

[PNP PNP MEMORANDUM CIRCULAR NO. 2011-005, January 15, 2011]

RATIONALIZED POLICIES ON THE POSSESSION, BEARING AND CARRYING OF FIREARMS (REVISED)

1. REFERENCES:

a. Section 24(f) , Republic Act No. 6975, *"An Act Establishing the Philippine National Police under a Reorganized Department of the Interior and Local Government and for Other Purposes"*;

b. PNP Standard Operating Procedures No. 13, *"Licensing of Firearms"*, dated 19 September 1991 as revised by PNP Standard Operating Procedures No. 13, *"Licensing of Firearms"*, dated 8 October 2008;

c. Presidential Decree No. 1866 and its Implementing Rules and Regulations, as amended by R.A. 8294, *"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 Therefor and For Relevant Purpose"*;

d. Letter Directive, "Guidelines in the Issuance of Permit to Carry Firearms Outside of Residence", signed by PDDG UMBERTO A RODRIGUEZ, Chief, PNP;

e. Memorandum on Issuance of Permit to Carry Firearms Outside of Residence for Firearms Covered by Memorandum Receipts, dated 30 October 1996, signed by PDG RECAREDO A SARMIENTO II, Chief, PNP;

f. Chavez versus Romulo, G.R. No. 157036, 9 June 2004;

g. Executive Order No. 256 (as amended), *"Revising Executive Order No. 58, S. 1987, by Rationalizing the Fees and Charges on Firearms, Ammunition, Spare Parts, Accessories, Components, Explosives, Explosive Ingredients, Pyrotechnic and Devices"*, dated 21 December 1995, and its Implementing Rules and Regulations;

h. Section 898, Revised Administrative Code , as amended by Act No. 2711;

i. 1st National Summit on Firearms Control, *"Firearms Control Through Legislation and Inter-Agency Cooperation"*, 18-19 May 2009;

j. 2010 National Firearms Control Program Consultative Summit dated 4 June 2010;

k. Executive Order No. 817 and its Implementing Rules and Regulations, *"Providing for the Government's Intensified Campaign Against Loose Firearms"*

l. National Firearms Control Program; and

m. Republic Act No. 7160 or the *"Local Government Code of 1991"* and its IRR.

2. BACKGROUND

One of the critical challenges confronting peace and order and public safety in our country for many decades past has been the unabated proliferation, as well as the destabilizing accumulation, of loose firearms in circulation. These loose firearms have become the most effective tool to sow terror today. These loose firearms were convenient instruments used in committing the most appalling offense in Maguindanao which is one of the worst that Philippine society has witnessed. These loose firearms are constantly being used to efficiently inhibit the sovereignty from clearly expressing its unmistakable electoral will. These loose firearms have contributed not only to the escalation of armed confrontation but also to the prolonging of conflicts and in obstructing post conflict reconstruction and development. The use of these loose firearms facilitates the commission of transregional organized crimes.

To address this serious concern, the Philippine National Police issued PNP Memorandum Circular No. 2010-008, dated July 8, 2010, entitled *"Rationalized Policies on the Possession, Bearing and Carrying of Firearms"* requiring a more stringent set of conditions for the possession of firearms and the carrying of firearms outside of residence. The said circular was a product of the 1st National Summit on Firearms Control spearheaded by the PNP. It is also part of the PNP's initiative to implement a comprehensive National Firearms Control Program which was enhanced after a follow-up conference dubbed *"2010 National Firearms Control Program Consultative Summit"* was held.

While this revised circular maintains the imposition of rationalized policies with the end view of enhancing firearms regulation in the country, the revisions aim to clarify certain conditions affecting government security forces, particularly members of the PNP and the military as well as other law enforcement agencies, to ensure that the performance of their respective functions are not hindered. Towards this end, this revised circular intends to curb the proliferation of loose firearms in circulation within the community, but at the same time seeks to boost the capability of government security forces to effectively and efficiently maintain peace and order and public safety in the country.

3. OBJECTIVE:

This revised PNP Memorandum Circular provides clarification on certain provisions of PNP MC 2010-008 on rationalized policies on the possession, bearing and carrying of firearms outside of residence signed by the previous C, PNP on July 8, 2010.

4. GENERAL POLICIES:

a. Any person or entity desiring to possess any firearm shall first secure the necessary authority to possess firearms from the Chief, PNP. Thereafter, he/she will secure the permit to purchase firearms and subsequently the licensing of the procured firearm.

b. All firearms, whether private or government-owned/issued to include those owned by the PNP, AFP and other law enforcement agencies, shall be registered with the PNP Firearms and Explosives Office (FEO) being the sole repository of all firearms records in the Philippines;

c. All firearms registered with FEO shall be issued corresponding licenses which shall be valid and effective until the expiration date unless sooner revoked or cancelled;

d. Any person, including members of the PNP, AFP and other law enforcement agencies, who intends to carry firearm outside of residence must possess the necessary Permit To Carry Firearm Outside of Residence (PTCFOR)/Mission Order (MO)/Letter Order (LO); and

e. PTCFOR shall be issued by the Chief, PNP and as provided for by rules, certain heads of agencies may issue mission orders and letter orders.

5. POSSESSION OF FIREARMS:

a. Only Filipino citizens who have authority to possess firearm/s must file the necessary applications for license/s of their procured firearm/s of any type and/or caliber, provided that such firearms are not classified as crew-served weapons (CSWs), light anti-tank weapons (LAWs), light machine guns (LMGs), anti-tank and anti-personnel recoilless rifles, bazookas, and the like.

b. The requirement for submission of a validated neuro-psychiatric evaluation report, drug test result, complete background investigation and certificate of attendance to a gun safety seminar provided for in PNP SOP No. 13, as revised is hereby reaffirmed.

1) The neuro-psychiatric test must be conducted by the PNP Health Service NP Personnel and PNP Accredited NP Testing Centers and Evaluators such as Psychiatrists, Psychologists and NP Screeners; the drug test must be administered by the PNP Crime Laboratory (CL); and the gun safety seminar must be handled by the PNP for such purpose.

2) However, as a counter measure, and in order to be assured of the completeness, authenticity and validity of the documentary requirements submitted, the result and the certifications shall be validated by PNP Health Service (HS) and Firearms Explosive Office (FEO), respectively.

3) For this purpose, the HS, CL, and FEO shall issue necessary guidelines establishing an effective and efficient system of validation.

4) The complete background investigation should be jointly conducted by the Local (Municipal Police Station, Police Provincial Office and Police Regional Office) and the National Police Units/Offices.

c. All licensed firearms shall be test-fired for ballistics and their make, caliber and serial number stenciled by CL every four (4) years. For this purpose, an application for renewal of firearm license or PTCFOR shall include as one of the requirements, a certification from CL that the firearm was test-fired for ballistics and stencilled within the last four (4) years.

d. Firearms licensees are required to have safety deposit boxes and/or storage in their residences for safekeeping their firearms.

6. BEARING AND CARRYING OF FIREARMS OUTSIDE OF RESIDENCE:

a. As a general rule, all persons are prohibited from carrying their firearms outside of residence.

b. Should a person so desire, he may apply for one (1) PTCFOR each for such number of licensed privately-owned firearms he has, except long firearms.

c. However, a person shall be allowed to carry firearm outside his residence or his official station under the following conditions:

1) Any person, including members of the PNP, AFP and other law enforcement agencies, may carry his licensed privately-owned firearm outside his residence provided he is a holder of a permit to carry such firearm outside residence (PTCFOR). Only one (1) short firearm covered with PTCFOR can be

carried, at any one time, by a person outside his residence;

2) Members of the PNP, AFP and other Law Enforcement Agencies (LEAs) may carry their licensed privately-owned firearms, while in the performance of their official duties and functions, subject to the following conditions:

- a) With corresponding computerized firearms license card and PTCFOR; and
- b) With corresponding MO/LO issued by duly constituted authorities.

3) Members of the PNP, AFP and other law enforcement agencies shall carry their government-issued firearms, while in the performance of their official duties and functions, under the following conditions:

- a) With corresponding MR/ARE; and
- b) With corresponding MO/LO issued by duly constituted authorities;

4) Members of the PNP, AFP and other law enforcement agencies shall carry their government-issued firearms, to and from residence and official station, under the following conditions:

- a) With corresponding MR/ARE;
- b) With corresponding MO/LO issued by duly constituted authorities;
- c) Firearm must be concealed when bearer is not in agency-prescribed uniform; and
- d) Long firearms must be concealed in gun bags/containers when being transported by bearers who are not in agency-prescribed uniform.

5) Members of the PNP, AFP and other law enforcement agencies must apply for a special permit, which shall be classified as PTCFOR-LEA, in order to be authorized to carry the corresponding government-issued firearm outside of residence or of official station wearing civilian attire:

- a) The Police Regional Director or his equivalent in the AFP and other law enforcement agencies, shall endorse to the C, PNP all applications for PTCFOR-LEA;
- b) The application must be accompanied by the latest appointment order of the personnel applying