Report of the Republic of the Philippines

On implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

Executive Summary

A.) National level

1. National coordination agency
   > The Philippine Center on Transnational Crime (PCTC) under Executive Order No. 62 dated January 15, 1999 is mandated to formulate and implement a concerted program of action of all law enforcement, intelligence and other agencies for the prevention and control of transnational crime. PCTC is the body responsible on 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.

   > The chief agency responsible for administering, enforcing and implementing the firearms and explosives laws, rules and regulations in the country is the Firearms and Explosives Division (FED) of the Philippine National Police (PNP), which was created pursuant to the Revised Administrative Code and Sec 42 (a6) of Republic Act 6975. FED, PNP likewise takes charge of the storage of all confiscated, captured, surrendered, seized and abandoned firearms and ammunition.

2. National Point of Contact
   > The President of the Republic of the Philippines created the Office of the Special Envoy on Transnational Crime (OSETC) through Executive Order No. 265 issued 23 January 2004. The OSETC is mandated to set policy directions and program design standards and it serves as the focal point for coordinating, integrating and evaluating the efforts of law enforcement and other government agencies involved in the campaign against transnational crime, which includes the illicit trade in small arms and light weapons (SALW). The Special Envoy, as head of the OSETC, shall advise the President on all matters regarding transnational crime.

3. Legislation, regulations, administrative procedures
   i) What national laws, regulations and administrative procedures exist to exercise effective control over SALW in the following areas? (II.2)

On the areas of Production

The Philippine Government has promulgated various counter measures to curtail firearms trafficking.

> Presidential Decree 1866, known as the Firearms Law of the Philippines as amended by the Republic Act Number 8294, increasing in the penalty for Firearms-related Crimes.
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- **Presidential Decree 1866** - "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 Therefore and For Relevant Purposes".

- The **Executive Order No. 171**, otherwise known as the **Firearms Amnesty Program**, is the law granting amnesty to persons in possession of loose firearms; provided that the concerned individuals or holders of said firearms submit same to the Philippine National Police for registration and licensing. This law was signed by HE President Gloria Macapagal-Arroyo on January 22, 2003 as significant measures to lessen if not eradicate the proliferation of illicit firearms. Its approved Implementing Rules and Regulation was issued on March 7, 2003. This program was extended through **Executive Order No. 390** dated September 2004, making the Amnesty Program last until September 2005.

- **Executive Order No. 122**, Section 3: All Memorandum Receipts for government firearms and corresponding Mission Orders previously issued to private persons are hereby cancelled and recalled immediately. Henceforth, memorandum Receipts for Government-owned firearms, and Mission Orders covering the same shall be issued only to organic government personnel while in the performance of their official duties, pursuant to P.D. 1866 and its Implementing Rules and Regulations.

- **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 Ammunition, 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 and 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.

- On the areas of *'Export, 'Import, 'Retransfer and 'Transit*
  - **Republic Act No. 1937**, known as the **"Tariff and Customs Code of the Philippines"**. This law 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 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.

- **Revised Administrative Code (RAC) on the Basic Firearms Law**, under Section 885, additional license to keep firearms in excess of amount permitted under original license. If any person, having a dealer's license, shall for purposes of sale, desire to import, buy, or otherwise acquire, dispose of, possess, or have the custody of any firearm or ammunition in greater amount than is needed or described in his license, he must apply for and secure a new license.

### National Laws, Regulations and Decrees

<table>
<thead>
<tr>
<th>Area: Production</th>
<th>Law/ Regulation/ Decree</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Title of the law in English translation (and short form)</strong></td>
<td></td>
</tr>
<tr>
<td>Republic Act No. 8294 - An act amending the provisions of Presidential Decree Number 1866 - Firearms Law of the Philippines, 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”</td>
<td></td>
</tr>
<tr>
<td>Short description explaining how the law, either alone or in combination with other national measures, ensures that effective control is exercised over SALW in the area of production. This is the law covering 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. Illicit SALW is covered under this law.</td>
<td></td>
</tr>
</tbody>
</table>
Title of the law in English translation (and short form)

Republic Act No. 1937 – "Tariff and Customs Code of the Philippines"

As above (… in the area of export, import and transit)

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 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.

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### Administrative Procedures

<table>
<thead>
<tr>
<th>Area:</th>
<th>Administrative Procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Production</td>
<td>Legal basis for the procedure</td>
</tr>
<tr>
<td>Export</td>
<td>Revised Administrative Code (RAC) on the Basic Firearms Law</td>
</tr>
<tr>
<td>Import</td>
<td>As above (... in the areas of production, export, import, transit and retransfer)</td>
</tr>
<tr>
<td>Transit</td>
<td>It deals with the administrative aspects parallel to the implementation of the Presidential Decree 1866 as amended by RA 8294.</td>
</tr>
<tr>
<td>Retransfer</td>
<td>It penalizes the illegal and unlawful possession, manufacture, dealing in, acquisition or disposition of firearms, ammunition and explosives. Illicit trade in SALW in all its aspects is a serious concern of the Philippine law enforcement agencies and the general public. Firearms in the hands of the unscrupulous individuals imperil public safety and order. That is why stiff penalties are imposed to any violation involving firearms.</td>
</tr>
</tbody>
</table>

ii) What national measures exist to prevent the manufacture, stockpiling, transfer and possession of unmarked or inadequately marked SALW? How have these been implemented? (II.8)  

- Due to the magnitude of the prevailing issues on firearms trafficking, the Chief Executive addressed such problem by including arms smuggling (Firearms Trafficking) as a priority concern in the creation of Philippine Center on Transnational Crime (PCTC) under Executive Order No. 62 on Jan 15, 1999. Foremost among its mandate is the establishment through modern information and telecommunications technology, a shared central database among agencies for information on criminals, methodologies, arrests and convictions.
• Under the **Revised Administrative Code (RAC) on the Basic Firearms Law**, the power to approve and disapprove applications for firearms manufacturing license is vested on the President of the Philippines. However, this power is delegated to the Chief Philippine National Police by virtue of Section 27 (f) of Republic Act 6975.

• The Control of "PALTIK" Manufacturing is one of the problems that beset our law enforcement agencies. As of now, there are two (2) licensed manufacturers in Danao City, Cebu. The Danao Arms Corporation (DAMCOR) and the Workers League of Danao Multi-Purpose Cooperative (WORLD-MPC). These two manufacturers are authorized to produce assorted firearms based on their manufacturer's license issued by the PNP Chief. Also, decentralization of processing of license applications to the regional level may encourage illegitimate "paltik" manufacturers to come out in the open and abide with the regulations which are easier to cope.

• The Customs Bureau is tasked as the primary agency in addressing the smuggling of firearms. The Philippine government formed an AD-HOC committee to incorporate the efforts of all law enforcement and intelligence agencies by creating a coordinating body called the National Law Enforcement Coordinating Committee (NALECC). Each member agency passes information to other agencies to come up with efforts to identify and entrap smugglers even at local inter-island ports of entry and exit. Intensified information gathering by appointed intelligence agents and informants is likewise being undertaken. Searches by Coast Guard and Bureau of Customs officials are implemented on suspected carriers.

• **Stricter Implementation and Enforcement of Firearms Laws, Rules and Regulations** are now being undertaken. The Firearms and Explosives Division (FED) of the Philippine National Police (PNP) had build up their Inspectorate Branch purposely to intensify campaign against illicit trade by legitimate dealers. This is done through surprise inspections of stores, detailed inventory, manufacturing sight visits and stricter pass or transport control. Escorts from the police service are being utilized to monitor movements and transport of their firearms from one facility to other warehouses.

• The problem of Pilferage of Firearms from PNP/AFP depot is now being addressed by the Counter Intelligence Operations and their respective Security Officers. Inventory and inspection of physical establishment are being monitored regularly. Aside from the enhancement of physical structure on camps and other military installations, safeguard mechanisms are employed.

• **Losses During Legitimate Police and Military Operations** can be negated by professionalizing the police and the military. Training, Information and Education in order to take care of their individual equipments are every now and then instituted to the troops. Proper reporting of lost firearms as well as recovered firearms from the enemy was mandated by Executive Order 122 dated on September 1994. The proper accounting of all government firearms therefore was undertaken as basis for future audit and inventory.
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iii) Please describe how national laws, regulations and procedures that impact on the prevention, combating and eradication of the illicit trade in SALW in all its aspects are made public. (II.23)

- **The Firearms and Explosives Division of the Philippine National Police (FED, PNP)** constantly solicits the support and active involvement of the community by conducting conferences through regional and provincial sorties with owners of private security agencies and company guard forces, recognized gun clubs, dealers and manufacturers of firearms and explosives, businessmen and other civic and non-governmental organizations on matters relative to new or updated rules and regulations on firearms and explosives.

- **Utilization of the Tri-Media.** Information campaigns done through periodic appearances at different television and radio programs with regards to firearms, explosives, firecrackers, pyrotechnic and related matters are being undertaken. Likewise, a publication of all the updated and related Laws, Rules and Regulations or the FED PNP manual on “Firearms and Explosives Laws, Rules and Regulations” is published regularly.

4. Law enforcement/criminalization

i) What national legislative or other measures exist to make the illegal manufacture, possession, stockpiling and trade of SALW criminal offences under domestic law? How have these measures been implemented? (II.3)

- The Philippines has the **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). Illicit trade in SALW in all its aspects is a serious concern of the Philippine law enforcement agencies and the general public. Firearms in the hands of the unscrupulous individuals imperil public safety and order. That is why stiff penalties are imposed to any violation involving firearms.

- These measures are being implemented through the various Philippine law enforcement agencies.

<table>
<thead>
<tr>
<th>National criminal measures relating to illicit SALW</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Area.</strong></td>
</tr>
<tr>
<td>Manufacture</td>
</tr>
<tr>
<td>Possession</td>
</tr>
<tr>
<td>Stockpiling</td>
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<tr>
<td>Trade</td>
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</tbody>
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6
As above ( ... in the areas of production, export, import, transit and retransfer)
The RAC deals with the administrative aspects parallel to the implementation of the Presidential Decree 1866 as amended by RA 8294.
It penalizes the illegal and unlawful possession, manufacture, dealing in, acquisition or disposition of firearms, ammunition and explosives. Illicit trade in SALW in all its aspects is a serious concern of the Philippine law enforcement agencies and the general public. Firearms in the hands of the unscrupulous individuals imperil public safety and order. That is why stiff penalties are imposed to any violation involving firearms.

ii) Have those groups and individuals engaged in the illegal manufacture, trade, stockpiling, transfer, possession, as well as financing for acquisition, of illicit SALW been identified, where applicable? What action has been taken under appropriate national law against such groups and individuals? (II.6)

- Local Gun Manufacturing:
The local gun manufactured in the Philippines is known as "paltik". The main sources of uncontrolled firearms or loose firearms are the unregistered local gun manufacturers. They are called the "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 purposefully to produce firearms for trade and economic alleviations. Law enforcement agencies are exerting all efforts to arrest illegal gun manufacturers for violation of our existing Firearms Law.

As of now, there are two (2) licensed manufactures in Cebu, Philippines. The Danao Arms Corporation (DAMCOR) and the Workers League of Danao Multi-Purpose Cooperative (WORLD-MPC). These two manufacturers are the only authorized manufacturers to produce assorted firearms based on their manufacturer's license issued by the PNP Chief.

The decentralization of processing of license applications to the regional level may encourage illegitimate "paltik" manufacturers to come out in the open and abide with the regulations which are easier to cope. The Philippine government is continuously encouraging them to join the mainstream of the legal industry of local gun manufacturers.

iii) What national measures have been taken, including legal or administrative means, against activity that violates a United Nations Security Council arms embargo in accordance with the Charter of the United Nations? (II.15)
- The Philippine government abides with the United Nations Security arms embargo in accordance with the United Nations Charter. Likewise, The Philippines' existing policies and regulations pertaining to firearms are mostly based on Presidential Decree No. 1866 as amended by Republic Act No. 8294. At present, all records of firearms and firearms holders are encoded in computers and can be easily traced and updated through our Firearms Information Management System (FIMS). Applicants for new Firearms License are required to complete a list of strict mandatory requirements.
National measures for the enforcement of UN Security Council arms embargoes

<table>
<thead>
<tr>
<th>Area: Enforcement of UN arms embargoes</th>
<th>Legal and Administrative</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Philippine government abides with the United Nations Security Council on arms embargo in accordance with the United Nations Charter. Likewise, The Philippines' existing policies and regulations pertaining to firearms are mostly based on Presidential Decree No. 1866 as amended by Republic Act No. 8294.</td>
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5. Stockpile management and security

i) What national standards and procedures exist for the management and security of SALW stocks held by armed forces, police or other authorized bodies? (II.17)

- The Storage Branch of the Firearms and Explosive Division is mandated to inspect all firearms, firearm accessories, spare parts and ammunition both purchased abroad and locally manufactured before storing them at their respective cells/vaults. The inspection report is used as a basis in encoding at the Firearms Information Management System (FIMS) upon the approval of the Chief, Storage Branch of the FED PNP.

- The FED PNP is the sole repository of all imported and locally manufactured firearms and ammunitions. All firearms that are being deposited at the Storage Branch of the FED PNP are required for a ballistic. Firearms are tested one at a time. After firing one (1) firearm, the specimen slugs and shells will be first recovered, placed inside a sealed envelope including the stencil/ballistics certificate signed by the ballisticians and the owner.

National standards and procedures for stockpile management and security

<table>
<thead>
<tr>
<th>Group:</th>
<th>Standards / procedures</th>
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<tbody>
<tr>
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</tr>
<tr>
<td>Police/Armed forces</td>
<td>Name and briefly describe</td>
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<tr>
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<td>- The Firearms and Explosives Division of the Philippine National Police (FED PNP) is mandated to stockpile and safeguard the following:</td>
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<tr>
<td></td>
<td>a. Commercial Firearms. These firearms are being imported from other countries and firearms that are being manufactured in the Philippines for sale;</td>
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<tr>
<td></td>
<td>b. Evidence firearms. These firearms are stored properly as evidence in court proceeding and awaiting final destruction;</td>
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<tr>
<td></td>
<td>c. Confiscated, Captured, Surrendered and Deposited Firearms (CCSD).</td>
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<tr>
<td></td>
<td>- The PNP FED has its storage inside the PNP National Headquarters, Camp Crame, Quezon City and as such well guarded and protected.</td>
</tr>
<tr>
<td></td>
<td>- By virtue of Executive Order 122, all confiscated, captured, surrendered and deposited (CCSD) firearms by the Local Police Units and the Armed Forces of the Philippines are turned over to the Storage Branch of the FED PNP to be recorded and tagged as to their types, kind, caliber, make and category.</td>
</tr>
<tr>
<td></td>
<td>- All CCSD firearms are encoded in the Firearms Information Management System (FIMS).</td>
</tr>
</tbody>
</table>

In addition, a Memorandum issued on January 15, 1996 pertaining to the strict guidelines in order to avoid congestion, smuggling of stocks in and out of the vaults of the Storage Branch of FED PNP and to attain maximum security within the storage area are as follows:

A. The storage vault shall only be used for safekeeping of firearms and ammunition. It shall not be used as an office, sleeping quarters, dining and snack area, smoking area, loitering area and others. The complement of a storage space is 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 store man and 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 the Ninoy Aquino International Airport Customs or local factories;

C. Only licensed gun dealers with designated storage vaults shall be allowed inside 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,

D. Only limited personnel and employees of firearms and ammunition dealers will be allowed to enter the storage vault area.
ii) How often are stocks of SALW held by armed forces, police and other authorized bodies reviewed? (II.18)
   - Physical inventories are done at least once a year by the Philippine National Police on their assets including firearms in the custody of any command for safe keeping or evidences according to Circular No. 9 of the Philippine National Police.

iii) How are those stocks of SALW held by armed forces, police and other authorized bodies that are surplus to requirements identified? (II.18)
   - All records of firearms and firearms possessor are encoded in computers and can be easily traced and updated through our Firearms Information Management System (FIMS) of the FED PNP. In addition, all firearms that are deposited at the Storage Branch of the FED PNP are required for a ballistic. 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 in conformity.

6. Collection and disposal

i) Please give details of any national programmes that have been established and implemented for the responsible disposal of surplus stocks of SALW held by armed forces, police and other authorized bodies. (II.18)
   - Surplus stocks of SALW representing the confiscated, captured and deposited (CCSD) firearms and ammunition is disposed of in accordance with the Philippine National Police Directorate for Logistics Circular Number 14 dated 25 May 1993. Such disposal applies to abandoned firearms, if no such claim is presented within five (5) years and which by operation of Section 896 of the Revised Administrative Code (RAC) on the Basic Firearms Law will be reverted to government ownership.
   - 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 and unusable. In the year 2002, considerable numbers 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.

ii) Is destruction the means used to dispose of such stocks? (II.18)
   - YES

iii) What national measures exist to safeguard such stocks prior to their disposal? (II.18)
The Firearms and Explosives Division of the Philippine National Police (FED PNP) is mandated to stockpile and safeguard surplus stocks of SALW representing the confiscated, captured and deposited (CCSD) firearms and ammunitions.

The PNP FED has its storage inside the National Headquarters of the Philippine National Police, Camp Crame, Quezon City and as such well guarded, protected and safeguarded.

iv) Subject to the exceptions set out in paragraph II.16 of the UN Programme of Action, are all confiscated, seized or collected SALW destroyed? (II.16)

- The PNP FED only destroys those unserviceable confiscated, captured, surrendered and deposited (CCCSD) firearms; serviceable firearms are being re-issued to the personnel of the Philippine National Police and the Armed Forces of the Philippines by operation of Section 896 of the Revised Administrative Code (RAC) on the Basic Firearms Law.

v) What methods has your country used to destroy surplus stocks of SALW designated for destruction? (If appropriate, please make reference to the report of the UN Secretary-General (S/2000/1092) of 15 November 2000.) (II.19)

- In the year 2001, surplus stocks of SALW were burned and thereafter these burned firearms were cut into pieces by acetylene torch that completely rendered them unserviceable and unusable.
- For the year 2002, considerable numbers 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.

vi) Please give details of any information on SALW confiscated or destroyed within your jurisdiction that is submitted to relevant regional and international organizations. (II.23)

- N/A

7. Export controls

i) Please describe the system of export and import licensing or authorization, as well as measures on international transit, used by your country for the transfer of all SALW. (II.11)

- On Export Licensing/authorization
  The State controls the volume of firearms being produced by legal manufacturers in the country through the imposition of a production quota.

  Republic Act No. 1937 – “Tariff and Customs Code of the Philippines” embodies the procedures on exports and imports of Philippine goods. The Bureau of Customs has the power and jurisdiction over this function. In Sec 602 (f), it is contained that it supervises and controls all import and export cargoes, landed or stored in piers, airports, terminal facilities, including container yards and freight stations, for the protection of government revenue. However as to exportation of SALW, the Philippine government is not EXPORTING SALW.

- On Import Licensing/authorization and International Transit measures
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Memorandum Order No. 47 – "Prescribing a Uniform Procedure on the Disposition of Firearms, Parts of Firearms, Ammunitions, or Instruments Used in the Manufacture Thereof, and Explosives and their Ingredients Coming from Abroad, Save those Imported by and Belonging to the Armed Forces of the Philippines"

The uniform procedure states that upon arrival at the port of entry or when the firearms, parts of firearms, ammunition, or instruments used or intended to be used in the manufacture thereof entered through the Bureau of Customs or Bureau of Posts, the articles shall be deposited by the consignee or possessor with the Collector of Customs/Postmaster who shall issue a receipt thereof. The claimant shall then notify the FED PNP, Camp Crame, Quezon City of such deposits, and request the transfer and deposit thereof to the FED PNP enclosing therewith a copy of the receipt issued by the Collector of Customs or Postmaster. A duly authorized representative of the FED PNP shall be sent who shall receive under receipt the articles from the Collector of Customs/Postmaster, and who shall deposit the articles with the FED PNP. The articles shall remain deposited at the FED PNP until the corresponding license/permit shall have been issued following all the rules and regulations of the Administrative Code on the Basic Firearms Law.

The Republic Act No. 1937, known as the "Tariff and Customs Code of the Philippines". This law 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 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.

Also by virtue of the Revised Administrative Code on the Basic Firearms Law, under Section 885, additional license to keep firearms in excess of amount permitted under original license. If any person, having a dealer's license, shall for purposes of sale, desire to import, buy, or otherwise acquire, dispose of, possess, or have the custody of any firearm or ammunition in greater amount than is needed or described in his license he must apply for and secure a new license.

ii) Please describe the national laws, regulations and administrative procedures used by your country to ensure effective control over the export and transit of SALW. How are these measures implemented? (II.12)

- On EXPORT Control
  N/A
- On TRANSIT Control

Republic Act No. 1937, "Tariff and Customs Code of the Philippines"
Under Section 108 of this code, it states that when transit cargo from a foreign port or other local ports is forwarded from the port for importation, separate manifest, in triplicate, shall be presented by each carrier.

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### National laws, regulations and administrative procedures used to ensure effective control over SALW export and transit

<table>
<thead>
<tr>
<th>Area</th>
<th>Laws / regulations / procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Export</td>
<td>Title in English translation (and short form) N/A Describe how the law is designed to ensure control over SALW export. Explain how it is implemented in actual practice. N/A</td>
</tr>
<tr>
<td>Transit</td>
<td>Title in English translation (and short form) Republic Act No. 1937, &quot;Tariff and Customs Code of the Philippines&quot; Describe how the law is designed to ensure control over SALW transit. Explain how it is implemented in actual practice. 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 otherwise specifically provided for in this Code or in other laws. <strong>Under Section 102</strong> 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. <strong>Under Section 108</strong> of this code, when transit cargo from a foreign port or other local ports is forwarded from the port for importation, separate manifest, in triplicate, shall be presented by each carrier.</td>
</tr>
</tbody>
</table>

### iii) Does your country use authenticated end-user certificates for this purpose? (II.12)
- **YES**

### iv) Does your country notify the original exporting State when re-exporting or retransferring previously imported SALW? (II.13)
- **N/A**, the Philippines is not Re-Exporting SALW.

### 8. Brokering

### i) What national legislation or administrative procedures exist to regulate the activities of those who engage in SALW brokering within national jurisdiction and control? (e.g. registration of brokers, licensing or authorization of brokering transactions and appropriate penalties) (II.14)
- **N/A**

### 9. Marking, record keeping and tracing

### i) Does your country require licensed manufacturers of SALW to apply an appropriate and reliable marking on each weapon as an integral part of the production process? (II.7)
- **YES**, the Philippines has a comprehensive and accurate records on the manufacture and holding of SALW under the provision of Executive Order 122. In a Memorandum issued on August 15, 1997 by the Firearms and Explosives...
Reporting Template

Division of the Philippine National Police (FED PNP) on "Firearms Description", it includes the data of the Kind, Make, Model, Caliber and Serial Number.

- Also, PD 1866, as amended by RA 8249, and its IRR require licensed manufacturers of SALW to apply an appropriate and reliable marking system on each weapon as an integral part of the production process.

ii) Is this marking unique? (II.7)

- YES

iii) Does this marking identify the country of manufacture? (II.7)

- YES

iv) How does this marking otherwise allow concerned authorities to identify and trace the relevant weapon? (II.7)

- The registered local gun manufacturers in the Philippines identify their products by the inscription of their manufacturer's name and logo if any.

- Also, PD 1866, as amended by RA 8249, and its IRR require licensed manufacturers of SALW to apply an appropriate and reliable marking system on each weapon as an integral part of the production process.

v) How long are records kept on the manufacture, holding and transfer of SALW under your jurisdiction? (II.9)

- The Firearms and Explosives Division of the Philippine National Police (FED PNP) is responsible in the administration, enforcement and implementation of firearms laws, rules and regulations in the country. It is the final repository and sole clearing house of all records and information to firearms and ammunition to include the firearms records of all government agencies, government-owned or controlled corporations and all local government units pursuant to Presidential Decree 1866 and implementing rules and regulations and Executive Order 122. Records are kept in this agency since it is the final repository of all records and information of firearms and ammunitions.

vi) What national measures exist for tracing SALW held and issued by the State? (II.10)

- In relation to Executive Order No. 171, the Firearms Amnesty Program, the fees collected will support the implementation of the Firearms Ballistics Information System (FBIS). This state-of-the-art system of gun "fingerprints" has been developed relying on the computer analysis and is now widely used all over the world. Thus creating a data base for gun fingerprints which will speed up the gun tracing process in the event of non-recovery of firearms, which shall eventually help our investigators solve crimes involving firearms.

- The Philippines' existing policies and regulations pertaining to firearms are mostly based on Presidential Decree No. 1866 as amended by Republic Act No. 8294. At present, all records of firearms and firearms holders are encoded in computers and can be easily traced and updated through our Firearms Information management System (FIMS). Applicants for new Firearms License are required to complete a list of mandatory requirements.

vii) Please give details of any steps taken by your country to cooperate in tracing illicit SALW, including the strengthening of mechanisms based on the exchange of relevant information. (III.11)
• Information exchange and international cooperation through INTERPOL NCB MANILA INITIATIVES maintained by the Philippine Center on Transnational Crime (PCTC) based in Camp Crame, Quezon City.

• In relation to the Firearms Amnesty Program, an amnesty fee shall be paid for each firearm registered. The fees will support the implementation of the Firearms Ballistics Information System (FBI5). This state-of-the-art system of gun “fingerprints” has been developed and is now widely used in countries all over the world. The existence of a database for gun fingerprints will speed up the gun tracing process even in the event of non-recovery of firearms, which shall eventually help our investigators solve crimes committed with the use of firearms.

• The Philippine government has an existing inter-agency communications and mechanisms for the exchange of relevant information regarding SALW based on procedural protocols.

10. Disarmament, demobilization and reintegration (DDR)

i) Please describe any disarmament, demobilization and reintegration (DDR) programmes your country has developed and implemented, including the effective collection, control, storage and destruction of SALW. (II.21)

   The Philippines continuously implements the following measures:

   • Executive Order No. 122, implemented on September 13, 1993. “Providing for the Surrender and Licensing of Loose Firearms and Establishing a Central Records Unit for All Firearms.”

   • Executive Order No. 107, implemented on December 24, 1986 which 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 to qualified entities or individual.

   • Executive Order No. 171, otherwise known as the Firearms Amnesty Program, is the law granting amnesty to persons in possession of loose firearms; provided that the concerned individuals or holders of said firearms submit same to the Philippine National Police for registration and licensing.

   • OPLAN “PAGLALANSAG” (Disband) - is brought about by the goal of disbanding Private Armed Groups (PAGs). This measure by the Philippine National Police vigorously enforced the arrest, confiscation and seizure of firearms, legally or illegally possessed, that is being used by the politicians and unscrupulous individuals to terrorize the populace all over the country.

   • “OPLAN (Operation Plan) BAKAL” (STEEL) of the Philippine National Police was vigorously enforced against loose firearms.

   • LOI (Letter of Instruction) “BAWI” (RECALL) was implemented to recover firearms not returned by active, retired or dismissed PNP personnel.

   • “BALIK BARIL” (BUY BACK) PROGRAM of the government addresses the issue on firearms surrendered by rebel returnees and other tactical operations against active rebel groups.

   • GUN BAN POLICY is enforced during election period, be it local or national elections. The President ordered an indefinite suspension tantamount to technical revocation of all “Permit To Carry of Firearms Outside Residence” (PTCFOR) in a bid to curb criminality.
CCW (CHECKPOINTS, CHOKE POINTS and WALK-THE-BEAT PATROLS)
The CCW are measures undertaken by the Philippine National Police to curb criminality in the Metropolis. Same measure was adopted by police units in all parts of the country. These measures will not only check on criminality but also the proliferation of illicit SALW in the possession of unauthorized carriers.

ii) Please describe how your country has addressed the special needs of children affected by armed conflict, in particular the reunification with their family, their reintegration into civil society, and their appropriate rehabilitation. (II.22)

- The Philippine government initiated social welfare programs and projects for the reintegration of surrenderees and their families to the folds of the law and the mainstream society. The Amnesty for "Rebel-Returnee" Program is a program of the Philippine government offered to encourage the rebels against the government to return to the folds of the law. The "Rebel-Returnee" once surrendered, is adopted by the government and given resources to start a new life with his family.

- The Philippine Government also passed the law RA 7610 (Special Protection of Children Against Abuse, Exploitation & Discrimination Act) an act providing for stronger deterrence and special protection against child abuse, exploitation and discrimination, & for other purposes.

iii) Please describe any DDR programmes or activities that your country has supported. (II.30, 34)

- Executive Order No. 107, implemented on December 24, 1986 which provides for the surrender of unlicensed or loose firearms, ammunitions or explosives without incurring criminal liability therefore, with the privilege of applying for license to possess the same to qualified entities or individual.

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11. Awareness-raising

i) Please describe any public awareness and confidence-building programmes on the problems and consequences of the illicit trade in SALW in all its aspects that your country has developed and implemented (including the public destruction of surplus weapons and the voluntary surrender of SALW). (II.20)

- The Philippine National Police constantly solicits the support and active involvement of the community by conducting conferences through regional and provincial sorties with owners of private security agencies and companies guard forces, recognized gun clubs, dealers and manufacturers of firearms and explosives, businessmen and other civic and non-governmental organizations on matters relative to new or updated rules and regulations on firearms and explosives.

- Utilization of the Tri-Media. Information campaigns done through periodic appearances at different television and radio programs with regards to firearms, explosives, firecrackers, pyrotechnic and related matters are being undertaken. Likewise, a publication of all the updated and related Laws, Rules and Regulations or the FED PNP manual on "Firearms and Explosives Laws, Rules and Regulations" is published regularly.

- "BARANGAY (Locality) IMMERSION" Program of the Philippine National Police. During missions like this, updates on SALW are incorporated in all other matters being undertaken as part of the community relations service of the Philippine National Police.

Through the above-mentioned programs, each and every Filipino citizen is aware of the law covering illicit firearms. They are fully aware that unlawful manufacture, sale, acquisition, disposition or possession of firearms or ammunitions or instruments used or intended to be used in the manufacture of firearms or ammunition is punishable under the law of the Republic of the Philippines.

ii) Please describe any education and public awareness programmes on the problems of the illicit trade in SALW in all its aspects that your country has encouraged. (II.41)

To control the proliferation of loose firearms, the PNP and the AFP embarked an aggressive campaign to control its unlawful use:

- Executive Order No. 107, implemented on December 24, 1986 which provides for the surrender of unlicensed or loose firearms, ammunitions or explosives without incurring criminal liability therefore, with the privilege of applying for license to possess the same to qualified entities or individual.

- Executive Order No. 171, otherwise known as the Firearms Amnesty Program, is the law granting amnesty to persons in possession of loose firearms; provided that the concerned individuals or holders of said firearms submit same to the Philippine National Police for registration and licensing.

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- "BALIK BARIL" (BUY BACK) PROGRAM of the government addresses the issue on firearms surrendered by rebel returnees and other tactical operations against active rebel groups.
- GUN BAN POLICY is enforced during election period, be it local or national elections. The President ordered an indefinite suspension tantamount to technical revocation of all "Permit To Carry of Firearms Outside Residence" (PTCFOR) in a bid to curb criminality.
- CCW (CHECKPOINTS, CHOKE POINTS and WALK-THE-BEAT PATROLS)
  The CCW are measures undertaken by the Philippine National Police to curb criminality in the Metropolis. Same measure was adopted by police units in all parts of the country. These measures will not only check on criminality but also the proliferation of illicit SALW in the possession of unauthorized carriers.
- In coordination with non-government organizations like the following:
  - Association of Firearms Dealers of the Philippines (AFAD)
  - Philippine Action Network on Small arms (PHILANS)
  - Association of Firearms Manufacturers of the Philippines (AFAM)

B.) Regional level

1. Legally binding Instruments

i) Has your country been involved in negotiations for the conclusion of legally binding instruments aimed at preventing, combating and eradicating the illicit trade in SALW in all its aspects? (II.25)
   - The Philippines is one of the signatories in the United Nations sponsored conference on the prevention of illicit trade in SALW.
   - Draft Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and other Related Materials Supplementary to the United Nations Convention Against Transnational Crime
   - Adoption of the Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime.

ii) Where such instruments exist, please describe the steps your country has taken to ratify and fully implement them. (II.25)
   - The Draft Protocol is presently with the Senate of the Philippines for ratification.

2. Moratoria and action programmes
i) Please give details of any support your country has given moratoria or similar initiatives on the transfer and manufacture of SALW, and/or regional action programmes to prevent, combat and eradicate the illicit trade in SALW in all its aspects (including cooperation with States concerned in the implementation of these initiatives). (II.26)

- The Philippines and the government of Indonesia draft a Memorandum of Understanding to address the problem on 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, Ammunitions, Parts and Accessories, Explosives and Explosives Ingredients".

3. Regional Cooperation

i) Please describe any involvement your country has had in the establishment of sub-regional or regional mechanisms with a view to preventing, combating and eradicating the illicit trade in SALW across borders (in particular trans-border customs cooperation and networks for information-sharing among law enforcement, border and customs control agencies). (II.27)

- The Philippines participated in the following Regional involvements:
  1. Regional Seminar on Implementing the UN Programme of Action on Small Arms and Light Weapons from July 9-10, 2002 in Manila Philippines
  4. 9th Kanazawa Symposium on Northeast Asia "Security and Stability in Northeast Asia and Restoring Confidence from June 9-10, 2003 in Japan
  5. ASEAN Workshop/Seminar on Arms Smuggling from July 8-9, 2003 in Thailand.

ii) Please describe any initiatives your country has undertaken to encourage regional and sub-regional action on illicit trade in SALW in all its aspects in order to, as appropriate, introduce, adhere, implement or strengthen relevant laws, regulations and administrative procedures. (II.28)

- The Philippines and the government of Indonesia drafted 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 Indonesia on Cooperation in preventing, Combating and Eradicating the Illicit Trade in Small Arms and Light Weapons, Ammunition, Parts and Accessories, Explosives and Explosive Ingredients" with the following forms of cooperation:
  a. The parties shall facilitate the exchange of visits of officials and experts from their competent agencies and relevant organizations;
b. The Parties shall improve the sharing of intelligence data and the development of investigative strategies to combat illegal small arms and light weapons, ammunitions, explosives and explosive ingredients organizations operating in the territories of the Parties, and shall cooperate on specific projects, without prejudice to the jurisdiction of the parties.

c. The Parties shall encourage the provision of the service of experts and exchange of personnel for training purposes in relevant fields including small arms and light weapons, ammunitions, explosives and explosive ingredients law enforcement training.

d. The Parties shall establish communication channels and procedures between their respective small arms and light weapons, ammunitions, explosives and explosive ingredients control authorities to facilitate coordination and cooperation with the objective of ensuring rapid responses and decisions.

e. The parties shall encourage appropriate language training for officers likely to be in contact with officers of other party.

f. The parties shall establish cooperation/or strengthening of national data base monitoring.

g. The parties shall establish measures to improve transparency in production, stockpiling, and transfer of small arms and light weapons, ammunitions, explosives and explosive ingredients; and,

h. The parties shall establish measures for collection and disposal of illicit weapons.

C.) Global level

1. International instruments against terrorism and crime

i) What existing international legal instruments against terrorism and transnational organized crime has your country ratified or acceded to? (II.38)

- RA 7610 (Special Protection of Children Against Abuse, Exploitation & Discrimination Act). An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, & for other purposes.


- RA 9165 – (Dangerous Drugs Act) An Act Instituting the Comprehensive Dangerous Drugs Act for 2002, repealing Republic Act No. 6425, otherwise known as the Dangerous Drugs Act of 1972, as Amended, providing funds therefore, and for other purposes.


• **Republic Act 8042 (Migrant Workers and Overseas Filipinos Act of 1995)**
  An act to institute the policies of overseas employment and establish a higher standard of protection and promotion of the welfare of migrant workers, their families and overseas Filipinos in distress, and for other purposes.

### 2. International cooperation and assistance

i) Please give details of any assistance, including technical and financial assistance, your country has provided for purposes of supporting the implementation of the measures to prevent, combat and eradicate the illicit trade in SALW in all its aspects as contained in the UN Programme of Action. (III.3, 6, 10, 14)
   - N/A

ii) Please describe any initiatives your country has undertaken to enhance mutual legal assistance and other forms of cooperation in order to assist investigations and prosecutions in relation to the illicit trade in SALW in all its aspects. (III.13)
   - Information exchange and international cooperation through INTERPOL NCB MANILA INITIATIVES maintained by the Philippine Center on Transnational Crime (PCTC) based in Camp Crame, Quezon City.

iii) Please give details of any assistance your country has provided to combat the illicit trade in SALW linked to drug trafficking, transnational organized crime and terrorism. (III.15)
   - Information exchange and international cooperation through INTERPOL NCB MANILA INITIATIVES maintained by the Philippine Center on Transnational Crime (PCTC) based in Camp Crame, Quezon City.

iv) Please give details of your country's cooperation with Interpol for the purpose of identifying those groups and individuals engaged in the illicit trade in SALW in all its aspects. (II.37)
   - The Interpol NCB-Manila Secretariat, maintained by the Philippine Center on Transnational Crime, supervises an improved and cutting-edge service and tool for international law enforcement, the I-24/7 system. It is a secured internet-based system used to send and transmit vital and classified information among its 119 member-countries connected to the network, 63 member countries still has to avail of this service. I-24/7 is accessible 24 hours, 7 days a week in all four languages – English, Spanish, Arabic and French. Interpol NCBs can access critical information in Interpol's database directly in seconds. This could be used relative to cases on illicit trade in SALW in all its aspect.

• **Interpol's system of International Notices.** International notices is a document used to help the worlds law enforcement community exchange information about missing persons, unidentified bodies, persons wanted for committing serious crimes, and criminal modus operandi which is a principal
tool for international police cooperation. This is also accessible via the new I-24/7.

v) Please give details of your country’s use and support of Interpol’s International Weapons and Explosives Tracking System database (including providing relevant information on the illicit trade in SALW). (III.9)
   - N/A

vi) Please give details of your country’s cooperation with the UN system to ensure the effective implementation of arms embargoes decided by the UN Security Council in accordance with the UN Charter. (II.32)

vii) Please describe any steps your country has taken in cooperation with other states, or regional or international organizations, to develop common understandings of the basic issues and the scope of the problems related to illicit brokering in SALW. (II.39)
   - N/A

3. Cooperation with civil society and NGOs

i) Please give details of cooperation with civil society and non-governmental organizations in activities related to the prevention, combat and eradication of the illicit trade in SALW in all its aspects, at the national, regional and global levels. (II.20, 40, 41; III.2, 18)
   - NATIONAL:
     - The Philippine National Police constantly solicits the support and active involvement of the community by conducting conferences through regional and provincial sorties with owners of private security agencies and companies guard forces, recognized gun clubs, dealers and manufacturers of firearms and explosives, businessmen and other civic and non-governmental organizations on matters relative to new or updated rules and regulations on firearms and explosives.
     - Utilization of the Tri-Media. Information campaigns done through periodic appearances at different television and radio programs with regards to firearms, explosives, firecrackers, pyrotechnic and related matters are being undertaken. Likewise, a publication of all the updated and related Laws, Rules and Regulations or the FED PNP manual on "Firearms and Explosives Laws, Rules and Regulations" is published regularly.
     - "BARANGAY (Locality) IMMERSION" Program of the Philippine National Police. During missions like this, updates on SALW are incorporated in all other matters being undertaken as part of the community relations service of the Philippine National Police.

   - REGIONAL AND GLOBAL:

     - The Philippine Government constantly participates in UN and Regional sponsored programs and conferences that is participated by civil society and non-governmental organizations in activities related to the prevention, combat and eradication of the illicit trade in SALW in all its aspects.
4. Information exchange

i) Please describe any steps taken by your country to exchange information on national marking systems on SALW. (III.12)
   - The Philippines participated at the First Substantive Session of the Open-Ended Working Group (OEWG) in July 2004. The event intended to present proposed elements of a draft instrument involving marking systems and cooperation among countries.

ii) Please give details of any information on, inter alia, SALW confiscated or destroyed within national jurisdiction, or other relevant information such as illicit trade routes and techniques of acquisition, that your country has submitted to relevant regional and international organizations. (II.23)
   - N/A

5. Training, capacity-building, research

i) Please describe any initiatives your country has undertaken to enhance cooperation and exchange of experience and training among competent officials, including customs, police, intelligence and arms control officials, at the national, regional and global levels in order to combat the illicit trade in SALW in all its aspects. (III.7)
   - A National Conference on Transnational Crime on February 7-8 2002 was held at Pasay City, Philippines attended by different agencies of the government and related NGOs. The conference drafted, submitted and lobbied laws that will criminalize firearms smuggling/trafficking. Attendees also developed an integrated and coordinated mechanism for an effective prosecution of traffickers.

ii) Please describe any regional and international programmes for specialist training on small arms stockpile management and security that your country has developed or supported. (III.8)
   - The Philippine Government constantly participates in UN and Regional sponsored technical trainings and programmes regarding stockpile management and security concerning SALW.
   - The Philippine Government also conducts inter-agency meetings which aim to discuss the current rules, regulations relevant to the commitments and responsibilities being advanced by the states under the UN POA to prevent combat, and eradicate the illicit trade in small arms and light weapons in all its aspects.
   - Conference/ workshop relevant to the implementation of the UN POA on SALW have been regularly scheduled.

iii) Please give details of any action-oriented research aimed at facilitating greater awareness and better understanding of the nature and scope of the problems associated with the illicit trade in SALW in all its aspects that your country has developed or supported. (III.18)
   - The Philippine Government designed a National Strategy to combat the proliferation of illicit trafficking in SALW. This strategy is anchored on the
following 5-point Agenda namely, 1) Storage Safety; 2) Law Enforcement/Legal Measures; 3) Information Exchange, Intensive Training, Public Awareness and Assistance Program; 4) Disposition and Accounting of CCSD Firearms and Transport of Arms/Weapons; and 5) Export/Import Control.