I. PURPOSE

This Standard Operating Procedure (SOP) prescribes the policies, responsibilities, and penalties in the proper safekeeping and maintenance of government issued firearms. Executive Order No. 292 mandates that “All resources of the government shall be managed, expended or utilized in accordance with law and regulations and safeguard against its loss or wastage through illegal or improper disposition to ensure efficiency, economy and effectiveness in the operations of the government”. The law further provides that “The responsibility to take care that such policy is faithfully adhered to rests directly with the chief or head of the government agency concerned”. 1

The aim of the present government is to achieve a hundred (100) percent arming rate of all uniformed personnel, however, this cannot be attained with the refusal of some jail officers to avail of the government issued firearms in avoidance of prospective administrative liability for its lost. This kind of scenario is an upfront defiance of the drive of the government to provide one-gun-one-jail officer ratio. Thus, in support of the government’s thrust to attain 100 percent firearms issuance to all uniformed personnel, it is now the standing policy of the Jail Bureau to prohibit jail officers from refusing government issued firearms.

With this pronouncement, it is high time to adopt a system of accountability for its use by providing stringent rules and regulations in its issuance and subsequent loss. To this date, there are still considerable number of reports on loss of firearms, most, occasioned by negligence. Considering our bounden duty to oversee faithful compliance with the law to prevent property loss or wastage in order to guarantee the smooth operation of the Jail Bureau, there is a need to impose a stricter rules on the issuance and stricter penalties on the subsequent loss of firearms.

II. REFERENCES

1. Republic Act No. 10591 otherwise known as the “Comprehensive Firearms and Ammunition Regulation Act” which was approved on May 29, 2013;

2. Implementing Rules and Regulations (IRR) of RA 10591 which was approved on December 7 2013;

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1 Section 1 Chapter 1, Subtitle B, The Commission on Audit, Executive Order No. 292, July 25, 1987.

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3. Executive Order No. 292 otherwise known as the “Administrative Code of 1987 which was promulgated on July 25, 1987;

4. Section 2 of PD 1445 otherwise known as the Government Auditing Code of the Philippines, promulgated June 11, 1978;

5. 2007 Revised BJMP Manual;

6. Memorandum dated January 18, 2018 re: Payment of Administrative Fine on Lost or Stolen Firearms;

7. 2017 Comprehensive Administrative Disciplinary Machinery;

8. Memorandum Circular dated September 29, 2015 re: Guidelines for Safekeeping and Maintenance of Issued Firearm; and

9. Memorandum Circular dated May 15, 2015 re: Amendment of Policy on the Settlement of Liability and/or Penalty on Lost Issued Firearms;

III. SCOPE

All provisions in these SOP shall apply to all uniformed personnel of the Jail Bureau and shall be implemented nationwide.

IV. DEFINITION OF TERMS

(a) Command Responsibility – The doctrine of command responsibility holds military commanders and other persons occupying positions of superior authority criminally responsible for the unlawful conduct of their subordinates.

(b) Firearm - refers to any handheld or portable weapon, whether a small arm or light weapon, that expels or is designed to expel a bullet, shot, slug, missile or any

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2 Lourdes D Rubrico vs Gloria Macapagal Arroyo et al. G.R. No. 183871, February 18, 2010

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STANDARD OPERATING PROCEDURE

TOPIC
CONSOLIDATED POLICIES ON GOVERNMENT ISSUED FIREARMS

SUB-TOPIC
PRESCRIBES THE POLICIES, RESPONSIBILITIES AND PENALTIES IN THE PROPER SAFEKEEPING AND MAINTENANCE OF GOVERNMENT ISSUED FIREARMS

projectile which is discharged by means of expansive force of gases from burning gunpowder or other form of combustion or any similar instrument or implement. For purposes of the law, the barrel, frame or receiver is considered a firearm;

(c) Fortuitous Event - Jurisprudence defines the elements of a fortuitous event as follows: (a) the cause of the unforeseen and unexpected occurrence must be independent of human will; (b) it must be impossible to foresee the event which constitutes the caso fortuito, or if it can be foreseen, it must be impossible to avoid; (c) the occurrence must be such as to render it impossible for the debtor to fulfill his obligation in a normal manner; and (d) the obligor must be free from any participation in the aggravation of the injury resulting to the creditor;

(d) Inventory- to make a list of;

(e) Unserviceable properties – not capable of being put to use or account;

V. GUIDELINES

A. General Guidelines in the issuance of firearms:

1. All uniformed personnel of the Jail Bureau shall be issued short firearms that shall be covered by Memorandum Receipts (MR) or Acknowledgement Receipts for Equipment (ARE) to be signed by the duly designated Supply Accountable Officer (SAO);

2. BJMP uniformed personnel shall be authorized to possess government issued firearms upon entry in the service as Jail Officer 1, Jail Inspector or Jail Senior Inspector as the case maybe. The issued firearm, upon entry, shall be his/her permanent issued firearm and there shall be no replacement until retirement, unless it becomes unserviceable without his/her negligence;

3. Jail Officer Ranks (JOR) shall carry their short issued firearms wherever they will be assigned. Jail Non Officer Ranks (JNOR) may carry their firearms wherever they may

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3 Section 3.22 of R.A. 10591 or the Comprehensive Firearm and Ammunition Regulation Act
4 Meriam Webster Dictionary
5 Meriam Webster Dictionary

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be assigned provided they must coordinate with their respective SAO for purpose of appropriate inventory and accounting of the gaining region;

4. The issued firearm/s (short and long) shall be indicated in his/her Identification Card (I.D.) and Personnel Data Sheet (PDS) for reference and records purposes. Jail Officers with issued firearm/s will not be issued additional firearm/s.

5. Those leaving the service by retirement, separation or other mode of separation shall turn-in their issued firearm/s to the issuing SAO. The SAO shall then issue them a Non-Property Accountability Clearance to form part of their retirement separation papers.

6. JOR or JNOR who will undergo schooling/training are directed to turn-in their issued firearms to their respective SAO for safekeeping to prevent administrative and security problems (loss of firearms from thieves, robbery, lawless elements or CPP/NPA). Except when the schooling/training requires the use of issued firearm/s.

7. All issued long firearms shall become organizational firearms and not a personal issue to a Jail Officer. Hence, it cannot be carried forward from one station/unit to another by reason of his/her transfer. This will ensure sufficient firearm/s in the unit/station and for purposes of efficient inventory;

8. Jail Officer authorized to carry one (1) long firearm and one (1) short firearm shall not be allowed/authorized to bring home his/her issued long firearm. It shall, at all times, be kept inside the station/unit armory;

9. Once short firearm has been issued by the Supply Accountable Officer (SAO) to respective Jail Officer, the accountability, responsibility, and safekeeping thereof is now lodged in them having the actual possession or custody of such property;

10. Moreover, the end user (jail officer or unit) is liable for its money value in case of improper or unauthorized use or misapplication thereof;

11. Likewise, they shall be liable for all losses, damage or deterioration occasioned by negligence in the keeping or use of property;

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Memorandum on "Turning in Issued Firearms who will Undergo Schooling or Training, dated 23 August 2001.

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12. Jail Officers are prohibited from refusing government issued firearms in order to avoid prospective administrative liability that may ensue from its loss or unserviceability. This is to achieve the one hundred (100) percent arming rate of all BJMP uniformed personnel.

B. Centralized Issuance of Firearms for Jail Officer Ranks (JOR)

1. Prior to the issuance of firearm, all Jail Officers must undergo firearms proficiency and awareness. With regard to personnel whose firearms were confiscated, they must undergo neurological examination before they can be re-issued firearms.

2. The issuance of firearms to JOR shall be issued at National Headquarters (NHQ) by the NHQ-SАО, likewise JNOR assigned at the NHQ shall be issued by the NHQ-SАО;

3. The issuance of firearms to JNOR assigned at the Regional Office shall be issued at the Regional level. Hence, JNOR transferred to other region in the exigency of public service shall give the JNOR the prerogative to retain and carry his/her issued service firearm to other region after appropriate clearances;

4. JNOR transferred by reason of an administrative penalty prohibits him/her from carrying firearms for a period of six (6) months.

C. Issuance of long firearms:

The National Headquarters and Regional Offices shall determine the issuance of long firearms in accordance with the following priorities:

1. BJMP STAR team of the NHQ and Regional Offices – 100% issuance of long firearms vis-à-vis total strength;

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7 Memorandum on the “Centralized Issuance of Firearms for Jail Officer Ranks (JOR), dated 02 February 1999.

8 Section 5, Rule VI of the 2017 Comprehensive BJMP Administrative Disciplinary Machinery
2. Municipal/City/District Jail considered as high risk municipality or city by the PNP – 100% issuance of long firearms vis-à-vis total strength;

3. Metro Manila Annexes with violent extremist PDL – 100% issuance of long firearms vis-à-vis total strength;

4. Selected BJMP Uniformed Personnel performing VIP security functions as the circumstances may require (but not limited to the Chief, BJMP; the Deputy Chief for Administration of the Jail Bureau; the Deputy Chief for Operations of the Jail Bureau and the Chief of the Directorial Staff of the Jail Bureau).

5. Finance Service Office – at least one unit of long firearm;

6. In case the JOR/JNOR with issued long firearms will undergo schooling or travel abroad, the issued long firearm must be surrendered and deposited to their unit SAO for safekeeping.

7. All long firearms must be carried while on duty. It must not be kept in one place where it is less secured and can be ransacked in case of jail breaks.  

8. Galil Ace 21 long firearms must only be issued to STAR Team members deployed at the NHQ/Regional Office. However, as the circumstance may warrant, STAR team members assigned in the jail may also be issued Galil Ace 21 long firearm.

In the control/monitor of issued long firearms to jail units a separate logbook necessary for the purpose must contain the following details:

1. The rank, name, designation and signature of personnel who used the long firearm;
2. Date and time retrieved and returned;
3. Purpose for which it was used (for escorting, for custodial, or for augmentation);
4. Serial number of the long firearm/s;
5. Number of magazines and ammunitions.

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9 Memorandum dated 08 June 2007 Reiteration on Utilization of Long Firearms
D. Replacement of Service Firearms:

Replacement of service firearm is strictly prohibited. Every personnel shall stick to his/her original issued firearm where he/she is accountable until retirement from the service and be responsible in the proper safekeeping and maintenance thereof to prevent rapid deterioration or loss\(^{11}\).

E. Request for Relief from Property Accountability:

1. Requirements that must first be complied with and the documents called for thereunder to accompany the pertinent requests for relief to be submitted to the Commission are as follows\(^ {12}\):

   a. The basic notice of loss to be filed immediately after the discovery of the loss and the request for relief from property accountability which should be filed by the proper accountable officer within the reglementary period of thirty (30) days from the occurrence of the loss, with the Auditor concerned or the Commission as the case may be.

   1. In case of delay in the filing of the aforesaid notice and request, satisfactory explanation or the reason(s) for such delay should be submitted, after which the reason/explanation given should be verified or confirmed by the Auditor concerned.

   2. If the occurrence of the loss has also been reported to other police agencies, like the NBI, CIS, etc., the progress/final investigation report thereon should be submitted.

   b. Copy of the investigation, inventory and inspection report of the proper COA personnel on the facts and circumstances surrounding the loss;

\(^{11}\) Memorandum re: Guidelines for Proper Safekeeping and Maintenance of Issued Service Firearm.  
c. Affidavit of Sworn Statement of the proper accountable officer on the facts and circumstances surrounding the said loss, supported by the Affidavit of two (2) disinterested persons who have personal knowledge of such fact of loss;

d. Comment and/or recommendation of the Agency Head concerned on the request;

e. Comment and/or recommendation of the COA Director/OIC and/or Unit Head on the propriety of the request, together with the full statement of the material facts;

f. Exact or accurate amount of government cash or book value of the property, subject of the request for relief;

g. Memorandum receipts covering the properties subject of the request, if any; and

h. A categorical determination by the Director/Auditor concerned on the absence of fault or negligence on the part of the accountable officer in the handling, safekeeping, etc., of the funds and properties under his custody as evidenced by the recital of the precautionary security measures adopted to protect or safeguard them and the like.

Additional documents needed in case of the following incidents/occurrences:

In case of FIRE:

a. The progress and/or final report of the local Police/Fire Department or Station on the incident;

b. List or inventory of burned or destroyed properties as well as those properties retrieved after the fire, stating therein the acquisition cost/book value of each item, duly verified by the Auditor concerned;

c. Authenticated picture(s) showing the site/office or government properties razed by the fire;
d. Fire insurance policy, if any, covering subject property. If the property is insured, information as to whether or not the Agency concerned has already paid the proceeds of the said insurance policy should be secured and, if so, evidence to this effect should be submitted. If the property has not been insured, reasons to this effect should be submitted.

THEFT OR ROBBERY/HOLD-UP:

a. Progress and/or Final Police report on the theft or robbery case.

1. In case of theft or robbery including with force upon things (destruction of padlocks, doors, windows, jalousies, etc.), information as to whether or not the premises of the government agency or office concerned are manned by security guards. If so, the respective Sworn Statements or Affidavits of the guards respecting the incident should be obtained and submitted.

2. A certified copy of the contract of security/services entered into by and between the government office and the security agency should also be submitted.

3. If the Security Guard(s) is found to be negligent in the premises, a recommendation to the Agency Head should be made that appropriate action be instituted to enforce the civil liability of the security guard and/or security agency concerned.

4. In case of theft or robbery/hold-up of government cash/funds to be deposited with or withdrawn from a depositary bank, information as to whether or not the proper accountable officer was escorted by a policeman or security guard should also be submitted. In the negative, explanation to this effect should be submitted.

b. Detailed list of government properties lost or destroyed as well as those properties retrieved after the robbery incident disclosing the book value of each item or exact amount of government money/cash involved, duly verified by the proper Auditor;

c. Authenticated picture(s) taken relative to the robbery or theft incident.
FORCE MAJEURE (EARTHQUAKE, TYPHOONS ETC.):

a. Detailed list/inventory of lost or destroyed government properties or lost cash, as well as those properties retrieved after the calamity, verified by the Auditor concerned; and

b. Certification of the proper official of the local PAGASA or other similar government agency on the actual occurrence of the calamity specifying therein the approximate or exact time the incident happened and the areas or places affected thereby.

2. All request for relief from property accountability should be filed with the Office of the Auditor of the agency. However, jurisdiction in the grant of such request depends on the amount involved:

a. Auditor – for losses due to fortuitous events or natural calamities or due to acts of man, i.e. theft, robbery, arson, etc. involving an amount not exceeding one hundred thousand pesos (P100,000.00). The action of the auditor shall be deemed an audit decision.

b. Director – for losses due to fortuitous events or natural calamities involving amounts in excess of one hundred thousand pesos (P100,000.00) and for losses due to acts of man, i.e. theft, robbery, arson etc. involving amounts exceeding one hundred thousand pesos (P100,000.00) but not more than five hundred thousand pesos (P500,000.00).

F. Creation of The Equipment Board Of Survey

1. A Board of Survey shall be created in the National Headquarters referred to as the National Equipment Board of Survey (NEBS) and replicated in every Regional Offices which shall also be referred to as the Regional Equipment Board of Survey (REBS) which has the sole power and authority to review,

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13 2009 Revised Rules of Procedure of the COA (RRPC)
14 Section 5, Rule IV, RRPC
15 Section 8, Rule V, RRPC
resolve, conduct investigations, and evaluate the evidentiary and factual circumstance of the lost firearms.

2. The National Board of Survey shall be composed of the following:

   a. Director for Logistics
   b. Director for Comptroller
   c. Chief of the Legal Service Office
   d. Chief Accounting Office
   e. Chief SAO

   Chairman
   Vice Chairman
   Member
   Member
   Member

   c. Chief of the Legal Service Office
   d. Chief Accounting Office
   e. Chief SAO

   Chairman
   Vice Chairman
   Member
   Member

3. The Regional Board of Survey shall be composed of the following:

   a. Chief Logistics Division
   b. Comptroller Division
   c. Chief of the Legal Service Office
   d. Accounting Division
   e. Regional SAO

   Chairman
   Vice Chairman
   Member
   Member
   Member

4. The Equipment Board of Survey is a fact finding committee that may recommend to the concerned Auditor the grant or denial of a request for relief from property accountability.

5. Additionally, the Board has also the power to recommend the payment of administrative fine despite the grant of relief from property accountability by the concerned auditor.

G. Payment of Fine on Lost or Stolen Firearms

1. Lost or stolen firearm shall be reported to the Firearms and Explosives Office (FEO) of the Philippine National Police (PNP) within thirty (30) days from the time of the discovery;

2. The report shall be addressed to the PNP Regional Operation and Plans Division (Attn.: Firearms and Explosives Section) or to the Inspection and Enforcement Section, FEO, Camp Crame, Quezon City;
3. The report shall be accompanied with an Affidavit of Loss and Police Report so that an Order of Payment may be issued for the corresponding administrative fine in any branch of the Land Bank of the Philippines (LBP);

4. A fine of ten thousand pesos (Php 10,000.00) shall be imposed upon any licensed firearm holder who fails to report to the FEO that the subject registered firearm has been lost or stolen within thirty (30) days from the date of discovery.

5. Every officer accountable for government property shall be liable for its money value in case of improper or unauthorized use or misapplication thereof, by himself/herself or by any person for whose acts he/she may be responsible. We shall likewise be liable for all losses, damages, or deterioration occasioned by negligence in keeping or use of the property, whether or not it be at the time in his/her actual custody. The money value shall pertain to the prevailing market price at the time of payment.

6. Payment of the prevailing market price in lieu of administrative disciplinary sanction shall be dependent on the findings and recommendations of the National Board of Survey.

7. All BJMP personnel who have lost their issued firearm shall not be issued with another firearm.

H. Effect of Pending Administrative Case

1. Pendency of an administrative case shall not be a ground for its revocation, unless the personnel was:

   a) found positive for use of dangerous drugs;

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16 Section 40.1, R.A. 10591 or the "Comprehensive Firearms and Ammunition Regulation Act"
17 Section 105, P.D. 1445 or the "Government Auditing Code of the Philippines"
19 Dangerous Drugs Regulation No. 13, Series of 2018

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b) being required to surrender his/her firearm/s for purposes of investigation\textsuperscript{20}, or

c) by reason of suspension.

I. Conduct of Inspection and Physical Accounting of Firearms

1. The Directorate for Logistics through SAO shall be responsible for the conduct of annual inspection and physical inventory of firearms nationwide;

2. The Regional Director through their unit SAO shall be responsible for the conduct of quarterly inspection and physical inventory of firearms regionwide;

3. The Warden through their unit SAO shall be responsible for the conduct of the monthly inspection and physical inventory of firearms within his/her area of responsibility (AOR) for purposes of reporting. However, the warden is encouraged to conduct daily monitoring or include in his/her weekly PI&E the conduct of showdown of issued firearms (including its magazines and complete number of ammunitions; its holsters must also be inspected that it fully fits the respective firearm of the personnel) on all personnel within his/her AOR to account all issued firearms, including its wear and tear, likewise, to deter Jail Officers from using his/her firearm as collateral for a loan;

4. As part of the uniform. The Directorate for Logistics for all JOR assigned at the NHQ and Chief Logistics Division for all JOR assigned at the Regional Office; the NESJO in case of JNOR assigned in the NHQ and the respective RESJO shall be responsible for the showdown of uniforms, including firearm/s of JNOR, prior to the issuance of clearance in the release of Replacement Clothing Allowance (RCA);

5. The conduct of inspections made by the respective offices shall be a basis in the filing of appropriate administrative case/s against field personnel for negligence due to loss, unserviceability, damage or deterioration. Provided

\textsuperscript{20} Rule V, Administrative Offenses, Section 3 (f), 2017 Comprehensive BJMP Administrative Disciplinary Machinery.
further, that failure to produce the firearm/s at the time of the inspection/inventory is a valid proof or presumption that it has been lost or pawned;

6. Lack or absence of inspection report of the Regional Director or Warden in a quarterly or monthly basis shall be a ground for an administrative case filed against them under the doctrine of command responsibility;

7. Any defective firearm, magazine/reload ammunition, unit holster/pouches by reason of non-compliance by the warden of the above-stated show down inspection shall be ground for an administrative liability for negligence;

8. Nonetheless, any defect due to wear and tear of any part of the firearm not attributable to the Jail Officer, the cost of the repair and eventual replacement, after the conduct of a thorough investigation, shall be borne by the Jail Bureau.

H. Unserviceability of Firearms/Firearms or Beyond Economic Repair

1. No unserviceable firearm shall be returned to the SAO both in the National Headquarters and Regional Offices without an official indorsement from the concerned immediate supervisor accompanied by a certification with complete attachment showing the circumstances why it became unserviceable;

2. The SAO shall validate and verify the correctness of the report of unserviceability of the firearm. If the SAO has doubt as to the submitted report, he/she may request the DIP to conduct further investigation on the report;

3. If the investigation report of the DIP proves negligence on the part of the person accountable for the firearm, necessary administrative case shall be filed by the DIP against the Jail Officer and if warranted by the circumstances, the Warden shall be implicated as party respondent under the doctrine of command responsibility;

4. In the event that the cause of unserviceability of the firearm was found to be the fault or negligence to whom it was issued, he/she shall be held liable administratively, likewise he/she shall shoulder the cost of the repair.
5. There shall be a Firearm and Technical Expert (FATE) in every unit which shall be responsible for the determination of firearm’s unserviceability or beyond economic repair.

6. Likewise, regular training in the handling and maintenance of firearm shall be conducted at the NHQ and respective Regional Offices in order to refresh all personnel in handling, proper safekeeping and maintenance of government issued firearms;

7. All firearms that is declared to be unserviceable or beyond economic repair shall be surrendered to the SAO for appropriate disposal.

J. General Gun Safety Rules

1. Treat all weapons as if they are loaded;
2. Never point a weapon at anything that you are not willing to destroy;
3. Keep your finger off the trigger until you are ready to shoot;
4. Be sure of your target and surroundings.

a. Gun Handling Etiquette

Clearing the Weapon

Before handing a weapon to someone or after receiving a weapon from someone, conduct a clearing drill:

Point the weapon to a safe direction of clearing box with finger off the trigger and trigger guard;
Remove the magazine if there is any;
Cock the slide open and inspect the barrel/chamber for any ammunition.

Carrying the Weapon

Weapon safety lever must be on;
The magazine must be detached;
The slide is forward;

21 SOP on Handling of Firearms, dated 30 August 2006
The weapon is in the holster, with the retention device locked.

**Care and Maintenance**

Inspect your firearms at regular periods. Ensure all retaining pins are correctly positioned. Look for damage to the outside of the weapon. Check the front and rear sight for damage.

Carefully inspect the following parts for the damage:

- Extractor;
- Firing pin safety;
- Firing pin;
- Trigger safety;
- Magazines;
- Ammunition.

**Cleaning**

Prior to disassembly, conduct a clearing drill. Wipe off any mud or dirt from the outside of the weapon;
Always refer to your weapon’s manual on the proper disassembling and cleaning procedure.

**Assembly**

Ensure that all parts are assembled;
Cock three (3) times and pull the trigger with the muzzle pointing on a safe direction to ensure that all parts are assembled and fitted well.

**J. Proper Way to Carry Short Firearms**

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22 Memorandum dated 20 July 2009 on the Proper Way to Carry Short Firearms

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1. When in uniform, firearms must always be placed in a holster securely attached to a duty belt;

2. When in civilian attire, firearms should not be tucked in the waistband nor placed in a holster but rather placed inside a clutch bag or sling bag to conceal the same from public view;

3. Jail Officers are also prohibited from carrying firearms in public places such as churches or chapels, carnival grounds, or fairs, night clubs, cabarets, dance halls, dancing places during fiestas, movies, cockpit, race tracks, schools, etc., except when they are on official mission to such places and had been issued appropriate authorizations to carry their firearms.

VI. PENAL CLAUSE

The strict observance of this SOP is hereby enjoined and non-compliance shall be dealt with according to the BJMP Administrative Disciplinary Machinery.

VII. SEPARABILITY CLAUSE

In the event that any provision or part of this policy be declared unauthorized or rendered invalid by a competent authority, those provisions not affected by such declaration shall remain valid and effective.

VII. REPEALING CLAUSE

All other existing issuances which are inconsistent with this policy are hereby rescinded or modified accordingly.

VIII. EFFECTIVITY

This policy shall take effect upon approval.

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