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SENATE

Senate Bill No. 3397

(In Substitution of Senate Bill Nos. 13, 129, 1042, 1267, 1299, 1302, 1569, 1629, 1702, 1766, 1813, 1894, 1980, 2304, 2322, 2439, 2583, 2786, 2993, and 3083, Senate Resolution No. 659, taking into consideration House Bill No. 5484)

Introduced by **Senators Trillanes IV, Drilon, Villar,**  
**Defensor Santiago, Revilla Jr., Lacson, and Honasan II**

AN ACT  
PROVIDING FOR A COMPREHENSIVE LAW ON FIREARMS AND  
AMMUNITION AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

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

ARTICLE 1

TITLE, DECLARATION OF POLICY AND DEFINITION OF TERMS

**SECTION 1. *Short Title.*** – This Act shall be known as the “**Comprehensive  
Firearms and Ammunition Regulation Act.**”

**SEC. 2. *Declaration of State Policy.*** – It is the policy of the State to  
maintain peace and order and protect the people against violence. The State also  
recognizes the right of its qualified citizens to self-defense through, when it is the  
reasonable means to repel the unlawful aggression under the circumstances, the  
use of firearms. Towards this end, the State shall 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 illegal firearms or weapons and the illegal manufacture of firearms  
or weapons, ammunition and parts thereof.

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

(a) *Accessories* refers to parts of a firearm which may enhance or  
increase the operational efficiency or accuracy of a firearm but will not constitute

1 any of the major or minor internal parts thereof such as, but not limited to laser  
2 scope, telescopic sight and sound suppressor or silencer;

3 (b) *Ammunition* refers to a complete unfired unit consisting of a bullet,  
4 gunpowder, cartridge case and primer or loaded shell for use in any firearm;

5 (c) *Antique firearm* refers to any: i) firearm which was manufactured at  
6 least seventy-five (75) years prior to the current date but not including replicas; ii)  
7 firearm which is certified by the National Museum of the Philippines to be curio or  
8 relic of museum interest; and iii) any other firearm which derive a substantial part  
9 of their monetary value from the fact that they are novel, rare, bizarre or because  
10 of their association with some historical figure, period or event;

11 (d) *Arms smuggling* refers to the import, export, acquisition, sale,  
12 delivery, movement or transfer of firearms, their parts and components and  
13 ammunition, from or across the territory of one country to that of another country  
14 which has not been authorized in accordance with domestic law in either or both  
15 country/countries;

16 (e) *Authority to import* refers to a document issued by the Chief of the  
17 Philippine National Police (PNP) authorizing the importation of firearms, or their  
18 parts, ammunition and other components;

19 (f) *Authorized Dealer* refers to any person, legal entity, corporation,  
20 partnership or business entity duly licensed by the FEO to engage in the  
21 business of buying and selling ammunition, firearms or parts thereof, at wholesale  
22 or retail basis;

23 (g) *Authorized Importer* refers to any person, legal entity, corporation,  
24 partnership or business duly licensed by the Firearms and Explosives Office of the  
25 Philippine National Police to engage in the business of importing ammunition and  
26 firearms, or parts thereof into the territory of the Republic of the Philippines for  
27 purposes of sale or distribution under the provisions of this Act;

1 (h) *Authorized Manufacturer* refers to any person, legal entity, corporation,  
2 or partnership duly licensed by the Firearms and Explosives Office of the  
3 Philippine National Police to engage in the business of manufacturing firearms,  
4 and ammunitions or parts thereof for purposes of sale or distribution;

5 (i) *Confiscated firearm* refers to a firearm that is taken into custody by the  
6 Philippine National Police (PNP), National Bureau of Investigation (NBI), Philippine  
7 Drug Enforcement Agency (PDEA), and all other law enforcement agencies by  
8 reason of their mandate and must be necessarily reported or turned-over to  
9 Firearms and Explosives Office (FEO,) of the PNP;

10 (j) *Demilitarized firearm* refers to a firearm deliberately made incapable of  
11 performing its main purpose of firing a projectile;

12 (k) *Duty Detail Order* refers to a document issued by the juridical entity or  
13 employer wherein the details of the disposition of firearm is spelled-out, thus  
14 indicating the name of the employee, the firearm information, the specific duration  
15 and location of posting or assignment and the authorized bonded firearm  
16 custodian for the juridical entity to whom such firearm is turned-over after the lapse  
17 of the order;

18 (l) *Firearm* refers to any handheld or portable weapon, whether a small  
19 arm or light weapon, that expels or is designed to expel a bullet, shot, slug, missile  
20 or any projectile, which is discharged by means of expansive force of gases from  
21 burning gunpowder or other form of combustion or any similar instrument or  
22 implement. For purposes of this Act, the barrel, frame or receiver is considered a  
23 firearm;

24 (m) *Firearms Information Management System (FIMS)* refers to the  
25 compilation of all data and information on firearms ownership and disposition for  
26 record purposes;

27 (n) *Forfeited firearm* refers to a firearm that is subject to forfeiture by  
28 reason of court order as accessory penalty or for the disposition by the Firearms

1 and Explosives Office of the Philippine National Police of firearms considered as  
2 abandoned, surrendered, confiscated or revoked in compliance with existing rules  
3 and regulations;

4 (o) *Gun Club* refers to an organization duly registered with and accredited  
5 in good standing by the Firearms and Explosives Office of the Philippine National  
6 Police which is established for the purpose of propagating responsible and safe  
7 gun ownership, proper appreciation and use of firearms by its members, for the  
8 purpose of sport and shooting competition, self-defense and collection purposes;

9 (p) *Gunsmith* refers to any person, legal entity, corporation, partnership or  
10 business duly licensed by the Firearms and Explosives Office of the Philippine  
11 National Police to engage in the business of repairing firearms and other weapons  
12 or constructing or assembling firearms and weapons from finished or  
13 manufactured parts thereof on a per order basis and not in commercial quantities  
14 or of making minor parts for the purpose of repairing or assembling said firearms  
15 or weapons;

16 (q) *Imitation firearm* refers to a replica of a firearm, or other device that is  
17 so substantially similar in coloration and overall appearance to an existing firearm  
18 as to lead a reasonable person to believe that such imitation firearm is a real  
19 firearm;

20 (r) *Licensed citizen* refers to any Filipino who complies with the  
21 qualifications set forth in this Act and duly issued with a license to possess or to  
22 carry firearms outside of the residence in accordance with this Act;

23 (s) *Licensed juridical entity* refers to corporations, organizations,  
24 businesses including security agencies and local government units which are  
25 licensed to own and possess firearms in accordance with this Act;

26 (t) *Light weapons* are: Class-A Light Weapons which refer to self-loading  
27 pistols, rifles and carbines, sub-machine guns, assault rifles and light machines  
28 guns not exceeding caliber 7.62MM which have fully automatic mode; and Class-B

1 Light Weapons which refer to weapons designed for use by two (2) or more  
2 persons serving as a crew, or rifles and machines guns exceeding caliber 7.62MM  
3 such as heavy machine guns, handheld underbarrel and mounted grenade  
4 launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles,  
5 portable launchers of anti-tank missile and rocket systems, portable launchers of  
6 anti-aircraft missile systems, and mortars of a caliber of less than 100M;

7 (u) *Long certificate of registration* refers to licenses issued to government  
8 agencies or offices or government-owned or controlled corporations for firearms to  
9 be used by their officials and employees who are qualified to possess firearms as  
10 provided in this Act, excluding security guards;

11 (v) *Loose firearm* refers to an unregistered firearm, an obliterated or  
12 altered firearm, firearm which has been lost or stolen, illegally manufactured  
13 firearms, registered firearms in the possession of an individual other than the  
14 licensee and those with revoked licenses in accordance with the rules and  
15 regulations;

16 (w) *Major part or components of a firearm* refers to the barrel, slide, frame,  
17 receiver, cylinder or the bolt assembly. The term also includes any part or kit  
18 designed and intended for use in converting a semi-automatic burst to a full  
19 automatic firearm;

20 (x) *Minor parts of a firearm* refers to the parts of the firearm other than the  
21 major parts which are necessary to effect and complete the action of expelling a  
22 projectile by way of combustion, except those classified as accessories;

23 (y) *Permit to Carry Firearm Outside of Residence* refers to a written  
24 authority issued to a licensed citizen by the Chief, Philippine National Police which  
25 entitles such person to carry his registered or lawfully issued firearm outside of  
26 the residence for the duration and purpose specified in the authority;

27 (z) *Permit to Transport Firearm* refers to a written authority issued to a  
28 licensed citizen or entity by the Chief, Philippine National Police or by a Philippine

1 National Police Regional Director which entitles such person or entity to transport  
2 particular firearm from and to a specific location, within the duration and purpose in  
3 the authority;

4 (aa) *Residence* refers to the place or places of abode of the licensed  
5 citizen as indicated in his or her license;

6 (bb) *Shooting Range* refers to a facility established for the purpose of  
7 firearms training and skills development, firearm testing, as well as for sport and  
8 competition shooting either for the exclusive use of its members or open to the  
9 general public, duly registered with and accredited in good standing by the  
10 Firearms and Explosives Office of the Philippine National Police;

11 (cc) *Short Certificate of Registration* refers to a certificate issued by the  
12 FEO for a government official or employee who was issued by his employer  
13 department, agency or government-owned or controlled corporation a firearm  
14 covered by the Long Certificate of Registration;

15 (dd) *Small Arms* refer to firearms intended to be or primarily designed for  
16 individual use or that which is generally considered to mean a weapon intended to  
17 be fired from the hand or shoulder, which are not capable of fully automatic bursts  
18 of discharge, such as:

19 (1) handgun which is a firearm intended to be fired from the hand,  
20 which includes:

21 (i) a pistol which is a hand-operated firearm having a  
22 chamber integral with or permanently aligned with the bore which  
23 may be self loading; and

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

26 (2) rifle which is a shoulder firearm or designed to be fired from the  
27 shoulder that can discharge a bullet through a rifled barrel by different

1 actions of loading, which may be classified as lever, bolt, or self-loading;

2 and

3 (3) shotgun which is a weapon designed, made and intended to fire  
4 a number of ball shots or a single projectile through a smooth bore by the  
5 action or energy from burning gunpowder;

6 (ee) *Sports shooting competition* refers to a defensive, precision or  
7 practical sport shooting competition duly authorized by the FEO;

8 (ff) *Tampered, obliterated or altered firearm* refers to any firearm whose  
9 serial number or other identification or ballistics characteristics have been  
10 intentionally tampered with, obliterated or altered without authority or in order to  
11 conceal its source, identity or ownership;and

12 (gg) *Thermal Weapon Sight* refers to a battery operated, un-cooled thermal  
13 imaging device which amplifies available thermal signatures so that the viewed  
14 scene becomes clear to the operator which is used to locate and engage targets  
15 during daylight and from low light to total darkness and operates in adverse  
16 conditions such as light rain, light snow, and dry smoke or in conjunction with other  
17 optical and red dot sights.

## 18 ARTICLE II

### 19 OWNERSHIP AND POSSESSION OF FIREARMS

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

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

1 (a) the applicant has not been convicted of any crime involving moral  
2 turpitude;

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

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

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

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

11 (f) the applicant must present a police clearance from the city or  
12 municipality police office; and

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

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

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

21 An applicant who intends to possess a firearm owned by a juridical entity  
22 shall submit his duty detail order to the Firearms and Explosives Office.

23 ***SEC. 5. Ownership of Firearms and Ammunition by a Juridical Entity.***

24 – A juridical person maintaining its own security force may be issued a regular  
25 license to own and possess firearms and ammunition under the following  
26 conditions:

27 a. it must be Filipino-owned and duly registered with the Securities and  
28 Exchange Commission;



- 1           b. it is current, operational and a continuing concern;
- 2           c. it has completed and submitted all its reportorial requirements to the
- 3 Security and Exchange Commission; and
- 4           d. it has paid all its income taxes for the year, as duly certified by the
- 5 Bureau of Internal Revenue.

6           The application shall be made in the name of the juridical person

7 represented by its President or any of its main officers as duly authorized in a

8 board resolution to that effect: *Provided*, That the officer applying for the juridical

9 entity shall possess all the qualifications required of a citizen applying for a license

10 to possess firearms.

11           Other corporate officers eligible to represent the juridical person are: the

12 vice-president, treasurer, and board secretary.

13           Security agencies and local government units shall be included in this

14 category of licensed holders but shall be subject to additional requirements as may

15 be required by the Chief, PNP.

16           **SEC. 6. Ownership of Firearms by the National Government** – All

17 firearms owned by the National Government shall be registered with the Firearms

18 and Explosives Office of the Philippine National Police in the name of the Republic

19 of the Philippines. Such registration shall be exempt from all duties and taxes that

20 may otherwise be levied on other authorized owners of firearms. For reason of

21 national security, firearms of the Armed Forces of the Philippines (AFP), Coast

22 Guard and other law enforcement agencies shall only be reported to the Firearms

23 and Explosives Office of the Philippine National Police.

24           **SEC. 7. Carrying of Firearms Outside of Residence or Place of**

25 **Business.** – A permit to carry firearms outside of residence shall be issued by the

26 Chief, PNP or his duly authorized representative to any qualified person whose life

27 is under actual threat or their lives are in imminent danger due to the nature of

28 their profession, occupation or business.

It shall be the burden of the applicant to prove that his 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  
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, and
  - h. Businessmen, who by the nature of their business or undertaking,
- sed to high risk of being targets of criminal elements.

### ARTICLE III

## REGISTRATION AND LICENSING

**SEC. 8. *Authority to Issue License.*** – The Chief, PNP through the Firearms and Explosives Office of the Philippine National Police, shall issue licenses to qualified individuals and to cause the registration of firearms.

**SEC. 9.      *Licenses Issued to Individuals.*** – Subject to the requirements set forth in this Act and payment of required fees to be determined by the Chief, PNP, a qualified individual may be issued the appropriate license under the following categories:

Type 1 license – allows a citizen to own and possess a maximum of two (2) registered firearms;

Type 2 license – allows a citizen to own and possess a maximum of five (5) registered firearms;

Type 3 license – allows a citizen to own and possess a maximum of ten (10) registered firearms;

1           Type 4 license – allows a citizen to own and possess a maximum of fifteen  
2 (15) registered firearms; and

3           Type 5 license – allows a citizen, who is a certified gun collector, to own  
4 and possess more than fifteen (15) registered firearms.

5           For Types 1 to 5 licenses, a vault or a container secured by lock and key or  
6 other security measures for the safekeeping of firearms shall be required.

7           For Types 3 to 5 licenses, the citizen must comply with the inspection and  
8 bond requirements.

9           **SEC. 10. Firearms That May Be Registered.** – Only small arms may be  
10 registered by licensed citizens or licensed juridical entities for ownership,  
11 possession and concealed carry. A light weapon shall be lawfully acquired or  
12 possessed exclusively by the Armed Forces of the Philippines, the Philippine  
13 National Police and other law enforcement agencies authorized by the President in  
14 the performance of their duties: *Provided*, That private individuals who already  
15 have licenses to possess Class-A light weapons upon the effectivity of this Act  
16 shall not be deprived of the privilege to continue possessing the same and  
17 renewing the licenses therefor, and shall be required to comply with other  
18 applicable provisions of this Act.

19           **SEC. 11. Registration of Firearms.** – The licensed citizen or licensed  
20 juridical entity shall register his/her/its firearms so purchased with the FEO in  
21 accordance with the type of license such licensed citizen/or licensed juridical entity  
22 possesses. A certificate of registration of the firearm shall be issued upon payment  
23 of reasonable fees.

24           For purposes of this Act, registration refers to the application, approval,  
25 record-keeping and monitoring of firearms with the FEO in accordance with the  
26 type of license issued to any person under Section 10 of this Act.

27           **SEC. 12. License to Possess Ammunition Necessarily Included.** - The  
28 licenses granted to qualified citizens or juridical entities as provided in the

preceding section shall include the license to possess ammunition with a maximum of fifty (50) rounds for each registered firearm: *Provided*, that the FEO may allow more ammunition to be possessed by licensed sport shooters.

**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, shall make an application to:

a. the Secretary of the Department of Interior and Local Government in the case of an application for a license to manufacture; and

b. the Chief, PNP in the case of a license to deal in firearms and firearms parts, ammunition, and gun repair.

The applicant shall state the amount of capitalization for manufacture or cost of the purchase and sale of said articles intended to be transacted by such applicant; and the types of arms, ammunition or implements which the applicant intends to manufacture or purchase and sell under the license applied for; and such additional information as may be especially requested by the Secretary of the DILG or the Chief, PNP.

The Secretary of DILG or the Chief, PNP may approve or disapprove such application based on the prescribed guidelines. In the case of approval, the application shall indicate the amount of the bond to be executed by the applicant before the issuance of the license and the period of time by which said license shall be effective, unless sooner revoked by their authority.

Upon approval of the license to manufacture or otherwise deal in firearms by the Secretary of DILG or the Chief, PNP as the case may be, the same shall be transmitted to the Firearms and Explosives Office of the Philippine National Police which shall issue the license in accordance with the approved terms and

1 conditions, upon the execution and delivery by the applicant of the required bond  
2 conditioned upon the faithful compliance on the part of the licensee to the laws  
3 and regulations relative to the business licensed.

4 **SEC. 14. *Scope of License to Manufacture Firearms and Ammunitions.***

5 – The scope of the License to Manufacture firearms and ammunition shall also  
6 include the following:

7 a. The authority to manufacture and assemble firearms, ammunition, spare  
8 parts and accessories, ammunition components, and reloading of ammunitions,  
9 within sites, areas, and factories stated therein. The Secretary of Interior and Local  
10 Government shall approve such license;

11 b. The license to deal in or sell all the items covered by the License to  
12 Manufacture, such as parts, firearms or ammunition and components;

13 c. The authority to subcontract the manufacturing of parts and accessories  
14 necessary for the firearms which the manufacturer is licensed to manufacture:  
15 *Provided*, that the subcontractor of major parts or major components is also  
16 licensed to manufacture firearms and ammunition; and

17 d. The authority to import machinery, equipment, and firearm parts and  
18 ammunition components for the manufacture thereof. Firearm parts and  
19 ammunition components to be imported shall, however, be limited to those  
20 authorized to be manufactured as reflected in the approved License to  
21 Manufacture. The Import Permit shall be under the administration of the PNP;

22 A licensed manufacturer of ammunition is also entitled to import various  
23 reference firearms needed to test the ammunition manufactured under the License  
24 to Manufacture. A licensed manufacturer of firearms, on the other hand, is entitled  
25 to import various firearms for reference, test and evaluation for manufacture of  
26 similar types of firearms covered by the License to Manufacture; and

1 An export permit shall, however, be necessary to export manufactured parts  
2 or finished products of firearms and ammunition. The Export Permit of firearms  
3 and ammunition shall be under the administration of the PNP.

4 **SEC. 15. *Registration of Locally Manufactured and Imported Firearms.***

5 – Local manufacturers and Importers of firearms and major parts thereof shall  
6 register the same as follows:

7 a. For locally manufactured firearms and major parts thereof, the initial  
8 registration shall be done at the manufacturing facility: *Provided*, That firearms  
9 intended for export shall no longer be subjected to ballistic identification purposes;  
10 and

11 b. For imported firearms and major parts thereof, the registration shall be  
12 done upon arrival at the FEO storage facility.

13 **SEC. 16. *License and Scope of License to Deal.*** – The License to Deal  
14 authorizes the purchase, sale and general business in handling firearms and  
15 ammunition, major and minor parts of firearms, accessories, spare parts,  
16 components, and reloading machines, which shall be issued by the Chief, PNP.

17 **SEC. 17. *License and Scope of License for Gunsmiths.*** – The license  
18 for gunsmiths shall allow the grantee to repair registered firearms. The license  
19 shall include customization of firearms from finished or manufactured parts thereof  
20 on per order basis and not in commercial quantities and making the minor parts  
21 thereof, i.e. pins, triggers, trigger, bows, sights, stews and the like only for the  
22 purpose of repairing the registered firearm. The license for gunsmiths shall be  
23 issued by the Chief, PNP.

24 **SEC. 18. *Firearms for Use in Sports and Competitions.*** – A qualified  
25 individual shall apply for a permit to transport his registered firearm/s from his  
26 residence to the firing range/s and competition sites as may be warranted.

**SEC. 19. *Renewal of Licenses and Registration.*** – All types of licenses to possess a firearm shall be renewed every two (2) 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. 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 within six (6) months before the date of the expiration of such license or registration.

**SEC. 20. *Inspection and Inventory.*** – The Chief, PNP or his authorized representative shall require the submission of reports, inspect or examine the inventory and records of a licensed manufacturer, dealer or importer of firearm and ammunition during reasonable hours.

## ARTICLE IV

## ACQUISITION, DEPOSIT OF FIREARMS, ABANDONED,

## DEMILITARIZED AND ANTIQUE FIREARMS

**SEC. 21. Acquisition or Purchase and Sale of Firearm and Ammunition.** – Firearm and ammunition may only be acquired or purchased from authorized dealers, importers or local manufacturers and may be transferred or sold only from a licensed citizen or licensed juridical entity to another licensed citizen or licensed juridical entity: *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

1 thereof shall strictly comply with the issuances, resolutions, rules and regulations  
2 promulgated by the Commission on Elections.

3       **SEC. 22. Deposit of Firearms by Persons Arriving From Abroad.** – A  
4 person arriving in the Philippines who is legally in possession of any firearm or  
5 ammunition in his country of origin and who has declared the existence of the  
6 firearm upon embarkation and disembarkation but whose firearm is not registered  
7 in the Philippines in accordance with this Act shall deposit the same upon written  
8 receipt with the Collector of Customs for delivery to the Firearms and Explosives  
9 Office of the Philippine National Police for safekeeping, or for the issuance of a  
10 permit to transport if the person is a competitor in a sport shooting competition. If  
11 the importation of the same is allowed and the party in question desires to obtain a  
12 domestic firearm license, the same should be undertaken in accordance with the  
13 provisions of this Act. If no license is desired or leave to import is not granted, the  
14 firearm or ammunition in question shall remain in the custody of the Firearms and  
15 Explosives Office of the Philippine National Police until otherwise disposed of in  
16 accordance with law.

17       **SEC. 23. Return of Firearms to Owner upon Departure from the**  
18 **Philippines.** – Upon the departure from the Philippines of any person whose  
19 firearm or ammunition is in the custody of the Firearms and Explosives Office of  
20 the Philippine National Police, the same shall, upon timely request, be delivered to  
21 the person through the Collector of Customs. In the case of a participant in a local  
22 sport shooting competition, the firearm must be presented to the Collector of  
23 Customs before the same is allowed to be loaded on board the carrier on which  
24 the person is to board.

25       **SEC. 24. Safekeeping of Firearms and Ammunition.** – Any licensee may  
26 deposit a registered firearm to the Firearms and Explosives Office of the Philippine  
27 National Police, or any Police Regional Office for safekeeping. Reasonable fees  
28 for storage shall be imposed.



**SEC. 25. *Abandoned Firearms and Ammunition.*** – Any firearm or ammunition deposited in the custody of the FEO pursuant to the provisions of this Act, shall be deemed to have been abandoned by the owner or his authorized representative if he failed to reclaim the same within five (5) years or failed to advise the FEO of the disposition to be made thereof. Thereafter, the FEO may dispose of the same after compliance with established procedures.

**SEC. 26. *Death or Disability of Licensee.*** – Upon the death or legal disability of the holder of a firearm license, it shall be the duty of his next of kin, nearest relative, legal representative, or other person who shall knowingly come into possession of such firearm or ammunition, to deliver the same to the FEO or Police Regional Office, and such firearms or ammunition shall be retained by the police custodian pending the issuance of a license and its registration in accordance with this Act. The failure to deliver the firearm or ammunition within 6 months after the death or legal disability of the licensee shall render the possessor liable for illegal possession of the firearm.

**SEC. 27. *Antique Firearm.*** – Any person who possesses an antique firearm shall register the same and secure a collector's license from the Firearms and Explosives Office of the Philippine National Police. Proper storage of antique firearm shall be strictly imposed. Non-compliance of this provision shall be considered as illegal possession of the firearm as penalized in this Act.

## ARTICLE V

## PENAL PROVISIONS

**SEC. 28. *Unlawful, Acquisition, or Possession of Firearms and Ammunition.*** – The unlawful acquisition, possession of firearms ammunition shall be penalized as follows:

a. The penalty of *prision mayor* in its medium period shall be imposed upon any person who shall unlawfully acquire or possess a small arm;

1           b. The penalty of *reclusion temporal* to *reclusion perpetua* shall be  
2 imposed if three (3) or more small arms or Class – A light weapons are unlawfully  
3 acquired or possessed by any person;

4           c. The penalty of *prision mayor* in its maximum period shall be imposed  
5 upon any person who shall unlawfully acquire or possess a Class – A light  
6 weapon;

7           d. The penalty of *reclusion perpetua* shall be imposed upon any person  
8 who shall unlawfully acquire or possess a Class – B light weapon;

9           e. The penalty of one (1) degree higher than that provided in paragraphs A  
10 to C in this Section shall be imposed upon any person who shall unlawfully  
11 possess any firearm under any or combination of the following conditions:

- 12           1. loaded with ammunition or inserted with a loaded magazine;
- 13           2. fitted or mounted with laser or any gadget used to guide the shooter to  
14           hit the target such as thermal weapon sight (TWS) and the like;
- 15           3. fitted or mounted with sniper scopes, firearm muffler or firearm silencer;
- 16           4. accompanied with an extra barrel; and
- 17           5. converted to be fired semi-automatic or full automatic.

18           f. The penalty of *prision mayor* in its minimum period shall be imposed  
19 upon any person who shall unlawfully acquire or possess a major part of a small  
20 arm;

21           g. The penalty of *prision mayor* in its minimum period shall be imposed  
22 upon any person who shall unlawfully acquire or possess ammunition for a small  
23 arm or Class-A light weapon. If the violation of this paragraph is committed by the  
24 same person charged with the unlawful acquisition or possession of a small arm,  
25 the former violation shall be absorbed by the latter;

26           h. The penalty of *prision mayor* in its medium period shall be imposed  
27 upon any person who shall unlawfully acquire or possess a major part of a Class-A  
28 light weapon;

i. The penalty of *prision mayor* in its medium period shall be imposed upon any person who shall unlawfully acquire or possess ammunition for a Class-A light weapon. If the violation of this paragraph is committed by the same person charged with the unlawful acquisition or possession of a Class-A light weapon, the former violation shall be absorbed by the latter.

j. The penalty of *prision mayor* in its maximum period shall be imposed upon any person who shall unlawfully acquire or possess a major part of a Class-B light weapon; and

k. The penalty of *prision mayor* in its maximum period shall be imposed upon any person who shall unlawfully acquire or possess ammunition for a Class-B light weapon. If the violation of this paragraph is committed by the same person charged with the unlawful acquisition or possession of a Class-B light weapon, the former violation shall be absorbed by the latter.

**SEC. 29. Use of Loose Firearm in the Commission of a Crime.** – The use of a loose firearm, when inherent in the commission of a crime punishable under the Revised Penal Code or other special laws, shall be considered as an aggravating circumstance: *Provided*, That if the crime committed with the use of a loose firearm is penalized by the law with a maximum penalty which is lower than that prescribed in the preceding section for illegal possession of firearm, the penalty for illegal possession of firearm shall be imposed in lieu of the penalty for the crime charged: *Provided, further*, That if the crime committed with the use of a loose firearm is penalized by the law with a maximum penalty which is equal to that imposed under the preceding section for illegal possession of firearms, the penalty of *prision mayor* in its minimum period shall be imposed in addition to the penalty for the crime punishable under the Revised Penal Code or other special laws of which he/she is found guilty.

If the violation of this Act is in furtherance of, or incident to, or in connection with the crime of rebellion or insurrection, or attempted *coup d'etat*, such violation

1 shall be absorbed as an element of the crime of rebellion or insurrection, or  
2 attempted *coup d'etat*.

3 If the crime is committed by the person without using the loose firearm, the  
4 violation of this Act shall be considered as a distinct and separate offense.

5 **SEC. 30. Liability of Juridical Person.** – The penalty of *prision mayor* in its  
6 minimum to *prision mayor* in its medium period shall be imposed upon the owner,  
7 president, manager, director or other responsible officer of any public or private  
8 firm, company, corporation or entity who shall willfully or knowingly allow any of  
9 the firearms owned by such firm, company, corporation or entity to be used by any  
10 person or persons found guilty of violating the provisions of the preceding Section,  
11 or willfully or knowingly allow any of them to use unregistered firearm or firearms  
12 without any legal authority to be carried outside of their residence in the course of  
13 their employment.

14 **SEC. 31. Absence of Permit to Carry Outside of Residence.** – The  
15 penalty of *prision correccional* and a fine of Ten Thousand Pesos (P10,000.00)  
16 shall be imposed upon any person who is licensed to own a firearm but who shall  
17 carry the registered firearm outside his residence without any legal authority  
18 therefor.

19 **SEC. 32. Unlawful Manufacture, Importation, Sale or Disposition of**  
20 **Firearm or Ammunition, or Parts Thereof, Machinery, Tool or Instrument**  
21 **Used or Intended to be Used in the Manufacture of Firearm, Ammunition or**  
22 **Parts Thereof.** – The penalty of *reclusion temporal* to *reclusion perpetua* shall be  
23 imposed upon any person who shall unlawfully engage in the manufacture,  
24 importation, sale or disposition of a firearm, or ammunition, or a major part of a  
25 firearm or ammunition, or machinery, tool or instrument used or intended to be  
26 used by the same person in the manufacture of a firearm, ammunition, or a major  
27 part thereof.

28 The possession of any machinery, tool or instrument used directly in the  
29 manufacture of firearms, ammunition, or major parts thereof by any person whose

1 business, employment or activity does not lawfully deal with the possession of  
2 such article, shall be *prima facie* evidence that such article is intended to be used  
3 in the unlawful or illegal manufacture of firearms, ammunition, or parts thereof.

4 The penalty of *prison mayor in its minimum period to prison mayor in its*  
5 *medium period* shall be imposed upon any laborer, worker or employee of a  
6 licensed firearms dealer who shall unlawfully take, sell or otherwise dispose of  
7 parts of firearms or ammunition which the company manufactures and sells, and  
8 other materials used by the company in the manufacture or sale of firearms or  
9 ammunitions. The buyer or possessor of such stolen part or material, who is aware  
10 that such part or material was stolen, shall suffer the same penalty as the laborer,  
11 worker or employee.

12 If the violation or offense is committed by a corporation, partnership,  
13 association or other juridical entity, the penalty provided for in this section shall be  
14 imposed upon the directors, officers, employees or other officials or persons  
15 therein who knowingly and willingly participated in the unlawful act.

16 **SEC. 33. Arms Smuggling.** – The penalty of *reclusion perpetua* shall be  
17 imposed upon any person who shall engage or participate in arms smuggling as  
18 defined in this Act.

19 **SEC. 34. Tampering, Obliteration or Alteration of Firearms**  
20 **Identification.** – The penalty of *prision correccional to prison mayor* in its  
21 minimum period shall be imposed upon any person who shall tamper, obliterate or  
22 alter without authority the barrel, slide, frame, receiver, cylinder, or bolt assembly,  
23 including the name of the maker, model, or serial number of any firearm, or who  
24 shall replace without authority the barrel, slide, frame, receiver, cylinder, or bolt  
25 assembly, including its individual or peculiar identifying characteristics essential in  
26 forensic examination of a firearm or light weapon.

27 The PNP shall place this information, including its individual or peculiar  
28 identifying characteristics into the database of integrated firearms identification  
29 system of the PNP Crime Laboratory for future use and identification of a particular

1 firearm.

2       **SEC. 35. Use of an Imitation Firearm.** – An imitation firearm used in the  
3 commission of a crime shall be considered a real firearm as defined in this Act and  
4 the person who committed the crime shall be punished in accordance with this Act:  
5 *Provided*, that injuries caused on the occasion of the conduct of competitions,  
6 sports, games, or any recreation activities involving imitation firearms shall not be  
7 punishable under this Act.

8       **SEC. 36. In Custodia Legis.** – During the pendency of any case filed in  
9 violation of this Act, seized firearm, ammunition, or parts thereof, machinery, tools  
10 or instruments shall remain in the custody of the court. If the court decides that it  
11 has no adequate means to safely keep the same, the court shall issue an order to  
12 turn over to the PNP Crime Laboratory such firearm, ammunition, or parts thereof,  
13 machinery, tools or instruments in its custody during the pendency of the case and  
14 to produce the same to the court when so ordered. No bond shall be admitted for  
15 the release of the firearm, ammunition or parts thereof, machinery, tool or  
16 instrument. Any violation of this paragraph shall be punishable by *prision mayor* in  
17 its minimum period to *prision mayor* in its medium period.

18       **SEC. 37. Confiscation and Forfeiture.** – The imposition of penalty for any  
19 violation of this Act shall carry with it the accessory penalty of confiscation and  
20 forfeiture of the firearm, ammunition, or parts thereof, machinery, tool or  
21 instrument in favor of the government which shall be disposed of in accordance  
22 with law.

23       **SEC. 38. Liability for Planting Evidence.** – The penalty of *prision mayor* in  
24 its maximum period shall be imposed upon any person who shall willfully and  
25 maliciously insert, place, and or attach, directly or indirectly, through any overt or  
26 covert act, any firearm, or ammunition, or parts thereof in the person, house,  
27 effects, or in the immediate vicinity of an innocent individual for the purpose of  
28 implicating or incriminating the person, or imputing the commission of any violation  
29 of the provisions of this Act to said individual. If the person found guilty under this

1 paragraph is a public officer or employee, such person shall suffer the penalty of  
2 *reclusion perpetua*.

3       **SEC. 39. Grounds for Revocation, Cancellation or Suspension of**  
4 ***License or Permit.*** – The Chief, PNP or his authorized representative may

5 revoke, cancel or suspend a license or permit on the following grounds:

6       a. Commission of a crime or offense involving the firearm, ammunition, or  
7 major parts thereof;

8       b. Conviction by a crime involving moral turpitude or any offense where the  
9 penalty carries an imprisonment of more than six (6) years;

10       c. Loss of the firearm, ammunition, or any parts thereof through  
11 negligence;

12       d. Carrying of the firearm, ammunition, or major parts thereof outside of  
13 residence or workplace without the proper permit to carry the same;

14       e. Carrying of the firearm, ammunition, or major parts thereof in prohibited  
15 places;

16       f. Dismissal for cause from the service in case of government official and  
17 employee;

18       g. Commission of any of the acts penalized under Republic Act No. 9165  
19 otherwise known as the *Comprehensive Dangerous Drugs Act of 2002*;

20       h. Submission of falsified documents or misrepresentation in the  
21 application to obtain a license or permit;

22       i. Non-compliance of reportorial requirements; and

23       j. By virtue of a court order.

24       **SEC. 40. Failure to Notify Lost or Stolen Firearm or Light Weapon.** – A  
25 fine of Ten Thousand Pesos (P10,000.00) shall be imposed upon any licensed  
26 firearm holder who fails to report to the FEO that the subject firearm has been lost  
27 or stolen within a period of thirty (30) days from the date of discovery.

28       Likewise, a fine of Five Thousand Pesos (P5,000.00) shall be imposed  
29 upon any person holding a valid firearm license who shall changes residence or

1 office address other than indicated in the license card and fails within a period of  
2 thirty (30) days from said transfer to notify the FEO of such change of address.

3 **SEC. 41. *Illegal Transfer/Registration of Firearms.*** – It shall be unlawful  
4 to transfer possession of any firearm to any person who has not yet obtained or  
5 secured the necessary license or permit thereof.

6 The penalty of *prision correccional* shall be imposed upon any person who  
7 shall violate the provision of the preceding paragraph. In addition, he or she shall  
8 be disqualified to apply for a license to possess other firearms and all his or her  
9 existing firearms licenses whether for purposes of commerce or possession, shall  
10 be revoked. If government-issued firearms, ammunition or major parts of firearms  
11 or light weapons are unlawfully disposed, sold or transferred by any law  
12 enforcement agent or public officer to private individuals, the penalty of *reclusion*  
13 *temporal* shall be imposed.

14 Any public officer or employee or any person who shall facilitate the  
15 registration of a firearm through fraud, deceit, misrepresentation or submission of  
16 falsified documents shall suffer the penalty of *prision correccional*.

## 17 **ARTICLE VI**

### 18 **FINAL PROVISIONS**

19 **SEC. 42. *Firearms Repository.*** – The FED shall be the sole repository of  
20 all firearms records to include imported and locally manufactured firearms and  
21 ammunition. Within one (1) year upon approval of this Act, all military and law  
22 enforcement agencies, government agencies, LGUs and GOCCs shall submit an  
23 inventory of all their firearms and ammunition to the PNP.

24 **SEC. 43. *Final Amnesty.*** – Persons in possession of unregistered firearms  
25 and holders of expired license or unregistered firearms shall register and renew  
26 the same through the Final General Amnesty within six (6) months from the  
27 promulgation of the implementing rules and regulations of this Act. During the  
28 interim period of six (6) months, no person applying for license shall be charged of  
29 any delinquent payment accruing to the firearm subject for registration. The



1 Philippine National Police shall conduct an intensive nationwide campaign to  
2 ensure that the general public is properly informed of the provisions of this Act.

3       **SEC. 44. *Implementing Rules and Regulations.*** – Within one hundred  
4 twenty (120) days from the effectivity of this Act, the Chief of the Philippine  
5 National Police, after public hearings and consultation with concerned sectors of  
6 society, shall formulate the necessary rules and regulations for the effective  
7 implementation of this Act to be published in at least two national newspapers of  
8 general circulation.

9       **SEC. 45. *Repealing Clause.*** – This Act repeals Sections 1, 2, 5, and 7 of  
10 Presidential Decree No. 1866, as amended, and Section 6 of Republic Act 8294  
11 and all other laws, executive orders, letters of instruction, issuances, circulars,  
12 administrative orders, rules or regulations that are inconsistent therewith.

13       **SEC. 46. *Separability Clause.*** – If any provision of this Act or any part  
14 hereof is held invalid or unconstitutional, the remainder of the law or the provision  
15 not otherwise affected shall remain valid and subsisting.

16       **SEC. 47. *Effectivity.*** – This Act shall take effect after fifteen (15) days from  
17 its publication in a newspaper of nationwide circulation.

*Approved,*