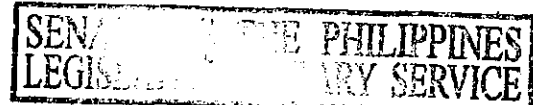


JOINT RULES AND REGULATIONS
OF
THE DEPARTMENT OF JUSTICE
AND



THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
TO IMPLEMENT REPUBLIC ACT NO. 8294

C-2

Pursuant to Section 6 of Republic Act No. 8294 entitled "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,' the following Rules and Regulations are hereby issued to govern the administrative aspects of the implementation of said Act:

SECTION 1. Policy Objectives. — These Rules seek to give effect to the beneficent provisions of Republic Act No. 8294 by adjusting the penalty imposed for a conviction under Presidential Decree No. 1866 and thereby ensure the early release and reintegration of the convict into the community.

SEC. 2. Definition of Terms. — As used in these Rules, unless the context otherwise requires —

- a. "Act" refers to Presidential Decree No. 1866;
- b. "Convict" refers to a prisoner who is serving a final sentence involving deprivation of liberty for the commission of any of the offenses that are enumerated in Section 3 of these Rules;
- c. "Director" refers to the Director of the Bureau of Corrections;
- d. "Warden" refers to the warden of a provincial or city jail;
- e. "Secretary" refers to the Secretary of the Department of Justice.

SEC. 3. Coverage. — These Rules shall apply to a convict who is found guilty of any of the following offenses penalized under the Act:

- a. Unlawfully manufacturing, dealing in, acquiring, disposing or possessing 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;
- b. Willfully or knowingly allowing, on the part of the owner, president, manager, director or other responsible officer of any public or private firm, company, corporation or entity, any of the firearms owned by such firm, company, corporation or entity to be used by any person or persons found guilty of the offenses described in Section 1 of the Act;
- c. Carrying a licensed firearm outside his legal residence without legal authority therefor;
- d. Unlawfully manufacturing, assembling, dealing in, acquiring, disposing or possessing handgrenade(s), rifle grenade(s) and other explosives, including but not limited to "pillbox bombs," "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;
- e. Willfully or knowingly allowing, on the part of the owner, president, manager, director or other responsible officer of any public or private firm, company, corporation or entity, any of the explosives owned by such firm, company, corporation or entity to be used by any person or persons found guilty of the offenses described in Section 3 of the Act;
- f. Unlawfully tampering, changing, defacing or erasing the serial number of any firearm; and
- g. Unlawfully repacking, altering or modifying the composition of any lawfully manufactured explosives.

SEC. 4. Disqualified Convicts. — These Rules shall not apply to a convict who committed another crime on the occasion of the commission of the offenses enumerated

SEC. 5. Automatic Review and Examination of Cases. — Upon the effectivity of these Rules, the Director or Warden shall, *motu proprio*, review and examine the prison records of convicts who are serving sentence for any of the offenses enumerated in Section 3 hereof.

SEC. 6. Application filed by Convict. — Notwithstanding the foregoing provisions, a convict or his lawyer of record may file a written application with the Director or Warden for the immediate implementation of Republic Act No. 8294 upon a showing that the convict is entitled to be released if his sentence is adjusted pursuant to its provisions.

SEC. 7. Report of Director or Warden. — The Director or Warden shall submit a report to the Secretary, using the attached form, for each case that the former reviews and examines either *motu proprio* or upon application.

SEC. 8. Documents Accompanying the Report. — The report of the Director or Warden shall be accompanied by the following documents —

- a. certified true copy of the prosecutor's information in the criminal case for violation of the provisions of the Act;
- b. certification issued by the clerk of the convicting court that the case of the convict was not appealed, or if an appeal was made, that the same was withdrawn, or decided with finality by the appellate court; and
- c. certified true copy of the decision of the trial court, including that of the appellate court, if any.

SEC. 9. Order of the Secretary — On the basis of the report of the Director or Warden, the Secretary may adjust the sentence of the convict pursuant to the provisions of Republic Act No. 8294 and order the Director or Warden to enter the new expiration date of the sentence in the prison record of the convict.

If the Secretary finds that the convict has already served the entire period of his sentence as adjusted, he shall order the Director or Warden to release the convict.

The Executive Director of the Board of Pardons and Parole shall be furnished with a copy of the order which the Secretary may issue.

SEC. 10. Return of Report to Director or Warden. — The Secretary shall return the report to the Director or Warden for restudy if he disagrees with the finding/action recommended therein.

SEC. 11. Effectivity. — These Rules shall take effect fifteen (15) days after publication in a newspaper of general circulation.

APPROVED.

15 September 1997.

TEOFISTO T. GUINGONA, JR.
Secretary

ROBERT Z. BARBERS
Secretary

Entitled "Enjoining the Sale, Possession, Use, or Carriage of Firearms, Ammunition, Explosives, or Instruments Used in the Manufacture of Firearms, Ammunition or Explosives, and Imposing Other Penalties for Violations Thereof, And For Relevant Purposes," the following Rules and Regulations are hereby issued to govern the administrative aspects of the implementation of said Act:

SECTION 1. Policy Objectives. — These Rules seek to give effect to the beneficent provisions of Republic Act No. 8294 by adjusting the penalty imposed for a conviction under Presidential Decree No. 1866 and thereby ensure the early release and reintegration of the convict into the community.

SEC. 2. Definition of Terms. — As used in these Rules, unless the context otherwise requires —

- a. "Act" refers to Presidential Decree No. 1866;
- b. "Convict" refers to a prisoner who is serving a final sentence involving deprivation of liberty for the commission of any of the offenses that are enumerated in Section 3 of these Rules;
- c. "Director" refers to the Director of the Bureau of Corrections;
- d. "Warden" refers to the warden of a provincial or city jail;
- e. "Secretary" refers to the Secretary of the Department of Justice.

SEC. 3. Coverage. — These Rules shall apply to a convict who is found guilty of any of the following offenses penalized under the Act:

- a. Unlawfully manufacturing, dealing in, acquiring, disposing or possessing 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;
- b. Willfully or knowingly allowing, on the part of the owner, president, manager, director or other responsible officer of any public or private firm, company, corporation or entity, any of the firearms owned by such firm, company, corporation or entity to be used by any person or persons found guilty of the offenses described in Section 1 of the Act;
- c. Carrying a licensed firearm outside his legal residence without legal authority therefor;
- d. Unlawfully manufacturing, assembling, dealing in, acquiring, disposing or possessing handgrenade(s), rifle grenade(s) and other explosives, including but not limited to "pillbox bombs," "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;
- e. Willfully or knowingly allowing, on the part of the owner, president, manager, director or other responsible officer of any public or private firm, company, corporation or entity, any of the explosives owned by such firm, company, corporation or entity to be used by any person or persons found guilty of the offenses described in Section 3 of the Act;
- f. Unlawfully tampering, changing, defacing or erasing the serial number of any firearm; and
- g. Unlawfully repacking, altering or modifying the composition of any lawfully manufactured explosives.

SEC. 4. Disqualified Convicts. — These Rules shall not apply to a convict who committed another crime on the occasion of the commission of the offenses enumerated in Section 3 hereinabove; or to one whose conviction under the provisions of the Act is on appeal.

SEC. 5. Automatic Review and Examination of Cases. — Upon the effectivity of these Rules, the Director or Warden shall, *motu proprio*, review and examine the prison records of convicts who are serving sentence for any of the offenses enumerated in Section 3 hereof.

SEC. 6. Application filed by Convict. — Notwithstanding the foregoing provisions, a convict or his lawyer of record may file a written application with the Director or Warden for the immediate implementation of Republic Act No. 8294 upon a showing that the convict is entitled to be released if his sentence is adjusted pursuant to its provisions.

SEC. 7. Report of Director or Warden. — The Director or Warden shall submit a report to the Secretary, using the attached form, for each case that the former reviews and examines either *motu proprio* or upon application.

SEC. 8. Documents Accompanying the Report. — The report of the Director or Warden shall be accompanied by the following documents —

- a. certified true copy of the prosecutor's information in the criminal case for violation of the provisions of the Act;
- b. certification issued by the clerk of the convicting court that the case of the convict was not appealed, or if an appeal was made, that the same was withdrawn, or decided with finality by the appellate court; and
- c. certified true copy of the decision of the trial court, including that of the appellate court, if any.

SEC. 9. Order of the Secretary — On the basis of the report of the Director or Warden, the Secretary may adjust the sentence of the convict pursuant to the provisions of Republic Act No. 8294 and order the Director or Warden to enter the new expiration date of the sentence in the prison record of the convict.

If the Secretary finds that the convict has already served the entire period of his sentence as adjusted, he shall order the Director or Warden to release the convict.

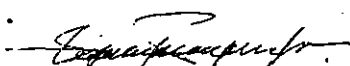
The Executive Director of the Board of Pardons and Parole shall be furnished with a copy of the order which the Secretary may issue.


SEC. 10. Return of Report to Director or Warden. — The Secretary shall return the report to the Director or Warden for restudy if he disagrees with the finding/action recommended therein.

SEC. 11. Effectivity. — These Rules shall take effect fifteen (15) days after publication in a newspaper of general circulation.

APPROVED.

15 September 1997.


TEOFISTO T. GUINGONA, JR.
Secretary
Department of Justice


ROBERT Z. BARBERS
Secretary
Department of the Interior and
Local Government