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 agency 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 (a8) 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 Department of Foreign Affairs (DFA) of the Philippines serves as the National Point of Contact and acts as liaison with other States.

   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 crimes.

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)

   - Production
   - Export
   - Import
   - Transit
   - Retransfer
<table>
<thead>
<tr>
<th>Area:</th>
<th>Law/Regulation/Decree</th>
<th>Date</th>
</tr>
</thead>
</table>
| PRODUCTION            | **(TITLE OF THE LAW)**  
Presidential Decree (PD) 1866, known as the Firearms Law of the Philippines as amended by the Republic Act (RA) 8294, increasing in the penalty for Firearms-related Crimes, entitled "Codifying the Laws on illegal/Unlawful Possession, Manufacture, Dealing in, Acquisition or Disposition of Firearms, Ammunition and Explosives or Instruments used in the Manufacture of Firearms, Ammunition or Explosives and Imposing Stiffer Penalties for Certain Violations Therefore and For Relevant Purposes".  
   
(SHORT DESCRIPTION)  
The purposes of Presidential Decree (PD) 1866 are to suppress crimes vitally affecting public order and safety due to the proliferation of illegally possessed and manufactured firearms, ammunition and explosives; to prevent criminal acts resulting to the loss of human lives, damage to property and destruction of valuable resources of the country; and, to penalize the illegal/unlawful possession, manufacture, dealing in, acquisition or disposition of firearms, ammunitions and explosives.  
PD 1866 as amended by Republic Act (RA) 8294, providing stiffer penalty for firearms-related crimes.  
   
PD 1866 was promulgated on June 29, 1983  
RA 8294 was approved in June 6, 1997 |                      |
| EXPORT IMPORT TRANSIT RETRANSFER | **(TITLE OF THE LAW)**  
1. Republic Act No. 1937, known as the "Tariff and Customs Code of the Philippines".  
   
(SHORT DESCRIPTION)  
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.  
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.  | Promulgated on June 11, 1978 |
Continuation of National Laws, Regulations and Decrees in the areas of Export, Import, Transit and Retransfer.

2. **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 of Unlicensed Armament, Firearms, and Military Equipage, Granting Benefits and Incentives and For Other Similar Purposes."

   **Issued on January 04, 1990**

   **SHORT DESCRIPTION**

   Pursuant to section 3 (9) of Republic Act No. 6826 which contains the "Special Powers of the President in Case of Emergency," 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.

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### Administrative Procedures

<table>
<thead>
<tr>
<th>Area</th>
<th>Administrative Procedures</th>
<th>In place since</th>
</tr>
</thead>
<tbody>
<tr>
<td>Production</td>
<td>(TITLE OF THE ADMINISTRATIVE PROCEDURE)</td>
<td></td>
</tr>
<tr>
<td>Export</td>
<td>1. The <em>Revised Administrative Code (RAC) of the Philippines on the Basic Firearms Law.</em></td>
<td>July 25, 1987</td>
</tr>
<tr>
<td>Import</td>
<td>(SHORT DESCRIPTION)</td>
<td></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. It penalizes the illegal and unlawful possession, manufacture, dealing in, acquisition or disposition of firearms, ammunition and explosives. Under Section 878 of RAC, 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. Under Section 2692 of RAC, any person who manufactures, deals in, acquires, disposes, or possesses, any firearm, parts of firearm, 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 877 to Sections 908, inclusive, of the RAC, as amended, shall, upon conviction, be punished by imprisonment and fine under the discretion of the court. Under Section 2690, it shall also be unlawful for any dealer of firearms or ammunition to sell or deliver any firearms or ammunition or any parts of a firearm to a purchaser or other person until such purchaser or other person shall have obtained the necessary license therefore.</td>
<td></td>
</tr>
</tbody>
</table>
## Continuation of Administrative Procedures in the areas of Production, Export, Import, Transit and Retransfer.

<table>
<thead>
<tr>
<th>(TITLE OF THE LAW)</th>
<th>Promulgated on September 11, 1990</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Circular Number 02 known as the &quot;Annual Verification of Firearms&quot;.</td>
<td></td>
</tr>
</tbody>
</table>

### (SHORT DESCRIPTION)

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. The purposes of this Circular is to determine the actual existence of firearms; to find out if the licensee is still qualified to purposes the firearm is issued; and to find out if the firearms holder is up-to-date in the payment of his firearms license fees. Failure of a firearm licensee to present his firearms for annual verification shall be considered breach of the condition for issuance of the license and shall be deemed sufficient ground for the cancellation of the firearms license and confiscation of the firearm.

<table>
<thead>
<tr>
<th>(TITLE OF THE LAW)</th>
<th>Promulgated on December 27, 1994</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Resolution Number 2735 the &quot;Gun Ban Policy During Election Period&quot;.</td>
<td></td>
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</tbody>
</table>

### (SHORT DESCRIPTION)

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 on Elections. The issuance of firearms licenses shall be suspended during the election period.

<table>
<thead>
<tr>
<th>(TITLE OF THE LAW)</th>
<th>Promulgated on November 7, 1986</th>
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<tbody>
<tr>
<td>4. Memorandum order Number 47. prescribes the uniform procedure on the disposition of firearms, part of firearms, ammunition, instrument used in the manufacture thereof.</td>
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</tbody>
</table>

### (SHORT DESCRIPTION)

This establishes 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 the and belonging to the Armed Forces of the Philippines.
Continuation of Administrative Procedures in the areas of Production, Export, Import, Transit and Retransfer.

<table>
<thead>
<tr>
<th>TITLE OF THE LAW</th>
<th>Issued on</th>
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<tbody>
<tr>
<td><strong>SHORy DESCRIPTION</strong></td>
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<tr>
<td>This effectively controls and monitors the transport of firearms and ammunition by club members and to determine if such gun club and club members are following the rules and regulations under the PNP Circular. Failure by the gun clubs to comply with the requirements of the Circular shall constitute sufficient ground for the withdrawal for the recognition of their gun clubs granted by the Chief, PNP.</td>
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<table>
<thead>
<tr>
<th>TITLE OF THE LAW</th>
<th>Promulgated on</th>
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<tbody>
<tr>
<td><strong>SHORT DESCRIPTION</strong></td>
<td></td>
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<tr>
<td>This is in consonance to the Proclamation Number 1081, dated September 21, 1972. In order to restore the tranquility and stability of the nation and secure the people from violence, injuries and loss of lives in the quickest possible manner and time, it is necessary to prohibit the inhabitants of the country from keeping any firearms without permit duly and legally issued for that purpose as well as to prohibit the carrying of such firearms outside the residence of the duly licensed holder thereof.</td>
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<thead>
<tr>
<th>TITLE OF THE LAW</th>
<th>Issued on</th>
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<tbody>
<tr>
<td><strong>SHORT DESCRIPTION</strong></td>
<td></td>
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<tr>
<td>This Circular will reduce the volume and the processing time of the request for new applications and renewal for Licenses to Operate Dealership, Licenses to Manufacture, and Licenses to Repair and Licenses of Indentor in firearms and ammunition, spare parts and accessories and related matters. This will also reduce paper works of such nature requiring the signature of the Chief Philippine National Police.</td>
<td></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)

- The implementation of the Executive Order No. 171, otherwise known as the Firearms Amnesty Program, covers the granting of 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

- The implementation of the 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.

- 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.

- The reported existence of illegal local/backyard manufacturers of firearms 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 PNF 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 existing regulations.

- The Bureau of Customs is the primary agency that addresses 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 (NLECC). Each member agency passes information to other agencies and identifies and entraps 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 conducted 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 movement and transport of their firearms from one facility to other warehouses.

- Losses During Legitimate Police and Military Operations can be negated by professionalizing the police and the military. Regular training, information and education of personnel is conducted to provide them the knowledge and skills on how to prolong the serviceability of firearms. Proper reporting of lost firearms as well as recovered firearms from the enemy is also mandated by Executive Order 122 dated September, 1994. The proper accounting of all government firearms therefore is a continuing activity for future audit and inventory.
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 regard 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)

<table>
<thead>
<tr>
<th>National Criminal Measures Relating to Ilicit SALW</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Area:</strong> Manufacture Possession Stockpiling Trade</td>
</tr>
<tr>
<td>(TITLE OF THE LAW)</td>
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<td></td>
</tr>
</tbody>
</table>
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)

The Philippines is intensifying the campaign against the illegal manufacture, trade, stockpiling, transfer, possession, as well as financing for acquisition, of illicit SALW.

Local gun manufacturers are concentrated in the island of Cebu, Philippines particularly in Danao City, Mandaue City and other neighboring towns. Presently there are only two (2) local manufacturers authorized by the government to produce assorted firearms based on their manufacturer's license issued by the PNP Chief. However, there are unregistered local gun manufacturers who illegally manufacture "patik" firearms in clandestine backyard or cottage industries manned by family members purposely 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.

The decentralization of processing of license applications at the regional level may encourage illegitimate "patik" manufacturers to come out in the open and abide with the regulations. 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)

| National measures for the enforcement of UN Security Council arms embargoes |
|--------------------------|------------------|
| Enforcement of UN arms embargoes | Legal and Administrative |
| The Philippine government abides with the United Nations Security Council on arms embargo in accordance with the United Nations Charter. The Philippines' existing policies and regulations pertaining to firearms are all based on Presidential Decree No. 1866 as amended by Republic Act No. 8294. |

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)

| National Standards and Procedures for stockpile management and security |
|--------------------------|------------------|
| Group: | Standards/procedures |
| Armed Forces, Police and other authorized bodies | (Name of procedure and briefly describe) |
| | - The FED PNP is the sole repository of all imported and locally manufactured firearms and ammunition. All firearms that are being deposited at the Storage Branch of the FED PNP are required for ballistics. The Storage Branch of the FED PNP is mandated to inspect all firearms, firearm accessories, spare parts and |
ammunition both purchased abroad and locally manufactured before storing them at their respective 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. Stockpiled and safeguarded are commercial firearms, evidence firearms and CCSDs. Its storage is inside the PNP National Headquarters, Camp Crame, Quezon City and as such well guarded and protected.

- 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 all recorded at the FIMS.
- In addition, a Memorandum issued on January 15, 1986, states strict guidelines to attain maximum security within the storage.

The guidelines are:

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,

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 pursuant to Memorandum 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)

- The Firearms Information Management System (FIMS) of the FED PNP contains all records of firearms and firearms possessor and can be easily traced and updated. This includes the firearms owned by the Armed Forces of the Philippines, the Philippine National Police and other authorized bodies.

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)

- Confiscated, captured and deposited (CCSD) firearms and ammunition are 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. Said firearms are stored at the FED Storage inside Camp Crame. Destruction and disposal of CCSDs are usually done inside camp.

- The Philippine National Police (PNP) Circular No 5 Series of 2005 dated Dec 10, 2005, prescribes the policies and procedures in reporting, turn-in and disposition of CCSD firearms, explosives and ammunition. With this, the national law enforcement agency has adopted "smelting" as the mode of final disposition of SALW.

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 CCSD firearms and ammunition are disposed of in accordance with the Philippine National Police Directorate for Logistics Circular Nr. 14 dated 25 May 1993. The
PNP only destroys those unserviceable and obsolete, confiscated, captured, surrendered and deposited (CCSD) firearms. Serviceable firearms are being re-issued to the personnel of the Philippine National Police and the Armed Forces of the Philippines pursuant to Section 896 of the Revised Administrative Code (RAC) of the Philippines 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)

- N/A

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)

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 Section 602 (f), it states 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". As to exportation of SALW, it is based on current laws and regulations prescribed above.

The Philippine government controls the volume of firearms being produced by legal arms 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 on the following procedures:

The dealer concerned writes a letter to the Chief Philippine National Police upon recommendation of the Firearms and Explosives Division (FED), Philippine National Police (PNP) requesting for the issuance of Import Authority with the attachments of: license to operate; importation for the past 12 months; end-users certification; and, purchase order.

The country of origin or the source country will release the export authority and the firearms to the recipient country. 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 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 or Postmaster, and who shall deposit the articles with the FED PNP Storage. The articles shall remain deposited at the FED PNP until
the corresponding license or permit shall have been issued following all the rules and regulations of the Administrative Code on the Basic Firearms Law.

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)

<table>
<thead>
<tr>
<th>National laws, regulations and administrative procedures used to ensure effective control over SALW export and transit</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Area:</strong></td>
</tr>
<tr>
<td>Export</td>
</tr>
<tr>
<td>Transit</td>
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</tbody>
</table>

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 under Section 108, 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.

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.

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. the Philippines has no legislation specifically on arms brokering.
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 although does not, as yet, have a particular law on the marking of firearms, it has a comprehensive and accurate records on the manufacture and holding of SALW under the provision of Executive Order 122 dated September 13, 1993, which provides for the surrendering and licensing of loose firearms and establishment of records unit for all firearms. In a Memorandum issued on August 15, 1997 by the Firearms and Explosives Division of the Philippine National Police (FED PNP) on "Firearms Description", it requires firearm manufacturers to mark their products showing therein their distinctive or unique marks, the firearms model and serial numbers in at least three main parts of the firearms – the receiver, the barrel and the slide. Buyers of these firearms are required to secure from our police authorities the appropriate license, which duly indicates the firearms type, make, caliber and serial numbers.

- Also, Presidential Decree 1866, as amended by Republic Act 8249, and its Implementing Rules and Regulations 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 firearms descriptions are shown in the license and unlawful alteration of this nature is pre-empted and detected. Further, firearms data are all recorded in the Firearms Information Management System (FIMS) of FED, PNP.

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 of 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 (PD) 1866 and its Implementing Rules and Regulations and Executive Order 122. Records are kept and remains 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 the Firearms Amnesty Program, the Firearms Ballistics Information System (FBIS) is implemented by the FED PNP. 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 database 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.

At present, all records of firearms and firearms holders are encoded in Firearms Information management: System (FIMS) and can be easily traced and updated. Applicants for new Firearms License are required to complete a list of mandatory requirements and give information for encoding in the FIMS.

Furthermore, the National Law Enforcement Executive Committee (NALECC), an inter-agency which collates information to investigate and entrap smugglers was created. It also directs that each Law Enforcement Coordinating Committee at all levels shall meet at least once a month to discuss, monitor and assess the law enforcement programs of the government. It has now 41 member agencies to better cope up with the growing demands of law enforcement.

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 the Association of Southeast Asian National Police (ASEANAPOL) and the INTERPOL NCB MANILA which is under the Philippine Center on Transnational Crime (PCTC) based in Camp Crame, Quezon City.

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 implemented the 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."

The Executive Order No. 107 was also 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.

The Executive Order No. 171, otherwise known as the Firearms Amnesty Program was also implemented, which 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 (PNP) for registration and licensing.

The Philippine government through the Philippine National Police and the Armed Forces of the Philippines also embarked on various initiatives on disarmament and demobilization. These include the following:
• OPLAN (Operation Plan) “PAGLALANSAG” (Disband) aims to disband 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 “BAKAL” (STEEL) and OPLAN “KAPKAP” (FRISK) is vigorously enforced which is the surprise on the spot checking of loose firearms in the possession of persons who are in public places.

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

• “BALIK BARIIL” (Return Gun) BUY-BACK PROGRAM of the government addresses the issues on firearms surrendered by rebel returnees and other tactical operations against active rebel groups. It is a scheme of organised disarmament with the goal of small arms reduction in circulation, wherein compensation is given to rebels for turning in their weapons and return to the folds of the law. “BARIIL” (GUN) is the acronym of “Bring A Rifle Improve your Livelihood.”

• GUN BAN POLICY is promulgated under the Omnibus Election Code which enforces the gun ban during election period, be it local or national elections. The President ordered an indefinite suspension tantamount to technical revocation o° all “Permit To Carry of Firearms Outside Residence” (PTCFOR) in a bid to curb criminality.

• The conduct of CCWs (CHECKPOINTS, CHOKE POINTS and WALK-THE-BEAT PATROLS). The CCW are measures undertaken 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 “rebel-returnees” and their families to the mainstream society. The Amnesty for “Rebel-Returnee” Program is a program of the Philippine government to encourage the rebels to return to the fold of the law. The “Rebel-Returnee” is then 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)

• The Philippines is one of the signatories in the UN sponsored conference on the prevention of illicit trade in small arms in which the main concern is the control of its proliferation and as such will always cooperate with the international community on this cause.
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, companies and 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.

- The Philippine Government adheres to the policy of promoting the peaceful settlement of disputes with the local/domestic threat groups, specifically through the peace process.

- "Barangay (Locality) Immersion" Program of the Philippine National Police and Armed Forces of the Philippines. Updates on SALW are incorporated in all other matters being undertaken as part of community relations service.

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)

- Through the utilization of the Tri-Media, information campaigns are 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.

**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.

- The Philippines has been supportive to the salient provisions of the Protocol against IIllicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Crime.

- The Philippines adopted 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 Government of the Philippines has ratified the convention on the marking of plastic explosives for the purpose of identification (Montreal Convention 1991). (Signed in Montreal on March 1, 1991).

• The Philippines is yet to ratify the Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and other Related Materials Supplementary to the United Nations Convention Against Transnational Crime, but it has already crafted its positions on relevant provisions of the said international instrument.

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 drafted 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)

• In realization of the need to address modern manifestations of transnational crimes in the region, Southeast Asian (SEA) countries entered into a multi-lateral "Agreement on Information Exchange and Establishment of Communication Procedures" that crucial information on TNCs.

• The Philippines and Canada sponsored the Regional Seminar Implementing the United Nations Programme of Action on Small Arms and Light Weapons (SALW) held on July 9-10, 2002. The principles and recommendations that emanated from this important seminar merit attention. It was 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 a commitment to international law and the principles and purpose enshrined 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 the 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 to the Regional seminar held in Bali, Indonesia on February 10-11, 2003 entitled "Implementation of the Programme of Action Adopted in the United Nations Conference on the Illicit Trade of SALW in all its Aspects: The Asia Pacific Perspective". 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. Firm commitments to the full implementation of the UNPoA were also reiterated during this conference.

- In July 2003, the Philippine government also participated in the ASEAN Workshop/Seminar on Arms Smuggling held 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 (SALW) 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 (SALW), 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, ammunition, 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)

- Protocol for the Suppression for the suppression of unlawful acts of violence at airports serving international civil aviation. (Done at Montreal on 23 September 1971)
- Convention for the suppression of unlawful acts against the safety of maritime navigation. (Signed in Rome, 10 March 1988)
- Protocol for the suppression of unlawful acts against the safety of fixed platforms located on the continental shelf. (Signed at Rome on 10 March 1988)
- International Convention for the suppression of terrorist bombings. (Signed at New York on 12 January 1999)

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)

- As part of international and regional cooperation, the Philippine government in accordance with its existing national legislation is always ready to extend all forms of assistance to any foreign country in order to assist investigations and prosecutions in relation to the illicit trade in SALW in all its aspects.

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)
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 (PCTC) based in Camp Crame, Quezon City and various multi-lateral agreements between countries.

- The Interpol NCB-Manila Secretariat also maintained the 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)

- The Philippines is exploring the possibility of utilizing Interpol’s International Weapons and Explosives Tracking System database.

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 Government continuously coordinates with non-government organizations in the formulation of rules and regulations affecting the firearms industry like the Association of Firearms Dealers of the Philippines (AFAD), Philippine Action Network on Small Arms (PHILANS), the Association of Firearms Manufacturers of the Philippines (AFAM) and a number of licensed multi-purpose cooperatives.
REGIONAL AND GLOBAL:
• The Philippine Government constantly participates in UN and Regional sponsored programs and conferences that is participated in 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

• In preparation for the first formal review Conference (RevCon) of the UN PoA in June/July 2006, the Philippines attended the Preparatory Committee Meeting (PrepCom) at the UN Headquarters in New York last January 9-20, 2006.

• The Philippines also attended the UN sponsored Asian Conference in Thailand this April relevant to the scheduled Review Conference in June-July 2006.

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.

• PD 1866, as amended by RA 8294, and its Implementing Rules and Regulations 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) 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)

• Internationally and regionally, the Philippines actively participated on many occasions in to curb the problem about the illicit trade in small arms and light weapons. Among others are, the Conference on Small Arms and Light Weapons on January 14-15, 2003 held at the Lancaster House in London; the UN Program of Action on Small Arms and Light Weapons in July 2002 in Manila; the 8th International Seminar on Illicit Firearms Manufacturing and Trafficking in June 2002 and the Seminar on Firearms and Gun Tracing in October 2003 in Japan.

• 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 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)
   • N/A

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 codenamed SLIDE, 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.