No. 213

The Permanent Mission of the Republic of the Philippines to the United Nations presents its compliments to the United Nations Department for Disarmament Affairs and has the honor to submit the attached Philippine National Report on the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects.

In this connection, it is requested if the report on the Regional Seminar on Implementing the UN Programme of Action that was held in Manila in July 2002, which was submitted by the Philippine Mission earlier, could be annexed to the attached Philippine National Report.

The Permanent Mission of the Republic of the Philippines avails itself of this opportunity to renew to the United Nations Department for Disarmament Affairs the assurances of its highest consideration.

New York, 3 July 2003
National Report on the Implementation of Programme of Action (POA) to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

Government of the Republic of the Philippines

The Philippine legal system provides for the creation of laws, rules and regulations, other issuances, and procedures that deal on Illegal/Unlawful Possession, Manufacture, Dealing in, Acquisition or Disposition of Firearms, Ammunition and Explosives, and Imposing Stiffer penalties for Certain Violations. As of December 31, 2002, a total of 3,743 crime incidents involving the use of firearms were reported to the Philippine National Police. A total of 3,579 firearms were used in the commission of the crimes, of which 1,495 firearms were for murder incidents, 479 firearms in homicide incidents, 534 in physical injuries, 447 in robbery cases, 57 in robberies with homicide, 107 in grave threats, 46 firearms in alarm and scandal, 31 in kidnapping, 14 firearms in hijacking, 15 in rape and 16 firearms used in carjaping cases.

Likewise, a total of 284,100 loose firearms were recorded as of December 2002. This estimate consisted of 189,766 unre-registered firearms, 45 lost firearms and a total of 94,313 loose firearms are under the hands of the CCP/NPA, MILF, MBG, CRIMINAL GROUPS and other similar groups.

The Philippine government has long adopted a policy of regulating the possession of firearms by individuals. As of December 31, 2002, there are a total of 814,562 registered and licensed firearms nationwide wherein 243,253 are owned by businessmen, 150,345 by of private individuals, 128,838 by private employees, 93,668 by the Armed Forces of the Philippines and the Philippine National Police, 82,811 are owned by government employees and officials, 37,468 by professionals, 30,711 are owned by government entities, 14,621 by elected officials, 13,369 by retired AFP/PNP, 10,353 are owned by private entities, 8,500 by retired government employees and officials, and 605 by retired private employees.

1. Laws and Regulations

A. Presidential Decree No. 1866 as amended by RA 8294 increases the penalty for Firearms related Crimes (Codifying the Laws on Illegal/Unlawful Possession, manufacture, Dealing in, Acquisition or Disposition of Firearms, ammunition and Explosives, and Imposing Stiffer penalties for Certain Violations Therefore and For Relevant Purpose).
Purpose:

a. To suppress crimes vitally affecting public order and safety due to the proliferation of illegally possessed and manufactured firearms, ammunition and explosives;

b. To prevent criminal acts resulting to the loss of human lives, damage to property and destruction of valuable resources of the country; and,

c. To penalize the illegal/unlawful possession, manufacture, dealing in, acquisition or disposition of firearms, ammunition and explosives.

PD 1866 as amended by RA 8294 (approved on June 6, 1997) was promulgated on June 29, 1983. Based on the provision of Implementing Rules and Regulations of the PD1866, the following are defined:

(a) “Firearms” as herein used, includes rifles, muskets, carbines, shotguns, revolvers, pistols and all other deadly weapons from which a bullet, ball, shot, shall or other missile may be discharged by means of gun powder or other explosives. The term also includes air rifles and air pistols not classified as toys under the provisions of Executive Order No. 712 dated July 28, 1981. The barrel of firearms shall be considered complete firearms.

(b) “Explosives” refers to any substance either solid or liquid, either as a mixture of single compound which by chemical reaction liberate, at high speed, heat and gas causing tremendous pressure resulting in an explosion, such as gunpowder, powder used for blasting, all forms of high explosives, blasting materials, dynamite fuses, detonators and detonating agents, smokeless powder, hand grenade, rifle grenade, pillbox bomb, Molotov cocktail bomb, or other incendiary devices and other chemical compound or chemical mixture that contains any combustible unit or other ingredients in which proportion or papkins that ignites by fire, by friction, by concussion, by percussion, or by detonation of all or any of the compound or mixture causing which a sudden generation or highly heated gasses that resultant gaseous pressure are capable of producing destructive effects or contiguous objects or destroying life or limb.

(c) “Ammunition” refers to loaded shells for rifles, muskets, carbines, shotguns, revolvers, pistols and other firearms from which a bullet, ball, shot, shall or other missile may be fired by means of gunpowder or explosives.
Penalties:

Under Republic Act No. 8294, An Act Amending the Provisions of Presidential decree No. 1866, the penalty of prison correctional in its maximum period and a fine of not less than Fifteen Thousand pesos (P15, 000.00) shall be imposed upon any person who shall unlawfully manufacture, deal in, acquire, dispose or possess any low-powered firearm such as rim fire handgun, .380 or .32 and other firearm of similar firepower, part of firearm, ammunition or machinery, tool or instrument used or intended to be used in the manufacture of any firearm or ammunition: Provided that no other crime was committed.

"The penalty of prison mayor in its minimum period and a fine of Thirty Thousand pesos (P30, 000.00) shall be imposed if the firearm is classified as high-powered firearm which includes those with bores bigger in diameter than .38 caliber and 9 millimeter such as caliber .357 and caliber .22 center fire magnum and other firearms with firing capability of full automatic and by burst of two or three: Provided however, That no other crime was committed by the person arrested."

"If homicide or murder is committed with the use of an unlicensed firearm, such use of an unlicensed firearm shall be considered as an aggravating circumstance.

"If the violation of this Section is in furtherance of or incident to, in connection with the crime or rebellion or insurrection, sedition, or attempted coup d'etat."

"The same penalty shall be imposed upon the owner, president, manager, director or other responsible officer of any public or private firm, company, corporation or entity, who shall willfully or knowingly allow any of the firearms owned by such firm, company, corporation or entity to be used by any person or persons found guilty of violating the provisions of the preceding paragraphs or willfully or knowingly allow any of them to use unlicensed firearms or firearms without any legal authority to be carried outside of their residences in the course of their employment"

"The penalty of arresto mayor shall be imposed upon any person who shall carry any licensed firearm outside his residence without legal authority thereof."

* B. Republic Act No. 1937, known as the "Tariff and Customs Code of the Philippines". This law was promulgated on June 11, 1978. Under this Code, all articles, when imported from any foreign country into the Philippines, shall be subject to duty upon each importation, even though previously exported from the Philippines, except as otherwise specifically provided for in this Code or in
other laws. Under Section 102 of this Code, the importation into the
Philippines of dynamite, gunpowder, ammunition and other explosives, firearms
and weapons of war, and detached parts thereof, is prohibited except when
authorized by law.

C. National Emergency Memorandum Order No. 6 provides for a New
General Registration of Firearms, Ammunition, Explosives and Explosive
Ingredients and Military Equipage, Providing Guidelines for the Recovery and/or
Unlicensed Armament, Firearms, and Military Equipage, Granting Benefits and
Incentives, and For Other Similar Purposes issued on January 04, 1990.
Pursuant to Section 3 (9) of Republic Act No. 6826, the President of the
Philippines is authorized to issue lawful orders for the recovery of the accounting
of all firearms, explosives and military equipage, including, but not limited to, those
belonging to the Armed Forces of the Philippines and the Philippine Constabulary
-Integrated National Police and licensed firearms which have fallen into the
possession of unauthorized persons or entities, or are being used by their holders
for unlawful purposes.

2. Other measures that make the illegal manufacture, possession, Stock piling
and trade of SALWS criminal offenses under domestic law

The Philippines has also a Revised Administrative Code (RAC) which deals with
the administrative aspects parallel to the implementation of the Presidential Decree 1866
as amended by RA 8294 (Penalize the illegal/unlawful possession, manufacture, dealing
in, acquisition or disposition of firearms, ammunition and explosives).

A. Section 878 of the Revised Administrative Code (RAC) of the
Philippines, unlawful manufacture, dealing in, acquisition, disposition, or
possession of firearms, parts of firearms, or ammunition therefore, or instruments
or implements used or intended to be used in the manufacture of firearms or
ammunition. Save as allowable under this article it shall be unlawful for any
person to import, manufacture, deal in, receive acquire, buy, sell, dispose of, or
possesses any firearms, detached parts of firearms or ammunition therefore, or
any instrument to implement used or intended to be used in the manufacture of
firearms, parts of firearms or ammunition.

Penalty:

Under Section 2692 of the Revised Administrative Code of the
Philippines, any person who manufactures, deals in, acquires, disposes,
or possesses, any firearm, parts of firearms, or ammunition therefore, or
instrument or implement used, or intended to be used in the manufacture of
firearms or ammunition in violation of any provision of sections eight
hundred seventy seven to nine hundred six, inclusive, of this Code, as
amended, shall, upon conviction, be punished by imprisonment for a period
of not less than one (1) year and one (1) day nor more than five (5) years,
or both such imprisonment and as fine of not less than one thousand pesos (P1,000) nor more than five thousand pesos (P 5,000) in the discretion of the court. If the article illegally possessed is a rifle, carbine, grease gun, bazooka, machine gun, submachine gun, hand grenade, bomb, artillery or any kind or ammunition exclusively intended for such weapons, such period of imprisonment shall not be not less than five (5) years nor more than ten (10) years. A conviction under this section shall carry with the forfeiture of the prohibited article or articles to the Philippines.

The possession of any instrument or implement which is directly useful in the manufacture of firearms or ammunition on the part of any person whose business or employment does not deal with such instrument or implement shall be "prima facie" proof that such article is intended to be used in the manufacture of firearms or ammunition.

B. Revised Administrative Code of the Philippines Section 2690, selling of firearms to unlicensed purchaser. It shall be unlawful for any dealer of firearms or ammunition to sell or deliver any firearms or ammunition or any part of a firearm to a purchaser or other person until such purchaser or other person shall have obtained the necessary license therefore.

Penalty:

Any person violating the provisions of this section, upon conviction in a court of competent jurisdiction, shall be punished by a fine not exceeding two thousand pesos (P 2,000), or by imprisonment not excluding two (2) years, or both.

C. Circular Number 02 known as the Annual Verification of Firearms (this circular was promulgated on September 11, 1990).

The Chief of Constabulary (now the Chief, Philippine National Police) is authorized to conduct an annual inspection of firearms held under license by designating the City Directors and Chief of Police or their authorized representatives to those held by licensees in Cities and Municipalities outside Metro Manila. Firearms licensees residing in Metro Manila shall be verified by the Metrodiscom Commanders (now the Police District Directors) or by the Station Commanders, PNP or their authorized representative and immediately inform the Chief, Philippine National Police of the result of the inspection.

Purpose:

a. To determine the actual existence of firearms

b. To find out if the licensee is still qualified to possess the firearms
c. To find out if the firearm holder is up-to-date in the payment of his firearms license fees.

**Penalty:**

Failure of a firearm licensee to present his firearm for **annual verification during his birth month** shall be considered a breach of the condition for issuance of the license and shall be deemed sufficient ground for the cancellation of the firearm license and confiscation of the firearm.

**D. Memorandum: “Phase-Out Paltik Guns” issued on July 7, 1992.**

As of December 2002, a total of 39 legal manufacturers in the Philippines, 501 legal firearms dealers and 96 repair shops were recorded. Aside from the firearms dealers, there are 55 Active Indentors dealing firearms to the Police, Military and other government agencies.

The Philippine government is continuously encouraging them to join the mainstream of the legal industry unregistered local gun manufacturers. As of this report we call these sources as “PALTIK” manufacturers. They are concentrated in the island of Cebu particularly in Danao City, Mandaue City and other neighboring towns.

These are clandestine backyard or cottage industries manned by family members purposely to produce “paltik” firearms for trade and economic alleviation.

**Purpose:**

a. To avoid firearms serial numbers duplication

b. To eradicate paltik production

c. To promote professionalism in the Security Industry

**Penalty:**

An Inspection Team of the Inspectorate Branch of the Firearms and Explosive Division will conduct regular inspection to insure the proper implantation of the Letter Directives. Paltik Firearms of the Private Security Agencies (PSA) and Company Guards Forces (CGF) that are not deposited after the due date will be confiscated and the Operators/Owners/Managers thereof will be dealt with accordingly.
E. Resolution No. 2735 (Gun Ban) Promulgated on December 27, 1994.

Generally, gun ban is enforced during election period, be it local or national elections. President Gloria Macapagal-Arroyo ordered an indefinite suspension tantamount to technical revocation of all PTCFOR in a bid to curb criminality. Only the uniformed men in the military and law-enforcement offices are authorized to carry firearms in public places and only pursuant to existing law. Prior to this announcement, the President of the Republic of the Philippines temporarily suspended the issuance of Permit To Carry Firearms Outside Residence (PTCFORs) on February 3, 2003.

Under Section 261 paragraphs (p), (q), (r), (s), (t) and (u) of the Omnibus Election Code (Batas Pambansa Blg. 881) and Section 32 and 33 of RA No. 7166, the following as provided:

Section 32 Who May Bear Firearms – during the election period, no person shall carry or transport firearms or other deadly weapons in public places, including any building, street, park, private vehicle or public conveyance, even if licensed to possess or carry the same, unless authorized in writing by the Commission. The issuance of firearm licenses shall be suspended during the election period.

Only the regular members or officers of the Philippine National Police, and the Armed Forces of the Philippines and other Law Enforcement Agencies of the government who are duly deputized in writing by the Commission for election duty may be authorized to carry and possessed firearms during elections period; Provided, That, when in the possession of firearms, the deputized law enforcement must be: (a) in full uniform showing clearly and legibly his name, rank and serial number which shall remain visible at all times, and (b) in the actual performance of his election duty in the specific area designated by the Commission.

Section 33 Security Personnel and Body Guards – During the election period, no candidate for public office, including incumbent public officers election to any public office shall employ, avail himself of or engage the services of security personnel or bodyguards, whether or not such body guards are regular members or officers of the Philippine National Police, the Armed Forces of the Philippines or other law enforcement agency. A candidate may be assigned by the Commission, upon due application, regular members of the PNP, and the AFP or other law enforcement agency who shall provide him security for the duration of the election period. The officers assigned for security duty to a candidate shall wear a prescribe uniforms unless exempted in writing by the Commission.
Purpose:

a. To prevent the proliferation of armed groups, licensed and unlicensed firearms.

b. To promote an atmosphere of honest, orderly and peaceful electoral exercises.

Penalty:

Any person found guilty of violating the gun ban shall be punished with imprisonment of not less than one (1) year but not more than six (6) years, and shall be further disqualified from holding public office and deprived of the right of suffrage.

F. Memorandum Order No. 47, prescribes a uniform procedure on the disposition of firearms, part of firearms, ammunition, instrument used in the manufacture thereof. (promulgated on November 7, 1986.)

Purpose: To establish a uniform procedure on the disposition of firearms, part of firearms, ammunition or instrument used in the manufacture thereof, and explosives and their ingredients coming from abroad, except those specifically imported by and belonging to the Armed Forces of the Philippines.


Purpose: To control and monitor the transport of firearms and ammunition by club members.

Penalty:

The Chief, Philippine National Police or his authorized representatives shall conduct inspections of gun clubs from time to time as may be deemed necessary. Failure of the gun club to discipline or expel, if necessary, any member guilty of truancy without substantial justification may be ground for the withdrawal of the PNP recognition previously granted. Also, failure of gun club to comply with the requirements of this Circular shall constitute sufficient ground for the withdrawal of the recognition previously granted by the Chief, PNP.

H. PNP Standard Operating Procedure Nr. 13 issued on September 19, 1991 second paragraph. (Purchase of Firearms Abroad by Members of the AFP, PNP and Law Enforcement Agencies.)
Members of the AFP/PNP in the active service; members of other law enforcement agencies with police powers; and, members of the same organization who are not on official travel but desire to purchase firearms and ammunition from abroad through authorized representative for their personal use maybe allowed to purchase firearms, ammunition and related items from abroad.

Personnel of the AFP/PNP are allowed to purchase a maximum of one (1) low powered rifle caliber .22 or shotgun not heavier that 12 gauge and one (1) sidearm not heavier than .38 except machine pistol which can only be licensed to units of the AFP and PNP.

Members of the Law Enforcement Agencies are allowed to purchase a maximum of one (1) low powered rifle caliber .22 or shot gun not heavier than 12 gauge and one (1) sidearm not heavier than caliber .38 except calibers .357 and .22 center fire magnum.

**Purpose:** To regulate the individual procurement of firearms abroad by the AFP/PNP personnel in the service and members of law enforcement agencies with police power traveling abroad, either on official m mission or on vacation/leave, desire to avail themselves of the privilege of purchasing firearms, ammunition and related items for importation to the Philippines for their personal use.

**I. HPC SOP NR 4,** Sale of Firearms to Police and Security Agencies (issued on November 02, 1972).

**Purpose:** To prescribe the procedure on the sale of rifle caliber .22, shotgun 12 gauge or below and revolvers/pistols caliber .38 below to police forces and security agencies.

This SOP applies to all City and Municipal police forces, private security agencies, guards of government agencies/corporation, an licensed company guards who want to purchase firearms and ammunition from authorized gun dealers.

**J. HPC Standard Procedure NR 10,** Transport of firearms and Ammunition (April 23, 1976)

**Purpose:** To prescribe the procedure to be followed in transporting firearms and ammunition which could not otherwise be transported due the present ban on the carrying of firearms and ammunition outside of residence.

This SOP applies to firearms and ammunition to be transferred from old residence to new residence; firearms to be brought to and from licensed firearms repair shop; firearms/ammunition to be brought to and from
Provincial Constabulary Commands for hunting to exterminate pests; and firearms and ammunition to be deposited with or to be withdrawn from the Firearms and Explosives Units, HPC or the Provincial Constabulary Command.

K. Executive order No. 215, Delegating to CPC the approval/Disposal of firearm Application and the Revocation of firearms (issued on December 03, 1965)

Pursuant to the provision of Section 905 of the Revised Administrative Code, as amended empowering the President of the Republic of the Philippines to prescribe regulations for the enforcement of the provision of the law relating to the possession, use of firearms, etc. the following regulations are hereby promulgated:

In carrying out the provision of Section 882 and 888 of the Revised Administrative Code, empowering the President of the Philippines to approve or disapprove applications for personal, special and hunting licensed to possess firearms and ammunition, the Chief of constabulary or his representative is authorized and directed to act for the President.

In carrying out the provisions of section 899 of the Revised Administrative Code, empowering the President of the Philippines to revoke any license any time, the Chief of Constabulary is authorized and directed to act for the President.

3. Stockpile management and Security

The Philippine National Police Firearms and Explosives Division (FED) is mandated to stockpile the following:

1. Commercial Firearms. These firearms are being imported from other countries and firearms that are being manufactured in the Philippines for sale;

2. Evidence Firearms. These firearms are stored properly as evidence in court proceeding and awaiting final disposition; and,

3. Confiscated, Captured, Surrendered and Deposited

Purpose:

To monitor the quantity of firearms that are being manufactured by legal manufacturers; monitor the quantity of firearms that were exported and quantity of firearms that were being imported from other countries; and, monitor the number of Confiscated, Capture, Surrendered and Deposited firearms.
After the Local Police Units and the Armed Forces of the Philippines turned over the confiscated, capture, surrendered and deposited (CCSD) firearms to the Philippine National Police Firearms and Explosives Division (PNP-FED) as the Final repository/depository of confiscated, surrendered, captured and deposited (CCSD) firearms by virtue of Executive Order 122, the Storage Branch of the Firearms and explosive division (FED) will record, tag the CCSD firearms by types/kind (revolver, pistol, rifle), caliber (cal 22, 45, 40, 38), make (S&W, Colt, Llama) and category (safe keeping, evidence) through the following procedures:

1. All confiscated, captured, surrendered and deposited (CCSD) firearms have a corresponding stock card and magazine data card indicating therein the nomenclature, lot nrs/ serial nrs; qty per box; source; total weight and other identifying data.

2. All confiscated, captured, surrendered and deposited (CCSD) firearms are encoded in the computer of Firearms Information Management System (FIMS).

The Storage Branch of the Firearms and Explosive Division, Civil Security Group is mandated to inspect all firearms, firearm accessories, spare parts and ammunition both purchased abroad and locally manufactured before storing them.

In addition, all firearms that are being deposited at the Storage Branch are subjected to ballistic tests. The firearms will be tested one at a time. After firing one (1) firearm, the specimen slugs and shells will be first recovered, placed inside the envelope then sealed with masking tape on both ends, after which, the ballistics signs the sealed envelope including the stencil/ballistics certificate for that particular firearms. Owner/dealer also signs the conformé.

On the security of the firearms, the Firearms and Explosives Division as the sole repository of all imported and locally manufactured firearms and ammunition issued a memorandum on January 15, 1996 providing for the strict guidelines for the storage in order to avoid congestion, smuggling of stocks in and out of the vaults, and to attain maximum security within the storage area. These are:

a. The storage vault shall only be used for safekeeping of firearms and ammunition. The complement of a storage space are steel vaults, the stocks consisting of firearms and ammunition and fire extinguisher. Office tables, chairs, type writers, computers and voluminous records are not allowed inside storage vaults. Only the storage man, armorer of each dealer shall be allowed to stay inside the storage vaults;

b. The storage vaults shall be opened at 9:00 o'clock in the morning and close at 5:00 o'clock in the afternoon, from Monday to Friday. After 5:00
p.m., no transaction shall be entertained except for the delivery of firearms from Ninoy Aquino International Airport or Customs or local factories;

c. Only license gun dealers with designated storage vaults shall be allowed inside the storage vaults. The number of storage personnel per dealer shall depend on the size of their business. Identification cards shall be issued for this purpose; and,

4. **Collection and disposal**

As of December 2002, there are forty-five thousand (45,000) Confiscated, Captured, Surrendered and Deposited (CCSD) firearms in the Philippines. The CCSD firearms and ammunition shall be disposed of in accordance with the Philippine National Police Directorate for Logistics Circular Nr 14 dated 25 May 1993. Such disposal applies to abandoned firearms. If no such claim is presented within five (5) years, the said items are reverted to government ownership by operation of law.

A symbolic destruction thru burning of more or less 6, 500 small arms and light weapons was held on July 10, 2001, the 2nd day of the UN Conference on Illicit Trafficking of Small Arms and Light Weapons. Thereafter, these burned firearms were cut into pieces by acetylene torch that completely rendered them unserviceable/unusable. For the year 2002, considerable number of firearms were again destroyed. This time by means of road roller. These destroyed firearms were properly disposed of in accordance with existing rules and regulations.

5. **Control of Firearms**

The Philippines is intensifying the campaign against trafficker/smugglers who illegally export/import firearms from the country of origin; traffickers who steal and divert firearms from legal shipments; who illegally smuggled firearms into the country of destination; and, continuously sharing intelligence/information with other countries.

A. Export / Import

A significant measure that the Philippines employs to control the flow of small arms and light weapons in the country is the control of export and import of such arms. The State controls the volume of firearms being produced by legal manufacturers in the country through the imposition of a production quota.

Importation of firearms from other countries is to be approved by the Chief, Philippine National Police based on the following procedures:

The dealer concerned will write a letter addressed to the Chief, Philippine National Police upon the recommendation of the Philippine National Police –
Firearms and Explosive Division requesting for the issuance of Import Authority with the following attachments:

a. License to operate
b. Importation record for the past 12 months
c. End-users certification
d. Purchase order

The country of origin or the source country will release the export authority and firearms to the recipient country. Upon arrival at the port of entry, the firearms are temporarily held in the custody of the Bureau of Customs who shall identify the importer, consignee or possessor. The Bureau of Customs will then notified the Philippine National Police – Firearms and Explosives Division of the importation and a duly authorized representative of the Firearms and Explosives Division shall be sent to receive under receipt the firearms from the Collector of Customs, and shall deposit the firearms with the Firearms and Explosives Division. After inspection by the personnel of the Bureau of Customs and Firearms and Explosive Division, the firearms will now be transferred to the Firearms and Explosives Division who shall in turn release “boat note” to the Bureau of Customs.

After the issuance of a “boat note” to the Bureau of Customs, the Firearms and Explosive Division Storage Branch will conduct a thorough inspection, on the firearms. The Firearms and Explosive Division Storage Branch shall acquire the firearms after complying with the standing operating procedures of proper storage. The firearms dealer, in turn, processes the application for firearms license with the complete requirements for acquiring firearms license. The Firearms and Explosive Division Storage Branch will release the firearms to the end-user/dealer. Escort is required for the transport of more than five (5) firearms.

The Directorate for Logistics of the Philippine National Police is the authorized office to import/purchase firearms for the use of Police personnel with the approval of the Chief, Philippine National Police. Save with the firearms used by the military, the military logistics unit only has the authority to import/purchase firearms with the approval of the Armed Forces Chief of Staff.

B. Licensing

The Philippines, likewise, controls the flow of SALW through the imposition of the policy on licensing. Based on the countries’ licensing rules and regulations, licenses can only be acquired by: qualified Filipino citizens of at least 21 years of age; elective or appointive government officials and employees; active or retired personnel of the PNP and the AFP; reserved officers of the AFP on inactive status; private firms, establishments or corporations, as well as government agencies or offices and government-owned or controlled corporations.
The Philippine National Police Firearms and Explosives Division issues "permit to carry firearms outside of residence" (PTCFOR), which is a privilege given to an individual to carry his licensed firearm outside of his official residence.

In the Philippines, the following are authorized to carry firearms outside of residence:

a. All persons whose application for PTCFOR has been approved; provided, that the persons and security of those so authorized are under actual threat, or by the nature of their position, occupation and profession are under imminent danger;

b. All organic and regular employees with Mission/Letter Orders granted by their respective security agencies;

c. All guards covered with Duty Detail Orders granted by their respective security agencies;

d. Members of duly recognized Gun Clubs issued Permit to Transport (PTT) for the purpose of practice and competition, provided that such firearms while in transit must not be loaded with ammunition and secured in an appropriate box or case detached from the person; and,

e. Authorized members of the Diplomatic Corps.

6. **Brokering**

The Philippines has no legislation specifically on arms brokering. However, pursuant to Section 101 of the "The Customs and Tariff Code of the Philippines", (prohibited importation) in relation to Section 2609 (Disposition of Contraband) the importation into the Philippines of the articles mention therein including weapons of war are prohibited except when authorized by law.

7. **Marking, record-keeping and tracing**

In a memorandum issued on August 15, 1997 ("Firearms Description" by the Philippine National Police Firearms and Explosives ") the Philippine government, adopted without an accurate system of describing guns.

With the objective of enhancing the system of recording the physical description of a gun for an effective firearm identification and gun control, "firearms description" shall include these data: a. Kind; b. Make; c. Model; d. Caliber and e. Serial Number. Henceforth, all documents emanating from FED shall describe firearms in terms of their kind, make, model, caliber and serial number.
8. **Disarmament, demobilization and reintegration**

The Philippines implemented firearms amnesty on September 13, 1993 through Executive Order No. 122 (Providing for the Surrender and licensing of Loose Firearms and Establishing a Central Records unit for All Firearms), Executive Order 222 (Providing for a new Period for the Application of Executive No. 106 "Executive Order No. 107 dated December 24, 1986 provides for the surrender of unlicensed or loose firearms, ammunition or explosives without incurring criminal liability therefore, with the privilege of applying for license to possess the same if qualified entities or individual and recently, the President of the Philippines signed an amnesty Program through Executive Order 171 in order that owners of unregistered firearms will have the opportunity to register their loose firearms. Also, the Philippines implemented the “Balik-Baril” Buy-Back program to address the issue on firearms surrendered by rebel returnees.

9. **National Point of Contact**

The Department of Foreign Affairs (DFA) of the Philippines serves as the national point of contact and act as liaison with other states.

10. **National Coordinating Agency**

The Philippine Center on Transnational Crime is the national co-ordination agency or body responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in SALW in all its aspects based on the Center’s mandates.

11. **International and Regional Cooperation**

The Philippines is an active participant in the UN sponsored conference on the prevention of illicit trade in small arms and light weapons in which the main concern is the control of the proliferation of loose firearms. The Secretary of the Interior and Local Government was elected as the Vice President for Asia during the July 2001 conference on the United Nation Programme of Action.

The Philippines and Canada sponsored the Regional Seminar Implementing the UN Programme of Action on Small Arms and Light Weapons held on July 9-10, 2002. Delegates stressed that developing regional arrangements to deal with the problems of illicit trade in small arms and light weapons (SALW) was crucial, and the following principles should be taken into consideration:

a. Respect for and commitment to international law and the principles and purpose enshrine in the Charter of the United Nations should be reaffirmed;
b. Such arrangements should be balanced, realistic approaches to achieve the primary objective, based on the state approval for all arms transfers, of preventing illegal entities from acquiring arms;

c. The right of each state to manufacture, import and retain SALW for its own defense and security needs, as well as for its capacity to participate in peacekeeping operations in accordance with the Charter of the United Nations should be taken into account; and,

d. The role played by the civil society in raising awareness of the danger associated with the illicit trade in and uncontrolled proliferation of SALW should be recognized. Civil society possesses expertise and knowledge that can help the state find solutions to the problems caused by small arms. The partnership between states and civil society should be encouraged and enhanced.

The Philippines participated in the Regional seminar held in Bali, Indonesia on February 10-11, 2003 entitled “Implementation of the Programme of Action adopted in the United conference On the Illicit trade of Small Arms and Light Weapons in all Its Aspects: The Asia-Pacific Perspective. The participants reconfirmed the importance of the UN Programme of Action as a comprehensive framework in combating the illicit trade in SALW and a road map for the international community for its efforts in this field. Also reiterated their firm commitments to the full implementation of the PoA.

In eradicating the illicit trade in SALW cooperative between State and civil society is of paramount importation society in the field of expertise or technical capacity (legislation, research, making tracing, disposal of SALW), public awareness, policy research training, capacity, capacity building and advocacy.

The Philippines also participated in the Conference on Strengthening International Controls on Exports of Small Arms and Light Weapons held in Lancaster House, London on January 14-15, 2003. The purpose of the conference was to forge a final communiqué committing States to take advance responsibility in small arms exports.

Most of the countries found the issues relating to export, import, transit or transfer of SALW difficult to resolve. Nevertheless, the attendees were able to record various proposals relative thereto. Under export controls, all participants recognized the need to strengthen efforts to implement relevant commitments in the UN PoA which (1) ensure that all states have adequate laws and procedures to exercise effective controls over SALW transfers, (2) assess applicant for export authorizations according to strict national guidelines. The participants recognized the value of having these guidelines on a case-to-case consideration for authority to export. There is also a potential for developing shared understanding of such
guidelines at the global level. Some of this guideline are already in the UNPoA like the (1) risk of diversion, and (2) consistency with existing responsibility of State under relevant international law. In transferring SALW, most of the State supported the view that there should be further discussions on the following factors affecting recipient State: (1) right to self defense base on article 51 of the UN Charter; (2) legitimate National security needs; (3) possible risk/impact of SALW transfer for terrorism on organized crime, internal repression/conflicts/tensions; (4) record of compliance with international obligations and commitments; (5) respect for human rights; (6) nature and cost of arms vis-à-vis human and economic needs; and, (7) consent of recipient country regarding SALW transfer to territories under its control/jurisdiction.

The Philippines and the government of Indonesia is crafting a Memorandum of Understanding to address the problem of Small Arms and Light Weapons entitled "Memorandum of Understanding between the Government of the Republic of the Philippines and the Government of the Republic of Indonesia on Cooperation in preventing, Combating and eradicating the Illicit Trade in Small arms and Light Weapons, Ammunition, Parts and Accessories, Explosives and Explosives Ingredients". Their areas of cooperation include:

a. To designate a contact points and liaison;

b. To exchange of information;

c. To participate in the investigations and special investigative techniques

d. To prevent of illicit Trading of Small Arms and Light Weapons, Ammunition, Explosives, and Explosives Ingredients;

e. To facilitate the exchange of visits of official and experts from their component agencies and relevant organizations;

f. To improve transparency in production, stockpiling and transfer of Small Arms and Light Weapons, Ammunition, Explosives, and Explosives Ingredients.

The Philippine government continuously cooperates with the government of Taiwan and Japan as they are reported to be destination-countries of illicit small arms and light weapons from the Philippines.