



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

OCA CIRCULAR NO. 105- 2008

TO : FIRST AND SECOND LEVEL COURT JUDGES

SUBJECT : REVISED GUIDELINES ON THE HANDGUN
ACQUISITION PROGRAM FOR JUDGES

Quoted hereunder is the Resolution of the Honorable Court *En Banc* dated 30 September 2008 in A.M. No. 08-3-13-SC.- Re: Supreme Court Motorcycle, Computer and Handgun Acquisition Program or (SC-MCHAP) which Resolved to:

“(a) **NOTE** the Memorandum dated September 18, 2008 of the SC-MCHAP Committee, submitting the draft Revised Guidelines on the Handgun Acquisition for Judges; and

(b) **APPROVE** the aforesaid Revised Guidelines on the Handgun Acquisition for Judges, to wit:

**REVISED GUIDELINES ON THE HANDGUN ACQUISITION
PROGRAM FOR JUDGES**

OBJECTIVE

To provide judges of the lower courts the opportunity to acquire handguns for their personal protection, safety and security.

CONCEPT

An interest free handgun loan will be made available to judges on a repayment scheme of not more than thirty-six (36) monthly installments. An initial revolving fund of **P10M** chargeable against the Judiciary Development Fund (JDF) shall be made available for this purpose.

DEFINITION OF TERMS

- A. **Qualified judges** refers to those appointed to Regional Trial Court, Metropolitan Trial Court, Municipal Trial Courts, Municipal Trial Courts in Cities, Municipal Circuit Trial Courts, and, Shari'a District and Circuit Court, who:

1. are not more than sixty-seven years of age as of the date of the application;
 2. are not under preventive suspension from office;
 3. have a minimum sixty (60) days leave credits;
 4. have met the minimum of P3,000.00 net take home pay as required by the General Appropriations Act; and
 5. have at least three (3) qualified co-makers.
- B. **Qualified co-makers** are judges of the above named courts with the same qualifications as qualified judges.
- C. **Committee** refers to the **Supreme Court Motorcycle, Computer and Handgun Acquisition Program Committee** who shall be tasked to handle the implementation and operation of the program.
- D. **Distributor or Supplier** refers to a private company engaged by the Committee to sell, deliver and service the handguns granted to judges-grantees.

STATEMENT OF DUTIES AND RESPONSIBILITIES

A. The Committee shall:

1. negotiate and enter into a Memorandum of Agreement with accredited companies for the sale, licensing and delivery of handguns to judges-grantees at the lowest possible cost;
2. give out individual interest free loans in an amount not exceeding Fifty Thousand Pesos (P50,000.00) payable in thirty-six (36) equal monthly installment; Provided, that loans not exceeding Twenty Four Thousand Pesos (P24,000.00) shall be payable in twenty four (24) equal monthly installments;
3. see to it that all necessary document relating to the loan as required by its rules and regulations are complied with: and
4. render necessary reports to the Court through the Committee on Security.

B. The Distributor or Supplier shall:

1. administer the non-policy aspects of the program as agreed upon in a final Memorandum of Agreement; and
2. work out the issuance of the firearm license and permit to carry in favor of the judge-grantee.
3. bind itself to deliver the handgun to the judge-grantee within one (1) month from the issuance of the license by the Philippine National Police-Firearms and Explosive Division (PNP-FED); and

4. immediately notify the judge-grantee, copy furnished the Committee that the handgun are available for delivery/pick-up.

C. The Judge-Grantee shall:

1. pay his/her obligation within the stipulated period;
2. use the gun exclusively for his/her personal protection, safety and security;
3. exercise thorough care in choosing the brand, model and caliber of the handgun. **No change of brand, model or caliber will be allowed after the approval of the application and issuance of the corresponding Delivery Order to the Supplier/Distributor is effected;**
4. acknowledge invoice/receipt of the handgun not later than fifteen (15) days after notification of the availability of the handgun by the Supplier/Distributor
5. not transfer, assign or encumber the handgun without the approval of the Committee or until full payment of the loan has been made; and
6. secure a clearance from the Committee in case of resignation, transfer, separation, retirement or dismissal from service.

FILING AND PROCESSING OF APPLICATION, DELIVERY AND PAYMENT

A. Filing and Processing of Applications

Application forms and the SC-MCHAP Price List of available brands, make, models and caliber of handguns will be made available at the Property Division, Office of the Court Administrator and/or the retail stores of the different accredited distributor/supplier.

Qualified judges desiring to acquire a handgun under the program shall choose from among the available handgun in the SC-MCHAP Price List. The duly accomplished application forms together with all the supporting documents shall then be submitted to the Committee.

If the loan application is approved, the Committee shall immediately issue a **Delivery Order** to the concerned Supplier/Distributor. The Supplier/Distributor shall then coordinate with the judge-grantee for the payment of the equity (for handgun loans in excess of P50,000.00) and submission of the required documents for firearm licensing and issuance of permit to carry.

Cost of maintenance and repair of the handguns beyond the warranty period shall be for the account of the judge-grantee.

B. Payment

The judge-grantee shall directly pay in cash the concerned Supplier/Distributor the equity or the difference between the total cost of the handgun and the maximum loanable amount of **P50,000.00**.

Upon completion of delivery, the Supplier/Distributor shall forward to the Committee the: (1) **Delivery Order issued**; (2) **invoice/receipt of the handgun duly acknowledged by the judge-grantee**; and (3) **copy of the firearm license/permit to carry card**, for payment of the handgun

Should the judge-grantee die after the issuance of the firearms license in the name of the judge-grantee but prior to his/her acknowledgement in the invoice/receipt or delivery of the handgun, **a certification relative to the death of the judge-grantee together with a certified true copy of the death certificate** may be considered in lieu of the acknowledgement required as substantial compliance for payment handgun to Supplier/Distributor. Payment of the loan shall then be deducted from whatever benefits due to the judge-grantee.

Should the judge-grantee resign, transfer to another agency, voluntarily retire or be separated or removed from the service prior to full payment of his loan, the entire unpaid balance of the handgun loan shall be due and demandable. **The required clearance shall only be issued to the judge-grantee upon full payment of the loan.**

The Committee on Security may change or suspend any provision of the program if it becomes necessary or desirable."

For your information and guidance.

October 21, 2008


JOSE P. PEREZ
Court Administrator