

### Title:

Francisco I. Chavez vs. Executive Secretary Alberto G. Romulo, et al. (Guidelines on Firearms Ban)

### Facts:

In January 2003, Philippine President Gloria Macapagal-Arroyo, in a speech to the Philippine National Police (PNP), emphasized the need for a nationwide firearms ban in public places to prevent rising crime incidents. She directed PNP Chief, Hermogenes E. Ebdane, Jr., to suspend the issuance of Permits to Carry Firearms Outside of Residence (PTCFOR). Ebdane issued the "Guidelines in the Implementation of the Ban on the Carrying of Firearms Outside of Residence" on January 31, 2003.

Petitioner Francisco I. Chavez, a licensed gun owner whose PTCFOR was issued, challenged the Guidelines through a petition for prohibition and injunction after his request for reconsideration was denied by the Department of Interior and Local Government (DILG). Chavez argued that the President and PNP Chief lacked authority to effect such bans through a speech, among other points.

### Issues:

1. Whether the PNP Chief is authorized to issue Guidelines on firearms ban.
2. Whether the right to bear arms is constitutionally protected.
3. Whether the revocation of PTCFORs under the Guidelines violates the right to property.
4. Whether the Guidelines' issuance constitutes a valid exercise of police power.
5. Whether the Guidelines constitute an ex post facto law.

### Court's Decision:

1. **Authority of the PNP Chief:** The Supreme Court held that both Presidential Decree No. 1866 and Republic Act No. 6975 authorize the PNP Chief to issue such guidelines. The revocation of all existing PTCFORs was within the PNP Chief's delegated licensing power.
2. **Right to Bear Arms:** The Court found that the right to bear arms in the Philippines is a statutory privilege, not a constitutional right. It is subject to the State's regulation, reinforcing that possession of firearms by Philippine citizens is an exception rather than the rule.
3. **Right to Property:** The Court stated that a PTCFOR does not constitute a property right protected under the Constitution. It can be revoked at any time and does not confer an absolute right.
4. **Exercise of Police Power:** The issuance of the Guidelines was held to be a valid

exercise of police power aimed at ensuring peace and order, sufficiently serving public interest without being unduly oppressive.

5. **Ex Post Facto Law:** The Court determined that the Guidelines do not constitute an ex post facto law as they are prospective in application and do not penalize actions retroactively.

### ### Doctrine:

The right to bear arms is not absolute but subject to State regulation. The PNP Chief is empowered to issue guidelines on firearms, reflecting a valid exercise of police power. A Permit to Carry Firearms Outside of Residence (PTCFOR) does not establish a constitutionally protected property right.

### ### Class Notes:

- The right to bear arms is a statutory privilege, not a constitutional guarantee.
- Police power allows the State to enact regulations for public health, safety, and welfare.
- A licensing authority has broad discretion, including the revocation of permits/licenses.
- Ex post facto laws penalize actions retroactively, which was not applicable in this case.

### ### Historical Background:

The case occurred during the administration of President Gloria Macapagal-Arroyo, highlighting the government's response to rising crime rates through stricter firearm regulation. The directive and subsequent issuance of the Guidelines reflect an exercise of police power focused on safeguarding public safety and order.