



Republic of the Philippines  
**Department of Education**

DepEd Complex, Meralco Avenue, Pasig City



SEP 2 0 2010

DepEd ORDER  
No. **103**, s. 2010

**POLICY AND PROCEDURE FOR ISSUANCE AND CUSTODY OF FIREARMS**

To: Undersecretaries  
Assistant Secretaries  
Directors of Services, Centers and Heads of Units  
Regional Directors  
All Others Concerned

**I. STATEMENT OF POLICY**

The Department of Education (DepEd) shall safeguard its officers and employees in the performance of their duties, especially when they are at risk. Though the use of firearms is discouraged, there are circumstances when these are needed. That is why, in the interest of public security and safety, this Department may issue firearms to officers and employees in connection with their duties and responsibilities subject to the pertinent laws.

It should however be remembered that the right to carry firearms is only a statutory privilege.

This Order sets forth the policies and procedures for the accountability and control of firearms within the Department. However, this shall not be construed to interfere with the application or enforcement of any existing law or regulation of the State.

**II. WHO ARE ENTITLED TO CARRY FIREARMS**

Organic government security personnel shall be issued firearms by the Department and shall be authorized to carry duly issued firearms whenever they are on duty. Aside from the said security personnel, the following officials and employees may be issued one (1) firearm each while their services are engaged by the Department:

- a. Undersecretaries;
- b. Assistant Secretaries;
- c. Legal Officers;
- d. DepEd Organic Security Forces; and
- e. Security Escorts of the above officers.

Only requests for the issuance of a firearm with strong justification shall be approved by the Secretary. However, the abovementioned officers and government security forces will only be issued DepEd organic firearms upon proof of the following:

1. Must have undergone Gun Safety and Firearms Handling Seminar from any Philippine National Police (PNP) accredited Gun Club;



2. Must have passed neuro-psychiatric screening by any PNP accredited Diagnostic Center; and
3. Must have no pending administrative and/or criminal case.

In case of Legal Officers, the Department shall issue the firearm but all necessary expenses shall be shouldered by them. The issuance of a firearm to these officers shall be reviewed yearly to assess whether or not the issuance of a firearm is still warranted.

### **III. PROCEDURE FOR ISSUANCE OF A FIREARM**

The following procedure shall be followed for the issuance of a firearm:

1. An application for a Firearm Permit to Possess and Carry shall only be processed after an official or employee has formally requested a firearm from the Director of Administrative Service for its issuance, and such letter-request shall be duly approved by the Secretary. If the requesting official or employee is in the Region/Division Office, the letter-request must be endorsed by the Regional Director;
2. The Director of the Administrative Service, upon receipt of the letter, shall instruct the Chief of the Security Services Unit to prepare all the necessary documents;
3. After all the abovementioned requirements have been complied with, this Department shall prepare all necessary papers for the issuance of firearm with Acknowledgment Receipt for Equipment issued to them as proof to Possess the Firearm, but the official/employee concerned shall personally apply for a permit to carry with the Philippine National Police (PNP), if he will bring such firearm outside the DepEd compound;
4. Original documentation must be retained in the personal file of the individual official or employee; and
5. The Chief of Security Services Unit shall keep a copy of the Permit to Possess for records purposes.

### **IV. PRIVATE AND GOVERNMENT SECURITY PERSONNEL**

The organization, operation, business and activities of private security guards as well as government security personnel shall be governed by the Implementing Rules and Regulations (IRR) of Republic Act No. 5487.

For the purpose of this policy, Private Security Personnel shall include private security guards, private detectives, security consultants and security officers rendering security and/or detective services as employed by private security agencies. Firearms issued to guards-on-duty shall be provided by the Security Agency.

Government Security Personnel are those who perform or render security services as employed by government entities. The issuance of firearms to these personnel shall be at the discretion of the Chief of the Security Services Unit, upon recommendation of the Director of the Administrative Service, duly approved by the Secretary.

## **V. ELECTION GUN BAN**

During the election period, the rules issued by the Commission on Elections (COMELEC) on gun ban shall apply.

The DepEd, deputized by the COMELEC on Election Day, shall strictly follow the rules issued by the COMELEC. No application for exemption shall be made without prior approval of the Secretary.

## **VI. REPORTING REQUIREMENTS**

An Acknowledgment Receipt for Equipment (ARE) prepared by the Property Division covering the firearm shall be issued only to organic government personnel while in the performance of their official duties, pursuant to Presidential Decree No. 1866, as amended and the Implementing Rules and Regulations (IRR).

The ARE shall include the issuance of two (2) loads of ammunition. The ammunition may be replaced depending upon the availability of supply. The replacement of ammunition can be done only when the empty shells are surrendered and a report on how, where, and when the ammunition was used is submitted to the Property Division, copy furnished the Secretary and Director of the Administrative Service.

To complete and update the firearms records of the Department, the Security Services Chief shall submit a complete inventory of all firearms, including ammunitions requested and issued. Likewise, the Director of the Administrative Service shall submit to the Secretary a report on all who possess firearms with permits. Such inventory and report shall be submitted on the 30<sup>th</sup> of June and 31<sup>st</sup> of December of every year.

## **VII. RESPONSIBILITY AND CUSTODY OF FIREARMS**

It is the responsibility of the official or employee concerned to safeguard the firearm at all times. The firearm shall be under the custody of the official or employee while the Permit to Possess is still valid. Upon expiration of the license, the same shall be returned to the Director of the Administrative Service.

The Security Services Unit shall keep an inventory in an armory of all returned firearm units.

## **VIII. LIMITATIONS AND RESTRICTIONS**

- 1) Guards of security agencies are not authorized to carry firearms except while on duty and in proper uniform. They must be properly covered by a duty detail issued by the Chief Security Officer concerned. The carrying of firearms is limited to the compound of the Department, to their place of work and return;
- 2) Only firearms licensed to the agency may be used/carried by security guards while in the performance of duty;
- 3) Those authorized to carry firearms shall not bring said firearms into public drinking places, cabarets, public dance halls and public amusement places, or while attending civic, political or religious rallies and meetings; and

- 4) Carrying of firearms is prohibited in thickly populated areas or to fiestas or other large gatherings except when called for in the performance of duty.

Other restrictions and limitations are indicated at the back of the licensed card issued to the holder.

#### **IX. SURRENDER OF FIREARMS**

Upon revocation of the permit or separation from the service, the firearm shall be surrendered to the Director of the Administrative Service who shall instruct the Chief of the Security Services Unit to prepare the necessary documents and to submit a report to the PNP.

In the Regional Offices (ROs), the firearms shall be surrendered to the Regional Director (RD) concerned, who shall forward the same to the Chief of Security Services Unit instructing him to prepare the necessary documents for proper submission to the local PNP office.

It shall be the duty of the Director of the Administrative Service to surrender or otherwise account for the firearms and ammunitions before the holder resigns, retires, or is otherwise separated from the Department.

#### **X. LOST AND DAMAGED FIREARMS**

If the issued firearm is lost, a notarized Affidavit of Loss and Police Report, if available, shall be submitted by the concerned official or employee to the Director of the Administrative Service. The serial number of the lost firearm together with the supporting documents shall be submitted to the PNP and the same shall be published by the Firearms and Explosive Office, PNP on the "*Wanted List of Firearms*".

The official or employee concerned shall pay all fines, fees or other expenses imposed for loss of firearms, including the current market value of the lost firearm.

If the firearm is found defective or destroyed while in the possession of a liable gun holder, it is his responsibility to bring the firearm to the PNP accredited gun repair shop for parts replacement and/or repair. All expenses incurred shall be paid by the concerned official or employee.

**XI.** All firearms licenses and permit to carry shall be recognized as valid and effective until their expiration date unless sooner revoked or cancelled.

Upon expiration of the Permit to Carry, the existing holder of the firearm issued by the Department shall obtain new authorization from the Secretary for efficient and effective implementation of these guidelines. Authorization shall be secured every year thereafter.

**XII.** DepEd Orders issued contrary to this Order are hereby rescinded.

**XIII.** Immediate dissemination of and compliance with this Order is directed.

  
**BR. ARMIN A. LUISTRO FSC**  
Secretary

Reference:

N o n e

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

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