NATIONAL ADMINISTRATIVE REGISTER · JANUARY 29, 1996

# RULES AND REGULATIONS GOVERNING THE MANUFACTURE, SALE POSSESSION AND CARRYING OF AIR RIFLE/PISTOLS

*FED, January 29, 1996*

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Pursuant to Executive Order No. 712, dated 28 July 1981, the following rules and regulations governing the manufacture, sale, possession and carrying of air rifles/pistols are hereby promulgated:

1

Scope

These rules and regulations shall apply to all persons who desire to manufacture, deal in, possess or carry air rifles/pistols.

2

References

a. Section 24 (f), Republic Act No. 6975.

b. Sections 877, 883, and 884 of the Revised Administrative Code

c. Executive Order No. 70, dated 9 February 1967

d. Executive Order No. 712, dated 28 July 1981

e. Rules and Regulations implementing Presidential Decree No. 1866, dated 29 June 1983

f. PNP SOP NO. 13, dated 19 September 1991

3

Definition

Air rifle/pistol as herein used includes spring powered rifles/pistols.

4

Classification of Air Rifles/Pistols

Pursuant to Section 877 of the Revised Administrative Code, the term “firearms” also includes air rifles except such as being of small caliber and limited range are used as toys. For this purpose, air rifles/pistols from caliber .22 and up are classified as firearms. Air rifles/pistols lower than caliber .22 shall be tested to determine whether or not they fall under the category of firearm.

5

Testing of Air Rifles/Pistols



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a. Air rifles/pistols lower than caliber .22 shall be tested by the Air Rifle/Pistol Test and Classification Boards to be set up at this Headquarters and in the different provinces and cities and METRODISCOM. The composition of the Boards are as follows:

HPNP Air rifle/pistol Test and Classification Board

Storage Officer, FEO ---------- Chairman
Representative of DO ---------- Member
Representatives of OCS ---------- Member

PNP Provincial Air Rifle/Pistol Test and Classification Board

PNP Provincial Operation Officer ---------- Chairman
PNP Provincial Supply Officer ---------- Member
PNP Provincial Firearms NCO ---------- Member

PNP Metrodiscom Air Rifle/Pistol Test Classification Board

PNP Metrodiscom Operation Officer ---------- Chairman
PNP Metrodiscom Supply Officer ---------- Member
PNP Metrodiscom Firearm NCO ---------- Member

b. Air rifle/pistol of Metro Manila residents shall be tested by the HPNP Test and Classification Board. Those in the provinces shall be tested by the PNP Provincial Test and Classification Board, except those in cities with Metrodiscom where the test shall be made by the PNP Metrodiscom Test and Classification Board.

c. The air rifle/pistol shall be fired three (3) times at an ordinary plywood, one-fourth (1/4) inch thick, from a distance of ten (10) feet. If any of the fired pellets penetrated (passed through) the plywood, the air rifle/pistol shall be classified as firearm, otherwise, the air rifle/pistol shall be classified as toy.

d. Air rifles/pistols classified as toy shall be issued by the Test and Classification Board a certificate, as follows:

(Letterhead of the Test and Classification Board)

_____
(Date)

This is to certify that in a test conducted by this Board on (Date), the air rifle/pistol described hereunder owned by (Name) of (Address) was found to be only a toy and does not require license or permit from this Headquarters:
Kind _____

Make _____

Caliber _____

Serial Number _____

Other distinguishing Features _____

_____

(Chairman)

_____ _____

(Member) (Member)


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e. If the air rifle/pistol has no serial number, it will be assigned a serial number by the Firearms and Explosives Office, PNP. It will be the duty of the Classification Board to secure the corresponding serial number from FEO and see to it that the same is duly engraved in the air rifle/pistol.

f. This certification shall be kept by the owner of the toy air rifle/pistol as a permanent document to be presented to law enforecement when so required, to prove that the air rifle/pistol does not require a license or permit from the Philippine National Police. In the case of manufacturers or dealers, the certificate shall be framed and displayed conspicuously in the factory.

Manufacturing

a. The manufacture of air rifle/pistol classified as firearm shall be under license issued by the Chief of Constabulary (now Chief, Philippine National Police) pursuant to Sections 883 and 884 of the Revised Administrative Code.

b. The application to manufacture shall be supported with the following documents:

1. For corporations, copies of the Articles of Incorporation and By-Laws, and Certificate of Registration with the Securities and Exchange Commission.

2. For partnership and single proprietorship, copy of the registration with the Bureau of Domestic Trade.

3. Copy of the business permit from the city or municipality where the factory is located.

4. Detail and location plans of the factory or shop.

5. Clearances of the Manager from the Court, Station Commander PNP, and Intelligence Divisions (PNP) (formerly C-2) or R-2 (for Provincial residents), and certificate of good conduct from the Mayor or the city/municipality where he resides.

c. If in Metro Manila, the application shall be submitted direct to the Firearms and Explosives Office (FEO) PNP, Camp Crame, Quezon City. For factories located in the province, the application shall be coursed through the Provincial/Metrodiscom Director PNP for comment and recommendation before submission to FEO.

d. After processing by FEO and if approved by the Chief, PNP, the application shall be forwarded to the President for approval/disapproval.

e. If approved by the President, the Manufacturers's License shall be issued by the Chief, PNP after the applicant has posted a manufacturer's bond in the amount of P50,000.00. The Manufacturer's License shall be valid for one (1) subject to renewal upon request of the licensee.

Sale

a. Any person who desires to deal in air rifle/pistols classified as firearm shall secure the corresponding Dealer's License from the Chief of Constabulary (now Chief, PNP) also pursuant to Section 883 and 884 of the Revised Administrative Code. However, the application need not be forwarded to President since the approval/disapproval of application for Dealers License had been delegated to the Chief of Constabulary (now, Chief, PNP) under Executive Order No. 70, dated 9 February 1967.

b. The application for Dealer's License shall be supported with the following documents:

1. For corporations, copies of the Articles of Incorporation and by-laws, and certificates of registration with the Securities and Exchange Commission.


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2. For partnership and single proprietorships, copy of registration with the Bureau of Domestic Trade.

3. Copy of the business permit from the city or municipality concerned.

4. Location plan of the gun store and detail plan of the firearm vault.

5. Clearances of the manager from the Court, Station Commander PNP, and Intelligence Division (formerly C-2) or R-2 ( For provincial residents), and certificates of good conduct from the Mayor of the City/Municipality where he resides.

c. If in Metro Manila, the application shall be submitted direct to the Firearms and Explosives Office (FEO) PNP, Camp Crame, Quezon City. For stores located in the provinces, the applications shall be coursed through the Provincial/Metrodiscom director PNP for comment and recommendation before submission to FEO.

d. After processing by FEO and if found qualified, the application shall be forwarded to the Chief, PNP for approval /disapproval. If approved, and after the applicant has posted the dealer's bond in the amount of P20,000.00 the Dealer's License shall be issued by FEO also for signature of the Chief, Philippine National Police. The Dealer's License shall be valid for one (1) year subject to the renewal upon request of the license.

Possession

Any person who desires to possess air rifles/pistols classified as firearm shall file his application in accordance with PNP SOP No. 13, dated 19 September 1991, entitled: "Licensing of Firearms."

Carrying

a. Lawful holders of air rifles/pistols classified as firearm are prohibited from carrying such air rifles/pistols outside of residence.

b. However, the Chief, PNP may, in meritorious cases as determined by him and under such conditions as he may impose, authorize such persons to carry the air rifle/pistols outside of residence, subject to the provisions of PNP Letter-Directive dated 4 November 1991, subj: "Guidelines in the Implementation of the Ban on the Carrying of Firearms Outside Residence."

Miscellaneous Provisions

a. Licensed manufacturers or dealers in firearms who desire to manufacture or sell air rifles/pistols classified as firearm need not secure a new license to manufacture or sell air rifles/pistols.

b. Existing manufacturers/dealers and present holders of air rifles/pistols shall have a grace period of six (6) months from dates hereof within which to present their air rifle/pistols to the Test and Classification Board and secure the corresponding licenses from this Headquarters if the air rifles/pistols are classified as firearm, or secure the corresponding certificate from the said Board if the air rifle/pistols are classified as toy.

c. In the case of manufacturers or dealers of air rifles/pistols, sample/s of each kind of air rifle/pistol being manufactured or sold shall be submitted to the Air rifle/Pistol Test and Classifications Board for test. If classified as firearm, the manufacture and/or sale thereof shall be governed by these rules and regulations.

d. If classified as toy, license or permit from this Headquarters is not necessary. However, the certification from the Test and Classification Board for each kind of air rifle/pistol issued pursuant to Section 5 (d) hereof shall be posted in a conspicuous place in the factory or store for reference purposes. Such factories or stores are also subject to inspection by representative/s of Chief, Philippine National Police as often as necessary to determine if the manufactured air rifles/pistols or those being sold conform with specifications of the tested air rifles/pistols.

e. The firearm license fees and the penal/administrative fines as provided in Executive Order No. 597 November 1986, shall also apply to air rifles/pistols classified as firearms.

f. All existing rules and regulations governing the manufacture, storage, importation, sale, possession and carrying of firearms are also applicable to air rifles/pistols classified as firearms. Air rifles/pistols classified as toys are exempt from the licensing requirements of the Philippine National Police.

8

Rescission Clause

All rules and regulations or policies contrary to the foregoing are hereby rescinded or modified accordingly.

9

Effectivity

These rules and regulations shall take effect immediately.

By Command of Director General Nazareno.

Adopted: 29 Jan. 1996

(SGD.) TRANQUILINO A. ASPIRAS
Senior Superintendent, PNP (GSC)
Director, Administrative Affairs, PNP


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