Republika ng Pilipinas
KAGAWARAN NG KATARUNGAN
Department of Justice
Manila

LML-DC-1913-

DEPARTMENT CIRCULAR NO. 067

To : **ALL PROSECUTORS**

Re : Additional Guidelines in the Disposition of Inquest Cases Involving Violations of P.D. 1866, as amended by R.A. 8294

Date : 19 September 2013

The attention of this Department has been invited to the continuous refusal of several inquest prosecutors (especially in places where the Philippine National Police does not have a satellite station for its Firearms and Explosives Office) to accept an electronic copy of the negative certification issued by the PNP. Instead, the inquest prosecutors demand that the original negative certification (issued by the FEO in Camp Crame, Quezon City) be presented, which causes the inquest case to be subjected for further investigation and the accused to be released from detention.

Likewise, some prosecutors have asked for the custody of the recovered firearms which prevents the PNP from subjecting them to ballistics examination and/or cross-matching, in accordance with their Integrated Ballistics Information System.

To address these issues, all prosecutors are hereby directed:

a) **TO ACCEPT** the electronic copy of the negative certification of the PNP-Firearms and Explosives Office (which states/confirms that respondent/s do not have a license to possess and transport a firearm) **AS SUFFICIENT EVIDENCE** to warrant the filing of a case for violation of P.D. 1866, as amended by R.A. 8294, provided that:

a.1 It is **CERTIFIED** by the Chief of the Issuing Office (Regional, Provincial Director /Chief of Police/Station Commander) to attest its veracity; and

a.2. A copy of the original negative certification is submitted to the prosecutor **BEFORE** the arraignment of the accused.

b) **TO ALLOW** the PNP Officials to have continued custody of the recovered firearms, provided that:

b.1. The recovered firearm/s are physically inventoried, checked and accounted for;

b.2. Pictures and the stencil of the subject firearm/s are submitted by the duly authorized personnel of the PNP Crime Laboratory and attached to the record of the case;

b.3. The recovered firearm/s are duly safeguarded by the law enforcer and the chain of custody is properly recorded;

b.4. The recovered firearm/s be properly deposited by the police investigator with the police evidence custodian; and

b.5. The PNP Officials submit an *affidavit of undertaking*, stating, among others, that he/she will take the obligation of presenting the subject firearm when the prosecutor or the judge deems it necessary.

This Circular supersedes all Department issuances inconsistent herewith, takes effect immediately and shall remain in force until otherwise revoked.

LEILA M. DE LIMA
Secretary

Department of Justice
CN : 0201310476