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

February 12, 2016

CUSTOMS MEMORANDUM CIRCULAR
NO. 21-2016

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

SUBJECT: COMELEC Resolution Nos. 10015 and 10029 / Re: Ban on Firearms and Security Personnel

Attached is the letter dated February 3, 2016 of Ms. Mariam Genevieve Masahud, Committee on the Ban on Firearms and Security Personnel (CBFSP) Secretariat, furnishing this Bureau with the copy of the following COMELEC Resolutions:

1. **Resolution No. 10015** entitled "Rules and Regulations on (1) the Ban on the Bearing, Carrying or Transporting of Firearms and Other Deadly Weapons; and (2) the Employment, Availment or Engagement of the Services of Security Personnel or Bodyguards During the Election Period of the May 9, 2016 Synchronized National and Local Elections"
2. **Resolution No. 10029** entitled "Consolidated Resolution for (1) Guidelines on the Establishment and Operation of COMELEC Checkpoints; and (2) Instruction for the Conduct of Preliminary Examination of Violations of the Ban on Firearms, Other Deadly Weapons and Security Personnel in connection with the May 9, 2016 Automated National and Local Elections"

For your information and guidance.

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

Alberto D. Lina
ALBERTO D. LINA
Commissioner

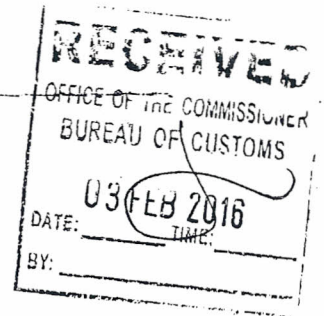




Republic of the Philippines
COMMISSION ON ELECTIONS
 Intramuros, Manila

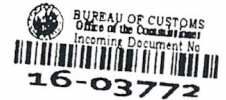
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**COMMITTEE ON THE BAN ON FIREARMS
 AND SECURITY PERSONNEL (CBFSP)**
 for the May 9, 2016 National and Local Elections



February 3, 2016

HON. ALBERTO D. LINA
 Commissioner
 Bureau of Customs
 COM Building, South Harbor, Gate 3
 Port Area, Manila



Dear Commissioner Lina,

Relative to the May 9, 2016 Elections, the Commission has promulgated COMELEC Resolutions No. 10015¹ and 10029², to enforce laws relating to the ban on the bearing, carrying or transporting of firearms or other deadly weapons, and the employment, availment or engagement of the services of security personnel or bodyguard.

Pursuant thereto, the undersigned respectfully forwards said Resolutions to your Office for reference.

In case of any questions or clarifications regarding the Resolutions, the Committee on Ban on Firearms and Security Personnel can be contacted at 3906 453 3337 or 559-9759.

Thank you.

Respectfully yours,


MARIAM GENEVIEVE MASAHUD
 CBFSP Secretariat

¹ RULES AND REGULATIONS ON (1) THE BAN ON THE BEARING, CARRYING OR TRANSPORTING OF FIREARMS AND OTHER DEADLY WEAPONS; AND (2) THE EMPLOYMENT, AVAILMENT OR ENGAGEMENT OF THE SERVICES OF SECURITY PERSONNEL OR BODY GUARDS DURING THE ELECTION PERIOD OF THE MAY 9, 2016 SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS, November 13, 2015

² CONSOLIDATED RESOLUTION FOR: 1) GUIDELINES ON THE ESTABLISHMENT AND OPERATION OF COMELEC CHECKPOINTS; AND 2) INSTRUCTIONS FOR THE CONDUCT OF PRELIMINARY EXAMINATION OF VIOLATIONS OF THE BAN ON FIREARMS, OTHER DEADLY WEAPONS AND SECURITY PERSONNEL, IN CONNECTION WITH THE MAY 9, 2016 AUTOMATED NATIONAL AND LOCAL ELECTIONS, December 22, 2015.

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Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

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RULES AND REGULATIONS ON: (1) THE BAN ON THE BEARING, CARRYING OR TRANSPORTING OF FIREARMS AND OTHER DEADLY WEAPONS; AND (2) THE EMPLOYMENT, AVAILMENT OR ENGAGEMENT OF THE SERVICES OF SECURITY PERSONNEL OR BODYGUARDS DURING THE ELECTION PERIOD OF THE MAY 9, 2016 SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS.	BAUTISTA, J. ANDRES D	Chairman
	LIM, CHRISTIAN ROBERT S.	Commissioner
	PARREÑO, AL. A	Commissioner
	GUIA, LUIE TITO F.	Commissioner
	LIM, ARTHUR D.	Commissioner
	GUANZON, MA. ROWENA AMELIA V. ABAS, SHERIFF M.	Commissioner

Promulgated:
November 13, 2015

RESOLUTION NO. 10015

WHEREAS, Section 261 (q) of the Omnibus Election Code (B.P. Blg. 881) provides:

"Sec. 261. Prohibited Acts. - The following shall be guilty of an election offense:

(q) *Carrying firearms outside residence or place of business.* - Any person who, although possessing a permit to carry firearm/s, carries any firearm/s 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.

This prohibition shall not apply to cashiers and disbursing officers while in the performance of their duties or to persons who by nature of their official duties, profession, business or occupation habitually carry large sums of money or valuables."

WHEREAS, Section 32 of Republic Act No. 7166¹ provides:

"Sec. 32. *Who May Bear Firearms.* - During the election period, no person shall bear, carry or transport firearms or other deadly weapons in public places, including any building, street, park, private vehicle or public conveyance, even if licensed to possess or carry the same, unless authorized in writing by the Commission. The issuance of firearms license shall be suspended during the election period.

Only regular members of the Philippine National Police, the Armed Forces of the Philippines and other law enforcement agencies of the Government who are duly deputized in writing by the Commission for election duty may be authorized to carry and possess firearms during the election period: Provided, That, when in the possession of firearms, the deputized law enforcement officer must be: (a) in full uniform showing clearly and legibly his name, rank and serial number, which shall remain visible at all times, and (b) in the actual performance of his election duty in the specific area designated by the Commission."

WHEREAS, Section 33 of the same Act provides:

"Sec. 33. *Security Personnel and Bodyguards.* - During the election period, no candidate for public office, including incumbent public officers seeking election to any public offices, shall employ, avail himself of or engage the services of security personnel or bodyguards, whether or not such bodyguards are regular members of the Philippine National Police, the Armed Forces of the Philippines or other law enforcement agency of the Government: Provided, That when circumstances warrant, including but not limited to threats to life and security of a candidate, he may be assigned by the Commission, upon due application, regular members of

¹ Entitled "AN ACT PROVIDING FOR SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS AND

Philippine National Police, the Armed Forces of the Philippines or other law enforcement agency who shall provide him security for the duration of the election period. The officers assigned for security duty to a candidate shall be subject to the same requirement as to wearing of uniforms prescribed in the immediately preceding section unless exempted in writing by the Commission.

"If at any time during the election period, the ground for which the authority to engage the services of security personnel has been granted shall cease to exist or for any other valid cause, the Commission shall revoke the said authority."

WHEREAS, it is the policy of the Commission to strictly enforce Section 261 (q) of the Omnibus Election Code as well as Sections 32 and 33 of Republic Act No. 7166;

WHEREAS, pursuant to the Constitution and existing laws, the 2016 National and Local Elections is set on May 9, 2016;

WHEREAS, following the *Calendar of Activities and Periods of Certain Prohibited Acts In Connection with the May 9, 2016 National and Local Elections* per COMELEC Resolution No. 9981² dated August 18, 2015, the Election Period and the Period of Prohibited Acts, including the Ban on the Bearing, Carrying or Transporting of Firearms or Other Deadly Weapons, and the Employment, Availment or Engagement of the Services of Security Personnel or Bodyguard, is from January 10, 2016 up to June 8, 2016 (120 days before and 30 days after the Election Day);

NOW, THEREFORE, pursuant to the power vested in it by the Constitution, the Omnibus Election Code (B.P. 881, as amended), Republic Act Nos. 6646 and 7166 and other election laws, the Commission RESOLVED, as it hereby RESOLVES, to promulgate the following rules and regulations to implement Section 261 (q) of the Omnibus Election Code and Sections 32 and 33 of Republic Act No. 7166 in connection with the May 9, 2016 Synchronized National and Local Elections.

² Entitled "IN THE MATTER OF PRESCRIBING THE CALENDAR OF ACTIVITIES AND PERIODS OF CERTAIN PROHIBITED ACTS IN CONNECTION WITH THE MAY 9, 2016 NATIONAL AND LOCAL ELECTIONS."

RULE I
DEFINITION OF TERMS

SECTION 1. *Definition of Terms.* - As used in this Resolution:

- a. *Ammunition*, as defined under R.A. No. 10591³ (otherwise known as the "Comprehensive Firearm and Ammunition Regulation Act) and as used herein, refers to the complete unfired unit consisting of a bullet, gunpowder, cartridge case and primer or loaded shell for use in any firearm.

- b. *Certificate of Authority (CA)* refers to a certificate issued by the CBFSP to a qualified applicant.
 1. *Certificate of Authority-Cashier/Disbursing Officer (CA-C/DO)* refers to the Certificate of Authority to bear, carry or transport Firearms or other Deadly Weapons issued to qualified cashiers/dispensing officers or persons who by the nature of their official duties, profession, business or occupation habitually carry large sums of money or valuables.

 2. *Certificate of Authority-Law Enforcement Agency (CA-LEA)* refers to the Certificate of Authority to bear, carry or transport Firearms or other Deadly Weapons issued by the CBFSP to the PNP, the AFP and the Law Enforcement and Security Personnel of other Government Departments, Agencies, Offices, Bureaus, Commissions, Tribunals and Government-Owned and Controlled Corporations.

 3. *Certificate of Authority-Security Agency (CA-SA)* refers to the Certificate of Authority to bear, carry or transport Firearms or other Deadly Weapons issued by the CBFSP to qualified Private Security, Investigative and Protective Agencies for their security personnel.

³ Entitled "AN ACT PROVIDING FOR A COMPREHENSIVE LAW ON FIREARMS AND AMMUNITION AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF", also know as the "Comprehensive Firearms and Ammunition Regulation Act"

4. *Certificate of Authority-Security Details (CA-SDs)* refers to the Certificate of Authority to employ, avail or engage the services of security personnel or bodyguard issued by the CBFSP to qualified public officials and/or private individuals.

5. *Certificate of Authority to Transport (CA-TTs)* refers to the Certificate of Authority to transport or deliver Firearms and/or its parts, Ammunition and/or its components, and, Explosives and/or its components issued by the CBFSP to qualified applicants/persons.

- c. *Certificate of Firearm Registration (CFR)* refers to the certificate issued by the PNP as proof that the firearm is duly registered and recorded.

- d. *Commission* refers to the Commission on Elections.

- e. *Committee on the Ban on Firearms and Security Personnel (CBFSP)* refers to the Committee created by the Commission to implement this Resolution and the law/s and rules on the ban on the bearing, carrying or transporting of Firearms and other Deadly Weapons, and the employment, availment or engagement of security personnel or bodyguards during the Election Period. The CBSFP will exercise operational control and supervision over the Regional Joint Security Control Centers (RJSCCs) and the Provincial Joint Security Control Center (PJSCCs), and City or Municipal Joint Security Control Centers (C/MJSCCs).

For purposes of the May 9, 2016 National and Local Elections, the CBFSP shall be headed by the Hon. Commissioner Al A. Parreño as Chairman, with Senior Officers designated by the AFP and the PNP (not lower than Brigadier General or Chief Superintendent, respectively), as Members.

The Commission, through the CBFSP, has the sole and exclusive power to issue Certificates of Authority (CA). It shall be assisted by a Secretariat composed of representatives from the Commission, the AFP and the PNP. The Secretariat shall be headed by a Senior Officer of the Commission.

- f. *Deadly Weapon* includes all types of bladed instruments, hand grenades or other explosives, except pyrotechnics. Provided, that a bladed instrument is not covered by the prohibition when possession of the bladed instrument is necessary to the occupation of the possessor or when it is used as a tool for a legitimate activity.

- g. *Duty Detail Order (DDO)* refers to a document issued to a security by the juridical entity or employer wherein the details of the disposition of firearm is spelled-out, thus indicating the name of the employee, the firearm information, the specific duration and location of posting or assignment and the authorized bonded firearm custodian for the juridical entity to whom such firearm is turned over after the lapse of the order.

- h. *Election Period* refers to the election period prescribed in COMELEC Resolution No. 9981, which is from January 10, 2016 up to June 8, 2016.

- i. *Explosive* shall refer to an exploding substance or agent, including the components and raw materials thereof, as defined under pertinent laws.

- j. *Firearm*, as defined in R.A. No. 10591 and as used herein, refers to any handheld or portable weapon, whether a small arm or light weapon, that expels or is designed to expel a bullet, shot, slug, missile or any projectile, which is discharged by means of expansive force of gases from burning gunpowder or other form of combustion or any similar instrument or implement. The barrel, frame or receiver is considered a firearm. For purposes of this Resolution, imitation firearms are also deemed included in the term Firearms. An imitation firearm, as defined under R.A. No. 10591, refers to a replica of a firearm, or other device that is so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to believe that such imitation firearm is a real firearm. The term shall include airguns and airsoft guns.

- k. *Joint Security Control Centers*
 - 1. *Regional Joint Security Control Center (RJSCC)* refers to the body created by the CBFSP principally tasked to (1) evaluate and endorse

applications for Certificates of Authority-Security Detail (CA-SDs) to the CBFSP and issue Temporary Authority- Security Detail (TA-SDs) if warranted, (2) consolidate PJSCC reports from within their region for submission to the CBFSP, (3) assist the CBFSP in implementing this Resolution, and (4) perform other functions as may be directed by the CBFSP. It shall exercise oversight functions over the Provincial Joint Security Control Centers (PJSCCs) within its territorial jurisdiction.

2. *Provincial Joint Security Control Center (PJSCC)* refers to the body created by the CBFSP principally tasked to (1) receive and pre-evaluate applications for Certificates of Authority-Security Detail (CA-SDs) for transmittal to the RJSCC, (2) receive and pre-evaluate applications for Certificates of Authority-Cashier/Disbursing Officer (CA-C/DOs) for transmittal to the CBFSP, (3) consolidate C/MJSCC reports from within their province for submission to the RJSCC, (4) assist the CBFSP in implementing this Resolution, and (4) perform other functions as may be directed by the CBFSP or RJSCC. It shall exercise oversight functions over the *City/Municipal Joint Security Control Center (C/MJSCC)*.

3. *City/Municipal Joint Security Control Center (C/MJSCC)* refers to the body created by the CBFSP principally tasked to (1) assist the PJSCC, RJSCC and CBFSP in implementing this Resolution within their particular city/municipality, and (2) perform other functions as may be directed by the CBFSP or PJSCC.

1. *Letter Order (LO) or Mission Order (MO)* refers to a written directive or order issued by authorized Head of Law Enforcement Agencies (LEAs) to government employee/s with regular plantilla position under his supervision and control. Such order shall indicate the purpose of the mission, name of the employee, the firearm information, the specific duration and the place or places within the jurisdiction of the issuing authority allowing the bearer thereof to carry his/her government-issued firearm within their jurisdiction and shall be strictly limited to the law enforcement mandate of the agency concerned.

- m. *License to Own and Possess Firearms (LTOPF)* refers to the written authority granted by the Chief, PNP to a qualified individual for him to own and possess a firearm.
- n. *Long Certificate of Registration (LCR)* refers to a regular license to own and possess firearms issued by the PNP to government agencies or offices or Government-Owned or Controlled Corporations.
- o. *Permit to Carry Firearm Outside of Residence (PTCFOR)* refers to the written authority issued to a licensed citizen by the Chief, PNP which entitles such person to carry his/her registered or lawfully issued firearm outside of the residence for the duration and purpose specified in the authority.
- p. *Private Security Service Provider (PSSP)* refers to a Private Security Agency (PSA), Private Detective Agency (PDA) or Company Guard Force (CGF).
- q. *Residence or Place of Business* refers to the residence of the firearm/s which shall be the location where the firearm/s shall be kept and as indicated in the firearm registration card.
- r. *Small Arms* refer to firearms intended to be primarily designed for individual use or that which is generally considered to mean a weapon intended to be fired from the hand or shoulder, which are not capable of fully automatic bursts of discharge, such as:
 - 1. Handgun is a firearm intended to be fired from the hand, which includes:
 - i. Pistol is a hand-operated firearm having a chamber integral with or permanently aligned with the bore which may be self-loading; and
 - ii. Revolver is a hand-operated firearm with a revolving cylinder containing chambers for individual cartridges;
 - 2. Rifle is a shoulder firearm or designed to be fired from the shoulder that can discharge a bullet through a rifled barrel by different actions of loading, which may be classified as lever, bolt, or self-loading; and

3. Shotgun is a firearm designed, made and intended to fire a number of ball shots or a single projectile through a smooth bore by the action or energy from burning gunpowder.

- s. *Temporary Authority-Security Details (TA-SDs)* refers to the Temporary Certificate of Authority to employ, avail or engage the services of security personnel or bodyguard issued by the RJSCC to qualified public officials and private individuals. It is valid for a period of thirty (30) days only.

RULE II
GENERAL PROVISIONS

SECTION 1. *Prohibited Acts.* - During the Election Period:

- a. No person shall bear, carry or transport Firearms or Deadly Weapons outside his residence or place of business, and in all public places, including any building, street, park, and in private vehicles or public conveyances, even if he is licensed or authorized to possess or to carry the same, unless authorized by the Commission, through the CBFSP, in accordance with the provisions of this Resolution;

- b. No person shall employ, avail himself or engage the services of security personnel or bodyguards, whether or not such security personnel or bodyguards are regular members or officers of the Philippine National Police (PNP), the Armed Forces of the Philippines (AFP), other law enforcement agency of the government or from a private security service provider, unless authorized by the Commission, through the CBFSP, in accordance with the provisions of this Resolution;

- c. No person or entity shall transport and deliver Firearms and/or its parts, Ammunition and/or its components, and Explosives and/or its components, unless authorized by the Commission, through the CBFSP, in accordance with the provisions of this Resolution.

SECTION 3. *Suspension of Permits to Carry Firearms Outside Residence (PTCFORs) and Mission Orders/Letter Orders (MOs/LOs).* - Any Permit to Carry Firearms Outside

Residence (PTCFOR), Letter Order (LO) or Mission Order (MO) issued by the Chief, PNP, the Chief of Staff of the AFP, the Commanding General or Flag Officer in Command of the Different Branches of the AFP and their sub-units, or their duly authorized representatives, or any other head of government law enforcement agency are hereby declared suspended, ineffective, and without force and effect during the Election Period, unless properly covered by a Certificate of Authority duly issued by the CBFSP.

SECTION 4. PTCFORs and similar authorizations, firearms registration and other gun ban-related licenses and permits issued by the PNP. - The PNP shall make available to the PNP CBFSP Secretariat members information related to PTCFORs, firearms registration and other gun ban-related licenses and permits issued by the PNP.

SECTION 5. Powers of CBFSP. - The Commission, through the CBFSP, and in accordance with the provisions of this Resolution, shall have the sole and exclusive authority to authorize the:

- a. Bearing, carrying or transporting of Firearms or other Deadly Weapons; or
- b. Employment, availment or engagement of the services of security personnel or bodyguards; or
- c. Transport or delivery of Firearms and/or its parts, Ammunition and/or its components, and, Explosives and/or its components.

RULE III

**AUTHORITY TO BEAR, CARRY OR TRANSPORT
FIREARMS OR OTHER DEADLY WEAPONS**

SECTION 1. Who may bear, carry or transport firearms or deadly weapons. - Only the following persons may be authorized to bear, carry or transport Firearms or other Deadly Weapons during the Election Period:

- A. The President of the Republic of the Philippines;
- B. The Vice-President of the Republic of the Philippines;
- C. Senators and Members of the House of Representatives (who are not candidates);
- D. Cabinet Secretaries;



- E. The Chief Justice and Justices of the Supreme Court, Justices of the Court of Appeals, Sandiganbayan, and Court of Tax Appeals; and Judges of the Regional Trial courts and Municipal/ Metropolitan/Circuit Trial Courts;
- F. The Ombudsman and Deputy Ombudsmen;
- G. The Chairmen and Commissioners of the Civil Service Commission (CSC) and the Commission on Audit (COA);
- H. The Chairperson and Commissioners of the Commission on Human Rights;
- I. Security Personnel of Foreign Diplomatic Corps, Missions 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.
- J. Regular officers, members, and agents of the following agencies of the government who are actually performing law enforcement and/or security functions, *Provided, That when in the possession of firearms, they are:*
- i. *in the regular plantilla of the said agencies and are receiving regular compensation for the services rendered in said agencies, (excluding confidential/temporary/contractual agents/employees or personnel, unless otherwise approved);*
 - ii. *in the agency-prescribed uniform showing clearly and legibly his name, rank and serial number or, in case rank and serial number are not applicable, displaying prominently the agency-issued identification card showing clearly his name and position, which shall remain visible at all times;*
 - iii. *duly authorized to possess firearm and to carry the same outside of residence by virtue of a valid permit to carry or a valid mission order or letter order;*
 - iv. *in the actual performance of official law enforcement and/or security duty, or are going to or returning from his dwelling/barracks or official station, and*
 - v. *bearing, carrying or transporting a maximum of two (2) firearms;*
1. Officers and Members of the Philippine National Police (PNP);
 2. Commissioned Officers (COs), Non-Commissioned Officers (NCOs) and Enlisted Personnel (EP) of the Armed Forces of the Philippines (AFP);



3. National Bureau of Investigation (NBI);
4. Provincial and City Jails, Bureau of Corrections (BuCor), Department of Justice;
5. Bureau of Jail Management and Penology (BJMP);
6. (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 of the Bureau of Customs (BoC);
7. Port Police Department, Philippine Ports Authority (PPA);
8. Philippine Economic Zone Authority (PEZA) police forces;
9. Government Guard Units (GGUs) regulated by the PNP under RA No. 5487;
10. (a) The Commissioner and Deputy Commissioners, (b) members of the Law and Investigation Division and (c) members of the Intelligence Division, Bureau of Immigration (BI);
11. Manila International Airport (MIA) Authority Police Force;
12. Mactan-Cebu International Airport Authority Police Force;
13. Law Enforcement Service of the Land Transportation Office (LTO);
14. Philippine Coast Guard (PCG);
15. Cebu Port Authority Police Force;
16. Internal Security Operations Group (ISOG) of the Witness Protection, Security and Benefits Program of the Department of Justice;
17. Enforcement and Investigation Division, Optical Media Board (OMB);
18. (a) The Security Investigation and Transport Department (SITD), (b) Cash Department and (c) the Office of Special Investigation (OSI), Branch Operations of the Bangko Sentral ng Pilipinas (BSP);
19. Offices of the Sergeant-At-Arms (OSAA) of (a) the Senate and (b) the House of Representatives, including the OSAA designated regular security escorts of Senators and Congressmen;
20. Inspection Service of the Philippine Postal Corporation (PhilPost);
21. Inspection, Monitoring and Investigation Service of the National Police Commission (NAPOLCOM);
22. 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 (DENR) under DAO No. 1997-32;

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23. Intelligence and Security Unit, Office of the Secretary, Department of Foreign Affairs (DFA);
24. Philippine Drug Enforcement Agency (PDEA);
25. Philippine Center for Transnational Crime (PCTC);
26. National Intelligence Coordinating Agency (NICA);
27. Civilian Armed Forces Geographical Units (CAFGU) Active Auxiliaries and Special Civilian Armed Forces Geographical Units Active Auxiliaries already constituted upon the effectivity of this Resolution while within the barracks;
28. Presidential Security Group (PSG);
29. Internal Security Division of the Bureau of the Treasury (BoT), the Treasurer and Deputy Treasurers of the Philippines;
30. Internal Security of the Office of the Vice-President;
31. The Secretary, Undersecretaries, Assistant Secretaries of the Department of the Interior and Local Government and the Internal Security of the Office of the Secretary of the Interior and Local Government;
32. Internal Security of the Office of the Secretary of National Defense;
33. The Secretary, Undersecretaries, Assistant Secretaries, The Prosecutor General, Chief State Prosecutor, and the State, Regional, Provincial and City Prosecutors, Department of Justice;
34. The Solicitor-General;
35. Investigators and Prosecutors of the Office of the Ombudsman;
36. The Chief Public Attorney; and
37. The officers and members of departments/divisions/offices/units/detachments performing law enforcement and/or security functions;

K. Cashiers and disbursing officers or persons who by the nature of their official duties, profession, business or occupation habitually carry large sums of money or valuables; Provided, That, when in the possession of Firearms, they are:

- i. currently employed under the conditions stated in his application;
- ii. in the actual performance of his official duties, specifically when transporting deposits, disbursing payrolls, or carrying large sums of money or valuables;

[Handwritten signature]

- iii. in possession of the Certificate of Authority and other applicable firearms licenses;
- iv. carrying a maximum of two (2) firearms.

L. Members of Private Security Service Providers (PSSPs); Provided, That, when in the possession of Firearms, they are:

- i. in the agency-prescribed uniform with the agency-issued identification card prominently displayed and visible at all times, showing clearly the name and position;
- ii. in possession of a valid License to Exercise Security Profession (LESP) with Duty Detail Order (DDO), and valid firearms license of the agency/company where they are employed.
- iii. deployed by PSA/PDS/CGF duly licensed by the PNP;
- iv. in the actual performance of official duty at his specified place or area of duty; and
- v. carrying one (1) small firearm, unless specifically allowed otherwise under existing laws, rules and regulations;

M. The Chairman and the Commissioners of the Commission on Elections, the Executive Director, Deputy Executive Directors, Directors and Lawyers employed by and holding office 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.

SECTION 2. Application for authority to bear, carry or transport Firearms or Deadly Weapons - All applications shall include:

- a. For the Public Officials mentioned in paragraphs (A) to (H), Section 1, Rule 3 above:
 - 1. Duly accomplished CBFSP Form No. 2016-01A (copies downloadable at www.comelec.gov.ph) in three (3) copies with CD, signed by the applicant public official, indicating therein, among others, his full

name, his position in the Government, and his office and home address;

2. 3 pieces 2x2 photograph of the applicant;
 3. Certified True Copy of Certificate of Appointment (for appointive officials);
 4. Form 16A-01A with the firearms description and registration data, including the LCR with MO/LO for government issued firearms and/or the CFR with PTCFOR, for privately owned firearms;
 5. Copies of the above-mentioned licenses and certificates;
 6. Certification under oath by the applicant that he is currently holding an appointive or elective position qualified to bear, carry or transport firearms under paragraphs (A) to (H), Section 1, Rule 3 and that the firearms described in his application are covered by duly issued and valid MOs, LOs or PTCFORs;
- b. For Security Personnel of Foreign Diplomatic Corps, Missions 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 mentioned under paragraph (I), Section 1, Rule 3 above:
1. Duly accomplished CBFSP Form No. 2016-01B (downloadable at www.comelec.gov.ph) in three (3) copies with CD, signed by the Head of Agency;
 2. Form 16A-01B indicating therein:
 - i. the full names of the security personnel with their corresponding rank/position;
 - ii. firearms description, and registration data, if applicable;
 3. Copies of the above-mentioned licenses and certificates;
 4. Form 16B with the colored 4" x 5" picture and description of the authorized uniform of the security personnel;
 5. Letter of Endorsement from the Department of Affairs;
 6. Letter of Endorsement from the Head of Mission;

[Handwritten Signature]

c. For the Public Officials, Law Enforcement and Government/Foreign Security Personnel mentioned under paragraph (J), Section 1, Rule 3 above:

1. Duly accomplished CBFSP Form No. 2016-01B (downloadable at www.comelec.gov.ph) in three (3) copies with CD, signed by the Head of Agency;
2. Form 16A-01B indicating therein:
 - iii. the full names of the law enforcement or security personnel with their corresponding rank/position;
 - iv. firearms description and registration data, including the LCR with MO/LO for government issued firearms and/or the CFR with PTCFOR, for privately owned firearms;
3. Copies of the above-mentioned licenses and certificates;
4. Form 16B with the colored 4" x 5" picture and description of the authorized uniform of the office;
5. Certification under oath by the head of agency (Agency) or his duly authorized representative, which may be the Head of the Personnel Division of the Agency, that:
 - i. the persons named therein are:
 - a) in the regular plantilla of the Agency (*and does not include confidential/temporary/contractual agents/employees or personnel*);
 - b) performing actual law enforcement and/or security functions;
 - c) receiving regular compensation for the services rendered in the Agency;
 - d) duly authorized by the Agency to bear, carry and transport firearms in the exercise of their law enforcement and/or security functions and duties; and
 - ii. the firearms described are duly registered firearms and covered by duly issued and valid MOs, LOs or PTCFORs;

d. For cashiers and disbursing officers or persons who by nature of their official duties, profession, business or occupation habitually carry large sums of money or valuables provided under Section 1, paragraph K of Rule

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1. Duly accomplished CBFSP Form No. 2016-01C (downloadable at www.comelec.gov.ph) in three (3) copies with CD; signed by the applicant cashier or disbursing officer, indicating therein, among others, his full name and the office where he is employed or connected;
 2. 3 pieces 2x2 photograph of the applicant;
 3. Certification of the employer under oath that the applicant is an employee of the company and designated as cashier or disbursing officer;
 4. Certified true copy of applicant's latest Income Tax Return;
 5. Certified true copy of employer's latest Income Tax Return;
 6. Description of and proof that the nature of his official duties, profession, business or occupation requires him to carry large sums of money or valuables;
 7. Form 16A-01C with the firearms description and registration data, including the LCR with MO/LO for government issued firearms and/or the CFR with PTCFOR, for privately owned firearms;
 8. Copies of the above mentioned licenses and certificates;
 9. Certification under oath by the applicant that all the information in the application are true and correct;
 10. Copy of Official Receipt to prove payment of the filing fee in the amount of Five thousand pesos (PhP 5,000.00);
- e. For Private Security Services Providers (Agencies) mentioned in Section 1, paragraph L of Rule III:
1. Duly accomplished CBFSP Form No. 2016-02 (downloadable at www.comelec.gov.ph) in three (3) copies with CD;
 2. Form 16A-02 indicating therein:
 - i. the full names of the security personnel with their corresponding rank/position;
 - ii. firearms description and registration data;
 - iii. the security personnel's respective LESP's and DDO's;
 3. Form 16B with the colored 4" x 5" picture and description of the authorized uniform of the Agency;
 4. Copy of the Agency's License to Operate (LTO);

5. A certified true copy of the agency's updated and valid Monthly Disposition Report (MDR);
6. Certification under oath that that the firearms described are duly registered firearms and the persons named therein are:
 - i. regular employees of the Agency;
 - ii. performing actual security functions;
 - iii. receiving regular compensation for the services rendered in the said agency;
 - iv. duly authorized and sanctioned by their agency to bear, carry and transport firearms in the exercise of their security functions and duties;
 - v. covered by duly issued and valid LESP's and DDO's;
7. Copy of Official Receipt to prove payment of the filing fee in the amount of Fifty Pesos (PhP50.00) for each security personnel included in the list.

Each and every page of the application, including attachments, must be numbered consecutively at the bottom right side.

SECTION 3. *Who may submit the applications/requirements for the authority to bear, carry or transport Firearms or Deadly Weapons* - The following are authorized to submit the duly accomplished application form and other requirements of an applicant for authority to bear, carry or transport Firearms or Deadly Weapons during Election Period:

- a. For the Public Officials and persons enumerated in paragraphs (A) to (H), Section 1, Rule 3 above, the applicant personally or his duly authorized representative;
- b. For the Public Officials, Law Enforcement, Government Security Personnel, and Security Personnel of Foreign Diplomatic Corps, mentioned under paragraphs (I) and (J), Section 1, Rule 3 above, the head of the corresponding agency or his duly authorized representative;
- c. For Cashiers/Disbursing Officers/Individuals mentioned under Section 1, paragraph (K) of Rule 3, the Cashier/Disbursing Officer/Individual personally or his duly authorized representative.

[Signature]

- d. For Private Security Service Providers mentioned in Section 1, paragraph (L) of Rule 3, the head of the corporation or agency or its duly authorized representative.

If filed through a duly authorized representative, the representative must present and submit a written authority executed under oath by the applicant in favor of the representative together and copies of valid identification cards of both the applicant and the representative.

SECTION 4. *Where to submit applications and requirements for authority to bear, carry or transport firearms or deadly weapons.* – All applications/requirements for authority to bear, carry or transport Firearms or Deadly Weapons shall be filed only with the CBFSP except for applications of Cashiers or Disbursing Officers, as mentioned in paragraph (d), Section 3, Rule 3, which may be filed with the CBFSP or PJSCC.

SECTION 5. *Guidelines for Private Security Services Providers.* – The following rules shall be strictly observed by PSAs, PDAs and CGFs which have been issued CA-SA:

- a. For single posting, the security guard assigned is prohibited to transport his Firearm from his duty area to his dwelling;
- b. Firearms may be stationed in armored trucks provided these are duly licensed agency-issued Firearms used in the regular course of business of the security agencies and included in the application under Sec. 2 (c), Rule 3;
- c. In case of new posting or termination of posting which entail the transport of Firearms to the duty area or return of Firearms to the security agency's office, the security agency may be authorized to transport the Firearms on a one-time, one-way basis only upon prior application under Section 2 Rule V of this Resolution.

RULE IV

EMPLOYMENT, AVAILMENT OR ENGAGEMENT OF SERVICES OF SECURITY PERSONNEL OR BODYGUARDS

SECTION 1. *Revocation of authority granting security personnel.* – All existing authority granting security personnel or bodyguards are hereby automatically revoked at the start of the Election Period.

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SECTION 2. Retention of services of security personnel or bodyguards. - Notwithstanding the immediately preceding section, the authority granted to or the services of those constituting the duly engaged or appointed regular security personnel or complement of the 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, and Director Generals and Senior Officers of the PNP, who are not candidates, shall subsist pursuant to their respective existing authorizations or engagements.

Senators, Members of the House of Representatives and Provincial Governors, who are not candidates, and Justices, Judges and Cabinet Secretaries, whose regular security complement have been provided by the PNP, AFP, NBI or other Government Law Enforcement Agencies for at least one (1) year at the time of the promulgation of this Resolution, may be allowed to retain the services of a maximum of two (2) of the currently detailed officers or members of said law enforcement government agencies.

For those who are candidates, they may be allowed to retain their duly engaged or appointed regular security personnel or complement subject to the requirements enumerated in this Resolution for applications for authority to employ, avail or engage the services of security personnel or bodyguards (CA-SD).

SECTION 3. Augmentation of security personnel or bodyguards. - Notwithstanding the immediately preceding section, the public officials or persons mentioned therein, and when the circumstances warrant, may apply with the CBFSP for authority (CA-SD) to employ, avail or engage the services of two (2) additional security personnel or bodyguards, or such additional number of security personnel or bodyguards as the CBFSP may deem appropriate under the circumstances, from a duly licensed private security service provider. In such a case, they shall comply with the requirements enumerated in this Resolution for applications for authority to employ, avail or engage the services of security personnel or bodyguards (CA-SD) with respect to the additional security personnel or bodyguard.

SECTION 4. Who may employ, avail or engage the services of security personnel or bodyguards. - When circumstances warrant, including but not limited to threats to their

life and security, the following persons who are not mentioned in Section 2, Rule 4 above may be issued CA-SD and allowed to employ, avail or engage the services of two (2) private security personnel or bodyguards during Election Period from duly licensed private security service providers:

- a. Incumbent public officials, whether elected or appointed;
- b. Candidates for the May 9, 2016 Synchronized National and Local Elections, or his/her immediate family within the second degree of consanguinity or affinity; and
- c. Private individuals.

The limit notwithstanding, an application for additional private security personnel may be approved by the CBFSP when the circumstances warrant.

SECTION 5. Requirements for authority to employ, avail or engage services of security personnel or bodyguards. - All applications for authority to employ, avail, or engage the services of security personnel or bodyguards (CA-SD) during Election Period shall include the following:

- a. Duly accomplished CBFSP Form No. 2016-03 (downloadable at www.comelec.gov.ph) in three (3) copies, signed by the applicant and stating therein, among others, his full name, his position in the Government if he is a public officer, and his address;
- b. 3 pieces 2x2 photograph of the applicant;
- c. Threat assessment or such document to support the existence of threat, if any;
- d. Form 16A-02, as certified by the Agency, indicating therein:
 - i. The name and contact number of the private security service provider which the proposed private security personnel is affiliated;
 - ii. The names of at most two (2) proposed qualified private security personnel with their corresponding rank/position, their respective Licenses to Exercise Security Profession (LESPs) and Duty Detail Orders (DDOs);
 - iii. Description of the firearms and firearms registration data;
- e. Form 16B with the colored 4" x 5" picture and description of the authorized uniform of the Agency;

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- f. Certification under oath by the applicant that all the information in the application and all the attachments thereto are true and correct;
- g. Copy of official receipt to prove payment of filing fee in the amount of Five Thousand Pesos (PhP 5,000.00).

Additional security shall be assessed an additional filing fee of Five Thousand Pesos (PhP 5,000.00) for every application. In no instance shall an application request for, or contain the names of, more than two (2) proposed security personnel or bodyguard/s.

Each and every page of the application, including attachments, must be numbered consecutively at the bottom right side.

SECTION 6. *Who may submit the applications/requirements for the authority to employ, avail or engage services of security personnel.* - The applicant personally or his duly authorized representative may submit the duly accomplished application form and the other requirements for a CA-SD. If filed through a duly authorized representative, the representative must present and submit a written authority executed under oath by the applicant in favor of the representative together with copies of valid identification cards of the both the applicant and the representative.

SECTION 7. *Where to submit the applications and requirements for the authority to employ, avail or engage services of security personnel or bodyguards.* - Applications/requirements for employment, availment or engagement of the services of security personnel (CA-SD) may be filed before the CBFSP or the PJS CC having jurisdiction over the area where the applicant resides or works.

SECTION 8. *Guiding principles for the employment, availment or engagement of services of security personnel or bodyguards.* - The following rules must be strictly observed by the security personnel or bodyguards, whether those retained under Section 2, Rule 4 or engaged under a duly issued CA-SD:

- a. When in the possession of Firearms, the security personnel or bodyguard must be:
 - i. in his prescribed uniform;
 - ii. in the actual performance of his duties;
- b. The security personnel or bodyguard must be employed by a duly licensed

private security service provider and is qualified to perform or provide personal security protection to private persons or individuals entitled to protection;

- c. Carrying one (1) small firearm, unless specifically allowed otherwise under existing laws, rules and regulations.

RULE V

**TRANSPORT OR DELIVERY OF FIREARMS AND/OR ITS PARTS,
AMMUNITION AND/OR ITS COMPONENTS, OR EXPLOSIVES AND/OR ITS
COMPONENTS**

SECTION 1. *Who may be allowed to transport or deliver firearms and/or its parts, ammunitions and/or its components, or explosives and/or its components.* - Entities engaged in, and duly licensed by the appropriate Government agency to, transport, manufacture, import, export, purchase, deal in or sell Firearms, Ammunitions, Explosives and/or their respective parts or components, and other qualified individuals may be issued a CA-TT and allowed to transport or deliver Firearms and/or its parts, Ammunition and/or its components or Explosives and/or its components during Election Period.

SECTION 2. *Requirements for authority to transport or deliver firearms and/or its parts, ammunitions and/or its components, or explosives and/or its components.* - All applications for CA-TT or authority to transport or deliver Firearms and/or its parts, Ammunition and/or its components, or Explosives and/or its components during Election Period shall include the following:

- a. Duly accomplished CBFSP Form No. 2016-04 (downloadable at www.comelec.gov.ph) in three (3) copies, stating therein, among others, the full name of the applicant and its principal office address, and the name of its duly authorized representative;
- b. Original Permit to Transport (PTT) issued by the Firearms and Explosives Office (FEO), Civil Security Group (CSG), Philippine National Police (PNP), with Indorsement from the appropriate officer of the FEO;
- c. Copy of official receipt to prove the payment of filing fee.

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Each and every page of the application, including attachments, must be numbered consecutively at the bottom right side.

SECTION 3. *Filing fees relative to Application for Certificate of Authority to Transport* . - The CBFSP shall adopt and impose the charges imposed by the PNP on the issuance and permits/authority to transport firearms and/or its parts, ammunitions and/or its components or explosives and/or its components, unless, upon sufficient notice, a different schedule of fees is imposed by the CBFSP Chairperson.

SECTION 4. *Where to submit application and requirements for authority to transport or deliver firearms and/or its parts, ammunitions and/or its components or explosives and/or its components*. - Duly accomplished application forms and other requirements under this Rule shall be submitted to the CBFSP by the duly authorized representative of the applicant. The representative must present and submit an authorization executed in his favor by the applicant, together with a copy of a valid identification card of the representative.

SECTION 5. *Conditions*. - In addition to the requirements stated above, the following are conditions for the issuance of a CA-TT or authority to transport or deliver Firearms and/or its parts, Ammunitions and/or its components or Explosives and/or its components during Election Period:

- a. The Authority shall be valid only within a prescribed period and shall provide the terms and conditions of its grant, on a strictly one-way basis.
- b. In the case of Explosives and/or its components, the same shall be immediately transported with a police escort by the applicant/grantee or its representative, directly to the explosives magazine/storage facility of the licensed requesting party.
- c. In the case of Firearms and/or its parts and Ammunition and/or its components, the same shall be immediately transported by the applicant/grantee or its representative directly to the address of the buyer or requesting party.
- d. Firearms and/or its parts, ammunition and/or its components, and, explosives and/or its components meant for exportation to other countries or jurisdictions shall be transported or delivered directly to airports or seaports.

- e. Firearms and/or its parts, Ammunition and/or its components, imported from other countries or jurisdictions shall be delivered directly to the FEO Storage Section; Explosives and/or its components shall be delivered directly to the manufacturing facility/magazine of the licensed manufacturer with CA-TT.
- f. In no case shall the Firearms and/or its parts, and/or Ammunition and/or its components and Explosives and/or its components, be transported or delivered by any person other than the authorized manufacturer, importer, exporter, purchaser, dealer, seller with CA-TT, or its duly authorized representative/s.

Any violation of the foregoing, as well as any other condition for the issuance of the CA-TT, shall immediately invalidate the CA-TT and shall be deemed a commission of an election offense.

RULE VI

**REGIONAL JOINT SECURITY CONTROL CENTER (RJSCC) and
PROVINCIAL JOINT SECURITY CONTROL CENTER (PJSCC)**

SECTION 1. *Composition of the RJSCC.* - The RJSCC shall be composed of the following:

- a. Regional Election Director, as head;
- b. Regional Director, Police Regional Office, PNP and either the Division or Brigade Commander with the highest rank designated by the AFP, as members.

The RJSCC shall be assisted by a Secretariat composed of a representative from the Commission, as may be designated by the CBSFP Chairperson, and representatives from the Office of the Regional Election Director, the PNP-Regional Police Office and the AFP Battalion, as members.

SECTION 2. *Composition of the PJSCC.* - The PJSCC shall be composed of the following:

- a. Provincial Election Supervisor, as head;
- b. Provincial Director, Police Provincial Office (PPO), PNP and either the Battalion Commander of the AFP or the highest-ranking officer in the area as may be designated, as members.

The PJSCC shall be assisted by a Secretariat composed of the a representative from the Commission, as may be designated by the CBSFP Chairperson, and representatives from the Office of the Provincial Election Supervisor, the PNP-Police Provincial Office and the AFP assigned in the province, as members.

SECTION 3. *Submission of applications and requirements with the PJSCC -* Applications for Certificate of Authority to bear, carry and transport firearms or other deadly weapons by Cashiers or Disbursing Officers (CA-C/DO) and Certificate of Authority to employ, avail or engage the Services of Security Detail, Personnel or Bodyguards (CA-SD) may be filed with the PJSCC having jurisdiction over the area where the applicant resides or works.

SECTION 4. *Procedure for processing applications for Certificate of Authority to employ, avail or engage the Services of Security Detail, Personnel or Bodyguards (CA-SD) and issuance of Temporary Authority to employ, avail or engage the Services of Security Detail, Personnel or Bodyguards (TA-SD).* - The following guidelines and procedure shall be observed in the processing of applications for CA-SD/submission of requirements before the RJSCC and PJSCC, as the case may be, and the issuance of TA-SD:

- a. When receiving applications for CA-SD, the PJSCC shall:
 - a. Check if the application form is duly accomplished and that all the required supporting documents are attached to the application;
 - b. If all the required documents are duly accomplished and have been submitted, assess the filing fee, receive payment and issue an Official Receipt;
 - c. Transmit the application with official receipt to the RJSCC. The PJSCC shall transmit applications received every Wednesday of the week.
- b. The RJSCC must act on the application within three (3) days from receipt of the complete and duly accomplished application form and other required documents. Based on its evaluation/assessment, the RJSCC may issue a thirty (30)-day Temporary Authority for Security Detail (TA-SD).
- c. The RJSCC shall forward all applications, their supporting documents (including the TA-SD, if one has been issued), and the threat assessment/recommendation of the AFP/PNP, if any, and the RJSCC's own

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- evaluation/assessment to the CBFSP, for appropriate action every Monday of the week.
- d. The TA-SD, if issued, shall be in writing and in three (3) copies. The original shall be given to the agency which will provide the security personnel. The second shall be retained by the CBFSP. The third shall be given to the applicant.
 - e. In issuing a TA-SD, the RJSCC shall, as far as practicable, ensure that the security personnel assigned to the applicant shall be from a unit, agency, company or office based in the city, municipality, district, or province where the applicant resides or works, as indicated in his application. The personnel assigned as security personnel or bodyguard to an applicant under a TA-SD shall be subject to the same requirements and conditions with respect to the wearing of uniforms and carrying of Firearms or Deadly Weapons imposed in this Resolution.
 - f. If at any time the ground/s for which the TA-SD was issued ceases to exist, or for other just cause, the RJSCC may revoke the TA-SD.
 - g. In case no CA-SD is issued after the expiration of the TA-SD or if the application is denied by the CBFSP within the 30-day validity of the TA-SD, all security personnel temporarily detailed to the applicant shall be deemed recalled.

SECTION 5. Procedure for the filing of applications for Certificates of Authority to bear, carry or transport firearms for Cashiers/Disbursing Officers (CA-C/DO). - The PJSCC shall:

- a. Check if the application form is duly accomplished and that all the required documents are attached to the application;
- b. If all the required documents are duly accomplished and have been submitted, assess the filing fee, receive payment and issue an Official Receipt;
- c. Endorse all submitted applications for Certificates of Authority to bear, carry or transport firearms for Cashiers/Disbursing Officers (CA-C/DO) together with all required documents, including the copy of the Official Receipt, to the CBFSP for appropriate action every Wednesday of the week.
- d. Submit every Wednesday to the RJSCC a report of all applications transmitted to the CBFSP.



RULE VII

CITY/MUNICIPAL JOINT SECURITY CONTROL CENTER (C/MJSCC)

SECTION 1. *Composition of the C/MJSCC* - The C/MJSCC shall be composed of the following:

- a. City/Municipal Election Officer, as head;
- b. Chief of Police of the PNP and the highest-ranking AFP officer in the area, as may be designated, as members.

SECTION 2. *Function*. - The C/MJSCC shall be responsible for assisting the PJSCC, RJSCC and CBFSP in the implementation of the ban on the bearing, carrying or transporting of firearms in their respective cities/municipalities, which includes, but not limited to, information dissemination and compliance monitoring.

RULE VIII

REPORTORIAL REQUIREMENTS

SECTION 1. *Reports of the RJSCC, PJSCC and C/MJSCC*. - The RJSCC, PJSCC and C/MJSCC shall submit to the CBFSP a report on its activities in connection with all matters relating to the discharge of its duties and functions under this Resolution and any other directive of the CBSFP.

Based on reports submitted by the PJSCC and C/MJSCC, the RJSCC shall submit the following reports:

- a. Consolidated inventory of the TA-SDs issued and CA-SD applications endorsed by the RJSCC to CBFSP, CA-SD applications forwarded by the PJSCC in their respective jurisdiction to the RJSCC, and CA-C/DO applications transmitted by PJSCC to the CBFSP;
- b. Consolidated report on checkpoints conducted;
- c. Reports forwarded by AFP and PNP partners on the:
 - i. Current status of the enforcement (i.e. number of arrests, names of persons involved, number of confiscated firearms, categorized into licensed or unlicensed) of the ban on firearms or other deadly weapons and security personnel;
 - ii. 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;

- d. Other information or report as may be required by the CBFSP.

The RJSCC report shall be submitted every Monday from start of CBFSP operations until the end of the election period.

SECTION 2. Reports of AFP and PNP. - The CBFSP may request directly the AFP and PNP to submit reports related to its implementation of this Resolution and other matters that include, but not limited to, security preparations and peace and order updates.

RULE IX COMMON PROVISIONS

SECTION 1. Signatories in the Certificate of Authority. In the absence of one or both signatures of the AFP and PNP Members of the CBFSP, the Chairperson shall be authorized to solely sign the Certificates of Authority for and in behalf of the Committee, which Certificates shall have the full force and effect of granting or denying the applications, as the case may be.

Notwithstanding the affixing of the signatures of one or both the AFP and PNP Members of the CBFSP in the Certificates of Authority, the same shall not be valid and shall be without force and effect unless signed by the Chairperson.

SECTION 2. Composition of the CBFSP Secretariat and the JSCCs. - In the exigency of service, the Chairperson may change the composition of the CBFSP Secretariat and the JSCCs.

SECTION 3. Payment of fees. - Filing fees paid pursuant to this Resolution are strictly non-refundable. Payments shall be made to the Cash Division, Commission on Elections, or the Office of the Provincial Election Supervisor.

SECTION 4. Certified True Copy of Certificates of Authority. - Photocopies of the Certificates of Authority shall only be valid if they are:

- a. certified as true copies of the record on file by the CBFSP;



- b. stamped with the dry seal of the Commission;
- c. affixed with security sticker; and
- d. covered in the original by official receipts of the COMELEC.

The required fee for certified true copies shall be One Hundred Pesos (PhP 100.00) for the first page and Two Pesos (PhP 2.00) for every succeeding page.

SECTION 5. Records Keeping. Physical and electronic records of applications received, processed, evaluated and acted upon shall be kept in a dedicated CBFSP office. Retention of records shall be subject to the laws, rules and regulations on government record disposition.

**RULE X
PROHIBITIONS AND PENALTIES**

SECTION. 1. Validity of the Certificate of Authority. - The Certificate of Authority shall be valid from date of issuance until June 8, 2015, unless:

- a. Earlier revoked by the CBFSP:
 - 1. For any misrepresentation or false statement in the application or its attachments, or submission of falsified documents;
 - 2. After the ground/s for which the Certificate of Authority was issued ceases to exist;
 - 3. For such other grounds deemed appropriate by the CBFSP.
- b. Ipso facto deemed null and void if the grantee violates or fails to comply with the conditions for carrying of Firearms or for transporting Firearms, Ammunitions, Explosives, and/or their respective parts or components, as the case may be.
- c. Any license or permit issued by the PNP and used in support of the application for the corresponding Certificate of Authority is revoked, cancelled and suspended by the Chief, PNP or his authorized representative.
- d. A different period of validity is prescribed by the CBFSP, such as those in CA-TTs and CA-LEA for Foreign Security Personnel.



SECTION. 2. *Absence of Valid and Subsisting Certificate of Authority.* - Any person who shall:

- a. Bear, carry or transport Firearms or other Deadly Weapons; or
- b. Employ, avail or engage of the services of security personnel or bodyguards; or
- c. Transport or deliver Firearms and/or its parts, Ammunition and/or its components, and, Explosives and/or its components;

during election period without a valid and subsisting Certificate of Authority shall be guilty of an election offense.

SECTION 3. *Penalty for Election Offenses.* -- Any person found guilty of any election offense described in this Resolution shall be punished with imprisonment of not less than one year but not more than six years and shall not be subject to probation. In addition, the guilty party shall be sentenced to suffer 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.

SECTION. 4. *Revocation, Cancellation or Suspension of Firearms Licenses, Permits and Registration.* - The Chief of the Philippine National Police or his authorized representative may revoke, cancel or suspend the License to Own and Possess Firearm (LTOPF), Certificate of Firearms Registration (CFR) and/or Permit to Carry Firearm Outside Residence (PTCFOR), if any, of any person found to be in violation of the prohibitions in Sec. 1, Rule 2.

SECTION 5. *Liability of Juridical Person.* - The owner, president, manager, director or other responsible officer of/any public or private firm, company, corporation or entity who shall willfully or knowingly allow any person or persons to bear, carry or transport any of the firearms owned by such firm, company, corporation or entity during the course of his employment without a Certificate of Authority shall be guilty of an offense under Section 30, Rule V of RA 10591.

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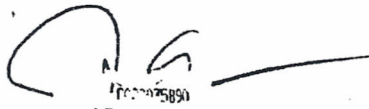
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RULE XI
EFFECTIVITY AND DISSEMINATION

SECTION 1. Effectivity and Dissemination. - This Resolution shall take effect seven (7) days after its publication in two (2) daily newspapers of general circulation in the Philippines.

The Education and Information Department of the Commission is directed to cause the publication of this Resolution in two (2) daily newspapers of general circulation in the Philippines, and to furnish with copies thereof the Regional Election Directors, Provincial Election Supervisors and Election Officers of the Commission, the PNP, the AFP and all other law enforcement agencies.

SO ORDERED.


J. ANDRÉS D. BAUTISTA
Chairman


CHRISTIAN ROBERT S. LIM
Commissioner


AL A. PARREÑO
Commissioner


LUE TITO F. GUIA
Commissioner


ARTHUR D. LIM
Commissioner


MA. ROWENA AMELIA V. GUANZON
Commissioner


SHERIFF M. ABAS
Commissioner

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Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

EN BANC

CONSOLIDATED RESOLUTION
FOR:

- 1) GUIDELINES ON THE ESTABLISHMENT AND OPERATION OF COMELEC CHECKPOINTS; AND
- 2) INSTRUCTIONS FOR THE CONDUCT OF PRELIMINARY EXAMINATION OF VIOLATIONS OF THE BAN ON FIREARMS, OTHER DEADLY WEAPONS AND SECURITY PERSONNEL; IN CONNECTION WITH THE MAY 9, 2016 AUTOMATED NATIONAL AND LOCAL ELECTIONS

- BAUTISTA, J. ANDRES D *Chairman*
- LIM, CHRISTIAN ROBERT S. *Commissioner*
- PARREÑO, AL. A *Commissioner*
- GUIA, LUIE TITO F. *Commissioner*
- LIM, ARTHUR D. *Commissioner*
- GUANZON, MA. ROWENA AMELIA V. *Commissioner*
- ABAS, SHERIFF M. *Commissioner*

Promulgated:

December 22, 2015

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RESOLUTION NO. 10029

WHEREAS, to effectively implement the firearms ban during the election period, it is necessary to establish Commission on Elections ("COMELEC" or "Commission") checkpoints;

WHEREAS, the Commission recognizes the necessity of promulgating guidelines and instructions consistent with existing Philippine National Police (PNP) Standard Operating Procedures, and existing rules and regulations, for the establishment of checkpoints, and conduct of preliminary examination for election

offenses in connection with the May 09, 2016 National and Local Elections;

WHEREAS, there is a need to ensure that in the implementation of the proper search procedures and seizure at the COMELEC checkpoints, civil, political and human rights are not violated;


WHEREAS, for the prompt and proper investigation and successful prosecution of alleged violations of the ban on firearms and other deadly weapons, and the employment of security personnel, it is necessary to authorize the Chiefs of Police in cities and municipalities to conduct the preliminary examination.

WHEREAS, the Commission is mandated under the Constitution to investigate and where appropriate, prosecute cases of violations of election laws;

WHEREAS, the Commission aims to further enhance and maintain uniform procedures in the law enforcement, investigation and special police operations of the PNP in connection with the with the May 09, 2016 National and Local Elections;

NOW, THEREFORE, pursuant to the powers vested in it by the Constitution, the Omnibus Election Code (B.P. 881, as amended), and other election laws, the Commission **RESOLVED**, as it hereby **RESOLVES**, to promulgate the following guidelines and instructions:

RULE I
GUIDELINES ON THE ESTABLISHMENT AND OPERATION
OF COMELEC CHECKPOINTS

SECTION 1. Authority to establish COMELEC Checkpoints. - There shall be at least one COMELEC checkpoint in each city/municipality. However, additional checkpoints, including those coming from other PNP/AFP commands outside the city/municipality, shall be established in coordination with the Election Officer (EO) having jurisdiction over the city/municipality. 

SECTION 2. Notice of location of COMELEC checkpoints. - The Election Officer (EO) shall post the locations of COMELEC checkpoints at the Office of the Election Officer, and the respective offices of the PNP and AFP. Whenever possible, notices thereof will also be disseminated to the non-government organizations, civil society groups and members of the media in the locality.

SECTION 3. Spot checkpoint. - Where the circumstances warrant, spot checkpoints may be established in locations other than those mentioned in the preceding section. Before establishing such checkpoints, the coordinating officer/team leader shall give prior notice and coordinate with the Election Officer (EO) having jurisdiction over the area. The establishment of spot checkpoints shall follow the same guidelines for COMELEC checkpoints under Section 6 of this Rule.

SECTION 4. Personnel to man checkpoint. - Any unit designated to man a COMELEC checkpoint must be led by a regular member of the AFP or the PNP with a rank of at least Lieutenant/Inspector. In cases where there is no available AFP/PNP member of said rank, the highest ranking officer shall make a special designation of a lower ranking officer to act as team leader of the COMELEC Checkpoint.

Adequate number of AFP and PNP personnel shall man the checkpoints and must be in complete service uniform with the name plates and other identification tags clearly visible and readable, and shall not be under the influence of liquor/drug. Any violation hereof shall make the offender and his commanding officer jointly liable for administrative action, without prejudice to the prosecution of any criminal offense.

SECTION 5. Briefing by the commanding officer/team leader. - A briefing must be given by the commanding officer/team leader to all members of the unit who will be designated to man the checkpoints, with emphasis on the proper manner of searching with reasonableness.

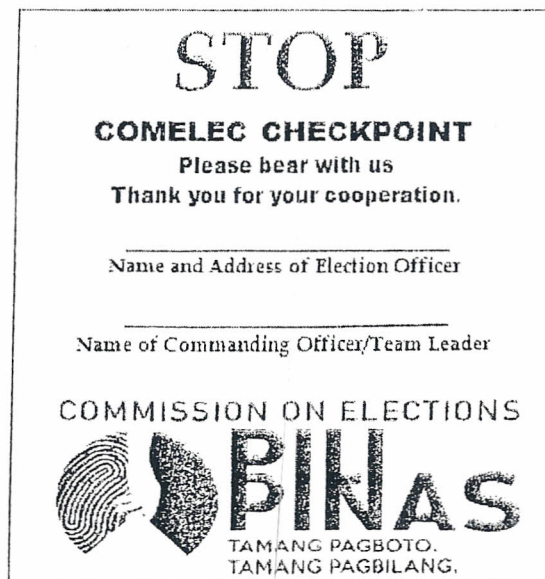
SECTION 6. Guidelines in the establishment of COMELEC Checkpoints. - The following guidelines must be observed in the establishment of COMELEC Checkpoints:

- a. A COMELEC Checkpoint must be well-lighted, properly identified and manned with uniformed personnel. It must be well-lighted so as to allow those who will pass through it to

easily identify the AFP/PNP uniformed personnel manning the checkpoints with their name plates and other identification tags clearly visible and readable;

- b. Every COMELEC checkpoint shall have a signboard measuring three feet by four feet (3'x4'), to clearly identify the place as a COMELEC checkpoint from a reasonable distance.

The following shall be printed/painted on both sides of the signboard in bold letters on a white background:



There must also be signboards directing motorist(s) to slow down with an indication that there is a COMELEC checkpoint ahead. Warning signs should be utilized (e.g., Slowdown Checkpoint Ahead, Checkpoint 20 Meters Ahead, etc) to give sufficient notice to the public as they approach a checkpoint.

- c. Upon approach to any COMELEC Checkpoint, the team manning it must require the motorist(s) to slow down and courteously request to dim the headlights and turn on cabin lights. In a checkpoint inquiry, the occupants cannot be compelled to step out of the vehicle;
- d. Only visual search¹ is required. The search which is normally permissible is limited to visual search where the officer simply

¹ *Visual search* refers to an eye search using the 'plain view' doctrine¹ that is, limited to visual search only which may be done with the aid of flashlights or any other similar means provided that the officer has the authority to command tinted windows to be rolled down in order to effect the search.

[Signature]
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looks into the vehicle and flashes a light therein without opening the car's door;

- e. No person may be subjected to a physical or body search in the absence of any reasonable ground to believe that a person has just committed, is about to commit, or is committing a crime;
- f. The public is not obliged to open the glove compartment, trunk or bags. The personnel manning the checkpoint cannot compel the motorist to open the trunk or glove compartment of the car or any package contained therein;
- g. Ordinary/routine questions may be asked with courtesy. Checkpoint may involve only a brief detention of travelers during which the vehicle's occupants are required to answer a brief question or two;
- h. Report violations, incidents or untoward circumstance in the conduct of COMELEC Checkpoints within twenty four (24) hours to the Election Officer (EO) to ensure proper monitoring and reporting of violations.

SECTION 7. Searches at COMELEC checkpoint. - Any search at any COMELEC 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 person or persons so searched, to the end that civil, political and human rights of any person is not violated.

As a rule, a valid search must be authorized by a search warrant duly issued by an appropriate authority. However, a warrantless search can be made in the following cases:

- a. When the occupant/s of the vehicle appear/s to be suspicious or exhibit unnatural reaction, such that the police officer observes unusual conduct which convinces him that a criminal activity exists; or
- b. On the basis of prior confidential information which are reasonably corroborated by other attendant matters.

SECTION 8. Procedure in case checkpoint is ignored. - If a person ignores the checkpoint, the team leader must immediately report such incident to the adjacent teams/police stations stating therein the particular details of the person/s evading the checkpoint. If

necessary, the team must immediately coordinate to such adjacent teams or stations in order to establish roadblock/s in accordance with existing standard operating procedures of the PNP under the PNP Handbook, PNPM-DO-DS-3-2-13.²

SECTION 9. Procedure in cases where there is apparent violation of the ban on firearms. - The following procedure must be followed in cases where there is apparent violation of the ban on firearms:

1. Any member of the team manning the checkpoint must ask for the corresponding Certificate/s of Authority applicable to the apparent violation so as to verify if the person concerned has sufficient authority to bear, carry or transport the firearms, ammunitions, explosives or any parts / components thereof. During the election period, any person not in possession of any Certificate of Authority issued by the CBFSP is presumed to be without authority to bear, carry or transport the firearms, ammunitions, explosives or any parts/components thereof;
2. All standard operating procedures of the PNP under the PNP Handbook, PNPM-DO-DS-3-2-13, must be observed, more particularly in the conduct of spot checks (Rule 10), regular police checkpoint (Rule 11.4), cases where the checkpoint is ignored (Rule 11.6), and dealing with hostile situation (Rule 11.8);
3. In cases where the circumstances warrant a justification for a valid arrests and/or searches incidental thereto, the procedures for arrests and searches as specified under the PNP Handbook, PNPM-DO-DS-3-2-13, must be observed, more particularly the guidelines for high-risk arrests (Rule 11.9), arrests without warrant (Rule 13.3), and procedures for effecting warrantless arrests (Rule 13.5).

SECTION 10. Rights of person arrested. - 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:

- a. To remain silent, and be informed that anything she/he says may be used against her/him in court. This right cannot be

² *PNP Handbook, PNPM-DO-DS-3-2-13* refers to the Philippine National Police Handbook, PNPM-DO-DS-3-2-13 dated December 2013, which includes the Revised Philippine National Police Operational Procedures.

waived except in writing and in the presence of competent and independent 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;
- c. To be released from detention if no charges have been filed against him within the allowable period/s from arrest under the law, unless he is charged under P.D. 1866, as amended, R.A. 10591, and other rules and regulations implemented by the COMELEC. In no case shall the period of detention exceed thirty-six (36) hours from arrest, if no charge has been filed before the respective City Prosecutor's Office against the person arrested.
- d. When women or children are among the suspect/s or arrestees, the arresting officer shall task the Women's and Children's Protection Desks (WCPD) officer or a policewoman who is familiar with women and children protection desk duties to conduct the pat-down search, whenever necessary, in accordance with Rule 13.6 (c) of the PNPM-DO-DS-3-2-13 [PNP Manual 2013]).
- e. A separate Police Blotter shall be maintained for crime incident reports involving women and children and those cases involving a child in conflict with the law to protect their privacy pursuant to Republic Act (RA) 9262 (Anti-Violence Against Women and Children Act of 2004) and RA 9344 (Juvenile Justice and Welfare Act of 2006), respectively, following Rule 17.2 of PNPM-DO-DS-3-2-13.
- f. The AFP/PNP manning the checkpoint shall at all times ensure respect for the rights of any child in conflict with the law as provided in the Philippine Constitution, domestic laws, the Convention on the Rights of the Child and other related international human rights instruments. The procedures in handling of Children in Conflict with the law under Rules 33.5 and 33.6 of PNPM-DO-DS-3-2-13 shall be strictly followed.
- g. In cases involving persons with disability, the prohibitions on verbal, non-verbal ridicule and vilification under R.A. 9442 and

its Implementing Rules and Regulations, and other relevant domestic and international laws shall be strictly observed.

- h. In cases involving violations committed by the elderly, due respect, courtesy and consideration shall be accorded to their persons in regard of their age and physical state. The same respect, courtesy and consideration shall be accorded to pregnant women.

SECTION 11. Record of arrest. - Any arrest made at a COMELEC checkpoint shall be immediately and chronologically recorded in a logbook for the purpose, stating the circumstances of the arrest and other particulars about the person and confiscated weapons, ammunitions and materials.

The arresting officer shall execute an affidavit of arrest stating clearly and distinctly the facts and circumstances surrounding the arrest.

SECTION 12. Report and turn-over of arrested person. - Any person arrested at a COMELEC checkpoint including the confiscated material, weapon, or ammunition, must be turned-over to the nearest law enforcement station or office together with the corresponding affidavit/s of arrest for proper action.

The Chief of Police/Detachment Commander concerned shall conduct a preliminary examination and submit the result thereof to the Provincial/City Prosecutor for preliminary investigation, copy furnished the Law Department, Election Officer, and their respective operation centers.

SECTION 13. Documentation of the conduct of checkpoints. - The team conducting the checkpoints, if possible, photo/video-document their operation or at least parts of it for purposes of evaluation/assessment if the checkpoint is compliant with the laws of these rules so as to ensure that the rights of persons passing through them are respected provided the documentation conducted is not intrusive.

Any incident or untoward circumstance in the conduct of COMELEC Checkpoints must be properly recorded and reported to the appropriate C/MJSCC, which in turn shall forward the status and disposition of said occurrence to the appropriate PJSCC. The PJSCC shall make a weekly status/disposition report of any incident or

untoward circumstance in the conduct of COMELEC Checkpoints in their respective province to be forwarded every Wednesday to their respective RJSCC. The RJSCC shall forward a weekly status/disposition report of the said occurrence/s to the CBFSP Secretariat every Monday for the whole election period. In every case, the C/MJSCC shall notify in writing the CBFSP main office of any incident or untoward circumstance in the conduct of COMELEC checkpoints.

SECTION 14. Prohibition of extortion/ solicitation, acceptance of voluntary offers of cash or gifts. - The team composing the checkpoint must not solicit or extort money from persons passing through checkpoints nor accept voluntary offers of cash or gifts of whatever kind.

Rule II
INSTRUCTIONS TO CHIEFS OF POLICE OF
CITIES/MUNICIPALITIES ON THE CONDUCT OF
PRELIMINARY EXAMINATION ON THE VIOLATION OF THE
BANS ON FIREARMS, OTHER DEADLY WEAPONS AND
SECURITY PERSONNEL

SECTION 1. Preliminary Examination. - The Chief of Police or his duly authorized PNP representative shall conduct the preliminary examination of all apprehensions for violation of the ban on the bearing, carrying and transporting of firearms and other deadly weapons, and on the employment of security personnel and bodyguards, in their respective areas of jurisdiction.

SECTION 2. Procedure. - The Chief of Police or his duly authorized investigator shall:

1. Take the affidavit of the arresting officer or policeman indicating therein the fact of arrest and the circumstances surrounding the arrest;
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 and that failure to do so shall constitute a waiver to present evidence for his defense; and
5. Take the statement of witness/witnesses, if any.

SECTION 3. Rights of arrested person. - Any person arrested for violation of the bans specified in Sec. 1 hereof who is undergoing preliminary examination must be treated humanely and with utmost respect to his constitutional and human rights, particularly his right as specified under Section 10 of Rule I on the Guidelines on the Establishment and Operation of COMELEC Checkpoints.

SECTION 4. Disposition of documents and evidence. - The Chief of Police shall submit the investigation report, together with all documents and evidence gathered during the preliminary examination, within three (3) days from arrest to the corresponding provincial/city prosecutor, furnishing the Law Department of the Commission with copies of the report. The prosecutor shall then conduct an investigation which shall be resolved within five (5) days from its submission for resolution.

SECTION 5. Report of the Law Department. - The Law Department shall submit to the CBFSP Chairperson a progress report stating the particulars of all arrests made during the election period. The CBFSP will submit to the Commission *En Banc* a monthly report of the said arrests made during the election period.

RULE III EFFECTIVITY AND DISSEMINATION

SECTION 1. Effectivity and Dissemination. - This Resolution shall take effect seven (7) days after its publication in two (2) daily newspapers of general circulation in the Philippines.

The Education and Information Department of the Commission is directed to cause the publication of this Resolution in two (2) daily newspapers of general circulation in the Philippines, and to furnish with copies hereof to the Secretary of Justice, Provincial and City Prosecutors, the AFP Chief of Staff, the Chief of the Philippine National Police, the Chiefs of Police of cities and municipalities, the Regional Election Directors, Provincial Election Supervisors and Election Officers of the Commission, to give this Resolution the widest dissemination.

SO ORDERED.

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Guidelines on the establishment and operation of Comelec checkpoints; instructions for the conduct of public hearing sessions of the Commission

J. ANDRÉS D. BAUTISTA

Chairman

CHRISTIAN ROBERT S. LIM

Commissioner

LUIS TITO F. GUIA

Commissioner

AL A. PARRENO

Commissioner

ARTHUR D. LIM

Commissioner

MA ROWENA AMELITA W.

GUANZON

Commissioner

SHERIFF M. ABAS

Commissioner