

REPUBLIC ACT NO. 8294

AN ACT AMENDING THE PROVISIONS OF PRESIDENTIAL DECREE NO. 1866, AS AMENDED, ENTITLED "CODIFYING THE LAWS ON ILLEGAL/UNLAWFUL POSSESSION, MANUFACTURE, DEALING IN, ACQUISITION OR DISPOSITION OF FIREARMS, AMMUNITION OR EXPLOSIVES OR INSTRUMENTS USED IN THE MANUFACTURE OF FIREARMS, AMMUNITION OR EXPLOSIVES, AND IMPOSING STIFFER PENALTIES FOR CERTAIN VIOLATIONS THEREOF, AND FOR RELEVANT PURPOSES"

SECTION 1. Section 1 Presidential Decree No. 1866, as amended, is hereby further amended to read as follows:

"SECTION 1. *Unlawful manufacture, sale, acquisition, disposition or possession of firearms or ammunition or instruments used or intended to be used in the manufacture of firearms or ammunition.* - The penalty of prision correccional in its maximum period and a fine of not less than Fifteen thousand pesos (P15,000) shall be imposed upon any person who shall unlawfully manufacture, deal in, acquire, dispose, or possess any low powered firearm, such as rimfire handgun, .380 or .32 and other firearm of similar firepower, part of firearm, ammunition, or machinery, tool or instrument used or intended to be used in the manufacture of any firearm or ammunition: *Provided, That no other crime was committed.*

"The penalty of *prision mayor* in its minimum period and a fine of Thirty thousand pesos (P30,000) shall be imposed if the firearm is classified as high powered firearm which includes those with bores bigger in diameter than .38 caliber and 9 millimeter such as caliber .40, .41, .44, .45 and also lesser calibered firearms but considered powerful such as caliber .357 and caliber .22 center-fire magnum and other firearms with firing capability of full automatic and by burst of two or three: *Provided, however, That no other crime was committed by the person arrested.*

"If homicide or murder is committed with the use of an unlicensed firearm, such use of an unlicensed firearm shall be considered as an aggravating circumstance.

"If the violation of this Section is in furtherance of or incident to, or in connection with the crime of

rebellion or insurrection, sedition, or attempted coup d'etat, such violation shall be absorbed as an element of the crime of rebellion, or insurrection, sedition, or attempted *coup d'etat*.

"The same penalty shall be imposed upon the owner, president, manager, director or other responsible officer of any public or private firm, company, corporation or entity, who shall willfully or knowingly allow any of the firearms owned by such firm, company, corporation or entity to be used by any person or persons found guilty of violating the provisions of the preceding paragraphs or willfully or knowingly allow any of them to use unlicensed firearms or firearms without any legal authority to be carried outside of their residence in the course of their employment.

"The penalty of *arresto mayor* shall be imposed upon any person who shall carry any licensed firearm outside his residence without legal authority therefor."

SECTION 2. Section 3 of Presidential Decree No. 1866, as amended, is hereby further amended to read as follows:

"SECTION 3. *Unlawful manufacture, sale, acquisition, disposition or possession of explosives.* - The penalty of *prision mayor* in its maximum period to *reclusion temporal* and a fine of not less than Fifty thousand pesos (P50,000) shall be imposed upon any person who shall unlawfully manufacture, assemble, deal in, acquire, dispose or possess hand grenade(s), rifle grenade(s), and other explosives, including but not limited to 'pillbox,' 'molotov cocktail bombs,' 'fire bombs,' or other incendiary devices capable of producing destructive effect on contiguous objects or causing injury or death to any person.

"When a person commits any of the crimes defined in the Revised Penal Code or special laws with the use of the aforementioned explosives, detonation agents or incendiary devices, which results in the death of any person or persons, the use of such explosives, detonation agents or incendiary devices shall be considered as an aggravating circumstance.

"If the violation of this Section is in furtherance of, or incident to, or in connection with the crime of rebellion, insurrection, sedition or attempted *coup d'etat*, such violation shall be absorbed as an element of the crimes of rebellion, insurrection, sedition or attempted *coup d'etat*.

"The same penalty shall be imposed upon the owner, president, manager, director or other responsible officer of any public or private firm, company, corporation or entity, who shall willfully or knowingly allow any of the explosives owned by such firm, company, corporation or entity, to be used by any person or persons found guilty of violating the provisions of the preceding paragraphs."

SECTION 3. Section 5 of Presidential Decree No. 1866, as amended, is hereby further amended to read as follows:

"SECTION 5. *Tampering of firearm's serial number.* - The penalty of *prision correccional* shall be imposed upon any person who shall unlawfully tamper, change, deface or erase the serial number of any firearm."

SECTION 4. Section 6 of Presidential Decree No. 1866, as amended, is hereby further amended to read as follows:

"SECTION 6. *Repacking or altering the composition of lawfully manufactured explosives.* - The penalty of *prision correccional* shall be imposed upon any person who shall unlawfully repack, alter or modify the composition of any lawfully manufactured explosives."

SECTION 5. *Coverage of the Term Unlicensed Firearm.* - The term unlicensed firearm shall include:

- 1) firearms with expired license; or
- 2) unauthorized use of licensed firearm in the commission of the crime.

SECTION 6. *Rules and regulations.* - The Department of Justice and the Department of the Interior and Local Government shall jointly issue, within ninety (90) days after the approval of this Act, the necessary rules and regulations pertaining to the administrative aspect of the provisions hereof, furnishing the Committee on Public

Order and Security and the Committee on Justice and Human Rights of both Houses of Congress copies of such rules and regulations within thirty (30) days from the promulgation hereof.

SECTION 7. *Separability clause.* - If, for any reason, any section or provision of this Act is declared to be unconstitutional or invalid, the other sections or provisions thereof which are not affected thereby shall continue to be in full force and effect.

SECTION 8. *Repealing clause.* - All laws, decrees, orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 9. *Effectivity.* - This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved: June 6, 1997