



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

RULES AND REGULATIONS 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 AUGUST 11, 2008 ELECTION OF REGIONAL OFFICIALS IN THE AUTONOMOUS REGION IN MUSLIM MINDANAO (ARMM).

MELO , Jose A. R.,	Chairman
BRAWNER , Romeo A.,	Commissioner
SARMIENTO , Rene V.,	Commissioner
FERRER , Nicodemo T.,	Commissioner
MACARAMBON , Moslemen T.,	Commissioner

Promulgated: 20 May 2008

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RESOLUTION NO. 8460

The Commission on Elections, by virtue of the power vested by the Constitution, the Omnibus Election Code, Republic Act No. 9164, 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 August 11, 2008 election of regional officials in the Autonomous Region in Muslim Mindanao (ARMM).

SECTION 1. Declaration of Policy. – It is the policy of the Commission on Elections (Commission) that, during the election period **(May 28, 2008 up to September 10, 2008)** for the August 11, 2008 ARMM election, it shall supervise and regulate the bearing, possession, use and transport of, and otherwise any dealing with or transaction involving, firearms or other deadly weapons in furtherance of its constitutionally mandated obligation to ensure the holding of a clean, honest, orderly, peaceful and credible elections.

SEC. 2. Prohibitions. – During the election period from May 28, 2008 to September 10, 2008:

- (a) No person, including those possessing a permit to carry firearms outside of residence or place of business, shall bear, carry or transport firearms or other deadly weapons in public places including all public buildings, streets, parks and private vehicle or public conveyances.

For this purpose, “firearm” includes airgun, while “deadly weapons” includes hand grenade or other explosives, bladed instruments, except pyrotechnics. The issuance of firearms licenses shall be suspended during the election period;

- (b) No member or officer of the Armed Forces of the Philippines (AFP), Philippine National Police (PNP), or any other law enforcement agency of the government, shall bear firearms outside of their respective barracks, garrisons, camps, offices or such other military or police installations;
- (c) No candidate for public office, including incumbent officials seeking election to any public office, to employ, avail himself/herself/themselves of or engage the services of security personnel or bodyguards, whether or not such bodyguards is/are members or officers of the PNP, the AFP or any other law enforcement agency of the government, unless duly authorized by his/their commanders and granted exemption of the commission;
- (d) No person shall act as security personnel or bodyguard of any candidate or to authorize or order such assignment;

- (e) No 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, investigate, protective or intelligence agencies, to bear firearms outside the immediate vicinity of his place of work; and
- (f) No person to organize or maintain reaction forces strikes forces or any other similar forces.

SEC. 3. Exemptions. – The prohibitions in the foregoing Section 2

shall not apply to the following persons:

- (a) President and Vice President of the Republic of the Philippines, Senate President, Speaker of the House, Chief Justice of the Supreme Court, Chairmen of Constitutional Commissions;
- (b) Incumbent Justices of the Supreme Court, Court of Appeals, Sandiganbayan, Judges of the Regional Trial Courts and Municipal Trial Courts, commissioners of Constitutional Commissions, Provincial Prosecutors, City Prosecutors, Ombudsman, Chief of the Public Attorneys' Office, and their assistants/deputies;
- (c) Officers or members of the AFP, PNP, NBI or any law enforcement agency of the government, 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 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;

- (d) 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 within the territorial jurisdiction to which he is appointed or assigned or to which he is designated in a 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;
- (e) Members of the AFP and PNP,
 - 1. When the President of the Philippines shall have given previous authority therefore 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.

SEC. 4. Who may apply. – The following persons are covered by the ban and must apply for a Certificate of Exemption:

- (a) Provincial, City and Municipal Treasurers, as well as cashiers and disbursing officers of government or private entities, while the persons in the latter group are in the actual performance of their duties, specifically when said persons transport or disburse payrolls, deposit or carry large sums of money or other valuables amounting to not less than two hundred thousand pesos, provided that

they have applied for and are granted exemptions from the gun ban by the Commission on a case to case basis;

- (b) Members of duly authorized organic security or police force of the Executive, Legislative and Judicial Departments, the Commission on Elections, Ombudsman, Sandiganbayan, Office of the Public Attorney, Bangko Sentral ng Pilipinas, Bureau of Immigration 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 in 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;
- (c) 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 prior of their assignment and with prior written authority from the Commission on Elections;
- (d) Guards of the Bureau of Jail Management and Penology each of whom possessed a valid certificate of exemption/permit issued by the Commission, and who may apply for **escort certification** with, and be granted by, the **Regional Committee on Firearm 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.
- (e) 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;

- (f) Regular agents of the National Bureau of Investigation (NBI), NAPOLCOM, NICA, PDEA, Bureau of Immigration, Customs, each of whom may apply with, 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 their commander/head of office;
- (g) 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;
- (h) Security personnel 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;
- (i) Directors III and IV of the Commission on Elections;
- (j) All members of the Committee on Firearms and Security Personnel constituted under Section 6 hereunder;

- (k) Transporters of firearms who are engaged in the manufacture, importation, 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 their origin to their destination;
- (l) Security Agencies whose applications for exemption the Commission has evaluated and approved and the certificate of exemption issued;
- (m) Election Officers assigned within the Autonomous Region in Muslim Mindanao (ARMM) possessed with certificates of exemption issued by the Commission.

In all cases, the applicant must, at the time of the filing application for exemption, and during the election period, be a holder of valid license to possess and permit to carry (PTC) firearms issued by the PNP.

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 proper Memorandum Receipts (MR), Property Acknowledgment Receipts (PAR) or other official documents for the purpose; however, said personnel may apply for an exemption for the gun ban from the Commission 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 for private firearms; provided that this be limited to just one short firearm and subject to the same rules governing the use of exemption government-issued firearms.

Specific requirements for different classifications of applications for exemption from the Firearms Ban are enumerated in the hereto attached Annex "A";

SEC. 5. Suspension of permits to carry firearms and issuance of mission orders and memorandum receipts. – During the election period, the sole authority to issue permits to carry firearms outside residence or place of business shall be vested in the Commission. Hence,

- (a) Any Permit to Carry Firearms Outside Residence (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**, the **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 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 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.

SEC. 6. Committee on Firearms and Security Personnel. – a)

National Committee on Firearms and Security Personnel is hereby created composed of the Comelec Commissioner-In-Charge in the implementation of the Gun Ban, as Chairman, the Director IV of the Law Department as Vice-Chairman; two (2) representatives from the AFP and PNP as members. The 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. - A Regional Committee on Firearms and Security Personnel (Regional Committee) is likewise constituted in the ARMM composed of the Regional Election Director (RED) of the ARMM as Chairman, the Assistant Regional Election Director of the ARMM as Vice-Chairman and the PNP ARMM Regional Director as member. The Regional Committee shall act only on requests for exemptions of guards of the Bureau of Jail Management and Penology (BJMP), who will escort prisoner(s) pursuant to a lawful order.

SEC. 7. Procedure for exemption. – (a.) Person/s enumerated under Section 4 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 on bearing, carrying or transporting firearms under Section 32 of Republic Act No. 7166, shall file with the Committee a written request for exemption in three (3) copies, stating 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 maybe 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 by the Commission 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 Firearm Committee, which 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 that 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 office, 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 be 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 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 lawful order or subpoena.

The decisions of the National and Regional Committees are appealable to the Commission en banc, whose decision shall be final.

SEC 8. 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 National 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 military or 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 National Committee may impose. If at any time the ground for which the authority to engage the services of security personnel has been granted shall cease to exist, or for any valid cause, the Commission shall revoke the authority granted.

In processing applications, the National 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.

Provided, that the assigned security personnel or body guard is a holder of a valid Certificate Gun Ban Exemption issued by the Commission.

SEC. 9. Confiscation of Firearms. – During the election period, the Commission may order deputized units of the PNP or in case of 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, commissions, 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.

SEC. 10. Prohibited organization or maintenance of reaction forces, strike forces, 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 forces. Any of said forces, which are presently 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, the heads of all such reaction forces, strike forces, or similar forces shall submit to the Commission, through the Regional Election Director of the ARMM, in three (3) legible copies, a complete list of all members thereof, stating their full names, exact addresses, ranks, appointment papers or designations and nature and extent of their functions. The Regional Election Director of the ARMM shall forward to the Commission copies of said lists, retaining a copy thereof.

SEC. 11. Monthly reports. – For 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 during the election period, covering the following:

- (a) Current status of the enforcement (i.e. number 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 the ARMM, 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.

SEC. 12. Effectivity. – This Resolution shall take effect on the seventh (7th) day after its publication in two (2) daily newspapers of general circulation in the Philippines.

SEC. 13. 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 Director shall furnish copies of this resolution to the Secretary of the Department of National Defense, the Department of the 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.

(Sgd.) **JOSE A.R. MELO**
Chairman

(Sgd.) **ROMEO A. BRAWNER**
Commissioner

(Sgd.) **RENE V. SARMIENTO**
Commissioner

(Sgd.) **NICODEMO T. FERRER**
Commissioner

(Sgd.) **MOSLEMEN T. MACARAMBON**
Commissioner

cc: Chairman
All Commissioners
Executive Director
Deputy Executive Director for Operations
Education and Information Department