



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

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IN THE MATTER OF AMENDING
SECTION 1 (C), RULE III OF
COMELEC RESOLUTION NO. 10015;
AND ALLOWING THE PHILIPPINE
NATIONAL POLICE (PNP) TO
PROVIDE SECURITY DETAIL TO
QUALIFIED PRIVATE INDIVIDUALS

Chairman J. Andres D. Bautista
Commissioner Christian Robert S. Lim
Commissioner Al A. Parreño
Commissioner Luie Tito F. Guia
Commissioner Arthur D. Lim
Commissioner Ma. Rowena Amelia V. Guanzon
Commissioner Sheriff M. Abas

Promulgated: January 28, 2016

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RESOLUTION NO. 10047
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WHEREAS, COMELEC Resolution No. 10015 promulgated on November 13, 2015 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";

WHEREAS, Section 1 (C), Rule III of COMELEC Resolution No. 10015, provides:

"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:

x x x

C. Senators and Members of the House of Representatives (who are not candidates);

x x x"

WHEREAS, Law Department Acting Director IV Maria Norina Tangaro-Casingal, Head, Legal-CBFSP, in a Memorandum No. 16-0620 dated January 14, 2016 addressed to Comm. Al A. Parreño, Chairman of the Committee on the Ban on Firearms and Security Personnel (CBFSP), stated that pursuant to the Rules,

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only incumbent Senators and Members of the House of Representatives, who are not candidates, may be allowed to bear and carry firearms during the election period for the 09 May 2016 National and Local Elections. However, Dir. Tangaro-Casingal opined that an incumbent Senator or Member of the House of Representatives remains to be a high-ranking elected official, and is entitled to such position, to exercise and discharge his lawful mandate to the full term of his Office, regardless of whether he had filed a Certificate of Candidacy for purposes of re-election or for other elective position; and further stated that Senators and Members of the House of Representatives, being elective public officials, are not considered resigned from office, even if they filed COCs. They are excluded from paragraph 3, Section 13 of Republic Act 9369 amending Section 11 of Republic Act 8436 which considered only those who are public appointive officials as "*ipso facto* resigned" from the filing of the COC;

WHEREAS, the Committee on the Ban on Firearms and Security Personnel (CBFSP) encountered several challenges in the implementation of COMELEC Resolution No. 10015, particularly on the following issues: 1) as to who shall be allowed to bear, carry or transport firearms and other deadly weapons; and 2) whether or not the Philippine National Police (PNP) shall be allowed to provide security detail to qualified applicants;

WHEREAS, in Memorandum No. 16-0618 dated January 15, 2016 addressed to Comm. Parreño, Director Tangaro-Casingal recommended that in addition to those expressly enumerated under Section 1, Rule III of COMELEC Resolution No. 10015, to include persons who are considered as high-risk to be allowed to bear, carry and transport firearms, and other deadly weapons;

WHEREAS, in the same Memorandum No. 16-0618, Director Tangaro-Casingal further recommended that the PNP be allowed to provide security detail to qualified private individuals subject to certain conditions;

NOW THEREFORE, the Commission **RESOLVED**, as it hereby **RESOLVES**, as follows:

- 1) To **amend** Section 1 (C), Rule III of COMELEC Resolution No. 10015 by **deleting the phrase "who are not candidates"**;

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- 2) To **amend** Section 1, Rule III of COMELEC Resolution No. 10015 as to **include persons** who are considered as **high-risk** to bear, carry and transport firearms and other deadly weapons;

For this purpose, a person shall be considered as high-risk if his/her application is supported by credible evidence (i.e. threat assessment, police reports, etc.) which the CBFSP, after careful background check and thorough evaluation, finds sufficient, and the reason is urgent to justify the grant of said exemption; and

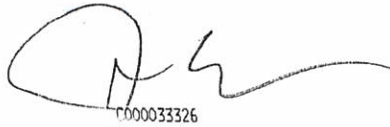
- 3) To **allow** the Philippine National Police (PNP) to provide security detail to qualified private individuals, subject to the presence of any of the following conditions, viz:

- a. No security/protective or intelligence agency is available in the area as certified by the PNP;
- b. There is a history of violence in the area;
- c. The area is among those considered as an area of concern;
- d. The applicant is considered as a high-risk individual as evidenced by supporting documents such as but not limited to threat assessment, police reports, etc.; and
- e. Those who are under the Witness Protection Program of the government.

Let the Law Department, Legal-CBFSP, and the Committee on the Ban on Firearms and Security Personnel implement this Resolution.

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. ANDRES D. BAUTISTA
Chairman


CHRISTIAN ROBERT S. LIM
Commissioner
LUVIE TITO F. GUIA
Commissioner

NO PART. ON
OFFICIAL BUSINESS IN THE SUPREME COURT
MA. ROWENA AMELIA V. GUANZON
Commissioner *ON JAN 19, 2016*
RAM


AL A. PARREÑO
Commissioner

No Part. O.B.

ARTHUR D. LIM
Commissioner

SC. Lim
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SHERIFF M. ABAS
Commissioner

- Cc: Chairman
All Commissioners
Executive Director
Deputy Executive Director for Operations
Deputy Executive Director for Administration
Law Department, Legal-CBFSP
Dir. Elnas, Director-CBFSP
Committee on the Ban on Firearms and Security Personnel
Education and Information Department

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