



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

OCA CIRCULAR NO. 11-2011

TO : ALL JUSTICES OF THE SANDIGANBAYAN, JUDGES OF THE REGIONAL TRIAL COURTS, SHARI'A DISTRICT COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, SHARI'A CIRCUIT COURTS AND MUNICIPAL CIRCUIT TRIAL COURTS.

SUBJECT : AMENDMENT OF OCA CIRCULAR 1-98 ON THE ISSUANCE OF COURT PROCESSES RELATIVE RECORDS ON FIREARMS AND EXPLOSIVES

OCA Circular No. 1-98 dated 2 January 1998 directs the courts to address "all summonses and processes seeking to establish official records or information regarding firearms and explosives x x x to 'The Chief, Records Branch, Firearms and Explosives Division (FED).'"

However, in the later case of *Del Rosario vs. People* (G.R. No. 142295, 31 May 2001), the Supreme Court held that the certification issued by the Records Branch of the FED on whether a person is a licensed firearm holder is sufficient evidence and should be accepted by the courts in determining the presence or absence of a valid license or permit to own or possess firearms or explosives in order to establish the offense of Illegal Possession of Firearms. Consequently, the appearance of FED records personnel before the courts is not absolutely necessary in order to establish the authenticity such FED certification, and the latter shall be recognized by the Court as sufficient to establish the fact that the accused had or had no license or permit to own or possess the firearm or explosive.

WHEREFORE, OCA Circular No. 1-98 dated 2 January 1998 is hereby superseded. All lower courts are hereby directed to desist from issuing subpoenas, summonses or other processes requiring the personal appearance of the Chief, Records Section, Firearms and Explosives Office (FEO) and shall admit the certification issued by the FEO Records Section as sufficient proof of the fact of possession or non-possession of a valid license to own or possess firearms or explosives in the offense of Illegal Possession of Firearms without further need of requiring the appearance of the FEO records personnel to testify on the authenticity thereof.

This Circular shall take effect immediately.

18 January 2011.


JOSE MIDAS P. MARQUEZ
Court Administrator