




Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila

**IN THE MATTER OF REQUESTING
THE HONORABLE SECRETARY OF
JUSTICE TO ASSIGN
PROSECUTORS AS MEMBERS OF
A SPECIAL TASK FORCE
CREATED BY THE COMMISSION
TO CONDUCT THE
INVESTIGATION AND
PROSECUTION OF ELECTION
OFFENSES IN CONNECTION
WITH THE 9 MAY 2016 NATIONAL
AND LOCAL ELECTIONS.**

Bautista, J.A.D., *Chairman*
Lim, C.R.S., *Commissioner*
Parreño, A.A., *Commissioner*
Guia, L.T.F., *Commissioner*
Lim, A.D., *Commissioner*
Guanzon, M.R.A.V., *Commissioner*
Abas, S.M., *Commissioner*

Promulgated: May 5, 2016 

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RESOLUTION NO. 10125 

WHEREAS, one of the constitutional tasks of the Commission on Elections (COMELEC) is to investigate and, where appropriate, prosecute cases of violations of election laws;

WHEREAS, Section 43 of Republic Act No. 9369 (RA 9369) amending Section 265 of Batas Pambansa Blg. 881 (BP 881), the Department of Justice (DOJ) has concurrent jurisdiction to conduct preliminary investigation of all election offenses punishable under the said act;

WHEREAS, under Section 269 of B. P. Blg. 881, COMELEC and all prosecuting officials are enjoined to give preference and priority to the investigation and prosecution of cases involving violations of election laws;

NOW, THEREFORE, the COMELEC, by virtue of the 1987 Constitution, BP 881, RA 9369, and other election laws, hereby **RESOLVES** to promulgate the following:



Section 1. COMELEC-DOJ Special Task Force. - The COMELEC hereby requests the Honorable Secretary of Justice to designate five (5) Prosecutors of the Department of Justice (DOJ) as members of a special task force in the National Capital Region (NCR) and two (2) Prosecutors in each province, hereinafter referred to as COMELEC-DOJ Special Task Force, which shall assist the COMELEC and the DOJ in the exercise of their concurrent powers to conduct preliminary investigation of election offenses punishable under the existing election laws, and to prosecute the same. The Law Department and the Office of the Chief State Prosecutor of the DOJ shall jointly supervise the investigatory and prosecutory functions of the COMELEC-DOJ Special Task Force.

Section 2. Functions of the COMELEC-DOJ Special Task Force.
- The COMELEC-DOJ Special Task Force shall have the following functions:

- a. Subject to Section 266 of the OEC, conduct inquest on persons apprehended in *flagrante delicto* for violation of election laws committed a day before and on Election Day, and file the proper Information in court, if warranted;
- b. Assist the officials and deputies of the COMELEC and the DOJ in the investigation and prosecution of election cases; and
- c. Perform such other functions that may be assigned by the COMELEC and the DOJ in the exigency of service.

Section 3. Rules Governing Preliminary Investigation and Prosecution of Other Election Offenses. - Preliminary investigation and prosecution of other election law violations not included in Section 2 hereof shall be governed by the COMELEC Rules of Procedure. The DOJ Rules on preliminary investigation shall be supplementary in application.

Section 4. Turnover of Documents and Pieces of Evidence in Preliminary Examination. - In furtherance of the enforcement of the ban on firearms and security personnel and other election law violations, the Chief of Police of cities/municipalities of the Philippine National Police (PNP) shall, after conducting the investigation of complainants and witnesses, require all officers and men under his jurisdiction to turn over to the COMELEC-DOJ Special

Task Force all documents and pieces of evidence received in connection with the arrests made for violation of the election laws during the election period.

Section 5. *Where to Hold Office; Progress Reports.* - The COMELEC-DOJ Special Task Force for the NCR shall hold office at the Office of the Regional Election Director of the NCR, and at the office of the Provincial Election Supervisor for COMELEC-DOJ Special Task Force in the province. It shall submit to the COMELEC, through the Law Department, and the DOJ periodic progress reports of investigation and prosecutions handled by it under Section 2 hereof. The periodic progress report for violations of the ban on firearms and related laws shall be submitted to the Committee on the Ban on Firearms and Security Personnel.

Section 6. *Effectivity.* - This Resolution shall take effect immediately.

Section 7. *Dissemination.* - The Education and Information Department shall cause the dissemination of this Resolution and furnish a copy hereof to the DOJ and the chief of PNP for distribution to the different station commanders in the country.

SO ORDERED.

Not present at time of signing.
J. ANDRES D. BAUTISTA
 Chairman


CHRISTIAN ROBERT S. LIM
 Commissioner


AL A. PARRENO
 Commissioner


LUE TITO F. GUIA
 Commissioner


ARTHUR D. LIM
 Commissioner


MA. ROWENA AMELIA V. GUANZON
 Commissioner


SHERIFF M. ABAS
 Commissioner