



Republic of the Philippines  
 NATIONAL POLICE COMMISSION  
**NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE**  
**DIRECTORATE FOR HUMAN RESOURCE AND DOCTRINE DEVELOPMENT**  
 Camp Crame, Quezon City



DEC 02 2014

G14-02-12-03


**ATTY. FLODELIZA C. VARGAS-TRINIDAD**  
 Director  
 Office of the National Administrative Registrar  
 UP Law Center  
 Diliman, Quezon City

**Dear Atty. Vargas-Trinidad:**

Pursuant to Section 3 and 4 of Chapter 2, Book VII of Administrative Code of 1987, the Philippine National Police (PNP) is furnishing your office copies of PNP Memorandum Circular 2014-058 issued on November 21, 2014 entitled: "Supplemental Guidelines in the Processing of Explosives/Explosive Ingredients and/or Controlled Chemicals Permits and Licenses and Memorandum of Agreement Between the Philippine Economic Zone Authority and Philippine National Police issued on November 25, 2014".

In this regard, request that this issuance be published by your office for information of the general public.

Very truly yours,

  
**ALEX PAUL INTO MONTEAGUDO**  
 Police Director

FN: memo-UPLawcenter  
 Mae@Library/2022014  
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Republic of the Philippines  
NATIONAL POLICE COMMISSION  
**NATIONAL HEADQUARTERS PHILIPPINE NATIONAL POLICE**  
**OFFICE OF THE CHIEF, PNP**  
Camp Crame, Quezon City

NOV 21 2014

**PNP MEMORANDUM CIRCULAR**  
**NUMBER 2014-058**

**SUBJECT : SUPPLEMENTAL GUIDELINES IN THE PROCESSING OF  
EXPLOSIVES/EXPLOSIVE INGREDIENTS AND/OR  
CONTROLLED CHEMICALS PERMITS AND LICENSES**

**1. REFERENCES:**

- a. Rules and regulations governing the administration and enforcement of P.D. 1866 as amended by R.A. 8294 and R.A. 9516;
- b. Memorandum Circular No. 2012-009 re: Procedures for the handling of explosives and explosive ingredients;
- c. R.A. No. 6975 as amended by R.A. No. 8551 in relation to P.D. 1866 as amended by R.A. Nos. 8294 and 9516;
- d. Republic Act No. 7916 otherwise known as "The Special Economic Zone Act of 1995";
- e. Executive Order No 522 dated June 26, 1992;
- f. DILG Memorandum Circular series of 2005; and
- g. Republic Act No. 9485 otherwise known as the "Anti-Red Tape Act of 2007".

**2. SCOPE:**

This PNP Memorandum Circular applies to all applicants for licenses or permits involving raw materials containing explosives, explosive ingredients and/or controlled chemicals intended for any of the following: local purchase, importation and unloading, transport/movement/shipping, storage, utilization and/or disposition.

**3. PURPOSE:**

This PNP Memorandum Circular establishes additional policies, guidelines, and procedures for the processing of licenses or permits involving raw materials containing explosives, explosive ingredients and/or controlled chemicals intended for any of the following: local purchase, importation and unloading, transport/movement/shipping, storage, utilization and/or disposition to ensure the proper accounting and monitoring of explosives/explosive ingredients and/or controlled chemicals.

**4. RATIONALE:**

A historical review of the explosives/explosive ingredients and controlled chemicals regulation in the Philippines reveals that regulation of explosives/explosive ingredients and controlled chemicals may be traced with the passage of **Commonwealth Act No. 2255** on February 11, 1913 which penalizes, among others, "*xxx [T]he manufacture, possession, or sale, without special permit from the Director of Constabulary, or senior inspector of the province, of dynamite or other high explosive, or their components, for any use or purpose except in the execution of bona fide engineering and mining work xxx*" which was amended by **Commonwealth Act No.**

3203 on March 8, 1922 which punishes " xxx [T]he manufacture, distribution, storage, use, or possession of gunpowder, dynamite, explosives, blasting supplies, or ingredients thereof, except in accordance with the provisions thereof and of Act Numbered Fourteen hundred and ninety-nine, as amended, is hereby declared illegal xxx".

On February 9, 1967, Executive Order No. 60 was issued which governed the control and supervision of the importation, sale and possession of chemicals used as ingredients in the manufacture of explosives and for other purposes. On September 21, 1972, martial law was declared and on October 2, 1972, **Presidential Decree No. 9** was adopted and promulgated for the purpose of providing an effective deterrent to the use of illegal firearms, explosives and other deadly weapons as a means for the commission and/or furtherance of subversion, rebellion, insurrection, lawless violence and widespread public disorder which imperiled the existence and survival of the State.

P.D. No. 9 was later amended by **Presidential Decree No. 1811**, promulgated on January 16, 1981 and finally, **Presidential Decree No. 1866** dated June 29, 1983 was issued which *codified 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 other relevant purposes.* This decree was signed into law and was used to criminalize political offenses. With the change in the political environment, the continued existence of PD 1866 is a glaring anachronism of an era long gone.

The transition from a dictatorial government to democratic form and the consequent restoration of country's democratic institutions became fertile ground for the institutionalization of a modern policy environment for explosives/explosive ingredients and controlled chemicals industries regulation. Hence, **Executive Order No 522** was issued on June 26, 1992 before the end of the first Aquino administration which placed under governmental regulation various chemicals, which exclusively refer to Chlorates, Nitrates and Nitric Acid. For a considerable number of years, controlled chemicals regulation was restricted to the family of chlorates, nitrates and nitric acid effectively allowing the exclusion of other chemicals which do not fall under those categories.

In a rather peculiar development, the media frenzy over the incarceration of a popular personality precipitated the enactment of legislation that accommodated public clamor for the reduction of penalties provided under PD 1866. Thus, refuge was sought through the constitutional exhortation provided under Section 19, Article III, " xxx *Excessive fines shall not be imposed, nor cruel, degrading or inhuman punishment inflicted.* xxx", resulting in remedial legislation that gave birth to **R.A. No. 8294** on June 6, 1997 which reduced the penalty for illegal possession of firearms, ammunition and explosives, among others.

With the sudden change of policy paradigm on controlled chemicals, former DILG Secretary Angelo Reyes issued DILG Memorandum Circular on May 5, 2005 directing the C, PNP to order, C, FED to " xxx *immediately withdraw from the PNP Explosive Kind Masterlist, forty-four (44) chemicals not included in EO 522* xxx". However, with the change in the complexion of the domestic and international security environment and the advent of terrorism and other transnational crimes, **R.A. 9516** was signed into law in 2008 to stem the tide of threats to national security by abandoning the penalties provided in RA 8294 and increasing them up to Reclusion Perpetua, and in the process and in view of Section 5 thereof, repealing EO 522 in its entirety and providing, among others, the expansion of the regulation of controlled chemicals with the insertion of Section 4D with the provision "*Types of Chemicals/Accessories Covered.* - The chemicals and accessories mentioned in the preceding Section shall exclusively refer to chlorates, nitrates, nitric acid and such other chemicals and accessories that can be used for the manufacture of explosives and explosive ingredients."

## 5. DEFINITION OF TERMS

5.1. Controlled chemicals - shall exclusively refer to chlorates, nitrates, nitric acid and such other chemicals and accessories that can be used for the manufacture of explosives and explosive ingredients.

5.2. Depository of controlled chemicals – as contradistinguished with main and/or integrated magazines for explosives/explosive ingredients, this may refer to a storage facility appropriate for safekeeping controlled chemicals.

## 6. POLICIES:

6.1 The PNP strictly adheres to the streamlining of the permits and licensing processes by continually reengineering its systems and procedures thereby reducing processing layers, number of signatories and processing time.

6.2 The PNP ensures that all applicants for licenses or permits involving raw materials containing explosives, explosive ingredients and/or controlled chemicals intended for any of the following: local purchase, importation and unloading, transport/movement/shipping, storage, utilization and/or disposition must be law abiding citizens and must secure the appropriate clearances to ensure that the aforementioned hazardous materials do not fall in the hands of criminal elements.

6.3 Documentary requirements must not be unnecessarily repetitive and redundant if they are of essentially the same content, tenor and purpose and are filed within the same year.

6.4 Any effort from within or outside the PNP organization that will help improve or enhance the effectiveness of the processing of PNP licenses and/or permits in consonance with the principle of completeness, accuracy, and validity will be welcomed provided the same will not compromise the integrity and security of its records, systems and processes.

6.5 Permits and Licenses briefers/verifiers must exhibit a high degree of proficiency and efficiency in document assessment, evaluation, and validation and shall ensure that only applications which are complete, authentic and valid can be accepted. Otherwise, any application that does not conform to this standard shall be rejected and immediately returned to the applicant without any further delay. Moreover, the applicant is entitled to be informed of the grounds or reasons for the rejection of the application and the steps and/or procedures needed to be done to comply with the set of standards and requirements for the purpose.

6.6 Vehicles or trucks engaged in the transport of hazardous materials such as explosives/explosive ingredients and/or controlled chemicals must conform to the PNP regulations governing the same. Further, these vehicles must have passed a system of registration and accreditation to ensure the highest possible safety and security standards for the safe and secure transport of both the cargo including its passengers as well as the assigned/designated police escort from EMD, FEO.

6.7 Determination of what constitutes regulated items falling within the category of explosives/explosive ingredients and/or controlled chemicals pursuant to existing law is vested with the PNP. Hence, the PNP has the power to determine which items it should control and regulate. For this purpose, supplemental guidelines may, from time to time, be issued by the PNP unless modified, revoked or nullified accordingly.

6.8 Reckoning dates/periods for determination of surcharges for licensees/permits holders whose licenses or permits have already expired for more than

fifteen (15) calendar days. Fees and surcharges shall be based on SOP #1 dated January 31, 1997.

6.9 The PNP is cognizant of the scope, reach and optimal impact of a strong presence in cyberspace and the new media. Hence, the PNP shall take advantage of maximizing its access to the internet by ensuring the regular updates on both the PNP and FEO websites, the intensive use of social networking sites like facebook, twitter, youtube, and instagram, mobile communication and other similar or analogous means of information exchange to harness its potentials as a major frontline service provider on explosives/explosive ingredients and controlled chemicals for industrial and/or commercial use.

6.10 Inspections conducted depending on intended purpose of main, integrated, and other magazines, laboratories, vaults and other similar structures or means of depository for explosives/explosive ingredients and/or controlled chemicals are essential and cannot be substituted nor compromised.

6.11 All documentary, informational and/or reportorial requirements pertaining to local purchase, importation and unloading, transport/movement/shipping, storage, utilization and/or disposition of explosives/explosive ingredients and/or controlled chemicals are considered vital, indispensable and critical and are thus strictly governed by existing PNP information and document security requirements.

## 7. GUIDELINES:

7.1 The following guidelines shall govern all applications for licenses or permits involving raw materials containing explosives, explosive ingredients and/or controlled chemicals intended for any of the following: local purchase, importation and unloading, transport/movement/shipping, storage, utilization, and/or disposition:

7.2 All provisions pertaining to the local purchase, importation and unloading, transport/movement/shipping, storage, utilization and/or disposition of explosives/explosive ingredients and/or controlled chemicals as provided under the IRR of R.A. No. 8294 which amended P.D. 1866 which use the term "explosives" and "explosives/explosive ingredients" shall be amended to read as "explosives/explosive ingredients and/or controlled chemicals";

7.3 Signatories shall no longer include the Regional Director of all Police Regional Offices as well as the Assistant Chief, Explosives Management Division. Only the signature of Chief, ROPD of every Police Regional Office is required for the endorsement of the application;

7.4 Clearance requirements shall only be limited to NBI Clearance and PNP Directorate for Intelligence Clearance. Other clearances will no longer be required;

7.5 Verifiers and briefers shall scrutinize, review, assess, evaluate and validate all applications and their signatures, once affixed on the routing slip, shall be considered sufficient compliance with the PNP standards and requirements pertaining to completeness, accuracy and validity. Otherwise, any application with a lacking requirement or which does not conform to the PNP standards and requirements pertaining to completeness, accuracy and validity will be rejected and immediately returned to the applicant, informing the applicant, among others, the reason/s for the rejection and the steps and requirements needed for the application to be processed. An application, once rejected and returned, will alter the period of reckoning for the purpose of establishing the time consumed in processing an application which shall already be based on the date when the application was actually received by the

concerned PNP office after the applicant's satisfactory demonstration or proof of compliance with any identified missing, lacking or defective requirement;

7.6 Vehicles or trucks utilized in the transport of hazardous materials, namely: explosives/explosive ingredients and/or controlled chemicals shall be registered and accredited by the PNP;

7.7 Determination of regulated materials specifically those pertaining to explosives/explosive ingredients and/or controlled chemicals vests with the PNP which may come up with an updated list of the same, provided that the said list will not, in any way, impede, hinder, prevent, frustrate or negate its mandate to exercise supervisory and regulatory authority over the same. Any inputs, suggestions or recommendations from stakeholder organizations, including government agencies, will all be considered "in consulta" or as a mere reference and cannot be used to compel the PNP to adopt the same.

7.8 If an application has been previously filed by the same applicant within the same year on the same explosive/explosive ingredient and/or controlled chemical, the original copies of a DOST-Certified Formula of Conversion as well as the Corporate Secretary's Certificate shall no longer be required. Instead, the authenticated copies of said documents will be required. Otherwise, the original documents will be required.

7.9 Web-based reference numbers for use by applicants in following up the status of their applications will be based on license number and control number.

7.10 While awaiting the processing of the application of appropriate license/permit, the applicant may continue to engage in any activity pertaining to explosives/explosive ingredients and/or controlled chemicals as covered by the license/permit issued to him provided the application is filed at least thirty (30) calendar days prior to its expiry date. Otherwise, the permanent transaction ban applies until such time that the expired license/permit has been renewed.

7.11 The only permissible grounds for amendment of license/permit shall exclusively refer to: change of corporate name/business name or business address, establishment of additional magazine, inclusion of additional name of controlled chemicals, increase in quantity and/or deletion of explosives/explosive ingredients and controlled chemicals;

7.12 Disposition of unexpended explosives/explosive ingredients is required and must be accompanied by an appropriate permit and an after disposal report.

7.13 Disposition of unused controlled chemicals is required and must be accompanied by an appropriate permit and an after disposal report.

7.14 On line and/or web-based marketing, advertisement, sale, and/or distribution of explosives/explosive ingredients and/or controlled chemicals is prohibited;

7.15 Pre-screened applications of explosives/explosive ingredients and/or controlled chemicals initiated by another government agency or a private organization is allowed provided the same is covered by a notarized Memorandum of Agreement between that organization or entity and the PNP which, among others, clearly defines and identifies areas of cooperation and parameters of performance, responsibility and accountability;

7.16 The threshold ceiling or limit of any permit or license for explosives/explosive ingredients and/or controlled chemicals for the year as indicated in it is the maximum combined amount that can be replenished at any one (1) time to include stock on hand.

7.17 The figures that serve as bases for determining distances and capacities and dimensions of explosives magazines is attached as annexes A and B, respectively and forms integral part of this memorandum circular.

7.18 The Chief, Firearms and Explosives Office, may formulate supplemental rules and regulations on matters not covered by this circular, provided that such rules and regulations do not contradict or contravene what has already been provided in this circular.

**8. SAVING CLAUSE:**

If any part of this memorandum circular is declared unconstitutional, other provisions shall remain in force and effect.

**9. REPEALING CLAUSE:**

All procedures, memoranda, circulars, policies and rules and regulations not in conformity with this memorandum circular are hereby rescinded, amended or modified accordingly.

**10. EFFECTIVITY:**

This Memorandum Circular shall take effect after fifteen (15) days from the filing of a copy hereof at the University of the Philippines Law Center in consonance with Sections 3 and 4, Chapter 2, Book VII of Executive Order No. 292, otherwise known as "The Revised Administrative Code of 1987" as amended.



**ALAN LA MADRID PURISIMA**  
Police Director General  
Chief, PNP

CPNP Ltrs '14 S061572



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FOR THE CHIEF, PHILIPPINE NATIONAL POLICE:

"Serbisyong Makatotohanan"  
MORO VIRGILIO MANDAC LAZO  
Police Chief, Department  
Chief, FEO