read as follows:

(**SECTION 5. *Tampering of firearm's serial number*** - The penalty of *prision correccional* shall be imposed upon any person who shall unlawfully tamper, change, deface or erase the serial number of any firearm.)

SECTION 5. *Obliteration or Alteration of Firearms identification* - THE PENALTY OF *PRISION MAYOR* IN ITS MAXIMUM PERIOD SHALL BE IMPOSED UPON ANY PERSON WHO SHALL OBLITERATE OR ALTER WITHOUT AUTHORITY THE NAME OF THE MAKER, MODEL, SERIAL NUMBER, OR REPLACE THE BARREL, 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 THESE INFORMATIONS, INCLUDING ITS INDIVIDUAL OR PECULIAR IDENTIFYING CHARACTERISTICS INTO THE DATABASE OF INTEGRATED FIREARMS IDENTIFICATION SYSTEM OF PNP THE CRIME LABORATORY FOR FUTURE USE AND IDENTIFICATION OF A PARTICULAR FIREARM.

POSSESSION OF ANY FIREARM OR LIGHT WEAPON WITH AN OBLITERATED OR ALTERED IDENTIFICATION IS PRESUMPTIVE EVIDENCE THAT THE POSSESSOR PERFORMED THE OBLITERATION OR ALTERATION.

SECTION 4. *There are hereby inserted Sections 5-A, 5-B, 5-C, 5-D, 5-E, 5-F, 5-G and 5-H in Presidential Decree No. 1866, to read as follows:*

SECTION 5-A *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 SECTION 1 OF THIS ACT.

THE TERM 'IMITATION FIREARM' REFERS TO ANY AIR, GAS OR SPRING OPERATED GUN, TOY GUN, 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.

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SECTION 5-B *FIREARMS, LIGHT WEAPONS OR AMMUNITION IN CUSTODIA LEGIS* – DURING THE PENDENCY OF ANY CASE FILED IN VIOLATION OF THIS ACT, SEIZED FIREARMS, LIGHT WEAPONS, AMMUNITION, OR PART/S THEREOF, MACHINERY, TOOLS OR INSTRUMENTS SHALL NOT BE DISPOSED OF, ALIENATED OR TRANSFERRED BUT SHALL BE IN THE CUSTODY OF THE COURT; *PROVIDED*, THAT IF THE COURT DECIDES THAT IT HAS NO ADEQUATE MEANS TO SAFELY KEEP THE SAME, THE COURT SHALL AUTHORIZE THE PNP TO HOLD SUCH FIREARMS, LIGHT WEAPONS, AMMUNITION, OR PART/S 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: *PROVIDED FURTHER*, THAT NO BOND SHALL BE ADMITTED FOR THE RELEASE OF THE SAME: *PROVIDED FINALLY*, THAT ANY VIOLATION HEREOF SHALL BE PUNISHABLE BY PRISION MAYOR IN ITS MINIMUM PERIOD TO PRISION MAYOR IN ITS MEDIUM PERIOD.

SECTION 5-C 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 FIREARMS, LIGHT WEAPONS, AMMUNITION, OR PART/S THEREOF, MACHINERY, TOOLS OR INSTRUMENTS IN FAVOR OF THE GOVERNMENT.

SECTION 5-D LIABILITY FOR PLANTING EVIDENCE CONCERNING FIREARMS, LIGHT WEAPONS AND AMMUNITION OR PART/S THEREOF - 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 PART/S 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: *PROVIDED*, THAT IF THE PERSON FOUND GUILTY HEREIN IS A PUBLIC OFFICER OR EMPLOYEE, SUCH PERSON SHALL SUFFER THE PENALTY OF RECLUSION PERPETUA.

SECTION 5-E ISSUANCE, REVOCATION, CANCELLATION AND SUSPENSION OF LICENSE AND PERMIT - EVERY FIREARM MUST BE REGISTERED WITH THE FIREARMS AND EXPLOSIVES OFFICE OF THE PHILIPPINE NATIONAL POLICE (FEO-PNP) AND DULY APPROVED TO BE CONSIDERED LICENSED. THE PNP CHIEF OR HIS AUTHORIZED REPRESENTATIVE SHALL ISSUE LICENSES OR OTHER PERMITS TO ANY QUALIFIED NATURAL OR JURIDICAL PERSON WHO SHALL ACQUIRE, POSSESS, DEAL IN, SELL OR DISPOSE FIREARMS, LIGHT WEAPONS, AMMUNITION, OR PART/S THEREOF. A PERMIT TO CARRY A FIREARM OUTSIDE OF RESIDENCE MAY ALSO BE ISSUED BY THE PNP CHIEF OR HIS DULY AUTHORIZED REPRESENTATIVE TO ANY QUALIFIED PERSON IN MERITORIOUS CASES AS MAY BE DETERMINED BY HIM AND ON THE BASIS OF THE IMPLEMENTING RULES AND REGULATIONS PROMULGATED BY HIM FOR THE PURPOSE.

LIKEWISE, ANY PERSON WHO SHALL MANUFACTURE OR REPAIR FIREARMS, LIGHT WEAPONS, AMMUNITION, OR MAJOR PART/S THEREOF SHALL FIRST SECURE A LICENSE TO ENGAGE SO FROM THE PNP CHIEF.

FIREARMS AND LIGHT WEAPONS WITH EXPIRED LICENSES WHICH HAVE NOT BEEN RENEWED FOR A PERIOD OF SIX (6) MONTHS FROM THE DATE OF EXPIRATION THEREOF SHALL BE SURRENDERED, CONFISCATED OR FORFEITED IN FAVOR OF THE GOVERNMENT AFTER DUE PROCESS : *PROVIDED* THAT, AN OMISSION TO RENEW THE LICENSE WITHIN A PERIOD OF SIX (6) MONTHS FROM THE DATE OF EXPIRATION ON TWO (2) OCCASIONS SHALL CAUSE THE HOLDER OF THE FIREARM OR LIGHT WEAPON TO BE PERPETUALLY DISQUALIFIED FROM APPLYING FOR ANY FIREARM LICENSE.

SECTION 5-F GROUND FOR REVOCATION, CANCELLATION OR SUSPENSION OF LICENSE OR PERMIT - THE PNP CHIEF 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 PART/S 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 PART/S THEREOF THROUGH NEGLIGENCE;
- (D) CARRYING OF THE FIREARM, LIGHT WEAPON, AMMUNITION, OR MAJOR PART/S THEREOF OUTSIDE OF RESIDENCE OR WORKPLACE WITHOUT THE PROPER PERMIT TO CARRY THE SAME;
- (E) CARRYING OF THE FIREARM, LIGHT WEAPON, AMMUNITION, OR MAJOR PART/S THEREOF IN PROHIBITED PLACES;
- (F) DISMISSAL FOR CAUSE FROM THE SERVICE IN CASE OF GOVERNMENT OFFICIALS AND EMPLOYEES;
- (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) SUCH OTHER GROUNDS WHICH MAY LATER BE SPECIFIED BY THE PNP CHIEF.

SECTION 5-G FAILURE TO NOTIFY LOST / STOLEN FIREARM OR LIGHT WEAPON AND CHANGE OF ADDRESS - THE PENALTY OF *ARRESTO MENOR* AND A FINE OF TEN THOUSAND PESOS (P 10,000.00) SHALL BE IMPOSED UPON ANY LICENSED FIREARM HOLDER WHO FAILS TO REPORT TO THE FIREARMS AND EXPLOSIVE OFFICE OF THE PHILIPPINE NATIONAL POLICE (FEO-PNP) THAT THE SUBJECT FIREARM HAS BEEN LOST OR STOLEN WITHIN A PERIOD OF THIRTY (30) DAYS FROM THE DATE THE SAID FIREARM HAS BEEN DISCOVERED LOST OR STOLEN.

SECTION 5-H ILLEGAL TRANSFER OF FIREARMS - IT SHALL BE UNLAWFUL FOR ANY PERSON TO TRANSFER POSSESSION OF ANY FIREARM OR AMMUNITION, OR MAJOR PART/S THEREOF, 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 PRAGRAPH. FURTHER, HE SHALL BE DISQUALIFIED TO APPLY FOR A LICENSE TO POSSESS OTHER FIREARMS AND ALL HIS EXISTING FIREARMS LICENSES SHALL BE REVOKED.

ANY PUBLIC OFFICER OR EMPLOYEE WHO SHALL REGISTER A FIREARM, KNOWING THAT THE SAME IS STOLEN OR LOST, SHALL SUFFER THE PENALTY OF *PRISION CORRECCIONAL*.

SECTION 5. *Rules and Regulations* - The PNP shall issue within ninety (90) days after the approval of this Act the rules and regulations necessary for the effective implementation of the provisions of this Act.

SECTION 6. *Separability Clause* - If, for any reason, any section or provision of this Act is declared invalid or unconstitutional, the other sections or provisions hereof not affected thereby shall continue to be in full force and effect.

SECTION 7. *Repealing Clause* - All laws, decrees, orders, rules and regulations, and other issuances, or parts thereof which are inconsistent with the provisions of this Act are hereby deemed repealed, amended or modified accordingly.

SECTION 8, *Effectivity* - This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved.