



## Republic of the Philippines **PROVINCE OF LEYTE**

Provincial Capitol Tacloban City

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#### PROVINCIAL LEGAL OFFICE





## 2<sup>nd</sup> INDORSEMENT June 19 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No.8 Series of 2024 of the Sangguniang Bayan of Capoocan, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

• Ordinance No. 8 Series 2024 entitled: An Ordinance Mandating All Businesses Operating Within the Territorial Jurisdiction of Capoocan, Leyte Engaged in the Manufacturing, Selling, or Distributing PNP Uniforms, Insignias, and other Accourtements to Secure PNP Certificate of Conformity and Prescribing Penalties for Violations Thereof.

#### **REVIEW/RECOMMENDATION/LEGAL OPINION:**

This office is of the opinion that the subject Ordinance is within the power covered under the Local Government Code of 1991 (R.A 7160), particularly under Section 447 (1) (ii)<sup>1</sup>, (x)<sup>2</sup>. This likewise conforms to E.O 297 regulating the manufacture, sale, distribution and use of PNP uniforms, to ensure that items are produced and sold only by PNP authorized manufacturer. Hence, recommending the declaration of its validity.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents as presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

ATTY. JOSE RAYMUND A. ACOL

Asst. Provincial Legal Officer

<sup>&</sup>lt;sup>1</sup> Section 447 (1) (ii) Maintain peace and order by enacting measures to prevent and suppress lawlessness, disorder, riot, violence, rebellion or sedition and impose penalties for violation of said ordinance;

<sup>&</sup>lt;sup>2</sup> Section 447 (1) (x) Provide mechanism xxx business permit xxx

Republic of the Philippines
PROVINCE OF LEYTE
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1st ENDORSEMENT 11 June 2024

Respectfully inclorsed to the PROVINCIAL LEGAL OFFICE the herein MUN1CIPAL ORDINANCE NO. 8 SERIES 2024 of the MUNICIPALITY OF CAPOOCAN, LEYTE, for review and recommendations.

ovince of Leyte

FLORINDA JILL S ÖYVICO Secretary to the Sanggunian

SP Records 6112024



#### Office of the Sangguniang Bayan

sbcapoocan@gmail.com / sbcapoocan@yahoo.com

SANGGUNIANG PANLALAWIGAN

PROVINCE OF LEXT

May 29, 2024

#### THE HONORABLE BODY

Sangguniang Panlalawigan Legislative Building Capitol Grounds Tacloban City

Dear Gentlemen / Mesdames:

Good Day!

Submitting herewith, MUNICIPAL ORDINANCE NO. 8, Series of 2024, "AN ORDINANCE MANDATING ALL BUSINESSES OPERATING WITHIN THE TERRITORIAL JURISDICTION OF CAPOOCAN, LEYTE ENGAGED IN THE MANUFACTURING, SELLING, OR DISTRIBUTING PNP UNIFORMS, INSIGNIAS, AND OTHER ACCOUTREMENTS TO SECURE PNP CERTIFICATE OF CONFORMITY AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF", with the following attachments:

- 1. Minutes of the Public Hearing
- 2. Public Hearing Attendance
- 3. Certification that the proposed ordinance was posted at conspicuous places.
- 4. Certification that a Public Hearing was conducted regarding the proposed ordinance.

For your review and approval.

Earliest and favorable action shall be gratefully acknowledged.

JUDER. DELA TORRE

Secretary to the Sanggunian



Office of the Sangguniang Bayan

sbeapoocan@gmail.com / sbcapoocan@yahoo.com@GUNIANG PANLALASSUAN

SANGGUNIANG BAYAN OF THE MUNICIPAL GOVERNMENT OF CAPOOCAN, LEYTE IN 115192111 REGULAR SESSION HELD ON MARCH 26, 2024 AT THE MUNICIPAL SESSION HALL LEGISLATIVE BUILDING N. 2024

## MUNICIPAL ORDINANCE NO. 8 SERIES OF 2024

AN ORDINANCE MANDATING ALL BUSINESSES OPERATING WITHIN THE TERRITORIAL JURISDICTION OF CAPOOCAN, LEYTE ENGAGED IN THE MANUFACTURING, SELLING, OR DISTRIBUTING PNP UNIFORMS, INSIGNIAS, AND OTHER ACCOUTREMENTS TO SECURE PNP CERTIFICATE OF CONFORMITY AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, Section 16 of the Local Government Code or Republic Act No. 7160, also known as the General Welfare Clause provides in part that every local government unit shall ensure and support the maintenance of peace and order within their respective territorial jurisdiction;

WHEREAS, Executive Order No 297 entitled Regulating the Manufacture, Sale, Distribution and Use of PNP Uniforms, Insignias and Other Accourrements was signed on October 4, 2000 to control and unauthorized manufacture, sale, and distribution of PNP uniforms, insignias and other accourrements;

WHEREAS, E.O. No. 297 imposes as penalties the immediate closure of establishment; cancellation of business license or permit; condemnation, seizure and forfeiture of unauthorized items; and, imposition of reasonable fines for violators of the said order, all of which could be undertaken by the local government units concerned;

WHEREAS, in September 3, 2020, the Philippine National Police Directorate for Research and Development (PNP-DRD) has issued DRD Standard Operating Procedure No. 2020-001 prescribing the procedures and guidelines in handling of samples of PNP uniforms and accountrements to ensure the integrity of the submitted samples as basis for issuance of Certificate of Conformity (COC).

WHEREAS, the unauthorized manufacture, sale, use, and distribution of PNP uniforms, insignias, and other accourrement impose serious concerns since such symbolic PNP identifiers, instead of providing a comforting sense of security, could be used by lawless elements in the commission of orimes within the municipality;

WHEREAS, considering that the PNP National Headquarters sits within the territorial jurisdiction of Capoocan, Leyte and there are a number of business establishments that engage in the manufacture, sale and distribution of PNP uniforms, insignias, and other accoutrement, there is a dire need to enact a corresponding municipal ordinance to mitigate, or even eradicate, the proliferation of the unauthorized PNP uniforms and commission of illegal activities within Capoocan, Leyte;

NOW, THEREFORE, be it ordained by the Sangguniang Bayan of the Municipality of Capoocan, Levte in

session duly assembled, that:

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SECTION 1. TITLE OF ORDINANCE — This Ordinance shall be known as The PNP Certificate of Conformity Ordinance.

**SECTION 2. SCOPE AND APPLICATION** – All businesses operating within the territorial jurisdiction of Capoocan, Leyte, whether in physical, online or in digital platforms, engaged in the manufacture, sale and distribution of Philippine National Police uniforms, insignias, and other accourrements. It includes enterprises dealing with raw materials for the production of aforementioned items.

**SECTION 3. DEFINITION OF TERMS** – For purposes of implementation of this Ordinance, the following definitions shall be binding and controlling:

- a. PNP UNIFORMS, INSIGNIAS AND ACCOUTREMENTS these are authorized clothing, garment, distinguishing mark, emblem, merchandise, or decorations worn by bona fide members and officially acknowledged by the Philippine National police.
- b. PNP CERTIFICATE OF CONFORMITY (COC) a certification issued by the PNP through the Directorate for Research and Development (DRD) which signifies authority to manufacture, sell or distribute PNP uniforms, insignias and accountrements.
- c. **DISTRIBUTOR** an authorized agent of a supplier or manufacturer to supply or deliver PNP uniforms, insignias and accourtements wherein the latter has a valid PNP Certificate of Conformity.
- **d. MANUFACTURE** act of producing or trading of fit-to-use, ready-to-wear, or ready-to-use PNP uniforms, insignias, and other accourtements.

**SECTION 4. REQUIREMENT FOR PNP CERTIFICATE OF CONFORMITY** – All businesses engaged and dealing with PNP uniforms, insignias, and accourtements must secure a PNP Certificate of Conformity which shall be post permit compliance to all businesses after issuance of a business permit.

**SECTION 5. COORDINATION WITH THE PNP** – For effective implementation of this Ordinance, the PNP shall be integrated into the Online Permit Application System of the Business Permit and Licensing Office (BPLO), to ensure that all covered establishments engaged in the manufacturing, selling, or distribution of PNP uniforms, insignias, and other accourrements that are applying for a business permit shall be evaluated by a dedicated PNP personnel.

The PNP shall also submit to the BPLO a Negative List of registered covered establishments who failed to secure the PNP Certificate of Conformity.

**SECTION 6. AUTHORITY TO INSPECT ESTABLISHMENTS** – The BPLO in coordination with the PNP, shall periodically conduct joint inspection of covered business establishments requiring the presentation of its respective PNP Certificates of Conformity.

**SECTION 7. IMPLEMENTING OFFICES** – The Business Permit and Licensing Office (BPLO) is the primary office mandated to make the Implementing Rules and Regulations (IRR) and to execute the provisions of this Ordinance, in coordination with the Philippine National Police, Municipal Police Station of Capoocan, Leyte.

**SECTION 8. PENALTIES** – Failure to secure a PNP Certificate of Conformity or present the same during inspection shall warrants the issuance of appropriate Notice of Violation. Upon findings that the establishment continuously violates pertinent provision of this Ordinance, the BPLO may either order the suspension of the business operation, revocation of the business permit, or closure of the business establishment, depending of the nature of the violation committed.

In case of violations found during the aforementioned inspections for failure to present competent oof of authority to deal with PNP uniforms, insignias and other accourrements, the items found therein shall be seized or confiscated subject to proper disposal, without prejudice to the revocation of business permit and the filing of appropriate administrative, will or criminal case.

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Any violator of the aforementioned provisions shall be imposed of a penalty of fine not exceeding PhP2,000.00 but not less than PhP1,500.00 and/or imprisonment for seven (7) days, at the discretion of the Court.

SECTION 9. SEPARABILITY CLAUSE - If for any reason, any section of this ordinance shall be held unconstitutional or invalid, other sections which are not affected thereby shall continue to be in full force and effect.

SECTION 10. REPEALING CLAUSE - All ordinances, rules and regulations or parts thereof in conflict with this Ordinance are hereby repeated, provided that the rights that are vested upon the effectivity of this Ordinance shall not be impaired.

SECTION 11. EFFECTIVITY CLAUSE - This ordinance shall take effect after its approval, and following its publication in a newspaper of general circulation within the Province of Leyte, and posting requirements pursuant to Republic Act 7160 otherwise known as "The Local Government Code of 1991".

ENACTED by the Sangguniang Bayan, in session assembled this 26th day of March, 2024 at Capoocan,

Leyte

AN B. EGANO B Member

SB Member

JOJO N. NEPOMUCENO

SB/Member

GRACIA G. PIGAR SB Member

REYNALDO R. NIMO

SB Member

EDERICO P. CARIOLINO, JR. SB Member

A C. PEÑARANDA RORE

**B** Member

LANDE

FLORENCE R. CAROLINO-MISAGAL

Ex-Officio Member

**Municipal Chapter President** 

Liga ng mga Barangay (On Official Business)

**DAVE A. NIDERA** Ex-Officio Member

**President** 

Pambayang Pederasyon ng mga Sangguniang Kabataan (On Official Business)

SHEFALY M. Temporary Secretary to the Sanggunian

I HEREBY CERTIFY to the correctness of the foregoing resolution of the Sangguniang Bayan of Capoocan, Leyte.

ATTESTED:

SB Member/Temporary Presiding Officer

APPROVED:

ATTY. FE CLAIRE P. CAROLINO-PARAGATOS

Municipal Mayor

Date:

5.3.24



#### Republic of the Philippines

PROVINCE OF LEYTE Municipality of Capoocan

#### Office of the Sangguniang Bayan

sbcapoocan@gmail.com / sbcapoocan@yahoo.com 09976874138

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MINUTES OF THE SANGGUNIANG BAYAN OF CAPOOCAN, LEYTE IN ITS 88th REGULAR SESSION CUM PUBLIC HEARING HELD ON FEBRUARY 27, 2024 AT THE POBLACION ZONE II MULTI-PURPOSE GYMNASIUM, CAPOOCAN, LEYTE

#### PRESENT:

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 Hon. Federico H. Carolino, Sr. Municipal Vice-Mayor/Presiding Officer 2. Hon, Allan B. Egano SB Member 3. Hon. Von Lito Q. Vallar SB Member 4. Hon. Emmanuel D. Arboso SB Member 5. Hon. Jojo N. Nepomuceno SB Member 6. Hon. Gracia G. Pigar SB Member 7. Hon. Federico P. Carolino, Jr. SB Member 8. Hon. Roberta C. Peñaranda

SB Member 9. Hon. Florence R. Carolino-Misagal Ex-Officio Member

Municipal Chapter President - Liga ng mga Barangay

10. Hon. Dave A. Nidera Ex-Officio Member

President-Pambayang Pederasyon ng mga Sangguniang Kabataan

11. Mr. Jude R. dela Torre Secretary to the Sanggunian

ABSENT:

1. Hon, Reynaldo R. Nimo SB Member

1. LGU Department Heads, Unit Heads and employees

2. PUBLIC Refer to Attendance Sheet

The Regular Session cum public hearing was called to order by the Honorable Presiding Officer at 9:25 o 'clock in the moming. It was followed by an Opening Prayer, singing of the Pambansang Awit and singing of the Capoocan Hymn.

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A quorum was confirmed by the SB Secretary with ten (10) members of the Sanggunian present.

Honorable Von Lito Q. Vallar welcomed the participants of the regular session cum public hearing. It was followed by a message from the Municipal Vice-Mayor, Honorable Federico H. Carolino, Sr., then the participants were presented and acknowledged by Honorable Federico P. Carolino, Jr.

#### PRESENTATION AND OVERVIEW OF THE ORDINANCE

\* ORDINANCE NO. 8, SERIES OF 2023, "AN ORDINANCE AMENDING MUNICIPAL ORDINANCE NO. 4 S. 2021, OTHERWISE KNOWN AS, "THE MUNICIPAL FISHERY ORDINANCE OF CAPOOCAN, LEYTE"".

Hon. Arboso: An Sangguniang Bayan o an LGU Capoocan, pinaagi han opisina han Sangguniang Bayan in nagproponer hin mga ordinansa nga ha amon pagtuo in makakahatag hin general welfare han aton mga constituents pursuant to Section 16 of the Local Government Code, to provide basic services and facilities and pursuant to Section 17. an Sangguniang Bayan is mandated by law to enact ordinances and resolutions, klaro ito dida ha Section 447, Power, Duties and Functions of the Sangguniang Bayan. Public hearing in usa nga kinahanglan nga i-publikar an mga ordinansa with penal provisions. Awhich is pursuant to

SECTION 9. SEPARABILITY CLAUSE. If, for any reason or reasons, any part or provision of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Hon. Misagal: Siring paman, kun mayda man mga provisions nganhi nga diri nahaha-ong han aton constitutions magigin void hiya, but then, an mga provisions nga sulod hiya, na follow hiya han constitution naton they will not be affected.

SECTION 10. REPEALING CLAUSE. All ordinances, as well as pertinent rules and regulations thereof, which are inconsistent with the provisions of this Ordinance are hereby repealed or amended accordingly.

SECTION 11. EFFECTIVITY. This Ordinance shall take effect upon its approval and publication in any newspaper of local circulation and the posting thereof in bulletin boards at the entrance of the municipal hall and in at least two other conspicuous and publicly accessible places within the territorial jurisdiction of the municipality.

Hon. Misagal: That is all for the Ordinance No. 7 series of 2024, Thank you So any motion for approval?

MHO Taduyo: so, adin kanan **Section 6. Trainings.** The Municipal Disaster Risk Reduction and Management Office (MDRRMO) shall organize, facilitate, and/or conduct training/s for Ambulance or Emergency Transport Vehicle Management. It training hit ambulance adto ha DOH. Diri aada ha MDRR, DOH ito nagte-train hin ambulance drivers, may ada ito training nga gin aundergo.

Hon. Misagal: Noted Doc. So bali ngadi ha **Section 6** an ambulance driver shall unergo trainings coming from the DOH. Kay siring paman suha manggud ini hiya nga agency, an MDRR ngan an MHO, kay baga magpareho an ira function. For the emergency transport vehicle management under the MDRRMO, for the ambulance driver id under the DOH trainings. With that any motions to approve the said ordinance?

Hon. Encarnacion: I move to pass an ordinance approving the MUNICIPAL ORDINANCE NO. 7 S. 2024 "AN ORDINANCE PROVIDING GUIDELINES ON THE UTILIZATION OF EMERGENCY TRANSPORT VEHICLES/RESCUE VEHICLES OF THE LOCAL GOVERNMENT UNIT OF CAPOOCAN, LEYTE, PROVIDING FEES THEREOF AND FOR OTHER PURPOSES."

The motion of Honorable Anunciato Encarnacion was seconded by Honorable Rosie Quilarto and Mr. Teofilo Makabenta, without any objection from the August Body and was thereby declared approved by the Honorable Presiding Officer.

MUNICIPAL ORDINANCE NO. 8 SERIES OF 2024 "AN ORDINANCE MANDATING AND BUSINESSES OPERATING WITHIN THE TERRITORIAL JURISDICTION OF CAPOOCAN, LEYTE ENGAGED IN THE MANUFACTURING, SELLING, OR DISTRIBUTING PNP UNIFORMS, INSIGNIAS, AND OTHER ACCOUTREMENTS TO SECURE PNP CERTIFICATE OF CONFORMITY AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF"

Hon. Carolino: An akon ordinansa na guinpopropose pamati ko inin didi ha aton waray pagud ini dinhi about hini han uniforms han mga kapulisan, an na engage la hin business, MUNICIPAL ORDINANCE NO. 8 SERIES OF 2024 "AN ORDINANCE MANDATING ALL BUSINESSES OPERATING WITHIN THE TERRITORIAL JURISDICTION OF CAPOOCAN, LEYTE ENGAGED IN THE MANUFACTURING, SELLING, OR DISTRIBUTING PNP UNIFORMS, INSIGNIAS, AND OTHER ACCOUTREMENTS TO SECURE PNP CERTIFICATE OF CONFORMITY AND PRESCRIBING PENALTIES FOR VIGLATIONS

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WHEREAS, Section 16 of the Local Government Code or Republic Act No. 7160, also known as the General Welfare Clause provides in part that every local government unit shall ensure and support the maintenance of peace and order within their respective territorial jurisdiction;

WHEREAS, Executive Order No 297 entitled Regulating the Manufacture, Sale, Distribution and Use of PNP Uniforms, Insignias and Other Accoutrements was signed on October 4, 2000 to control and unauthorized manufacture, sale, and distribution of PNP uniforms, insignias and other accourrements;

WHEREAS, E.O. No. 297 imposes as penalties the immediate closure of establishment; cancellation of business license or permit; condemnation, seizure and forfeiture of unauthorized items; and, imposition of reasonable fines for violators of the said order, all of which could be undertaken by the local government units concerned;

WHEREAS, in 03 September 2020, the Philippine National Police Directorate for Research and Development (PNP-DRD) has issued DRD Standard Operating Procedure No. 2020-001 prescribing the procedures and guidelines in handling of samples of PNP uniforms and accoutrements to ensure the integrity of the submitted samples as basis for issuance of Certificate of Conformity (COC).

WHEREAS, the unauthorized manufacture, sale, use, and distribution of PNP uniforms, insignias, and other accoutrement impose serious concerns since such symbolic PNP identifiers, instead of providing a comforting sense of security, could be used by lawless elements in the commission of crimes within the city;

WHEREAS, considering that the PNP National Headquarters sits within the territorial jurisdiction of Capoocan, Leyte and there are a number of business establishments that engage in the manufacture, sale and distribution of PNP uniforms, insignias, and other accoutrement, there is a dire need to enact a corresponding municipal ordinance to mitigate, or even eradicate, the proliferation of the unauthorized PNP uniforms and commission of illegal activities within Capoocan, Leyte:

NOW, THEREFORE, be it ordained by the Sangguniang Bayan of the Municipality of Caboo Leyte in session duly assembled, that:

SECTION 1. TITLE OF ORDINANCE - This Ordinance shall be known as The PNP Certifical Conformity Ordinance.

SECTION 2. SCOPE AND APPLICATION - All businesses operating within the territorial jurisdiction of Capoocan, Leyte, whether in physical, online or in digital platforms, engaged in the manufacture, sale and distribution of Philippine National Police uniforms, insignias, and other accoutrements. It includes enterprises dealing with raw materials for the production of aforementioned items.

SECTION 3. DEFINITION OF TERMS - For purposes of implementation of this Ordinance, the following definitions shall be binding and controlling:

- a. PNP UNIFORMS, INSIGNIAS AND ACCOUTREMENTS these are authorized clothing, garment, distinguishing mark, emblem, merchandise, or decorations worn by bona fide members and officially acknowledged by the Philippine National police. (an pulis may ada la nira pangilalan or an pulis maaram han tela kun ano la an gagamiton like ha camouflade. An camouflage duduha ka parte kanan pulis or kanan army, ambot ito kun ano an sinisiring nira na 5 colors or 7 colors an mga pulis it maaram hito. So dinhi ha aton inin guinmamando an naengage la ini hit uniform han mga pulis, an nabaligya, an nahimo an nagdidistribute amo la ini an guin tatopic an hini dinhi nga ordinansa)
- b. PNP CERTIFICATE OF CONFORMITY (COC) a certification issued by the PNP through the Directorate for Research and Development (DRD) which signifies authority to manufacture, sell or distribute PNP uniforms, insignias and accoutrements. (an PNP amo la an makakag issue or makakahatag hin permit ngada hiton nagbabaligya o naghihimu hin ira uniform. An PNP la an makakag-issue pinaagi hini nga DRD (Directorate for Research and Development). Actually waray man dinhi aton nagbabaligya, waray naghihimo ngan waray distributor, kay siring pa guinbabawal talaga ito kay damo na hin duro an nahinabo na an uniporme han pulis guingagamit pan holdap ngan bisan ano la na crime. So an pulis la intawon an makaluluoy, kay bisan diri pulis nagpapakapulis-pulis, pulis character.

c. DISTRIBUTOR - an authorized agent of a supplier or manufacturer to supply or deliver PNP uniforms, insignias and accourrements wherein the latter has a valid PNP Continuation of Conformity. (an PNP gudla an may katungod paghatag kun hino ira tatagan hin katungod nai makaggupply o makagdeliver hit ira mga uniforms)

By: nationalis

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- d. MANUFACTURE act of producing or trading of fit-to-use, ready-to-wear, or ready-to-use PNP uniforms, insignias, and other accoutrements.
- SECTION 4. REQUIREMENT FOR PNP CERTIFICATE OF CONFORMITY All businesses engaged and dealing with PNP uniforms, insignias, and accoutrements must secure a PNP Certificate of Conformity which shall be post permit compliance to all businesses after issuance of a business permit. (an PNP gud la an makakagsecure hit certificate of conformity para magkaada hit business permit ini nga nagdidistribute hin ira uniforms)
- SECTION 5. COORDINATION WITH THE PNP For effective implementation of this Ordinance, the PNP shall be integrated into the Online Unified Business Permit Application System (OUBPAS), through the QC Biz Easy, of the BPLD, to ensure that all covered establishments engaged in the manufacturing, selling, or distribution of PNP uniforms, insignias, and other accountrements that are applying for a business permit shall be evaluated by a dedicated PNP personnel.

The PNP shall also submit to the BPLD a Negative List of registered covered establishments who failed to secure the PNP Certificate of Conformity.

- SECTION 6. AUTHORITY TO INSPECT ESTABLISHMENTS The BPLD and the DPOS, in coordination with the PNP, shall periodically conduct joint inspection of covered business establishments requiring the presentation of its respective PNP Certificates of Conformity.
- SECTION 7. IMPLEMENTING OFFICES The Business Permit and Licensing Department (BPLD) is the primary office mandated to make the Implementing Rules and Regulations (IRR) and to execute the provisions of this Ordinance, with the assistance of the Department of Public Order and Safety (DPOS) and in coordination with the Philippine National Police through the Directorate of Research and Development.
- SECTION 8. PENALTIES Failure to secure a PNP Certificate of Conformity or present the same during inspection shall warrants the issuance of appropriate Notice of Violation. Upon findings that the establishment continuously violates pertinent provision of this Ordinance, the BPLD may either order the suspension of the business operation, revocation of the business permit, or closure of the business establishment, depending of the nature of the violation committed. (so pananglitan diri makagsecure hin PNP Certificate of Conformity during hiton inspection han mga kapulisan, amo ini an matatabo suspension of the business operation, revocation of the business permit, or closure of the business establishment)

In case of violations found during the aforementioned inspections for failure to present competent proof of authority to deal with PNP uniforms, insignias and other accourtements, the items found therein shall be seized or confiscated subject to proper disposal, without prejudice to the revocation of business permit and the filing of appropriate administrative, civil or criminal case.

Any violator of the aforementioned provisions shall be imposed of a penalty of fine not exceeding PMP2,000.00 but not less than PhP1,500.00 and/or imprisonment for seven days, at the discretion of the Court. (so ini dinhi ha aton Capoocan, siring ko pa kanina waray may namanufacture, waray may na distribute, waray may nagbabaligya hit PNP uniform so diri ini makuri pero kun baga pananglitan kun mayda or karuyag magbaligya, maghimo hn PNP uniform masecure hira hit siniring na Certificate of Conformity ha pulis kay hira an labin maaram. Ini nga ordinansa tikang ini ha National ginhatag ha tagsa-tagsa na munisipyo kun pananglitan mayda ini nagbabaligya, so amo ini gin opud yana nga public hearing. So silent an iya penalidad kun pera it angay kun baga pananglitan kun may ada magbaligya, kay damo it pamaagi pagbaligya, kay puede kita pumalit online igbabaligya individual ha katawhan. May ada didi senate bill no. 2151, sponsor ini ni Senator Jinggoy Estrada Republic Act No. 493 " To include the coverage of prohibition prohibition the use, wearing. manufacture and sale of uniforms and textile of uniforms of the members of the armed forces of the philippines and the philippine national police, prescribing stiffer penalties for violation thereof, and for other purposes" may ada niya penalidad na PhP2,000.00 to PhP5,000.00 and 5 years imprisonment, amo ito an gin sponsor ni Senator Jinggoy Estrada pero dinhi ha aton diri naton pagsusugaron, mayda pagud ito pag-increase hinit senate bill 2021, maabot pagud ito hin PhP10,000.00 to PhP20,000.00 and 10 years imprisonment kun hino an makakagviolate hini nga ordinansa kaparte hit uniforms han Philippine National Police. During han amon session mayada mga suggestion kay open man an iya penalty. Adi an amon penalty ngada hit violators waray 1st offense, 2nd offense ngan 3rd offense, ini National gud na gindidiri kun waray katugutan tikang ha Gamp Grange mag-engage ka hini nga negosyo magsesecure ka gud talaga hin business permit. maapply? Ngadto ha licensing office. An fine ngadi han violators diri malahos hin whee 2,000 by

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diri maubos hin PhP1,500.00, any question or suggestion about the penalty of this ordinance. May ada kapresohan an suggestion ni Honorable Peñaranda igbutang tala 1 week o 7 days an kapresohan pero depende han desisyon han korte at the discretion of the court, actually bisan pa sundon an senate bill kay tungod waray may na engaged ini didi ha aton nga style na pakabuhi. Pera it iyo suggestion about hini nga penalidad kun baga pananglitan kun may ada man kay baga nakikita ko waray gud talaga nagtatahi, waray may nagmamanufacture, waray may nagbabalig, waray may nagdidistribute hini nga PNP uniforms. Aw ambot kay adi man aton duduha nga kapulisan kun may ada ba nira na iincounter nga nagbabaligya ba, may naghihimo ba, so waray. Igkasi ko sb member bangin diri hira magsuggest kon pera an angay na ighatag na penalidad ngada hiton violators han ordinance bangin karuyag nira ig at ease nla. Any question about this ordinance, about hini nga penalidad kun hino an makaviolate hini na ordinansa. Kun waray na question, hino it mamotion for approval of this ordinance? Anybody can move.

PB Quilarto: If there are no more question, I move to approve MUNICIPAL ORDINANCE NO. 8 SERIES OF 2024 "AN ORDINANCE MANDATING ALL BUSINESSES OPERATING WITHIN THE TERRITORIAL JURISDICTION OF CAPOOCAN, LEYTE ENGAGED IN THE MANUFACTURING, SELLING, OR DISTRIBUTING PNP UNIFORMS, INSIGNIAS, AND OTHER ACCOUTREMENTS TO SECURE PNP CERTIFICATE OF CONFORMITY AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF"

The motion of Honorable Rosie Quilarto was seconded by Honorable Anunciato Encarnacion, without any objection from the August Body and was thereby declared approved by the Honorable Presiding Officer.

\* MUNICIPAL ORDINANCE NO. 9, Series of 2024 AN ORDINANCE AMENDING MUNICIPAL ORDINANCE NO. 1, SERIES OF 2019 ENTITLED "AN ORDINANCE IMPLEMENTING CURFEY HOURS ON MINORS BELOW EIGHTEEN YEARS OF AGE IN THE MUNICIPALITY OF CAPOOCAN, LEYTE"

Hon. Carolino: An akon ikaduha na igpriprisenta about han curfew ordinansa. Paglamend han Municipal Ordinance No. 1, nagmention man kita hin amend karuyag signgon may ada Aita existing ordinance. Nahimugso ini nga ig-implement kay tungod nga may usa nga concern citizen nga nagpost ha social media about hini nga riot-riot ha Zone 1, pero it mga kabataan didto hit different barangay, mayda Manloy mayda Balucanad, may Nauquisan, may Balud, may ada liwat taga Carigara. So amo ini nga salamat gihap kay may nagpost, na review liwat namon an ordinansa. During han amon pagreview na find out liwat namon nga an iya penalidad hit violators diri naangay. Waray niya penalidad nga amount, nawawara hin respito an mga bata ngada han kag-anak kay an curfew hini about han minor de edad, an nagrariot an mga minor de edad talaga. Bisan ngani ako nakaexperyensya dida ha eskina kanda Ebong nakada it mga bata na riot. Magpatrol na ngani it police car, nagkakalakat. Bisan ngani iton Barangay Tanod ha Zone 1, dumaop na ngani ito hira nagkakalakat nangangarida. Pagkawara na liwat hito mamamalik. So diri gud nadadakop kay an ginbibinantayan han mga bata an barangay tanod, an mga pulis. So, dida han amon pagreview hin penalidad han ordinansa, babasahon ko an existing na ordinansa. Municipal Ordinance No. 1, Series 2019 under Section 10. Penalties - the following penalties shall be imposed upon the parent or guardian of the child found to be in violation of this Ordinace: a. FIRST OFFENSE - the child violating this Ordinance for the first time shall be brought to the barangay having jurisdiction for proper recording and counselling by the Barangay Council for the Protection of Children (BCPC) before the child is turned over or released to his/her parent/s or guardian/s. Prior to the release, the parent or guardian shall be reprimanded and be informed of the consequences in the event that their child is caught again for the same offense. So baga-baga hin waray ngipon kay only reprimand la, tapos a little of counselling. Amo iton amon na find out, ginbalyuan namon hin penalties (refer to Municipal Ordinance No. 9, Series 2024) FIRST OFFENSE - The parents or guardian of the child shall be fined of PhP500.00 payable to the Municipal Treasurer or its authorized representative. The child or violator must plant at least 12 fruit bearing trees in any barangay of the municipality, and the said barangay must issue a corresponding Certificate of Compliance. So kun hino an makaviolate hini nga ordinansa mafine hin PhP500.00. An violators magtatanom hin pinakaminos 12 ka puno in any barangay, pagkatapos hin pagtanom may ada certificate of compliance kun tuod gud hiya nga nagtanom. Kun waray penalidad, an kag-anak diri masusuhito han iya anak mostly pagud member han 4P's. May suggestion ngani pag-abot hin third offense igkacut an 4P's kay para it kag-anak mapursiger pagdisiplina han ira anak, pero waray kami hito kay sering paman "makaluluoy". So amo ito an na find out dida han pagreview namon han Curfew ordinande for mineral below

18 years of age. b. SECOND OFFENSE – both the children and the parent or guardian shall be required to attend counselling sessions, parenting education seminars and other interventions as may be prescribed and conducted by the Barangay Council for the Protection of Children (BCPC). The parent or guardian

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Page 32 of 40

Toolo V

ADJOURNED AT 4:00 PM

ATORRE Secretary to the Sanggunian

ATTESTED:

ATTY. FEDERICO HI CAROLINO, SR. Vice-Mayor / Presiding Officer

ENGR. ALLAN B. EGANO SB Member

JOO VALLAR SB Member

PIGAR

EMMANUEL D. ARBOSO **SB** Member

JOJO N. NEPOMUCENO SB Member

CO P. CAROLINO, JR. SB/Meniber

GRACIA G.

SB Member

REYNALDO R. NIMO **SB** Member (absent)

ROBERTA C. PEÑARANDA SB Member

FLOREN( ION INO-MISAGAL

Ex-Officio Member Municipal Chapter President Liga ng mga Barangay

Ex-Officio Member President

Pambayang Pederasyon ng mga Sangguniang Kabataan

BANGS PEANS BAYAN OFFICE By: Date



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Office of the Sangguniang Bayan

sbcapoocan@gmail.com / sbcapoocan@yahoo.com

## CERTIFICATE OF POSTING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY THAT COPIES OF **MUNICIPAL ORDINANCE NO. 8, Series of 2024,** "AN ORDINANCE MANDATING ALL BUSINESSES OPERATING WITHIN THE TERRITORIAL JURISDICTION OF CAPOOCAN, LEYTE ENGAGED IN THE MANUFACTURING, SELLING, OR DISTRIBUTING PNP UNIFORMS, INSIGNIAS, AND OTHER ACCOUTREMENTS TO SECURE PNP CERTIFICATE OF CONFORMITY AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF", WERE **POSTED** AT THE **FOLLOWING LOCATIONS IN THE MUNICIPALITY**:

- Capoocan Municipal Hall Bulletin Board Municipal Lobby
- Pinamopoan Fish Port
   Barangay Pinamopoan, Capoocan, Leyte
- Waiting Shed Barangay Balud, Capoocan, Leyte
- Waiting Shed
   Market Place, Poblacion Zone II, Capoocan, Leyte

This certifies further that notice of public hearing were also sent to the different barangays of the Municipality of Capoocan, Leyte for proper and effective information dissemination.

Done this 27th Day of May, 2024.

UDER. DELA TORRE

Secretary to the Sanggunian

Noted by:

ATTY. FEDERICO H. CAROLINO, SR.

Municipal Vice-Mayor



#### Office of the Sangguniang Bayan

sbcapoocan@gmail.com / sbcapoocan@yahoo.com

## CERTIFICATION

TO WHOM IT MAY CONCERN:

This is to certify that a Public Hearing was conducted last **February 27, 2024** at the **Poblacion Zone II Multi-Purpose Gymnasium, Capoocan, Leyte** regarding MUNICIPAL ORDINANCE NO. 8, Series of 2024, "AN ORDINANCE MANDATING ALL BUSINESSES OPERATING WITHIN THE TERRITORIAL JURISDICTION OF CAPOOCAN, LEYTE ENGAGED IN THE MANUFACTURING, SELLING, OR DISTRIBUTING PNP UNIFORMS, INSIGNIAS, AND OTHER ACCOUTREMENTS TO SECURE PNP CERTIFICATE OF CONFORMITY AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF".

Done this 27th Day of May, 2024.

JUDE R. DELA TORRE
Secretary to the Sanggunian

Noted by:

ATTY. FEDERICO H. CARONNO, SR.

Municipal Vice-Mayor



Republic of the Philippines

Province of Leyte

MUNICIPALITY OF CAPOCCAN

Office of the Sangguniang Bayan

# NOTICE OF PUBLIC HEARING

GIN-AABI-ABI AN NGA TANAN NGA TUMAMBONG
HIN PUBLIC HEARING YANA NGA
PEBRERO 27, 2024, ALAS NOYBE HIN AGA
HA POBLACION ZONE II MULTI-PURPOSE GYMNASIUM,
CAPOOCAN, LEYTE.

