



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS
MANILA 1099

MASTER COPY 

September 13, 2016

CUSTOMS MEMORANDUM CIRCULAR
NO. 127-2016

TO: All Deputy Commissioners
All Directors and Division Chiefs
All District / Port Collectors
And Others Concerned

SUBJECT: Implementing Rules and Regulations (IRR) on Controlled Chemicals

Attached is the letter of Acting Director Federico L. Dulay, Jr., Civil Security Group, Philippine National Police (PNP), furnishing this Bureau with a copy of the following categorization of controlled chemicals:

1. Approved IRR of Republic Act No. 9516 (in full effect since August 10, 2016)
2. List of Controlled Chemicals
3. List of Delisted Chemicals

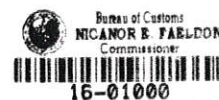
It is also informed that the moratorium and issuance of temporary permit and license in the regulation of controlled chemicals has been terminated on August 9, 2016.

Fertilizers containing Ammonium Nitrate with less than 70% purity percentage shall be regulated but subject to actual testing to determine its explosive potential to be conducted by the PNP.

For your information and guidance.

Please confirm the dissemination of this circular throughout your offices within fifteen (15) days from receipt hereof.


NICANOR E. FAELDON
Commissioner



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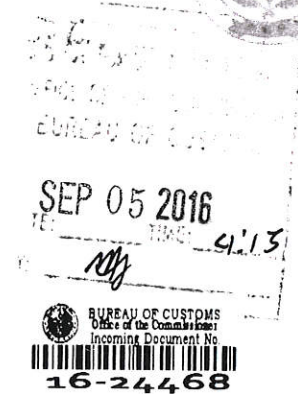
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Republic of the Philippines
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS PHILIPPINE NATIONAL POLICE
CIVIL SECURITY GROUP
Camp Crame, Quezon City



Commissioner NICANOR FAELDON
Bureau of Customs
Port Area, Manila
371 Sen. Gil J. Puyat Avenue, Makati City



Dear Commissioner Faeldon:

The Implementing Rules and Regulations (IRR) of Republic Act 9516 governing controlled chemicals has been approved by then Chief, Philippine National Police, PDG RICARDO C MARQUEZ on June 9, 2016.


Respectfully be informed that the moratorium and issuance of temporary permit and license in the regulation of controlled chemicals has been terminated on August 9, 2016 and the said IRR has been in full effect since August 10, 2016.

Provided to you as your reference are the following categorization of controlled chemicals:

- | | |
|--|-----------|
| 1. Copy of the approved IRR of Republic Act No. 9516 | - TAB "A" |
| 2. List of controlled chemicals | - TAB "B" |
| 3. List of delisted chemicals | - TAB "C" |

However, fertilizers containing Ammonium Nitrate with less than 70% purity percentage shall be regulated but subject to actual testing to determine its explosive potential to be conducted by the PNP.

For information.


FEDERICO L DULAY JR
Police Chief Superintendent
Acting Director, CSG

IMPLEMENTING RULES AND REGULATIONS ON CONTROLLED CHEMICALS PURSUANT TO SECTION 4-C TO 4-F OF PD NO. 1866 AS AMENDED BY RA NO. 9516

WHEREAS, Presidential Decree No. 1866 codified the laws on illegal/unlawful possession, manufacture, dealing in, acquisition or disposition, of firearms, ammunition or explosives or instruments used in the manufacture of firearms, ammunition or explosives;

WHEREAS, Republic Act No. 9516 amended the provisions of Presidential Decree No. 1866 by inserting new sections i.e. 4-C, 4-D, 4-E and 4-F, to wit:

SEC. 4-C. Authority to Import, Sell or Possess Chemicals or Accessories for Explosives. – Only persons or entities issued a manufacturer's license, dealer's license or purchaser's license by the Philippine National Police (PNP)-Firearms and Explosives Division may import any of the chemicals or accessories that can be used in the manufacture of explosives or explosive ingredients from foreign suppliers, or possess or sell them to licensed dealers or end users, as the case may be.

SEC. 4-D. Types of Chemical/Accessories Covered. – The chemicals and accessories mentioned in the preceding Section shall exclusively refer to chlorates, nitrates, nitric acid and such other chemicals and accessories that can be used for the manufacture of explosives and explosive ingredients.

SEC. 4-E. Record of Transactions. – Any person or entity who intends to import, sell or possess the afore-cited chemicals or accessories shall file an application with the Chief of the PNP, stating therein the purpose for which the license and/or permit sought and such other information as may be required by the said official. The concerned person or entity shall maintain a permanent record of all transactions entered into in relation with the afore-cited chemicals or accessories, which documents shall be open to inspection by the appropriate authorities.

SEC. 4-F. Cancellation of License. – Failure to comply with the provision of Section 4-C, 4-D, and 4-E shall be sufficient cause for the cancellation of the license and the confiscation of all such chemicals or accessories, whether or not lawfully imported, purchased or possessed by the subject or entity.

WHEREAS, the Chief of the Philippine National Police is mandated by law to promulgate the rules and regulations for the effective implementation of Presidential Decree No. 1866 as amended by Republic Act No. 9516 to be approved by the Secretary of the Department of the Interior and Local Government pursuant to Presidential Decree No. 1878-A;

NOW THEN, the Chief of the Philippine National Police, pursuant to the said mandate, hereby promulgates the following Implementing Rules and Regulations in order to carry out the provisions of the aforementioned laws.

Section 1. Short Title.

These Rules shall be known as the Implementing Rules and Regulations (IRR) on Controlled Chemicals.

Section 2. Definition of Terms.

For purposes of this IRR, the following terms or words and phrases shall mean or, to be understood as defined herein:

- 2.1. **Academe** – refers to Philippine universities, colleges, school and vocational institutes that are under the supervision of the Commission on Higher Education (CHED), Department of Education (DepEd) or Technical Education Skills and Development Authority (TESDA).
- 2.2. **Accessories** – refer to any part, materials, ingredient, machinery, tool or instrument of any explosive or incendiary whether mechanical, electronic, electrical other than chemical that can be used to ignite, initiate or enhance explosion.
- 2.3. **Analytical/Testing Laboratory** – refers to a facility competent to undertake chemical, biochemical, industrial, minerals, materials, and other types of analysis and therefore requires chemicals to function.
- 2.4. **CAS Number** – refers to the number that is used to identify the chemical. It is a unique numerical identifier assigned by Chemical Abstract Service (CAS) to every chemical substance described in the open scientific literature.
- 2.5. **Certificate of Inspection** – refers to the certificate issued by the PNP to the applicant or licensee whose storage facility, site or branch has complied with all the inspection requirements set forth by the PNP.
- 2.6. **CHED** – refers to the Commission on Higher Education.
- 2.7. **Contaminated Chemical** – refers to a chemical with presence of unwanted substance making it unsuitable for consumption or use.
- 2.8. **Controlled Chemicals** – refer exclusively to chlorates, nitrates, nitric acid and such other chemicals categorized under Section 3.1 hereof that can be used for the manufacture of explosives and explosive ingredients, where the explosive is capable or is intended to be made capable of producing destructive effect on contiguous objects or causing injury or death to any person.
- 2.9. **Certificate of Balance** – refers to the document issued by the PNP indicating the maximum quantity of controlled chemicals a licensee can be allowed to procure.
- 2.10. **Certificate of Good Standing** – refers to the document issued by the Chief, FEO attesting that a licensed entity has complied with all the requirements of this IRR and has no derogatory report within the validity period of the existing license.
- 2.11. **CSG** – refers to the Civil Security Group of the Philippine National Police.

- 2.12. Dealer's License – refers to the document issued to qualified persons or entities authorizing them to engage in the business of buying and selling controlled chemicals at wholesale or retail.
- 2.13. DepEd – refers to the Department of Education.
- 2.14. DOH – refers to the Department of Health.
- 2.15. DOST – refers to the Department of Science and Technology.
- 2.16. DTI – refers to the Department of Trade and Industry.
- 2.17. End-User Declaration – refers to the document issued by the licensed dealers to the licensed DTI-certified micro and small enterprises, CHED/DepEd/TESDA-certified academe, DOST-accredited analytical/testing laboratories, DOH-accredited hospitals and Barangay-certified farmers in the purchase and movement of certain controlled chemicals in a maximum allowable quantity.
- 2.18. EEMD – refers to the Education and Enforcement Management Division of the Firearms and Explosives Office.
- 2.19. EMD – refers to the Explosives Management Division of the Firearms and Explosives Office.
- 2.20. Entity – refers to juridical person as provided under Article 44 of the Civil Code of the Philippines.
- 2.21. FEO – refers to the Firearms and Explosives Office of the Philippine National Police.
- 2.22. FEO License Revocation and Restoration Board (FLRRB) – refers to the FEO board with a regulatory function to study, review, validate, and recommend the cancellation, restoration or imposition of administrative fine pursuant to Section 11.1 of this IRR of all issued licenses and/or permits relative to controlled chemicals through a Resolution to be approved by the Chief, PNP or his authorized representative.
- 2.23. GHS – refers to the Globally Harmonized System of classification and labeling of chemical. It defines and classifies the hazard of chemical products, and communicates health and safety information on labels and safety data sheets.
- 2.24. Manufacturer's License – refers to the document issued to qualified persons or entities authorizing them to engage in the business of manufacturing controlled chemicals for purposes of sale or distribution.
- 2.25. Maximum Allowable Quantity:
 - 2.25.1. For Special Permit to Purchase and Move Controlled Chemicals: Maximum allowable quantity refers to the quantity of a substance, not exceeding 10 liters for liquids and 10 kilograms for solid, which a user can purchase and consume within a day.
 - 2.25.2. For DTI-certified micro and small enterprises, CHED/DepEd/ TESDA-certified academe, DOST-accredited analytical/testing

laboratories, DOH-accredited hospitals and Barangay-certified farmers: Maximum allowable quantity refers to the threshold quantity of a substance, a user may purchase and consume within a year, to be determined by the PNP.

- 2.26. Mixture – refers to the combination of two or more pure substances in which each pure substance retains its individual chemical properties.
- 2.27. Permit to Export Controlled Chemicals (PECC) – refers to the document issued to licensed persons or entities authorizing them to export controlled chemicals.
- 2.28. Permit to Import Controlled Chemicals (PICC) – refers to the document issued to licensed persons or entities authorizing them to import controlled chemicals.
- 2.29. Permit to Purchase and Move Controlled Chemicals (PPMCC) – refers to the document issued to licensed persons or entities authorizing them to purchase and move the controlled chemicals from the seller's storage facility to the purchaser's storage facility.
- 2.30. Permit to Unload Controlled Chemicals (PTUCC) – refers to the document issued to licensed persons or entities authorizing them to unload and transport imported controlled chemicals from port of entry to the storage facility as indicated in the approved license.
- 2.31. Permit to Transfer Controlled Chemicals (PTTCC) – refers to the document issued to licensed persons or entities authorizing them to move and transport controlled chemicals from one storage facility to another storage facility of the same licensee.
- 2.32. Permit to Transport Controlled Chemicals (PTCC) - refers to the document issued to licensed persons or entities authorizing them to move and transport controlled chemicals from one storage facility to the Department of Natural Resources-Environment Management Bureau (DENR-EMB) accredited treatment facility.
- 2.33. Person – refers to the natural person pursuant to the Civil Code of the Philippines.
- 2.34. PNP – refers to the Philippine National Police.
- 2.35. PNP Accredited Logistics Service Provider/Broker/Forwarder/Trucker – refers to a company-owned truck duly accredited by the PNP or a third party logistics service provider/broker/forwarder/trucker holding itself to the general public to provide transportation of controlled chemicals for compensation and in the ordinary course of its business that is duly accredited by the PNP.
- 2.36. Process Flowchart – refers to the description of the generic process flow where the controlled chemical/s will be used, including the purpose of the use of the controlled chemical/s, and the quantity/purity requirement to justify its procurement which must be prepared and signed by the person authorized to use the controlled chemicals.

- 2.37. Purchaser's License – refers to the license issued to qualified persons or entities authorizing them to purchase and possess controlled chemicals for use in any lawful purposes.
- 2.38. Research and Development (R&D) Team – refers to the group to be commissioned by the SILG/Chairman, National Police Commission (NAPOLCOM), composed of representatives from the PNP, DOST, academe and concerned industries, for the purpose of evaluation and determination of the explosive potential of a certain chemical.
- 2.39. RCSU – refers to the Regional Civil Security Unit of the Civil Security Group.
- 2.40. ROPD – refers to the Regional Operations and Plans Division of the Police Regional Office.
- 2.41. SILG – refers to the Secretary of the Interior and Local Government.
- 2.42. Security Survey Inspection Report – refers to the report rendered by the PNP regarding the compliance of an applicant or licensee on the physical, structural, and operational security of its storage facility, site or branch.
- 2.43. Special Permit to Purchase and Move Controlled Chemicals (SPPMCC) – refers to the document issued once to unlicensed but qualified persons or entities authorizing them to acquire/purchase controlled chemicals in maximum allowable quantity for academic, scientific, and other lawful purposes.
- 2.44. Storage Facility – refers to buildings, structures, storage tanks and/or silos used for the safe-keeping of controlled chemicals.
- 2.45. TESDA – refers to the Technical Education and Skills Development Authority.

Section 3. Categorization of Controlled Chemicals:

3.1. The Controlled Chemicals shall be categorized into High-Risk and Low-Risk as provided in the List of Controlled Chemicals under Annex A of this IRR.

3.2. The Chief, PNP can update the List of Controlled Chemicals and place new chemicals or mixtures under regulation and, for this purpose, may consult with the Research and Development Team from time to time. The Research and Development Team shall use available scientific methodology and security information in evaluating and determining the explosive potential of such new chemicals. The Research and Development Team shall provide the Chief, PNP with the results within fifteen (15) working days from commencement of its evaluation and determination process.

3.3. However, in the interest of public safety or peace and order, the Chief, PNP can, motu proprio update the List of Controlled Chemicals and place new chemicals or mixtures under regulation, to take effect immediately, but with due regard to affected new chemicals or mixtures that are still in transit or already in circulation. Within fifteen (15) working days from effectivity, the updated list may be endorsed to the Research and Development Team, for evaluation and determination. The Research and

Development Team shall provide the Chief, PNP with the results within fifteen (15) working days from commencement of its evaluation and determination process.

Section 4. License to Manufacture, Deal and Purchase Controlled Chemicals.

4.1. Any person or entity desiring to engage in the business of manufacturing, dealing in and/or purchasing controlled chemicals shall first secure the appropriate license for such purpose.

4.2. Authority to Issue Manufacturer's License, Dealer's License, and Purchaser's License:

4.2.1. The approving authority for application for Manufacturer's License, Dealer's License, and Purchaser's License shall be the Chief, PNP.

4.2.2. However, amendment and renewal of Manufacturer's License and Dealer's License may be delegated to the Director, Civil Security Group and the Chief, Firearms and Explosives Office, respectively.

4.2.3. The approving authority for a new application for Purchaser's License to include its amendment may be delegated to the Director, Civil Security Group while its renewal may be delegated to the Chief, FEO.

4.2.4. The approving authority for Purchaser's License for DTI-certified small enterprises, CHED/DepEd/TESDA-certified academe, DOST-certified analytical/testing laboratories, and DOH-certified hospitals to include its amendment and renewal may be delegated to the Chief, FEO.

4.2.5. The approving authority for Purchaser's License for DTI-certified micro enterprises and Barangay-certified farmers to include its amendment and renewal may be delegated to the Chief, FEO for Metro Manila applicants and Chief, RCSU for outside Metro Manila applicants. Pending the full activation of RCSU, the Chief, FEO shall be the approving authority.

4.2.6. The only permissible grounds for amendment of license shall exclusively refer to: change of corporate/business name and/or address, establishment of additional or change of storage facility or branch, inclusion of additional controlled chemicals, increase in quantity, and/or deletion of controlled chemicals.

4.3. Applications for licenses shall be in the name of and shall be represented by the owner, in case of sole proprietorships or partnerships, or, in case of corporations, by the president or any corporate officer or member of the Board empowered through a Secretary's Certificate.

The applicant may duly authorize a representative to process the application through a Special Power of Attorney (SPA) stating that he/she had been authorized for the purpose of processing the application for license.

4.4. The quantity applied for in the license shall consider the following factors, such as but not limited to usage and storage facility.

4.5. Requirements for Issuance of License: The following documentary requirements in original or authenticated copies shall be submitted to acquire Manufacturer's License, Dealer's License, or Purchaser's License to include its amendment and renewal:

4.5.1. For New Application of License:

- a. Duly accomplished Application Form;
- b. For local corporation/partnership: Certificate of Registration of the firm with the Securities and Exchange Commission (SEC) to include its machine validated Articles of Incorporation and General Information Sheet (GIS);

For foreign multi-corporation: SEC Registration to do business in the Philippines;

For Single Proprietorship: Certificate of Registration with the Department of Trade and Industry (DTI);

- c. Personal Data Sheet (PDS) of the applicant and the management personnel of the storage facility/warehouse where the controlled chemicals will be stored;
- d. NBI Clearance of the applicant;
- e. Business Permit;
- f. Process flowchart (for manufacturer and purchaser only);
- g. Material Safety Data Sheet (MSDS)/Safety Data Sheet (SDS) of controlled chemicals to be provided by the supplier;
- h. Vicinity map of the factory and storage facility showing distance from the nearest Police Headquarters;
- i. Floor/Location plan of the storage facility;
- j. Properly labeled pictures (8"x10" in size) of storage facility printed in photo paper;
- k. For Metro Manila applicants: Security Survey Inspection Report from the Chief of Police of the concerned Police Station and Certificate of Inspection from Chief, EEMD, FEO.

For outside Metro Manila applicants: Security Survey Inspection Report from the Provincial Director, Police Provincial Office (PPO)/City Director, City Police Office (CPO) and Certificate of Inspection from the RCSU or the Provincial Director, PPO/City Director, CPO pending full activation of the RCSU.
- l. Proof of payment from the Land Bank of the Philippines.

4.5.2. For Amendment of License:

- a. Duly accomplished Application Form;
- b. In case of additional controlled chemicals:
 - 1) Process flowchart;
 - 2) Material Safety Data Sheet (MSDS)/Safety Data Sheet (SDS) of the controlled chemicals to be provided by the supplier; and
 - 3) For Metro Manila applicants: Security Survey Inspection Report from the Chief of Police of the concerned Police Station and Certificate of Inspection from Chief, EEMD, FEO.

For outside Metro Manila applicants: Security Survey Inspection Report from the Provincial Director, PPO/City Director, CPO and Certificate of Inspection from the RCSU or the Provincial Director, PPO/City Director, CPO pending full activation of the RCSU.

- c. In case of increase in quantity of controlled chemicals and/or establishment of additional storage facility:
 - 1) Notarized latest Monthly Consumption Report;
 - 2) Properly labeled pictures (8"x10" in size) of the additional storage facility printed in photo paper; and
 - 3) For Metro Manila applicants: Security Survey Inspection Report from the Chief of Police of the concerned Police Station and Certificate of Inspection from Chief, EEMD, FEO.

For outside Metro Manila applicants: Security Survey Inspection Report from the Provincial Director, PPO/City Director, CPO and Certificate of Inspection from the RCSU or the Provincial Director, PPO/City Director, CPO pending full activation of the RCSU.

- d. In case of change of storage facility:
 - 1) Duly accomplished Application Form;
 - 2) Business Permit;
 - 3) Vicinity map of the factory and storage facility showing distance from the nearest Police Headquarters;
 - 4) Floor/Location plan of the storage facility;
 - 5) Properly labeled pictures (8"x10" in size) of storage facility printed in photo paper;
 - 6) For Metro Manila applicants: Security Survey Inspection Report from the Chief of Police of the concerned Police Station and Certificate of Inspection from Chief, EEMD, FEO.

For outside Metro Manila applicants: Security Survey Inspection Report from the Provincial Director, PPO/City Director, CPO and Certificate of Inspection from the RCSU or the Provincial Director, PPO/City Director, CPO pending full activation of the RCSU.

e. In case of change of corporate/business address:

1) For local Corporation or Partnership: Certificate of Registration of the firm with the SEC to include its machine validated Article of Incorporation and GIS.

For Foreign Multi-corporation: SEC Registration to do business in the Philippines.

For Single Proprietorship: Certificate of Registration with DTI.

2) Business Permit;

3) Vicinity map of the factory and storage facility showing distance from the nearest Police Headquarters;

4) Floor/Location plan of the storage facility;

5) Properly labeled pictures (8"x10" in size) of storage facility printed in photo paper; and

6) For Metro Manila applicants: Security Survey Inspection Report from the Chief of Police of the concerned Police Station and Certificate of Inspection from the Chief, EEMD FEO.

For outside Metro Manila applicants: Security Survey Inspection Report from the Provincial Director, PPO/City Director, CPO and Certificate of Inspection from the Regional Civil Security Unit or from the Provincial Director, PPO/City Director, CPO pending full activation of the RCSU.

f. In case of change of corporate/business name:

For Corporation or Partnership: Certificate of Registration of the firm with SEC to include its machine validated Article of Incorporation and GIS;

For foreign multi-corporation – SEC Registration to do business in the Philippines.

For Single Proprietorship: Certificate of Registration with DTI.

4.5.3. For Renewal of License:

a. Duly accomplished Application Form;

b. Business Permit;

c. For Metro Manila applicants: Security Survey Inspection Report from the Chief of Police of the concerned Police Station and Certificate of Inspection from the Chief, EEMD, FEO.

For Outside Metro Manila applicants: Security Survey Inspection Report from the Provincial Director, PPO/City Director, CPO and

Certificate of Inspection from the RCSU or from the Provincial Director, PPO/City Director, CPO pending full the activation of the RCSU; and

d. Proof of payment from the Land Bank of the Philippines.

- 4.6. The PDS and NBI clearance of the applicant shall be submitted if the applicant for amendment or renewal of license is different from the applicant during the new application.
- 4.7. The applicant shall inform the PNP through the EMD, FEO in case of change in the management personnel of the storage facility/warehouse where the controlled chemicals are stored.
- 4.8. All documentary requirements should be valid at the time of filing of the application.
- 4.9. All licenses shall be valid for a period of one year from the date of issuance. If an application for renewal is filed at least 60 calendar days prior to its expiration date, the expiring license shall remain valid until a decision is rendered on the application for renewal. The FEO is enjoined to act on all applications for renewal within the 60 calendar days.
- 4.10. Licensee with expired license shall be given until six months to renew its license subject to imposition of administrative fines. Pending renewal of the expired license, licensee is prohibited to exercise the authorities as provided under Section 5 of this IRR. After six months of non-renewal, the PNP shall undertake action to confiscate all such controlled chemicals, whether or not lawfully imported, purchased or possessed by the licensed manufacturer, dealer or purchaser.
- 4.11. Administrative Fines shall be imposed on expired licenses, as follows:

MONTH/S AFTER EXPIRATION	SURCHARGE/PENALTY
1- 30 calendar days	10% of the approved fee
31-60 calendar days	20% of the approved fee
61-90 calendar days	30% of the approved fee
91-120 calendar days	40% of the approved fee
121-150 calendar days	50% of the approved fee
151-180 calendar days	100% of the approved fee
181 calendar days and above	Cause for confiscation of all such controlled chemicals

4.12. In the application for renewal, the Chief, PNP or his authorized representative may grant a license for a longer validity period but not more than three years on the basis of good standing without prejudice to the Inspection under Section 8 and Cancellation under Section 10 of this IRR.

Section 5. Scope of License to Manufacture, Deal in and Purchase Controlled Chemicals.

5.1. The scope of the Manufacturer's License shall include the following:

- 5.1.1. The authority to manufacture controlled chemicals within sites, areas, and factories stated in the license;
 - 5.1.2. The authority to deal in or sell all the items manufactured as approved in the manufacturer's license to licensed persons and entities;
 - 5.1.3. The authority to purchase and/or import controlled chemicals as reflected in the approved Manufacturer's License;
 - 5.1.4. The authority to export the items manufactured; and
 - 5.1.5. The authority to subcontract the manufacturing/processing of controlled chemicals; however, the subcontractor shall secure a Manufacturer's License to manufacture such controlled chemicals.
- 5.2. The scope of the Dealer's License shall include the following:
- 5.2.1. The authority to deal in or sell all controlled chemicals as reflected in the approved Dealer's License to licensed persons and entities;
 - 5.2.2. The authority to deal in or sell certain controlled chemicals to DTI-certified micro and small enterprises, CHED/DepEd/TESDA-certified academe, DOST-certified analytical/testing laboratories, DOH-certified hospitals, and Barangay-certified farmers at the prescribed maximum allowable quantity. However, licensed dealers shall adhere to the policy/guidelines on the issuance of "End-User Declaration" and reportorial requirements for every deal or sale of controlled chemicals; and
 - 5.2.3. The authority to purchase and/or import controlled chemicals as reflected in the approved Dealer's License.
- 5.3. The scope of the Purchaser's License shall include the following:
- 5.3.1. The authority to purchase and/or import controlled chemicals as reflected in the approved Purchaser's License;
 - 5.3.2. The authority to use and process the controlled chemicals to produce its desired product, except the manufacture of another controlled chemicals; and
 - 5.3.3. The authority to subcontract the manufacturing/processing of products or chemicals not categorized as controlled chemicals; however, the subcontractor shall secure a Purchaser's License to manufacture such product or substance using controlled chemicals.
- 5.4. The scope of the Purchaser's License for DTI-certified small enterprises, CHED/DepEd/TESDA-certified academe, DOST-certified analytical/testing laboratories, and DOH-certified hospitals:
- 5.4.1. The authority to purchase certain controlled chemicals as reflected in the approved Purchaser's License within the maximum allowable quantity without the necessary permit;

- 5.4.2. The authority to use and process the controlled chemicals to produce its desired product; except the manufacture of another controlled chemical ; and
 - 5.4.3. Applicant shall only submit a duly accomplished Application Form, certification from the concerned agency and proof of payment from the Land Bank of the Philippines.
- 5.5. The scope of the Purchaser's License for DTI-certified micro enterprises and Barangay-certified farmers:
- 5.5.1. The authority to purchase certain controlled chemicals as reflected in the approved Purchaser's License within the maximum allowable quantity without the necessary permit;
 - 5.5.2. The authority to use and process the controlled chemicals to produce its desired product; except the manufacture of another controlled chemicals; and
 - 5.5.3. Applicant shall only submit a duly accomplished Application Form and certification from the concerned agency.
- 5.6. Importation.
- 5.6.1. Any licensed persons or entities desiring to import controlled chemicals shall submit their application to the Chief, PNP through the Chief, FEO for Metro Manila applicants or the Provincial Director, PPO/City Director, CPO for outside Metro Manila applicants.
 - 5.6.2. Permit to Import Controlled Chemicals (PICC) for manufacturers and dealers shall be for the approval of the Chief, PNP while PICC for purchasers shall be for the approval of the Director, CSG.
 - 5.6.3. For initial importation, application to import may be filed for such quantities as may be needed by the licensee for one-year period based on the storage capacity multiplied by 12 months plus 25%. For the succeeding importation, application to import may be filed for such quantities as may be needed by the licensee for one-year period based on the maximum annual average for the past three years plus 25%.

However, the licensee shall schedule the unloading of controlled chemicals in such a way that when received shall not exceed the authorized capacity of the storage facility including actual stock on hand upon arrival of the shipment.
 - 5.6.4. At least ten working days before the arrival of controlled chemicals under the Permit to Import Controlled Chemicals (PICC), the licensee-importer may apply for Permit to Unload Controlled Chemicals (PTUCC) to the Chief, FEO or the Chief, RCSU. Pending full activation of the RCSU, all PTUCC shall be for the approval of the Chief, FEO.

- 5.6.5. Permit to Unload Controlled Chemicals (PTUCC) shall serve as the authority of the licensee-importer to unload the controlled chemicals from the port of entry and transport the same to the storage facility as indicated in the license. Shipment unloaded and transported shall be deducted from the PICC in the Certificate of Balance.
- 5.6.6. Documentary requirements for applying Permit to Import Controlled Chemicals (PICC):
- Duly accomplished Application Form;
 - Inventory Report from Chief, EEMD, FEO or Chief, RCSU or from the Provincial Director, PPO/City Director, CPO pending full activation of the RCSU; and
 - Proof of payment from the Land Bank of the Philippines.
- 5.6.7. Documentary requirements for applying Permit to Unload Controlled Chemicals (PTUCC):
- Duly accomplished Application Form;
 - Copy of Permit to Import with Certificate of Balance;
 - Notarized latest Monthly Consumption Report;
 - Commercial/Proforma Invoice for sea freight or for air freight in lieu of Bill of Lading or Airway Bill;
 - Certification from the licensee with confirmation from the PNP accredited logistic service provider/broker/forwarder/trucker; and
 - Proof of payment from the Land Bank of the Philippines.
- 5.7. Exportation.
- 5.7.1. Any licensed manufacturers desiring to export controlled chemicals shall submit their applications to the Chief, PNP through the Chief, FEO for Metro Manila applicants or the Provincial Director, PPO/City Director, CPO for outside Metro Manila applicants.
- 5.7.2. Permit to Export shall serve as the authority of the licensed manufacturers to export controlled chemicals and to move/transport the controlled chemicals from the licensed manufacturer's storage facility to the port of exit.
- 5.7.3. Permit to Export shall be for the approval of the Chief, PNP or his authorized representative.
- 5.7.4. Documentary Requirements for application for Permit to Export:
- Original Letter of Intent and End-User's Certificate of the Consignee; and
 - Certification from the licensee-exporter with confirmation from the PNP accredited logistic service provider/broker/forwarder/trucker.
- 5.8. Local purchase and movement of controlled chemicals.
- 5.8.1. Any licensed person or entity desiring to purchase controlled chemicals shall submit their application to the Chief, PNP through the Chief, FEO for Metro Manila applicants or to the Provincial Director, PPO/City Director, CPO for outside Metro Manila applicants.

- 5.8.2. Permit to Purchase and Move Controlled Chemicals (PPMCC) shall serve as the authority of the purchaser to move and transport the controlled chemicals from the seller's storage facility to the purchaser's storage facility as indicated in the license.
- 5.8.3. Permit to Purchase and Move Controlled Chemicals (PPMCC) shall be for the approval of the Chief, FEO or the Chief, RCSU. Pending full activation of the RCSU, all PPMCC shall be for the approval of the Chief, FEO.
- 5.8.4. The whole quantity specified in the permit shall be sold and delivered to the purchaser. If for some reasons the whole quantity cannot be delivered at one time, permission shall be requested from the Chief, FEO or the Chief, RCSU who shall specify the kinds and quantities of controlled chemicals to comprise each partial delivery which should be proportionate to the kinds and quantities in the original permit.
- 5.8.5. Documentary requirements for applying Permit to Purchase and Move Controlled Chemicals (PPMCC):
 - a) Duly accomplished Application Form;
 - b) Endorsement from Provincial Director, PPO/City Director, CPO (for provincial applicant);
 - c) Certification from the licensee with confirmation from the PNP accredited logistic service provider/broker/forwarder/trucker; and
 - d) Proof of payment from the Land Bank of the Philippines.
- 5.9. Permit to Transfer Controlled Chemicals (PTTCC):
 - 5.9.1. Any licensed manufacturer or dealer who needs to move and transport controlled chemicals from one storage facility to another storage facility of the same licensee shall apply for Permit to Transfer.
 - 5.9.2. Permit to Transfer Controlled Chemicals (PTTCC) shall be for the approval of the following:
 - a) Provincial Director, PPO/City Director, CPO, if the movement and transportation of controlled chemicals is within the province/city.
 - b) Chief, RCSU, if the movement and transportation of controlled chemicals transcends provincial boundaries of the same region. Pending full activation of the RCSU, the Regional Director, PRO shall be the approving authority.
 - c) Chief, FEO, if the movement and transportation of controlled chemicals transcends regional boundaries.
 - 5.9.3. Documentary requirements for applying Permit to Transfer Controlled Chemicals:
 - a) Duly accomplished Application Form; and

- b) Certification from the licensee with confirmation from the PNP accredited logistic service provider/broker/forwarder/trucker.

5.10. Special Permit to Purchase and Move Controlled Chemicals (SPPMCC):

5.10.1. Any person or entity not licensed as manufacturer, dealer or purchaser desiring to acquire/purchase controlled chemicals on a maximum allowable quantity for academic, scientific and other lawful purposes shall apply to the Chief, FEO through the Chief, EMD FEO for Metro Manila applicants or to the Provincial Director, PPO/City Director, CPO for outside Metro Manila applicants.

5.10.2. Special Permit to Purchase and Move Controlled Chemicals (SPPMCC) shall serve as the authority of the purchaser to move and transport controlled chemicals from the seller's storage facility to the purchaser's storage facility as indicated in the permit. Subsequent purchases shall require application for a Purchaser's License.

5.10.3. Special Permit to Purchase and Move Controlled Chemicals (SPPMCC) shall be for the approval of the Chief, FEO or the Chief, RCSU. Pending full activation of the RCSU, all SPPMCC shall be for the approval of the Chief, FEO.

5.10.4. Documentary requirements:

- a) Duly accomplished Application Form;
- b) Personal Data Sheet (PDS) of the applicant;
- c) NBI Clearance of the applicant; and
- d) Proof of payment from the Land Bank of the Philippines.

5.11. Unless earlier cancelled, the validity of permits shall be as follows:

5.11.1. For Permit to Import Controlled Chemicals (PICC), valid for one year from the date of issuance.

5.11.2. For Permit to Export Controlled Chemicals (PECC), valid for one year from the date of issuance.

5.11.3. Permit to Purchase and Move Controlled Chemicals (PPMCC), valid for a period of 60 calendar days from the date of issuance.

5.11.4. Permit to Transfer Controlled Chemicals (PTCC), valid for a period of 30 calendar days from the date of issuance.

5.12. All movement and transportation of controlled chemicals shall not be delayed.

5.13. Pending operationalization of the PNP accredited logistics service provider/broker/forwarder/trucker, one police security escort shall be required for every movement and transportation of high-risk controlled chemicals.

5.14. All licensed persons and entities to include PNP accredited logistics service provider/broker/forwarder/trucker must observe the Guidelines in the Movement and Transportation of Controlled Chemicals as provided under Annex B of this IRR.

Section 6. Issuance of Licenses/Permits and Payment of Fees.

6.1. Licenses and permits shall be issued only upon the compliance with all the requirements including the payment of the prescribed fees.

6.2. The procedures in the processing of licenses and permits of controlled chemicals to include the fees and charges are provided under Annex C and Annex D of this IRR, respectively.

Section 7. Registration and Accreditation of Logistics Service Provider/ Broker/ Forwarder/Trucker of Controlled Chemicals

7.1. Except in cases of movement and transportation of certain controlled chemicals in maximum allowable quantity, as may be prescribed, only PNP accredited logistics service provider/broker/forwarder/trucker shall be utilized in the movement and transportation of controlled chemicals.

7.2. The PNP, through the CSG, shall formulate policies and guidelines for the operationalization of PNP accredited logistics service provider/broker/forwarder/trucker to be utilized in the movement and transportation of controlled chemicals.

Section 8. Record of Transactions, Inventory and Inspection.

8.1. All licensed manufacturers, dealers and purchasers shall maintain a permanent record of all transactions entered into in relation with the controlled chemicals, such as the following: inventory report of controlled chemicals to include importation, exportation, local purchase, sales report, consumption/production reports with delivery receipts, and other reports that the Chief, PNP may require.

8.2. The retention period for records and reports of all transactions shall be for five (5) years.

8.3. Notarized Monthly Consumption Reports with delivery receipts shall be submitted on or before the fifteenth (15th) day of the following month to the FEO through the EMD, FEO for licensee in Metro Manila and RCSU for licensee outside Metro Manila. Pending full activation of RCSU, all reports shall be submitted to the EMD, FEO.

8.4. The PNP through the FEO or any office authorized by the Chief, PNP shall inspect the storage facility and/or examine the inventory and records of licensed manufacturer, dealer or purchaser for licensing, inventory, monitoring purposes and/or investigation as the case may be.

8.5. The inspection of storage facility and/or examination of records and inventories shall be conducted during office hours (8:00 AM to 5:00 PM). The Inspection Team shall be covered with a Letter Order.

8.6. The Inspection Team shall furnish the applicant or the licensee through the Head of the Storage Facility, a copy of the initial result of the inspection, immediately thereafter.

8.7. In case of adverse findings, the applicant or licensee, as the case may be, shall be given thirty (30) working days from receipt of result of the inspection, within which to comply with the recommendations of the Inspection Team. Non-compliance

with said recommendations, within the given period, shall be a ground for the disapproval of the application for license or cancellation of the license.

8.8. The procedures of inspection are provided under Annex D of this IRR.

Section 9. Storage and Disposal of Controlled Chemicals:

9.1. Licensed persons or entities shall comply with the specific requirements on storage facility as provided under Annex E of this IRR.

9.2. The storage facility shall comply with the storage requirements stated in the Material Safety Data Sheet (MSDS)/Safety Data Sheet (SDS) of the chemical being applied for.

9.3. Disposal of unused, contaminated and/or expired controlled chemicals must be reported to the FEO or RCSU for issuance of Permit to Transport and must be coordinated with the DENR-EMB. The licensee must submit to the PNP through FEO or RCSU a copy of the Certificate of Treatment issued by an accredited DENR-EMB treatment facility. Pending the full activation of the RCSU, the aforementioned certificate shall be submitted to the FEO.

Section 10. Certificate of Good Standing.

10.1. The Chief, FEO may issue a Certificate of Good Standing to licensed persons or entities.

10.2. The licensed persons or entities must possess all the qualifications and none of the disqualifications as provided for in the Parameters attached to this IRR as Annex F.

10.3. Violation of any of the parameters provided in Annex F of this IRR shall cause the cancellation of the Certificate of Good Standing.

Section 11. Cancellation of License.

11.1. The Chief, PNP or his authorized representative through the recommendation of FLRRB shall impose the following penalties for failure to maintain a permanent record of all transactions, failure to submit reports on a monthly basis, submission of erroneous reports on a monthly basis, or submission of non-notarized report:

Offense	Penalty
First Offense	50% of the approved license fee
Second Offense	100% of the approved license fee
Third Offense	Cancellation of the license and cause confiscation of all such controlled chemicals, whether or not lawfully imported, purchased or possessed by the licensed manufacturer, dealer or purchaser.

11.2. The Chief, PNP or his authorized representative through the recommendation of FLRRB shall cancel the license and undertake appropriate actions to confiscate all such controlled chemicals, whether or not lawfully imported, purchased or possessed by the licensed manufacturer, dealer or purchaser on any of the following grounds:

- 11.2.1. Possession, importation, manufacture or selling of controlled chemicals not covered in the approved license;
- 11.2.2. Selling or transfer of controlled chemicals to unlicensed person or entity unless otherwise exempted;
- 11.2.3. Purchase of controlled chemical from unlicensed person or entity;
- 11.2.4. Movement and transportation of controlled chemicals without PNP appropriate permit;
- 11.2.5. Use of unaccredited logistic service provider/broker/forwarder/trucker in the movement and transportation of controlled chemicals;
- 11.2.6. Disposal of unused, contaminated and expired controlled chemicals without the PNP appropriate permit; and
- 11.2.7. Submission of falsified document in the application of license and/or permit.

Section 12. Penalties.

The criminal penalties as provided under Sections 3-A, 3-B, 3-C, 3-D, 4 and 4-A of Presidential Decree No. 1866 as amended by Republic Act No. 9516 shall be applicable.

Section 13. Authority of the Chief of the Philippine National Police (PNP) to Issue Policies and Guidelines.

13.1. The Chief, PNP may revise this IRR and its Annexes in consultation with the concerned sectors of society and with the approval of the Secretary of the Interior and Local Government to be published in the Official Gazette and to be submitted to the UP Law Center.

13.2. For effective implementation of the law and this IRR, the Chief, PNP may also issue relevant policies and guidelines to be submitted to the UP Law Center.

Section 14. Application of Information and Communication Technology.

The PNP shall develop and utilize information and communication technology to enhance regulation and to support cost-effective and efficient operations.

Section 15. Separability Clause.

If, for any reason, any provision of this IRR is declared to be unconstitutional or invalid, the other sections or provisions thereof which are not affected thereby shall continue to be in full force and effect.

Section 16. Repealing Clause.

16.1. All other rules, regulations, orders, memorandum circulars which are inconsistent herewith are hereby repealed or modified accordingly.

16.2. All other rules, regulations, orders, memorandum circulars on explosives and accessories which are not inconsistent herewith shall continue to be in full force and effect.

Section 17. Transitory Provision.

17.1. Any person or entity who at the time of the effectivity of this IRR had been licensed shall be considered as licensed under the provisions of this IRR until the expiration of such license and shall be governed by the provisions hereof.

17.2. Any person or entity who at the time of the effectivity of this IRR had been issued a temporary license or regular license and affected by this IRR shall continue to operate and shall have sixty (60) calendar days from the effectivity of this IRR within which to comply or undertake appropriate action.

Section 18. Effectivity.

This IRR shall take effect after fifteen days from its publication in the Official Gazette and submission to the UP Law Center.



[Signature]
RICARDO C MARQUEZ
Police Director General
Chief, PNP

CPNP 1115 16 5065744

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Approved:

JUN 09 2016

[Signature]
MEL SENEN S. SARMIENTO
Secretary, DILG

DILG DSEC DUTGDING DPNP015-4168

LIST OF CONTROLLED CHEMICALS

1. The following are the list of controlled chemicals:

a. HIGH-RISK CONTROLLED CHEMICALS:

No.	Chemical Name	Chemical Formula	CAS Number
1	Ammonium Cerium (IV) Nitrate	$\text{Ce}(\text{NH}_4)_2(\text{NO}_3)_6$	16774-21-3
2	Ammonium Nitrate	$(\text{NH}_4)(\text{NO}_3)$	6484-52-2
3	Fertilizer containing $\geq 70\%$ Ammonium Nitrate		
4	Ammonium perchlorate	NH_4ClO_4	14787-73-0
5	Calcium Nitrate	$\text{Ca}(\text{NO}_3)_2$	10124-37-5
6	Guanidinium Nitrate	$\text{CH}_6\text{N}_4\text{O}_3$	506-93-4
7	Hydrogen Peroxide, $>52\%$	H_2O_2	7722-84-1
8	Magnesium Perchlorate	$\text{Mg}(\text{ClO}_4)_2$	10034-81-8
9	Nitric Acid, $>3\%$	HNO_3	7697-37-2
10	Potassium Nitrate $\geq 40\%$	KNO_3	7757-79-1
11	Potassium Perchlorate $\geq 40\%$	KClO_4	7778-74-7
12	Potassium Permanganate	KMnO_4	7722-64-7
13	Sodium Chlorate $\geq 40\%$	NaClO_3	7775-09-9
14	Sodium Nitrate	NaNO_3	7631-99-4
15	Sodium Perchlorate $\geq 40\%$	NaClO_4	7791-07-3

b. LOW-RISK CONTROLLED CHEMICALS:

No.	Chemical Name	Chemical Formula	CAS Number
1	Aluminum Granular/Powder	Al	7429-90-5
2	Ammonium Chlorate	NH_4ClO_3	10192-29-7
3	Barium Chlorate	$\text{Ba}(\text{ClO}_3)_2$	13477-00-4
4	Barium Chromate	BaCrO_4	10294-40-3
5	Barium Nitrate	$\text{Ba}(\text{NO}_3)_2$	10022-31-8
6	Calcium Chlorate	$\text{Ca}(\text{ClO}_3)_2$	10137-74-3
7	Chromium (III) Nitrate	$\text{Cr}(\text{NO}_3)_3$	7789-02-8
8	Copper Nitrate (Cupric nitrate)	$\text{Cu}(\text{NO}_3)_2$	10031-43-3 (trihydrate)
9	Ferric (III) Nitrate	$\text{Fe}(\text{NO}_3)_3$	782-61-8
10	Hydrogen Peroxide, 13-52%	H_2O_2	7722-84-1
11	Nickel (II) Nitrate	$\text{Ni}(\text{NO}_3)_2$	13138-45-9
12	Potassium Chlorate, $<40\%$	KClO_3	3811-04-9
13	Potassium Nitrate, $<40\%$	KNO_3	7757-79-1
14	Potassium Perchlorate, $<40\%$	KClO_4	7778-74-7
15	Sodium Chlorite, $>40\%$	NaClO_2	7758-19-2
16	Sodium Perchlorate, $<40\%$	NaClO_4	7791-07-3
17	Sulfur Flakes/Powder	S_8	7704-34-9

2. Fertilizer containing $<70\%$ Ammonium Nitrate, Nitric Acid $\leq 3\%$, Hydrogen Peroxide $<13\%$ and Sodium Chlorite $\leq 40\%$ shall be regulated but subject to actual testing to determine the explosive potential to be conducted by the PNP. The PNP shall then categorize the chemicals which was subject of the actual testing prior issuance of appropriate license and/or permit.

CURRENTLY REGULATED FOR EXPLOSIVES AND FC/PD BUT DE-LISTED FOR INDUSTRIAL USE

1	ALUMINUM NITRATE - FC/PD
2	GALLIC POWDER - FC/PD
3	STRONTIUM NITRATE - FC/PD
4	SLURRY POWDER - EXPLOSIVES
5	TOLUENE - EXPLOSIVES
6	GLYCEROL TRINITRATE - EXPLOSIVES
7	SLURRY BLAST AGENT - EXPLOSIVES
8	LEAD (II) NITRATE - EXPLOSIVES
9	LEAD NITRATE - EXPLOSIVES

NOTE:

MANUFACTURERS, DEALERS & END USERS OF EXPLOSIVES /EXPLOSIVES INGREDIENTS & FC/PD ARE NOT INCLUDED IN THE INDUSTRY USING CONTROLLED CHEMICALS AS CATEGORIZED BY THE TWG

CATEGORIZED AS EXPLOSIVES BY SUB-TWG

1	AMORPHOUS PHOSPHOROUS
2	DINITROTOLUENE
3	GLYCEROL TRINITRATE (NITROGLYCERINE)
4	NITROCELLULOSE
5	PETN (PENTAERYTHRITOL TETRANITRATE)
6	PICRIC ACID (2,4,6-TRINITROPHENOL)
7	TETRYL (N-METHYL-N,2,4,6-TETRANITROANILINE)
8	TRINITRO TOLUENE (TNT)
9	PHOSPHORUS
10	PHOSPHORUS RED
11	PHOSPHORUS SESQUISULPHIDE

DE-LISTED CHEMICALS FOR INDUSTRIAL USE			
1	AMMONIUM SULFATE	16	GALLIUM NITRATE
2	BIOQUANT NITRATE	17	GLYCERINE
3	BISMUTH III NITRATE	18	GLYCEROL
4	BISMUTH SUB-NITRATE	19	HYDROCHLORIC ACID
5	CADMIUM NITRATE	20	HYDROFLOURIC ACID
6	CALCIUM-AMMO-NITRATE	21	HYDROGEN CHLORIDE
7	CERIUM (III) NITRATE	22	IRON NITRATE
8	CERIUM NITRATE	23	LANTHANUM NITRATE
9	CESIUM NITRATE	24	LITHIUM NITRATE
10	CHILEAN NITRATE	25	MAGNESIUM NITRATE
11	CHROMIUM NITRATE	26	MANGANESE (II) NITRATE
12	COBALT (II) NITRATE	27	MANGANESE NITRATE
13	COBALT NITRATE	28	MERCURIC NITRATE
14	FERRIC NITRATE	29	MERCURY (II) NITRATE
15	FERROUS NITRATE	30	MERCURY NITRATE

DE-LISTED CHEMICALS FOR INDUSTRIAL USE			
31	NAPHAZOLINE NITRATE	46	THALLIUM NITRATE
32	NICKEL NITRATE	47	THALLIUM(I) NITRATE
33	PALLADIUM NITRATE	48	URANYL NITRATE
34	PHOSPHORIC ACID	49	YTTRIUM (III) NITRATE
35	PHYNEL MERCURY NITRATE	50	ZINC NITRATE
36	PILOCARPIME NITRATE		
37	POTASSIUM IODATE		
38	POTASSIUM SULFATE		
39	PROPYLENE GLYCOL		
40	SILVER NITRATE		
41	SODA POTASSIUM NITRATE		
42	SODIUM NITRITE		
43	SODIUM PERIODATE		
44	SODIUM SULPHATE		
45	SULFURIC ACID		