

REPUBLIC OF THE PHILIPPINES
SUPREME COURT
MANILA

**PROGUN (PEACEFUL RESPONSIBLE
OWNERS OF GUNS), INC.,**
Petitioner,

- versus -

SC-GR NO : 215634

FOR: CERTIORARI,
PROHIBITION, AND MANDAMUS
(RULE 65) WITH PRAYER FOR
ISSUANCE OF TEMPORARY
RESTRAINING ORDER AND/ OR
WRIT OF PRELIMINARY
INJUNCTION

THE PHILIPPINE NATIONAL POLICE,
Respondent.

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P E T I T I O N

PETITIONER, PROGUN, INC., by counsel, respectfully states:

NATURE OF THE PETITION

Petitioner assails the Constitutionality of the Implementing Rules and Regulations of RA 10591 (“IRR”) otherwise known as the Comprehensive Firearms and Ammunition Regulation Act. Specifically, pursuant to RA 10591 respondent PNP has, with grave abuse of discretion, issued the IRR and implemented the new License to Own and Possess Firearms (“LTOP”) requirement retroactively to all petitioners’ members who are licensed gun owners, dealers, importers, which violates the prohibition against Ex Post Facto under Article III Sec. 22 of the Constitution. Notably, RA 10591 is criminal law which prescribes criminal penalties for violation or failure to comply, particularly with respect to licensing of firearms and renewals thereof. Thus respondent PNP cannot apply said law retroactively by compelling existing licensed gun owners who are already in possession of their firearms, and have already previously qualified to lawfully possess their firearms under the old law, to once more re-apply and re-qualify for the LTOP. To retroactively apply the LTOP requirement through the IRR would result in Ex Post Facto legislation with the PNP criminalizing current holders

of firearms licenses that were already previously rendered legal, should they fail to qualify under the new more onerous requirements for the LTOP.

Petitioners likewise assail the IRR as a whole for being unconstitutional for being issued with grave abuse of discretion, for going well beyond what was prescribed and stated in the enabling law, RA 10591. Respondent PNP has thus imposed a myriad of sub-licenses, fees, and administrative impositions, which are not prescribed under RA 10591 and of which 20% are stated by the IRR to go to respondent PNP-FEO's "regulatory fund" to fund respondent's "direct operating expenses and other regulatory activities." This is not prescribed by the law and is an illegal exaction of funds from private sources under the guise of regulatory fees.

Petitioner likewise assails the IRR for defining and prescribing crimes, which is unconstitutional since only congress is empowered to define and prescribe crimes by law under the separation of powers of the Constitution.

Lastly, petitioners assail the IRR as having been drafted in secret wholly behind closed doors in violation of Sec. 44 of RA 10591, which mandates that the IRR must be drafted "in consultation with concerned sectors" of the gun community.

As a result of these and other issues stated herein, petitioner PROGUN brings this current petition for certiorari, prohibition, and mandamus to Petitioner PROGUN is likewise praying for the issuance of a temporary restraining order and/or writ of preliminary injunction, as stated and argued hereunder.

THE PARTIES

Petitioner PROGUN ("Petitioner PROGUN", hereafter) is a non-stock non-profit corporation formed and existing under the laws of the Philippines, with address at 2nd Floor, Miladay Center, 150 Jupiter St. Bel-Air, Makati City 1209. For purpose of this petition it is represented by its duly authorized representative Acting Director Dennis H. Cruz.

Respondent Philippine National Police ("Respondent PNP", hereafter) is a duly constituted agency of the Philippine national government. It is represented by its Officer-in-Charge P/Gen. Leonardo Espina¹, with address at General Headquarters Philippine National Police, Camp Crame, Quezon City.

The Office of the Solicitor General with address at No. 134 Amorsolo St., Legaspi Village, Makati City, is furnished with a copy of this petition in its capacity as the counsel for government agencies.

¹ As per the Order of the Ombudsman issued 6 December 2014, P/Director General Alan L. Purisima has been suspended from office.

STATEMENT OF THE FACTS

PROGUN is a registered non-stock non-profit corporation the purpose of which is to represent the interests of legitimate and licensed gun owners of the Philippines. As its formal members, PROGUN has listed some 13,000 card bearing licensed firearms holders-members, but likewise represents the greater interests of the 1.5 Million licensed gun owners of the Philippines. Among petitioners' members and supporters are a number of licensed gun dealers and manufacturers.

On 25 May 2013 Republic Act No. 10591" ("RA 10591") otherwise known as the "Comprehensive Firearms and Ammunition Regulation Act" was signed by President Benigno Aquino into law. A few months later the same was published in a newspaper of general circulation, and thereafter came into force and effect.

Under Sec. 44 of RA 10591, the respondent Philippine National Police was granted the authority within 120 days from effectivity of the said law, after public hearings and consultation with concerned sectors of society, within which to formulate the necessary rules and regulations for the implementation of the said law. Pursuant to such mandate, on 3 January 2014, respondent PNP made and issued the Implementing Rules and Regulations of RA 10591, under closed door Technical Working Group proceedings composed exclusively of PNP personnel, a copy of which was deposited with the U.P. Law Center pursuant to the Revised Administrative Code.

Copy of the Implementing Rules and Regulations of RA 10591 ("the IRR") made by the respondent PNP which is filed by the National Administrative Register at the UP Law Center, is attached hereto collectively as Annex "A".

Under Rule II of the IRR, there is a requirement for gun owners to obtain License to Own and Possess Firearms or "LTOP". The LTOP has imposed new and more onerous requirements for ownership of firearms as opposed to the old firearms licensing system. Respondent PNP is now applying such rule retroactively to all existing 1.7 million licensed firearms owners, requiring all to re-apply and re-qualify under the new LTOP rule. If for whatever reason, the licensed gun owner fails to re-apply or re-qualify or fails to submit one new requirement, he will be deemed to be illegally possessing his firearm and be ordered by respondent PNP to surrender his firearm. Since September 2014 respondent PNP has declared all existing firearms licenses, regardless of date of expiration, as vacated and has ordered all licensed gun owners to migrate to the new LTOP. Petitioner's members have been injured by such policy since it constitutes a retroactive application of the law or Ex Post Facto rule. Existing licensed gun owners should be grandfathered or absorbed under the new system upon renewal of their licenses insamuch as they had already qualified previously a licensed firearms owners, and they already have been in possession of their firearms legally over the past years or decades.

No renewals of existing firearms licenses are allowed now by respondent PNP. Instead, effectively immediately all existing firearms holders are now being required re-apply and re-qualify for a new LTOP, under a still centralized system of application and approval and requirements obtained at Camp Crame Quezon City. Respondent PNP has no facilities, personnel or computers or software to implement such a system. Out of the 1.7 Million licensed gun owners nearly ALL have already expired and are not being allowed to be renewed by respondent PNP (renewal of firearms licenses is on a two year cycle). Out of the 1.7 million licensed gun owners, only about 3000 have been able thus far to apply for an LTOP, and of that number less than half have been approved by respondent PNP. Worse, there is currently no schedule of fees and for the past few months the respondent PNP has been illegally issuing “temporary” 6 month LTOPs or transaction slips, without Official Receipts or payments.

Under RA 10591 possession of a firearm with an expired license is a criminal offense, thus due to such policy of respondent PNP, 1,698,500 licensed firearms owners have now been rendered instant criminals.

Moreover, the IRR has gone overboard and prescribed a multitude of additional and more restrictive regulations for gun clubs, sports shooters, reloaders, gunsmithing, competitions, indentors, etc. none of which is provided for by any reasonable standard in the enabling law, RA 10591. The IRR has also prescribed and imposed numerous new fees, licenses, such as sports shooters licenses, collectors licenses, license to purchase barrel and cylinder and parts, etc., none of which are prescribed and required by RA 10591. Worse, 20% of the proceeds of such additional fees are defined by the IRR as to be given to respondent’s PNP Firearms and Explosives Office (“PNP-FEO”) “FEO Regulatory Fund” to fund its “direct operating expenses and other regulatory activities”, which is an illegal creation and diversion of public funds. It is also a form of overcharging fees to license applicants for fund raising.

The IRR has also defined and added a chapter on Penal provisions which added elements for criminal offenses for illegal possession of firearms, expired licenses, illegal manufacture, importation, use of loose firearms in crimes, which is a power reserved exclusively to Congress to define and impose by law. An administrative issuance such as the IRR cannot define a crime. Under the Constitutional doctrine of separation of powers only congress has the power to defined crimes and prescribe penalties, not administrative agencies.

The IRR was also drafted and issued without consultation with concerned sectors as mandated by Section 44 of RA 10591. Instead for several months after the passage of the law, respondent PNP undertook a closed door technical working group composed exclusively of PNP personnel. Working under such closed door policy, the respondent PNP then proceeded to craft the

IRR, along with all its follies and blunders, with intent to raise funds out of the licensed gun owners, dealers, manufacturers and importers, through imposition of excessive fees and regulatory costs.

Aggrieved by the foregoing policies and rules of the respondent PNP as the administering agency of RA 10591 exercising quasi-administrative and quasi-judicial powers, petitioner PROGUN now brings this present petition to assail and set aside such rules and policies.

GROUND S

I.

RESPONDENT PNP HAS VIOLATED THE CONSTITUTIONAL PROHIBITION AGAINST EX POST FACTO BY RETROACTIVELY APPLY THE LTOP REQUIREMENT TO EXISTING LICENSED GUN OWNERS, THROUGH ITS IRR.

II.

RESPONDENT PNP HAS VIOLATED THE CONSTITUTION BY UNDULY LEGISLATING THROUGH ITS IRR, BEYOND THE SCOPE OF THE ENABLING LAW RA 10591.

A. RESPONDENT PNP HAS OVER-REGULATED FIREARMS –RELATED ACTIVITIES WHICH ARE NOT STATED OR PROVIDED FOR IN RA 10591.

B. RESPONDENT PNP HAS IMPOSED ADDITIONAL FEES, FOR DIFFERENT PURPOSES, WHICH ARE NOT AUTHORIZED BY RA 10591

III.

RESPONDENT PNP HAS VIOLATED THE CONSTITUTIONAL SEPARATION OF POWERS BY DEFINING AND IMPOSING CRIMINAL PENALTIES IN ITS IRR, WHICH IS A POWER RESERVED ONLY TO CONGRESS.

IV.

RESPONDENT PNP HAS ACTED WITH GRAVE ABUSE OF DISCRETION BY DRAFTING THE IRR OF RA 1591 BEHIND CLOSED DOORS WITHOUT CONSULTATION IN VIOLATION OF SEC. 44 OF RA 10591 WHICH STATES THAT THE IRR MUST BE DRAFTED IN CONSULTATION WITH ALL CONCERNED SECTORS.

DISCUSSION

I.

RESPONDENT PNP HAS VIOLATED THE CONSTITUTIONAL PROHIBITION AGAINST EX POST FACTO BY RETROACTIVELY APPLY THE LTOP REQUIREMENT TO EXISTING LICENSED GUN OWNERS, THROUGH ITS IRR.

Sec. 4 of RA 10591 states that in order to qualify and acquire a license to possess a firearm, the applicant must first possess an LTOP. The LTOP imposes similar qualifications as the previous law but it has additional and more stringent requirements. RA 10591 was signed into law on 25 May 2013 and became law shortly afterward. Sec. 4 of RA 10591 was incorporated by respondent PNP, with additional requirements, in Rule II Sec. 4 of the IRR, which was issued on 3 January 2014 by then-Chief PNP Alan Purisima.

Sometime in September 2014, respondent PNP suddenly declared all existing firearms licenses as vacated and required all existing firearms holders, including new applicants, to re-apply for and re-qualify for an LTOP. No renewals of existing firearms licenses are being allowed now by respondent PNP. Respondent PNP has no facilities, computer, software, or personnel to handle all the 1.7 million licensed firearms holders who are directed within this year to re-apply for an LTOP, thus creating a mess.

Article 3 Sec. 22 of the Constitution states: “No ex post facto law or bill or attainder shall be enacted.”

It is also fundamental that penal laws should only be prospective in application.

The retroactive application by respondent PNP, through the IRR, of the LTOP to all existing licensed firearms who have already previously qualified to possess a firearm under the old law, constitutes an Ex Post Facto rule. The 1.7 million licensed gun owners are already in possession of their firearms and they had already previously qualified to own and possess the said firearms. Stated otherwise, the possession of firearms by existing licensed gun owners is already previously held as legal by the government. Such legal possession of firearms cannot later be withdrawn by the

government by a new law, which requires all licensed gun owners to re-apply and re-qualify (not renew) over again, and render their possession of the firearm as illegal and order their confiscation or surrender, if for any reason the licensed gun owner fails to re-apply or re-qualify, or fails to pass any of the newly imposed additional requirements. Conversely, the situation would be different for new applicants who do not yet possess firearms, in which case if these new applicants fail to qualify they will not be given possession of the firearm and would not be held liable. It should be noted that RA 10591 is a criminal law which punishes as a crime possession of a firearm without a license or an expired license.

The clear intention of the law is to grandfather and absorb all existing licensed gun owners into the LTOP upon renewal of their existing licenses, and make the new LTOP requirements applicable only prospectively to new applicants for firearms licenses, since such individuals have not yet submitted any requirements or records of qualification to respondent PNP. However, for those existing licensed gun owners who have already submitted and passed their requirements before and have qualified, all that is left for them to renew their existing licenses and be grandfathered and absorbed in the LTOP system automatically since such gun owners are already qualified. This is clear from the wording of the law RA 10591 itself, which states in Sec. 4 thereof that only applicants, i.e. new firearms purchasers and not existing licensed firearms holders, need to apply for LTOP:

“Sec. 4 Standards and Requisites for issuance of and obtaining a license to own and possess firearms – In order to qualify and acquire a license to own and possess a firearm or firearms and ammunition, the applicant must be Filipino citizen, at least twenty-one (21) years old and has gainful work, occupation or business or has filed an Income Tax Return (ITR) for the preceding year as proof of income, profession, business or occupation.

In addition, the applicant shall submit the following certification issued by appropriate authorities attesting the following: x x x x” (Underscoring supplied)

Existing licensed gun owners are not applicants for firearms licenses. They already possess their licenses and firearms have been so for the past several years and even decades. They no longer need to re-apply and re-qualify *en masse*; they have already submitted their requirements for firearms licenses and have been approved previously by respondent PNP. Thus, the legal possession of existing licensed firearms owners, as shown by their existing firearms licenses, cannot be taken away by the government by reason of a later law or rule which imposes more stringent requirements under pain of a criminal offense or confiscation.

Moreover, the clear intent of the RA 10591 to apply its provisions prospectively can also be seen in the Sec. 10 of the said law which grandfathers and absorbs all existing licensed owners of class “A” light weapons, such that they will be allowed to continue licensing and possession of such firearms even under the new law:

Sec. 10 Firearms that may be registered – Only small arms may be registered by licensed citizens or licensed juridical entities for ownership, possession and concealed carry. A light weapon shall be lawfully acquired or possess exclusively by the AFP, the PNP and other law enforcement agencies authorized by the President in the performance of their duties; PROVIDED, that private individuals who already have licenses to possess Class-A light weapons upon the effectivity of this Act shall not be deprived of the privilege to continue possessing the same and renewing the licenses therefore, for the sole reason that these firearms are Class “A” light weapons, and shall be required to comply with other applicable provisions of this Act.” (Underscoring supplied)

Ex Post facto is a law or rule which operates retrospectively which make a legal act done before the passage of a later law, as criminal and punishes such act, or one which aggravates a crime or makes it greater than when it was committed [In re: Kay Villegas Kami, Inc. 35 SCRA 429, Mekin v. Wolfe, 2 Phil 74.] It should also be noted this regard that RA 10591 has increased the criminal penalties for illegal possession of firearms from the old law PD 1966, as amended.

II.

RESPONDENT PNP HAS VIOLATED THE CONSTITUTION BY UNDULY LEGISLATING THROUGH ITS IRR, BEYOND THE SCOPE OF THE ENABLING LAW RA 10591.

A. RESPONDENT PNP HAS OVER-REGULATED FIREARMS –RELATED ACTIVITIES WHICH ARE NOT STATED OR PROVIDED FOR IN RA 10591.

B. RESPONDENT PNP HAS IMPOSED ADDITIONAL FEES, FOR DIFFERENT PURPOSES, WHICH ARE NOT AUTHORIZED BY RA 10591

It is fundamental that rules of an administrative agency cannot go beyond what is contained in or delegated by the enabling law which grants such quasi-legislative powers. The IRR was issued by respondent PNP pursuant to Sec. 44 of RA 10591 to implement the said law.

However, the IRR has clearly gone overboard and gone beyond the delegated powers that have been granted by RA 10591, and prescribed a multitude of additional and more restrictive requirements, regulations, and directives for gun clubs, sports shooters, reloaders, gunsmithing, competitions, antique collectors, firearms collectors, indentors, etc. none of which is provided for by any reasonable standard in the enabling law, RA 10591. RA 10591 deals only with ownership, possession, licensing, dealing, manufacture and importation of firearms; the IRR cannot go beyond the scope of regulating only these activities that are mentioned in the law.

The IRR has also prescribed and imposed numerous new fees, licenses, such as sports shooters licenses, collectors licenses, license to purchase barrel and cylinder and parts, etc., none of which are mentioned, prescribed, and/or authorized or required by RA 10591:

1. Fee for licensed sport shooters – Secs. 4.10, 7.4, 9.2, and 11.2
2. Gun collector’s license fee – Secs. 4.7, 4.8., 9.3, and 9.6
3. Antique firearms collector fee – Secs. 4.9, 9.2,
4. License fee for extra barrel and/or cylinder – Sec. 11.3, and 11.4
5. Gun safety seminar fee – Sec. 8.5 and 8.6
6. Ballistic testing (with fee) – Sec. 11.2.1
7. Firearms Bond – Sec. 11.2 (with sub-markings)
8. Verification fee for requirements and seminar (no receipt)

Worse, 20% of the proceeds of such additional fees such as Gun safety seminar are defined by the IRR as to be given to respondent’s PNP Firearms and Explosives Office (“PNP-FEO”) “FEO Regulatory Fund” to fund its “direct operating expenses and other regulatory activities”, which is an illegal creation and diversion of public funds not authorized by the law. It is also a form of overcharging fees to license applicants for fund raising:

“Sec. 8.5. The seminar fee for Gun Safety and responsible Gun Ownership shall be collected on separate account by the PNP Finance Service and shall be made available for use of FEO and other PNP units involved in Firearms Licensing Operations, subject to accounting and auditing rules and regulations.

Sec. 8.6. The FEO shall retain twenty percent (20%) of the total collections for firearms and explosives fees and charges as FEO Regulatory Fund to fund the direct operating expenses of the FEO and other regulatory activities. Other PNP offices/ units involved in the processing of firearms and explosives fees and charges shall submit the Estimates of Income and revenue (EIR) from operations, together with their Program of Expenditures to the Chief PNP (Attn. Director for Comptrollership), which shall be the basis for the control and utilization of the Trust Receipt. It

is understood, however that the disbursement of the above is subject to accounting and auditing rules and regulations.” (Underscoring supplied)

Administrative rules and regulations to be valid must not be in conflict with the law and the Constitution. They must be confined to details for merely implementing and carrying into effect the law as it has been enacted. They must be germane to the object and purpose of the enabling law and conform to the standards that the law prescribes. The rule making power cannot be extended to emending or expanding the statutory requirements or embrace matters not covered by the statute or beyond its terms and provisions. [UST v. Board of tax Appeals, 93 Phil 376; Shell Philippines, Inc. vs. Central Bank of the Phils. 162 SCRA 628; US vs. Tupasi Molina, 29 Phil 119.]

The foregoing provisions mentioned, in conjunction with the assailed rule on LTOP and registration constitute the core of the IRR without which the entirety of the IRR cannot stand and must fail. For having gone beyond the scope of implementation of RA 10591, the entire IRR must be annulled.

III.

RESPONDENT PNP HAS VIOLATED THE CONSTITUTIONAL SEPARATION OF POWERS BY DEFINING AND IMPOSING CRIMINAL PENALTIES IN ITS IRR, WHICH IS A POWER RESERVED ONLY TO CONGRESS.

Rule V Sections 28 to 41 of the IRR prescribe criminal penalties for numerous crimes stated such as illegal possession, manufacture, importation, use of loose firearms, Carrying without a permit, use of imitation firearms, tampering, obliterating, planting evidence, and in doing so respondent PNP has even added more elements to these crimes. Respondent PNP has likewise defined crimes such as Failure to notify lost of stolen firearm or light weapon (Sec. 40) and imposed fines for their violation.

It is elementary under the Constitutional doctrine of separation of powers that crimes can only be defined by an act of Congress by law (Article VI, Section 1, Constitution), and not by administrative agencies.

Consequently, the entire Rule V Sections 28 to 41 of the IRR have been issued with grave abuse of discretion and are unconstitutional, and therefore null and void.

IV.

RESPONDENT PNP HAS ACTED WITH GRAVE ABUSE OF DISCRETION BY DRAFTING THE IRR OF RA 1591 BEHIND CLOSED DOORS WITHOUT CONSULTATION IN

VIOLATION OF SEC. 44 OF RA 10591 WHICH STATES THAT THE IRR MUST BE DRAFTED IN CONSULTATION WITH ALL CONCERNED SECTORS.

Sec. 44 of RA 10591 mandates that the IRR shall be formulated after public hearings and consultations with concerned sectors:

Sec. 44 Implementing Rules and regulations- Within one hundred twenty (120) days from the effectivity of this Act, the Chief of the PNP, after public hearings and consultation with concerned sectors of society shall formulate the necessary rules and regulations for the effective implementation of this Act to be published in at least two (2) national newspapers of general circulation. (Underscoring supplied)

This was not done. Instead respondent PNP formed a technical working group composed exclusively of PNP personnel, which worked behind closed doors for two months, without any participation whatsoever from the concerned sectors such as herein petitioner, owners, sport shooters, dealers, manufacturers, or importers. Thereafter, the final draft was rammed down the throats of the gun community in a mere 2 hour meeting hurriedly done, wherein no one was allowed to share any suggestions except a 1 minute allocation per person. This was done under protest by petitioner and the gun community.

The clear directive of the law is to have the IRR drafted with the consultation and inputs of concerned sectors, meaning all those who are involved in the firearms community, including herein petitioner. This was not done. That is why there are no so many problems with the IRR, which was clearly crafted with all its unlawful fees and licenses, to milk the gun owners dry and create a milking cow for cash for respondent. As recent events involving the suspension of the respondent PNP leadership now show, clearly this IRR was tainted with corruption to raise funds through unlawful fees and exactions to benefit the respondent PNP, rather than to serve the public. Thus it should be annulled.

ALLEGATIONS IN SUPPORT OF THE ISSUANCE OF
A TEMPORARY RESTRAINING ORDER AND/OR WRIT OF
PRELIMINARY PROHIBITORY AND MADATORY INJUNCTION

Petitioner is entitled to relief prayed for which consists in retaining and annulling the acts of respondent PNP which is currently enforcing and applying the LTOP requirement to all existing licensed firearms owners retroactively in violation of Article III Sec. 22 of the Constitution prohibiting Ex Post facto law and rules. It is clear under the Constitution that penal laws shall only apply prospectively, and not retroactively. Respondent PNP is not issuing any official receipts for its transactions for LTOP and instead only temporary transaction slips with no official receipt are issued.

Respondent PNP is currently illegally charging fees to licensed firearms owners in its IRR which are not mentioned nor authorized in the enabling law RA 10591, such as:

1. Fee for licensed sport shooters – Secs. 4.10, 7.4, 9.2, and 11.2
2. Gun collector’s license fee – Secs. 4.7, 4.8., 9.3, and 9.6
3. Antique firearms collector fee – Secs. 4.9, 9.2,
4. License fee for extra barrel and/or cylinder – Sec. 11.3, and 11.4
5. Gun safety seminar fee – Sec. 8.5 and 8.6
6. Ballistic testing (with fee) – Sec. 11.2.1
7. Firearms Bond – Sec. 11.2 (with sub-markings)
8. Verification fee for requirements and seminar (no receipt)

Unless respondent PNP is restrained from implementing the IRR, 1.6 million licensed gun owners would suffer grave and irreparable injury by being subjected to Ex Post facto legislation, whereby their firearms licenses would expire and could not be renewed, and automatically make them liable for criminal offense of illegal possession of firearms, and their firearms subject to confiscation.

Petitioner is likewise praying for a preliminary mandatory injunction to maintain the status quo ante and direct respondent PNP to continue processing and licensing of firearms licenses under the original DECENTRALIZED system of firearms licensing thru respondent PNP’s FESAGS and CSG SATO regional offices, and to temporarily reinstate all previously accredited testing centers for drug, neuro-psych, and medical clinics both in the National Capital Region and the PNP offices in the Provinces, so that licensed gun owners all over the country could continue to apply for new licenses and renew their current firearms licenses, until a new system or computerization is in full force and effect.

There is no appeal or any plain, speedy, and adequate remedy in the ordinary course of law.

Petitioner is ready, willing, and able to file a bond executed in favor of respondent in such amount as this Honorable Court may fix, conditioned on the payment of damages respondent may sustain by reason of the issuance of the temporary restraining order and/or writ of preliminary injunction should this Honorable Court finally determine that petitioner was not entitled thereto.

P R A Y E R

WHEREFORE, it is respectfully prayed that upon filing of this petition, a temporary restraining order be granted ex-parte pursuant to section 5, Rule 58, of the Rules of Court preserving the status quo ante, and restraining respondent PNP from:

1. Further implementing the LTOP requirement insofar as it is being applied retroactively to all licensed gun owners, and instead ordering the respondent PNP to automatically grandfather and absorb all existing licensed gun owners into the LTOP system upon renewal of their licenses;
2. Further implementing the IRR without prejudice to vested rights of sales and licensing of new purchasers of firearms;

Petitioners further pray that the instant petition be given due course and the following be ordered:

1. Ordering that Section 4 of RA 10591 on LTOP be applied by respondent PNP only prospectively to new applicants for licensed firearms and the existing firearms holders be grandfathered and absorbed into the LTOP upon renewal of their firearms licenses without having to re-apply or re-qualify or submit further requirements;

2. Annuling and setting aside the IRR without prejudice to vested rights of sales and licensing of new purchasers of firearms;

Other reliefs just and equitable under the premises are likewise prayed for.

Makati City for Manila. 16 December 2014.

(COUNSEL)

COPY FURNISHED:

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WRITTEN EXPLANATION

A copy of the foregoing Petition was furnished to the opposing parties by registered mail due to the distance and lack of messengers.

