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NEW LEGISLATION

5 THINGS PEOPLE SHOULD KNOW ABOUT THE NEW FIREARMS LAW

President Benigno Aquino recently signed into law Republic Act No. 10591 or the Comprehensive Firearms and Ammunitions Regulation Act (CFARA). Congress ostensibly passed the CFARA to maintain peace and order and protect the people from violence while recognizing the right of qualified Filipinos to self-defense with the use of firearms. The law provides for stricter qualifications and requirements on securing a gun license and stiffer penalties for those adjudged to be in violation of the law relating to illegal possession of firearms. Among the important features of CFARA are:

1.   A license to own a firearm may be issued to a Filipino citizen who is at least 21 years old and has gainful work, occupation, or business or has filed an income tax return (ITR) for the preceding year as proof of income or business. A firearm license applicant must also be certified to have (a) no prior conviction of any crime involving moral turpitude; (b) passed a psychiatric test administered by a Philippine National Police (PNP)-accredited psychiatrist or psychologist; (c) passed a drug test conducted by an accredited drug testing laboratory or clinic; (d) undergone a gun safety seminar conducted by the PNP or any accredited gun club; (e) filed a written application to possess a registered firearm stating personal circumstances; (f) secured a police clearance; (g) no prior conviction or pending criminal case for a crime punishable with a penalty of more than two years; (h) paid the reasonable licensing fees; and (i) a duty detail order, if the firearm is owned by a juridical entity.

2.   The approval of the license of gun ownership or possession does not automatically mean that the licensee can carry it outside his home. A permit to carry may be issued by the PNP to any qualified person whose lives may be in imminent danger due to the nature of their profession, occupation or business. CFARA enumerates the following professionals falling in this category: (a) members of the Philippine Bar; (b) Certified Public Accountants; (c) accredited media practitioners; (d) cashiers and bank tellers; (e) priests, ministers, rabbi, imams; (f) physicians and nurses; (g) engineers; and (h) businessmen who are potential targets of criminal elements.

3.   Only small arms such as handguns, rifles and shotguns may be registered for ownership, possession and concealed carry. Heavier firearms classified as light weapons by the law shall be lawfully acquired or possessed exclusively by the Armed Forces of the Philippines, the PNP and other law enforcement agencies authorized by the President in the performance of their duties.

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4. Different types of licenses depending on the number of firearms and ammunition that the applicant intends to possess or own may be issued. However, all of these types of firearms are required to be maintained in a vault or any other security measure for safekeeping. All types of licenses to possess a firearm shall be renewed every two (2) years. The registration of the firearm shall be renewed every four (4) years.

5. CFARA imposed stiffer penalties on violators compared to Presidential Decree No. 1866, the old firearms law promulgated during the Marcos administration. For example, the penalty for illegal possession of firearm is increased from imprisonment of up to six (6) years to twelve (12) years. Moreover, the penalty for any person who is licensed to own a firearm but who shall carry the registered firearm outside his/her residence without authority had been increased from imprisonment of up to six (6) months to six (6) years.

The Chief of the PNP had been directed to come up with the implementing rules and regulations of the CFARA within 120 days from effectivity of the new law. *LF©June 11, 2013*