



Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila

INSTRUCTIONS TO CHIEFS OF POLICE OF CITIES/MUNICIPALITIES ON THE CONDUCT OF THE PRELIMINARY EXAMINATION ON THE VIOLATION OF THE BANS ON FIREARMS, OTHER DEADLY WEAPONS AND SECURITY PERSONNEL IN CONNECTION WITH THE MAY 13, 2013 AUTOMATED SYNCHRONIZED NATIONAL, LOCAL AND ARMM REGIONAL ELECTIONS.
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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 18, 2012

RESOLUTION NO. 9587
april 2013

WHEREAS, pursuant to Sec. 43 of R.A. 9369 amending Section 265 of Batas Pambansa Blg. 881, the Commission on Elections, shall through its duly authorized legal officers, have the power, concurrent with the prosecuting arms of the government, to conduct preliminary investigation of all election offenses;

WHEREAS, there are instances where there are no available prosecutors in cities and municipalities to immediately conduct the preliminary investigation of alleged violations of the ban on the bearing, carrying and transporting of firearms and other deadly weapons and the employment of security personnel;

WHEREAS, for the prompt and proper investigation and successful prosecution of alleged violations of the ban on firearms and other deadly weapons, and employment of security personnel, it is necessary to authorize
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the Chiefs of Police in said cities and municipalities to conduct the preliminary examination.

NOW THEREFORE, the Commission on Elections, by virtue of the powers vested in it by the Constitution, the Omnibus Election Code, and other election laws, **RESOLVES** to promulgate, as it hereby promulgates the following instructions to all Chiefs of Police, Philippine National Police (PNP), in cities and municipalities, on the conduct of preliminary examination of alleged violations of the ban on firearms and other deadly weapons and employment of security personnel:

SECTION 1. Preliminary Examination. – The Chief of Police or his duly authorized PNP representative shall conduct the preliminary examination of all apprehensions for violation of the ban on the bearing, carrying and transporting of firearms and other deadly weapons, use of armored land, water or aircraft, wearing of uniforms and bearing arms, and on the employment of security personnel and bodyguards, organization or maintenance of strike forces, reaction forces or other similar forces in their respective areas of jurisdiction.

SEC. 2. Procedure. – The Chief of Police or his duly authorized investigator shall:

- (a) take the affidavit of the arresting officer or policeman indicating therein the fact of arrest and the circumstances surrounding the arrest;
- (b) take the statement of the respondent/s;
- (c) confiscate the firearms and issue the proper receipt therefor;
- (d) cause the respondent/s to sign an affidavit binding himself to be present at the preliminary investigation at a later date before the

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prosecutor and that failure to do so shall constitute a waiver to present evidence for his defense; and

(e) take the statement of witness/witnesses, if any.

SEC. 3. *Rights of arrested person.* – Any person arrested for violation of the bans specified in Sec. 1 hereof who is undergoing preliminary examination must be treated humanely and with utmost respect to his constitutional and human rights, particularly his right to:

(a) remain silent, and to be informed that anything he says may be used against him in court. This right cannot be waived except in writing and in the presence of counsel;

(b) have competent and independent counsel preferably of his own choice, but if he cannot afford the services of counsel, he will be provided with one, which right cannot be waived except in writing and in the presence of counsel;

(c) be released from detention if no charges have been filed against him within eighteen (18) hours from the time of arrest, unless he is charged under PD 1866, as amended.

SEC. 4. *Disposition of documents and evidence.* – The Chief of Police shall submit the investigation report, together with all documents and evidence gathered during the preliminary examination, within three (3) days from arrest to the corresponding provincial/city prosecutor, furnishing the Law Department of the Commission with copies of the report.

SEC. 5. *Effectivity.* – This Resolution shall take effect on the seventh (7th) day after its publication in two (2) daily newspapers of general circulation.

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SEC. 6. Dissemination. – The Education and Information Department shall cause the publication of this Resolution and furnish copies hereof to the Secretary of Justice, the Provincial and City Prosecutors, the Chief of the Philippine National Police, the Chiefs of Police of cities and municipalities, the Regional Election Directors, the Provincial Election Supervisors and the city/municipal Election Officers, and give this Resolution the widest dissemination.

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


MARIA GRACIA CIELO M. PADACA
Commissioner

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