



Republic of the Philippines
House of Representatives

SEVENTEENTH CONGRESS

Second Regular Session

HOUSE BILL NO. 6553

INTRODUCED BY REP. LUISA LLOREN CUARESMA

Lone District of Nueva Vizcaya

EXPLANATORY NOTE

It is the declared principle and policy of the State as expressly stated under **Section 5, Article II of the 1987 Constitution** that, **“The maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.”**

To accomplish the mandate of our Constitution, Republic Act No. 10591, otherwise known as the “Comprehensive Firearms and Ammunition Regulation Act” was enacted to provide for a comprehensive law regulating the ownership, possession, carrying, manufacture, dealing in and importation of firearms, ammunition or parts thereof, in order to provide legal support to law enforcement agencies in their campaign against crime, stop the proliferation of

loose firearms or weapons and the illegal manufacturing of firearms or weapons, ammunition and parts thereof.

Statistical data gathered by the Firearms and Explosives Office of the Philippine National Police shows that three and a half (3.5) years after the effectivity of Republic Act No. 10591 there are approximately 824, 679 old firearms holders. Unfortunately, not all are registered. The records also show that there are 1, 747, 775 firearms holders that have expired registration.

The decline of registration has led to the increase of loose firearms. One of the main reasons for the decline of registration is that firearm holders feel discouraged to comply with all the requirements for the licensing and registration of their firearms. An average of three days must be allotted to complete the registration steps notwithstanding the need to go back again to Camp Crame or Police Regional Offices to claim the results of their Neuropsychiatric exam and drug test. Additional days should also be allotted to apply for necessary clearances such as NBI clearance, Police clearance, MTC or RTC clearance.

The process of licensing and registration of firearms has also brought significant issues. How can a bedridden firearm holder or a citizen living abroad or an unqualified person who acquired a firearm through inheritance or donation register? The registration requirements could be oppressive for them. The data gathered clearly shows that the means employed to accomplish the purpose of the law weren't efficient and effective.

Professor Freund describes the police power as the power promoting the public welfare by restraining and regulating the use of liberty and property. The lawful objective must be pursued through a lawful method. The means

employed should be reasonably necessary for the accomplishment of the purpose and not unduly oppressive upon individuals.

To encourage citizens to register their firearms, the Philippine National Police Firearms and Explosives Office has launched last August 15, 2017 the Provisional License to Own and Possess Firearms (LTOPF) Program. The main objective of this program is to help holders of an expired firearms registration who were issued license before the effectivity of Republic Act no. 10591 to register their firearms while accomplishing the requirements of the Regular LTOPF under Section 4 of RA 10591.

The requirements for registrations were reduced from 11 down to 3 requirements. This program encourages people to register their loose firearms thereby increasing accountability, assist in the legal sale or transfer of renewed firearms, promoting responsible firearm ownership and peace of mind from criminal liability.

The ideal of the greatest good for the greatest number will be subordinate to the wicked scheme of perpetuating despotic authoritarianism. Let us not allow the corruption of police power lead to the decay of democracy itself.

In view of the foregoing, the passage of this bill is earnestly sought.

Luisa Lloren Cuaresma
LUISA LLOREN CUARESMA



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SEVENTEENTH CONGRESS

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HOUSE BILL NO. **6553**

INTRODUCED BY REP. LUISA LLOREN CUARESMA

Lone District of Nueva Vizcaya

**AN ACT GRANTING PROVISIONAL LICENSE TO OWN AND
POSSESS FIREARMS AND STREAMLINING THE REGISTRATION
AND RENEWAL PROCESS, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 10591, OTHERWISE KNOWN AS THE
“COMPREHENSIVE FIREARMS AND AMMUNITION REGULATION
ACT” AND APPROPRIATING FUNDS THEREFOR**

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

SECTION 1. For the purpose of this Act, the following terms shall be added in Section 3. *Definition of Terms* of Republic Act No. 10591, otherwise known as “Comprehensive Firearms and Ammunition Regulation Act”:

“SEC. 3. Definition of Terms. – As used in this Act:”

“(GG-A) SPORTS SHOOTER REFERS TO ANY PERSON WHO IS A MEMBER OF ANY GUN CLUB, ORGANIZATION, INSTITUTION OR ASSOCIATION DULY RECOGNIZED BY THE PHILIPPINE GOVERNMENT WHO COMPETES LOCALLY OR INTERNATIONALLY USING FIREARMS.

(GG-B) PROVISIONAL LTOPF REFERS TO A TEMPORARY LICENSE ISSUED TO ANY PERSON WHO IS A HOLDER OF AN EXPIRED FIREARMS REGISTRATION WHO WAS ISSUED A LICENSE BEFORE THE EFFECTIVITY OF REPUBLIC ACT NO. 10591 GRANTED BY THE GOVERNMENT

SECTION 2. Section 4, Article II of Republic Act No. 10591, otherwise known as “Comprehensive Firearms and Ammunition Regulation Act” is hereby amended as follows:

“Article II Ownership and Possession of Firearms”

“SEC. 4. *Standards and Requisites for Issuance of and Obtaining a License to Own and Possess Firearms.* – In order to qualify and acquire a license to own and possess a firearm or firearms and ammunition, the applicant must be a Filipino citizen, at least twenty-one (21) years old and has gainful work, occupation or business or has filed an Income Tax Return (ITR) for the preceding year as proof of income, profession, business or occupation.

In addition, the applicant shall submit the following certification issued by appropriate authorities attesting to the following:

(a) The applicant has not been convicted of any crime involving moral turpitude:

(b) The applicant has passed the psychiatric test administered by a PNP-accredited psychologist or psychiatrist;

(c) The applicant has passed the drug test conducted by an accredited and authorized drug testing laboratory or clinic;

(d) The applicant has passed a gun safety seminar which is administered by the PNP or a registered and authorized gun club;

(e) The applicant has filed in writing the application to possess a registered firearm which shall state the personal circumstances of the applicant;

(f) ~~[The applicant must present a police clearance from the city or municipality police office]~~ **PROOF OF BILLING OR BARANGAY CLEARANCE.**

~~[(g) The applicant has not been convicted or is currently an accused in a pending criminal case before any court of law for a crime that is punishable with a penalty of more than two (2) years.]~~

For purposes of this Act, an acquittal or permanent dismissal of a criminal case before the courts of law shall qualify the accused thereof to qualify and acquire a license.

The applicant shall pay the reasonable licensing fees as may be provided in the implementing rules and regulations of this Act.

An applicant who intends to possess a firearm owned by a juridical entity shall submit his/her duty detail order to the FEO of the PNP.

THE ABOVE MENTIONED REQUIREMENTS SHALL ONLY BE SUBMITTED UPON THE INITIAL APPLICATION FOR REGISTRATION BY A QUALIFIED INDIVIDUAL SUBJECT TO THE REVOCATION BY THE ISSUING AUTHORITY UPON CLEAR SHOWING OF ANY GROUND FOR DISQUALIFICATION WITHOUT PREJUDICE TO ADDITIONAL ADMINISTRATIVE, CIVIL OR CRIMINAL LIABILITIES PROVIDED BY THE LAW.”

SECTION 3. Section 5 of the Comprehensive Firearms and Ammunition Regulation Act is hereby amended as follows:

“SEC. 5. Ownership of Firearms and Ammunition by a Juridical Entity. – A juridical person maintaining its own security force may be issued a regular license to own and possess firearms and ammunition under the following conditions:

- (a) It must be Filipino-owned and duly registered with the Securities and Exchange Commission (SEC);
- (b) It is current, operational and a continuing concern;
- (c) It has completed and submitted all its reportorial requirements to the SEC;

(d) It has paid all its income taxes for the year, as duly certified by the Bureau of Internal Revenue; and

(E) THE INCORPORATORS AND BOARD OF DIRECTORS OR TRUSTEES HAVE NOT BEEN CONVICTED OF ANY CRIME INVOLVING MORAL TURPITUDE; AND

(F) THE BUSINESS IS NOT ENGAGED IN ANY CONDUCT CONTRARY TO LAW, MORALS, GOOD CUSTOMS, PUBLIC POLICY AND PUBLIC INTEREST.

The application shall be made in the name of the juridical person represented by its President or any of its officers mentioned below as duly authorized in a board resolution to that effect: *Provided*, That the officer applying for the juridical entity, shall possess all the qualifications required of a citizen applying for a license to possess firearms.

Other corporate officers eligible to represent the juridical person are: the vice president, treasurer, and board secretary.

Security agencies and LGUs shall be included in this category of licensed holders but shall be subject to additional requirements as may be required by the Chief of the PNP.”

SECTION 4. Section 7 of the Comprehensive Firearms and Ammunition Regulation Act is hereby amended as follows:

“SEC. 7. Carrying of Firearms Outside of Residence or Place of Business. – A permit to carry firearms outside of residence shall be issued by the Chief of the PNP or his/her duly authorized representative to any qualified person whose life is under actual threat or his/her life is in imminent danger due to the nature of his/her profession, occupation or business.

It shall be the burden of the applicant to prove that his/her life is under actual threat by submitting a threat assessment certificate from the PNP.

For purposes of this Act, the following professionals are considered to be in imminent danger due to the nature of their profession, occupation or business:

- (a) Members of the Philippine Bar;
- (b) Certified Public Accountants;
- (c) Accredited Media Practitioners;
- (d) Cashiers, Bank Tellers;
- (e) Priests, Ministers, Rabbi, Imams;
- (f) Physicians and Nurses;
- (g) Engineers;

(h) Businessmen, who by the nature of their business or undertaking, are exposed to high risk of being targets of criminal elements; and

(G) FORMER AND INCUMBENT ELECTED GOVERNMENT OFFICIALS.

SECTION 5. Section 19 of the Comprehensive Firearms and Ammunition Regulation Act is hereby amended as follows:

“SEC. 19. Renewal of Licenses and Registration. – **FOR THE PURPOSE OF RENEWAL OF LICENSES AND REGISTRATION, THE QUALIFIED APPLICANT SHALL ONLY SUBMIT THE FOLLOWING REQUIREMENTS:**

- A) ACCOMPLISHED APPLICATION FORM;**
- B) ANY GOVERNMENT-ISSUED ID OR PROOF OF BILLING INDICATING THE COMPLETE ADDRESS OF THE APPLICANT;**
- C) PAYMENT OF REASONABLE FEES;**
- D) DRUG TEST**
- E) DI CLEARANCE**

THE APPLICATION FOR RENEWAL FORM SHALL BE SUBSCRIBED AND SWORN TO BY THE APPLICANT BEFORE A NOTARY PUBLIC STATING THAT HE STILL POSSESSES THE STANDARDS AND REQUIREMENTS STATED UNDER SECTION 4 OF THIS ACT.

All types of licenses **EXCEPT PROVISIONAL LICENSE TO OWN AND POSSESS FIREARMS** shall be renewed every ~~[two (2) years]~~ **FIVE (5) YEARS**. Failure to renew the license on or before the date of its expiration shall cause the revocation of the license and of the registration of the firearm/s under said licensee.

The registration of the firearm shall be renewed every ~~[four (4) years]~~ **FIVE (5) YEARS**. Failure to renew the registration of the firearm on or before the date of expiration shall cause the revocation of the license of the firearm. The said firearm shall be confiscated or forfeited in favor of the government after due process.

The failure to renew a license or registration within the periods stated above on two (2) occasions shall cause the holder of the firearm to be perpetually disqualified from applying for any firearm license. The application for the renewal of the license or registration may be submitted to the FEO of the PNP, within six (6) months before the date of the expiration of such license or registration.”

SECTION 6. For the purpose of this act, a transitory provision shall be added as follows:

“ARTIVLE V-A: TRANSITORY PROVISION”

“SECTION 1. PROVISIONAL LICENSE TO OWN AND POSSESS FIREARMS – FOR THE PURPOSE OF FIREARMS RENEWAL OR TRANSFER OR BOTH, ANY

PERSON WHO IS A HOLDER OF AN EXPIRED FIREARMS REGISTRATION WHO WAS ISSUED A LICENSE BEFORE THE EFFECTIVITY OF REPUBLIC ACT NO. 10591 MAY APPLY FOR A PROVISIONAL LICENSE TO OWN AND POSSESS FIREARMS (LTOPF) UPON COMPLIANCE WITH THE FOLLOWING REQUIREMENTS:

F) ACCOMPLISHED APPLICATION FORM;

G) ANY GOVERNMENT-ISSUED ID OR PROOF OF BILLING INDICATING THE COMPLETE ADDRESS OF THE APPLICANT; AND

H) PAYMENT OF REASONABLE FEES.

THE REQUIREMENTS SHALL BE SUBMITTED TO THE FIREARMS AND EXPLOSIVES OFFICE OF THE PHILIPPINE NATIONAL POLICE OR TO THE REGIONAL CIVIL SECURITY UNITS (RCSU) IN POLICE REGIONAL OFFICES (PRO)."

"SECTION 2. VALIDITY OF PROVISIONAL LICENSE TO OWN AND POSSESS FIREARMS – THE PROVISIONAL LTOPF SHALL ONLY BE VALID FOR A PERIOD OF NINE (9) MONTHS FROM THE TIME OF ITS ISSUANCE.

THE APPLICANT MUST BE ABLE TO COMPLY WITH ALL THE REQUIREMENTS STATED UNDER SECTION 4 OF THIS ACT ON OR BEFORE THE EXPIRATION

PERIOD OF THE PROVISIONAL LTOPF FOR CONTINUED OWNERSHIP OF THE FIREARM/S.”

SECTION 3: MODES OF APPLICATION – FOR THE PURPOSE OF THIS ACT, THE FOLLOWING SHALL BE THE MODES OF APPLICATION OF PROVISIONAL LICENSE TO OWN AND POSSESS FIREARM:

- a) WALK-IN APPLICATION AT PHILIPPINE NATIONAL POLICE HEADQUARTERS IN CAMP CRAME OR IN ANY POLICE REGIONAL OFFICES IN THE REGION WHERE THE PLACE OF RESIDENCE OF THE APPLICANT IS SITUATED;**
- b) ONLINE APPLICATION; AND**
- c) CARAVANS JOINED BY THE PNP**

SECTION 7. Appropriations – The Chief of the Philippine National Police shall immediately include the operationalization of this Act, the funding of which shall be included in the annual General Appropriations Act.

SECTION 8. Implementation Rules and Regulations - The Philippine National Police Firearms and Explosives Office shall formulate and issue necessary rules and regulations for the effective implementation of this Act.

SECTION 9. Separability Clause – Should any provision of this Act be subsequently declared unconstitutional, the same shall not affect the validity or the legality of the other provisions.

SECTION 10. Repealing Clause – All laws, presidential decrees, executive orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 11. Effectivity Clause. - This Act shall take effect immediately after its publication in the Official Gazette or newspaper of general circulation. Approved,

Approved,