

## **EN BANC**

**[ G.R. No. 211559, October 15, 2019 ]**

**ERIC F. ACOSTA AND NATHANIEL G. DELA PAZ, PETITIONERS,  
VS. HON. PAQUITO N. OCHOA, IN HIS CAPACITY AS EXECUTIVE  
SECRETARY, HON. MANUEL A. ROXAS III, IN HIS CAPACITY AS  
SECRETARY OF THE INTERIOR AND LOCAL GOVERNMENT,  
POLICE DIRECTOR GENERAL ALAN LM. PURISIMA, IN HIS  
CAPACITY AS DIRECTOR GENERAL, PHILIPPINE NATIONAL  
POLICE, POLICE CHIEF SUPERINTENDENT MELITO M. MABILIN,  
IN HIS CAPACITY AS DIRECTOR, CIVIL SECURITY GROUP,  
PHILIPPINE NATIONAL POLICE, AND POLICE CHIEF  
SUPERINTENDENT LOUIE T. OPPUS, IN HIS CAPACITY AS CHIEF,  
FIREARMS AND EXPLOSIVES OFFICE, PHILIPPINE NATIONAL  
POLICE, RESPONDENTS.**

**G.R. No. 211567**

**PROGUN (PEACEFUL RESPONSIBLE OWNERS OF GUNS), INC.,  
PETITIONER, VS. THE PHILIPPINE NATIONAL POLICE,  
RESPONDENT.**

**G.R. No. 212570**

**GUNS AND AMMO DEALERS ASSOCIATION OF THE PHILIPPINES,  
INC., PETITIONER, VS. THE PHILIPPINE NATIONAL POLICE, PNP  
FIREARMS AND EXPLOSIVES OFFICE, AND PNP CIVIL SECURITY  
GROUP, RESPONDENTS.**

**G.R. No. 215634**

**PROGUN (PEACEFUL RESPONSIBLE OWNERS OF GUNS), INC.,  
PETITIONER, VS. THE PHILIPPINE NATIONAL POLICE,  
RESPONDENT.**

### **DECISION**

**LEONEN, J.:**

There is no constitutional right to bear arms. Neither is the ownership or possession of a firearm a property right. Persons intending to use a firearm can only either accept or decline the government's terms for its use.

The grant of license, however, is without prejudice to the inviolability of the home. The right of the people against unreasonable searches and seizures remains paramount, and the government, in the guise of regulation, cannot conduct inspections of applicants for firearm licenses unless armed with a search warrant.

This Court resolves the consolidated Petitions assailing the constitutionality of certain provisions of Republic Act No. 10591, or the Comprehensive Firearms and Ammunition Regulation Act, and their corresponding provisions in the 2013 Implementing Rules and Regulations for allegedly violating petitioners' right to bear arms, right to property, and right to privacy.

Republic Act No. 10591, enacted on May 29, 2013, currently regulates the ownership, possession, carrying, manufacture, dealing in, and importation of firearms and ammunition in the country. It was enacted with the view of maintaining peace and order and protecting the people from violence.<sup>[1]</sup> Its Implementing Rules and Regulations was promulgated on December 7, 2013 pursuant to the rule-making power granted to the Chief of the Philippine National Police.<sup>[2]</sup>

After the Implementing Rules and Regulations had become effective, the Philippine National Police centralized all firearms licensing applications and renewals at its headquarters at Camp Crame, Quezon City. The *pro forma* application form for firearm registration, to be accomplished and signed by the applicant, contained a paragraph on the "Consent of Voluntary Presentation for Inspection":

#### CONSENT OF VOLUNTARY PRESENTATION FOR INSPECTION

I hereby undertake to renew the registration of my firearm/s on or before the expiration of the same; that, pursuant to the provisions of Republic Act No. 10591, I voluntarily give my consent and authorize the PNP to inspect my firearm/s described above at my residence/address as indicated in my application and, to confiscate or forfeit the same in favor of the government for failure to renew my firearm/s registration within six (6) months before the date of its expiration.<sup>[3]</sup>

If the application is approved, the firearm license card is delivered through Werfast Documentary Agency, a courier service, instead of having it picked up at Camp Crame or in the regional offices of the Philippine National Police.<sup>[4]</sup>

On March 25, 2014, licensed firearm owners Eric F. Acosta (Acosta) and Nathaniel G. Dela Paz (Dela Paz) filed before this Court a Petition for Prohibition,<sup>[5]</sup> assailing the constitutionality of the following provisions of law and acts:

a) Sections 4(g),<sup>[6]</sup> 10,<sup>[7]</sup> 26,<sup>[8]</sup> and 39 (a),<sup>[9]</sup> all of Republic Act No. 10591;

b) Sections 4.4(a),<sup>[10]</sup> 4.10(b),<sup>[11]</sup> 7.3,<sup>[12]</sup> 7.9,<sup>[13]</sup> 7.11.2(b),<sup>[14]</sup> 7.12(b),<sup>[15]</sup> 10.3,<sup>[16]</sup> 26.3,<sup>[17]</sup> 26.4,<sup>[18]</sup> and 39(1)(a)<sup>[19]</sup> of the 2013 Implementing Rules and Regulations; and

c) The requirement of signing the Consent of Voluntary Presentation for Inspection in the *pro forma* application form for firearm registration, for violating Article III, Section 2<sup>[20]</sup> of the Constitution on the right against unreasonable searches and seizures.<sup>[21]</sup>

Acosta and Dela Paz's Petition was docketed as G.R. No. 211559.

On the same day, Peaceful Responsible Owners of Guns, Inc. (PROGUN), a registered nonstock, nonprofit corporation that aims to represent the interests of legitimate and licensed gun owners in the Philippines,<sup>[22]</sup> filed its own Petition for Certiorari, Prohibition, and Mandamus<sup>[23]</sup> with prayer for the issuance of a temporary restraining order and/or a writ of preliminary injunction. PROGUN questions the following:

- a) the centralization of all firearms licensing, renewal, and testing at the Philippine National Police Headquarters at Camp Crame, Quezon City, to the detriment of those who would be coming from places far from Metro Manila;
- b) the requirement for applicants for a firearm license to waive their right to privacy and allow the police to enter their dwellings, in violation of Article III, Section 2 of the Constitution on the right against unreasonable searches and seizure; and
- c) the outsourcing of the delivery of firearm license to a courier service, depriving the licensee of the right to use the firearm within the period from approval of the application to the actual date of delivery of the license card.<sup>[24]</sup>

PROGUN's Petition was docketed as G.R. No. 211567.

Acting on PROGUN's prayer, this Court issued a Temporary Restraining Order<sup>[25]</sup> on April 8, 2014, restraining the Philippine National Police, until further orders from this Court, from doing the following: (a) centralizing all firearms applications and renewals at the Philippine National Police Headquarters at Camp Crame, Quezon City; (b) utilizing any courier services for delivering firearms license cards; and (c) implementing and enforcing the "waiver and consent" requirement for licensing and registration of firearms.

Further, the Philippine National Police was ordered to continue accepting, processing, and approving applications for and renewals of firearms licenses at its regional offices, and to reinstate and reopen the satellite offices of its Civil Security Group and Firearms and Explosives, Security Agencies and Guards Section, as well as the previously accredited testing centers for drug, neuro-psych, and medical clinics in all regions for firearms licensing requirements. Finally, this Court allowed the release of approved license cards via pick-up.<sup>[26]</sup>

This Court likewise ordered the consolidation of G.R. No. 211559 and 211567 in its April 22, 2014 Resolution.<sup>[27]</sup>

On June 6, 2014, Guns and Ammo Dealers Association of the Philippines (Guns and Ammo Dealers), allegedly "an umbrella organization of about 50 members who are authorized firearms dealers in the Philippines[,]"<sup>[28]</sup> filed its Petition for Mandamus and Certiorari<sup>[29]</sup> with prayer for the issuance of a temporary restraining order and/or a writ of preliminary injunction. The following are its grounds for filing the Petition:

- a) The Philippine National Police's refusal or failure to establish regional and provincial offices where individual applicants may obtain the requirements for firearm licenses allegedly deprive Guns and Ammo Dealers' members of the profits from their firearm businesses, as they have no licensed customers to sell their firearms to. Many of the employees of gun dealers were likewise laid off due to losses from zero sales.
- b) The Philippine National Police's refusal to accept and act on any firearm license application since January 2014 constitutes grave abuse of discretion.<sup>[30]</sup>
- c) The centralization of firearms licensing in Camp Crame, Quezon City harms individual applicants from the provinces and in violation of their right to due process of law.<sup>[31]</sup>

Guns and Ammo Dealers' Petition was docketed as G.R. No. 212570. It was consolidated with G.R. Nos. 211559 and 211567 through this Court's June 25, 2014 Resolution.<sup>[32]</sup>

On July 3, 2014, PROGUN filed a Verified Petition for Contempt<sup>[33]</sup> alleging that the Philippine National Police violated this Court's April 8, 2014 Temporary Restraining Order. According to it, the Philippine National Police continued to require applicants to sign the Consent of Voluntary Presentation for Inspection in the *pro forma* application form for firearm registration even after the Temporary Restraining Order had been issued. Moreover, the Philippine National Police opened only some but not all of its regional offices and accredited testing centers, with the remaining 90% of applicants from the provinces still being required to file their applications at Camp Crame, Quezon City.<sup>[34]</sup>

In its Comment<sup>[35]</sup> to the Verified Petition for Contempt, the Philippine National Police alleged at the outset that it had already ceased from engaging the services of Werfast Documentary Agency as a courier service for delivering firearm license cards.<sup>[36]</sup> As to the Consent of Voluntary Presentation for Inspection, the Philippine National Police admitted that the paragraph still appeared in the *pro forma* application form for firearm registration, but asserted that it has stopped implementing warrantless inspections based on the waiver. It had also commenced the printing of new *pro forma* applications without the Consent of Voluntary Presentation for Inspection. Lastly, the Philippine National Police denied that it refused to open its regional offices. To support its claim, it attached Memoranda showing that it has already reverted to its decentralized system of accepting applications for and renewals of firearm licenses.<sup>[37]</sup>

In its Reply,<sup>[38]</sup> PROGUN maintained that the reprinted forms attached by the Philippine National Police in its Comment were the Individual Application for License to Own and Possess Firearm, which is different from what PROGUN was assailing: the Individual Application for New Firearm Registration Form.<sup>[39]</sup> PROGUN also insisted that the Philippine National Police still refused to accept applications for and renewals of firearm licenses in its regional offices, calling the Memoranda annexed to the Comment as "self-serving[.]"<sup>[40]</sup>

In the meantime, on December 23, 2014, PROGUN filed another Petition for Certiorari, Prohibition, and Mandamus,<sup>[41]</sup> still with a prayer for temporary restraining order and/or a writ of preliminary injunction. Docketed as G.R. No. 215634, the Petition was brought on the following grounds:

- a) The declaration that the firearm licenses issued under the old law are deemed vacated, and the requirement for all existing firearm holders to reapply for a new firearm license under Republic Act No. 10591 renders the latter an *ex post facto* law. The new law penalizes those who were validly holding licenses under the old law.
- b) Exceeding its rule-making power, the Philippine National Police overregulated the firearm-related activities of gun clubs, sports shooters, reloaders, gunsmithing, competitions, and indentors. It also imposed numerous fees which are not authorized under Republic Act No. 10591.
- c) The Philippine National Police added penal provisions in the Implementing Rules and Regulations, exercising a power exclusively vested in Congress.
- d) The Philippine National Police drafted the Implementing Rules and Regulations without the required public consultation, in violation of Section 44 of Republic Act No. 10591.<sup>[42]</sup>

Per this Court's January 13, 2015 Resolution,<sup>[43]</sup> G.R. No. 215634 was consolidated with G.R. No. 211559, 211567, and 212570.

With all the Comments<sup>[44]</sup> and Replies<sup>[45]</sup> in and considering the allegations, issues, and arguments adduced in the submissions of the parties, this Court gave due course to the Petitions in its February 7, 2017 Resolution,<sup>[46]</sup> and required the parties to file memoranda.

The first to file was Guns and Ammo Dealers, which filed its Memorandum<sup>[47]</sup> on April 25, 2017. The Philippine National Police and the rest of the respondents, represented by the Office of the Solicitor General, filed their Consolidated Memorandum<sup>[48]</sup> on May 8, 2017. Acosta and Dela Paz filed theirs<sup>[49]</sup> on June 2, 2017, followed last by PROGUN, which filed its Memoranda in G.R. No. 211567<sup>[50]</sup> and G.R. 215634<sup>[51]</sup> on June 23, 2017.

Based on the submissions of the parties, the issues for this Court's resolution are the following:

First, whether or not an actual case or controversy exists warranting this Court's exercise of its power of judicial review under Article VIII, Section 1 of the Constitution;

Second, whether or not petitioners have legal standing to file their respective Petitions;