



HOUSE OF REPRESENTATIVES

H. No. 6776

BY REPRESENTATIVES ANTONINO, ROMUALDO, CUENCO, CODILLA, DEL MAR, LAZATIN, BAGATSING, ABLAN, CUA (J.), FUENTEBELLA, PANCRUDO, TEODORO, VILLAROSA, DUEÑAS AND SAN LUIS, PER COMMITTEE REPORT NO. 2335

AN ACT PROVIDING FOR STIFFER PENALTIES FOR CRIMES RELATING TO FIREARMS AND LIGHT WEAPONS, FURTHER AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1866, AS AMENDED, ENTITLED "CODIFYING THE LAWS ON ILLEGAL/UNLAWFUL POSSESSION, MANUFACTURE, DEALING IN, ACQUISITION OR DISPOSITION OF FIREARMS, AMMUNITION OR EXPLOSIVES OR INSTRUMENTS USED IN THE MANUFACTURE OF FIREARMS, AMMUNITION OR EXPLOSIVES, AND IMPOSING STIFFER PENALTIES FOR CERTAIN VIOLATIONS THEREOF, AND FOR RELEVANT PURPOSES"

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

1 SECTION 1. Section 1 of Presidential Decree No. 1866, as amended, is
2 hereby further amended to read as follows:

3 "SECTION 1. *Unlawful Manufacture, Sale, Acquisition,*
4 *Disposition or Possession of Firearms, LIGHT WEAPONS or*
5 *Ammunition or Instruments Used or Intended to be Used in the*

1 *Manufacture of Firearms, LIGHT WEAPONS or Ammunition. –*

2 The penalty of [*prision correccional*]**RECLUSION TEMPORAL** in

3 its maximum period [and a fine of not less than Fifteen thousand

4 pesos (P15,000)]**TO RECLUSION PERPETUA** shall be imposed

5 upon any person who shall unlawfully [manufacture, deal in,]

6 acquire[, dispose,] or possess any [low powered] firearm[.].

7 [such as rimfire handgun, .380 or .32 and other firearm of similar

8 firepower, part of firearm, ammunition, or machinery, tool or

9 instrument used or intended to be used in the manufacture of any

10 firearm or ammunition: *Provided*, That no other crime was

11 committed.] **THE TERM "FIREARM" REFERS TO ANY HANDHELD**

12 **OR PORTABLE WEAPON FROM WHICH ANY BULLET, BALL SHOT**

13 **OR MISSILE OR OTHER DEADLY PROJECTILE MAY BE**

14 **DISCHARGED BY MEANS OF EXPLOSION OR PERCUSSION OR**

15 **ANY INSTRUMENT OR IMPLEMENT WHICH CAN BE READILY**

16 **CONVERTED OR HAS BEEN CONVERTED TO BE CAPABLE OF**

17 **DOING THE SAME. THE TERM ALSO INCLUDES AUTOMATIC**

18 **RIFLES NOT EXCEEDING CALIBER 7.62 MM AND AIR, GAS OR**

19 **SPRING OPERATED PISTOLS OR RIFLES NOT CLASSIFIED**

20 **AS TOYS BY THE PHILIPPINE NATIONAL POLICE (PNP) IN**

21 **COORDINATION WITH THE DEPARTMENT OF TRADE AND**

22 **INDUSTRY. THE BARREL OF ANY FIREARM SHALL BE**

23 **CONSIDERED AS A COMPLETE FIREARM.**

24 **"THE PENALTY OF RECLUSION PERPETUA SHALL BE**

25 **IMPOSED IF THREE (3) OR MORE FIREARMS ARE UNLAWFULLY**

26 **ACQUIRED OR POSSESSED.**

27 **"THE PENALTY OF RECLUSION PERPETUA SHALL BE**

28 **IMPOSED UPON ANY PERSON WHO SHALL UNLAWFULLY**

1 ACQUIRE OR POSSESS A LIGHT WEAPON. THE TERM 'LIGHT
2 WEAPON' REFERS TO A WEAPON DESIGNED FOR USE BY
3 TWO (2) OR MORE PERSONS SERVING AS A CREW OR MAY BE
4 CARRIED AND USED BY A SINGLE PERSON WHICH SHALL
5 INCLUDE DRUM-FED AND BELT-FED SUBMACHINE, LIGHT AND
6 HEAVY MACHINE GUNS, HAND-HELD UNDER-BARREL AND
7 MOUNTED GRENADE LAUNCHERS, PORTABLE ANTI-AIRCRAFT
8 GUNS, PORTABLE ANTI-TANK GUNS, RECOILLESS RIFLES,
9 PORTABLE LAUNCHERS OF ANTI-TANK MISSILE AND ROCKET
10 SYSTEMS, PORTABLE LAUNCHERS OF ANTI-AIRCRAFT MISSILE
11 SYSTEMS, AND MORTARS OF A CALIBER OF LESS THAN ONE
12 HUNDRED (100) MILLIMETERS. A LIGHT WEAPON SHALL BE
13 LAWFULLY ACQUIRED OR POSSESSED EXCLUSIVELY BY THE
14 ARMED FORCES OF THE PHILIPPINES (AFP) OR THE PNP.

15 "IN ANY CASE, WHERE AN UNLICENSED FIREARM OR
16 LIGHT WEAPON IS CARRIED IN PARTS BY, OR IS OTHERWISE IN
17 THE POSSESSION OF TWO (2) OR MORE PERSONS, EACH AND
18 EVERY ONE OF THOSE PERSONS SHALL BE DEEMED IN
19 POSSESSION OF THE FIREARM OR LIGHT WEAPON.

20 "WHEN ANY OF THE ARMS CARRIED BY A GROUP OF
21 THREE (3) OR MORE PERSONS IS AN UNLICENSED FIREARM OR
22 LIGHT WEAPON, IT SHALL BE PRESUMED THAT THE SAID
23 GROUP IS A CRIMINAL SYNDICATE, AND IN CASE THE GROUP
24 SHALL BE CONVICTED FOR VIOLATION OF ANY OF THE
25 PROVISIONS OF THIS ACT AND OTHER EXISTING LAWS, THE
26 PENALTY TO BE IMPOSED SHALL BE IN THE MAXIMUM PERIOD.

27 "The penalty of *prision mayor* in its minimum period [and
28 a fine of Thirty thousand pesos (P30,000)] TO *RECLUSION*
29 *TEMPORAL* IN ITS MAXIMUM PERIOD shall be imposed [if the
30 firearm is classified as high powered firearm which includes
31 those with bores bigger in diameter than .38 caliber and .9

1 millimeter such as caliber .40, .41, .44, .45 and also lesser
2 calibered firearms but considered powerful such as caliber .357
3 and caliber .22 center-fire magnum and other firearms with firing
4 capability of full automatic and by burst of two or three:
5 *Provided, however,* That no other crime was committed by the
6 person arrested.] **UPON ANY PERSON WHO SHALL UNLAWFULLY**
7 **POSSESS OR ACQUIRE AMMUNITION FOR FIREARMS. THE TERM**
8 **'AMMUNITION' REFERS TO LOADED SHELLS FOR RIFLES,**
9 **MUSKETS, CARBINES, SHOTGUNS, REVOLVERS, PISTOLS AND**
10 **OTHER FIREARMS AND LIGHT WEAPONS FROM WHICH A**
11 **BULLET, BALL, SHOT, SHELL OR OTHER MISSILE MAY BE FIRED**
12 **BY MEANS OF GUNPOWDER OR EXPLOSIVES. IT ALSO INCLUDES**
13 **BLANK AMMUNITION, FUSES, PRIMERS, GRENADES, BOMBS AND**
14 **OTHERS LIKE MISSILES, WHETHER OR NOT IT CAN BE USED**
15 **WITH ARMS, AND ANY AMMUNITION CONTAINING, OR**
16 **DESIGNED OR ADAPTED TO CONTAIN ANY NUCLEAR,**
17 **BIOLOGICAL, RADIOLOGICAL, CHEMICAL OR EXPLOSIVE**
18 **MATERIALS, ANY NOXIOUS LIQUID AND GAS.**

19 "THE PENALTY OF *RECLUSION TEMPORAL* IN ITS
20 MINIMUM PERIOD TO *RECLUSION PERPETUA* SHALL BE
21 IMPOSED UPON ANY PERSON WHO SHALL UNLAWFULLY
22 POSSESS OR ACQUIRE AMMUNITION FOR LIGHT WEAPONS.

23 THE PENALTY OF *PRISION CORRECCIONAL* IN ITS
24 MAXIMUM PERIOD TO *PRISION MAYOR* IN ITS MINIMUM
25 PERIOD SHALL BE IMPOSED UPON ANY PERSON WHO
26 SHALL UNLAWFULLY ACQUIRE OR POSSESS MAJOR PARTS
27 OR COMPONENTS OF A FIREARM, LIGHT WEAPON OR
28 AMMUNITION.

29 "THE PENALTY OF *RECLUSION PERPETUA* SHALL BE
30 IMPOSED UPON ANY PERSON WHO SHALL UNLAWFULLY
31 ENGAGE IN THE MANUFACTURE, SALE OR DISPOSITION OF
32 FIREARMS, LIGHT WEAPONS OR AMMUNITION, COMPONENTS

1 OR PARTS OF FIREARMS AND LIGHT WEAPONS AND
2 AMMUNITION.

3 “THE PENALTY OF *PRISION CORRECCIONAL* IN ITS
4 MINIMUM PERIOD TO *PRISION MAYOR* SHALL BE IMPOSED UPON
5 THE LABORERS OR WORKERS OF THE MANUFACTURING
6 COMPANY OR FIREARMS DEALER WHO SHALL KNOWINGLY
7 AND WILLINGLY PARTICIPATE IN ANY OF THE UNLAWFUL ACTS
8 MENTIONED IN THE PRECEDING PARAGRAPH.

9 “THE PENALTY OF *RECLUSION TEMPORAL* IN ITS
10 MAXIMUM TO *RECLUSION PERPETUA* SHALL BE IMPOSED UPON
11 SUCH LABORER, WORKER OR EMPLOYEE OF A LICENSED
12 FIREARMS MANUFACTURING COMPANY OR LICENSED
13 FIREARMS DEALER WHO SHALL UNLAWFULLY TAKE, SELL OR
14 OTHERWISE DISPOSE OF PARTS OF FIREARMS WHICH THE
15 COMPANY MANUFACTURES AND SELLS AND OTHER MATERIALS
16 USED BY THE COMPANY IN THE MANUFACTURE OR SALE OF
17 FIREARMS. THE BUYER OR THE POSSESSOR OF SUCH STOLEN
18 PARTS OR MATERIALS SHALL SUFFER THE SAME PENALTY AS
19 THE LABORER, WORKER OR EMPLOYEE.

20 “THE PENALTY OF *PRISION MAYOR* IN ITS MAXIMUM
21 PERIOD TO *RECLUSION TEMPORAL* AND A FINE OF ONE
22 HUNDRED THOUSAND PESOS (P100,000.00) SHALL BE IMPOSED
23 UPON ANY PERSON WHO SHALL UNLAWFULLY MANUFACTURE,
24 DEAL IN, ACQUIRE, DISPOSE OF OR POSSESS MACHINERY,
25 TOOLS OR INSTRUMENTS USED OR INTENDED TO BE USED IN
26 THE MANUFACTURE OF FIREARMS, LIGHT WEAPONS, PARTS
27 AND AMMUNITION.

28 “IF THE BUSINESS OR EMPLOYMENT DOES NOT
29 LAWFULLY DEAL WITH THE MANUFACTURE OF FIREARMS,
30 LIGHT WEAPONS OR AMMUNITION, THE POSSESSION OF ANY
31 MACHINERY, TOOL OR INSTRUMENT USED IN THE
32 MANUFACTURE OF FIREARMS, LIGHT WEAPONS, PARTS,
33 ACCESSORIES AND AMMUNITION SHALL BE *PRIMA FACIE*

1 EVIDENCE THAT SUCH ARTICLE IS INTENDED TO BE USED IN
2 THE UNLAWFUL OR ILLEGAL MANUFACTURE OF FIREARMS,
3 LIGHT WEAPONS OR AMMUNITION.

4 "If homicide or murder is committed with the use of an
5 unlicensed firearm OR LIGHT WEAPON, such use of an
6 unlicensed firearm OR LIGHT WEAPON shall be considered as an
7 aggravating circumstance.

8 "IF ANY OTHER CRIME PUNISHABLE BY THE REVISED
9 PENAL CODE AND OTHER SPECIAL LAWS WAS COMMITTED BY
10 THE PERSON ARRESTED, THE VIOLATION OF THIS ACT SHALL
11 BE CONSIDERED AS A DISTINCT AND SEPARATE OFFENSE:
12 *PROVIDED, HOWEVER, THAT [I]If the violation of this [Section]*
13 *ACT is in furtherance of or incident to, or in connection with the*
14 *crime of rebellion, or insurrection[, sedition], or attempted coup*
15 *d'etat, such violation shall be absorbed as an element of the*
16 *crime of rebellion, or insurrection[, sedition], or attempted coup*
17 *d'etat.*

18 "The [same] penalty OF *RECLUSION TEMPORAL* IN ITS
19 *MAXIMUM PERIOD TO RECLUSION PERPETUA* shall be imposed
20 upon the owner, president, manager, director or other responsible
21 officer of any public or private firm, company, corporation or
22 entity, who shall willfully or knowingly allow any of the firearms
23 OR AMMUNITION owned by such firm, company, corporation or
24 entity to be used by any person or persons found guilty of
25 violating the provisions of the preceding paragraphs or willfully
26 or knowingly allow any of them to use unlicensed firearms or
27 firearms without any legal authority to be carried outside of their
28 residence in the course of their employment.

1 “The penalty of [*arresto mayor*] *PRISION CORRECCIONAL*
2 **IN ITS MINIMUM PERIOD TO *PRISION MAYOR* IN ITS MINIMUM**
3 **PERIOD AND A FINE OF TWENTY THOUSAND PESOS**
4 **(P20,000.00) shall be imposed upon any person who shall carry**
5 any licensed firearm outside his residence without legal authority
6 therefor.”

7 SEC. 2. Section 2 of the same Decree on “Presumption of Illegal
8 Manufacture of Firearms or Ammunition” is hereby deleted.

9 SEC. 3. Section 5 of the same Decree, as amended, is hereby further
10 amended to read as follows:

11 “SEC. 5. *Tampering of Firearm*[']s [*Serial Number*]. –
12 **ANY MODIFICATION MADE ON A FIREARM THAT SHALL ALTER**
13 **ITS IDENTITY, INFORMATION OR BALLISTIC CHARACTERISTIC**
14 **SHALL REQUIRE THE ISSUANCE OF A NEW LICENSE.**
15 The penalty of [*prision correccional*] *RECLUSION TEMPORAL* IN
16 **ITS MAXIMUM PERIOD TO *RECLUSION PERPETUA* shall be**
17 **imposed upon any person who shall unlawfully tamper[.] WITH,**
18 change, deface or erase the serial number, **OR MODIFY THE**
19 **IDENTITY, INFORMATION OR BALLISTIC CHARACTERISTIC OF**
20 any firearm.”

21 SEC. 4. New sections designated as Sections 7, 8, 9, 10, 11 and 12 are
22 hereby inserted to read as follows:

23 “SEC. 7. *FIREARMS, LIGHT WEAPONS OR AMMUNITION*
24 **IN ‘CUSTODIA LEGIS’.** – **DURING THE PENDENCY OF THE CASE,**
25 **SEIZED FIREARMS, LIGHT WEAPONS, AMMUNITION,**
26 **MACHINERY, TOOLS OR INSTRUMENTS SHALL NOT BE**
27 **DISPOSED OF, ALIENATED OR TRANSFERRED BUT SHALL BE IN**
28 **THE CUSTODY OF THE COURT OR IN ‘CUSTODIA LEGIS’:**

1 **PROVIDED, THAT THE COURT SHALL AUTHORIZE THE PNP TO**
2 **HOLD SUCH FIREARMS, LIGHT WEAPONS, MACHINERY, TOOLS**
3 **OR INSTRUMENTS FOR SAFEKEEPING DURING THE PENDENCY**
4 **OF THE CASE AND TO DELIVER THE SAME TO THE COURT WHEN**
5 **SO ORDERED: PROVIDED, FURTHER, THAT NO BOND SHALL BE**
6 **ADMITTED FOR THE RELEASE OF THE SAME: PROVIDED,**
7 **FINALLY, THAT ANY VIOLATION HEREOF SHALL BE**
8 **PUNISHABLE BY RECLUSION TEMPORAL TO RECLUSION**
9 **PERPETUA.”**

10 **“SEC. 8. CONFISCATION AND FORFEITURE. – EVERY**
11 **PENALTY IMPOSED FOR VIOLATION OF THE PROVISIONS OF**
12 **THIS ACT SHALL CARRY WITH IT THE ACCESSORY PENALTY OF**
13 **CONFISCATION AND FORFEITURE OF THE FIREARMS, LIGHT**
14 **WEAPONS, AMMUNITION, MACHINERY, TOOLS OR**
15 **INSTRUMENTS IN FAVOR OF THE GOVERNMENT WHICH SHALL**
16 **BE DISPOSED OF IN ACCORDANCE WITH LAW.”**

17 **“SEC. 9. LIABILITY FOR PLANTING OF EVIDENCE**
18 **CONCERNING FIREARMS, LIGHT WEAPONS AND AMMUNITION. –**
19 **THE PENALTY OF RECLUSION TEMPORAL IN ITS MAXIMUM**
20 **PERIOD SHALL BE IMPOSED UPON ANY PERSON WHO SHALL**
21 **WILLFULLY, MALICIOUSLY AND SURREPTITIOUSLY INSERT,**
22 **PLACE, ADD OR ATTACH, DIRECTLY OR INDIRECTLY, THROUGH**
23 **ANY OVERT OR COVERT ACT, ANY FIREARM, LIGHT WEAPON**
24 **OR AMMUNITION IN THE PERSON, HOUSE, EFFECTS OR IN THE**
25 **IMMEDIATE VICINITY OF AN INNOCENT INDIVIDUAL FOR THE**
26 **PURPOSE OF IMPLICATING OR INCRIMINATING HIM/HER OR**
27 **IMPUTING THE COMMISSION OF ANY VIOLATION OF THE**
28 **PROVISIONS OF THIS ACT TO SAID INDIVIDUAL: PROVIDED,**
29 **THAT IF THE PERSON FOUND GUILTY HEREIN IS A PUBLIC**
30 **OFFICER OR EMPLOYEE, HE/SHE SHALL SUFFER THE PENALTY**
31 **OF RECLUSION PERPETUA.”**

1 **"SEC. 10. ILLEGAL TRANSFER OF FIREARMS. – IT**
2 **SHALL BE UNLAWFUL FOR ANY SELLER TO TRANSFER THE**
3 **POSSESSION OF ANY FIREARM OR AMMUNITION OR ANY PART**
4 **OF A FIREARM TO A BUYER WHO HAS NOT YET OBTAINED OR**
5 **SECURED THE NECESSARY LICENSE OR PERMIT THEREOF.**

6 **"ANY PERSON WHO SHALL VIOLATE THE PROVISION OF**
7 **THE PRECEDING PARAGRAPH SHALL BE DISQUALIFIED TO**
8 **APPLY FOR A LICENSE TO POSSESS OTHER FIREARMS AND ALL**
9 **HIS EXISTING FIREARMS LICENSES SHALL BE REVOKED.**

10 **"ANY PUBLIC OFFICER OR PERSONNEL WHO SHALL**
11 **KNOWINGLY REGISTER AN UNLICENSED OR STOLEN FIREARM**
12 **SHALL SUFFER THE PENALTY OF *PRISION CORRECCIONAL* IN ITS**
13 **MINIMUM PERIOD TO *PRISION MAYOR*."**

14 **"SEC. 11. ISSUANCE, REVOCATION, CANCELLATION AND**
15 ***SUSPENSION OF LICENSES AND PERMITS. – FIREARMS HAVE***
16 **TO BE REGISTERED WITH THE FIREARMS AND EXPLOSIVES**
17 **DIVISION OF THE PHILIPPINE NATIONAL POLICE (FED-PNP)**
18 **TO BE CONSIDERED LICENSED. THE CHIEF, PNP OR HIS**
19 **AUTHORIZED REPRESENTATIVE SHALL ISSUE LICENSES AND**
20 **OTHER PERMITS TO ANY QUALIFIED NATURAL OR JURIDICAL**
21 **PERSON WHO SHALL ACQUIRE, POSSESS, DEAL IN, SELL OR**
22 **DISPOSE FIREARMS, PARTS OF FIREARMS, AMMUNITION AND**
23 **AMMUNITION COMPONENTS. HE MAY ISSUE A PERMIT TO**
24 **CARRY A FIREARM OUTSIDE OF RESIDENCE TO ANY QUALIFIED**
25 **PERSON IN MERITORIOUS CASES AS MAY BE DETERMINED BY**
26 **HIM AND UNDER CONDITIONS HE MAY IMPOSE.**

27 **"LIKEWISE, ANY PERSON WHO SHALL MANUFACTURE**
28 **OR REPAIR FIREARMS, LIGHT WEAPONS, PARTS OF FIREARMS,**
29 **AMMUNITION, AMMUNITION COMPONENTS, INSTRUMENTS**
30 **USED OR INTENDED TO BE USED IN THE MANUFACTURE OF**
31 **FIREARMS, LIGHT WEAPONS, PARTS OF FIREARMS,**

1 “(F) UNAUTHORIZED LOAN OF FIREARM TO ANOTHER
2 PERSON;

3 “(G) DISMISSAL FOR CAUSE FROM THE SERVICE, IN
4 CASE OF GOVERNMENT OFFICIALS/EMPLOYEES;

5 “(H) COMMISSION OF ANY OF THE ACTS PENALIZED
6 UNDER REPUBLIC ACT NO. 9165 OR THE ‘COMPREHENSIVE
7 DANGEROUS DRUGS ACT OF 2002’; AND

8 “(I) SUBMISSION OF FALSIFIED DOCUMENTS OR
9 MISREPRESENTATION IN THE APPLICATION TO OBTAIN A
10 LICENSE OR PERMIT.”

11 SEC. 5. The PNP shall issue within ninety (90) days after the approval
12 of this Act, the necessary rules and regulations relating to the administrative
13 aspect of the provisions of this Act.

14 SEC. 6. If, for any reason, any section or provision of this Act is
15 declared to be unconstitutional or invalid, the other sections or provisions
16 hereof which are not affected thereby shall continue to be in full force and
17 effect.

18 SEC. 7. All laws, decrees, executive orders, rules and regulations and
19 other issuances or parts thereof which are inconsistent with this Act are hereby
20 repealed, amended or modified accordingly.

21 SEC. 8. This Act shall take effect fifteen (15) days after its publication
22 in the *Official Gazette* or in a newspaper of general circulation.

 Approved,

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