

TWENTIETH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 10002

Introduced by Rep. CARMELO G. LAZATIN, JR.

AN ACT
IMPOSING PENALTIES ON PERSONS WHO FAIL TO SECURE THEIR FIREARMS
FROM BEING ACCESSED BY MINORS

EXPLANATORY NOTE

The mass school shooting incident involving minors in San Jose National High School in Tacloban, Leyte that left three (3) students dead and twenty (20) others wounded, raised alarms on the dangers posed by minors gaining access to firearms, including risks arising from the irresponsible handling and failure of gun owners to secure their firearms.

Reports confirmed that the weapons used by the perpetrators were allegedly registered to the aunt of one of the suspects who happens to be a police officer, while the other was registered under a security agency. Nevertheless, the responsibility of safekeeping such firearms rests on the owner or to whom such weapon was issued. This responsibility is consistent with the State policy to maintain peace and order and protect the people against violence through comprehensive regulation of firearms and ammunition under Republic Act No. 10591.

In another incident, a 13-year old student was allegedly shot by a fellow seventh grader at a private school in Barangay Macasandig in Cagayan De Oro in 2020.¹ The student allegedly brought a 9mm pistol for a school activity. It was also reported that prior to the incident, the same student brought a hand grenade to school. These incidents underscore the need for clearer statutory duties on safe storage and for penalties when a firearm possessor's unsafe storage enables minors to gain access.

¹ CDO dad pushes probe on 'accidental' school shooting. Available at <https://www.pna.gov.ph/articles/1092671>

These call for the need to require stricter compliance to protocols on proper storage and handling of firearms and ammunition to ensure that minors who may likely to inflict injuries whether accidentally or intentionally to others or to themselves may not be able to gain access to such firearms. While Republic Act No. 10591 provides a comprehensive licensing and regulatory framework, there remains a need to specifically penalize unsafe storage practices that expose minors to ready access to firearms, and to provide calibrated penalties when such access results in harm.

Hence, this proposed bill seeks to impose penalties to gun owners who neglect safety protocols and fail to secure their firearms. It likewise strengthens the State's protective mantle over children by operationalizing responsible gun ownership through minimum safe-storage standards and accountability mechanisms, consistent with the public safety rationale of firearm regulation. It is also consistent with the principle that administrative agencies may be given reasonable latitude to craft implementing rules within sufficient legislative standards


CARMELO G. LAZATIN, JR.



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

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

1 *Section 1. Short Title.* – This Act shall be known as the “*Child Firearms Access Prevention and*
2 *Firearms Safety Storage Act*”

3
4 *Section 2. Declaration of Policy.* – The State shall protect and promote children’s wellbeing by
5 advocating firearms safety storage and handling protocols. It shall encourage firearm owners to
6 exercise due diligence in ensuring that minors shall not have any means to gain access to such
7 dangerous weapons.

8
9 This Act shall be construed as supplemental to Republic Act No 10591 otherwise known as the
10 Comprehensive Firearms and Ammunition Regulation Act, and shall be implemented in a manner
11 consistent with its licensing and regulatory system.

12
13 *Section 3. Definition of Terms.* – For purposes of this Act, the following terms shall mean:

14
15 a. Minor – refers to a person below eighteen (18) years of age.

16

- 1 b. Firearms – shall have the same meaning as “firearm” under R.A No. 10591, which refers
2 to any handheld or portable weapon, whether a small arm or light weapon, that expels or
3 is designed to expel a bullet, shot, slug, missile or any projectile, which is discharged by
4 means of expansive force of gases from burning gunpowder or other form of combustion
5 or any similar instrument or implement. For purposes of this Act, the barrel, frame or
6 receiver is considered a firearm.
7
- 8 c. Ammunition – shall refer to ammunition for firearms as regulated under R.A No. 10591,
9 which refers to a complete unfixed unit consisting of a bullet, gunpowder, cartridge case
10 and primer or loaded shell for use in any firearm.
11
- 12 d. Lawful possessor – refers to: (1) a licensed citizen or licensed juridical entity under R.A
13 No. 10591, or (2) any person otherwise authorized by law or by a lawful permit / authority
14 issued under the regulatory framework of the R.A No. 10591 to possess or carry a firearm
15 in a particular place, time or capacity.
16
- 17 e. Safe gun storage and safety device refer to:
18 1. Device installed on a firearm that prevents the firearm from being operated without
19 removing the device;
20 2. Device included in the design of the firearm that prevents from being operated by
21 anyone without access to the device;
22 3. Devices such as safe, gun case, locker or box used to store a firearm that can be
23 unlocked by a key or combination.
24 4. For purposes of this Act, a firearm is considered “secured” when it is stored in a locked
25 container or fitted with a locking device, and the key, combination, or means of access
26 is kept beyond the reach of minors.
27

28 *Section 4. Duty to Secure Firearms and Ammunition.* – Any lawful possessor who keeps or stores
29 a firearm within any residence, dwelling, office, place of business, or other premises under his or
30 her custody or control shall ensure that such firearm is secured when not under the immediate and
31 direct physical control of the lawful possessor.
32

33 Ammunition shall likewise be stored in a manner that prevents access by minors.
34

35 *Section 5. Prohibited Acts; Penalties.* – The following shall be considered violation of this Act:
36

37 **A. Lawful Possessor** 38

39 **A.1 Unsafe Storage**

40 Any lawful possessor who **recklessly** stores or leaves a firearm **unsecured** under
41 circumstances where a minor is likely to gain access thereto shall be punished by:

- (i) imprisonment of six (6) months and one (1) day to two (2) years, and/or
(ii) fine of Two Hundred Thousand Pesos (Php200,000.00) to Three Hundred Thousand Pesos (Php300,000.00).

A.2 Minor Gains Access.

If, by reason of the act under paragraph (A.1), a minor **actually gains access** to the firearm, the penalty shall be:

- (i) imprisonment of two (2) years and one (1) day to four (4) years, and/or
(ii) a fine of Three Hundred Thousand Pesos (Php300,000.00) to Five Hundred Thousand Pesos (Php500,000.00).

A.3 Discharge / Injury / Death.

If, by reason of the act under paragraph (A.1), the minor discharges the firearm or uses it in a manner that results in:

- (i) **Physical injuries** — imprisonment of four (4) years and one (1) day to six (6) years, and a fine of Five Hundred Thousand Pesos (Php500,000.00) to Seven Hundred Fifty Thousand Pesos (Php750,000.00); or
(ii) **Death** — imprisonment of six (6) years and one (1) day to twelve (12) years, and a fine of Seven Hundred Fifty Thousand Pesos (Php750,000.00) to One Million Pesos (Php1,000,000.00).

Liability under this paragraph shall be **without prejudice** to liability under the Revised Penal Code and other special laws.

B. Non-License / Unlawful Possessor – Any person who is not a lawful possessor and who recklessly keeps, stores, or maintains a firearm unsecured in any premises under his or her custody or control under circumstances where a minor is likely to gain access thereto shall be penalized with imprisonment one (1) degree higher than that provided under (A.1), and the maximum fine at (A.1).

If a minor actually gains access, the penalty shall be imprisonment one (1) degree higher than that provided under (A.2) and the maximum fine under (A.2).

If injury or death results, the penalty shall be imprisonment one (1) degree higher than that provided under (A.3) and the maximum fine under the applicable subparagraph of (A.3).

This shall be **without prejudice** to prosecution under Section 28 of R.A No. 10591.

1 The phrase “one (1) degree higher” shall be computed in accordance with the rules on
2 graduation of penalties under the RPC, which shall have suppletory application.

3
4 **C. Juridical Entities.** – When the firearm is owned or issued by a licensed juridical
5 entity, liability shall attach to the responsible officer(s) who **willfully or**
6 **knowingly** allow storage practices that violate this Act, without prejudice to applicable
7 provisions on liability of juridical persons under Republic Act No. 10591.

8
9 *Section 6. Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of
10 this Act, the Philippine National Police through the Firearms and Explosives Office shall
11 promulgate the implementing rules and regulations to effectively carry out the provisions of this
12 Act.

13
14 *Section 7. Separability Clause.* – If any provision of this Act is declared unconstitutional or invalid,
15 the other provisions not affected thereby shall remain in full force and effect.

16
17 *Section 8. Repealing Clause.* – All laws, decrees, orders, rules and regulations, or parts thereof,
18 which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

19
20 *Section 9. Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in
21 the Official Gazette or in a newspaper of general circulation.

22
23 Approved,