



Republic of the Philippines  
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT  
**BUREAU OF JAIL MANAGEMENT AND PENOLOGY**  
**NATIONAL HEADQUARTERS**

Juco Building, 144 Mindanao Avenue, Project 8, Quezon City  
Trunklines: (+632) 927-6383; 453-1196  
Email Address: director@bjmp.gov.ph Website: www.bjmp.gov.ph



**MEMORANDUM**

**FOR :** LUISITO C MUNOZ, DSC  
Jail Senior Superintendent  
OIC, Directorate for Logistics

**SUBJECT :** *COMMENT* re: Guidelines in Proper Handling of Firearms,  
Ammunition and Reloading Machine

**DATE :** 19 October 2016

- 
1. References: a. Request for Comment by Directorate for Logistics, on the above- subject matter, dated 18 October 2016;  
b. Legal Opinion re: Duration of Mission Order/Letter Order Involving Carrying of Firearms, dated 13 November 2015; and  
c. Republic Act 10591, otherwise known as the Comprehensive Firearms and Ammunition Regulation Act and its Implementing Rules and Regulations, dated 29 May 2013;

2. The passage of R.A. 10591 has paved the way in the formulation of necessary rules in the effective implementation of a comprehensive law regulating ownership, possession, carrying, and its *manufacture*, likewise, it provides a stiffer penalty for its violation. Hence, we must be cautious of its penalty provision to forestall any criminal suit that may be filed against us or against our personnel in the forthcoming by reason of law.

3. Time and again, this Office, in our prompt and prudent action to disseminate with clarity and certainty the provisions of this law has issued legal opinions to avoid any legal suits that may ensue for its violation or inadvertence. However, as to possession of reloading machines there are certain requirements provided for under this law, which was not discussed in our previous opinion, that must be complied with prior to its use, to wit:

***“Authority to Issue License to Manufacture***

***The approving authority for the new application of license to manufacture firearms and ammunition shall be the Secretary of the DILG. The Chief, PNP shall approve the application for renewal to include amendment of the license.”<sup>1</sup>(emphasis and underlining ours)***

4. Some may argue, that possession of the reloading machine is not for proprietary purpose but for our own use and consumption, however, the law does not distinguish. ***“Where the law does not distinguish, neither should we distinguish.”<sup>2</sup>***

---

1 Section 13.2.1

2 Milagros E Amores vs. House of Representative Electoral Tribunal, GR. No. 189600, June 29, 2010

5. Moreover, the law requires that there must be a permit to load and reload ammunition which must be registered with the Firearms and Explosives Office of the Philippine National Police.

*“Loading and reloading machines may only be transferred or sold to Law Enforcement Agencies (LEAs), registered gun clubs, licensed sports shooter, authorized manufacturer and authorized dealer with Permit to Load/Reload Ammunition.”<sup>3</sup> (emphasis and underlining ours)*


Additionally, prior to the issuance of the IRR, the law specifically requires, that:

*“Reloading machines in the possession of licensed citizen/s, licensed juridical entities or law enforcement agencies before the effectivity of this IRR shall be registered with the FEO and comply with the requirements set forth for this purpose.”<sup>4</sup> (emphasis and underlining ours)*

6. In view of the above premises, this Office respectfully and humbly submit the following recommendations for your discernment and sound discretion:

- a. *Comply strictly with the provisions of the law in relation to the possession of reloading machine and manufacture of ammunitions;*
- b. *Not to document the rule on reloading machine by deleting its specific provision stated in the proposed guidelines and issue instead an internal rules and guidelines to this effect.*

7. Respectfully recommended.

  
PAULINO H. MORENO JR  
Jail Senior Superintendent  
Chief, Legal Service Office

<sup>3</sup> Section 13.6.5, IRR of RA 10591

<sup>4</sup> Section 13.6.6, IRR of RA 10591