



**Association of Firearms  
and Ammunition Dealers  
of the Philippines, Inc.**

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**PHILIPPINE NATIONAL POLICE**

Camp Crame, Quezon City  
Metro Manila

Attn. : The IRR Technical Working Group  
Republic Act No. 10591

Dear Sirs:

Pursuant to your directive during the 15 August 2013 public hearing/consultative meeting on the crafting of the Implementing Rules and Regulations of R.A. 10591, we are pleased to submit our comments/suggestions on the initial draft presented to us:

1. Section 4(b), Article II of R.A. 10591 requires, among others, that an applicant must pass the psychiatric test administered by a PNP-accredited psychologist or psychiatrist before he can be issued a license to own and possess firearms.

"(b) the applicant has passed the psychiatric test administered by a ***PNP-accredited psychologist or psychiatrist***." (Italics supplied, Section 4(b), *ibid.*)

In the draft IRR, however, the psychiatric testing has been exclusively limited to the PNP Health Service to the exclusion of all other psychologists and psychiatrists.

"b) Neuro-psychiatric clearance issued by the PNP Health Service." (Draft IRR, Rule II, Section 4.2.b).

It is therefore recommended that the immediately preceding quoted section of the IRR be changed to conform with the above quoted provision of R.A. 10591 by allowing the submission and acceptance of a neuro-psychiatric clearance issued by a PNP-accredited psychologist or psychiatrist. Furthermore, it is also recommended that the criteria and procedure for the accreditation of psychologists and psychiatrists be already enacted.

2. During the open forum of the consultative meeting, it was mentioned by the PNP that it intends to limit the conduct of drug testing of license applicants to the PNP Crime Laboratory. This cannot be done because Section 4(c), Article II of R.A. 10591 clearly states that the drug test for purposes of license application will be conducted by an accredited and authorized drug testing laboratory or clinic.

"(c) the applicant has passed the drug test conducted by an **accredited and authorized drug testing laboratory or clinic**." (Section 4(c), Article II, *ibid.*, underscoring supplied.)

3. Section 11 of the Draft IRR requires the submission of an "Insurance Bond for firearms" before a firearm could be registered.

Republic Act 10591 does not impose upon a licensed citizen or juridical entity to post a bond before his/her/its firearm could be registered. The pertinent provision of the said Act is quoted hereunder:

"Sec. 10. ***Firearms That May Be Registered.***- Only small arms may be registered by licensed citizens or licensed juridical entities for ownership, possession and concealed carry. xxx ."

"Sec. 11. ***Registration of Firearms.*** - The licensed citizen or licensed juridical entity shall register his/her/its firearms so purchased with the FEO in accordance with the type of license such licensed citizen or juridical entity possesses. A certificate of registration of the firearm shall be issued upon payment of **reasonable fees**. (Underscoring supplied.)

The above-quoted provisions are clear that what should be imposed and/or collected are only "reasonable fees". To add an insurance bond as a pre-requisite to the registration of firearms would be adding something not found in the law. More, it might constitute an illegal exaction which is legally proscribed and prohibited. Besides, the conditions upon which the "insurance bond" is being issued is unclear and not specified for the licensed citizens and entities to know its nature and what it is for.

4. Section 15.7 of the Draft IRR gives a two-year moratorium from its effectivity for the manufacturers and dealers to serialize the barrel, frame or receiver intended for local sales and distribution. This was interpreted to mean, during the various meetings of the Technical Working Group, that even a completely assembled firearm needs to have a serial number on both the frame and the barrel.

The law is silent on the matter of serial numbers -- much more so on which major part it should be stamped. The matter of stamping a serial number on a firearm is, however, necessary for firearms identification and monitoring by the regulatory body.

Considering the void in the law, the following procedure and/or regulation on serial number stamping is recommended to be adopted:

A. On **completely assembled** firearm locally manufactured or imported by dealers, the stamping may be done on either one of the major parts of the firearm (i.e. frame or barrel).

This proposition is anchored on the fact that all **completely assembled firearms** which are sold and distributed to the local market undergoes ballistic testing by the PNP Crime Laboratory which identifies and records the characteristics of each and every barrel installed in a particular licensed firearm. More, it could not have been the intention of the crafters of R.A. 10591 to require all of the 1.5 million or so licensed firearms (a good 90% of which probably have no serial numbers on the barrels) to be stamped with a serial number on their barrels.

B. On major parts (barrel, frame or receiver) locally manufactured or imported by dealers for purposes of sale and distribution to the local market as **spare or replacement parts**, serial numbers must be stamped.

The foregoing position/recommendation is submitted to be more in keeping with the intent and spirit of R.A. 10591 and a substantial compliance thereof.

5. Sections 16.7 and 16.8, Rule II of the Draft IRR on the export permit of firearms may have erroneously referred to the applicant as "Authorized firearms dealer" instead of an "Authorized firearms manufacturer". The appropriate correction is therefore requested.

6. Reference is made to Section 16.8.2 of the Draft IRR where the export permit for pistols sent abroad by local manufacturers for test and evaluation, trade exhibits or for samples will now be approved by the Chief, PNP.

Currently, the approval for this type of an export permit is at the level of the Director of the CSG pursuant to Section 7 of PNP Circular No. 10. It is recommended that the same procedure be adopted and maintained.

7. The provisions of the IRR on the standard requirements for Ownership and Possession of Firearms, in particular Sections 4.2, 4.7 and 4.8, all added the provision "Other documents that the PNP may require".

The list of requirements which a license applicant has to submit has already been enumerated in the pertinent provisions of Article II of R.A. 10591 and nowhere in the said law was the PNP authorized to add any other documents aside from those that were enumerated.

It is therefore recommended that the said provision in the sections earlier mentioned be deleted.

Trusting that these matters, concerns and recommendations be given due consideration.

Submitted and prepared by:

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Noted by:

JETHRO DIONISIO  
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