Item No.: 01
Date: 2 0 2024 AUG



Republic of the Philippines **PROVINCE OF LEYTE**

Provincial Capitol Tacloban City

-000-



PROVINCIAL LEGAL OFFICE

2nd INDORSEMEN August 2, 2024

NT AUG 13 2024

Respectfully returned to the Sangguniang Panlagwigan of Tanauan, SP Secretary, the attached Ordinance No. 2024-06 of the Sangguniang Bayan of Tanauan, Leyte.

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

• Ordinance No. 2024-06 entitled: An Ordinance Mandating Business Operating within the Territorial Jurisdiction of the Municipality of Tanauan, Leyte, to Secure a Philippine National Police (PNP) Certificate and/or Certificate of Distributorship before Manufacturing, Selling, Using, or Distributing PNP Uniform, Insignias, and other Accourtements 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)¹, (x)². 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

¹ 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;

² Section 447 (1) (x) Provide mechanism xxx business permit xxx

Republic of the Philippines PROVINCE OF LEYTE -0-

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1st ENDORSEMENT 02 July 2024 Legal Poro

Respectfully indorsed to the **PROVINCIAL LEGAL OFFICE** the herein **ORDINANCE NO. 2024-06** of the **MUNICIPALITY OF TANAUAN**, **LEYTE**, which is self-explanatory, for review and recommendations.

FLORINDA JULIS SUYVICO Secretary to me Sanggunian

SP Records 7022024



Republic of the Philippines Province of Leyte TANAUAN -oOo-

0771CE 07 THE SANGGUNIANG BAYAN

July 2, 2024

THE SECRETARY
Sangguniang Panlalawigan
Province of Leyte
Capitol Building
Tacloban City



Sir/Madam;

Respectfully submitting herewith for your appropriate action ORDINANCE NO. 2024-06, "An Ordinance Mandating Business Operating within the Territorial Jurisdiction of the Municipality of Tanauan, Leyte, to secure a Philippine National Police (PNP) Certificate of Conformity and/or Certificate of Distributorship before Manufacturing, Selling, Using, or Distributing PNP Uniform, Insignias, and other Accoutrements and Prescribing Penalties for Violations thereof."

Author: Hon. Paul Emmanuel R. Cinco

Trusting that you will accord this matter with your kindest attention.

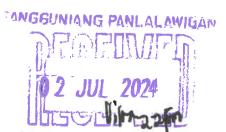
Thank you.

Truly yours,

Sangguriang Bayan Secretary

Republic of the Philippines Province of Leyte TANAUAN -000-

SANGGUNIANG BAYAN



EXCERPT FROM THE MINUTES OF THE 97th REGULAR SESSION OF THE 150 NAME OF TANAUAN, LEYTE, HELD ON JUNE 18, 2024, AT THE SB SESSION HALL, TANAUAN TOWN HALL, TANAUAN, LEYTE.

PRESENT:

HON. ARCHIE LAWRENCE R. KAPUNAN

HON. JAN ELMER V. MAGDALAGA

HON. MAE JANE ANGELIE M. MORABE-BORAIS

HON. PAUL EMMANUEL R. CINCO

HON. ATTY. ISAGANI S. ESPADA

HON, KYLE C. MESIAS

Municipal Vice-Mayor/Presiding Sangguniang Bayan Member

-do-

-do-

-do-

-do-/SK Fed. Pres.

ABSENT:

HON, MARK EFREN E. MERILO

HON. JOSIE M. CREER

HON. JASMIN U. BORJA

HON, CHERRY ANNE T. FIEL

HON. EFREN C. MERILO

Sangguniang Bayan Member

-do-

-do-

-do-

-do-/Liga Fed. Pres.

ORDINANCE NO. 2024 - 06

AN ORDINANCE MANDATING BUSINESSES OPERATING WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF TANAUAN, LEYTE, TO SECURE A PHILIPPINE NATIONAL POLICE (PNP) CERTIFICATE OF CONFORMITY AND/OR CERTIFICATE OF DISTRIBUTORSHIP BEFORE MANUFACTURING, SELLING, USING, OR DISTRIBUTING PNP UNIFORM, INSIGNIAS, AND OTHER ACCOUTREMENTS AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

Sponsor: Hon. Paul Emmanuel R. Cinco

BE IT ENACTED BY THE SANGGUNIANG BAYAN OF TANAUAN, LEYTE IN REGULAR SESSION ASSEMBLED THAT:

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 Accountrements was signed on October 4, 2000 to control and manage unauthorized manufacture, sale and distribution of PNP uniforms, insignias and other accountrements;

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, the unauthorized manufacture, sale, use and distribution of PNP uniform insignias and other accourrements impose serious concerns since such symbolic PNP identifiers,

900

maybe mo rote

Jan V

instead of providing a comforting sense of security, could be used by lawless elements in the commission of crimes within the municipality.

WHEREAS, considering that the PNP National Headquarters sits within the territorial jurisdiction of the Municipality of Tanauan, Leyte and there are a number of business establishments that engage in the manufacture, sale and distribution of PNP uniforms, insignias and other accourrements, 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 the Municipal of Tanauan, Leyte.

SECTION 1. TITLE OF THE ORDINANCE – This Ordinance shall be known as: An Ordinance Mandating Businesses Operating within the Territorial Jurisdiction of the Municipality of Tanauan, Leyte to Secure a PNP Certificate of Conformity before Manufacturing, Selling, Using or Distributing PNP Uniforms, Insignias and Other Accountrements and Prescribing Penalties for Violations Thereof.

SECTION 2. SCOPE AND APPLICATION — All businesses, whether in physical, online or in digital platforms, engaged in line manufacture, sale, use 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 Accourtements these are authorized clothing, garment, distinguishing mark emblem, merchandise, or decorations worn by bona fide members and officially acknowledged by the PNP.
- b) PNP Certificate of Conformity 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 accourtements.
- c) Distributor an authorized agents or a suppler or manufacturer to supply or deliver PNP uniforms, insignias, and accoutrements wherein the latter has a valid PNP Certificate of Conformity.
- d) **Manufacture and Sale** act of producing or trading of fit-to-use, ready-to-wear, or ready-to-use PNP uniforms, insignias, and other accourrements.
- e) **Certificate of Distributorship** a certificate issued by a holder of PNP Certificate of Conformity which warrants that the person/company is authorized to distribute, supply, or sell specific PNP uniforms, insignia, and other accountrements.

SECTION 4. REQUIREMENTS FOR PNP CERTIFICATE OF CONFORMITY AND/OR CERIFICATE OF DISTRIBUTORSHIP – All businesses engaged and dealing with PNP uniforms, insignias and accourrements must secure a PNP Certificate of Conformity and/or a Certificate of Distributorship before applying for a corresponding business license or permit. All existing businesses shall likewise secure the same certification prior to its application for business license/permit renewal.

SECTION 5. IMPLEMENTING OFFICES – The Business Permit and Licensing Office (BPLO) is the primary office mandated, with the assistance of the Tanauan Municipal Police Station.

SECTION 6. COORDINATION WITH THE PNP — The BPLO will regularly coordinate with the Tanauan PNP for the latest list of manufacturers, suppliers, sellers, distributors, etc. with valid and existing PNP Certificate of Conformity and/or Certificate of Distributorship. The update list will be the basis of verification by the Municipality of Tanauan, Leyte of the status of the applicant for business license/permit.

SECTION 7. AUTHORITY TO INSPECT ESTABLISHMENTS — The BPLO shall be authorized to conduct inspection of business establishments requiring the presentation of its respective of Certificate of Conformity and/or Certificate of Distributorship. Authorized distributors of PN

4

(Page 3 of 3, Ordinance No. 2024-06 of the 16th SB of Tanauan, Leyte, June 18, 2024)

uniforms, insignias, and other accoutrements shall likewise present acceptable proof of authority to supply, sell, or trade the aforementioned items.

PENALTIES – Failure to present or submit a PNP Certificate of Conformity and/or PNP Certificate of Distributorship is a ground denial of application for issuance/renewal of business permit or license for the covered businesses.

For purposes of this Ordinance, after thirty (30) days from the initial findings of noncompliance, continued and subsequent failure to comply with the provisions of this Ordinance shall constitute grounds for suspension, revocation, or cancellation of establishment's business permit.

In case of violations found during the aforementioned inspections for failure to present competent proof of authority to deal PNP uniforms, insignias, and other accourrements, the items found therein shall be seized or confiscated subject to proper disposal, without prejudice to the cancellation or revocation of business license/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 P2, 500 but not less than P1, 000 and/or imprisonment for 6 months 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.

REPEALING CLAUSE - All ordinances, rules and regulations or part thereof SECTION 10. in conflict with this Ordinance are hereby repealed, 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 ten (10) days after its publication in a newspaper of general circulation.

ENACTED: 18 JUNE 2024

CERTIEVED TRUE AND CORRECT:

ELEUTERIO T. LERIOS SB Secretary

ATTESTED:

HON. ARCHIE LAWRENCE R. KAPUN

Vice Mayor/Presiding

HON. JAN ELIMENT MAGDALAGA HON. MAE JANE ANGENE M. MORABE - BORAIS

SB Member

HON. PAUL ANUEL R. CINCO SB/Member

ISAGAN HON. ATT

ESPADA S.

SB\Member

SB Member/SK Fed. Pres.

APPROVED BY:

HON. MA. GINA E. MERILO

Municipal Mayor

LGU - Tanauan, Leyte

Republic of the Philippines
Province of Leyte
Municipality of Leyte
-oOo16th Sangguniang Bayan

MINUTES OF THE PUBLIC HEARING

MAY 16, 2024 TANAUAN PRESIDENCIA LOBBY

SUBJECTS:

1. A PROPOSED ORDINANCE MANDATING BUSINESSES OPERATING WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF TANAUAN, LEYTE TO SECURE A PHILIPPINE NATIONAL POLICE (PNP) CETTIFICATE OF CONFORMITY AND/OR CERTIFICATE OF DISTRIBUTORSHIP BEFORE MANUFACTURING, SELLING, USING OR DISTRIBUTING PNP UNIFORM, INSIGNIAS AND OTHER ACCOUTREMENTS AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

SPONSOR: HON. PAUL EMMANUEL R. CINCO

2. A PROPOSED ORDINANCE PROHIBITING ACTS OF DISCRIMINATION WITHIN THE MUNICIPALITY OF TANAUAN, LEYTE ON THE BASIS OF ETHNICITY, RACE, COLOR SEX, GENDER, SEX CHARACTERISTICS, LANGUAGE, RELIGION OR BELIEF, POLITICAL OR OTHER OPINION, SOCIAL ORIGIN, PROPERTY, BIRTH AND OTHER PROTECTED ATTRIBUTES AND PROVIDING PENALTIES THEREOF.

SPONSOR: HON. PAUL EMMANUEL R. CINCO CO-SPONSOR: HON. CHERRY ANNE T. FIEL

PRELIMINARIES:

The public hearing was commenced with an opening prayer. In attendance were the sponsors of the proposed ordinance, the Chairman of the SB Committee on Laws, the Chairpersons of the different Barangays; and representatives from the different stakeholders of the municipality.

Afterwards, the salient provisions of afore-stated proposed Ordinances were presented.

DISCUSSION/OPEN FORUM:

The Tanauan III District Supervisor, Ms. Pamela Almanza raised the concern on instances were the sons or kids of PNP Officers are also wearing the uniforms or accessories and whether they shall be covered with the sanctions provided in the proposed Ordinance. She added whether the students who are performing Drama, parades and or role plays for academic purpose or for portraying different professions shall also be sanctioned.

Hon. Cinco answered that since the Ordinance include as prohibited act the "use" of such uniforms or accessories, thus the use by students of the said uniforms or accessories are deemed violation of the Ordinance unless there is a Certificate of Conformity. It is advised that the schools or students may resort to similar uniforms but which are not totally or exactly the uniforms and accessories used by the PNP Officers.

Hon. Espada added that if the Ordinance will be passed, the application thereof will include all persons or entity, including the kids or immediate family of PNP Officers who are not members of the organization.

The Representative from Tanauan MPS added that they are strongly advocating for the passage of the proposed Ordinance as there were instances when they flagged down a group of young men who were wearing complete set of PNP Uniform with insignias but were wearing rubber shoes and that at first glance the public could have mistaken them to be PNP Officers. Due to the rampant cases of unauthorized use of the Official Uniforms of the PNP Officers, the PNP was alarmed and thus it was coordinated with the DILG for the passage of the proposed Ordinance.

Hon. Fiel added that the proposed Ordinance also seek to protect the image of the PNP Officers and to deter the commission of future crimes by pretending to be police Officers.

There having no further salient concerns on the first proposed Ordinance, the second proposed Ordinance was then presented and the open forum followed. The sponsors of the proposed ordinance emphasized that the said proposal was endorsed by the Commission on Human Rights to institutionalize and heightened the protection of the rights of individual especially against any form of discrimination.

Hon. Cinco further stated that the only vulnerable group that are not specifically mentioned in the proposed ordinance are the ethnic groups, in which there is no particular ethnic group in the municipality except for the *badjaos* who are considered as nomads as they do not settle in a particular place or municipality. Nevertheless, the sponsors of the said proposed Ordinance stated that the Commission on Human Rights also manifested that they will come up with a separate template of proposed Ordinance addressing the rights of this similar tribes to be legislated in the concerned local government units.

CONCLUSION:

There having no further salient queries or comments to the above-stated proposed Ordinances, the Public Hearing was adjourned.

CERTIFIED TRUE AND CORRECT

Local Legi Native Officer

ATTESTED:

HON. PAUL EMMANUEL R. CINCO SB MEMBER/ SPONSOR

HON. CHERRY ANNE T. FIEL SB MEMBER/SPONSOR



Republic of the Philippines Province of Leyte Municipality of Tanauan -oOo-

OFFICE OF THE SANGGUNIANG BAYAN

PUBLIC HEARING

 An Ordinance Mandating Business Operating Within the Territorial Jurisdiction of the Municipality of Tanauan, Leyte, to Secure a Philippine National Police (PNP) Certificate of Conformity and/or Certificate of Distributorship before Manufacturing, Selling, Using, or Distributing PNP Uniform, Insignias and other Accourtements and Prescribing Penalties for violation thereof.

Sponsored by: Hon Paul Emmanuel R. Cinco

 An Ordinance Prohibiting Any Acts of Discrimination withing the Municipality of Tanauan, Leyte, on the Basis of Ethnicity, Race, Color, Sex, Gender, Sex Characteristics, Language, Religion or Belief, Political or Other Opinion, Social Origin, Property, Birth and Other Status, and Other Protected Attributes and providing penalties thereof.

> Sponsored by: Hon Paul Emmanuel R. Cinco Co-sponsor: Hon. Cherry Anne T. Fiel

Date:

May 16, 2024 (Thursday)

Time:

2:00 in the Afternoon

Venue:

Presidencia Lobby, Tanauan Town Hall, Tanauan, Leyte

ATTENDANCE

NAME	DESIGNATION	SIGNATURE
1. Jissie C. Malon	19. 3 · CAMBALISARA	
1. JISSIE C. Maloy 2. Paul S. Solva	M. €.	9/
3. / JOCKHO D. DNG	KA GA WAD	104)
4. Ourman a. Jillero	TEAS	
5. lirma 0- Valeta	twilight	THE STATE OF THE S
6. Rexel Dalut	Two ight	
7. PADIVINA V- LADEN	P.B	Mode
8. CHERLY ANNE FLET	S.B. MEMBER	refres
9. Paul Circo	SB Mem.	- PHV
10. FAMELIN C. MMAUZA	psns/otota	/ \
11. MOFTEN G. OFARS	KMC-11 100200	Cand the
12. SHEENA JANCEN DOGNINGS	SEG BLATWE	proposits
13. Operny Pyparly	SB JAFF	ARMO
14. CHRISTIAN BUNEDICT A. ABULLA	SB STATE	
15. My Cotron CABARDA	CB STAPP	m
16. EUNABERA P. +1+V	SB STAFF	91
17. Marites B. Schan	Purong Baringay	Hothan
18. [RENE P. MARGDA	Prinory BARANCAS	Thraude

SHORATURE NAME DESIGNATION Duns PHO CO ETLYN C. BASIBAS VICALAN S. BENADA CHUP ICAD/ AUP P.B. 20. HONETLYN 21. FON- CACAN C. 23. GAMPA, MERCHAN D-13 24. MO VIN Flores Segura Monten E 25. Carlo Mo mayors Office 26. MARCO Ulleth MAKK 27. 28. UMMOAVE QUIERED JOHN STAFF 29. ALJON ROVER 30. ROVEL A. ROVENDLA PHILATAVA 31. CHPUSTIAN 6UN FR44-7 32. Boor Trinkera Bund 33. CINCO JOHNIKE ENGINERING 34. APUNCION OCKTA PEC. 35. Chyspan DBA:
36. Gown Egan
37. ANGELICA OLLLY Stc DILG P. Opents PILL 38. KSUNCLUM 39. INN DELFIVAR 40. HARVED BARLIA pc. DILL 41. PORINE 0116 VAMELA ANTORS 42. DILB Jours a. PINKY VICENT 40. fof/10 43. Demily Barages 44. 45 EPHILEC 5. ABANTO 68 46. Rog C (andi) Alfrian 47. Debet Myon 48. MO Hampy Louise Zafra 49. 19T0 Cic Aron Avila 600 51. Regime, A Magayones 52. 600 Malate, Marghelyn Mto 53. alice R. Cenora 55. MPDO MUDIE 56. Honorline ayorg HEMMU COTHERINE Badion MINRO 57. MPROO Urua & Ruenlona 59. MANUE IEU CINEU Mtyru) Rixing Cumpin 60. ME C 61. 62. 63. MPDO Forfacery V Mendoger 64. 4 CLUSAY AN 65. MPIOD touch 66. c Pemcaillo Empron & Varanda 67. anda P. Brown Rongo 68. 69. Melisca Tolibas 70. Carlo Perez kealen t. Cabagniaus euroso tomor 71. Mt) 72. MED WANN C. COLOR 73. (96) Dominione cumpi 74.

75. 2085 CATAMES	MARRIND	Ana
76. Hrana Korall	MORRINO	(4)
	,	he/
77. Registe de la Cnz 78. Algebral Batis	dapplene	Kylli V
79. Ern Name	\$UM	1/1/20
80. Paul Argel Hores	San Poque	Dent
81. CHRISTIAN XEN'IER S. COBSON	SAN 1817/20	1900
82. NONJODO: GMY-10W	MO	
83. JAMINICE POLIMICES	TNHS	700
84. FITTER Hamps	ŧ VEV	1 7/1
		100
86 MCCTGT Grandart	MENTS	The state of the s
87. NOET COKHLEY	950	1 and
88. Banzono lago		100
89. MARIA CORATOR B. MORO 1514	mento	85
90. MEONE NA RAJA	SO MD	- Can
91. TWINKLE KAYE BERDAN	MO	778m8
~ 1		- 10
93. CESAY, MKPO V.	MO	10
94. Redma, Kenneth A	No	
95. Cantr Sapalsa	MO	
96. Francis Caro om	M	(2-10)
97. SHELLA C. OBELAS.		Call for
98. Mindetta A. Tondo	SB Offer	(MTD6)
99. Policardio Vergana	5 2	ME 700
100. Jones Golavas,	6 %	A CONTRACTOR
101. Date Billuto	700	Contract of the contract of th
102. Cetter Perous	81	Sept.
103. NOBY OC7/	The C	1 / I DN
104. My	Pla	No.
105. UENNIFER B. CAMBIT	AND .	(A)
106. UDBY R, MALATE		The state of the s
107. Filten Mabanicagi	on.	
108 Com Con A . So	Cin	
108. Jampaya Barrah	89	VARAUL
110. MIAMOR O NATIWADO	-	
111. Elang P- Malate	//	There)
112. Politos, In h. C.	LAO	4114
113. SIMBORIO CHOUS T.	мто	CKain
114. Aming 1 124		Maria
115. Page De +will St	MTO	Tong
114. Agrino Leize Li 115. Jedge Be + wiele St 116. Gallay DOM	217	15/13
117. NESON W. SINGO	SIUM	1946
118. ELENTERIO T. LERIOS	SB	The state of the s
119. KYBN PANGRANGEN	5B	A A
120. JON APZAGA	17	APZ



Republic of the Philippines Province of Leyte TANAUAN -oOo-

0779CE 07 THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that ORDINANCE NO. 2024-06, "An Ordinance Mandating Business Operating within the Territorial Jurisdiction of the Municipality of Tanauan, Leyte, to secure a Philippine National Police (PNP) Certificate of Conformity and/or Certificate of Distributorship before Manufacturing, Selling, Using, or Distributing PNP Uniform, Insignias and other Accoutrements and Prescribing Penalties for Violations Thereof", have been posted in the bulletin boards at the following: Entrance of the Municipal Hall, Office of the Sangguniang Bayan and Public Market beginning July 1, 2024 and shall remain posted for a minimum of three consecutive weeks.

This certification is issued in compliance with the pertinent provisions of R.A. 7160.

Issued: July 1, 2024

ELEUTERIO T. LERIOS

Sangguniang Bayan Secretary