

PHILIPPINE NATIONAL POLICE



PNP PRIMER

on

Frequently Asked Questions (FAQ)
on the Ban on Firearms and Security Personnel

National Task Force
Secure **A**nd **F**air **E**lections 2013

THE PNP STRATEGIC FOCUS FOR 2013 and Beyond

STRATEGIC FOCUS 1: COMPETENCE

- Intensify Policy Reform;
- Review and pursue legislative agenda;
- Improve the Field Training Program (FTP) with emphasis on Field Training Exercise (Patrol, Traffic and First responder);
- Standardize Specialized Courses for Operational Support Staff/Units/Teams;
- Improvement of existing Non-Uniformed Personnel (NUP) courses and development of competency courses for NUPs; and
- Enhance operational procedures and practices

STRATEGIC FOCUS 2: ORGANIZATIONAL DEVELOPMENT

- Streamline the Organization;
- Implement the concept of "My IP is the Key", at all levels nationwide;
- Standardize recruitment, selection and placement of police personnel;
- Instill leadership down to the lowest level to communicate and implement change; and
- Complement or support organizational development through efficient resource management.

STRATEGIC FOCUS 3: DISCIPLINE

- Establish mechanism to determine the level of discipline of PNP personnel;
- Institutionalize reforms and mechanism to fast track the resolution of admin cases against PNP personnel; and
- Enhance Counter- Intelligence efforts against erring PNP personnel.

STRATEGIC FOCUS 4: EXCELLENCE

- Integrate the 'Subukan N'yo Po Kami' SMS Center with the PNP TXT 2920;
- Establish an effective feedback mechanism as the basis for evaluation and assessment on the performance of field units;
- Fully implement the adopted ICT-assisted based systems to support administrative functions, investigation and police operations;
- Redesign the PNP uniforms and institute safeguards against unauthorized manufacture and use; and
- Provide quality service to the people and the community.

STRATEGIC FOCUS 5: PROFESSIONALISM

- Standardize Placement and Promotion System based on merit and fitness, at all levels;
- Develop various levels of expert professionals in the organization;
- Rationalize Rewards and Incentives System and Enhance Morale and Welfare Program;
- Continuously review and update police operational procedures and other policy manuals; and
- Improve internal and external communications through proactive media program

PNP PRIMER
on
Frequently Asked Questions (FAQ)
on the Ban on Firearms and Security Personnel
for Secure and Fair Elections
(SAFE) 2013

FOREWORD

The PNP, in preparation for the 2013 National and Local Elections, issued this Primer on Frequently Asked Questions re SAFE 2013 to lay down the policies and procedures to be strictly observed by the PNP personnel, especially those in the field, as they perform their duties during the Election Period.

This Primer provides correct answers collectively provided by the COMELEC Legal Department, PNP Legal Service and the Directorate for Operations to frequently asked questions pertaining to the rules and regulations on the election ban on bearing, carrying or transporting firearms or other deadly weapons; the ban on employment, availment or engagement of the services of security personnel or bodyguards; the conduct of COMELEC checkpoints; and the conduct of preliminary examination of the bans on firearms, other deadly weapons and security personnel in connection with the 2013 National and Local Elections. It further serves to guide police personnel to make them more effective in conducting police interventions and operations, thus maintaining peace and order in communities nationwide. This will also prevent or eliminate the lapses in the field and ensure the success of our operations.

It is hoped that this Primer will fulfill its purpose to better serve and protect the voting Filipino populace.

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FREQUENTLY ASKED QUESTIONS RE SAFE 2013

ELECTION BAN ON FIREARMS (COMELEC Resolutions No. 9561-A)

Q. What is the meaning of CBFSP?

A. Committee on the Ban on Firearms and Security Personnel.

Q. What is an Election Ban on Firearms and Other Deadly Weapons?

A. It is a rule which prohibits the bearing, carrying, or transporting of firearms or deadly weapons during the election period. This year, the election period covers from January 13, 2013 to June 12, 2013.

Q. What are the Rules governing the above prohibition?

A. COMELEC Resolutions No. 9561-A, No. 9601 and No. 9608, as well as Minute Resolutions No. 13-0121 and No. 13-0148.

Q. May a person with duly licensed firearm and Permit to Carry Firearms Outside of Residence (PTCFOR) bear, carry or transport the same outside his residence during the Election Period?

A. NO. Except when authorized by the Committee on the Ban on Firearms and Security Personnel (CBFSP). **(Section 261q of BP 881)**

Q. What is the CBFSP? What are its functions?

A. It is a Committee under the Commission on Elections responsible for the implementation of the ban on the bearing, carrying or transporting of firearms and the employment, availment or engagement of security personnel. **(Section 2 d of Resolution 9561-A)**

Q. Are there any exceptions to the general application of election ban on firearms?

- A. YES. The following persons are exempted from the general application of ban on firearms:
1. Those persons duly authorized in writing by the CBFSP to bear or carry firearms.
 2. Those authorized persons enumerated under **Section 4 of COMELEC Resolution No. 9561-A** as amended by **Section 3 of COMELEC Resolution No. 9608**. SEE ANNEX "A".

Q. When law enforcement agencies like the PNP are issued with the Authority to bear firearms, are there any conditions imposed on the applicability of the Authority?

- A. YES. For regular members of the law enforcement agencies enumerated in Sec. 4(a) and (b) of COMELEC Resolution No. 9561-A, the following conditions should concur when in possession of firearms:
1. In regular plantilla and receiving regular compensation from the agency for services rendered;
 2. In the agency prescribed uniform showing clearly the name, rank and serial number or if inapplicable, the identification card issued by the agency;
 3. Duly authorized to possess firearms and to carry the same outside of residence by means of a valid PTCFOR or Mission Order or Letter Order, as the case may be;
 4. In the actual performance of official duty law enforcement and/or security duty, or in going to or returning from his residence/barracks or official station.

Q. Do the above conditions on the Authority to Bear Firearms apply to members of privately-owned detective/security agencies?

- A. NO. For members of duly authorized Private Detective/ Security Agencies, the following conditions must concur when they are in the possession of firearms:

1. They must be in the agency prescribed uniform with the agency-issued identification card which should be displayed and visible at all times;
2. They should be in possession of a valid License to Exercise Security Profession (LESP) with Duty Detail Order (DDO) for security guards or Special Duty Detail Order (SDDO) for protection agents, and valid firearms license of their respective agency;
3. They must be deployed by duly licensed Private Security Agencies, or in the case of Protection Agents, by duly licensed Private Detective or Security Agencies; and
4. They must be in the actual performance of duty at their specified place, area or station. **(Sec 4(b) of COMELEC Resolution No. 9561-A)**

Q. What would be the liability of the authorized persons as enumerated if they fail to observe the above requirements?

- A. When caught violating the above rules, they shall be presumed unauthorized to carry firearms and they shall be subjected for arrest. **(Section 14, COMELEC Resolution No. 9561-A)**

Any violation of the foregoing Rules shall constitute an election offense defined under Section 261 (q) of the Omnibus Election Code and Sections 32 or 33 of R.A. No. 7166.

Q. What is the penalty for unauthorized carrying of firearms?

- A. Any authorized persons enumerated in the foregoing found to have committed unauthorized carrying of firearms shall be punished with imprisonment of not less than one (1) year but not more than six (6) years and shall not be subjected to probation.

In addition thereto, the guilty party shall be sentenced to suffer permanent disqualification to hold public office and deprivation of the right of suffrage. If he is a foreigner, he shall be sentenced to deportation which shall be enforced after the prison term has been served.

Likewise, the Chief, Philippine National Police may cancel the violator's firearms license and permit to carry the same

outside residence if any, and the perpetual revocation of the privilege to secure similar license or permit in the future.

Finally, this is without prejudice to the filing of the proper criminal and/or administrative charges (**Section 14 of Resolution No. 9561-A**)

Q. If Jose was arrested at COMELEC checkpoint for possession of unlicensed firearm during election period, may he be simultaneously prosecuted for violation of gun ban and illegal possession of firearms?

A. NO. Jose may only be prosecuted for violation of gun ban and not with illegal possession of firearms. PD No. 1866 as amended by RA No. 8294 explicitly provides that "a person shall only be liable for illegal possession of firearms if there was no other crime committed."

In this case, Jose, committed another crime (Gun Ban) while committing illegal possession of firearm (RA 8294). Hence, he cannot be held liable for violation of RA 8294 or Illegal Possession of Firearms.

Q. Aside from the penalty imposed for unauthorized carrying firearm, may the Chief, PNP cancel the firearm's license and its PTCFOR?

A. YES.

Q. In addition to the foregoing, may a proper criminal and/or administrative charge be filed against the perpetrator?

A. YES.

Q. May the transport or delivery of firearms and/or its spare parts and, explosives and/or components be allowed during the Election Period?

A. Yes, but only by duly authorized, legitimate, licensed and accredited manufacturers, importers, exporters, distributors or dealers of firearms and/or its spare parts, and explosives and/or its components; Provided that: the transport or delivery of said firearms, regardless of means of transportation, should be on a one-way basis only, and directly made to the address of the buyer within twenty-four

(24) hours from date as indicated in the authority given by the CBFSP subject to strict conditions imposed by PNP.

Also allowed are the transport or delivery of firearms and/ or its spare parts for export to airports/seaports on a one-way basis, including the transport or delivery of imported parts, spare parts and other raw materials used in the manufacturing facility of the licensed manufacturer.

Section 1, COMELEC Resolution No. 9561-A as amended by Section 1 of COMELEC Resolution No. 9608

Q. May the PNP issue, process, approve and release firearm licenses during the Election Period?

A. NO. Issuance, processes, approval and releasing of firearms licenses are suspended during the Election Period.

However, renewal of existing firearms licenses as well as those issued in connection with the sale thereof by duly authorized, legitimate, licensed and accredited manufacturers, importers, exporters and distributors. **(Section 2, COMELEC Resolution No. 9608)**

Q. What would be the effect on the firearm licenses if the same were issued during election period?

A. Firearm licenses issued by PNP during the election period are null and void and are deemed spurious and invalid.

Q. What would be the liability of those responsible for issuance of firearm licenses in violation thereof?

A. Those responsible for its issuance shall be liable for appropriate administrative and/or criminal charges including the holder thereof. – (Grave offense etc...)

Q. Who has the power to issue authority to bear, carry or transport firearms, including its spare parts, explosives and its components, during election period?

A. The CBFSP has the sole power to issue authority to bear, carry or transport firearms, including its spare parts, explosives and its components, outside residence or place of business in the country during election period. **(Section 5, COMELEC Resolution No. 9561-A)**

Q. What would be the status of the PTCFOR, Mission Order (MO), Letter Order (LO), or Acknowledgment Receipt (ARE) processed and issued by the Chief, PNP or his duly authorized representative, or by the Heads of other Government Law Enforcement/Security Agencies?

A. Unless properly covered by Certificates of Authority duly issued by CBFSP, all PTCFORs, MOs, LOs or AREs processed and issued during election period are suspended, ineffective and without any force and effect.

Q. Are the regular officers and members of the BJMP in provinces and cities, including officers and members of Provincial and City Jails, allowed to bear, or carry firearms during the Election Period?

A. YES. They are allowed under Section 4, par b (2) of Resolution No. 9608.

Q. Are the Commissioner and Deputy Commissioners of the Bureau of Immigration allowed to bear, carry or transport firearms during the Election Period?

A. YES. They are allowed under Section 4, par b (8a) of Resolution No. 9608.

Q. Are the Secretary, Undersecretaries, Assistant Secretaries and the Internal Security of the Office of Secretary of the Department of the Interior and Local Government (DILG) allowed to bear or carry firearms during the Election Period?

A. YES. They are allowed under Section 4, par b (30) of Resolution No. 9608.

Q. Are the State, Regional, Provincial and City Prosecutors allowed to bear or carry firearms during the Election Period?

A. YES. They are allowed under Section 4, par b (32) of Resolution No. 9608.

Q. Are the Ombudsman, Deputy Ombudsman and Investigators and Prosecutors of the Office of the Ombudsman allowed to bear or carry firearms during the Election Period?

A. YES. They are allowed under Section 4, par. b (34) of Resolution No. 9608.

Q. Are the Chairmen and Commissioners of the Constitutional Commissions, namely: the Commission on Elections (COMELEC), the Commission on Audit (COA) and the Civil Service Commission (CSC), allowed to bear or carry firearms during the Election Period?

A. YES. Chairmen and Commissioners of the Constitutional Commissions are allowed to bear or carry firearms. (Section 4, par. b (35) of Resolution No. 9608)

Q. Are the Chairperson and Commissioners of the Commission on Human Rights allowed to bear or carry firearms during the Election Period?

A. YES. They are allowed under Section 4, par b (36) of Resolution No. 9608.

Q. Are the Public Attorneys or PAO Lawyers allowed to bear or carry firearms during the Election Period?

A. NO. Only the Chief Public Attorney of the Public Attorney's Office is allowed by the rules (for this office) to bear or carry firearm during the election period. (Section 4, par. b (37) of Resolution No. 9608)

Q. Is the Vice-President of the Republic of the Philippines allowed to bear or carry firearm during the Election Period?

A. YES. He is allowed under Section 4, par b (38) of Resolution No. 9608.

Q. Are the incumbent Senators who are running for re-election in the May 13, 2013 Synchronized Automated National, Local and ARMM Regional Election allowed to bear or carry firearm?

A. NO. They are not allowed to bear or carry firearm. Only incumbent Senators or those who are not running for re-

election are allowed to bear or carry the same. (Section 4 par. b (39) of Resolution No. 9608)

However, they may be allowed to employ, avail or engage as Security Detail the Officers and Members of the PNP, AFP or other Government Law Enforcement/Security Agencies, including, Protection Agents of Privately-Owned or Operated Detective, Investigative or Security Agencies.

Q. Is SILG Mar Roxas allowed to bear or carry firearm during election period?

- A. YES. Cabinet Secretaries are allowed to bear or carry firearm during election period. **(Section 4, par. b (40) of Resolution No. 9608)**

Q. Are the Security Guards of malls and supermarkets allowed to bear or carry firearms during election period?

- A. YES. They are allowed provided that they have been duly authorized by the CBFSP; Provided further, that, when they are in the possession of firearms:
- a. They are in the agency prescribed uniform with the agency-issued identification card which should be displayed and visible at all times;
 - b. They are in the possession of a valid License to Exercise Security Profession (LESP) with Duty Detail Order (DDO) for security guards or Special Duty Detail Order (SDDO) for protection agents, and valid firearms license of their respective agency;
 - c. They are deployed by duly licensed Private Security Agencies, or in the case of Protection Agents, by duly licensed Private Detective or Security Agencies; and
 - d. They are in the actual performance of duty at their specified place, area or station. **(Sec 4 (b) of COMELEC Resolution No. 9561-A)**

Q. Are the Justices of Supreme Court, Court of Appeals, Sandiganbayan, Court of Tax Appeal and Judges of lower courts allowed to bear or carry firearms during the Election Period?

- A. YES. They are allowed to bear or carry firearms during election period. **(Section 4(d) of Resolution No. 9561-A)**

Q. Are the Security Personnel of Ambassadors and Diplomats allowed to bear or carry firearms during the Election Period?

A. YES. They are allowed to bear or carry firearms during election period. **(Section 4(e) of Resolution No. 9561-A)**

Q. Are the Provincial Governors, Vice-Governors and its Provincial Board Members allowed to bear or carry firearms during the Election Period?

A. NO. They are not allowed to bear or carry firearms during election period. **(Section 4 of Resolution No. 9561-A, as amended by Section 3 of Resolution No. 9608)**

However, incumbent Provincial Governors, whether or not running for re-election or election for another position, are allowed to employ, engage or avail as Security Detail Officers and Members of the PNP, AFP and/or Other Government Law Enforcement/Security Agencies; Provided Further, That: said Officers and Members have been part of their regular security complement for at least one (1) year from January 11, 2013.

Said Provincial Governors and other Provincial Elective Officials may secure from the CBFSP the authority to employ, avail or engage Protection Agents of Privately-Owned or Operated Detective, Investigative or Security Agencies.

Q. Are the City/Municipal Mayors and its City/Municipal Board Members allowed to bear or carry firearms during the Election Period?

A. NO. They are not allowed to bear or carry firearms during election period **(Section 4 of Resolution No. 9561-A, as amended by Section 3 of Resolution No. 9608)**

However, they may be allowed to secure from the CBFSP the authority to employ, avail or engage Protection Agents of Privately-Owned or Operated Detective, Investigative or Security Agencies.

Q. Are the Barangay Chairmen, Barangay Councilors and its Barangay Tanods allowed to bear or carry firearms during the Election Period?

A. NO. They are not allowed to bear or carry firearms during election period (**Section 4 of Resolution No. 9561-A, as amended by Section 3 of Resolution No. 9608**)

Q. In the case of ordinary citizens including businessmen, may they be allowed to bear or carry firearms during the Election Period?

A. NO. Private citizens are not allowed to bear or carry firearms except when they are expressly authorized by the CBFSP through a Certificate of Authority.

**ELECTION BAN ON EMPLOYMENT
OF SECURITY PERSONNEL
(COMELEC Resolution No. 9561-A as amended)**

Q. What are the rules governing the employment, availment or engagement of Security Personnel or Bodyguards during the Election Period?

A. COMELEC Resolutions No. 9561-A, No. 9601 and No. 9608 as well as Minute Resolutions No. 13-0121 and No. 13-0148.

Q. Who may be allowed to engage or employ security personnel?

A. Two Categories: the Non-Candidates and the candidates for elective positions for the coming 2013 elections. **(Sec 6 of COMELEC Resolution No. 9561-A)**

Q. For Non-Candidates, who may avail?

A. The President, Vice President, Senators who are not running for re-election, Justices, Judges, Cabinet Secretaries, Chairman and Commissioners of the Commission on Elections, Chief of Staff of the AFP and AFP Major Service Commanders, Director Generals and Senior Officers of the PNP. **(Sec 6 of COMELEC Resolution No. 9561-A)**

Q. For Candidates, who may avail?

A. The following:

- a. Candidates for Senator or their immediate family within the second degree of consanguinity of affinity maybe assigned regular members of the PNP or the AFP or the NBI. They may also be allowed to employ the services of authorized Protective Agents of Private Detective Agencies or Accredited Private Security Agencies (as augmentation only). **(Sec 6 of COMELEC Resolution No. 9561-A)**
- b. Incumbent members of the House of Representatives, whether or not running for re-election or for another elective office, who is already currently being protected by members

of the PNP/AFP/NBI/Other LEA. Provided, that the current security complement has served the candidate for at least one (1) year as of January 11, 2013; **(Sec 4 of COMELEC Resolution No. 9608)**;

- c. Incumbent Provincial Governors, whether or not running for re-election or for another elective office, who is already currently being protected by members of PNP/AFP/NBI/Other LEA. Provided, that the current security complement has served the candidate for at least one (1) year as of January 11, 2013. **(Sec 4 of COMELEC Resolution No. 9608)**

APPLICABLE TO ARMM ONLY

- d. Mayoralty and Regional candidates (Governor, Vice-Governor, Assemblymen) in ARMM; **(COMELEC Min. Resolution No. 13-0148)**
- e. Candidates for all other Local Elective Positions may avail ONLY the services of authorized Protective Agents of Private Detective Agencies or Accredited Private Security Agencies. They are not allowed by the COMELEC to avail the services of the PNP/AFP/NBI as security personnel. **(Sec 6 of COMELEC Resolution No. 9561-A)**

Q. Is a Senator who is running for Mayor may retain the services of his current security complement from the PNP?

- A. NO. Because under the rules, except for Mayoralty candidates in ARMM, all other Mayoralty candidates may only avail the services of authorized Protective Agents of Private Detective Agencies or Accredited Private Security Agencies as security personnel and not the services of PNP/AFP/NBI. (The current security personnel from PNP of Mr. Senator shall have to be recalled.)

Another school of thought is that notwithstanding that they are running for a local elective post, the candidate, until noon of June 30, 2013, remains to be a Senator of the Republic of the Philippines, who, under law, is entitled to protection from the PNP, AFP or other Government Law Enforcement/Security Agencies. Hence, by virtue of incumbency, he must be entitled to protection from government law enforcement/security personnel.

Q. Is the rule the same when the applicant is an incumbent Congressman who is running for Mayor?

- A. NO. In this case, the current security personnel from PNP or AFP or NBI may be retained because as incumbent congressman (or as incumbent Governor), he is allowed by the rules to retain his security personnel, whether he is running for re-election or for some other elective position like Mayor. Provided, however, that the current security personnel have been provided by Officers or members of PNP, AFP, NBI or other Government Law Enforcement Agencies for at least 1-year from *January 11, 2013* as provided above is complied. **(Sec 4 of COMELEC Resolution No. 9608)**

Q. Is there a limit to the number of security personnel from PNP/AFP/NBI that the qualified candidate may avail?

- A. YES. A qualified candidate may only avail the services of a total of two (2) security personnel (not 2 from PNP, 2 from AFP, etc.). **(Sec 6 of COMELEC Resolution No. 9561-A)**

Q. Is there an instance when additional security personnel may be allowed as an augmentation to the security complement from PNP/AFP/NBI?

- A. YES. When circumstances warrant, the candidate may be assigned with two (2) additional security personnel from authorized Protective Agents of Private Detective Agencies or Accredited Private Security Agencies. **(Sec 6 of COMELEC Resolution No. 9561-A)**

This does not preclude however the CBFSP from increasing the number of security details assigned to an applicant under exceptional circumstances.

Q. An incumbent Governor wants to avail the services of 4 bodyguards from an Accredited Private Security Agency. Is there a prohibition to this?

- A. YES. In addition to the limitation of two (2) additional security personnel only, the rules also provide that the additional security details from protective/Security Agencies should not be more than the allowable number of PNP/AFP/NBI or other LEA personnel assigned, which is two (2). **(Sec 6 of COMELEC Resolution No. 9561-A)**

This does not preclude however the CBFSP from increasing the number of security details assigned to an applicant under exceptional circumstances.

Q. Are Vice Governors, Provincial Board Members, Councilors and Barangay Officials allowed to avail security complement from the regular members of PNP, AFP, NBI and other LEAs?

A. NO. They cannot avail security complement from regular members of PNP, AFP, NBI and other LEAs by express provision of the law. However, they are not prohibited from employing and engaging not more than two (2) security personnel from duly licensed and accredited private security agencies within the duration of election period, with the approval of the CBFSP. **(Sec 6 of COMELEC Resolution No. 9561-A)**

Q. Mr. Ali is running for Vice Governor in ARMM and he wants to avail the services of 2 AFP members as his security personnel. Is he allowed?

A. YES. Due to circumstances peculiar therein, the COMELEC allowed the Candidates for Governor, Vice-Governor, Assemblyman and Mayor in ARMM to avail the security complement from regular members of PNP, AFP, NBI and other LEAs by express provision of the law. **(Applicable only in ARMM)(COMELEC Min. Resolutions No. 13-0148)**

Q. May the number of prescribed security details to an applicant be increased by the CBFSP?

A. YES. The limits notwithstanding, the CBFSP may increase the number of security details assigned to an applicant when the circumstances warrant. **(Section 6 (b) of Resolution No. 9561-A).**

Q. Mr. A is the President of a Corporation who wants to avail the services of members of PDA/PSA as his security. Is this allowed?

A. YES.

Q. Private Security Agency was authorized by the CBFSP to deploy its security agents during the election period. Does the authority to deploy include the authority to bear firearms during the Election Period?

- A. NO. The Private Security Agency need to secure a separate authority to bear, carry and or transport firearms to allow its deployed security personnel to bear firearms. **(Sec 8 of COMELEC Resolution No. 9561-A)**

Q. How many firearms are security details allowed to carry?

- A. Security details are allowed to carry two (2) firearms, one (1) short and one (1) long or two (2) short with the following specifications: **(Sec 6 of COMELEC Resolution No. 9561-A)**
1. For uniformed personnel, additional limitations on the firearms specifications are the following:
 - 1.1 Pistol shall either be cal. .380, 9mm, 40 cal. or 45 cal.
 - 1.2 Revolver shall either be 38 cal or 357 cal.
 - 1.3 SMG shall either be 9mm or 40 cal.
 - 1.4 High Powered FAs should be without grenade launcher, without magnification lens and should be magazine fed only.
 2. For Protective Agents, additional limitations on the firearms specifications are the following:
 - 2.1 Pistol of any make shall be 9mm only
 - 2.2 Shotgun of any make shall be 12 gauge only

Q. A Private Security Agency is applying for Gun Ban Exemption from the COMELEC, covering .45 caliber firearms and High Powered Firearms for its security personnel who will be deployed during the election. Should its application be approved?'

- A. NO. Because Protective Agents are only allowed to bear either 9mm pistol of any make or 12 gauge shotgun of any make during the election period. **(Sec 6 of COMELEC Resolution No. 9561-A)**

Q. Who are authorized to submit the requirements for the authority to bear carry or transport of firearms or file applications for authority for the employment, availment or engagement of security personnel and body guard?

- A. The following are authorized: **(Sec 7 of COMELEC Resolution No. 9561-A)**
- a. Only the heads of agencies or his authorized representative enumerated under Sec. 4 hereof shall submit the requirements before the CBFSP;
 - b. Candidates, who wish to employ, avail of or engage the services of security personnel or bodyguard; and
 - c. Incumbent public officers, in case of employment, availment or engagement of security personnel and body guard. The applicant shall submit the name of the protective security agency to which the proposed security personnel and body guard is affiliated and certified true copy of the Certificate of Completion of VIP training course attended by the proposed security/bodyguard.

Q. Where can an individual file the applications for employment, availment or engagement of security personnel and bodyguards?

- A. Either at the Committee on the Ban on Firearms and Security Personnel (CBFSP), Regional Joint Security Control Center (PJSCC) or Provincial Joint Security Control Center (PJSCC). **(Sec 9 of COMELEC Resolution No. 9561-A)**

CONDUCT OF COMELEC CHECKPOINT
(COMELEC Resolution No. 9588)
by Resolution No. 9608)

Q. Where should COMELEC establish its checkpoint?

- A. At least one (1) COMELEC checkpoint should be established in each city/municipality. **(Section 1, Resolution No. 9588)**

Q. May additional COMELEC Checkpoints be established?

- A. YES. Additional checkpoints may be established at the discretion of the highest ranking official of the Armed Forces of the Philippines (AFP) or the Philippine National Police (PNP) in the city/municipality. **(Section 1, COMELEC Resolution No. 9588)**

Q. What specific areas should the COMELEC establish its checkpoint?

- A. COMELEC checkpoints should only be established in places which are well-lighted within its area of jurisdiction. However, in areas where electric light is not available, artificial lighting shall be provided for the purpose. **(Section 2 of Resolution 9588)**

Q. What is the standard size of the sign board to be posted in every COMELEC Checkpoint?

- A. The size of the sign board for every COMELEC Checkpoint shall be three by four feet (3'x4') which shall clearly identify the place as a COMELEC Checkpoint from reasonable distance as shown below:

STOP

COMELEC CHECKPOINT

Please bear with us

Thank you for your cooperation.

Name and Address of Election Officer

Name of Commanding Officer/Team Leader

Q. What must the Commanding Officer/Team Leader do before establishing a COMELEC Checkpoint?

- A. The commanding officer/team leader of the checkpoint must give notice to the Election Officer, as well as non-government organizations and other civic organizations about the establishment and location of COMELEC checkpoints in the locality. **(Section 3 of Resolution No. 9588)**

Q. When does a Spot Checkpoint be established?

- A. Spot Checkpoint may be established in locations other than regular COMELEC Checkpoint when the circumstances warrant. However, before establishing such checkpoints, the coordinating officer/team leader must give notice to the Election Officer. **(Section 4 of Resolution No. 9588)**

Q. Who are the personnel that will be manning the checkpoint?

- A. Any unit designated to man a COMELEC checkpoint must be led by a regular member of the Armed Forces of the Philippines or the Philippine National Police with a rank of at least lieutenant/inspector. AFP and PNP personnel manning the checkpoints must be in complete uniform and shall not be under the influence of liquor/drug. Any violation committed thereto shall make the offender and his commanding officer jointly liable for administrative/criminal action. **(Section 5 of Resolution No. 9588)**

Q. May the Barangay Tanods be deployed to man COMELEC Checkpoints?

- A. NO. Only the uniformed personnel from the regular members of the PNP or AFP are allowed to deploy and man COMELEC Checkpoints. **(Section 5 of Resolution No. 9588)**

Q. Who will conduct search during COMELEC Checkpoints?

- A. Any search at any checkpoint must be made only by members of the unit designated to man the same. It should be done in a manner which will impose minimum inconvenience upon the persons so searched, to the end that civil, political and human rights of the person/s are not violated. **(Section 6 of Resolution No. 9588)**

Q. Do police officers manning COMELEC Checkpoints need to secure first an authorized search warrant before searching and seizing the prohibited weapons or materials found in a vehicle?

- A. NO. This does not apply in the following circumstances: **(Section 8 of Resolution No. 9588)**
- a. In case of a moving vehicle and the seizure of evidence made in plain view;
 - b. As long as the vehicle is neither searched nor its occupant/s subjected to a body search, and the inspection of the vehicle is merely limited to a visual search;
 - c. When the occupant/s of the vehicle appear to be nervous or suspicious or exhibit unnatural reaction;
 - d. If the officer conducting the search has reasonable or probable cause to believe that either the occupant/s is a law offender or that the instrumentality or evidence pertaining to the commission of a crime can be found in the vehicle to be searched; or
 - e. On the basis of prior confidential information which are reasonably corroborated by other attendant matters.

Q. What are the rights of the person arrested during checkpoint?

- A. Any person arrested at a COMELEC checkpoint must be treated humanely and with utmost respect for his constitutional rights. He must be informed of the following rights: **(Section 9 of Resolution No. 9588)**
- a. To remain silent, and be informed that anything he says may be used against him in court. This right cannot be waived except in writing and in the presence of counsel;
 - b. To have competent and independent counsel preferably of his own choice, but if he cannot afford the services of counsel, he must be provided with one. The right cannot be waived except in writing and in the presence of counsel; and
 - c. To be released from detention if no charges have been filed against him within eighteen (18) hours from the arrest, unless he is charged under P.D. 1866, as amended. **(Art. 125 of RPC)**

Q. What should an arresting officer do after he arrested an offender at the checkpoint?

- A. The arresting officer shall immediately and chronologically record the said arrest in a logbook stating therein the circumstances of arrest and other particulars of the arrested person and the confiscated weapons or materials. After recording the arrest, the arrested person must be turned-over immediately to the nearest law enforcement station with corresponding affidavit/s of arrest for proper action. **(Section 10 and 11, COMELEC Resolution No.9588)**

CONDUCT OF PRELIMINARY EXAMINATION **(COMELEC Resolution No. 9587)**

Q. In instances where there are no available prosecutors in cities and municipalities to conduct Preliminary Investigation of alleged violations of ban on bearing or carrying of firearms and other deadly weapons, are there any authorized agency or individual to conduct an examination over the same?

A. YES. The Chief of Police or his duly authorized PNP representative is authorized to conduct Preliminary Examination (PE) of all apprehension for the said violations. This authority is pursuant to **COMELEC Resolution No. 9587**, authorizing the Chief of Police or his duly designated/ authorized PNP representative to conduct the said examination in instances where there are no available prosecutors.

Q. What are the procedures that the Chief of Police or his duly authorized representative must observe in conducting Preliminary Examination?

A. The Chief of Police or his duly authorized investigator shall: **(Section 2 of Resolution 9587)**

1. Take the affidavit of the arresting officer indicating therein the fact of arrest and circumstances surrounding the same;
2. Take the statement of the respondent/s;
3. Confiscate the firearms and issue the proper receipt therefor;
4. Cause the respondent/s to sign an affidavit binding himself to be present at the preliminary investigation at a later date before the prosecutor. Failure to do so shall constitute a waiver to present evidence for his defense; and
5. Take the statement of witness/witnesses, if any.

Q. What should the Chief of Police or his duly authorized representative do after taking the Preliminary Examination?

- A. The Chief of Police or his duly authorized representative shall submit the investigation report with all documents and evidence gathered during the said preliminary examination within three (3) days from arrest to the corresponding provincial/city prosecutor, furnishing the Law Department of the Commission with copies thereof. **(Section 4 of Resolution No. 9587)**

ANNEXES

ANNEX A: (Persons Authorized to Bear, Carry or Transport Firearms)

- (a) Regular Uniformed Officers and Members of the PNP, Commissioned Officers (COs), Non-Commissioned Officers (NCOs) and Enlisted Personnel (EP) of the AFP.
- (b) Regular officers, members, and agents of the following agencies of the government who are actually performing law enforcement and/or security functions:
 - 1. National Bureau of Investigation (NBI);
 - 2. Bureau of Corrections (BuCor), Department of Justice;
 - 3. Bureau of Jail Management and Penology (BJMP);
 - 4. (a) Intelligence Division and (b) Investigation Division of the Intelligence and Investigation Service, and the (c) Customs Police Division of the Enforcement and Security Service; both of the Bureau of Customs;
 - 5. Port Police Department, Philippine Ports Authority;
 - 6. Philippine Economic Zone Authority police forces;
 - 7. Government Guard Forces regulated by the PNP under RA No. 5487;
 - 8. (a) Law and Investigation Division and (b) Intelligence Division of the Bureau of Immigration;
 - 9. Manila International Airport Authority Police Force;
 - 10. Mactan-Cebu International Airport Authority Police Force;
 - 11. Law Enforcement Service of the Land Transportation Office;
 - 12. Philippine Coast Guard;
 - 13. Cebu Port Authority Police Force;
 - 14. Internal Security Operations Group (ISOG) of the Witness Protection, Security and Benefits Program of the Department of Justice;
 - 15. Enforcement and Investigation Division, Optical Media Board;

16. (a) The Security Investigation and Transport Department (SITD), (b) Cash Department and (c) the Office of Special Investigation (OSI), Operations Branch of the Bangko Sentral ng Pilipinas;
17. Offices of the Sergeant-At-Arms (OSAA) of (a) the Senate and (b) the House of Representatives, including the OSAA designated security escorts of Senators and Congressmen;
18. Inspection Service of the Philippine Postal Corporation;
19. Members of the Commission on Elections, Directors and Lawyers in the Main Office of the Commission, Regional Election Directors, Assistant Regional Election Directors, Chiefs-of-Staff of the Offices of the Chairman and Commissioners, Provincial Election Supervisors, Regional Attorneys and Election Officers, and Organic Security Officers of the Commission on Elections;
20. Inspection, Monitoring and Investigation Service of the National Police Commission;
21. Special Action and Investigation Division, Forest Officers defined under PD No. 705, Forest/Park Rangers, Wildlife Officers, and Forest Protection and Law Enforcement Officers of the Department of Environment and Natural Resources under DAO No. 1997-32;
22. Intelligence and Security Unit, Office of the Secretary, Department of Foreign Affairs;
23. Philippine Drug Enforcement Agency;
24. Philippine Center for Transnational Crime;
25. National Intelligence Coordinating Agency;
26. Civilian Armed Forces Geographical Units Active Auxiliaries and Special Civilian Armed Forces Geographical Units Active Auxiliaries already constituted upon the effectivity of this Resolution while within the barracks;
27. Presidential Security Group;
28. Internal Security Division of the Bureau of the Treasury, the Treasurer and Deputy Treasurers of the Philippines;
29. Internal Security of the Office of the Vice-President;
30. Internal Security of the Office of the Secretary of the Interior and Local Government;

31. Internal Security of the Office of the Secretary of the Department of National Defense.
32. State, Regional, Provincial and City Prosecutors of the Department of Justice.
 - (c) Justices of the Supreme Court, Court of Appeals, Sandiganbayan, and Court of Tax Appeal; and Judges of the Regional Trial courts and Municipal/ Metropolitan/ Circuit Trial Courts;
 - (d) Security personnel of accredited foreign diplomatic corps and establishments under international law including foreign military personnel in the Philippines covered by existing treaties and international agreements endorsed by the Secretary of the Department of Foreign Affairs and the Heads of Missions of foreign countries in the Philippines.

ANNEX B

COMELEC RESOLUTION NR 9587 – PROMULGATED ON DEC. 18, 2012 - INSTRUCTIONS TO CHIEFS OF POLICE OF CITIES/ MUNICIPALITIES ON THE CONDUCT OF THE PRELIMINARY EXAMINATION ON THE VIOLATION OF THE BANS ON FIREARMS, OTHER DEADLY WEAPONS AND SECURITY PERSONNEL IN CONNECTION WITH THE MAY 13, 2013 AUTOMATED SYNCHRONIZED NATIONAL, LOCAL AND ARMM REGIONAL ELECTIONS

COMELEC RESOLUTION NR 9588 – PROMULGATED ON DEC. 18, 2012 - GUIDELINES ON THE ESTABLISHMENT AND OPERATION OF COMELEC CHECKPOINTS IN CONNECTION WITH THE MAY 13, 2013 AUTOMATED SYNCHRONIZED NATIONAL, LOCAL AND ARMM REGIONAL ELECTIONS.

COMELEC RESOLUTION NR 9561- A - PROMULGATED ON DEC 4, 2012 – RULES AND REGULATIONS ON: (1) THE BAN ON BEARING OF FIREARMS OR OTHER DEADLY WEAPONS; AND (2) THE EMPLOYMENT, AVAILMENT OR ENGAGEMENT OF THE SERVICES OF SECURITY PERSONNEL OR BODYGUARDS DURING THE ELECTION PERIOD FOR THE MAY 13, 2013 AUTOMATED SYNCHRONIZED NATIONAL, LOCAL ELECTIONS AND ARMM REGIONAL ELECTIONS, AS AMENDED.

COMELEC RESOLUTION NR 9608 – PROMULGATED ON JANUARY 11, 2013 - IN THE MATTER OF AMENDING RES.NO. 9561-A OTHERWISE KNOWN AS THE “RULES AND REGULATIONS ON (1) THE BAN ON BEARING, CARRYING OR TRANSPORTING OF FIREARMS OR OTHER DEADLY WEAPONS; AND (2) THE EMPLOYMENT, AVAILMENT OR ENGAGEMENT OF THE SERVICES OF SECURITY PERSONNEL OR BODYGUARDS DURING THE ELECTION PERIOD FOR THE MAY 13, 2013 AUTOMATED SYNCHRONIZED NATIONAL, LOCAL ELECTIONS AND ARMM REGIONAL ELECTIONS, AS AMENDED.

EXCERPT FROM THE MINUTES OF THE REGULAR EN BANC MEETING OF THE COMMISSION ON ELECTIONS HELD ON JANUARY 29, 2013.

13-0148: IN THE MATTER OF THE REQUEST TO ALLOW MEMBERS OF THE PHILIPINE NATIONAL POLICE (PNP)

OR THE ARMED FORCES OF THE PHILIPPINES (AFP) TO SECURE THE PERSONS OF MAYORALTY AND REGIONAL CANDIDATES IN THE ARMM; AND APPEAL OF THE LEAGUE OF VICE GOVERNOR OF THE PHILIPPINES TO INCLUDE VICE GOVERNORS AMONG THE LOCAL GOVERNMENT OFFICIALS ALLOWED TO RETAIN TWO (2) SECURITY DETAILS FROM THE PNP, AFP AND NBI

BATAS PAMBANSA BILANG 881 – OMNIBUS ELECTION CODE OF THE PHILIPPINES

SECTION 261Q. Carrying firearms outside residence or place of business. - Any person who, although possessing a permit to carry firearms, carries any firearms outside his residence or place of business during the election period, unless authorized in writing by the Commission. Provided, that a motor vehicle, water or air craft shall not be considered a residence or place of business or extension hereof.

ARTICLE 125 OF REVISED PENAL CODE OF THE PHILIPPINES – Delay in the delivery of detained persons to the proper judicial authorities. – The penalties provided in the next preceding article shall be imposed upon the public officer or employee who shall detail any person for some legal ground and shall fail to deliver such person to the proper judicial authorities within the period of; twelve (12) hours, for crimes or offenses punishable by light penalties, or their equivalent; eighteen (18) hours, for crimes or offenses punishable by correctional penalties, or their equivalent and thirty-six (36) hours, for crimes, or offenses punishable by afflictive or capital penalties, or their equivalent.

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1	PSUPT SOVER DC GONTING	09215472228
2	PSI JONALY C PUDAY	09166925225 09061100445
3	PSUPT EUGENE A BAGAMASPAD	09157260873 09179977575
4A	PSUPT MANUEL B DE VERA JR	09238302346 09286608922
4B	PCI WINLOVE L RAMOS	09053123888
5	PSUPT ROY F MONEDA	09399393929
6	PSUPT EHDEL G PEREIRA	09193370759
7	PSUPT ORLANDO T MELCHOR	09154238555
8	PCI RUTHER CRIS A PARILLA	09399098274 09196358412
9	PCI OBIL S DAHAP	09064450754
10	PSI ERNESTO B BONAGDO JR	09177191969 09284970854
11	PSUPT RALESTON F FALCUTILA	09189024185
12	PSUPT JOY B MARIANO	09328463153
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NCRPO	PSUPT ARIS M PISTANO	09176283991

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4B	ATTY. EMMANUEL IGNACIO	CP No. 09175594582
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***“Serbisyon
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