

Republika ng Filipinas  
(Republic of the Philippines)  
KAGAWARAN NG EDUKASYON, KULTURA AT ISPORTS  
(DEPARTMENT OF EDUCATION, CULTURE AND SPORTS)  
UL Complex, Pasig, Metro Manila

January 20, 1992

DECS O R D E R  
No. 8, s. 1992

STRICT ENFORCEMENT OF THE PROVISIONS OF COMELEC RESOLUTION  
NO. 2323 DURING THE SYNCHRONIZED NATIONAL AND LOCAL  
ELECTIONS ON MAY 11, 1992

To: Undersecretaries  
Assistant Secretaries  
Bureau/Cultural Agency Directors  
Regional Directors  
Directors of Services/Centers and Heads of Units  
Schools Superintendents  
Presidents, State Colleges and Universities  
Heads of Private Schools, Colleges and Universities  
Vocational School Superintendents/Administrators

1. Inclosed is a copy of Resolution No. 2323 of the Commission on Elections regarding the matter of promulgating the rules on: (a) bearing, carrying or transporting firearms or other deadly weapons; (b) security personnel or bodyguards; (c) bearing arms by any members of security or police organization of government and others; (d) organization or maintenance of reaction forces, or other similar forces during the election period in connection with the synchronized national and local elections on May 11, 1992.

2. Immediate and wide dissemination of this Order is enjoined for the information and strict compliance of all concerned.

(SGD.) ISIDRO D. CARINO  
Secretary

Incl.:

As stated

Reference:

None

Allotment: 1-2-3-4--(M.O. 1-87)

To be indicated in the Perpetual Index  
under the following subjects:

BUREAUS & OFFICES  
LEGISLATION  
ELECTIONS

OFFICIALS  
RULES & REGULATIONS

Republic of the Philippines  
COMMISSION ON ELECTIONS  
Manila

IN THE MATTER OF PROMULGATING THE RULES ON: (A) BEARING, CARRYING OR TRANSPORTING FIREARMS OR OTHER DEADLY WEAPONS; (B) SECURITY PERSONNEL OR BODYGUARDS; (C) BEARING ARMS BY ANY MEMBERS OF SECURITY OR POLICE ORGANIZATION OF GOVERNMENT AND OTHERS; (D) ORGANIZATION OR MAINTENANCE OF REACTION FORCES, OR OTHER SIMILAR FORCES DURING THE ELECTION PERIOD IN CONNECTION WITH THE SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS ON MAY 11, 1992.

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P R E S E N T:

MONSOD, Christian S., Chairman  
ABUEG, Alfredo E., JR, Commissioner  
YORAC, Haydee B., Commissioner  
RAMA, Dario C., Commissioner  
DIMAAMPAO, Magdara, Commissioner  
MAAMBONG, Regalado, Commissioner

PROMULGATED:

11 DECEMBER 1991

RESOLUTION NO. 2323

WHEREAS the proliferation of armed groups and licensed and unlicensed firearms, and the unregulated use of firearms and bodyguards create an atmosphere of terror and fear inimical to the cause of orderly, honest, peaceful and credible elections;

WHEREAS, Section 261, paragraphs (p), (q), (r), (s) (t), and (u), Sections 32 and 33 of Republic Act No. 7166, prohibit: any person from bearing, carrying or transporting firearms and other deadly weapons, including the regular members or officers of the Philippines and other law enforcement agencies of the government who are not deputized in writing by the Commission for election duty; any candidate or other person from employing bodyguards of a candidate and others; any member of security or police organization of government agencies or the like or privately owned or operated security, investigative, protective or intelligence agencies from bearing arms; and any person from

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organizing or maintaining reaction forces or other similar forces during the election period;

WHEREAS, any person found guilty of the above-mentioned prohibited acts shall be punished with imprisonment of not less than one year but not more than six years, shall not be subject to probation and shall be further disqualified from holding public office, and deprived of the right to suffrage;

WHEREAS, the above prohibitions are specifically intended to stop acts of terrorism, fraud and other election irregularities before, during, and after the elections in order to preserve the faith of the people in the validity of the election process; and

WHEREAS, the faithful enforcement of these prohibitions of the Omnibus Election Code, Batas Pambansa Blg. 881 and Republic Act No. 7166 will enhance the conduct of free, orderly, honest, peaceful and credible, synchronized National and Local Elections on May 11, 1992;

NOW, THEREFORE, by virtue of the powers vested in it by the Constitution, the Omnibus Election Code, Republic Act No. 7166, Republic Act. No. 6646 and other election laws, the Commission on Elections HEREBY RESOLVES to promulgate the following rules and regulations during the election period of the synchronized May 11, 1992 national and local elections:

SECTION 1. DECLARATION OF POLICY. - It is a declared policy of the Commission not to authorize the bearing, carrying and transporting of firearms or other deadly weapons by any person, and not to allow the employment of security personnel or

bodyguards.

SEC. 2. PROHIBITIONS. - During the election period, it shall be unlawful for:

- (a) Any person, who although possessing a permit to carry firearms, carries any firearms outside his residence or place of business;
- (b) Any member or officer of the Armed Forces of the Philippines, Philippine National Police, and any member or officer of other law enforcement agencies of the government to bear firearms outside of their respective barracks, garrisons, camps, offices, or such other military or police installations;
- (c) Any person who shall bear, carry or transport firearms or other deadly weapons in public places, including any building, street, park, private vehicle or public conveyance; and
- (d) Any candidate for public office, including incumbent officers seeking election to any public office or any other person who 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, the Armed Forces of the Philippines or other law enforcement agency of the government;
- (e) Any person who acts as security personnel or bodyguard of any candidate or any other person;
- (f) Any member of security or police organization of government agencies, commissions, councils, bureaus, offices or government owned or controlled corporations or privately-owned or operated security, investigative, protective or intelligence agencies who bears arms outside the immediate vicinity of his place or work; and
- (g) Any person who organizes or maintains reaction forces, strike forces or similar forces.

SEC. 3. EXCEPTIONS. - The prohibitions in Section two (2) hereof shall not apply in the following:

- (a) Members or officers of the Armed Forces of the Philippines, Philippine National Police or any law enforcement agency who constitute the normal security personnel complement of the incumbent President, Vice-President, Senate President, Speaker of the House of

Representative, Chief Justice of the Supreme Court, Chief of Staff of the Armed Forces of the Philippines and AFP Major Service Commanders, Director General of the Philippine National Police and senior officers thereof;

- (b) Regular members or officers of the PNP, AFP and other law enforcement agencies of the government who are duly deputized in writing by the Commission for election duty provided that when in the possession of firearms, the deputized law enforcement officer must be: (i) in full uniform showing clearly and legibly his name, rank and serial number which shall remain visible at all times; and (ii) in the actual performance of his election duty in the specific area designated by the Commission;
- (c) Cashiers and disbursing officers while in the performance of their duties if authorized in writing by the Commission specifically on the occasion of and on the actual dates when said persons transport or disburse payrolls or deposits, or carry large sums of money or other valuables;
- (d) Members of duly authorized security or police organizations of government agencies, commissions, councils, bureaus, offices, or government-owned or controlled corporations, or privately owned or operated security, investigative, protective or intelligence agencies in the actual performance in the specific area of their assignment, of their duties with prior written authority from the Commission. The exemption also applies to these personnel when:
  - (i) Pursuing a person committing, or has just committing, a crime in the premises being guarded; or
  - (ii) Actually escorting or providing security for the transport of payrolls, deposits, or other valuables with prior written authority from the Commission; or
  - (iii) Guarding private residences, buildings or offices, with prior written authority of the Commission; or
  - (iv) With respect to guards of the Bureau of Prisons, and provincial or city jails, only while escorting prisoners to and from prosecution offices, tribunals or courts in compliance with subpoena issued for the purpose, and with prior written authority of the Commission.
- (e) Members of the Armed Forces of the Philippines including the CAFGU Active Auxiliaries, and Philippine National Police when:
  - (i) The President of the Philippines shall have given

previous authority therefor, in the interest of preserving law and order, and the Commission notified thereof in writing;

- (ii) Under authority of the Commission, which shall issue only when:
  - (1) It is necessary for the maintenance of a free, orderly and honest elections;
  - (2) After due notice and hearing; and
  - (3) Such military or police personnel, except members of the AFP and PNP intelligence units, such as the ISAFP, the AFPWSSU's and the NICA, clearly bears his true name, rank and serial number on his uniform.
- (f) Personnel of the National Bureau of Investigation when conducting legitimate official operations or missions with prior written specific authority of the Commission.
- (g) Members of the Philippine National Police, Armed Forces of the Philippines or other law enforcement agencies of the government authorized to act as bodyguards of candidates subject to the conditions provided for herein.

SEC. 4. SUSPENSION OF PERMITS TO CARRY FIREARMS AND ISSUANCE OF MISSION ORDERS AND MEMORANDUM RECEIPTS. - During election period, the sole authority for the issuance of permits to carry firearms outside residence or place of business shall be vested in the Commission. For this purpose:

- (a) Any Permit to Carry Firearms Outside Residence, Mission Order, and Memorandum Receipts, issued prior to the effectivity of this Resolution and covered by the prohibition are hereby declared suspended and without force and effect.
- (b) During the election period the authority of the following officers/persons to issue Mission Orders and Memorandum Receipts to civilians pursuant to Sections 4 and 5 of the Rules and Regulations Implementing P.D. 1866 dated June 29, 1983 (Codifying the law on illegal/unlawful Possession of Firearms) are hereby temporarily suspended:
  - (i) Chief of the Philippine National Police (PNP)
  - (ii) PNP Regional Director;
  - (iii) PNP Provincial Director;

- (iv) PNP District Company Commanders;
  - (v) PNP Station Commanders (Chiefs of Police);
  - (vi) Chief of the Firearms and Explosive Office;
  - (vii) Commanding General, Criminal Investigation Service Command (CSIS);
  - (viii) Commanding General, Criminal Investigation Service Command (CISC);
  - (ix) Commanding Officer, PNP Aviation Command;
  - (x) Commanding Officer, PNP Maritime Command;
  - (xi) Director-General, National Intelligence and Coordinating Agency (NICA); and
  - (xii) Such other officer/unit, who has been previously authorized to issue Permits to Carry Firearms Outside Residence, Mission Orders and Memorandum Receipts.
- (c) In addition, the same authority of the following are likewise temporarily suspended:
- (i) Secretary of National Defense;
  - (ii) Chief of Staff, Armed Forces of the Philippines;
  - (iii) Commanders of the Area Commands, Major Services and AFP Wide Spread and Support Units (AFPWSSU's);
  - (iv) Commanders of Divisions, Brigades, Battalions and their equivalent in the Philippine Air Force and Navy;
  - (v) Commanding Officer, Presidential Security Command (PSC);
  - (vi) Intelligence Service of the Armed Forces of the Philippines (ISAFP); and
  - (vii) Detachment Commanders in remote areas where higher commanders are not available to issue said orders.
- (d) In a like manner, the same authority of the Director, Deputy Directors and Assistant/Regional Directors of the National Bureau of Investigation is also suspended.
- (e) Upon the expiration of the election period, the authority of all the foregoing shall automatically be reinstated.
- (f) The Philippine National Police is hereby directed to submit to the Commission, a complete list of all Permits to Carry Firearms Outside Residence or similar authorization issued to Civilians and

members of authorized security agencies within fifteen (15) days from the effectivity hereof. Within the same period the Armed Forces of the Philippines and the Department of National Defense shall submit a complete list of all Memorandum Receipts and Mission Orders or similar authorization issued to civilians. Likewise, within the same period, the National Bureau of Investigation shall submit a complete list of Memorandum Receipts and Mission Orders or similar authorization issued to its personnel or civilians, if any.

SEC. 5. COMMITTEE ON FIREARMS AND SECURITY PERSONNEL. -

There is hereby constituted a Committee on Firearms and Security Personnel ("Committee") which shall determine whether or not an applicant for the authority to carry, bear, or transport firearms, or for the employment of security personnel falls within the exception provide for herein. The Committee shall be composed of one Commissioner, the Honorable Haydee B. Yorac, who shall be the Chairperson thereof; one (1) representative from the Philippine National Police; one (1) representative from the Armed Forces of the Philippines; and the Director of the Law Department of the Commission.

SEC. 6. APPLICATION FOR EXEMPTION.- Any person seeking:

(a) authority to carry firearms outside his residence or place of business under the Omnibus Election Code; or (b) exemption from the prohibition on bearing, carrying or transporting firearms, under Republic Act No. 7166 shall file with the Committee on Firearms and Security Personnel a written request in four (4) copies, stating his full name and exact place of residence and/or business, age, sex, civil status, citizenship, profession or occupation, nature of firearm, caliber, number of ammunition, license and/or permit number, date of issue, official receipt number of payment of firearm tax, and such other data as may be required by the Commission.



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The Committee of Firearms and Security Personnel, shall process the application in accordance with the policies herein set forth. After processing the application, the Committee shall issue a written authority in three (3) copies, to be distributed as follows: the original shall be issued to the applicant; the second copy shall be transmitted to the Commission on Elections; the third copy shall be retained by the Committee.

Any decision may be appealed to the Commission ~~En Banc~~ which may summarily dispose of the matter within forty-eight (48) hours or in its discretion, subject the appeal to a hearing.

SEC. 7. APPLICATION FOR SECURITY PERSONNEL OR BODYGUARD.- Under the same procedure prescribed in the immediately preceding section, when circumstances so warrant, including but not limited to threats to life and security of a candidate, upon his written application, the Committee may assign one (1) regular member of Armed Forces of the Philippines, or the Philippine National Police of any municipality within the province or other law enforcement agency who shall provide him security. If at any time the ground for which the authority to engage the services of security personnel has been granted shall cease to exist or for any valid cause, the Commission shall revoke the said authority.

In processing applications, the Committee shall take into consideration reports from the Armed Forces of the Philippines and Philippine National Police as well as report from Comelec officials or any community organizations on the insurgency situation of the area and similar peace and order circumstances.

SEC. 8. CONFISCATION OF FIREARMS. -- During the election period, on petition of any candidate or political party, organization, or coalition, and after prior notice and hearing, the Commission shall order the appropriate deputized units of the Philippine National Police, or when appropriate, the Armed Forces of the Philippines to effect the confiscation of firearms of any member of the Armed Forces of the Philippines, police forces, home defense forces, and all other para-military units that now exist or which may hereafter be organized, or any member or members of security or police organizations, governments department, commission, councils, bureaus, offices, instrumentalities, or government owned or controlled corporations and other subsidiaries, or any member/s privately-owned or operated security, investigative, protective or intelligence agencies performing identical or similar functions and disarm all such persons or entities which do not possess the necessary authorization from the Commission to carry, bear or transport firearms.

SEC. 9. PROHIBITED ORGANIZATION OR MAINTENANCE OF REACTION FORCES, STRIKE FORCES, OR OTHER SIMILAR FORCES. --During the election period, it shall be unlawful for any person to organize or maintain any reaction force, strike force, civilian security force or similar force. Any of said forces which are now existing are hereby ordered disbanded immediately and should not continue with any of their activities. All the members thereof shall return immediately their firearms, insignias, or uniforms, if any, to the proper office or officer issuing them.

Effective immediately, but not beyond March 27, 1992, the heads of all such reaction forces, strike forces or similar

forces shall submit to the Commission, through the Regional Election Directors, a complete list, in three (3) legible copies, of all forces members thereof, stating their full names, exact addresses, ranks, appointment papers or designations and nature and extent of their functions. NOT later than March 27, 1992, the Regional Election Directors shall forward to the Commission copies of said lists, retaining a file copy thereof.

SECTION 10. MILITARY REPORTS.- For the purposes of effectively enforcing the foregoing prohibitions, the Philippine National Police and the Armed Forces of the Philippines through its Director General and Chief of Staff respectively shall submit to the Commission monthly reports, beginning 01 January 1992 and every month thereafter during the election period, covering the following:

- (a) Current status of the enforcement (i.e. number of arrest, number of confiscated firearms, etc.) of the prohibition on the unauthorized carrying, bearing and transporting of firearms; and
- (b) The peace and order situation in various parts in 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.


SEC. 11. EFFECTIVITY. - This resolution shall take effect seven (7) days after its publication in two (2) newspapers of general circulation.

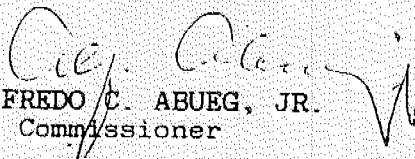
SEC. 12. DISSEMINATION. - The Education and Information Department shall cause the publication of this resolution in two (2) daily newspapers of general circulation and shall furnish copies thereof to the President, Vice-President, all executive departments, the Supreme Court and the Chief of Staff, Armed

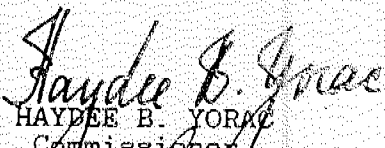
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Forces of the Philippines. It shall give this resolution the widest dissemination possible.

SO ORDERED.

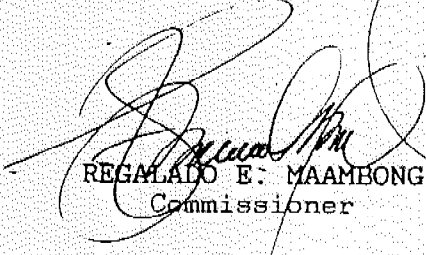
  
CHRISTIAN S. MONSOD  
Chairman

  
ALFREDO C. ABUEG, JR.  
Commissioner

  
HAYDEE B. YORAC  
Commissioner

  
DARIO C. RAMA  
Commissioner

  
MAGDARA B. DIMAAM'AO  
Commissioner

  
REGALADO E. MAAMBONG  
Commissioner