

### Title: Philippine Association of Detective and Protective Agency Operators (PADPAO), Region 7 Chapter, Inc. vs. Commission on Elections (COMELEC) and/or its Committee on the Ban on Firearms and Security Personnel (CBFSP)

### Facts:

The Philippine Association of Detective and Protective Agency Operators (PADPAO), Region 7 Chapter, Inc., challenged Section 2(e), Rule III of COMELEC Resolution No. 10015, arguing that the Commission on Elections (COMELEC) exceeded its authority in regulating the bearing, carrying, or transporting of firearms by private security agencies (PSAs) during the election period defined for the May 2016 National and Local Elections. PADPAO, representing licensed security agencies in Region 7, contends that RA No. 5487 or the Private Security Agency Law, grants PSAs and their personnel the authority to possess and carry firearms, imperative for their business and professional practice.

The contested COMELEC Resolution set the election period from January 10, 2016, to June 8, 2016, during which it imposed a general ban on carrying firearms and employed or engaged the services of security personnel or bodyguards, unless specifically authorized by COMELEC through the CBFSP. It elaborated on the application process for securing the authority to bear, carry, or transport firearms or deadly weapons during the election period.

PADPAO filed the petition under Rule 65 of the Rules of Court, questioning the COMELEC's authority to impose additional requirements on PSAs for carrying firearms and challenging the resolution's constitutionality on several grounds including the violation of the equal protection and non-impairment of contracts clauses.

### Issues:

1. Whether the petition was moot due to the conclusion of the election period.
2. Whether the remedy sought was proper and timely filed.
3. The validity and constitutionality of Section 2(e), Rule III of COMELEC Resolution No. 10015, particularly in its application to private security agencies.

### Court's Decision:

The Supreme Court dismissed the petition for certiorari, upholding the validity and constitutionality of the challenged COMELEC Resolution.

1. **\*\*Mootness\*\***: The court determined the issue was capable of repetition yet evading review, thus not moot despite the conclusion of the 2016 election period.

2. **Propriety and Timeliness of the Petition**: The Supreme Court decided to overlook technicalities given the importance of the substantive issues raised, which are likely to recur in future elections.

3. **Validity and Constitutionality**: The Court held that the COMELEC did not exceed its rule-making authority in promulgating the resolution. It stressed that the COMELEC is empowered by the Constitution and election laws to enforce and administer all laws concerning the conduct of elections. The resolution aimed to ensure free, orderly, honest, peaceful, and credible elections by regulating the carrying of firearms and employing security personnel during elections, which historically had been periods of heightened violence.

It found no violation of the equal protection clause, noting that the resolution applies broadly across various categories of persons, not singling out PSAs unjustly. The requirement for PSAs to secure authority to carry firearms during the election period was deemed reasonable and necessary for maintaining peace and order.

The court also ruled that there was no impairment of contractual obligations, as the resolution did not prohibit PSAs from fulfilling their contractual duties but merely required them to secure authorization from the COMELEC for bearing arms during the specified period.

### ### Doctrine:

The COMELEC has the authority to issue rules and regulations to enforce and implement election laws, including provisions concerning the carrying of firearms and the employment of security personnel during election periods, to guarantee the conduct of free, orderly, peaceful, and credible elections.

### ### Class Notes:

- **Mootness Doctrine Exceptions**: The Court may decide cases otherwise moot if the situation is capable of repetition yet evading review.
- **COMELEC's Authority**: During election periods, the COMELEC has broad powers to enforce and administer election laws and may promulgate necessary rules and regulations for this purpose.
- **Carrying Firearms During Election Period**: All persons, including those from PSAs, must secure authorization from the COMELEC to carry firearms in public places during the election period as per regulated by COMELEC resolutions backed by election laws and the

Constitution.

### Historical Background:

The case reflects the ongoing tension between regulatory efforts to ensure violence-free elections in the Philippines, a country with a history of election-related violence, and the rights and operational needs of private security agencies. The decision underscores the broad powers conferred upon the COMELEC by the Constitution and laws to secure the integrity of elections.