



Republika ng Pilipinas
PAMBANSANG PANGASIWAAN NG PATUBIG
(National Irrigation Administration)
Lungsod ng Quezon

MC No. 14, s. 2010

MEMORANDUM CIRCULAR


**TO : THE ACTING DEPUTY ADMINISTRATORS; DEPARTMENT/
REGIONAL / OPERATIONS / PROJECT MANAGERS; DIVISION
MANAGERS AND ALL OTHERS CONCERNED**

SUBJECT : COMELEC ISSUANCES

Attached for your information and guidance are copies of six (6) COMELEC Resolutions in connection with the May 10, 2010 Automated National and Local Elections, to wit:

RESO. NO.	TITLE	DATE PROMULGATED
8714	RULES AND REGULATIONS ON THE (1) BEARING, CARRYING OR TRANSPORTING OF FIREARMS OR OTHER DEADLY WEAPONS; AND (2) EMPLOYMENT, AVAILMENT OR ENGAGEMENT OF THE SERVICES OF SECURITY PERSONNEL OR BODYGUARDS, DURING THE ELECTION PERIOD FOR MAY 10, 2010 NATIONAL AND LOCAL ELECTIONS.	DECEMBER 16, 2009
8730	RULES AND REGULATIONS ON THE LIQUOR BAN IN CONNECTION WITH THE MAY 10, 2010 NATIONAL AND LOCAL ELECTIONS	DECEMBER 23, 2009
8732	RULES AND REGULATIONS GOVERNING BAN ON PUBLIC WORKS AND RELEASE, DISBURSEMENT AND EXPENDITURES OF PUBLIC FUNDS, CONSTRUCTION OF PUBLIC WORKS, DELIVERY OF MATERIALS FOR PUBLIC WORKS AND ISSUANCE OF TREASURY WARRANTS AND SIMILAR DEVICES IN CONNECTION WITH THE MAY 10, 2010 NATIONAL AND LOCAL ELECTIONS	DECEMBER 23, 2009

8734	IN THE MATTER OF PLACING SOME AREAS IN THE COUNTRY UNDER COMELEC CONTROL IN CONNECTION WITH THE MAY 10, 2010 NATIONAL AND LOCAL ELECTIONS	DECEMBER 23, 2009
8738	DEPUTATION OF INFORMATION TECHNOLOGY-CAPABLE PERSONNEL OF AGENCIES AND INSTRUMENTALITIES OF THE GOVERNMENT, INCLUDING GOVERNMENT OWNED AND CONTROLLED CORPORATIONS IN CONNECTION WITH THE MAY 10, 2010 NATIONAL AND LOCAL ELECTIONS.	DECEMBER 29, 2009
8742	IN THE MATTER OF AMENDING SECTION 1, 4, AND 7 OF RESOLUTION NO. 8714 OTHERWISE KNOWN AS "RULES AND REGULATION ON THE 1) BEARING, CARRYING OR TRANSPORTING OF FIREARMS OR OTHER DEADLY WEAPONS; AND 2) EMPLOYMENT, AVAILMENT OR ENGAGEMENT OF THE SERVICES OF SECURITY PERSONNEL OR BODYGUARDS, DURING THE ELECTION PERIOD FOR THE MAY 10, 2010 NATIONAL AND LOCAL ELECTIONS.	JANUARY 11, 2010


ALEXANDER A. REUYAN
 Acting Sr. Deputy Administrator
 Concurrent OIC, Office of the Administrator

22 February 2010



REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
EDUCATION AND LIBRARY DEPARTMENT

RECEIVED

BY: *M. Maguila*
DATE: *12/16/09* TIME: *4:30*

Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

**RULES AND REGULATIONS
ON THE: (1) BEARING,
CARRYING OR
TRANSPORTING OF
FIREARMS OR OTHER
DEADLY WEAPONS; AND (2)
EMPLOYMENT, AVAILMENT
OR ENGAGEMENT OF THE
SERVICES OF SECURITY
PERSONNEL OR
BODYGUARDS, DURING THE
ELECTION PERIOD FOR THE
MAY 10, 2010 NATIONAL AND
LOCAL ELECTIONS.**

**MELO, Jose A. R.,
SARMIENTO, Rene V.,
FERRER, Nicodemo T.,
TAGLE, Lucenito N.,
VELASCO, Armando C.,
YUSOPH, Elias R.,
LARRAZABAL, Gregorio Y.,**

**Chairman
Commissioner
Commissioner
Commissioner
Commissioner
Commissioner**

X-----X

Promulgated: December 16, 2009

RESOLUTION NO. 8714

Maguila

WHEREAS, Section 32 of Republic Act No. 7166 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 licenses 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 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, the Armed Forces of the Philippines or other law 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 the Philippine National Police, the Armed Forces of the Philippines or other law enforcement agency who shall provided 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 Sections 32 and 33 of Republic Act No. 7166;

NOW, THEREFORE, pursuant to the powers vested in it by the Constitution of the Republic of the Philippines, the Omnibus Election Code (B.P. Blg. 881), Republic Acts No. 6646, 7166, 8189, 8436, 9189, 9369 and other elections laws, the Commission **RESOLVED**, as it hereby **RESOLVES**, to promulgate the following rules and regulations to implement Sections 32 and 33 of Republic Act No. 7166 in connection with the conduct of the May 10, 2010 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 in public places including all public buildings, streets, parks, and private vehicles or public conveyances, even if licensed to possess or 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.

The transport of firearms of those who are engaged in the manufacture, importation, exportation, purchase, sale of firearms, explosives and their spare parts or those involving the transportation of firearms, explosives and their spare parts, may, with prior notice to the Commission, be authorized by the Director General of the PNP provided that the firearms, explosives and their spare parts are immediately transported to the Firearms and Explosives Division, CSG, PNP.

SEC. 2. *Definition of Terms.* – As used in this Resolution:

(a) *Election Period* refers to the election period prescribed in Comelec Resolution No. 8646 dated 14 July 2009 which is from 10 January 2010 to 09 June 2010;

(b) *Firearm* shall refer to the "firearm" as defined in existing laws, rules and regulations. The term also includes airgun, airsoft guns, and their replica/imitation in whatever form that can cause an ordinary person to believe that they are real;

(c) *Deadly weapon* includes bladed instrument, handgrenades or other explosives, except pyrotechnics.

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 legitimate activity.

SEC. 3. *Suspension of Issuance of Firearms Licenses.* – The PNP is hereby directed to suspend the issuance of firearms licenses during the election period.

The processing and approval of new firearms license, including renewal of license, may continue on condition that the new license and firearm shall be kept in

deposit with the Firearms and Explosives Division of the PNP until after the election period.

Firearms licenses issued in violation of this Section are null and void, without prejudice to the filing of the appropriate administrative and/or criminal charges against the holder or those responsible for the issuance of the license.

SEC 4. *Who May Bear Firearms.* – Only the following persons who are in the regular plantilla of the PNP or AFP or other law enforcement agencies are authorized to bear, carry or transport firearms or other deadly weapons during the election period:

- (a) Regular member or officer of the PNP, the AFP and other law enforcement agencies of the Government, provided that when in the possession of firearm, he is: (1) in the regular plantilla of the said agencies and is receiving regular compensation for the services rendered in said agencies; and (2) in the agency-prescribed uniform showing clearly and legibly his name, rank and serial number or, in case rank and serial number are inapplicable, his agency-issued identification card showing clearly his name and position, which identification card shall remain visible at all times; (3) duly licensed to possess firearm and to carry the same outside of residence by means of a valid mission order or letter order; and (4) in the actual performance of official law enforcement duty, or in going to or returning from his residence/barracks or official station.

Other law enforcement agencies of the government shall refer to:

1. Guards of the National Bureau of Prisons, Provincial, and City Jails;
2. Members of the Bureau of Jail Management and Penology;

3. Members of the Custom Enforcement and Security and Customs Intelligence and Investigation Service of the Bureau of Customs;
4. Port Police Department, Philippine Port Authority;
5. Philippine Economic Zone Authority Police Force;
6. Government guard forces;
7. Law Enforcement Agents and Investigation Agents of the Bureau of Immigration;
8. Members of the Manila International Airport Authority (MIAA) Police Force;
9. Members of the Mactan-Cebu International Airport Authority (MCIAA) Police Force;
10. Personnel of the Law Enforcement Service of the Land Transportation Office (LTO);
11. Members of the Philippine Coast Guard, Department of Transportation and Communication;
12. Members of the Cebu Port Authority (CPA) Police Force;
13. Agents of ISOG of the Witness Protection Program;
14. Members of the Videogram Regulatory Board performing law enforcement functions;
15. Members of the Security Investigation and Transport Department (STTD), Cash Department (CD), including members of the Office of Special Investigation (OSI), Branch Operations and Department of General Services of the Bangko Sentral ng Pilipinas;
16. Personnel of the Office of the Sergeant-At-Arms (OSAA) of the Senate or the House of Representatives and the OSAA-certified

designated senators/congressmen's security escorts;

17. Postal Inspectors, Investigators, Intelligence Officers and Members of the Inspection Service of the Philippine Postal Corporation;
18. Election Officers, Provincial Election Supervisors, Regional Attorneys, Assistant Regional Election Directors, Regional Election Directors, Directors III and IV, Lawyers in the Main Office of the Commission on Elections and the Members of the Commission;
19. Members of the Law Enforcement Section of the Bureau of Fisheries and Aquatic Resources;
20. Members of the Tourist Security Division of the Department of Tourism;
21. Personnel of the Intelligence Division of the Central Management Information Office, Department of Finance;
22. Personnel of the Inspection and Monitoring Service of the National Police Commission;
23. Personnel of the Special Action and Investigation Division, Forest Officers defined under PD 705 and Department of Environment and Natural Resources (DENR) DAO No. 1997-32, Forest/Park Rangers, Wildlife Officers and all forest protection and law enforcement officers of the DENR;
24. Personnel of the Intelligence and Security, Office of the Secretary, Department of Foreign Affairs;
25. Personnel of the Philippine Drug Enforcement Agency;
26. Personnel of the Philippine Center for Transnational Crime (PCTC);

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27. Personnel of the National Intelligence Coordinating Agency;

28. Personnel of the National Bureau of Investigation;

29. Personnel of the Presidential Anti-Smuggling Group (PASG); and

30. Field officers of the Fertilizer and Pesticide Authority, Department of Agriculture.

- (b) Member of privately owned or operated security, investigative, protective or intelligence agencies duly authorized by the PNP, provided that when in the possession of firearm, he is: (1) in the agency-prescribed uniform with his agency-issued identification card prominently displayed and visible at all times, showing clearly his name and position; and (2) in the actual performance of duty at his specified place/area of duty.

The heads of other law enforcement agencies and Protective Agents of Private Detective Agencies enumerated above shall, not later than 29 December 2009, submit a colored 4" x 5" picture, with description, of the authorized uniform of the office, to the Committee on the Ban on Firearms and Security Personnel (CBFSP) herein established.

SEC. 5. Submission of Certified List of Names of AFP, PNP and Other Law Enforcement Personnel With Description of Firearms (Kind, Caliber, Make and Serial No., License No. /Certificate of Registration, and Permit to Carry No.). – Heads of offices of agencies mentioned above shall, not later than 29 December 2009, submit to the CBFSP, the list of the names of the personnel of the agency, together with a description of their firearms, who are authorized to bear, carry or transport firearms under this Resolution. The list shall bear a certification 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.

Personnel of agencies mentioned in Section 4 hereof shall be considered authorized to bear, carry or transport firearms only upon receipt by the CBFSP of the certified list referred to in this Section.

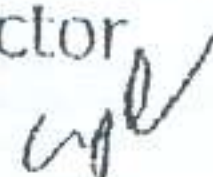
SEC. 6. Who may be assigned security personnel or bodyguards. – When circumstances warrant, including but not limited to threats to life and security, a candidate to public office, including incumbent public officer, and private individual, may, upon application, be assigned regular members of the PNP or the AFP or the National Bureau of Investigation, and as augmentation, duly licensed/authorized Protective Agents of Private Detective Agencies, to provide security, for the duration of the election period.

All existing authority granting security personnel or bodyguards are hereby revoked at the start of the election period. The affected officials or individuals who want to continue to avail of or engage the services of security personnel or bodyguard, shall apply for the employment, availment or engagement of security personnel or bodyguard as provided in Section 7 hereof.

SEC. 7. Procedure In Applying for Employment, Availment or Engagement of Security Personnel and Bodyguard.– Any candidate for public office, including incumbent public officer seeking election to any public office, or any public officer or private individual, who wants to employ, avail of or engage the services of security personnel or bodyguard, shall file a written application under oath, in three (3) copies, stating his full name, the public office he seeks to be elected, his residence and the reasons or circumstances for the application, in accordance with the following procedures:

A filing fee of PhP5,000.00 shall be charged for each application.

(a) Candidates for Member, House of Representatives and local elective positions, as well as public officers or private individuals, shall file their applications with the Regional Joint Security Control Desks (R-JSCD) in their respective regions, to be chaired by the COMELEC Regional Election Director



Candidates for national elective positions shall file their applications with the CBFSP, at the Main Office of the Commission on Elections, Intramuros, Manila.

(b) Within five (5) days from receipt of the application, the JSCD shall refer the application with threat assessment and recommendations to the CBFSP.

In the case of applications filed with the CBFSP, the CBFSP shall refer the matter to the AFP and PNP which shall immediately conduct a threat or security assessment. Within five (5) days from referral, the AFP and PNP shall submit to the CBFSP its assessment with a recommendation on whether to grant or not to grant the request.

(c) Based on the assessment and recommendation submitted to it, the CBFSP shall grant or deny the request or may request for a reassessment.

If the decision is to grant the request, the CBFSP may authorize the Director General of the PNP or the Chief of Staff of the AFP or the Director of the National Bureau of Investigation to assign not more than two (2) of its regular members as security personnel.

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, candidates for national elective positions may request for additional security personnel subject to such conditions and restrictions that the CBFSP may impose.

(d) 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.

(e) In case of disapproval of the request, the CBFSP shall notify the applicant. The notice shall be in writing.

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

(f) 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 (a) hereof.

(g) 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. 8. *Enforcement* – Any person who, not wearing the authorized uniform mentioned herein, bears, carries or transports firearm or other deadly weapon, shall be presumed unauthorized to carry firearms and subject to arrest.

SEC. 9. *Establishment and Composition of the CBFSP.* – To ensure the attainment of the objective of the ban on firearms and security personnel, the CBFSP is hereby established, with Commissioner Lucenito N. Tagle as Chairman, and one (1) star rank officer or equivalent, from the AFP and 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 from the Law Department of the Commission.

The CBFSP shall be responsible for the implementation of the ban on the bearing, carrying or transporting of firearms and the employment, availment or engagement of security personnel.

SEC. 10. *Reporting Requirements.* – The CBFSP submit to the Commission a monthly report on the implementation of this Resolution, which shall include the following:

- (a) 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 and security personnel; and

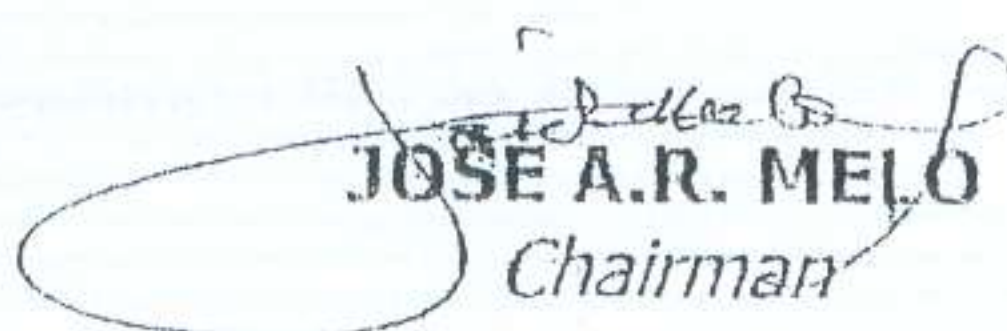
- (b) The peace and order situation in various parts of the country, including insurgency, the existence and size of private armies, the intensity of political rivalries and other circumstances, that may affect the conduct of the elections.

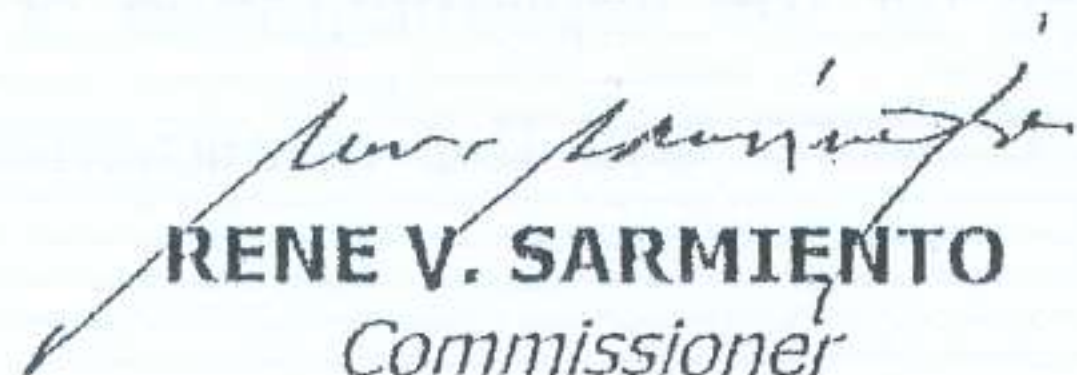
The first monthly report shall be submitted to the Commission on the 1st Monday of February 2010 and every 1st Monday of the succeeding months thereafter and a final report on 30 June 2010.

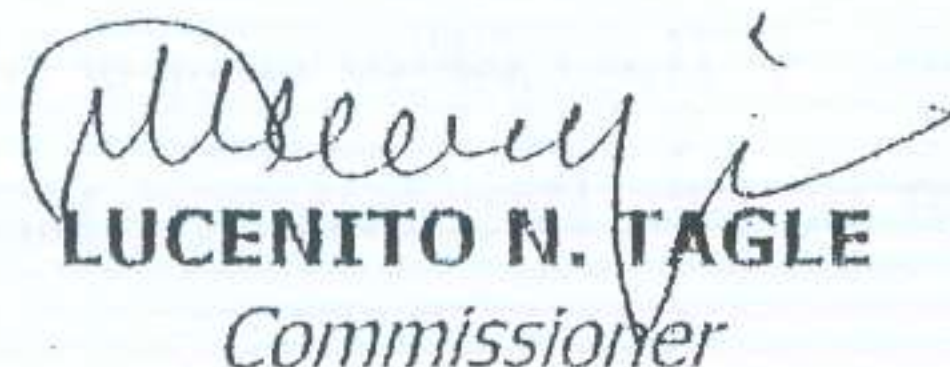
SEC. 11. *Effectivity and Dissemination.* - This Resolution shall take effect on the seventh (7th) day after its publication in two (2) daily newspapers of general circulation in the Philippines.

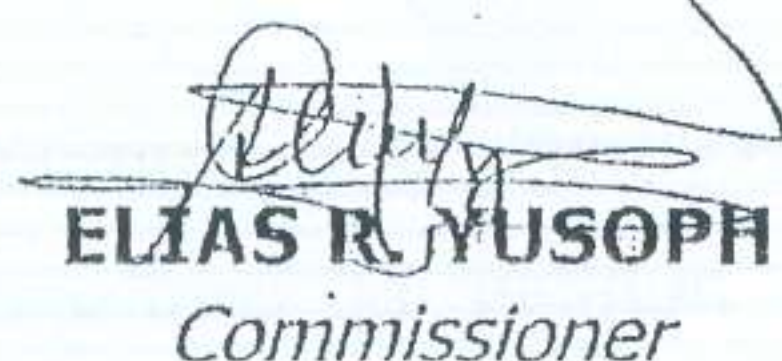
The Education and Information Department shall cause the publication of this Resolution and shall furnish copies thereof to all Regional Election Directors, Provincial Election Supervisors, Election Officers, the PNP, the AFP and all other law enforcement agencies.

SO ORDERED.


JOSE A.R. MELO
Chairman


RENE V. SARMIENTO
Commissioner


LUCENITO N. TAGLE
Commissioner


ELIAS R. YUSOPH
Commissioner


NICODEMO T. FERRER
Commissioner


ARMANDO C. VELASCO
Commissioner


GREGORIO Y. LARRAZABAL
Commissioner

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Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

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COMMISSION ON ELECTIONS
MANILA
JAN 12 2010

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**RULES AND REGULATIONS ON
THE LIQUOR BAN IN
CONNECTION WITH THE MAY 10,
2010 NATIONAL AND LOCAL
ELECTIONS.**

MELO, Jose A.R.,
SARMIENTO, Rene V.,
FERRER, Nicodemo T.,
TAGLE, Lucenito N.,
VELASCO, Armando C.,
YUSOPH, Elias R.,
LARRAZABAL, Gregorio L.

Chairman
Commissioner
Commissioner
Commissioner
Commissioner
Commissioner

PROMULGATED:
December 23, 2009

X-----X

RESOLUTION NO. 8730

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WHEREAS, the Omnibus Election Code of the Philippines
provides:

"SEC. 261. Prohibited Acts. – The following shall be
guilty of an election offense:

XXX

XXX

XXX

"(dd) Other prohibitions:

(1) Any person who sells, furnishes, offers,
buys, serves or takes intoxicating liquor on the days
fixed by law for the registration of voters in the
polling place, or on the day before the election or on
election day: *Provided*, That hotels and other
establishments duly certified by the Department of
Tourism as tourist oriented and habitually in the
business of catering to foreign tourists may be
exempted for justifiable reasons upon prior authority
of the Commission: *Provided, further*, That foreign
tourists taking intoxicating liquor in said authorized
hotels or establishments are exempted from the
provisions of this subparagraph."

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DEPARTMENT OF AGRICULTURE
In replying pls cite this code :
General Documents: OSEC-01-10-0575
Received : 01/27/2010 01:45 PM

WHEREAS, violation of said prohibited acts shall be punishable with imprisonment of not less than one (1) year but not more than six (6) years and shall not be subject to probation, and in addition, the guilty party shall suffer disqualification to hold public office and deprivation of the right of suffrage;

NOW, THEREFORE, the Commission on Elections pursuant to the powers vested in it by the Constitution, the Omnibus Election Code and other election laws, has **RESOLVED** to promulgate, as it hereby **RESOLVES** to promulgate, the following implementing rules:

Section 1. *Prohibited Acts.* – It shall be unlawful for any person, including owners and managers of hotels and establishments to sell, furnish, offer, buy, serve or take intoxicating liquor anywhere in the Philippines.

Sec. 2. *Prohibited Period.* – The liquor ban shall be in force and effect from May 09, 2010 until May 10, 2010.

Sec. 3. *Exemption.* – Hotels and other establishments duly certified by the Department of Tourism as tourist-oriented and habitually in the business of catering to foreign tourists may be exempted from the liquor ban, **PROVIDED** they secure prior written authority upon showing that there are justifiable reasons therefor from the action officers enumerated in Sec. 4 hereof.

Only foreign tourists taking intoxicating liquor in said authorized hotels or establishments are exempted from the prohibition.)

Sec. 4. Where to apply for and secure exemption. –

Applications for exemption together with supporting documents, shall be filed with, and duly acted upon by the following:

- a. Regional Election Director of the National Capital Region (NCR), in cases of hotels and other establishments located in the NCR;
- b. Provincial Election Supervisors with respect to establishments located in the municipalities within their respective provinces; and
- c. City Election Officers with respect to those located within their respective cities/districts.

Sec. 5. Conditions for the grant of exemption. – Exemption may be granted only upon compliance and submission of the following:

- a. A request/petition/application for exemption must be under oath and must contain a statement that the hotel/establishment operator/owners have not been convicted for an election offense;
- b. A certification by the Department of Tourism shall state that the requesting hotel or establishment is:
 1. tourist-oriented; and
 2. habitually in the business of catering to foreign tourists;

- c. Currently licensed to do business; and
- d. Has paid the required taxes and/or fees imposed by the government or any of its agencies or instrumentalities.

Sec. 6. Revocation of exemption. – The exemption granted may be revoked or withdrawn by the Commission upon petition of any interested party on showing, among others, that the reason upon which the exemption was made does not exist or is not justifiable, or that the requesting party or applicant has committed misrepresentation in the application, or introduced or submitted falsified documents.

Sec. 7. Who shall implement. – The Philippine National Police (PNP), National Bureau of Investigation (NBI), Regional Election Directors, Provincial Election Supervisors, Election Officers and the Comelec Election Laws Enforcement Team, if any, which will be fielded by the Commission in specific areas, shall implement this resolution.

Sec. 8. Effectivity. – This Resolution shall take effect on the seventh day after its publication in two (2) daily newspapers of general circulation in the Philippines.

Sec. 9. Dissemination. – The Education and Information Department shall cause the publication of this resolution in two (2) daily newspaper of general circulation, and shall furnish copies thereof to the Department of Tourism, Association of Hotels and Restaurants, Regional Election Directors, Provincial Election Supervisors, Election Officers, the PNP, the NBI, the Armed Forces


of the Philippines and the accredited Citizens' Arm of the Commission.

SO ORDERED.


JOSE A. R. MELO
Chairman


RENE V. SARMIENTO
Commissioner


NICODEMO T. FERRER
Commissioner


LUCENITO N. TAGLE
Commissioner


ARMANDO C. VELASCO
Commissioner


ELIAS R. YUSOPH
Commissioner

(On Official Business)
GREGORIO Y. LARRAZABAL
Commissioner



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
EDUCATION AND INFORMATION DEPARTMENT

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DATE: 12/23/09 TIME: 6:08

**RULES AND REGULATIONS
GOVERNING BAN ON PUBLIC
WORKS AND RELEASE,
DISBURSEMENT AND
EXPENDITURES OF PUBLIC
FUNDS, CONSTRUCTION OF
PUBLIC WORKS, DELIVERY OF
MATERIALS FOR PUBLIC
WORKS AND ISSUANCE OF
TREASURY WARRANTS AND
SIMILAR DEVICES IN
CONNECTION WITH THE MAY
10, 2010 NATIONAL AND
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MELO, Jose A.R.,
SARMIENTO, Rene V.,
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VELASCO, Armando C.,
YUSOPH, Elias R.,
LARRAZABAL, Gregorio

Chairman
Commissioner
Commissioner
Commissioner
Commissioner
Commissioner

PROMULGATED:
December 23, 2009

X-----X

RESOLUTION NO. 8732

The Commission on Elections, pursuant to the powers vested in it by the Constitution, the Omnibus Election Code, and other election laws, has **RESOLVED**, as it hereby **RESOLVES** to promulgate, the following rules and regulations to enforce the prohibitions provided under Section 261, subsections (v) and (w) of the Omnibus Election Code.

Section 1. Prohibition on Release, Disbursement or Expenditure of Public Funds. – Effective March 26, 2010 until May 10, 2010, no public official or employee including barangay officials and those of government-owned or controlled

corporations and their subsidiaries shall release, disburse or expend any public funds for:

1) Any and all kinds of public works, except the following:

a) Maintenance of existing and/or completed public works project: *Provided*, That not more than the average number of laborers or employees already employed therein during the six-month period immediately prior to March 26, 2010, shall be permitted to work during such time: *Provided, further*, That no additional laborers shall be employed for maintenance work starting March 26, 2010 until May 10, 2010;

b) Work undertaken by contract through public bidding held, or by negotiated contract awarded, before March 26, 2010: *Provided*, That for the purpose of this Section work undertaken under the so-called "takay" or "paquiao" system shall not be considered as work by contract;

c) Payment for the usual cost of preparation for working drawings, specifications, bills of materials, estimates, and other procedures preparatory to actual construction including the purchase of materials and equipment, and all incidental expenses for wages of watchmen and other laborers employed for such work in the central office and field storehouses before March 26, 2010: *Provided*, That the number of such laborers shall not be increased over the

number hired when the project or projects were commenced; and

- d) Emergency work necessitated by the occurrence of a public calamity, but such work shall be limited to the restoration of the damaged facility.

No payment shall be made within five (5) days before the date of election to laborers who have rendered services in projects or works except those falling under subparagraphs (a), (b), (c), and (d), of this Section.

The prohibition shall not apply to on-going public works projects commenced before the campaign period or similar projects under foreign agreements. For purposes of this provision, it shall be the duty of the government officials or agencies concerned to report to the Commission the list of all such projects being undertaken by them as provided for under Sec. 3 of this Resolution.

- (2) The Department of Social Welfare and Development and any other office in other departments of the government performing functions similar to said department, except for salaries of personnel, and for such other routine and normal expenses, and for such other expenses as the Commission may authorize after due notice and hearing.

Should a calamity or disaster occur, all releases normally

or usually coursed through the said departments and offices of other departments shall be turned over to, and administered and disbursed by, the Philippine National Red Cross, subject to the supervision of the Commission on Audit (COA) or its representatives, and no candidate or his or her spouse or member of his family within the second civil degree of affinity or consanguinity shall participate, directly or indirectly, in the distribution of any relief or other goods to the victims of the calamity or disaster; and

- (3) The Human and Urban Development Coordinating Council and any other office in any other department of the government performing functions similar to said department, except for salaries of personnel and for such other necessary administrative or other expenses as the Commission may authorize after due notice and hearing.

Sec. 2. Prohibition Against Construction of Public Works, Delivery of Materials for Public Works and Issuance of Treasury Warrants and Similar Devices. – Effective March 26, 2010 until May 10, 2010, no person shall:

- 1) Undertake the construction of any public works, except for projects or works exempted in the preceding Section; or

- 2) Issue, use or avail of treasury warrants or any device undertaking future delivery of money, goods, or other things of value chargeable against public funds.

Sec. 3. Submission to the Commission of lists of authorized public works projects. – On or before March 26, 2010, the Secretary of Public Works and Highways, the provincial governors, city/municipal mayors and punong barangays, in relation to national, provincial, city/municipal and barangay public works as the case may be, shall submit to the Commission in Manila, thru the regional election directors/ provincial election supervisors/ election officers concerned, certified lists of the following:

- a) all on-going public works projects commenced before March 26, 2010;
- b) similar projects under foreign agreements; and
- c) all public works undertaken by contract through public bidding held, or by negotiated contract awarded, before March 26, 2010 together with a copy of said contracts.

Any public works not included in the list herein required to be submitted by the Secretary of Public Works and Highways, the

provincial governors, city/municipal mayors, and punong barangays, which are not among the exceptions under Sec. 261, subsection (v) of the Omnibus Election Code shall be considered as falling under the public works ban.

Sec 4. Immediate payment of laborers required. – Any laborer who may have worked on public works projects which have to be suspended pursuant to the forty-five (45) day ban on public works shall be paid immediately his complete earned wage upon the suspension of the public works projects. In no case shall the earned wage or any portion thereof be retained to be paid only within five (5) days before or on the day of the election. Likewise, any laborer who may have worked in public works projects authorized under any of subparagraphs (a) to (d) of Sec. 1 hereof, shall be paid his complete earned wage every regular pay day and in no case shall said wage or any part thereof be retained or its payment deferred.

Sec. 5. Injunction. –, The Department of Budget and Management and the Commission on Audit, including all its field offices, are hereby enjoined not to release or authorize the release of any appropriation, or to pass in audit payments or expenditures of public funds that may directly or indirectly be used in violation of the prohibitions contained in Sec. 261, sub-sections (v) and (w) of the Omnibus Election Code or Sections 1 and 2 hereof.)

All field offices of the Commission, including those of its deputized agencies and citizens' arms, are directed to monitor compliance with the requirements under Sec. 3 hereof by the local executive officers in their respective jurisdictions and submit immediately to the Commission a written report on any violation of said provisions of the Omnibus Election Code.

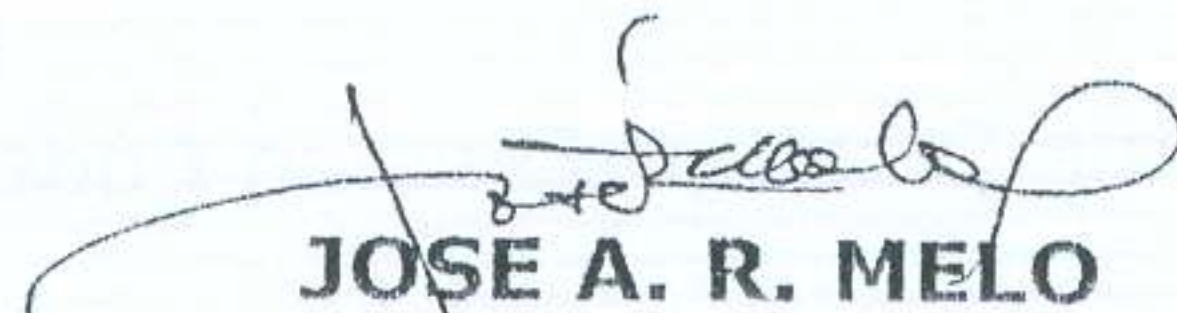
Sec. 6. *Penalty.* – Any violation of the provisions of this Resolution shall, consistent with Sections 261 and 264 of the Omnibus Election Code, constitute an election offense and shall be punishable by imprisonment of not less than one (1) year but not more than six (6) years, among other penalties provided for by law.

Sec. 7. *Effectivity.* – This Resolution shall take effect on the seventh day after its publication in two (2) daily newspapers of general circulation.

Sec. 8. *Dissemination.* –The Education and Information Department shall cause the publication of this resolution in two (2) daily newspapers of general circulation, immediately after promulgation hereof, and shall furnish the Executive Secretary, the Chairman of the Commission on Audit, heads of all departments, and national offices, provincial governors, city/municipal mayors and punong barangays and other agencies,

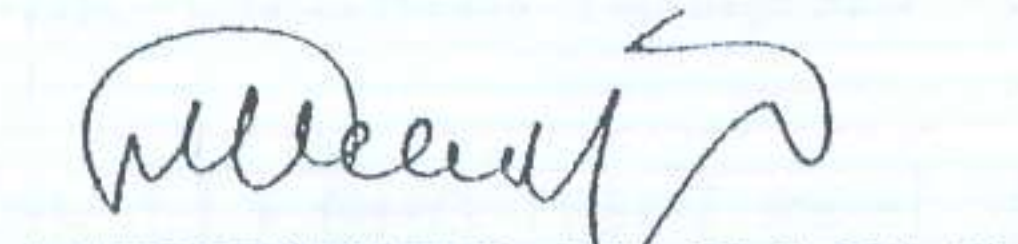
of the government, including government-owned or controlled corporations, all registered political parties and all field offices of the Commission copies hereof.

SO ORDERED.


JOSE A. R. MELO
Chairman


RENE V. SARMIENTO
Commissioner


NICODEMO T. FERRER
Commissioner


LUCENITO N. TAGLE
Commissioner


ARMANDO C. VELASCO
Commissioner


ELIAS R. YUSOPH
Commissioner

(On Official Business)
GREGORIO Y. LARRAZABAL
Commissioner

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





Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

IN THE MATTER OF PLACING
SOME AREAS IN THE
COUNTRY UNDER COMELEC
CONTROL IN CONNECTION
WITH THE MAY 10, 2010
NATIONAL AND LOCAL
ELECTIONS.

MELO, Jose A.R.,
SARMIENTO, Rene V.,
FERRER, Nicodemo T.,
TAGLE, Lucenito N.,
VELASCO, Armando C.,
YUSOPH, Elias R.,
LARRAZABAL, Gregorio

Chairman
Commissioner
Commissioner
Commissioner
Commissioner
Commissioner

PROMULGATED:
December 23, 2009

X-----X

RESOLUTION NO. 8734

DEPARTMENT OF AGRICULTURE
In replying pls cite this code :
General Documents: OSEC-01-10-0571
Received : 01/27/2010 01:45 PM

The Commission on Elections, by virtue of the powers conferred upon it by the Constitution, the Omnibus Election Code, Republic Act No. 7166, and other election laws, RESOLVED, as it hereby RESOLVES, to promulgate the following guidelines in placing any political division, subdivision, unit or area under **COMELEC CONTROL**:

Section 1. Grounds for Comelec Control. – The Commission may place under its immediate and direct control and supervision, any political division, subdivision, unit or area affected by "serious armed threats".

The term "serious armed threats" shall refer to the presence of paramilitary forces, private armies or identifiable armed bands widely perceived to have committed terrorism, fraud or other election irregularities and threaten or tend to disrupt the holding of free, peaceful, honest, orderly and credible elections in any political division, subdivision, unit or area.

Sec. 2. Powers and functions of the Commission. – The authority shall be exercised by the Commission *En banc* as the

circumstances so warrant. In furtherance thereof, the Commission shall:

- a. Take immediate and direct control and supervision over all national and local officials and employees required by law to perform duties and/or comply with certain prohibitions relative to the conduct of the elections in the political division, subdivision, area or unit concerned; and
- b. Exercise full control and supervision over all national and local law enforcement agencies as well as military officers and men assigned or deployed in the political division, subdivision, unit or area concerned.

For immediate and effective control of the political division, subdivision, unit or area concerned, the Commission shall exercise such authority where COMELEC control has been imposed.

Sec. 3. Special Task Force. – To ensure the conduct of free, peaceful, orderly, honest and credible elections in each political subdivision, unit or area placed under COMELEC control, a Special Task Force shall be created. It shall be composed of a Commissioner designated by the Commission as Task Force Head, and as members, the Regional Election Director concerned, the highest-ranking official of the Philippine National Police (PNP) and the highest-ranking officer of the Armed Forces of the Philippines (AFP) assigned in the area.

At the discretion of the Head of the Task Force or whenever required by the exigency, additional members who must be lawyers of the Commission may be appointed to the Special Task Force.)

Sec. 4. Powers and Duties of the Special Task Force. -

The Special Task Force shall have the following powers and duties:

- a. To supervise and control the administrative activities and transactions of local government units in the localities under the Comelec control and enforce therein strict compliance with the election bans and prohibitions under Section 261 of the Omnibus Election Code, particularly on, but not limited to, the disbursement of public funds, the construction of public works, movements of government personnel and non-intervention of civil service officials and employees as well as police and military officers and personnel;
- b. To oversee the effective and necessary distribution, assignment and deployment of officers and personnel of the PNP as well as officers and men of the AFP in the locality concerned, and place under its control their activities relative to the strict enforcement of the law on the firearms ban, security personnel of candidates and private citizens, the appointment or use of special policemen for election purposes and similar prohibitions under the pertinent provisions of Sec. 261 of the Omnibus Election Code and Sec. 32, Sec. 33 and Sec. 34 of Republic Act No. 7166;
- c. To augment the police force and assign additional military troops whenever necessary to quell any possible outbreak of violence and maintain peace and order in the locality concerned;
- d. When necessary, to substitute a whole unit of the police force assigned in the locality concerned with

another police unit or with an adequate unit of the Armed Forces of the Philippines;

- e. To relieve any police or military officer or personnel who may be found unsuitable for continuance in his present assignment in the locality concerned, reassign or confine to quarters any such member of the police or military unit;
- f. To revoke all exemptions heretofore issued under the firearms ban to candidates and their bodyguards, and cancel all permits to carry firearms outside residence granted to residents of the political division, subdivision, unit or area concerned, as peace and order conditions in the locality demand;
- g. To act as law enforcement arm of the Commission in effecting and implementing its specific orders, rulings, resolutions and decisions;
- h. To adopt appropriate measures to safeguard and ensure the holding of free, peaceful, orderly, honest and credible elections in the political division, subdivision, unit or area under Comelec control; and
- i. To submit periodic situation reports to the Commission through the most expeditious means.

Except when prior approval or authority of the Commission *En banc* is required, the Special Task Force decisions and orders in connection herewith, shall be final and immediately executory, unless modified, reversed or revoked by the Commission *En banc*.


Sec. 5. Support of the PNP and AFP Chiefs. – The PNP and the AFP are hereby directed to immediately provide personnel, equipment, vehicles and other transportation facilities as the Special Task Force may require.

Sec. 6. Duration of Comelec Control. – When a political division, subdivision, unit or area is placed under COMELEC control, such shall continue to be in full force and in effect until the end of the election period, unless sooner lifted by the Commission.

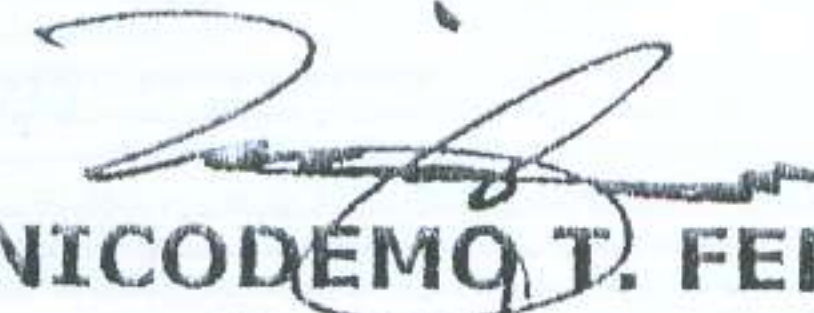
Sec. 7. Effectivity. – This Resolution shall take effect on the seventh day after its publication in two (2) daily newspapers of general circulation in the Philippines.

Sec. 8. Dissemination. – The Education and Information Department shall cause the publication of this Resolution in two (2) daily newspapers of general circulation, and give this widest dissemination.

SO ORDERED.

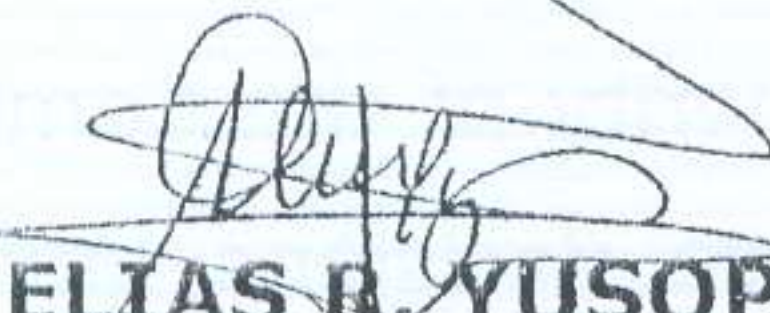

JOSE A. R. MELO
Chairman


RENE V. SARMIENTO
Commissioner


NICODEMO T. FERRER
Commissioner


LUCENITO N. TAGLE
Commissioner


ARMANDO C. VELASCO
Commissioner


ELIAS R. YUSOPH
Commissioner

(On Official Business)
GREGORIO Y. LARRAZABAL
Commissioner

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



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BY: *[Signature]*
DATE: *12/29/09* TIME: *3:20 PM*

Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

DEPUTATION OF INFORMATION
TECHNOLOGY-CAPABLE PERSONNEL
OF AGENCIES AND
INSTRUMENTALITIES OF THE
GOVERNMENT, INCLUDING
GOVERNMENT OWNED AND
CONTROLLED CORPORATIONS, IN
CONNECTION WITH THE MAY 10, 2010
NATIONAL AND LOCAL ELECTIONS.

X-----X

MELO, Jose A.R.,
SARMIENTO, Rene V.,
FERRER, Nicodemo T.,
TAGLE, Lucenito N.,
VELASCO, Armando C.,
YUSOPH, Elias R.,
LARRAZABAL, Gregorio Y.

Chairman
Commissioner
Commissioner
Commissioner
Commissioner
Commissioner

Promulgated: December 29, 2009

RESOLUTION NO. 8738
[Signature]

WHEREAS, the Commission on Elections is legally mandated to conduct and ensure the holding of free, orderly, honest, peaceful and credible elections in the May 10, 2010, National and Local elections;

WHEREAS, Republic Act 8436, as amended by Republic Act 9369, has given the Commission on Elections authority to use an Automated Election System (AES), in the May 11, 1998 National and Local elections and in subsequent national and local elections, to encourage transparency, credibility, fairness and accuracy of the country's elections;

WHEREAS, the Commission on Elections will use an AES in the May 10, 2010 National and Local elections;

WHEREAS, Section 5 of Republic Act 9369 states:

"SEC. 5. *Information and Technology Support for the Board of Canvassers.* - To implement the AES, each board of canvassers shall be assisted by an information technology-capable person authorized to operate the equipment adopted for the elections. The Commission (On Elections) shall deputize information technology personnel from among the agencies and instrumentalities of the government, including government owned and controlled corporations. The *per diem* of the deputized personnel shall be the same as that of the members of the board of canvassers."


NOW, THEREFORE, the Commission on Elections, pursuant to the powers vested in it by the Constitution, the Omnibus Election Code, Republic Act 9369 and other related election laws, **RESOLVED**, as it hereby **RESOLVES**, to deputize information technology-capable personnel of all agencies and

instrumentalities of the government, including government-owned and controlled corporations, to assist the board of canvassers in operating the AES adopted by the Commission on Elections in connection with the automation of the May 10, 2010 national and local elections.

This Resolution shall take effect on the seventh (7th) day after its publication in two (2) daily newspapers of general circulation in the Philippines.

The Executive Director shall implement this Resolution, and the Education and Information Department shall cause the immediate publication of this Resolution in two (2) daily newspapers of general circulation in the Philippines and furnish copies thereof to all agencies concerned.

SO ORDERED.



JOSE A. R. MELO
Chairman



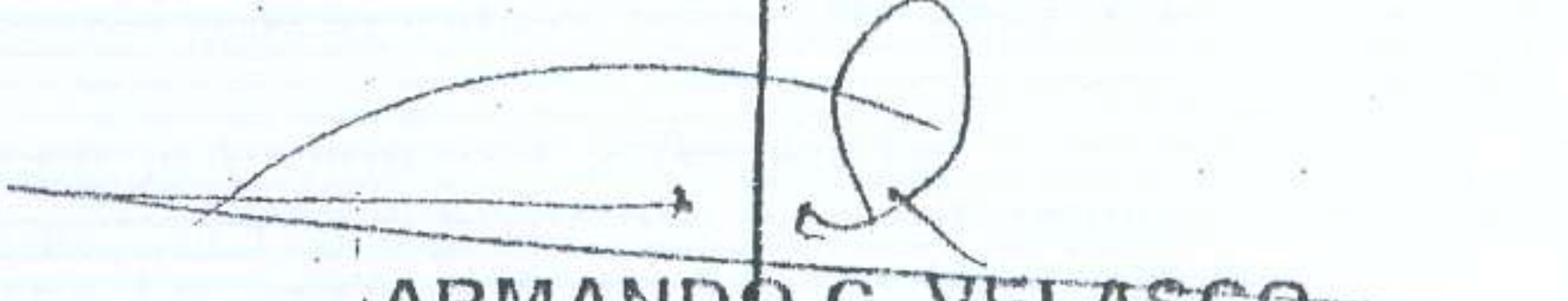
RENE V. SARMIENTO
Commissioner



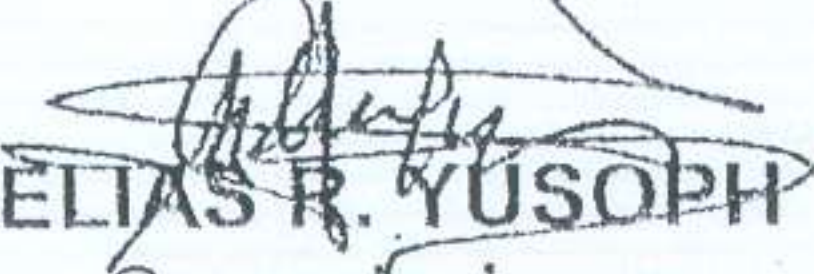
NICODEMO T. FERRER
Commissioner



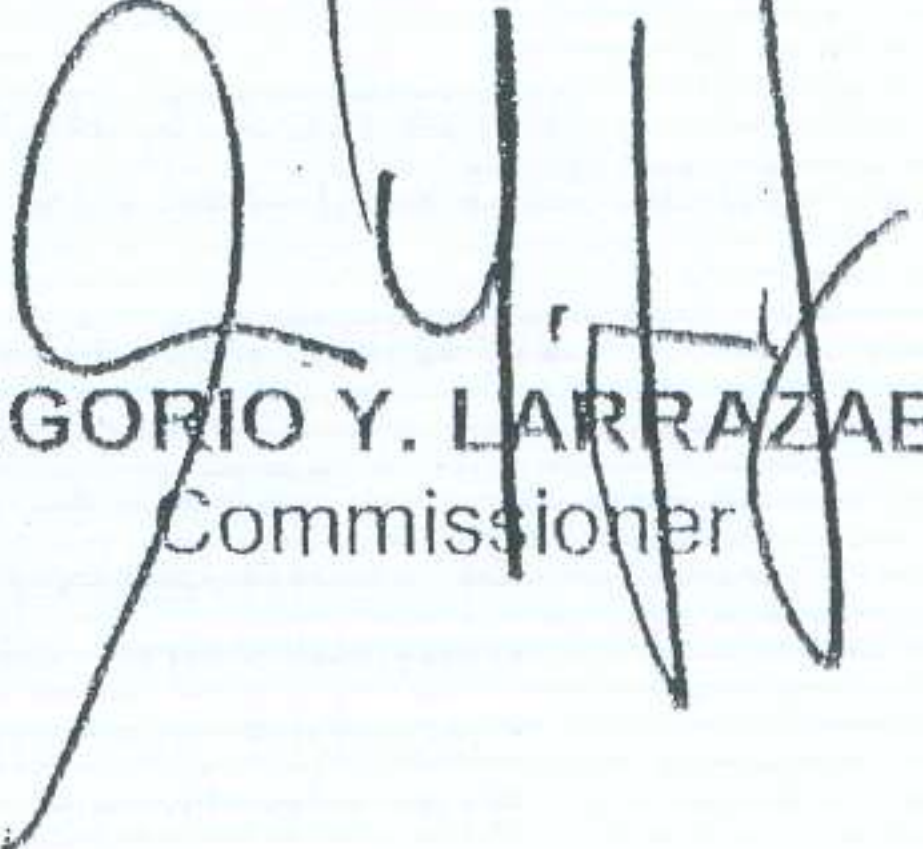
LUCENITO N. TAGLE
Commissioner



ARMANDO C. VELASCO
Commissioner



ELIAS R. YUSOPH
Commissioner



GREGORIO Y. LARRAZABAL
Commissioner



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
EDUCATION AND INFORMATION

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BY: *[Signature]*
DATE: *1-11-2010* TIME: *5:45*

IN THE MATTER OF AMENDING
SECTIONS 1, 4, AND 7 OF
RESOLUTION NO. 8714 OTHERWISE
KNOWN AS "RULES AND
REGULATION ON THE: 1) BEARING,
CARRYING OR TRANSPORTING OF
FIREARMS OR OTHER DEADLY
WEAPONS; AND 2) EMPLOYMENT,
AVAILMENT OR ENGAGEMENT OF THE
SERVICES OF SECURITY PERSONNEL
OR BODYGUARDS, DURING THE
ELECTION PERIOD FOR THE MAY 10,
2010 NATIONAL AND LOCAL
ELECTIONS".

MELO, Jose A.R.,
SARMIENTO, Rene V.,
FERRER, Nicodemo T.,
TAGLE, Lucenito N.,
VELASCO, Armando C.,
YUSOPH, Elias R.,
LARRAZABAL, Gregorio Y.

Chairman
Commissioner
Commissioner
Commissioner
Commissioner
Commissioner

PROMULGATED:
January 11, 2010

X-----X

RESOLUTION NO. 8742
[Signature]

WHEREAS, on December 16, 2009, the Commission promulgated Resolution No. 8714 entitled "Rules and Regulation on the: 1) Bearing, Carrying or Transporting of Firearms or Other Deadly Weapons; and 2) Employment, Availment or Engagement of the Services of Security Personnel or Bodyguards, during the Election Period for the May 10, 2010 National and Local Elections.

WHEREAS, it is imperative to amend Sections 1, 4, and 7 thereof.

WHEREFORE, the following Sections are hereby amended as follows:

Section 1. Section 1 of Resolution 8714, is amended by adding a 3rd paragraph as follows:

"SECTION 1. General Guiding Principles - x x x"
[Signature]

" In the case of sale of firearms, the transport or delivery of the same shall be done by the authorized dealer itself on a one-way basis directly to the address of the buyer within twenty four (24) hours. Likewise, the transport or delivery of firearms and spare parts for export to seaports on a one-way basis; or the transport or delivery of imported parts, spare parts and other raw materials used in the manufacturing of firearms directly to the manufacturing facility of licensed manufacturer, with prior notice to the Commission, shall be authorized."

Sec. 2. Section 4 is amended to include the following among those who are authorized to bear firearms.

"SEC 4. *Who May Bear Firearms.* - x x x

31. Members of the Civilian Armed Forces Geographical Units (CAFGUS);

32. Members of the Presidential Security Group (PSG);

33. Members of the Bureau of Fire Protection (BFP);

34. The Treasurer of the Philippines, Deputy Treasurers, and Members of the Internal Security Division of the Bureau of the Treasury (BOT); and

35. Members of the security personnel of accredited foreign diplomatic corps and establishments as governed by international law including foreign military personnel in the Philippines covered by existing treaties and international agreements as endorsed by the Secretary of the Department of Foreign Affairs and the Head of Mission of a foreign country in the Philippines.

Sec. 3. The Regional Joint Security Control Desk is hereby renamed as "Regional Joint Security Control Centers (RJSCC)".

For applicants currently being protected and secured by the PNP, AFP, other law enforcement agencies and security agencies, the RJSCC shall automatically issue a 30-day Temporary Security Detail (TSD) upon filing of applications and submission of existing threat assessments.

All other applications, the RJSCC shall refer the same together with the threat assessments and recommendations

to the CBFSP within five (5) days from receipt thereof. In the event of a positive threat assessment and circumstances warrant the detail of a security personnel, the RJSCC shall issue a 30-day non-extendible TSD effective on the date of the assessment.


Immediately upon expiration of the 30 day TSD, all security personnel temporarily detailed to the applicant are deemed recalled unless the CBSFP grants the request.

All TSDs issued by RJSCC shall be reported to the CBFSP within five (5) days from issuance thereof."

Sec. 4. Effectivity. – This resolution shall take effect immediately from its publication in two (2) newspaper of general circulation.

Sec. 5. 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.


JOSE A. R. MELO
Chairman

ON OFFICIAL BUSINESS
RENE V. SARMIENTO
Commissioner


LUCENITO N. VAGLE
Commissioner


ELIAS R. YUSOPH
Commissioner


NICODEMO T. FERRER
Commissioner


ARMANDO C. VELASCO
Commissioner


GREGORIO Y. LARRAZABAL
Commissioner