

Republic of the Philippines
House of Representatives
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. **3408**

Introduced By: Hon. Rodolfo W. Antonino

Explanatory Note

It is the policy of the State to maintain peace and order and ensure the protection of life, liberty, and property under the Constitution. The rise in violent crimes, oftentimes committed with the use of unlicensed firearms, continues to pose grave threat and danger to the lives of the people.

Another serious problem is the existence of private armies, as exhaustively discussed in the *Señarosa Report*. This problem includes the proliferation of unlicensed firearms, ammunition and illicit manufacture and trade in such small arms and other light weapons.

However, the existing laws are not adequate and comprehensive. These are Presidential Decree No. 1866 which was issued during Martial Law and Republic Act No. 8294 which only provided for a lower penalty for illegal possession, manufacture, importation and sale of firearms without any further regulatory measures.

There are also a number of memorandum circulars, regulations and guidelines issued by the Philippine National Police that deal with the regulation of firearms, ammunition and explosive devices. However, it is best to properly rationalize these issuances into one comprehensive statute so as to avoid confusion and to ensure the efficient and proper enforcement of such.

Hence the necessity for a comprehensive law on the ownership, possession, carrying, sale, manufacture, dealing in, import and export of firearms and ammunition and parts thereof which necessarily carries stiffer penalties and ensures reasonable regulation, even covering the licensing for qualified firearm holders by the Government.

In view of this forgoing, approval of this Bill is highly and earnestly recommended



RODOLFO W. ANTONINO

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Quezon City, Metro Manila

Fifteenth Congress
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House Bill No. **3408**

Introduced by HON. RODOLFO W. ANTONINO

AN ACT PROVIDING FOR A COMPREHENSIVE LAW ON FIREARMS AND AMMUNITION,
PENALIZING VIOLATIONS THEREOF, AND REPEALING PRESIDENTIAL DECREE NO. 1866
AND REPUBLIC ACT NO. 8294

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

Section 1. Short Title. – This act shall be known as the “Comprehensive Firearms and Ammunition Regulation Act of 2010”.

Section 2. Purpose. – It is hereby declared by Congress that the purpose of this Act is to provide for a comprehensive law regulating the ownership, possession, carrying, manufacture, importation of and dealing in firearms, ammunition, or parts thereof, in order to provide legal support to law enforcement agencies in their campaign against crime, and stop the proliferation of illegal firearms or weapons and the illegal manufacture of firearms or weapons, ammunition and parts thereof. It is not the purpose of this Act to place any undue or unreasonable restrictions on qualified law-abiding citizens with respect to their due acquisition, ownership, possession, or use of firearms for purposes of hunting, sports, competitions, personal protection or any lawful activity.

Section 3. – Definitions: As used in this Act -

a. The term “Firearm” shall refer to (1) any weapon which is designed to, may be converted into, or which will expel a projectile by the action of an explosive; (2) the frame or receiver of any such weapon; Provided that it shall not include a curio or antique firearm, an air gun, an air-soft gun or a replica.

b. The term “small arms” shall mean those firearms or weapons intended for use by individual or primarily designed for individual use or that which is generally considered to mean a weapon intended to be fired from the hand or shoulder which includes:

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

(i) A pistol which is defined as a hand-operated firearm having a chamber integral with or permanently aligned with the bore which may be self loading and maybe fire in semi-automatic or automatic mode .

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

(2) Shotgun - a weapon designed, made and intended to fire through a smooth bore by the action or energy of an explosive a number of ball shots or a single projectile.

(3) Rifle - A rifle is a shoulder firearm or designed to be fired from the shoulder which 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 categorized as single fire or semi-automatic, burst, or automatic.

c. "Major" parts of a firearm for purposes of importation shall also include the barrel, slide, cylinder, bolt, and any assembled part of a firearm consisting of the said parts.

d. "Minor" parts of a firearm, other than the mentioned major parts hereof, are those parts which consist of the firearm and which are necessary to effect and complete the action of expelling a projectile by way of an explosion, except those classified as accessories.

e. The term "light weapons" are those which are classified as machine guns, belt fed, operated by a crew or more than one person and are generally weapons incapable of being licensed for ownership by citizens, except those which are classified as curio or antique weapons.

f. The term "ammunition" means loaded shells designed for use in any firearm and may be fired by means of gunpowder or explosives.

g. "Importer" shall mean any person, legal entity, corporation, partnership or business engaged in the business of importing or bringing ammunition and firearms or parts thereof into the territory of the Republic of the Philippines for purposes of sale or distribution under the provisions of this Act.

h. "Dealer" shall mean any person, legal entity, corporation, partnership or business engaged in the business of buying and selling ammunition or firearms or parts thereof at wholesale or retail.

i. "Manufacturer" means any person, legal entity, corporation, partnership or business entity engaged in the business of manufacturing ammunition and firearms or parts thereof for purposes of sale or distribution. This category shall also include the "sub-contractor" who manufactures parts of firearms for purposes of selling or delivery to licensed manufacturers.

j. "Gunsmith" shall refer to any person, legal entity, corporation, partnership or business engaged in the business of repairing firearms, light weapons and other weapons defined herein or of constructing or assembling firearms and said weapons from finished or manufactured parts thereof or of making minor parts thereof for the purpose of repairing or assembling said firearms or weapons.

k. "School Zone" shall mean the grounds and property of a school, college or university extending up to fifty (50) meters from the limits or fence of the said premises for purposes of this Act.

l. "Public place" shall include any private establishment that serves liquor, amusement parks and centers, malls, shopping centers, bars, discos, hotels, motels, inns, and places of business which admit the general public, including legally operated casinos and gambling areas and arenas such as cockpits, lotteries and the like.

m. "Banks" shall include all banking institutions and their branches and all financial institutions or business engaged in the exchange of currency, delivery or the transport of money, jewelry, and the like.

n. "Licensed citizen" means any individual, a Filipino who is at least twenty-one (21) years old and has license to own, possess or to carry firearms outside of his or her residence in accordance with this Act.

o. "Residence" means the place or places of abode by the licensed citizen as indicated in his or her license.

Section 4. Unlawful Sale, Importation and Manufacture of Firearms, Ammunition and Explosive Devices.

a. **Dealing In firearms, ammunition or parts.** - Except in case of a licensed dealer, it shall be unlawful for any person or legal entity to engage in the business of buying, selling, dealing with or the acquisition of ammunition and firearms or parts thereof for purposes of sale without a license. The penalty of *prision correccional* in its medium period and a fine of P100,000.00 to P500,000.00 shall be imposed for the violation of this provision.

b. **Importation.** - Except in case of a licensed importer, it shall be unlawful to import or to engage in the business of importing firearms or parts thereof, to sell or otherwise act as dealer thereof. The penalty for violation of this provision shall be *prision correccional* in its medium period and a fine of P200,000.00 to P500,000.00 .

c. **Manufacture of firearms or parts.** - Except in the case of a licensed manufacturer, it shall be unlawful to manufacture or engage in the business of manufacturing or assembling firearms or parts of firearms. The penalty of *prision correccional* in its maximum period to *prision mayor* in its minimum period and a fine of P300,000.00 to P500,000.00 shall be imposed for the violation of this provision.

d. **Manufacture and sale of ammunition.** - Except in the case of licensed dealers, licensed importers and manufacturers, it shall be unlawful to deal in or engage in the business of selling ammunition and to manufacture or to engage in the business of manufacturing ammunition. The penalty of *prision correccional* in its minimum period and a fine of P20,000.00 shall be imposed for any violation hereof.

e. **Ammunition for Personal Use.** - The sale, possession and ownership of ammunition reloading machines for personal use of a licensed citizen or accredited gun clubs shall be registered only once with the Philippine National Police; Provided that the failure to register the same shall be punishable with a fine of P10,000.00.

f. **Transporting and displaying.** - Nothing in this paragraph shall be held to preclude a licensed dealer, importer, or manufacturer from depositing, displaying or bringing into or from the places of business any firearm or parts thereof and ammunition.

Section 5. Possession of Equipment, Machinery and Materials for the Manufacture of Firearms. - The possession of any machinery, tool or instrument used directly in the manufacture of firearms or major parts thereof and ammunition by any person, corporation, sole proprietor or any business entity who are not licensed to deal or sell, to manufacture of firearms and ammunition or who are not licensed gunsmiths shall be *prima facie* evidence that such article is intended to be used in the unlawful or illegal manufacture of firearms, ammunition or explosives as penalized under Section 3 (c).

Section 6. Altering the Composition of Ammunition Components. - It shall be unlawful to alter or modify the composition of any lawfully manufactured ammunition or explosive powder and the like which are used for the making of ammunition. The penalty shall be *prision correccional* in its minimum period for violations hereof.

Section 7. Licenses and Scope of Licenses for Dealers, Importers and Manufacturers.

a. The license to import shall not include the license to deal in or manufacture firearms and ammunition.

b. A separate license to export shall be necessary to export manufactured parts or finished products of firearms and ammunition. The importation and export of firearms and ammunition shall be under the administration of the Philippine National Police.

c. The license to deal in or buy and sell ammunition and firearms shall be necessary to engage in the said business and shall be separate from the license to import and manufacture the same.

d. The license to manufacture shall include the license to import machinery, equipment, and firearms and ammunition or parts for the manufacture thereof but shall not include the license to import finished products for resale.

e. The license for gunsmiths shall include the repair, assembly or weapons and the making of minor parts for purposes of such assembly or repair.

Section 8. Unlawful Possession of Firearms by Civilians. - Only licensed citizens shall be allowed to purchase, sell, possess, own and carry firearms and ammunition and only upon licenses issued in accordance with the provisions of this Act and its Implementing Rules and Regulations.

a. The penalty of *prision correccional* in its medium period and a fine of not less than Fifty Thousand Pesos (P50,000.00)] shall be imposed upon any person who shall unlawfully possess a firearm without any license.

b. The penalty of *arresto mayor* from its minimum period to its medium period or a fine of not less than P10,000.00 shall be imposed upon any person who shall possess ammunition for firearms without any license; Provided, that a license to possess a firearm or firearms shall be deemed to include the license to purchase and possess ammunition for such firearm or firearms.

Section 9. *Requisites for Obtaining a License to Own and Possess Firearms.* - A citizen may acquire a license to own and possess a firearm or firearms and ammunition only upon compliance with the following requirements:

- a. The citizen is at least twenty-one (21) years old;
- b. He or she has gainful work or business and has filed an Income Tax Return for the preceding year.
- c. He or she is not an accused in a criminal case before the courts for a crime with a penalty of imprisonment of more than two (2) years. An acquittal in the criminal case before the courts shall qualify the individual to acquire a license.
- d. He or she has not been convicted of any offense with a penalty of imprisonment of more than one (1) year.
- e. He or she has passed the psychiatric test and drug test administered by an accredited psychologist or psychiatrist and an accredited testing laboratory or clinic for the drug test.
- g. Payment of reasonable licensing fees as may be provided for in the Implementing Rules and Regulations of this Act which shall not be amended within three (3) years.
- h. He or she must have passed a gun safety seminar which is handled by the Philippine National Police or a registered gun club.
- i. No other requirements other than those provided in this Act may be included in the Implementing Rules and Regulations;

Section 10. *Firearms That May Be Licensed.* - Only firearms classified as small arms may be registered by licensed citizens for ownership, possession and concealed carry.

Section 11. *Types of Licenses.* - The following types of licenses to possess and own firearms may be granted to any licensed citizen upon compliance with the requirements and payment of reasonable fees therefor:

- a. Type 1 License: For citizens with annual income of P50,000.00 or less, the licensed citizen shall be allowed to own a maximum of two handguns and one rifle or shotgun.

b. Type 2 License: For citizens with annual income of above P50,000.00 to P100,000.00, the licensed citizen shall be allowed to own a minimum of three (3) but not more than six (6) small arms, two (2) which may either be a rifle or a shotgun.

c. Type 3 License: For citizens with annual income of above P100,000.00 to P150,000.00, the licensed citizen shall be allowed to own a minimum of seven (7) but not more than twelve (12) small arms, three (3) of which may either be rifle or shotgun.

d. Type 4 License: For citizens with annual income of above P150,000.00 to P200,000.00, the licensed citizen shall be allowed to own a minimum of thirteen (13) but not more than fifteen (15) small arms, four (4) of which may either be rifle or shotgun. A vault for the safekeeping of firearms shall be required.

e. Type 5 License: For citizens with annual income of above P200,000.00, the licensed citizen shall be allowed to own any combination of small arms.

f. Type 6 License: This license shall be granted to citizens certified to be licensed gun collectors.

g. For Type 3 to Type 5 Licenses, a vault or a secure container for the safekeeping of firearms shall be required. For Type 6 License, a secured display cabinet shall be required to contain the firearms.

Section 12. License to Possess Ammunition Necessarily Included. - The licenses granted to qualified citizens as provided in the preceding section shall include the license to possess ammunition with a minimum of fifty (50) rounds. The number of ammunition per licensed firearm may be increased depending on the type of license or upon further permit granted to the licensed citizen.

Section 13. Registration of Firearms. - As a requisite to own and possess firearms, the licensed citizen shall register his firearms so purchased with the designated regulatory service of the Philippine National Police 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 therefor.

Section 14. Renewal of Licenses and Registration.

a. All types of licenses issued to licensed citizens shall be renewed every two (2) years.

b. The registration of the firearms shall be done every two (2) years.

c. Provided, that - upon failure of the licensed citizen to renew his license type or to renew the registration of the firearm, notice shall be sent to his or her address indicating a period of six (6) months after receipt of notice to renew the license or registration.

d. Provided, further, that - upon the lapse of two (2) years without the renewal of the type of license or the registration of the firearm, the license granted to the citizen shall be revoked and the unregistered firearms shall be confiscated by the Philippine National Police in favor of the government upon proof of notice, except for good cause and such as prolonged absence from his or her residence.

e. Provided, further, that - reasonable fees shall be charged for the failure to renew the license or register the firearm on time.

Section 15. Possession by Public Officers. – Except for the registration and the issuance of card registrations for firearms supplied by the government to law enforcement agencies, soldiers and/or members of the Armed Forces of the Philippines, the National Bureau of Investigation, the Philippine National Police, the Bureau of Jail Management and Penology, as well as the President and Vice President of the Republic of the Philippines, Senators and Representatives of the House 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, the provisions on licensing and possession of licensed firearms shall not apply when such firearms which are issued as incident of their work and service to the government;

a. Provided, however, except in the case of the Armed Forces of the Philippines, that the list of firearms be maintained by the appropriate services of their bureaus and which list must be submitted to the Department of Justice and to the designated regulatory service for firearms. Any discrepancy in the list submitted shall be considered as negligence in the performance of official duties;

b. Provided, further, that minimal fees equivalent to the cost of registration shall be charged.

c. Provided, further, that any other firearm personally purchased by the members of these mentioned services, departments and law enforcement agencies shall be subject to the licensing requirements under this Act for possession and permit to carry such firearm outside of their residences upon payment of minimal fees as government employees;

d. Provided, further, that provincial governors, members of the Sangguniang Panlalawigan, mayors, members of the Sangguniang Panglunsod or Sangguniang Bayan, members of the Judiciary and prosecutors of the Department of Justice shall each be allowed to carry one (1) concealed firearm outside of residence upon the registration of such firearm.

Section 16. Unlawful Issuance of Authority to Carry Firearm and/or Ammunition Outside of Residence. - It shall be unlawful for any person, civilian or military, who shall issue authority to carry firearm and/or ammunition outside of residence, without authority therefor and shall be considered as Falsification by public officer under Article 171, Revised Penal Code with the same penalty of *prision mayor*.

Section 17. Concealed Carry of Firearms. – It shall be unlawful for any licensed citizen to carry his registered firearms and ammunition outside of his residence without particular permits to carry concealed firearms outside of the residence of such licensed citizen, which permits should be issued in accordance with and subject strictly to the provisions of this law and in faithful accordance with its implementing rules and regulations. The penalty therefor shall be *arresto menor* (*arresto mayor* - RA 8294) or a fine of P20,000.00 and the cancellation of the license:

a. Provided, that the requirements for the issuance of the special permit to carry firearms outside the residence are:

(i) The applicant must be a licensed citizen;

- (ii) An application for the special permit to carry firearm outside the residence;
- (iii) The applicant must show the necessity to carry the firearm outside of the residence by reason of participation in sports and shooting competitions, personal protection, nature of work, nature of business and circumstances which will regularly place his personal safety in danger;
- (iv) Payment of reasonable fee.

b. Provided, further, that the requirements for carrying firearms outside of residence are:

- (I) The firearm must be concealed from public view or display;
- (ii) Outside or belt holsters cannot be used for concealed carry;
- (iii) The firearm can be contained in inside holster, bags, belt bags and the like as long as they are not exposed to the public view.(iv) The firearm cannot be brought to "gun free zones" defined herein as schools, colleges, universities, banks, and public places as defined in this Act;

Provided, that - such institutions shall provide for the deposit and safekeeping of licensed firearms with permits to carry outside of residence; Provided, further, that in public places like amusement parks and centers, malls, shopping centers, and places of business which admit the general public including lawful casinos and legal gambling arenas, such private establishments may allow firearms subject to permits to carry firearms to be brought into such establishments upon the condition the permits to carry firearms be recorded upon entry therein; Provided, further, that firearms shall not be allowed inside restaurants and establishments which serve liquor and the firearm shall be deposited with the management thereof before entry.

- (v) Nothing in this paragraph shall be regarded as to further limit the licensed citizen's permit to carry concealed firearms outside of residences, or to otherwise define a different "gun free zone."

Section 18. Fees for Issuance of and Renewal of Licenses, Registrations and Permits To Carry Concealed Firearms. –

- (i) All payments for the application for licenses shall be made to the Land Bank of the Philippines or the designated government bank;
- (ii) All payments for the permits to carry concealed firearms shall be for the account of the agency or service in charge of the regulation of firearms of the Philippine National Police; and,
- (iii) Receipts shall be duly issued by the bank, agency or service receiving such payments for purposes of accountability. Failure to issue receipts shall be punishable by *prison correccional* in its minimum period and by permanent disqualification from government service.

Section 19. Rules on the Sale, Transfer, and Concealed Carry During Elections. During the election period as determined by the Omnibus Election Code, the following provisions shall prevail on the sale, transfer, issuances of licenses, registration of firearms and the concealed carry of firearms, as follows:

a. The permit to carry concealed firearms outside of one's residence shall be suspended during the election period. However, special permits shall be issued by the Commission on Elections to those exempted from this prohibition.

b. Exemptions to the suspension of the permit to carry concealed firearms during elections shall cover:

(1) Security agencies and personnel involved in the business of providing protection and the transport of money, gold, gems or valuables; This exception shall also include cashiers, disbursing officers or persons who are employed in banking, financial institutions, pawnshops, or foreign exchange and the like who are officially tasked with the delivery, transport and safekeeping of sums of money, gold, gems and other like valuables and also those whose profession, business or occupation involve the same tasks;

(2) President and Vice President of the Republic of the Philippines, Senators and Representatives of the House of Congress, Justices of the Supreme Court and the Court of Appeals, Judges of lower courts, Lawyers, Prosecutors and Officials of the Department of Justice, Cabinet Secretaries, Governors, and Mayors; Provided that, those who are running for any elective position shall be required to seek a special permit from the Commission on Elections.

c. The suspension of the permit to carry firearms shall not apply to law enforcement agencies such as the National Bureau of Investigation, the Philippine National Police, the Bureau of Jail Management and Penology (Bureau of Prisons and jail guards), members of the Judiciary and the Justice Department, 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 and there shall be no necessity to secure a Special Permit to Carry their service firearms from the Commission on Elections; Provided, that -

(i) The exemption shall cover only the service firearms of these persons; Such firearm shall be considered the service firearm if included in the list submitted to the Commission on Elections by the services or departments concerned.

(ii) The carrying of firearms of these services and persons shall be in connection with the performance of their duties and work and going to and from their place of work;

(iii) The rules on the restrictions of carrying firearms by licensed citizens shall be observed insofar as off-duty personnel shall not be able to bring their firearms into gun free zones as provided in Sec. 16 (b) [4] of this Act.

(iv) Provided, however, that the chief of the said law enforcement services or agencies, judges and justices, and prosecutors of the Department of Justice shall submit to the Commission on Elections a list of those firearms belonging to these persons at least twenty (20) days before the start of the election period.

d. The suspension of the permit for concealed carry shall not include the application for gun licenses and registration of firearms; nor the sale and transport of sold firearms from the store to the residence of the purchaser; nor the usual transport of ammunition, firearms or parts thereof pursuant to the business of licensed importers, dealers, manufacturers and gunsmiths; nor the delivery and transport of ammunition and firearms or parts thereof to the premises of the Philippine National Police for safekeeping and such other tests required for registration or licensing. Nothing in this Act which supersedes the relevant articles and sections of the Omnibus Election Code shall be held or interpreted to restrict and suspend lawful commerce of firearms during the election period.

d. Nothing in this paragraph shall be held to further restrict the exemptions on the suspension of the permits to carry concealed weapons outside the residences of licensed citizens.

e. Any violation hereof shall be subject to the penalties provided for in Article XXII, Sec. 264 of the Omnibus Election Code.

Section 20. *Use of Firearms and Explosives in Committing Crimes.* – The use of firearms in the commission of crimes shall have the following effects:

a. As an aggravating circumstance in crimes punishable under the Revised Penal Code.

b. When employed in the commission of homicide, the penalty shall be increased to *prision mayor* in its maximum period. In the stages of attempted homicide and frustrated homicide, it will be considered as an aggravating circumstance

c. When used in the commission of murder, the penalty shall be no less than the capital punishment.

d. Or in perpetration of, in furtherance to, as incident of, or in relation to the crime of rebellion shall be absorbed in the crime of sedition or *coup d'etat* as an aggravating circumstance.

Section 21. *Tampering of Firearm's Serial Number.* – The penalty of *arresto mayor* (*prision correccional* - RA 8294) shall be imposed upon any person who shall unlawfully tamper, change, deface or erase the serial number of any firearm.

Section 22. *Implementing Rules and Regulations.* – The Implementing Rules and Regulations (IRR) of this Act shall be formulated by an IRR Council composed of the following:

- a. Secretary of Justice as Chairperson, who may authorize his or her representative, with the rank of at least a Senior Deputy Prosecutor General;
- b. Secretary of the DILG or his or her representative, with the rank of at least an Assistant Secretary;
- c. Representative of the private sector, from the Firearms and Ammunition Manufacturers Association of the Philippines; and,
- d. A representative from the Philippine National Police shall serve as a resource person who shall submit his inputs to the Committee.

Section 23. Repealing Clause. This Act repeals all the provisions of Presidential Decree No. 1866, Republic Act No. 8294 and all other laws, executive orders, letters of instruction, issuances, circulars, administrative orders, rules or regulations that are inconsistent therewith.

Section 24. 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.

Section 25. Effectivity – *This Act* shall take effect fifteen (15) days after publication in a newspaper of nationwide circulation.

Approved,