

**[PNP MEMORANDUM CIRCULAR NO. 2010-008,
July 08, 2010]**

**RATIONALIZED POLICIES ON THE POSSESSION, BEARING AND
CARRYING OF FIREARMS**

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 Violation 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:

To secure license to possess and permit to carry firearms is a mere privilege granted by this Government to its citizens. *"No private person is bound to keep arms. Whether he does or not is entirely optional with himself, but if, for his own convenience or pleasure, he desires to possess arm, he must do so upon such terms as the Government sees fit to impose, for the right to keep and bear arms is not secured to him by law. The Government can impose upon him such terms as it*

pleases. If he is not satisfied with the terms imposed, he should decline to accept them, but, if for the purpose of securing possession of arms, he does agree to such conditions, he must fulfill them. " Such is the instructive edict given out to us by the Supreme Court in 2004 case of Chavez vs Romulo, G.R. No. 157036, 9 June 2004 citing the resonating ruling in the 1908 case of The Government of the Philippine Islands vs. Amechazurra.

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, by far, 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 lose firearms facilitates the commission of transregional organized crimes.

In May 2009, the Philippine National Police spearheaded the 1st National Summit on Firearms Control out of which a Joint Communique was forged. Thereafter, Her Excellency President Gloria Macapagal Arroyo issued Executive Order No. 817, dated July 2009, "Providing for the Government's Intensified Campaign Against Loose Firearms". Its implementing rules and regulations paved the way for the conceptualization of a comprehensive National Firearms Control Program. In June 2010, follow-up conference was held with the conduct of the 2010 National Firearms Control Program Consultative Summit.

One of the significant outputs of these two conventions was the recommendation for more rationalized policies that will enhance firearms regulation in the country.

3. OBJECTIVE:

This PNP Memorandum Circular provides for rationalized policies on the possession of firearms, bearing and carrying of firearms outside of residence.

4. GENERAL POLICIES:

- a. All firearms licenses shall be recognized as valid and effective until expiration date unless sooner revoked or cancelled; and
- b. Likewise, all Permits to Carry Firearms Outside Residence, issued prior to 10 January 2010 and suspended until 9 June 2010 shall be recognized as valid and effective until expiration date unless earlier revoked, terminated, or suspended accordingly.

5. POSSESSION OF FIREARMS:

- a. Filipino Citizens who want to possess firearms must file the necessary applications for licenses 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, 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 have been 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 have been administered by the PNP Crime Laboratory (CL); and the gun safety seminar must have been handled by the PNP or registered gun club duly accredited 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.

c. All licenses on 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 stenciled within the last four (4) years.

d. In addition, ownership of a gun safety deposit box, or similar storage, is encouraged.

6. BEARING AND CARRYING OF FIREARMS OUTSIDE OF RESIDENCE:

a. As a general rule, all persons who are lawful holders of firearms 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. A person may carry his licensed privately-owned firearm outside his residence provided he is a holder of a permit to carry such particular 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, in furtherance of their official duties and functions, subject to the following conditions;

a. When in agency-prescribed uniform;

b. With corresponding MO/LO issued by duly constituted authorities;

c. With corresponding computerized firearms license card; and