

EXEMPTION OF PHILIPPINE GOVERNMENT AGENCIES WITH LAW ENFORCEMENT FUNCTIONS FROM THE PAYMENT OF GUN HANDLING FEES CHARGED BY DOMESTIC CARRIERS

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WHEREAS, Section. 10 (A) of Republic Act No. 776 (RA 776) states that the Civil Aeronautics Board shall have the power to regulate the economic aspect of air transportation, and shall have the general supervision and regulation of, the jurisdiction and control over, air carriers, general sales agents, cargo sales agents, and airfreight forwarders as well as their property, property rights, equipment, facilities, and franchise, in so far as may be necessary for the purpose of carrying out the provisions of the law;

WHEREAS, Section 10 (B) of RA 776 states that the Civil Aeronautics Board (CAB) may perform such acts, conduct such investigations, issue and amend such orders, and make and amend such general and special rules, regulations, and procedures as it shall likewise deem necessary;

WHEREAS, Section 10 (C) paragraph (2) states that the CAB has the power to fix and determine reasonable individual joint or special rates, charges or fares, which an air carrier may demand, collect or receive for any service in connection with air commerce;

WHEREAS, the Board takes cognizance of the applications made by several Philippine government agencies with law enforcement functions requesting for exemption to pay the pre-approved Gun Handling Fee charged by domestic airlines to their passengers who travel with short or long firearms and/or other security items;

WHEREAS, the following Philippine government agencies are given law enforcement functions by law: Presidential Security Group (PSG); Philippine Drug Enforcement Agency (PDEA); Philippine National Police (PNP); Bureau of Jail Management and Penology (BJMP); Bureau of Fire Protection (BFP); National Bureau of Investigation (NBI); Bureau of Immigration - Law Enforcement Division (BI-LED); Philippine Ports Authority - Port Police Department (PPAPPD); Land Transportation Office - Law Enforcement Service (LTO-LES); Bureau of Internal Revenue (BIR); BIR-Collection Enforcement Division (CED); BIR-Enforcement Service (ES); BIR Large Taxpayers Collection and Enforcement Division (LTCED); Bureau of Customs - Enforcement Group (BOC-EG); Department of Trade and Industry - Consumer Welfare and Trade Regulation Group (DTI-CWTRG); Department of Environment and Natural Resources - Law Enforcement and Licenses Division (DENR-LELD), and other Philippine government agencies which are allowed by law to secure the use of firearms and/or security items to enforce their functions;

WHEREAS, the Board takes cognizance that an exemption to pay gun handling fees in favor of above agencies, and for the protection of the law enforcement agents in official missions, is reasonable as such use of firearms and/or security items is necessary for the performance of those functions mandated by law. Pursuant thereto, the Board has previously granted exemptions from the payment of Gun Handling Fee to the PNP, PDEA and BFAR, subject to certain restrictions under CAB Resolution No. 31 (2011), Resolution No. 01 (2012), and Resolution. No. 99 (2012) respectively;

WHEREAS, the approval of the imposition of the Gun Handling Fee is premised on the extra cost and training of

airline personnel handling the security items, and also the risk of loss, either by pilferage or aircraft accident, misdelivery, or accidental discharge that causes injury or death;

WHEREAS, security items such as firearms undergo the following check-in process: the AVSEGROUP receives, documents (i.e. inventory of bullets, magazine clips, identification of serial numbers, license numbers), and releases the firearm upon arrival at the point of destination. An airline security guard merely receives the item for storage in an undisclosed area of the aircraft;

NOW, THEREFORE, premises considered, the Board RESOLVED, as it hereby RESOLVES, to GRANT Presidential Security Group (PSG); Philippine Drug Enforcement Agency (PDEA), Philippine National Police (PNP); Bureau of Jail Management and Penology (BJMP); Bureau of Fire Protection (BFP); National Bureau of Investigation (NBI); Bureau of Immigration - Law Enforcement Division (BI-LED); Philippine Ports Authority - Port Police Department (PPAPPD); Land Transportation Office - Law Enforcement Service (LTO-LES); Bureau of Internal Revenue (BIR); BIR-Collection Enforcement Division (CED); BIR-Enforcement Service (ES); BIR Large Taxpayers Collection and Enforcement Division (LTCED); Bureau of Customs - Enforcement Group (BOC-EG); Department of Trade and Industry - Consumer Welfare and Trade Regulation Group (DTI-CWTRG); Department of Environment and Natural Resources - Law Enforcement and Licenses Division (DENR-LELD), exemption in the payment of gun handling fees which shall only be applicable for one short or one long firearm, never both in one flight, following the previous position taken by the Board on similar requests, and only in the performance of official functions. The grant of exemption shall be subject to the presentation of authenticated documents namely: (1) Office Identification Card; (2) Firearm License; (3) Letter Order/Mission Order issued by the appropriate authority and containing therein the authorization to bring the subject firearm for enforcement purposes; and (4) acknowledgment receipt of the equipment (ARE).

The Board RESOLVED, further, that the said exemption from the payment of gun handling fees shall not affect all other pre-approved optional or mandatory fees which may be charged in relation to the deposit of firearms and/or other security items, such as reasonable insurance premium to cover the risk of loss, misdelivery or injury from an accidental discharge of the firearm.

WHEREAS, the Board RESOLVED, still further that in order to prevent abuse of the exemption herein granted, the same shall apply only if the air travel is in the performance of official functions, and upon presentation of authenticated documents such as Office Identification Cards, Firearm License, Authorization from the Philippine government agency in the form of Mission Orders, and Acknowledgement Receipt of Equipment (ARE); The Board RESOLVED, finally, that these rules shall take effect fifteen (15) days after its publication in a newspaper of general circulation. Three (3) certified copies of these rules shall be deposited with the University of the Philippines Law Center in compliance with the provisions of the Administrative Code of 1987.

Adopted: 31 January 2013

Pasay City, Philippines.

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