

Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

AMENDMENT TO RESOLUTION NO. 7764, 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 NATIONAL AND LOCAL ELECTIONS.

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Promulgated: 5 January 2007

AMENDED RESOLUTION NO. 7764A

The Commission on Elections (COMELEC), 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 promulgate, 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, January 14 up to June 13, 2007, (a) the bearing, carrying and transporting of firearms or deadly weapons by any person, and (b) the employment of security personnel or bodyguards, and (c) organization and maintenance of reaction forces - all 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 public buildings, streets, parks, private vehicles or public conveyances.

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 (AFP), Philippine National Police (PNP) 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 who are not seeking election, to employ, avail himself/ herself/ themselves of or engage the services of security personnel or bodyguard/s, whether or not such bodyguard/s is/ are member/s or officer/s of the PNP, the AFP or any other law enforcement agency of the government, unless duly authored by his/their commanders and granted exemption by the Commission;
- (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 the foregoing Section 2 shall not apply to the following persons, who are possessors of valid licenses to possess and permits to carry firearm or appropriate and validly issued mission orders (MO)/ property acknowledgment receipts (PAR), **provided that they apply for and are granted certificates of exemptions/ permits by the Commission**, to wit:

- (a) Officers or members of the AFP, PNP, NBI, 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;

The foregoing normal security personnel complement may be sent out ahead of their principals as advance party, and for this purpose, their principals shall give them appropriate mission orders.

“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, lower in rank than the foregoing senior officers--except those who are under suspension and those against whom administrative or criminal charges have been filed and are pending or are convicted of--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) in going to or returning from residence/ barracks/ official stations;
- (c) Incumbent Justices of the (1) Supreme Court, (2) Court of Appeals, (3) Sandiganbayan, and (4) Provincial Prosecutors, City Prosecutors, Ombudsman, and Chief of the Public Attorneys' Office;
- (d) City, Provincial and Municipal Treasurers as well as cashiers and disbursing officers of government or private entities, while the persons in the latter group in the actual performance of their duties, specifically when said persons transport or disburse payrolls or deposit or carry large sums of money or other valuables amounting to not less than two hundred thousand pesos, if, upon their application for exemption from gun ban, they are authorized in writing by the Commission on a case to case basis;
- (e) Members of duly authorized security or police force of the Executive, Legislative and Judicial Departments, the Commission on Elections, Ombudsman, Sandiganbayan, Office of the Public Attorney, Banko Sentral ng Pilipinas, and other government agencies, commissions, councils, bureaus, offices or government-owned or controlled corporations who are possessed of certificates of exemption/ permit issued by the Commission; provided, that when possession of firearms the law enforcement officer must be: (1) in the actual performance of duty in the specific area designated in the mission order approved by the authorized officer thereof; and (2) in full uniform showing clearly and legibly his name, rank and serial number which shall remain visible at all times;
- (f) Members of duly authorized security of privately owned or operated security, investigative, protective or intelligence agencies in the actual performance of their duties **within** the specific area of

their assignment, and with prior written authority of the Commission on Elections;

- (g) Guards of the Bureau of Jail Management and Penology each of whom is possessed of a certificate of exemption/ permit by the Commission, and who may apply for **escort certification** with, and be granted by, the **Regional Committee on Firearms and Security** constituted and functioning in accordance with, and subject to the conditions stated in, the paragraph "b" of Section 5 and the third paragraph of Section 6 hereunder;
- (h) 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 is duly notified thereof in writing; and
 2. When authorized by the Commission which shall issue the permit only if it is necessary for the maintenance of free, peaceful, orderly, honest and credible elections.
- (i) Other military or police personnel, including members of the AFP and PNP intelligence units, such as the ISAFP and the AFPWSSU, NBI or PDEA duly certified by their respective commanders as such and each of whom possessed of a certificate of exemption/ permit granted by the Commission. Batch of individually complete applications pursuant to this purpose may be transmitted to the Commission by the commander/ head of office who shall state his office and rank;
- (j) Regular agents of the National Bureau of Investigation (NBI), NAPPOLCOM, NICA each of whom may apply with, and be granted by the Commission a certificate of exemption/ permit with the condition that the covered firearm may be brought out of their place of assignment only when conducting legitimate official operations or missions duly issued by commander/ head of office. Batch of individually complete applications for this purpose may be transmitted to the Commission by the commander/ head of office.
- (k) Members of the PNP, NBI or other law enforcement agencies of the government authorized to act as bodyguards of candidates subject to the conditions provided for herein, specifically in (b) of this Section;
- (l) 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 Commission, accompanied by duly accomplished and complete individual applications of said security personnel;

- (m) High Risk Persons, who may apply for and granted a certificate of exemption for themselves and/or for their personal bodyguard/s, provided that his application is supported by credible evidence which the National Committee on Firearms and Security Personnel, after careful background check and through evaluation, finds sufficient and urgent reason to justify the grant of said exemption;
- (n) Director III and IV of the Commission on Elections;
- (o) All members of the Committee on Firearms and Security Personnel constituted under Section 5 hereunder;
- (p) Bona fide members of accredited Gun Clubs, possessed of valid and current license to possess and permit to carry issued by the PNP, and duly certified by the head of the Gun Club as members of good standing under the following conditions:
 - a. That the head of the Gun Club certifies that there is an international shooting competition in and to be hosted by, the Philippines, during the election period and that the applicant-member is an actual participant or contestant therein;
 - b. That the subject firearm/s shall be transported only from the member's residence to the venue of the competition, and back through the shortest route possible and without any detour;
 - c. That the firearm/s shall be transported only on the date and at the time applicant will practice and later participate in the competition;
 - d. That the number of firearms that a participating member shall be allowed to carry shall be determined by the proper authority in the PNP; and
 - e. That the certificate of exemption/ permit herein granted shall be accompanied by a certification from the PNP as to the period of its validity, stating therein the specific dates covered by the period of exemption;

Local shooting competitions are hereby banned/ suspended during the election period;

- (q) Transporters of firearms who are engaged in the manufacture, importation, exportation, purchase, sale, or in any kind of business involving the transportation of firearms, explosives, and their spare parts, when issued certificates of exemption/ permits by the Commission, valid only during the transportation of the same from the their origin to their destination;

- (r) Security Agencies whose applications for exemption the Commission has evaluated and approved and the certificate of exemption issued;
- (s) Election Officers assigned within the Autonomous Region of Muslim Mindanao (ARMM) possessed with certificates of exemption issued by the Commission.

All certificates of exemption/ permits granted by the Commission to members of the AFP, PNP and other government personnel shall be limited to government-issued firearm/s in their names and covered by the proper Memorandum Receipts (MR), Property Acknowledgment Receipts (PAR) or other official documents for the purpose; however, said personnel may apply for an exemption for his/ her privately owned firearm, covered by valid and current license to possess and permit to carry issued by the PNP, upon payment of the required filing fee private firearms; provided that this be limited to just one short firearm and subject to the same rules governing the use of exempted government-issued firearms.

Specific requirements for different classification of applications for exemption from the Firearms Ban are enumerated in the hereto attached annex "A".

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. Hence,

- (a) Any Permit to Carry Firearms Outside Residence or Outside Place of Business (PTCFOR), Mission Orders (MO), and Memorandum Receipts (MR), issued by the Chief, Philippine National Police or his duly authorized representative **prior to**, or processed and issued during, **election period** when this Resolution is effective, and herein covered by the prohibition, are hereby declared suspended, ineffective and without force and effect, unless covered by certificates of exemption/ permits duly issued by the Commission;
- (b) During the election period, all authority to issue MO and MR to civilians pursuant to Section 4 and 5 of the Rules and Regulations Implementing P.D. 1866 date June 29, 1983 (codifying the law on illegal/ unlawful possession of firearms) are hereby suspended.
- (c) The following are required to submit to the Commission on Elections within fifteen (15) days from the effectivity of this Resolution (when the election period starts): [1] the **Philippine National Police (PNP)**, a complete list of all PTCFOR or similar authorization issued to civilians and members of authorized security agencies; [2] the **Armed Forces of the Philippines (AFP)** and the **Department of National Defense (DND)**, a complete list of

all MR and MO or similar authorization issued to civilians; [3] the **National Bureau of Investigation** (NBI) a complete list of MR and MO or similar authorization issued to its regular agents.

SECTION 5. Committee on firearms and security personnel. - There is hereby constituted a Committee on Firearms and Security Personnel (National Committee) composed of COMELEC Commissioner in Charge in the implementation of the Gun Ban, as chairman, the Director of the Law Department of COMELEC as Vice-Chairman, two (2) representatives each from the AFP and the PNP as members. This Committee shall evaluate all applications for exemption from the Gun Ban and determine whether or not an applicant may be authorized to carry, bear or transport firearm(s) or to employ security personnel within the exemption as provided in this Resolution;

b. **Regional Committee on Firearms and Security Personnel.** - There is also hereby constituted a Regional Committee on Firearms and Security Personnel (Regional Committee) composed of the Regional Election Director (RED) 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 guards of the Bureau of Jail Management and Penology (BJMP), who will escort prisoner(s) 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.

Jail guards of the BJMP, who have already been issued certificates of exemption/ permit Committee in accordance with the foregoing first and second paragraphs above, upon being assigned to escort a prisoner (s) shall apply for an **escort certificate** with the **Regional Committee** that has territorial jurisdiction over the matter, and said Regional Committee shall then evaluate the application and deny or grant the same under the following conditions:

- a. That the authority of the Regional Committee to accept, evaluate and grant or deny escort certificates is limited to jail guards of the BJMP on prisoner-escort duty;
- b. That the firearm applied for escort certificate shall only be the covered by a certificate of exemption/ permit issued by the Commission to the applicant himself, not to someone else;
- c. That the escort certificate shall only authorize the guard to carry the covered firearm in escorting specified prisoner/s to and from prosecution offices, tribunals or courts;
- d. That the escort certificate herein granted shall always be based on and accompanied by an order or subpoena duly issued by a government investigator or investigating body, prosecutor or judge, in connection with a particular hearing investigation or trial of specific case/s, stating therein the title of the specific case/s, the date, time and place thereof; and
- e. That the escort certificate shall valid, and the certificate of exemption/ permit issued by the Commission shall be effective, only from the time the prisoner(s) is/are lawfully brought out from the jail in accordance with all the foregoing up to the time he/they are brought back thereto in strict compliance with the aforesaid lawful order or subpoena.

The decision of the Committee and the Regional Committee are 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 forces, 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. Montly 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.