



Office of the Special Envoy on Transnational Crime

Philippine Laws and Programs on Small Arms and Light Weapons



Contents

- The problem and challenges to regulation
- Major firearms-related laws and programs
 - Import-Export Controls
 - Management
 - End-use Regulation
- Other initiatives



The problem and challenges to the regulation



Challenges to regulation of arms

- Approach is generally traditional, i.e. supply-demand, manufacturer to end user; arms acquired through diversion
- Porous borders; arms may flow in from less regulated areas including post-conflict zones
- Globalized operation of arms makes accountability difficult to establish
- Interest groups oppose controls
- “Privatization of security”
 - Mercenaries
 - Private Military Companies, i.e. Citizens Armed Group – Geographical Unit
 - Private Security Companies, i.e. Civilian Volunteers Organizations



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Major Firearms Related Laws and Programs



Major Firearms-related Laws and Programs

Import/ Export

- Tariff and Customs Code
- Export Control
- Memorandum Circular 99-099

Manage- -ment

- Records-keeping, Firearms Information Management System, Storage, Firearms Records Verification
- Marking and Tracing of Firearms

End-use

- Basic Firearms Laws/Decrees/Circulars
- National Firearms Control Program



Import Regulation

Law/National Program	Description
<p><i>Republic Act (RA) No. 1937 namely the “Tariff and Customs Code of the Philippines”</i></p>	<ul style="list-style-type: none">• All articles, when imported from any foreign country into the Philippines, shall be subject to duty upon each importation• The importation into the Philippines of articles such as dynamite, gunpowder, ammunition and other explosives, firearms and weapons of war, and detached parts thereof, is prohibited except when authorized by law• An additional license is required to keep firearms in excess of amount permitted under original license.



Export Control

Law/National Program	Description
<i>Export Control System</i>	<ul style="list-style-type: none">• Authority to EXPORT SALW is only issued by the PNP Chief upon submission of: (1) Purchase order (2) License to Operate (3) End User Certificate/Letter of Intent• The Philippine Government undertakes appropriate measures to avoid authorizing exports of small arms where there is a clear risk that the transfer in question will: (1) Violate sanctions of the UN Security Council (2) Contravene bilateral/ multilateral commitments on non-proliferation of SALW



Import/Export Control

Law/National Program	Description
<p><i>Memorandum Circular 99-009 dated March 16, 1999 which is the “New Policy on Firearms and Ammunition Dealership”</i></p>	<p>Requires licenses for indentors, or a buying agent, especially one for juridical entities, in firearms, ammunition, and firearm spare parts. Such license authorizes the indentor to import arms for the PNP, the AFP, and other government entities. Firearms dealers are also required to apply for a License to Operate Dealership in firearm, ammunition, firearm spare parts and accessories, air gun, ammunition reloading components, and bullet proof vests.</p>



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Management- Marking and Records Keeping

Law/National Program	Description
<i>PNP FED Memo on Fire arms Description</i>	Requires manufacturer to put distinctive/unique marks on main part of the firearm-receiver, barrel and slide
<i>PD 1866 amended by RA 8294 and its IRR</i>	Requires the adoption of reliable marking system to weapon as part of production process
<i>Cooperation with Arms Dealers and Manufacturers Association</i>	Dealers and manufacturers are required to keep records of all transactions, which can be accessed by the government



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Management- Storage and Records- Keeping

Agency	Function/Description
Firearms and Explosives Division of the Civil Security Group, Philippine National Police (FED-PNP), Storage Branch	<ul style="list-style-type: none">• The division takes charge of the storage of all confiscated, captured, surrendered/seized, deposited, abandoned and forfeited firearms and ammunition, as well as imported SALW• Only licensed dealers with FED-PNP issued identification cards, permit to carry, permit to possess, license to deal may enter and transact. Police and military personnel are not allowed inside the vaults



Management-Records-Keeping

Management System	Description
Firearms Information Management System (FIMS)	A database of all firearms in the repository. The FIMS allows the identification and verification of an individual SALW's path and destination), a database of all firearms in the repository. The FIMS allows the identification and verification of an individual SALW's path and destination
Firearms Records Verification (FRV)	tallies the total number of firearms in the possession of an agency, especially those that own multiple firearms. The FRV indicates which and how many firearms need renewal of license.



Management/End-use Laws and Regulations

Law/National Program	Description
<p><i>Republic Act (RA) 8294 namely Basic Firearms Law (amending Presidential Decree PD 1866)</i></p> <p><i>The Revised Administrative Code (RAC) of the Philippines on the Basic Firearms Law</i></p>	<ul style="list-style-type: none">• PD 1866 provides grounds for penalizing illegal or unlawful possession, manufacture, dealing in, acquisition or disposition of firearms, ammunitions, and explosives.• RA 8294 includes stiffer penalties for violators of the Firearms Law.• RAC covers all administrative aspects of Basic Firearms Law



End-use Laws and Regulations

Law/National Program	Description
<i>National Firearms Control Program</i>	<ul style="list-style-type: none">• Accounting of Captured, Confiscated, Surrendered, Deposited, Abandoned and Forfeited (CCSDAF) (general population and armed forces)• Recovery of firearms in the hands of threat groups and criminal elements in crime or election violence-prone areas;• Advocacy for responsible gun ownership and establishment of “gun-free zones”• Legislative proposals for the enactment of stricter firearms control laws.



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Other initiatives



Other initiatives

- Support extended to civil society organizations
 - Avenues of cooperation with local NGOs and firearms associations in consonance with the doctrine of reciprocal responsibility
 - NGOs will serve as PNP multiplier force and network group in the prevention/control of crimes, enforcement of the law, and the maintenance of peace and order
- Restriction of weapons which serve no legitimate purpose to civilians; stricter licensing of firearms possession
- Regional and international cooperation
 - Share resources and information on the illicit trade
 - Rational disclosure of information regarding supply and sale of firearms and ammunitions to monitor path of possible diversion



Other initiatives

- Bills on Stiffer Penalties on Crimes related to SALW use
- Destruction
- Addressing root causes of armed violence and factors affecting demand for small arms and light weapons
 - Establish practice of settling issues through rule of law instead of resorting to armed conflicts
 - Post Conflict (Development) Programs, DDR programs in conflict-prone areas