



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. 8937

Introduced by **DIWA Party-list Representative Pepito M. Pico**

EXPLANATORY NOTE

Based on the Philippine profile in the World Health Organization's Global Status Report on Violence Prevention¹, firearms account for an estimated 56% of homicides in the Philippines. Gun violence is an endemic issue that must be tackled on multiple fronts and our primary statute on firearms and ammunition, Republic Act No. 10591 needs to be reviewed and revised in order to cope with the changing times and to be more effective tool not only to prevent the firearms related crimes but also not to be abused by the authorities. This bill seeks to bring R.A. 10591 in line with more stringent standards of gun regulation, while also clarifying certain provisions that have led to unreasonable applications of the law with regard to loose bullets.

The primary method by which R.A. 10591 regulates firearms is through licenses. While the numbers of unlicensed firearms is a continual problem, the existence of a licensing procedure itself is not an effective protection against criminality if this procedure is not as rigorous as possible, if it is not a screening process that makes use of as much information as possible in order to reasonably determine the suitability of an applicant. While no licensing procedure can be made infallible, there is certainly room for it to be made more rigorous: as it stands, there is nothing in the statute that requires clearance from the National Bureau of Investigation (note that the database of the N.B.I. is distinct² from that of the Philippine National Police at this time); neither is there any requirement for the other members of the household to consent to, or even know about, the potential presence of a lethal weapon in their residence; nor is there anything to prevent someone subject of a Protection Order under the Anti-Violence Against Women and Their Children Act from acquiring a license to possess a firearm. Moreover, as the law currently stands, one who has previously had his or her license revoked is not barred from acquiring a new license. As such, the current standards for licensing are clearly inadequate.

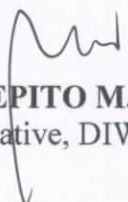
More rigor is also required with regard to the regulation of the purchase, sale, and general business of firearms. Social Media sites, particularly Facebook, have become hotbeds for gun

¹ 2014: http://www.who.int/violence_injury_prevention/violence/status_report/2014/en/

² <http://www.philstar.com/headlines/2015/11/25/1525687/dotc-suspends-order-nbi-clearance-drivers-license>

sales³ and it must be made clear in the statute that all transactions concerning firearms require a license to deal on the part of the seller, and a license on the part of the buyer. A waiting period between purchase and delivery of a firearm has also been adapted by several countries, in order to allow for a cooling off period that should decrease impulsive crimes and suicides involving firearms.

As the Supreme Court has stated, “possession of firearms by the citizens in the Philippines is the exception, not the rule. The right to bear arms is a mere statutory privilege, not a constitutional right.”⁴ Due to the nature of that privilege, and the capacity for destruction and disruption inherent in firearms themselves, it behooves the State to ensure, for the public good, that such a privilege is strictly regulated.



PEPITO M. PICO
Representative, DIWA Party-list

³ <http://www.motherjones.com/politics/2016/07/dallas-police-shooter-bought-ak-47-facebook>

⁴ G.R. No. 157036, June 9, 2004, Chavez v. Hon. Romulo.



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**AN ACT RATIONALIZING FIREARMS POLICY AND AMENDING FOR THIS
PURPOSE REPUBLIC ACT NO. 10591**

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

SECTION 1. Short Title. – This Act shall be known as the "Firearms and Bullets Rationalization Act of 2016."

SECTION 2. Declaration of State Policy. – It is the policy of the State to maintain peace and order and protect the people against violence. While the State also recognizes the right of its qualified citizens to self-defense the inherent destructive power of firearms warrants strict and clear regulations concerning the ownership, possession, carrying, manufacture, dealing in and importation of firearms, ammunition, or parts thereof, in order to ensure that none but the most qualified have access to such dangerous instruments, and to fulfill the State's mandate to protect the life and health of its citizens.

SECTION 3. Strengthened License Requirements.– Section 4 of Republic Act No. 10591 is hereby amended as follows:

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

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(d) Arms smuggling refers to the import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components and ammunition, from or across the territory of one country to that of another country which has not been authorized in accordance with domestic law in either or both country/countries; PROVIDED THAT THE MERE POSSESSION OF AMMUNITION, WHEN NOT IN QUANTITIES OR PACKAGED IN SUCH A MANNER AS WOULD LEAD ONE TO BELIEVE THAT THEY ARE INTENDED TO BE SOLD, SHALL NOT OF ITSELF CONSTITUTE ARMS SMUGGLING.

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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.

THE APPLICANT MUST FILE AN APPLICATION TO POSSESS A REGISTERED FIREARM WHICH SHALL ATTACH (1) A WRITTEN CERTIFICATION FROM HIS/HER CURRENT PLACE OF EMPLOYMENT, IF APPLICABLE, REGARDING ANY RECORD OF PAST DISCIPLINARY INFRACTIONS; AND (2) WRITTEN AND NOTARIZED DOCUMENTS OF CONSENT FROM ALL OTHER ADULT MEMBERS OF THE APPLICANT'S HOUSEHOLD. THE APPLICATION SHALL ALSO STATE THE PERSONAL CIRCUMSTANCES OF THE APPLICANT AND THE REASON WHY OWNERSHIP OF THE FIREARM IS SOUGHT.

In addition, the applicant shall submit the following certifications issued by appropriate authorities attesting 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; SAID TEST SHALL FACTOR IN THE DISCIPLINARY RECORDS OF THE APPLICANT FROM HIS/HER PLACE OF EMPLOYMENT, IF ANY.

(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;~~

(E) The applicant must present a police clearance from the city or municipality police office;

(F) THE APPLICANT MUST PRESENT A VALID CLEARANCE FROM THE NATIONAL BUREAU OF INVESTIGATION (NBI);

(G) The applicant has not been convicted AND is NOT 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;

(H) THE APPLICANT MUST NOT HAVE HAD A PREVIOUS LICENSE REVOKED UNDER SEC. 39 PARAGRAPHS (A), (B), (G), OR (H);

(I) THE APPLICANT MUST NOT HAVE HAD A PREVIOUS LICENSE REVOKED DUE TO ANY OTHER LEGAL GROUND WITHIN THE PAST FIVE (5) YEARS;

(J) THE APPLICANT MUST NOT HAVE A PENDING CASE FOR VIOLATION OF SEC. 40 OF THIS ACT, OR MUST NOT HAVE BEEN FOUND GUILTY OF A VIOLATION OF SEC. 40 OF THIS ACT WITHIN THE PAST FIVE (5) YEARS;

(K) THE APPLICANT HAS NOT BEEN CONVICTED AND IS NOT CURRENTLY AN ACCUSED IN A PENDING CRIMINAL CASE BEFORE ANY COURT OF LAW FOR ACTS PENALIZED UNDER REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002; AND

(L) THE APPLICANT IS NOT SUBJECT OF A PROTECTION ORDER OR A CASE FOR THE ISSUANCE OF A PROTECTIVE ORDER UNDER REPUBLIC ACT NO. 9262.

For purposes of this Act, an acquittal or permanent dismissal of a criminal case OR THE JUDICIAL REMOVAL OF A PROTECTION ORDER 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.

PROVIDED THAT THE MERE POSSESSION OF AMMUNITION, WHEN NOT IN QUANTITIES OR PACKAGED IN SUCH A MANNER AS WOULD LEAD ONE TO BELIEVE THAT THEY ARE INTENDED TO BE SOLD, OR AS ACTUALLY PART OF A DEVICE MEANT TO HARM, SHALL NOT BE GROUNDS FOR ANY PENALTY OR PROSECUTION UNDER THIS ACT.

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SEC. 13. *Issuance of License to Manufacture or Deal In Firearms and Ammunition.* – Any person desiring to manufacture or deal in firearms, parts of firearms or ammunition thereof, or instruments and implements used or intended to be used in the manufacture of firearms, parts of firearms or ammunition, WHETHER TRANSACTING PHYSICALLY, REMOTELY, OR ONLINE, shall make an application to:

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SEC. 21. *Acquisition or Purchase and Sale of Firearms and Ammunition.* – (A) NO PERSON MAY POSSESS OR PURCHASE A FIREARM OR AMMUNITION UNLESS IN POSSESSION OF A VALID LICENSE UNDER THIS ACT.

(B) Firearms and ammunition may only be acquired or purchased from authorized dealers, importers or local manufacturers. THESE SELLERS MUST REQUIRE THE PRESENTATION OF THE LICENSE OF THE BUYER, AND

MUST RETAIN A COPY OF THAT LICENSE IN THEIR RECORDS, WHICH RECORDS SHALL BE AVAILABLE FOR INSPECTION BY LAW ENFORCEMENT AGENCIES DURING BUSINESS HOURS; FINALLY A FIREARM MAY ONLY BE DELIVERED TO A LICENSED CITIZEN THREE (3) WORKING DAYS AFTER PURCHASE, PURCHASE MEANING THE TRANSFER OF MONEY OR VALUABLE CONSIDERATION. THE EXCEPTIONS IS WHEN THE TRANSACTION INVOLVES A TRADE-IN OF ONE FIREARM FOR ANOTHER OF A SIMILAR TYPE.

(C) A LICENSED CITIZEN MAY ONLY TRANSFER OR SELL A FIREARM OR AMMUNITION TO AN AUTHORIZED DEALER, IMPORTER, LOCAL MANUFACTURER, OR A LICENSED JURIDICAL ENTITY, NOT TO ANOTHER LICENSED CITIZEN.

Provided, That, during election periods, the sale and registration of firearms and ammunition and the issuance of the corresponding licenses to citizens shall be allowed on the condition that the transport or delivery thereof shall strictly comply with the issuances, resolutions, rules and regulations promulgated by the Commission on Elections.

SECTION 4 Separability Clause. – If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 5. Repealing Clause. — Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION 6. Effectivity Clause. – This Act shall take effect thirty (30) days after its publication in the Official Gazette or at least two (2) newspapers of general circulation.

Approved,