

PROVIDING FOR THE DISPOSITION OF CASES INVOLVING SIMPLE ILLEGAL POSSESSION OF FIREARM, AMMUNITION, OR EXPLOSIVE, THE SURRENDER OF SUCH CONTRABAND UNDER CERTAIN GUARANTEES AND CO...

PRESIDENTIAL DECREE NO. 1745, November 20, 1980

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WHEREAS, numerous cases of simple illegal possession of firearm, ammunition or explosive either are under investigation, or have been filed in court, or have resulted in conviction and sentence;

WHEREAS, reports from the law enforcement agencies further reveal that there are still a big number of loose or unlicensed firearms, ammunition or explosives in the possession of individuals a majority of whom, not having used such contraband for the commission of any other offense or offenses, may be desirous of surrendering the same but are prevented from doing so for fear of being punished in accordance with current laws;

WHEREAS, in order to give the aforementioned holders of loose or unlicensed firearms, ammunition or explosives the opportunity to dispose of the same without incurring criminal liability, it is necessary to adopt a liberal scheme for the purpose;

NOW, THEREFORE, 1, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree the following:

SECTION 1. Grant of Amnesty.— Amnesty is hereby decreed in favor of any person who, on or before the date of effectivity of this Decree, has been under arrest and/or investigation for, charged with, or convicted of, simple illegal possession of firearm, ammunition, or explosive, provided that he shall apply therefor in writing to the proper authorities within three (3) months from such date of effectivity. For purposes of this Decree, illegal possession of firearm, ammunition or explosive shall be deemed simple if no other, offense is committed with the use of such firearm, ammunition or explosive.

SEC. 2. Persons Disqualified from Amnesty. —The following are disqualified from amnesty under this Decree:

- a. Promoters, maintainers, heads or members of rebellious, seditious or subversive organizations or associations;
- b. Those who have been arrested, charged with and/or convicted of illegal possession of firearm, ammunition or explosive, with resultant offense or offenses.

SEC. 3. Surrender of Firearms, Ammunition, Explosives.— All laws, rules and regulations to the contrary notwithstanding, any person not otherwise disqualified under Section 2a hereof, who possesses any firearm, ammunition or explosive without any license or permit as prescribed by law may, without incurring any criminal liability therefor, surrender the same to the proper authorities within a period of three (3) months from the date of effectivity of this Decree: Provided, however, That the foregoing provision shall not be construed as barring the prosecution of any person for illegal possession of firearms, ammunition, or explosives, as the case may be, in violation of current laws, if he, within the above-mentioned period of three (3) months:

- a. Carries outside of his residence, any loose or unlicensed firearm, ammunition or explosive, unless this be for the purpose of surrendering the same as evidenced by a written authorization to transport the same for that particular purpose priorly secured by him from the proper authorities;
- b. Commits any other offense with the use of such loose or unlicensed firearm.

SEC. 4. Licensing of Surrendered Firearms.—The holder or possessor of the firearm surrendered in accordance with this Decree may apply to possess the same under license provided that he is qualified to possess the said firearm in accordance with existing laws, rules and regulations.

SEC. 5. Compensation for Surrendered Firearms.—A firearm which cannot be possessed under license by the person who surrendered it may be sold to and licensed in the name of qualified individuals, firms, or corporations who/which shall pay the corresponding price of such firearm. The payment shall accrue in favor of the person who surrendered the firearm.

SEC. 6. Amnesty Commissions.— As many Amnesty Commissions as are necessary to evaluate applications for amnesty under this Decree shall be created by the Minister of National Defense, to be composed of a representative from the Philippine Constabulary, as chairman, and representatives of the Ministry of Justice and the Office of the Judge Advocate General, Armed Forces of the Philippines, as members.

SEC. 7. Powers and Functions of the Amnesty Commissions.—The Amnesty Commissions shall have the power to administer oath, issue subpoena and subpoena duces tecum, examine the facts and circumstances surrounding each case, conduct summary hearings of witnesses, if necessary, as basis for their recommendation to the President, thru the Minister of National Defense, to deny or grant the amnesty applied for.

SEC. 8. Travelling Expenses and Allowances.—The Chairmen and members of the Amnesty Commissions created pursuant to this Decree, when travelling in the performance of their duties for purposes hereof, shall be entitled to payment of travelling expenses in accordance with existing laws, rules and regulations, and a flat allowance of one hundred pesos a day.

SEC. 9. Appropriation.—The amount of One Million Pesos (P1,000,000.00) is hereby appropriated out of any funds of the National Treasury not otherwise appropriated to carry into effect the provisions of this Decree.

SEC. 10. Rules and Regulations.—The Minister of National Defense shall promulgate such rules and regulations as may be necessary for the effective implements tion of this Decree.

SEC. 11. Effectively.— This Decree shall take effect immediately. (See PD No. 1747 amending this section.

Done in the City of Manila, Philippines, this 20th day of November, in the year of Our Lord, nineteen hundred and eighty.

(Sgd.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(Sgd.) JOAQUIN T. VENUS, JR.

Presidential Assistant

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