

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



FIFTEENTH (15th) CONGRESS
Third (3rd) Regular Session

House Bill No. 6873

Introduced by **Hon. Pastor M. Alcover, Jr.**

EXPLANATORY NOTE

This bill seeks to establish the class of people who must be exempted from any regulation issued by the COMELEC relative to the carrying or bearing of firearms during an election period regardless of whether such election is national, local, a plebiscite, referendum or a special election and to ensure that the maintenance of peace and order shall remain the sole responsibility of the PNP.

For so many election periods, it has become the practice of the COMELEC to issue a sweeping ban on the carrying of firearms outside of residence and every time the COMELEC does this, a number of perennial problems would also creep up.

Foremost of these problems is the fact that every time there is a gun ban, only the responsible gun owners will abide by the ban but the criminals do not or, as aptly put in the famous saying, "when guns are outlawed, only the outlaws will have guns." This has really become a major problem because there is always a rise in criminality during a gun ban in view of the fact that criminals will take advantage of the situation wherein the responsible gun owners and even the law enforcement officers are rendered defenseless. The gun ban therefore only benefits the criminals and does not really contribute to the promotion of peace and order during an election period.

Another major problem caused by a gun ban is that this has become the major source of corruption in the PNP and the COMELEC. It is a fact that every time there is a gun ban, the COMELEC will also provide for its exemption. However, this exemption will not automatically apply to those who will qualify for it. They have to apply first and pay some regulatory fees before they will get an exemption and this is where the problem comes in. Many gun owners especially those whose security are at risk and desperate to secure an exemption are willing to pay grease money to expedite their application and this, in return, encourages the unscrupulous PNP and COMELEC personnel involved in the issuance of the exemption to dangle this like a commodity before those who are desperate to get it and willing to pay extra money.

Another problem caused by the gun ban is that it is too sweeping and has become like a money making venture of the PNP and the COMELEC. This is demonstrated by the fact that the gun ban even covers those who, due to the nature of their job, are authorized by law to carry firearms. Among them are the security guards. Despite the nature of their job and regardless of the already existing law that prohibits them from carrying their firearms outside the area of their jurisdiction, they are not exempt from the gun ban and in order for them to continue doing their job, their security agency should secure a gun ban exemption and pay the corresponding fees. One can just imagine the number of Private Security Agencies all over the country that would be forced to apply for exemption. Indeed, the gun ban has really become a money making venture of the PNP and the COMELEC. Another is those who are legitimate gun owners with valid license and permit to carry. The fact that they have been issued gun license and permit to carry is a clear showing that they are responsible gun owners because this presupposes that they have undergone thorough screening and many of them even have superior training in gun handling than our law enforcement officers because many of them are gun club members and have participated in shooting competitions. The government could even take advantage of their skills as force multiplier by deputizing them during election period. However, despite the fact that they have already paid a significant amount of money to secure their license and permit to carry, they are still covered by the gun ban. And in order to be exempt, they will have to apply and pay another regulatory fee. Truly, the gun ban has become a money making venture of the PNP and the COMELEC. And last but not the least is the elected officials. It is a sad fact that violence has become a part of the Philippine politics and the elected officials are the ones who are mostly at risk and despite this, they are not exempt from the gun ban. They still have to apply and pay the corresponding fees. Considering that almost all elected officials in the country need personal protection, the PNP and the COMELEC can generate a huge amount of money from them alone. Again, another demonstration that the gun ban has become a money making venture of the PNP and the COMELEC.

It has indeed been shown time and again that the gun ban tends to wreak havoc instead of helping promote peace and order during election periods and to avert any further destruction that it may cause, approval of this bill is earnestly sought.



HON. PASTOR M. ALCOVER, JR.
Representative, ANAD Party list

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH (15th) CONGRESS
Third (3rd) Regular Session

House Bill No. 6873

Introduced by **Hon. Pastor M. Alcover, Jr.**

AN ACT
ESTABLISHING THE CLASS OF PERSONS EXEMPTED FROM GUN BAN
DURING ELECTION PERIODS AND TO ENSURE THAT THE
MAINTENANCE OF PEACE AND ORDER SHALL REMAIN THE SOLE
RESPONSIBILITY OF THE PHILIPPINE NATIONAL POLICE.

Be enacted by the Senate and the House of Representatives of the Philippines in Congress Assembled:

Section 1. Title. – This Act shall be known as the “Gun Ban Exemption Act of 2013.”

Section 2. Declaration of Policy. – It is hereby declared the policy of the State to ensure that peace and order shall reign during an election period and that all peace loving and law abiding citizens are protected from any form of violence, intimidation, terrorism or criminality.

Toward this end, the State shall ensure that the maintenance of peace and order during election periods shall be entrusted only to the Philippine National Police which is the agency that has the specialty, proper resources and legal mandate to maintain peace and order.

Section 3. Definition. –

- a.) **COMELEC**, under this Act refers to the Commission on Elections.
- b.) **Gun Ban**, under this Act refers to any rules, regulations, resolutions or guidelines issued by the COMELEC that prohibits and penalize the carrying of firearms outside of residence during an election period.
- c.) **PNP**, under this Act refers to the Philippine National Police.

Section 4. Coverage. – This Act shall cover all kinds of election, whether national or local, a special election, an initiative, referendum or plebiscite, where there is a Gun Ban.

Section 5. Duty of the COMELEC and the PNP. – During an election period, the duty of the COMELEC shall be limited to enforcement and administration of all laws and regulations relative to the conduct of the election and the maintenance of peace and order and to ensure that the conduct of the election is free from any form of violence, intimidation or terrorism shall be the sole and exclusive responsibility of the PNP.

Section 6. Class of Persons Exempt from Gun Ban. – The following class of persons shall be exempt from and shall not be covered by the Gun Ban during an election period:

1. Regular Uniformed Officers and Members of the PNP;
2. Commissioned Officers, Non-Commissioned Officers and Enlisted Personnel of the Armed Forces of the Philippines;
3. Officers and Enlisted Personnel of the Philippine Coast Guard;
4. Officers and Members of the Bureau of Jail Management and Penology;
5. Officers, Members and Agents of the National Bureau of Investigation;
6. Officers, Members and Agents of the Philippine Drug Enforcement Agency;
7. Regular Officers, Members and Agents of other Government Agencies who are actually performing law enforcement or security functions provided that they are regular plantilla of the said agencies and wear their prescribed uniforms showing clearly their name, rank and serial number or, in case rank and serial number are inapplicable, their agency-issued identification card showing clearly their name and position while they are on duty and when they are off duty, they shall carry with them valid and unexpired gun license, permit to carry or mission order or letter order;
8. Members of privately-owned or operated security, investigative or protective agencies provided, however, that they can only carry firearms while in actual in actual performance of duty at their specified place or area of duty, must wear their agency prescribed uniform, in possession of a valid license to Exercise Security Profession and valid firearms license of the agency where they are employed and deployed by Private Security Agency duly licensed by the PNP;
9. Members of the Judiciary;
10. All elected Public officials; and

11. Any person who is a bona fide holder of a valid and unexpired gun license and permit to carry.

Section 7. *Repealing Clause.* – All laws, decrees, executive orders, letters of instruction, rules and regulations or parts thereof which are inconsistent with this Act, are hereby repealed, amended or modified accordingly.

Section 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the official gazette or in two (2) national newspapers of general circulation.

APPROVED