

PRESIDENTIAL DECREE No. 1866

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

WHEREAS, there has been an upsurge of crimes vitally affecting public order and safety due to the proliferation of illegally possessed and manufactured firearms, ammunition and explosives;

WHEREAS, these criminal acts have resulted in loss of human lives, damage to property and destruction of valuable resources of the country;

WHEREAS, there are various laws and presidential decrees which penalized illegal possession and manufacture of firearms, ammunition and explosives;

WHEREAS, there is a need to consolidate, codify and integrate said laws and presidential decrees to harmonize their provisions;

WHEREAS, there are some provisions in said laws and presidential decrees which must be updated and revised in order to more effectively deter violators of the law on firearms, ammunition and explosives.

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

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 reclusion temporal in its maximum period to reclusion perpetua shall be imposed upon any person who shall unlawfully manufacture, deal in, acquire, dispose, or possess any firearm, part of firearm, ammunition or machinery, tool or instrument used or intended to be used in the manufacture of any firearm or ammunition.

If homicide or murder is committed with the use of an unlicensed firearm, the penalty of death shall be imposed.

If the violation of this Section is in furtherance of, or incident to, or in connection with the crimes of rebellion, insurrection or subversion, the penalty of death shall be imposed.

The penalty of reclusion temporal in its maximum period to reclusion perpetua 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.

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

Section 2. *Presumption of Illegal Manufacture of Firearms or Ammunition.* - The possession of any machinery, tool or instrument used directly in the manufacture of firearms or ammunition, by any person whose business or employment does not lawfully deal with the manufacture of firearms or ammunition, shall be prima facie evidence that such article is intended to be used in the unlawful/illegal manufacture of firearms or ammunition.

Section 3. *Unlawful Manufacture, Sales, Acquisition, Disposition or Possession of Explosives.* - The penalty of reclusion temporal in its maximum period to reclusion perpetua shall be imposed upon any person who shall unlawfully manufacture, assemble, deal in, acquire, dispose or possess handgrenade(s), rifle grenade(s) and other explosives, including but not limited to "philbox bombs", "molotov cocktail bomb", "fire-bombs", or other incendiary devices capable of producing destructive effect on contiguous objects or causing injury or death to any person.

Any person who 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 shall be punished with the penalty of death.

If the violation of this Section is in furtherance of, or incident to, or in connection with the crimes of rebellion, insurrection or subversion, the penalty of death shall be imposed.

The penalty of reclusion temporal in its maximum period to reclusion perpetua 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 4. *Presumption of Unlawful Manufacture.* - The possession of any machinery, tool or instrument directly used in the manufacture of explosives, by any person whose business or employment does not lawfully deal with the manufacture of explosives shall be prima facie evidence that such article is intended to be used in the unlawful/illegal manufacture of explosives.

Section 5. *Tampering of Firearm's Serial Number.* - The penalty of prison mayor shall be imposed upon any person who shall unlawfully tamper, change, deface or erase the serial number of any firearm.

Section 6. *Repacking or Altering the Composition of Lawfully Manufactured Explosives.* - The penalty of prison mayor shall be imposed upon any person who shall unlawfully repack, alter or modify the composition of any lawfully manufactured explosives.

Section 7. *Unauthorized Issuance of Authority to Carry Firearm and/or Ammunition Outside of Residence.* - The penalty of prison correccional shall be imposed upon any person, civilian or military, who shall issue authority to carry firearm and/or ammunition outside of residence, without authority therefor.

Section 8. *Rules and Regulations.* - The Chief of the Philippine Constabulary shall promulgate the rules and regulations for the effective implementation of this Decree.

Section 9. *Repealing Clause.* - The provisions of Republic Act No. 4, Presidential Decree No. 9, Presidential Decree No. 1728 and all laws, decrees, orders, instructions, rules and regulations which are inconsistent with this Decree are hereby repealed, amended or modified accordingly.

Section 10. *Effectivity.* - This Decree shall take effect after fifteen (15) days following the completion of its publication in the Official Gazette.

Done in the City of Manila, this 29th day of June, in the year of Our Lord, nineteen hundred and eighty-three.