



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
DILG-NAPOLCOM Center, EDSA corner Quezon Avenue, West Triangle, Quezon City
http://www.dilg.gov.ph



**IMPLEMENTATION ON CERTAIN PROVISIONS OF REPUBLIC ACT 10591 IN
RELATION TO NAPOLCOM OPINION REVOKING THE AUTHORITY OF BARANGAY
TANODS, AS MEMBERS OF THE POLICE AUXILIARY UNIT, TO CARRY FIREARMS**

DILG Memorandum Circular No. **2018-16**
February 8, 2018

1.0 LEGAL BASES

(a) RA 7160, otherwise known as "The Local Government Code of 1991"

- Section 387 (b) provides that *"the Sangguniang Barangay may form community brigades and create such other position or offices as may be deemed necessary to carry out the purposes of the barangay government in accordance with the needs of public service, subject to the budgetary limitations and personal services prescribed under Title Five, Book II of this Code"*
- Section 389 (c) states that *"In the performance of his peace and order functions, the Punong Barangay shall be entitled to possess and carry the necessary firearm within his territorial jurisdiction, subject to appropriate rules and regulations"*. (underscoring for emphases)
- Section 391 (16) mandates the Sangguniang Barangay to *"provide for the organization of community brigade, barangay tanod or community service unit as may be necessary"*. (underscoring for emphases)

(b) RA 10591 and its Implementing Rules and Regulations (IRR), otherwise known as "An Act Providing for a Comprehensive Law on Firearms and Ammunition and Providing Penalties for Violation Thereof"

- Section 5 paragraph 4 on Ownership of Firearms and Ammunition by a Juridical Entity, states that *"Security agencies and LGUs shall be included in this category of licensed holders but shall be subject to additional requirements as may be required by the Chief of the PNP"*. (underscoring for emphases)
- Section 5.5 of the IRR of RA 10591 states that *"In case of the Local Government Units (LGUs), the Local Chief Executive (Governor or Mayor) and Head of Office of GOCCs, respectively, shall represent the office concerned in the application of the Long Certificate of Registration (LCR)"*.
- Section 5.5.1 of the IRR of RA 10591 provides that the *"Firearms of the LGUs and GOCCs shall be under the name of the concerned office and/or its authorized bonded firearm custodian; and*

- Section 5.5.2 of the IRR of RA 10951 mandates that the *“Registered firearms of the LGUs and GOCCs covered by LCR shall only be issued to a government official or employee with a permanent plantilla position through the Short Certificate of Registration (SCR) issued by the FEO. The officer representing the LGU or GOCC must possess the standard requirements mentioned in paragraphs 4.1 and 4.4.”* (underscoring for emphases)

(c) DILG Issuance and Legal Opinion

- DILG MC No. 2003-42 (*Guidelines on Professionalizing The Barangay Tanods*) dated 10 March 2003 which provides for the equipage/gadgets such as:
 - ✓ Nightsticks with teargas
 - ✓ Handcuff with holster
 - ✓ Whistle
 - ✓ Flashlight
 - ✓ Raincoat
 - ✓ Rainboots
 - ✓ Small notebooks and ballpens
 - ✓ First Aid kits
- DILG Legal Opinion No. 31 S. 2011 dated 28 June 2011, which provides that *“While barangay tanods are very useful in assisting the local authorities in the maintenance of peace and order, we regret to inform you that under existing regulations, barangay tanods cannot be armed with guns”* (underscoring for emphases)

- (d) NAPOLCOM’s position in the letter dated 20 January 2017, to City Mayor Maria Isabelle G. Climaco* (seeking guidance on the effect of the enactment of RA 10591, whether it revoked or repealed the authority of Barangay Police Auxiliary Units (PAU) to carry firearms under NAPOLCOM Memorandum Circular No. 2008-013), which states that *“RA 10591 revoked the authority of PAU to carry firearms under NAPOCOM MC No. 2008-013”* with emphasis that *“LGUs are allowed to own firearms and may issue the same to a government official or employee who is holding a plantilla position”*.

2.0 PURPOSE

This Circular is issued to:

1. Enjoin all concerned local officials to comply with the provisions of RA 10591.
2. Remind all Local Chief Executives that Barangay Tanods and other members of the Police Auxiliary Units are not allowed by law to carry firearms in the performance of their official duties and functions.

3.0 COVERAGE

This Circular shall cover all Provincial Governors, City and Municipal Mayors, Punong Barangays, Barangay Tanods, DILG Regional, Provincial, City Directors and Field Officers, ARMM Regional Governor and all others concerned.

4.0 POLICY CONTENT

In view of the cited laws and issuances, all Local Chief Executives shall:

1. Comply with the provisions of RA 10591;
2. Recall all LGU-owned firearms assigned to Barangay Tanods and other members of the Police Auxiliary Units or LGU employees not occupying a plantilla position;
3. Direct the Barangay Tanods within their respective jurisdiction, ***NOT*** to carry neither LGU-owned nor personally issued firearm/s while in the performance of their duties and functions; and
4. Ensure compliance of all Barangay Tanods within their jurisdiction


Remind all Local Chief Executives that Barangay Tanods and other members of the Police Auxiliary Units are not allowed by law to carry firearms in the performance of their official duties and functions.

The DILG Regional Director and Field Officers, and ARMM Regional Governor are directed to cause the immediate and widest dissemination of this Circular within their respective territories.

5.0 EFFECTIVITY

This Circular shall take effect immediately.

6.0 APPROVING AUTHORITY


EDUARDO M. AÑO
Officer-In-Charge, DILG



7.0 FEEDBACK

For related inquiries and clarification kindly contact the National Barangay Operations Office at telephone numbers 925-1137 and 925-0328, or at gmail address nboo.dilgco2018@gmail.com.