



NATIONAL LAW ENFORCEMENT COORDINATING COMMITTEE

National Headquarters, Philippine National Police
Camp Crame, Quezon City

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RESOLUTION No. 02 – 2009

RECOMMENDING THE ISSUANCE OF COMELEC RESOLUTION FOR A NATIONWIDE GUN BAN DURING THE ELECTION PERIOD

WHEREAS, the National Law Enforcement Coordinating Committee (NALECC) was created by virtue of Executive Order 829 as amended by Executive Orders 41 and 41A;

WHEREAS, under the above Executive Order, closer cooperation and coordination must at all times be observed by all law enforcement agencies of the government involved in the enforcement of general and special laws to insure unified direction and integration of effort throughout the country in the suppression of criminal activities on the day to day basis, particularly at the operating level;

WHEREAS, In the coming year, the country will conduct the national elections, and as mandated by the Philippine Constitution, the Commission on Elections (COMELEC) is vested with the authority: (1) *“To enforce and administer laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum and recall.* (4) *“Deputize, with the concurrence of the President, law enforcement agencies and instrumentalities of the government, including the Armed Forces of the Philippines, for exclusive purpose of ensuring free, orderly, honest, peaceful, and credible elections.”*

WHEREAS, during the past election periods, there have been numerous election related violent incidents involving the use of firearms;

WHEREAS, existing laws under Section 261 (q), Article XXIV (Election Offenses) of Batas Pambansa No. 881 prohibits; *“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 election period, unless authorized in writing by the Commission (COMELEC): 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 R.A. 7166 (An Act Providing for Synchronized National and Local Elections and for Electoral Reforms) provides that:

“Section 32 – Who May Bear Firearms – During election period, no persons 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 or officers 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 election period.”

WHEREAS, the Executive Order No. 817 “Providing for the Government’s Intensified Campaign Against Loose Firearms”, dated July 7, 2009 was subsequently issued by Her Excellency President Gloria Macapagal-Arroyo after the crafting of the National Firearms Control Program (NFCP) during the First National Summit on Firearms Control held on May 18-19, 2009 at Camp Crame, Quezon City. The NFCP, being implemented to address all firearms control concerns with the broad participation of all partner agencies, other stakeholders and the community, has the following components:

- 1) Legislation of Stricter Firearms Control Law;
- 2) Last and Final General Firearms Amnesty;
- 3) Accounting, Inventory and Registration of all Firearms;
- 4) Intensified Continuing Law Enforcement Actions;
- 5) Total Gun Ban During Election Period and Prevention of Election-Related Violent Incidents (ERVIs);
- 6) Advocacy for Responsible Gun Ownership; and
- 7) Other Firearms Control Related Concerns.

WHEREAS, Section 4 of Executive Order 817 provides that “The National Law Enforcement Coordinating Committee (NALECC), in coordination with other law enforcement agencies, shall review existing firearms laws and regulations and propose necessary amendments to institute an effective National Firearms Control Program”.

NOW THEREFORE, for and in consideration of the foregoing premises, **BE IT RESOLVED**, as it is hereby **RESOLVED**, that NALECC recommends the issuance of COMELEC Resolution for a Nationwide Gun Ban During the Election Period.

RESOLVED, FURTHER, that only bonafide personnel of the PNP, AFP, other law enforcement agencies and private detective and security agencies shall be allowed to bear firearms in proper uniform and in the actual performance of official duties.

RESOLVED, FINALLY, that only bonafide personnel of the PNP, AFP and other law enforcement agencies and legally authorized protection agents of private detective agencies shall be deputized by the COMELEC as Security Detail during the election period. Provided, that only two (2) security personnel per candidate under threat shall be allowed and who shall be in proper uniform while in the actual performance of official security duties.

APPROVED UNANIMOUSLY by this body on 24th day of September 2009 during the 135th NALECC Regular Meeting held at the PNP Main Conference Room, 3rd Floor NHQ-PNP, Camp Crame, Quezon City.

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Attested by:

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