

Republic of the Philippines

Department of Education

Region VII, Central Visayas

DIVISION OF CEBU PROVINCE

Sudlon, Lahug, Cebu City



March 1, 2013

DIVISION MEMORANDUM

No. 143 s. 2013

DISSEMINATION OF COMELEC RESOLUTION NO. 9561-A AND 9601

TO : OIC, Assistant Superintendents
Education Supervisors/Coordinators
District Supervisors/OICs
Elementary and Secondary School Heads

1. Attached is a copy of Regional Memorandum No. 92, s. 2013, dated February 7, 2013, and **COMELEC Resolutions No. 9561-A and 9601**:

- a. **COMELEC RESOLUTION NO. 9561-A** – Rules and Regulations on: (1) the Ban on Bearing, Carrying or Transporting of Firearms or Other Deadly Weapons; and (2) the Employment, Availment or Engagement of the Services of the Security Personnel or Bodyguards During the Election Period for the May 13, 2013 Automated Synchronized National Local Elections and ARMM Regional Elections as Amended; and
- b.
- c. **COMELEC RESOLUTION NO. 9601**- In the Matter of Clarifying Section 5 of Resolution No 9561-A Otherwise Known as the "Rules and Regulations on: (1) the Ban on Bearing, Carrying or Transporting of Firearms or Other Deadly Weapons; and (2) the Employment, Availment or Engagement of the Services of the Security Personnel or Bodyguards During the Election Period for the May 13, 2013 Automated Synchronized National Local Elections and ARMM Regional Elections as Amended.

2. Immediate and wide dissemination of this Memorandum is desired.

ARDEN D. MONISIT, Ed.D.
Schools Division Superintendent



REPUBLIKA NG PILIPINAS
REPUBLIC OF THE PHILIPPINES
KAGAWARAN NG EDUKASYON
DEPARTMENT OF EDUCATION
REHIYON VII, GITNANG VISAYAS
Region VII, Central Visayas
Sudlon, Lahug, Cebu City




FEB 07 2013

REGIONAL MEMORANDUM
NO. 92 s. 2013

DISSEMINATION OF COMELEC RESOLUTION NOS. 9561-A AND 9601

TO : Schools Division Superintendents
Officers-in-Charge of Interim City Divisions
Asst. Schools Division Superintendents
Regional Office Division Chiefs and Head of Sections/Units

1. For the information and guidance of all concerned, enclosed are Resolutions from the Commission on Elections (COMELEC):
 - a. **COMELEC RESOLUTION No. 9561-A** – Rules and Regulations on: (1) the Ban on Bearing, Carrying or Transporting of Firearms or Other Deadly Weapons; and (2) the employment, Availment or Engagement of the Services of Security Personnel or Bodyguards During the Election Period for the May 13, 2013 Automated Synchronized National, Local Elections and ARMM Regional Elections as Amended; and
 - b. **COMELEC RESOLUTION No. 9601** – In the Matter of Clarifying Section 5 of Resolution No. 9561-A Otherwise Known as the "Rules and Regulations on: (1) the Ban on Bearing, Carrying or Transporting of Firearms or Other Deadly Weapons; and (2) the Employment, Availment or Engagement of the Services of Security Personnel or Bodyguards During the Election Period for the May 13, 2013 Automated Synchronized National, Local Elections and ARMM Regional Elections, as Amended.
2. Immediate dissemination of this Memorandum is desired.


CARMELITA T. DULANGAN
Director III
Officer-in-Charge

Regional Director's Office: Tel. nos.: (032) 231-1433; 231-1309; Telefax 414-7399; 414-7325; Asst. Regional Director's Office Telefax: (032) 255-4542;
Field Effectiveness Division: (032) 414-7324; Curriculum Learning Materials Division (032) 414-7323;
Quality Assurance and Accountability Division: (032) 231-1071; Resource Mobilization and Special Programs and Projects Division: (032) 254-7062;
Training and Development Division: (032) 255-5239 loc. 112; Planning, Policy and Research Division: (032) 233-9030; 414-7065;
Administrative Division: (032) 414-7326; 255-1313; 414-7366 414-4367; Budget and Finance Division: (032) 256-2375; 253-8061; 414-7321
Website: <http://www.depedro7.com.ph>

"EFA 2015: Karapatan ng Lahat, Pananagutan ng Lahat"



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

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**RULES AND REGULATIONS ON:
(1) THE BAN ON BEARING,
CARRYING OR TRANSPORTING
OF FIREARMS OR OTHER
DEADLY WEAPONS; AND (2)
THE EMPLOYMENT, AVAILMENT
OR ENGAGEMENT OF THE
SERVICES OF SECURITY
PERSONNEL OR BODYGUARDS
DURING THE ELECTION
PERIOD FOR THE MAY 13, 2013
AUTOMATED SYNCHRONIZED
NATIONAL, LOCAL ELECTIONS
AND ARMM REGIONAL
ELECTIONS, AS AMENDED.**

BRILLANTES, Sixto, Jr., S., Chairman
SARMIENTO, Rene V. Commissioner
TAGLE, Lucenito N. Commissioner
VELASCO, Armando C. Commissioner
YUSOPH, Elias R. Commissioner
LIM, Christian Robert S., Commissioner
PADACA, Ma. Gracia Cielo, M. Commissioner

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PROMULGATED: _____

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RESOLUTION NO. 9581-A
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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 firearms, carries any firearms outside his residence or place of business during the election period, unless authorized in writing by the Commission: Provided, That a motor vehicle, water or air craft shall not be considered a residence or place of business or extension hereof.

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,

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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;

NOW, THEREFORE, pursuant to the power vested in it by the Constitution, the Omnibus Election Code (B.P. 881), Republic Acts No. 6646, 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 13, 2013 automated national and local elections.

SECTION 1. General Guiding Principles. – During the election period:

(a) no person shall bear, carry or transport firearms or other deadly weapons outside his residence or place of business, and in public places including any buildings, streets, parks, and private vehicles or public conveyances, even if licensed to possess or to carry the same; and

(b) no candidate for public office, including incumbent public officers seeking election to any public office, shall employ, avail himself of or engage the services of security personnel or bodyguards, whether or not such bodyguards are regular members or officers of the Philippine National Police (PNP), the Armed Forces of the Philippines (AFP) or other law enforcement agency of the government.

(c) The transport of firearms and/or its spare parts and, explosives and/or its components, by those who are engaged in the manufacture, importation, exportation, purchase, sale of firearms and/or its spare parts and explosives and/or its components, may, with prior written authority from the Committee (CBFSP), be allowed, provided that within the period stated in the authority: (i) the firearms and/or its spare parts

Senior Officer designated by the AFP (not lower than Grade 06) and the PNP, as members. The CBFSP 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 Lawyer of the Law Department of the Commission.

- (e) **Regional Joint Security Control Center (RJSCC)** refers to the organization in the region which shall be responsible for the issuance of temporary security details (TSDs) and the implementation of the ban on the bearing, carrying or transporting of firearms and the employment, availment or engagement of security personnel in the region. It shall be headed by the Regional Election Director as Chairman, and the Regional Director from the PNP and the Division or Brigade Commander whoever is present in the area and as may be designated by the AFP. The RJSCC shall be assisted by a Secretariat composed of two (2) representatives each from the Office of the Regional Election Director, the Regional Police Office and the AFP Battalion.
- (f) **Provincial Joint Security Control Center (PJSCC)** refers to the organization which be responsible for the reception and evaluation of applications, issuance of temporary security details, and the implementation of the ban on the bearing, carrying or transporting of firearms and the employment, availment or engagement of security personnel in the province. The PJSCC shall be headed by the Provincial Election Supervisor as Chairman, the Provincial Director from the PNP and the Battalion Commander of the AFP or the highest ranking officer in the area as may be designated. The PJSCC shall be assisted by a Secretariat composed of one (1) representative each from the Office of the Provincial Election Supervisor, the Police Provincial Office and the AFP assigned in the Province.

SEC. 3. Suspension of Issuance of Firearms Licenses. –

Except for the renewal of existing firearms licenses, the PNP shall suspend the issuance, processing, approval and release of firearms licenses during the election period, unless (i) both the license and firearm shall not be released to the owner thereof; and that said (ii)

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

- 3) deployed by Private Security Agencies duly licensed by the PNP;
 - 4) deployed by Private Detective Agencies or Private Security Agencies duly licensed/accredited by the PNP, in case of Protection Agents; and
 - 5) in the actual performance of duty at his specified place or area of duty.
- (d) Justices of the Supreme Court, Court of Appeals, Sandiganbayan, and Court of Tax Appeal; and Judges of the Regional Trial courts and Municipal/ Metropolitan/Circuit Trial Courts; and
- (e) Security personnel of accredited foreign diplomatic corps and establishments under international law including foreign military personnel in the Philippines covered by existing treaties and international agreements endorsed by the Secretary of the Department of Foreign Affairs and the Heads of Missions of foreign countries in the Philippines.

SEC. 5. *Suspension of permits to carry firearms outside residence and issuance of mission orders and memorandum receipts.* – From 03 December 2012, the Committee has the sole power to issue authority to bear, carry or transport firearms, including its spare parts, explosives and its components, outside residence and place of business in the country.

Hence, any Permit to Carry Firearms Outside Residence (PTCFOR), Mission Order (MO), Letter Order (LO) and Acknowledgement Receipts (ARE) issued by the Chief, PNP or his duly authorized representative or any other head of government law enforcement/security agencies, prior to or are processed and issued during the election period, are hereby declared **suspended, ineffective, and without force and effect**, unless properly covered by Certificates of Authority duly issued by the CBFSP.

SEC. 6. *Who may avail of security personnel or bodyguards.* – Except those constituting the regular security personnel complement of the President, Vice President, Senators who are not running for re-election, Justices, Judges, Cabinet Secretaries, Chairman and Commissioners of the Commission on Elections, Chief of Staff of the

(b) For Protective Agents

KIND	MAKE/MODEL	CALIBER
Pistol	Any	9mm
Shotgun	Any	12 gauge

The CBFSP shall not approve applications where the security details will carry more than two (2) firearms and the caliber is higher than the above-specified.

All security details and PDAs are required to use their prescribed uniform while in the performance of their duties.

Grantees may be allowed to replace their security details provided it is with the prior approval of the CBFSP and upon payment of Php 500.00 filing fee.

The affected officials or individuals may continue to avail of or engage the services of security personnel or bodyguard, provided that they shall apply for the authority to bear, carry or transport firearms or to avail of or to engage security personnel, as the case may be, as provided in the preceding Sections hereof. Provided further, that the security personnel or bodyguard is a member of protective detective/security agency and has completed the required VIP training course.

SEC. 7. Who are authorized to submit the requirements for the authority to bear, carry or transport of firearms or file applications for authority for the employment, availment or engagement of security personnel and body guard. – The following are authorized to to submit the requirements for the authority to bear, carry or transport of firearms or file applications for authority for the employment, availment or engagement of security personnel and body guard:

(a) Only the heads of agencies or his authorized representative enumerated under Sec. 4 hereof shall submit the requirements before the CBFSP.

(b) Candidates, who wish to employ, avail of or engage the services of security personnel or bodyguard.

(c) Incumbent public officers, in case of employment, availment or engagement of security personnel and body guard. The applicant shall submit the name of the protective security

- 4) Permit to operate and accreditation by the PNP;
- 5) Pay the application fee in the amount of P 50.00 for each personnel listed in the list; and
- 6) Certification under oath that the persons named therein are in the regular plantilla of the Agency, performing law enforcement functions and are receiving regular compensation for the services rendered in the said agency and that the firearms described are duly registered firearms.

(c) For those who will apply for *authority for the employment, availment or engagement of security personnel and body guard*, the following are required.

- 1) Duly accomplished application form CBFSP Form No. 2, in three (3) copies, stating therein his full name, employment, office he is presently occupying, his residence and the reasons or circumstances for the application and must be subscribed before a notary public or any administering officer.
- 2) Threat assessment or such document to support the existence of threat, if any; and
- 3) Pay a filing fee of Php 5,000.00 for each application.
- 4) Name and contact number of the protective security agency to which the proposed security personnel and body guard is affiliated.
- 5) Certified true copy of the Certificate of Completion of VIP training course attended by the proposed security/bodyguard.
- 6) Special Duty Detail Order (SDDO).

SEC. 9. *Where to file the application for employment, availment or engagement of security personnel and body guard including compliance of government guard forces and provincial jails, security protective, investigative, intelligence agencies or protective agents of private detective agencies.* – Applications for employment, availment or engagement of security personnel and body guard including compliance of government guard forces and provincial jails, security protective, investigative, intelligence agencies or protective

PNP or AFP personnel is hereby suspended only in so far as transferring or detailing them as security details to candidate, including incumbent public officer, or any public officer or private individual.

Upon request and when the threat assessment warrants, the CBFSP may authorize the assignment of additional two (2) Protective Agents as close-in security.

In exceptionally meritorious circumstances, applicants may request the CBFSP for additional security subject to such conditions and restrictions that the CBFSP may impose.

The authority shall be in writing and in three (3) copies. The original shall be given to the office which will provide the security personnel. The second shall be retained by the CBFSP. The third shall be given to the applicant.

In case of disapproval of the request, the CBFSP shall notify the applicant. The notice shall be in writing. The applicant may appeal the disapproval to the CBFSP.

As far as practicable, the security personnel to be assigned shall come from the same unit or office in the same city, municipality, district, or province.

The officers assigned for security duty to a candidate shall be subject to the same requirements as to the wearing of uniforms and the other conditions imposed in Section 4 hereof.

If at any time the ground for which the authority to engage the services of security personnel ceases to exist, or for any valid cause, the CBFSP shall revoke the authority granted.

SEC. 12. Security details. – The CBFSP or RJSCC shall issue the required Security Detail Authority to all applicants currently being protected and secured by the PNP, AFP, other law enforcement agencies and security agencies. Likewise, the RJSCC may issue a thirty (30) day non-extendible Temporary Security Detail (TSD), upon filing of the applications, the submission of the existing threat assessments and the payment of the required fee.

All applications, threat assessments, including the TSDs issued by the RJSCC shall be forwarded to the CBFSP within five (5) days from issuance thereof for its appropriate action.

Further, the same is without prejudice to the filing of the proper criminal and/or administrative charges.

Any public officer who falsely certify under oath that the persons named in the roster are in the regular plantilla of the Agency, performing law enforcement functions and are receiving regular compensation for the services rendered in the said agency and that the firearms described are duly registered firearms shall be criminally and administratively charged.

SEC. 15. Requirements for certified true copy of certificate of authority. – Photocopies of the Certificates of Authority shall only be valid if they are:

1. certified as true copies of the record on file by the CBFSP;
2. printed on Comelec security paper;
3. stamped with Comelec dry seal;
4. affixed with security sticker; and
5. covered in the original by official receipts of the Comelec.

Certified true copies of the Agency's Certificate of Authority may be secured upon:

(a) payment of legal fee with the Comelec Cash Division in the amount of One Hundred Pesos (Php 100.00) for the first page and Two Pesos (Php 2.00) for every succeeding page per issuance of a Certified True Copy of File on Record of the Agency's Certificate of Authority; and

(b) submission by the Head of the requesting agency together with its Chief of Personnel Division (or its equivalent) a certification under oath stating:

1. which unit and personnel within their agency is authorized to be issued said certified true copies of their respective agency's Certificates of Authority; and

2. that the roster of personnel accompanying said request for certified true copies of their agency's certificate of authority contain only their duly authorized regular plantilla officers and members with actual law enforcement and/or security functions.

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REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
INTERMUNDO PUBLICA
EDUCATION AND INFORMATION DEPARTMENT
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BY: [Signature]
DATE: 12/27/12 TIME: 5:30

Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

IN THE MATTER OF
CLARIFYING SECTION 5 OF
RESOLUTION NO. 9561-A
OTHERWISE KNOWN AS THE
"RULES AND REGULATIONS
ON: (1) THE BAN ON BEARING,
CARRYING OR TRANSPORTING
OF FIREARMS OR OTHER
DEADLY WEAPONS; AND (2)
THE EMPLOYMENT,
AVAILMENT OR ENGAGEMENT
OF THE SERVICES OF
SECURITY PERSONNEL OR
BODYGUARDS DURING THE
ELECTION PERIOD FOR THE
MAY 13, 2013 AUTOMATED
SYNCHRONIZED NATIONAL,
LOCAL ELECTIONS AND ARMM
REGIONAL ELECTIONS, AS
AMENDED.

- BRILLANTES, Sixto Jr., S., Chairman
- SARMIENTO, Rene V., Commissioner
- TAGLE, Lucenito N., Commissioner
- VELASCO, Armando C., Commissioner
- YUSOPH, Elias R., Commissioner
- LIM, Christian Robert S., Commissioner
- PADACA, Maria Gracia Cielo M., Commissioner

PROMULGATED:

December 27, 2012

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RESOLUTION NO. ⁹⁶⁰¹

[Signature]

WHEREAS, on December 4, 2012, the Commission promulgated Resolution No. 9561-A entitled "Rules and Regulations on: (1) the Ban on Bearing, Carrying or Transporting of Firearms or Other Deadly Weapons; and (2) the Employment, Availment or Engagement of the Services of Security Personnel or Bodyguards During the Election Period for the May 13, 2013 Automated

[Signature]

Synchronized National, Local Elections and ARMM Regional Elections, as Amended”;

WHEREAS, there is a need to clarify the provisions of Section 5 thereof in order to properly implement Section 261 (q) of the Omnibus Election Code (B.P. Blg. 881) and Sections 32 and 33 of Republic Act No. 7166;

NOW, THEREFORE, pursuant to the power vested in it by the Constitution, the Omnibus Election Code (B.P. 881), Republic Acts No. 6646, 7166, 8189, 8436, 9189, 9369 and other election laws, the Commission **RESOLVED**, as it hereby **RESOLVES**, to clarify Section 5 of Comelec Resolution No. 9561-A.

SECTION 1. Section 5 of Resolution No. 9561-A is amended to read as follows:

“SEC. 5. Suspension of permits to carry firearms outside residence and issuance of mission orders and memorandum receipts. – During the Election Period, the Committee has the sole power to issue authority to bear, carry or transport firearms and other deadly weapons, including its spare parts, explosives and its components, outside residence and place of business in the country.

Hence, any Permit to Carry Firearms Outside Residence (PTCFOR), Mission Order (MO), Letter Order (LO) and Acknowledgement Receipts (ARE) 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/security agencies, processed and issued during the election period, are hereby declared suspended, ineffective, and without force and effect, unless properly covered by Certificates of Authority duly issued by the CBFSP.

Receipt and processing of all applications for Authority to Bear, Carry or Transport Firearms and Other Deadly Weapons, including the transport of firearms and/or its spare parts and explosives and/or its components by those who are engaged in the manufacture, importation, exportation, purchase, sale thereof, as well as the transport or delivery of the raw materials used in the manufacturing of firearms and/or its spare parts and explosives and/or its components shall commence on December 3, 2012."

SECTION 2. Effectivity. - This Resolution shall take effect immediately after its publication in two (2) daily newspapers of general circulation in the Philippines.

SECTION 3. Dissemination. - The Education and Information Department shall cause the publication of this Resolution and shall furnish copies thereof to all Regional Election Directors, Provincial Election Supervisors, Election Officers, the PNP, the AFP and all other law enforcement agencies.

SO ORDERED.


SIXTO S. BRILLANTES JR.
Chairman


RENE V. SARMIENTO
Commissioner


LUCENITO N. TAGLE
Commissioner


ARMANDO C. VELASCO
Commissioner


ELIAS R. YUSOPH
Commissioner


CHRISTIAN ROBERT S. LIM
Commissioner

VOTED IN FAVOR
MARIA GRACIA CIELO M. PADACA
Commissioner



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

COMELEC RESOLUTION NO. 9601
In the matter of Clarifying Section 5 of Resolution
No. 9561-A, otherwise known as the "Rules and Regulations
on the 1) The Ban on Bearing, Carrying or Transporting of
Firearms or Other Deadly Weapons, etc..., as amended