Item No.: 06

Date: 7 2024 MAY

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

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SANGGUNIANG PAHLALAWIGAN

PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT April 29, 2024 Lè de leve lelease de leve Date: Le 2 2 2 4

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 24-02 of the Sangguniang of Bayan of Inopacan, Leyte, recommending for the declaration of its validity, pursuant to its power under Section 56 (C) of R.A. 7160, to the opinion of the Provincial Legal Office (PLO), an exercise of the power under Section 16ⁱ of the Local Government Code in relation to EO 297 series of 2000ⁱⁱ.

Furthermore, the opinions rendered herein are without prejudice to opinions rendered by higher authorities.

ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

¹ Section 16. General Welfare. - Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare.

[&]quot; REGULATING THE MANUFACTURE, SALE, DISTRIBUTION AND USE OF PNP UNIFORMS, INSIGNIAS AND OTHER ACCOUTREMENTS

Republic of the Philippines PROVINCE OF LEYTE Palo, Leyte ovince of Leyte
Legal Offic
Lime: 4-23. 24

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1st INDORSEMENT 23 April 2024

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed ORDINANCE NO. 24-02 of the MUNICIPALITY of INOPACAN, LEYTE, entitled: An Ordinance Mandating Business Establishments that Engaged in Manufacturing, Selling or Distribution of PNP Uniforms, Insignias and Other Accourtements Within the Municipality of Inopacan, Province of Leyte, to Secure PNP Certificate of Conformity, Providing Penalties Thereof and for Other Purposes.

FLORINDA JUL S. UYVICO Secretary to the Sanggunian





SANGGUNIANG PANLALAWIGAN

15TH SANGGUNIANG BAYAN

7 March 2024

Honorable Leonardo Javier Jr. Vice Governor/Presiding Officer Sangguniang Panlalawigan of Leyte Provincial Government Complex Campetic, Palo, Leyte

Thru:

Ms. Florinda Jill S. Uyvico Secretary to the Sanggunian Ŝangguniang Panlalawigan of Leyte Provincial Government Complex Campetic, Palo, Leyte

Honorable Javier Jr.:

Forwarding herewith 1 original copy and 15 photocopies of Ordinance No. 24-02 of the 15th Sangguniang Bayan of the Municipality of Inopacan, Province of Leyte, entitled "AN ORDINANCE MANDATING BUSINESS ESTABLISHMENTS THAT ENGAGED IN MANUFACTURING, SELLING OR DISTRIBUTION OF PNP UNIFORMS, INSIGNIAS AND OTHER ACCOUNTREMENTS, WITHIN THE MUNICIPALITY OF INOPACAN, PROVINCE OF LEYTE, TO SECURE PNP CERTIFICATE OF CONFORMITY, PROVIDING PENALTIES THEREOF AND FOR OTHER PURPOSES", for consideration by the Sangguniang Panlalawigan of Leyte.

Attached herewith are the Certificate of Posting, Minutes and Attendance Sheet of the Public Hearing.

Sincerely,

MELANIE'M. MATIN-AO, MPA Secretary to the Sanggunian





15TH SANGGUNLANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE 15th SANGGUNIANG BAYAN OF INOPACAN, LEYTE HELD ON MARCH 5, 2024 AT THE SB SESSION HALL SANGGUNIA

PRESENT:

Hon. Sanders C. Lumarda - Vice Mayor, Presiding Offi Hon. Fernando B. Rulete - SB Member Hon. Andrew B. Dedal - SB Member Hon. Zenaida G. de los Santos - SB Member Hon. Joel D. Bernales - SB Member Hon. Daria D. Malanguis - SB Member Hon. Rowena K. Madrazo - SB Member Hon. Diosdado P. Siao - SB Member

ABSENT:

Hon. Alfie Jian B. Yamson - SB Member (on leave)

Hon. Panfila I. Alonzo
 SB Member (LnB Pres) – Official Business
 Hon. Nathaniel Dave M. Katigbe
 SB Member (PSK Pres.) – Official Business

AUTHOR:

Hon. Fernando B. Rulete Hon. Andrew B. Dedal

CO-AUTHORS:

Hon. Joel D. Bernales Hon. Diosdado P. Siao Hon. Alfie Jian B. Yamson

WHEREAS, Section 16 of the Local Government of 1991 known as R.A 7160, every Local Government Unit small exercise the power expressly granted, those necessary implied therefrom, as well as powers necessary, appropriate, or incidental of its efficient and effective governance, and those which are essential to the promotion of the general welfare;

WHEREAS, Executive Order No. 297 Series of 2000 entitled regulating the manufacture, sale, distribution and use of PNP Uniforms, insignias and other accoutrements was signed on 04 October 2000 to control and manage the unauthorized manufacture, sale and distribution of PNP Uniforms, insignias and other accoutrements;

WHEREAS, the unauthorized manufacture, sale and distribution of PNP Uniforms, insignias and other accourtements affect serious concerns that misleads constituents instead of providing security, it could be used by lawless elements in committing crimes within our territorial jurisdiction;







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(ordinance no. 24-02 of the sangguniang bayan of inopacan, leyte dated march 5, 2024, continued)

WHEREAS, in order to prevent the manufacture, sale and distribution of PNP Uniforms, insignias and other accourtements, the Local Government Unit of Inopacan is in dire need to enact ordinance to mitigate, eradicate the proliferation of an authorized uniforms, insignias and the accourtements in order to prevent commission of illegal activities:

NOW, THEREFORE, premises considered, the Sangguniang Bayan in session assembled hereby enact the following:

ORDINANCE NO. 24-02

"AN ORDINANCE MANDATING BUSINESS ESTABLISHMENTS THAT ENGAGED IN MANUFACTURING, SELLING OR DISTRIBUTION OF PNP UNIFORMS, INSIGNIAS AND OTHER ACCOUTREMENTS WITHIN THE MUNICIPALITY OF INOPACAN, PROVINCE OF LEYTE, TO SECURE PNP CERTIFICATE OF CONFORMITY, PROVIDING PENALTIES THEREOF AND FOR OTHER PURPOSES"

BE IT ORDAINED by the Sangguniang Bayan of Inopacan, Leyte that;

SECTION 1. This ordinance shall be known as "The PNP Certificate of Conformity Ordinance".

SECTION 2. Definition of terms for purpose of implementation of this ordinance, the following terms shall have the following meaning:

2.1 PNP uniforms, insignias and accoutrements shall mean authorize clothing, parments with distinguished mark, emblem or decorations worn by officially acknowledgement members of the Philippine National Police;

- 2.2 PNP Certificate of conformity (COC) shall mean a Certification issued by the PNP through the Directorate for Research and Development (DRD) that signifies authority to manufacture, sell or distribute PNP uniforms, insignias and accourtements;
- 2.3 Distributor shall mean an authorized dealer to supply and deliver PNP uniforms, insignias and accourrement with a valid certificate of conformity;
- **2.4** Manufacture shall mean an act of making or producing fit to use, ready to wear PNP uniforms, insignias and other accoutrements;
 - 2.5 BPLO shall mean business permit license office.

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(ordinance no. 24-02 of the sangguniang bayan of inopacan, leyte dated march 5, 2024, continued)

- **SECTION 3. Scope and Coverage**. All business operating within the Municipality of Inopacan in the form of physical, online or in digital platforms tha engage selling, manufacture of distribution of PNP uniforms, insignias and accourtements.
- SECTION 4. Requirements for PNP Certificate of Conformity. Business owners or representatives must secure the PNP Certificate of Conformity from Inopacan Police Station prior for the application of business permit.
- **SECTION 5.** For effective implementation of this ordinance, procedures must be followed:
- **5.1** PNP personnel shall submit to the BPLO under the Municipal Treasurers office the lists of business establishments engaged in manufacturer, sale and distribution of PNP uniforms, insignias and accourtements;
- **5.2** The BPLO shall recommend the business owner or his/her representative to secure first the PNP Certificate of Conformity during assessment of business permit.
- 5.3 PNP personnel shall inspect the business establishments and set a quality standards of produced clothing uniforms, insignias and accourtement prior for the issuance of PNP Certificate of Conformity;
- **5.4** If the Certificate of Conformity has been issued, the proprietor or his/her representative shall proceed to the BPLO by presenting the PNP Certificate of Conformity and continue the process on business permit application and issuance.
- SECTION 6. Implementing Office. The business permit licensing officer under the Municipal Treasurers Office is mandated to execute the provision of this ordinance in coordination with the assistance with the Inopacan Police personnel.
- **SECTION 7. Penalty for violating the provision of this ordinance**. Failure to secure a PNP Certificate of Conformity shall be penalized as follows:
- **7.1** First Offense. A fine of One Thousand Pesos (1,000) or an imprisonment of one (1) day but not more than Three (3) days, or both at the discretion of the court;
- **7.2** Second Offense. A fine of One Thousand Five Hundred Pesos (1,500.00) or an imprisonment or not less than Five (5) days but not more than Seven (7) days, or both, at the discretion of the court;

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(ordinance no. 24-02 of the sangguniang bayan of inopacan, leyte dated march 5, 2024, continued)

7.3 Third Offense. A fine of Two Thousand Five Hundred Pesos (2,500.00) or an imprisonment of not less than Ten (10) days but not more than Fifteen (15) days, or both, at the discretion of the court plus cancellation of business permit.

SECTION 8. Compromise Penalty- The Municipal Treasurer is hereby authorized to enter into a compromise settlement fee as maybe mutually agreed upon by both parties.

SECTION 9. Repealing Clause. All Ordinances, Resolutions, orders and/or Rules and Regulations inconsistent herewith are hereby repealed and modified accordingly.

SECTION 10. Separately Clause. If any Section or Provision of this ordinance is decreased void or unconstitutional. The remaining Section or Provision there of shall not be attached by such declaration.

SECTION 11. Effectively Clause. This Ordinance shall take effect after its approval.

ENACTED this 5th day of March 2024 at Inopacan, Leyte.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance and that the same was enacted on the date above stated.

MELANIE M. MATIN-AO, MPA
Secretary to the Sanggunian

TESTED:

HON. SANDERS C. LUMARDA

Vice Mayor Presiding Officer

APPROVED:

HON. ROGELIO D. PUA, JR.

Municipal Mayor

Date 3-7 - 2024

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15TH SANGGUNIANG BAYAN

CERTIFICATE OF POSTING

TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY that copies of Ordinance No. 24-02 of the 15th Sangguniang Bayan of the Municipality of Inopacan, Province of Leyte, entitled, "AN ORDINANCE MANDATING BUSINESS ESTABLISHMENTS THAT ENGAGED IN MANUFACTURING, SELLING OR DISTRIBUTION OF PNP UNIFORMS, INSIGNIAS AND OTHER ACCOUNTREMENTS, WITHIN THE MUNICIPALITY OF INOPACAN, PROVINCE OF LEYTE, TO SECURE PNP CERTIFICATE OF CONFORMITY, PROVIDING PENALTIES THEREOF AND FOR OTHER PURPOSES", has been posted in the bulletin board in the municipal hall/building and in conspicuous place in the public terminals of this Municipality and will be posted as well in all the Barangay Halls of this Municipality.

This Certification is being made to facilitate consideration of the above-mentioned Municipal Ordinance by the Sangguniang Panlalawigan of Leyte.

Done this 7th day of March 2024, at Inopacan, Leyte.

MELANIE M. MATIN-AO, MPA Secretary to the Sanggunian





15TH SANGGUNIANG BAYAN

CERTIFICATION OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that on February 12, 2024, a public hearing had been conducted on the proposed Ordinance of the 15th Sangguniang Bayan of the Municipality of Inopacan, Province of Leyte, entitled, "AN ORDINANCE MANDATING BUSINESS ESTABLISHMENTS THAT ENGAGED IN MANUFACTURING, SELLING OR DISTRIBUTION OF PNP UNIFORMS, INSIGNIAS AND OTHER ACCOUNTREMENTS, WITHIN THE MUNICIPALITY OF INOPACAN, PROVINCE OF LEYTE, TO SECURE PNP CERTIFICATE OF CONFORMITY, PROVIDING PENALTIES THEREOF AND FOR OTHER PURPOSES".

This Certification is being made to facilitate consideration of the aforementioned Municipal Ordinance by the Sangguniang Panlalawigan of Leyte.

Done this 7th day of March 2024, at Inopacan, Leyte.

MELANIE M. MATIN-AO, MPA Secretary to the Sanggunian





154 Sangguniang Bayan

MINUTES OF THE PUBLIC HEARING OF THE PROPOSED MUNICIPAL ORDINANCE OF THE 15TH SANGGUNIANG BAYAN OF INOPACAN, LEYTE HELD ON FEBRUARY 12, 2024 AT THE SB SESSION HALL, NEW TOWN HALL, INOPACAN, LEYTE

PRESENT: (Please see attached Attendance Sheet, also attached are the lists of personalities invited)

The proposed Ordinances submitted for public hearing is entitled, "An Ordinance Mandating Business Establishments that Engaged in Manufacturing, Selling, or Distribution of PNP Uniforms, Insignias, and Other Accourtements Within the Municipality of Inopacan, Province of Leyte, to Secure PNP Certificate of Conformity, Providing Penalties Thereof and for Other Purposes"

The public hearing started at 2:30 in the afternoon with an opening prayer through computer audio and was immediately followed by the singing of the national anthem synchronized with the computer audio.

Mr. Narcis Lean N. Montajes, SB Staff thanked everyone for attending the Public Hearing. He acknowledged the presence of the Municipal Mayor, Honorable Rogelio D. Pua, Jr. and the SB Members present, namely: Honorable Fernando B. Rulete and Honorable Andrew B. Dedal, the Authors; the co-Authors namely: Honorable Alfie Jian B. Yamson and Honorable Joel D. Bernales (coming); Honorable Zenaida G. de los Santos, and Honorable Nathaniel Dave M. Katigbe. He also introduced to the participants the PNP Chief, Police Major Ian Salvador Po; the BPLO, Mr. Gilbert Miranda and the Municipal Administrator, Engr. Francis Jonathan B. Phua.

For the Introductory Message, he gave the floor to Honorable Rulete. The latter, thanked all the participants for their presence. He then read the title of the Ordinance, subject for today's public hearing. He then gave the floor to Honorable Dedal, also an author, for the discussion of the said Ordinance.

Honorable Dedal gave due respect to the Mayor, Honorable Jojo Pua, the PNP Chief, and to his colleague - Members of the Honorable Body and the participants. He then explained that the Public Hearing is being pushed through because the above-captioned Ordinance entails penalties for the violators. So, the queries will then be addressed. He expounds further the title of the Ordinance, citing examples of insignias such as patches which are considered as not the primary parts of the PNP uniforms, and the accourrements like gloves, cap, and bags. Honorable Dedal put emphasis that an individual must secure the Certificate of Conformity, once involve in manufacturing, selling or distribution of the aforementioned, for the purpose of counter-checking with the PNP. Honorable Dedal discussed in detail, the entirety of the Ordinance.

The floor has been opened for the forum and the SB Staff explained to the participants to introduce first their names and designation prior to stating their queries for the record purposes.

Rolando Aporador had a query, presenting his camouflage bag if the same is okay or not. Honorable Dedal let the PNP Chief identify the design of the bag and the latter confirmed the same as okay since the design does not belong to the PNP insignias and accoutrements. However, Police Major Po said that the same kind of sling bags caught up their attention and sometimes they conducted basic interview of the people using the same due to some records that same sling bags are used as the accessories in some criminal incidents. He explained it further.

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(minutes of the public hearing of the proposed municipal ordinances of the 15th sangguniang bayan of inopacan, leyte held on february 12, 2024 continued)

PMAJ Po made mention relative the penal code which prohibits the unauthorized personnel on the use of the PNP and AFP uniforms, insignias and accoutrements. He also made a manifestation that the PNP insignias and accourrements are manufactured with a duly purposes, hence, the same should be authentic and within the PNP standard. He also emphasized that manufacturers/sewers shall also check and or help to verify the identity of those making the orders and or requesting their sewing services if they really are PNP or AFP and or if they are in doubt of the person's identity, then they could inform the PNP so that the PNP will take charge in the identification/verification procedures, especially when somebody requested to manufacture more items, so it could possibly be something... The PNP will do the background check, to avoid conflict also between the manufacturer and the requesting party. It could help the PNP as well, as Police Major Po said, to live a peaceful, better and safer place. According to Police Major Po, he will refer the approved Ordinance to the higher office of the PNP. He is amenable that they are not that expert to identify as to its standard as well. The Regional Office also has the accredited partner relative to the manufacture of the PNP uniforms, insignias and accoutrements. As to the confirmatory query of Honorable Dedal, Police Major Po replied that to him, it is below standard.

Honorable Yamson asked the PNP, for and on behalf of the participants at his back, as during the career guidance programs of the schools, students are deemed to wear uniforms that represents their future professions, and police uniform always gets involve, some even opted to have it manufactured for the purpose. Police Major Po replied that there is that certain Republic Act which took effect 4 years ago, and there are some universities being authorized in the wearing of PNP uniforms but for the interns, the color is different from the standard one. However, as to senior high schools, for career guidance purposes, it is okay since they are identified as students, while some also borrow uniforms from the PNP personnel. Honorable Dedal added that students are identified, while on the other hand, others than students, seemed suspicious also and might create a proliferation scenario. Police Major Po relayed also to all that PNP personnel are prohibited to even upload tiktok wearing PNP uniform, and commenting even is not allowed, hair colors are also prohibited. The law prohibits the exploitation of the PNP uniforms.

Mr. Buenaventura Labad, a sewer-manufacturer, asked about the CAFGU who often needs his service as to their uniforms. Police Major Po replied that he could not answer the query since they are PNP personnel and the Ordinance also involves PNP only, excluding the AFP, as the AFP had also their own laws, rules and regulations. However, according to Police Major Po, Mr. Buenaventura already knows the CAFGUs already.

Meanwhile, PMAJ manifested that since, now the August Body is in the virtue of approving the Ordinance, if the Certificate of Conformity serves the purpose if manufacturers or sellers focus to only one accourrement like cap alone, patches only, shoes only and the like. Honorable Dedal replied in affirmative. Otherwise, selling, manufacturing, or distribution of the aforementioned, without the Certificate of Conformity, means, its illegal. Views and opinions were aired.

As Honorable Dedal asked the PNP if the Certificate of Conformity entails no fee/s, Police Major replied that it depends upon the Ordinance of the LGU since the PNP is not allowed to collect dues and taxes. Honorable Dedal said that, per the subject Ordinance in today's public hearing, there being no fees involved. Views and opinions were aired.

As the discussions developed, Honorable Dedal informed all the participants that he will going to add another Section for compromise penalty. He explained it in detail.

Towards the end of the discussions, Mr. Gilbert Miranda, the BPLO, posed an advice to all participants that upon securing their business permit, they must bring with them already the Certificate of Conformity to fasten the process and avoid delays.

Since there being no more other questions, the public hearing ended at 3:05 o'clock in the afternoon.





(minutes of the public hearing of the proposed municipal ordinances of the 15th sangguniang bayan of inopacan, leyte held on february 12, 2024 continued)

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118	HON. ANDREW B. DEDAL	HON. FERNANDO B. RULETE
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15th Sangguniang Bayan

Public Hearing on the Following Ordinance:

1. "AN ORDINANCE MANDATING BUSINESS ESTABLISHMENTS THAT ENGAGED IN MANUFACTURING, SELLING OR DISTRIBUTION OF PNP UNIFORMS, INSIGNIAS, AND OTHER ACCOUTREMENTS WITHIN THE MUNICIPALITY OF INOPACAN, PROVINCE OF LEYTE, TO SECURE PNP CERTIFICATE OF CONFORMITY, PROVIDING PENALTIES THEREOF AND FOR OTHER PURPOSES"

Date: February 12, 2024 Place: SB Session Hall

Time: 2:00 P.M.

ATTENDANCE SHEET

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(attendance sheet of the public hearing of the 15th Sangguniang Bayan of Inopacan, Leyte dated February 12, 2024, continued)

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