

Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

RULES AND REGULATION ON: (A) BEARING, CARRYING OR TRANSPORTING FIREARMS OR OTHER DEADLY WEAPONS; (B) SECURITY PERSONNEL OR BODYGUARDS; (C) BEARING ARMS BY ANY MEMBER OF SECURITY OR POLICE ORGANIZATION OF GOVERNMENT AGENCIES AND OTHER SIMILAR ORGANIZATION (D) ORGANIZATION OR MAINTENANCE OF REACTION FORCES DURING THE ELECTION PERIOD IN CONNECTION WITH THE MAY 14, 2007 SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS.

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Promulgated: 28 November 2006

RESOLUTION NO. 7764

The Commission on Elections, by virtue of the power vested in it by the Constitution, the Omnibus Election Code, and other election laws, RESOLVED to promulgate as it hereby promulgates, the following rules and regulations to enforce the prohibited acts under Section 261, paragraphs (p), (q), (r), (s), (t) and (u) of the Omnibus Election Code and Sections 32 and 33 of republic Act No. 7166, in connection with the may 14, 2007 national and local elections.

SECTION 1. *Declaration of Policy.* – It is the policy of the Commission on Elections (Commission) to prohibit during the election period the bearing, carrying and transporting of firearms or deadly weapons by any person, and not allow the employment of security personnel or bodyguards, and organization and maintenance of reaction forces in order to ensure the holding of a clean, honest, orderly, peaceful and credible elections.

SECTION 2. *Prohibitions.* – During the election period from January 14, 2007 to June 13, 2007 it shall be unlawful for:

- (a) Any person, including those possessing a permit to carry firearms outside of residence or place of business, to bear, carry or transport firearms or other deadly weapons in public places including any building, street, park, private vehicle or public conveyance. For the purpose “firearm” includes airgun, while “deadly weapons” include hand grenades or other explosives, except pyrotechnics;
- (b) Any member or officer of the Armed Forces of the Philippines, Philippine National Police or any other law enforcement agency of the government, to bear firearms outside of their respective barracks, garrisons, camps, offices or such other military or police installations;

- (c) Any candidate for public office, including incumbent officials seeking elections to any public office or any other person, to employ, avail himself of or engage the services of security personnel or bodyguards, whether or not such bodyguards are members or officers of the PNP, the AFP or any other law enforcement agency of the government;
- (d) Any person to act as security personnel or bodyguard of any candidate or to authorize or order such assignment;
- (e) Any member of security or police organization of government agencies, commissions, councils, bureaus, offices or government-owned or controlled corporations or privately-owned or operated security, investigative, protective or intelligence agencies, to bear firearms outside the immediate vicinity of his place of work; and
- (f) Any person to organize or maintain reaction forces strikes forces or similar forces.

SECTION 3. Exceptions. - The prohibitions in Section 2 hereof shall not apply to the following:

- (a) Officers or members of the AFP, PNP, or any law enforcement agency constituting the normal security personnel complement of the incumbent President, Vice-President, Senate President, Speaker of the House of Representatives, Chief Justice of the Supreme Court, Secretary of National Defense, Secretary of the Interior and Local Government, Chairman and Commissioners of the Commission on Elections, Chief of Staff of the AFP and AFP Major Service Commanders, Director General of the PNP and senior officers thereof while in actual performance of their duties;

Senior officers shall include battalion commanders, group commanders, regimental commanders, brigade commanders, division commanders, and their equivalents in the Navy and Air Force, Specified Command and AFP-wide Service Support Units, and those higher in the hierarchy of the AFP including all active generals; and Provincial Directors, District Directors designated in the NCR, Regional Directors, and Directors of Intelligence operations and administrative units and other Directors, Deputy Director Generals, and Director General within the General Headquarters-PNP;

- (b) Regular officers or members of the AFP/PNP and other law enforcement agencies of the government, except those against whom administrative or criminal charges have been filed, provided that when in the possession of firearms the law enforcement officer must be: (1) in full uniform showing clearly and legibly his name, rank and serial number which shall remain visible at all times; (2) in the actual performance of duty in the specific area designated in the

mission order approved by the Commanding General or officer of the unit within his territorial jurisdiction; and (3) going to or returning from residence/ barracks/ official stations;

- (c) Cashiers and disbursing officers while in the performance of their duties if authorized in writing by the Commission specifically when said persons transport or disburse payrolls or deposit or carry large sums of money or other valuables amounting to not less than one hundred thousand pesos;
- (d) Members of duly authorized security or police organizations of government agencies, commissions, councils, bureaus, offices or government-owned or controlled corporations in the actual performance in the specific area of their assignment of their duties with prior written authority from the Commission; provided that when in the possession of firearms the law enforcement officer must be: (1) in full uniform showing clearly and legibly his name, rank and serial number which shall remain visible at all times; (2) in the actual performance of duty in the specific area designated in the mission order approved by the authorized officer thereof; and
- (e) Members of duly authorized security of privately owned or operated security, investigative, protective or intelligence agencies in the actual performance in the specific area of their assignment, of their duties with prior written authority from the Commission.

The exemption also applies to these personnel when:

- (1) Pursuing a person committing or has just committed a crime in the premises being guarded;
- (2) Actually escorting or providing security for the transport of payrolls, deposits or other valuables with prior written authority of the Commission; and
- (3) Guarding private residence, buildings or offices, with prior written authority of the Commission; and
- (4) Escorting prisoners with respect to guards of the Bureau of Jail Management and Penology and provincial or city jails to and from prosecution offices, tribunals or courts in compliance with subpoena issued for the purpose, and with prior written authority of the Commission. For this purpose, the Regional Committee on Firearms and Security Personnel constituted under Section 5 hereof shall act on all requests by the Bureau of Jail Management and Penology within their area of jurisdiction.
- (f) Members of the AFP and PNP;

- (1) When the President of the Philippines shall have given previous authority therefor, in the interest of preserving law and order, and the Commission notified thereof in writing;
- (2) When authorized by the Commission, which shall issue the permit only if it is necessary for the maintenance of a free, orderly and honest elections.
- (g) Other military or police personnel, including members of the AFP and PNP intelligence units, such as the ISAFP and the AFPWSSU, whose true names, rank and serial numbers are registered with the Commission.
- (h) Regular agents of the National Bureau of Investigation (NBI) and NICA when conducting legitimate official operations or missions with prior written specific authority of the Commission.
- (i) Members of the PNP, or other law enforcement agencies of the government authorized to act as bodyguards of candidates subject to the conditions provided for herein.
- (j) Security pertaining to accredited members of the diplomatic and consular personnel and establishments as governed by international law, provided that an official list of the security personnel for the diplomatic officers and establishments be furnished the Committee.
- (k) Director III and IV of the Commission on Elections; and
- (l) All members of the Committee on Firearms and Security Personnel constituted under Section 5 hereof.

All exemption extended to members of the AFP, PNP and other government personnel shall be limited to government issued firearms (s) in their name and covered by the proper Memorandum Receipts or other official documents for the purpose.

SECTION 4. Suspension of permits to carry firearms and issuance of mission orders and memorandum receipts. - During the election period, the sole authority to issue a permit to carry firearms outside residence or place of business shall be vested in the Commission. For this purpose.

- (a) Any Permit to Carry Firearms Outside Residence (PTCFOR), Mission Orders (MO), and Memorandum Receipts (MR), issued prior to the effectivity of this Resolution and covered by the prohibition are hereby declared suspended and without force and effect.

However, the Chief, Philippine National Police or his duly authorized representative may process and issue Permits to Carry Firearms Outside Residence or Place of Residence (PTCFOR). The PTCFOR

issued during this period shall not be valid without prior written authority from the Commission. Mission Orders to act as security or bodyguards of any candidate issued prior to the effectivity of this Resolution are also hereby declared suspended and without force and effect.

- (b) During the election period, all authority to issue MO and MR to civilians pursuant to Sections 4 and 5 of the Rules and Regulations Implementing P.D. 1866 dated June 29, 1983 (Codifying the law on illegal/unlawful Possession of Firearms) are hereby suspended.
- (c) The PNP is hereby directed to submit to the Commission a complete list of all PTCFOR or similar authorization issued to civilians and members of authorized security agencies within fifteen (15) days from the effectivity hereof. Within the same period, the AFP and Department of National Defense shall submit a complete list of all MR and MO or similar authorization issued to civilians. Likewise, with the same period, the NBI shall submit a complete list of MR and MO or similar authorization issued to its regular agents.

However, the Director General, Philippine National Police, through the Chief, Firearms and Explosive Division, may continue to process and approve licenses for possession of firearms. The firearm shall be kept in deposit with Firearms and Explosives Division unless its delivery to the license is authorized in writing by the Commission.

SECTION 5. Committee on firearms and security personnel. - There is hereby constituted a Committee on Firearms and Security Personnel (Committee) composed of Commissioner Nicodemo T. Ferrer, who shall be the Chairman, the Director IV of the Law Department as the Vice-Chairman; and one (1) representative from the PNP; as member, which shall determine whether or not an applicant for authority to carry, bear or transport firearms, or of the employment of security personnel falls within the exception as provided for herein.

There is also hereby constituted a Regional Committee on Firearms and Security Personnel composed of the Regional Election Director as Chairman, the Assistant Regional Election Director as Vice-Chairman and the PNP Regional Election Director as member. The Regional Committee shall act only on requests for exemption of the Bureau of Jail Management and Penology with respect to their guards escorting prisoner pursuant to a lawful order.

SECTION 6. Procedure for exemption. - Person/s enumerated under Section 3 hereof seeking (a) authority to carry firearms outside his residence or place of business under Section 261 (q) of the Omnibus Election Code; or (b) exemption from the prohibition of bearing, carrying or transporting firearms under Section 32 of Republic Act No. 7166, shall file with Committee a written request for exemption in three (3) copies, stating all his full name and exact place of residence and/or business,

official receipt number of payment of firearm tax, a brief justification for such application, including documents to support the same, and such other data as may be required by the Commission.

The Committee shall process the application in accordance with the policies herein set forth. After processing the application the Committee shall either deny or approve the application. If approved, the Committee shall issue a written authority in three (3) copies, to be distributed as follows: the original, to the applicant; the second copy, to the Law Department; and the third copy, to be retained by the Committee.

Requests of the Bureau of Jail Management and Penology shall be filed with the Regional Committee concerned. The Permit issued by the Regional Committee shall be valid revoked by the Committee on Firearms and Security Personnel. It shall make a bi-monthly periodic report to the Committee on Firearms and Security Personnel.

The decision of the Committee is appealable to the Commission En Banc, whose decision shall be final.

SECTION 7. Application for security personnel or bodyguard. - Under the same procedure prescribed in the immediately preceding section, when circumstances so warrant, including but not limited to threats to life and security of a candidate, the Committee may authorize the Director General, Philippine National Police to assign not more than two (2) regular members of the PNP, save in exceptionally meritorious circumstances, where not more than five (5) regular members of the police may be assigned as such security, or the NBI Director to assign one (1) or more regular agents of said agency, who shall provide him security, subject to such conditions and restrictions that the Commission may impose. If at any time the ground for which the authority to engage the services of security personnel has been granted cease to exist, or for any valid cause, the Commission shall revoke the authority granted.

In processing applications, the committee shall take into consideration reports from the AFP and PNP, as well as reports from Comelec officials or any community organization on the insurgency situation of the area and similar peace and order circumstances.

SECTION 8. Confiscation of Firearms. - During the election period, the Commission may order deputized units of the PNP or in case of a serious armed threat, the AFP, to effect the confiscation of firearms of any member of the AFP, police force, home defense forces and all other para-military units that now exist or which may hereafter be organized, or any member or members of security or police organization, government departments, commission, councils, bureaus, offices, instrumentalities, or government-owned or controlled-corporations and other subsidiaries or any member of privately-owned or operated security, investigative, protective or intelligence agencies performing identical or similar functions and disarm

all such persons who do not possess the necessary authorization from the Commission to carry, possess or transport firearms.

SECTION 9. Prohibited organization or maintenance of reaction forces, strike or other similar forces. - During the election period, it shall be unlawful for any person to organize or maintain any reaction force, strike force, civilian security force or similar force. Any of said forces, which is now existing is hereby ordered disbanded immediately. All the members thereof shall return immediately their firearms, insignias, or uniforms, to the proper office or officer issuing them.

Effective immediately, but not beyond December 10, 2006, the heads of all such reaction forces, strike force, or similar forces shall submit to the Commission, through the Regional Election Directors concerned, in three (3) legible copies, a complete list of all members thereof, stating their full names, exact address, ranks, appointment papers or designations and nature and extent of their functions. The Regional Election Directors shall, not later than December 31, 2006, forward to the Commission copies of said list, retaining a copy thereof.

SECTION 10. Monthly reports. - For this purposes of effectively enforcing the foregoing prohibitions, the PNP and AFP through the Director General and Chief of Staff, respectively, shall submit to the Commission monthly reports beginning January 31, 2007 and every month thereafter during the election period, covering the following:

- (a) Current status of the enforcement (i.e. numbers of arrests, number of confiscated firearms, etc.) of the prohibition on the unauthorized carrying, bearing and transporting of firearms; and
- (b) The peace and order situation in various parts of the country, including insurgency, the existence and size of private armies, the intensity of political rivalries and other circumstances, that may affect the conduct of the elections.

SECTION 11. Effectivity. - This resolution shall take effect on the seven day after its publication in two (2) daily newspapers of general circulation in the Philippines.

SECTION 12. Dissemination - The Education and Information Department shall cause the publication of this resolution in two (2) daily newspapers of general circulation, and give the same the widest dissemination possible. The Executive Directors shall furnish copies of this resolution to the Secretary of the Department of National Defense, the Department of Interior and Local Government, the Department of Justice, the Chief of Staff, Armed Forces of the Philippines, the Director-General of the Philippine National Police and the Director of the National Bureau of Investigation.

SO ORDERED.