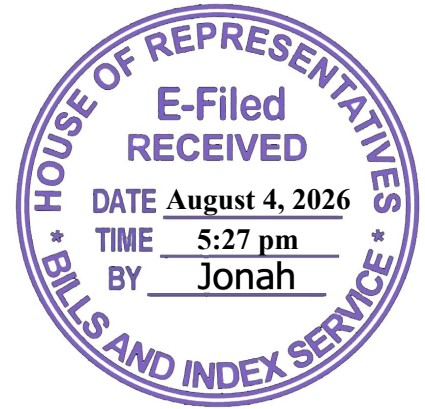


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
Second Regular Session

HOUSE BILL NO. 10593



Introduced by:

HON. CHRISTOPHERSON “COCO” M. YAP

AN ACT
AMENDING REPUBLIC ACT NO. 10591, OTHERWISE KNOWN AS THE
“COMPREHENSIVE FIREARMS AND AMMUNITION REGULATION ACT,” BY
REQUIRING THE SAFE STORAGE OF FIREARMS AND AMMUNITION, PREVENTING
UNAUTHORIZED ACCESS BY MINORS, IMPOSING LIABILITY FOR CHILD FIREARM
ACCESS, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Recent incidents involving the access of minors to firearms demonstrate the need for more specific and enforceable safe-storage requirements. Republic Act No. 10591 presently provides for the licensing and regulation of firearms, requires applicants to pass a gun safety seminar, and authorizes the suspension, cancellation, or revocation of a firearm license for, among other grounds, the loss of a firearm through negligence.

However, the law does not expressly establish a detailed statutory duty requiring firearm owners and custodians to secure firearms and ammunition against access by minors. Nor does it provide a specific offense for knowingly or negligently permitting a minor to obtain unauthorized access to a firearm.

The State has a legitimate interest in preventing firearm-related injury and death. Firearm ownership and possession are statutory privileges subject to the conditions imposed by law, and not constitutional property rights.

This measure therefore proposes mandatory safe-storage requirements, a child-firearm-access offense, administrative sanctions, reporting duties, and a rebuttable presumption of negligence in appropriate civil and criminal proceedings. The

proposed law preserves due process by requiring proof of knowledge or negligence and a causal connection between the storage violation and the resulting harm.

In view of the foregoing, **ug sa ngalan sa SERBISYONG TINUORAY**, the undersigned respectfully requests the immediate passage of this measure.


CHRISTOPHERSON "COCO" M. YAP
Representative, Second District of Southern Leyte

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*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 “*Child Firearm Access
Prevention and Safe Storage Act.*”

SECTION 2. Declaration of Policy. — It is the policy of the State to:

- (a) Protect children and other vulnerable persons from unauthorized access to
firearms and ammunition;
- (b) Promote responsible firearm ownership and possession;
- (c) Require firearm owners, licensees, and custodians to exercise the highest
degree of care reasonably necessary in the storage, handling, and disposition
of firearms;
- (d) Prevent the loss, theft, unauthorized use, and accidental discharge of firearms;
and

- (e) Impose proportionate civil, criminal, and administrative consequences for violations of the safe-storage requirements under this Act.

SECTION 3. Amendment to Section 3 of Republic Act No. 10591. —

Section 3 of Republic Act No. 10591 is hereby amended by adding the following definitions:

***(aa) Child or minor** refers to a person below eighteen (18) years of age, or a person over eighteen (18) years of age who is unable to fully protect himself or herself from abuse, neglect, or exploitation because of a physical or mental disability.*

***(bb) Firearm custodian** refers to any person who has actual or constructive possession, control, or custody of a firearm, whether as owner, licensee, household member, employer, security officer, or authorized representative of a juridical entity.*

***(cc) Safe-storage device** refers to a locked firearm safe, locked container, trigger lock, cable lock, chamber lock, or other security device approved or prescribed by the Firearms and Explosives Office of the Philippine National Police.*

***(dd) Unauthorized access** refers to the acquisition, handling, possession, or use of a firearm or ammunition by a person who is not legally authorized to possess or use the same, including a minor.*

SECTION 4. Insertion of a New Section 24-A in Republic Act No. 10591. —

A new Section 24-A is hereby inserted after Section 24 of Republic Act No. 10591, to read as follows:

“SEC. 24-A. Mandatory Safe Storage of Firearms and Ammunition.

“Every firearm owner, licensee, or firearm custodian shall exercise due diligence and shall comply with the following requirements:

“(a) When not in immediate lawful use, the firearm shall be stored in an unloaded condition inside a safe-storage device;

“(b) Ammunition shall be stored in a locked container or compartment separate from the firearm whenever practicable;

“(c) Keys, combinations, access cards, passwords, and biometric access credentials for the safe-storage device shall be kept inaccessible to minors and unauthorized persons;

“(d) The firearm shall not be left unattended in a place or manner that permits a minor or unauthorized person to obtain access to it;

“(e) A firearm stored in a vehicle shall be secured in a locked container that is not visible from outside the vehicle and shall not be left in the vehicle for an unreasonable period;

“(f) The firearm owner or custodian shall take reasonable measures to prevent household members, visitors, domestic workers, and other persons from obtaining unauthorized access to the firearm; and

“(g) Any loss, theft, or suspected unauthorized access involving a firearm shall be reported to the nearest police station or appropriate unit of the Philippine National Police within twenty-four (24) hours from discovery.

“The Chief of the Philippine National Police, through the Firearms and Explosives Office, shall issue rules prescribing minimum technical standards for safe-storage devices, taking into account the type of firearm, the place of storage, and the circumstances of possession.

“Nothing in this section shall be construed to prohibit the temporary deposit of a registered firearm with the Firearms and Explosives Office or a Police Regional Office for safekeeping, consistent with Section 24 of this Act.”

SECTION 5. Insertion of a New Section 24-B in Republic Act No. 10591. —

A new Section 24-B is hereby inserted after Section 24-A of Republic Act No. 10591, to read as follows:

“SEC. 24-B. Child Firearm Access Prevention.

“Any firearm owner, licensee, or firearm custodian who knowingly or negligently permits a minor to obtain unauthorized access to a firearm or ammunition shall be liable under this Act.

“For purposes of this section, a person shall be deemed to have knowingly or negligently permitted unauthorized access when:

“(a) The firearm or ammunition was not stored in accordance with Section 24-A of this Act;

“(b) The person knew, or by the exercise of reasonable diligence should have known, that a minor could obtain access to the firearm or ammunition; and

“(c) The minor obtained access because of the person’s failure to adopt reasonable security measures.

“The prosecution shall prove the accused’s knowledge or negligence and the causal connection between the violation and the minor’s access or resulting act.

“Compliance with the storage requirements under Section 24-A shall not be a defense when the firearm was intentionally or knowingly made available to the minor.”

SECTION 6. Insertion of a New Section 24-C in Republic Act No. 10591. —

A new Section 24-C is hereby inserted after Section 24-B of Republic Act No. 10591, to read as follows:

“SEC. 24-C. Penalties for Child Firearm Access.

“Any person who violates Section 24-B of this Act shall suffer the following penalties:

“(a) If the minor merely obtains unauthorized access to the firearm or ammunition, imprisonment of not less than six (6) months but not more than two (2) years, and a fine of not less than Fifty thousand pesos (₱50,000.00) but not more than Two hundred thousand pesos (₱200,000.00);

“(b) If the firearm is discharged but no person suffers physical injury or death, imprisonment of not less than two (2) years but not more than six (6) years, and

a fine of not less than Two hundred thousand pesos (₱200,000.00) but not more than Five hundred thousand pesos (₱500,000.00);

“(c) If the unauthorized access results in serious physical injuries, imprisonment of not less than six (6) years but not more than twelve (12) years, and a fine of not less than Five hundred thousand pesos (₱500,000.00) but not more than One million pesos (₱1,000,000.00); and

“(d) If the unauthorized access results in the death of any person, imprisonment of not less than twelve (12) years but not more than twenty (20) years, and a fine of not less than One million pesos (₱1,000,000.00) but not more than Two million pesos (₱2,000,000.00).

“The penalties under this section shall be without prejudice to prosecution under the Revised Penal Code or any other applicable law, when the elements of the other offense are present.

“If the offender is a parent, legal guardian, or person exercising substitute parental authority over the minor, the court may consider the relationship as an aggravating circumstance, unless the relationship is an element of the offense charged.

“If the offender is a juridical entity, the responsible officer, director, trustee, partner, or firearm custodian who authorized, tolerated, or failed to prevent the violation shall be liable, without prejudice to the civil liability of the juridical entity.”

SECTION 7. Rebuttable Presumption of Negligence. —

A new Section 24-D is hereby inserted after Section 24-C of Republic Act No. 10591, to read as follows:

“SEC. 24-D. Rebuttable Presumption in Civil and Criminal Proceedings.

“Failure to comply with the mandatory safe-storage requirements under Section 24-A shall constitute prima facie evidence of negligence in a civil action for damages when a minor obtains unauthorized access to the firearm.

“In a criminal prosecution under Section 24-C, failure to comply with Section 24-A shall create a rebuttable presumption of negligence only when:

“(a) The minor obtained unauthorized access to the firearm;

“(b) The firearm was discharged or used to commit an unlawful act; and

“(c) The resulting injury, death, or unlawful act was a reasonably foreseeable consequence of the failure to comply with the safe-storage requirements.

“The presumption may be rebutted by proof that the firearm was secured in accordance with law, that the access resulted from an unforeseeable and unlawful act despite reasonable precautions, or that the violation did not legally cause the injury, death, or unlawful act.

“Nothing in this section shall relieve the prosecution of its burden to prove all the elements of the offense beyond reasonable doubt.”

SECTION 8. Amendment to Section 39 of Republic Act No. 10591. —

Section 39 of Republic Act No. 10591 is hereby amended by adding the following paragraphs:

“(k) Violation of the mandatory safe-storage requirements under Section 24-A of this Act;

“(l) Failure to report the loss, theft, or suspected unauthorized access of a firearm within the period prescribed under Section 24-A of this Act;

“(m) Allowing a minor or unauthorized person to obtain access to a firearm or ammunition through negligence; and

“(n) Failure to surrender or deposit a firearm that is subject to a lawful order of suspension, cancellation, revocation, confiscation, or safekeeping.”

Upon the filing of a criminal complaint supported by probable cause for a violation of Section 24-B or Section 24-C of this Act, the Chief of the Philippine National Police or the authorized representative may impose a preventive suspension of the firearm license, subject to notice and opportunity to be heard under the implementing rules.

The suspension, cancellation, or revocation of a firearm license shall be without prejudice to the criminal and civil liability of the firearm owner, licensee, or custodian.

SECTION 9. Administrative Sanctions. —

In addition to the criminal penalties under this Act, the following administrative sanctions may be imposed after notice and hearing:

- (a) For a first violation of Section 24-A without resulting injury or death, a fine of not less than Ten thousand pesos (₱10,000.00) but not more than Fifty thousand pesos (₱50,000.00), and suspension of the firearm license for not more than six (6) months;
- (b) For a second violation, suspension of the firearm license for one (1) year and confiscation of the firearm, subject to applicable proceedings;
- (c) For a violation resulting in serious physical injuries or death, revocation of the firearm license and forfeiture of the firearm, without prejudice to criminal prosecution; and
- (d) For repeated violations or failure to comply with an order of suspension, cancellation, revocation, or safekeeping, disqualification from applying for a firearm license for a period of five (5) years, or perpetual disqualification when authorized by law and the applicable rules.

The administrative proceedings under this section shall observe due process and shall not prevent the filing of a separate civil or criminal action.

SECTION 10. Safe-Storage Training and Certification. —

The gun safety seminar required for the issuance or renewal of a license to own and possess a firearm shall include:

- (a) Safe storage of firearms and ammunition;
- (b) Prevention of child and unauthorized access;
- (c) Recognition of warning signs involving suicidal or violent behavior;
- (d) Reporting of lost, stolen, or unlawfully accessed firearms;
- (e) Legal consequences of negligent firearm storage; and

(f) Emergency response and coordination with law enforcement authorities.

The Firearms and Explosives Office shall require the firearm owner or licensee to certify compliance with the safe-storage requirements upon renewal of the license. Knowingly submitting a false certification shall constitute a ground for the revocation of the license and prosecution under applicable law.

SECTION 11. Civil Liability. —

The civil liability arising from a violation of this Act shall be governed by the Civil Code and other applicable laws.

A firearm owner, licensee, or custodian who, through negligence or violation of this Act, allows a minor to obtain access to a firearm shall be liable for the damages caused by the resulting act when the violation is the proximate cause of the injury, death, or damage.

Nothing in this Act shall be construed to limit the liability of parents or guardians under the Civil Code, including the applicable provisions on parental responsibility and damages caused by minor children living in their company.

A person or entity engaged in an activity involving firearms shall exercise a degree of care commensurate with the dangerous nature of the instrumentality. The Supreme Court has held that persons or entities engaged in businesses involving inherently dangerous instrumentalities, including firearms, may be held directly and primarily liable for failure to exercise the required exceptional precautions.

SECTION 12. Duties of Firearm Dealers and Gun Clubs. —

Authorized dealers, importers, manufacturers, gunsmiths, and gun clubs shall:

- (a) Provide every purchaser with written safe-storage instructions;
- (b) Require the purchaser to acknowledge receipt of the instructions;
- (c) Make available, at reasonable cost, compliant safe-storage devices;
- (d) Maintain records of safe-storage instruction and acknowledgment; and

- (e) Immediately report to the Philippine National Police any attempted purchase or transfer made by a person who is legally disqualified from possessing a firearm.

No firearm or ammunition shall be sold, delivered, or transferred to a minor, except where expressly authorized by law and under the direct supervision of a qualified and licensed person in a lawful training or sporting activity.

SECTION 13. Firearm Incidents Involving Minors. — A school, hospital, local government unit, law enforcement agency, or social welfare officer who receives information that a minor has obtained or may obtain access to a firearm shall immediately coordinate with the appropriate law enforcement and child-protection authorities.

Good-faith reporting under this section shall not give rise to civil, criminal, or administrative liability, except in cases of gross negligence, malice, or bad faith.

The identity of the minor and the reporting person shall be protected in accordance with applicable privacy and child-protection laws.

SECTION 14. Implementing Rules and Regulations (IRR). — Within ninety (90) days from the effectivity of this Act, the Philippine National Police, through the Firearms and Explosives Office, in coordination with the Department of the Interior and Local Government, Department of Social Welfare and Development, Department of Education, and other concerned agencies, shall promulgate the implementing rules and regulations.

The implementing rules shall include:

- (a) Technical standards for safe-storage devices;
- (b) Procedures for inspection based on lawful processes and applicable constitutional protections;
- (c) Procedures for voluntary deposit and safekeeping;
- (d) Administrative due-process requirements;
- (e) Reporting and recordkeeping procedures; and

(f) Public education and awareness programs.

No implementing rule shall authorize warrantless inspection of a private residence or require an applicant to waive constitutional rights as a condition for obtaining a firearm license.

SECTION 15. Separability Clause. — If any provision of this Act is declared unconstitutional or invalid, the other provisions not affected thereby shall remain in full force and effect.

SECTION 16. Repealing Clause. — All laws, decrees, executive orders, rules, regulations, issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 17. Effectivity. — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,