



Republic of the Philippines
PROVINCE OF LEYTE
 Provincial Capitol
 Tacloban City

Item No.: 04
 Date: 08 2024 OCT

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SANGGUNIANG PANLALAWIGAN **PROVINCIAL LEGAL OFFICE**

Done
RECEIVED
OCT 03 2024
PROVINCE OF LEYTE

2nd INDORSEMENT
 September 30, 2024

Province of Leyte
 Legal Office
Jose R. Acol
 Date: 10-2-24

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 103-24 of the Sangguniang Bayan of Leyte, Leyte.

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

- Ordinance No. 103-24 entitled: “An Ordinance Mandating Businesses Operating Within the Territorial Jurisdiction of Leyte, Leyte to Secure a PNP Certificate of Conformity or a Certificate of Distribution Before Manufacturing, Selling, Using, or Distributing PNP uniforms, Insignias and Other Accoutrements and Prescribing Penalties for Violation Thereof.

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance to its power under Section 16¹ of the Local Government Code of 1991 (R.A 7160) in consonance with EO 297². Hence, recommending for 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 are 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

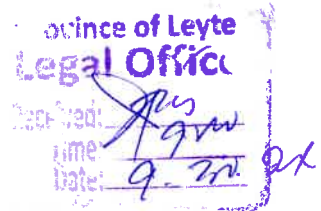
¹ Section 16. General Welfare. - Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general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

² “REGULATING THE MANUFACTURE, SALE, DISTRIBUTION AND USE OF PNP UNIFORMS, INSIGNIAS AND OTHER ACCOUTREMENTS”

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
27 September 2024



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 103-24** of the **Municipality of Leyte, Leyte**, entitled: **An Ordinance Mandating Businesses Operating Within the Territorial Jurisdiction of Leyte, Leyte to Secure a Philippine National Police (PNP) Certificate of Conformity or a Certificate of Distribution Before Manufacturing, Selling, Using, or Distributing PNP Uniforms, Insignias and Other Accoutrements and Prescribing Penalties for Violation Thereof.**


FLORINDA JILLS UYVICO
Secretary to the Sanggunian



Republic of the Philippines
MUNICIPALITY OF LEYTE
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Office of the Sangguniang Bayan

1st ENDORSEMENT
September 25, 2024

Respectfully forwarded to the Honorable Sangguniang Panlalawigan in session, through the Sangguniang Panlalawigan Secretary, Province of Leyte, Palo, Leyte, the herein **Municipal Ordinance No. 103-24 Entitled "AN ORDINANCE MANDATING BUSINESS OPERATING WITHIN TERRITORIAL JURISDICTION OF LEYTE, LEYTE TO SECURE A PHILIPPINE NATIONAL POLICE (PNP) CERTIFICATE OF CONFORMITY OR A CERTIFICATE OF DISTRIBUTION BEFORE MANUFACTURING, SELLING, USING, OR DISTRIBUTING PNP UNIFORMS, INSIGNIAS AND OTHER ACCOUTREMENTS AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.**

Attached herewith are the following :

1. Municipal Ordinance No.103-24
2. Certificate of Posting


VILMA D. COMBATE
SB Secretary



Republic of the Philippines
 MUNICIPALITY OF LEYTE
 L E Y T E
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Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION BY THE SANGGUNIANG BAYAN HELD ON SEPTEMBER 9, 2024 AT THE SB SESSION HALL, MUNICIPAL BUILDING, LEYTE, LEYTE

Present:

Hon. Armando M. Ysidoro,	-----	Mun. Vice Mayor/ Presiding Officer
Hon. Paquito D. Pelipel, Jr.,	-----	SB Member
Hon. Lileth I. Gatchalian,	-----	-do-
Hon. Edward Jay A. Durante,	-----	-do-
Hon. Aida A. Delantar,	-----	-do-
Hon. Alex A. Dagandan,	-----	-do-
Hon. Eulogio E. Capacio,	-----	-do-
Hon. Gualberto G. Meracap,	-----	-do-
Hon. Jerry G. Apacible,	-----	Liga ng mga Brgy. President

Absent:

Hon. Rowil G. Batan,	-----	SB Member
Hon. Nellie Grace D. Dandan	-----	SK Fed. President

MUNICIPAL ORDINANCE 103-24

Author: **HON. EULOGIO E. CAPACIO**

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

Be it enacted by the Sangguniang Bayan of Leyte, Leyte in Regular Session assembled that:

WHEREAS, Republic Act No. 7160, also known as the General Welfare, Section 16 provide in part that every Local Government Unit shall ensure and support maintain Peace and Order and preserve the comfort and convenience of the People with in their respective territorial jurisdiction

WHEREAS, Executive order 297, entitled regulating the Manufacturer, sale Distribution, and use of PNP Uniforms, insignias, and other accoutrements was signed on October 4, 2000 to control and manage unauthorized Manufacture, sale and distribution of PNP uniforms, insignias, and other accoutrements.

WHEREAS, the PNP uniforms insignias, and other accoutrements are symbols of a discipline and an image which portray the character and being every policeman most representative of a professional Philippine National Police.

WHEREAS, the PNP uniform, insignias and other accoutrements are easily available and/ or procured from any manufacturer, seller, distributors or suppliers by any persons including unscrupulous and lawless individual who make a mockery of their use for personal gain unlawful purposes and/ or other designs to degrade the Policeman and the Philippine national Police.

WHEREAS, unauthorized Manufacturer, sale and distribution of PNP uniforms, insignias and other accoutrements is hereby prohibited. And also the use of Uniforms, insignias and other accoutrements by any person who is not a member of the uniformed Philippine national Police personnel is also prohibited. Any violation of this rule, shall after due notice and hearing result in the immediate closure of the establishment, cancellation of its business permits. Condemnation, seizure and forfeiture of all paraphernalia and imposing of reasonable fines and be penalized without prejudice to filing of administrative, civil and/or criminal action.

WHEREFORE, be it enacted by the Sangguniang Bayan of Leyte, Leyte in Regular Session assembled that:

SECTION 1.TITLE. This ordinance shall be known as the "The PNP Uniform, Insignias, and other accoutrements manufacture, sale, use and distribution regulatory ordinance of the Municipality of Leyte."

SECTION 2.PURPOSE. The purpose of this ordinance is to ensure the proper use and distribution of Philippine National Police (PNP) uniforms, insignias, and other accoutrements within the territorial jurisdiction of the Municipality of Leyte, Leyte, by requiring businesses to secure a PNP Certificate of Conformity or a Certificate of Distribution. This Ordinance aims to prevent unauthorized manufacturing, selling, using or distributing of PNP-related items.

SECTION 3. DEFINITIONS. For the purpose of this ordinance, the following terms shall be defined as follows:

1. PNP - Philippine National Police
2. Uniforms - Official attire worn by members of the PNP, including clothing, badges, patches, and other related items.
3. Insignias - Official Emblems, badges, or symbols worn by members of the PNP to indicate rank, positions, or affiliation.
4. Accoutrements - additional items or accessories associated with the PNP, such as hats, belts, and footwear.
5. Business - Any individual, partnership, corporation, or entity engaged in manufacturing, selling, using, or distributing PNP Uniforms, insignias, and other accoutrements within the Municipality of Leyte, Leyte.

SECTION 4. CERTIFICATION REQUIREMENT. All business operating within the territorial jurisdiction of the Municipality of Leyte, Leyte, involved in the manufacturing, selling, using, or distributing of PNP uniforms, insignias, and other accoutrements shall be required to secure either a PNP Certificate of Conformity or Certificate of Distribution.

SECTION 5. PNP CERTIFICATE OF CONFORMITY AND/OR CERTIFICATE OF DISTRIBUTION.

- 5.1 Business engaged in the manufacturing of PNP uniforms, insignias, and other accoutrements shall obtain a PNP Certificate of Conformity from the Philippine National Police. This certificate shall serve as proof that the business complies with the standards and regulations set by the PNP for the productions of such items. This Certificates of Distributions shall serve as proof that the business is authorized to engaged in the sale, use, or distribution of PNP related items.
- 5.2 The PNP Certificate of Conformity and Certificate of Distribution shall be valid for a period of one year from the date of issuance.

SECTION 6. PENALTIES. Any business found manufacturing, selling, using, or distributing PNP uniforms, insignias, and other accoutrements without a valid PNP Certificate of Conformity or Certificate of Distribution shall be subject to the following penalties:

First Offense : A fine of Php 2,000.00

Second Offense : A fine of Php 2,500.00 and suspension of business operations for a period of six months.

Third Offense : Revocation of business license and closure of the business.

SECTION 7. IMPLEMENTATION. The Municipal Government of Leyte, Leyte shall be responsible for the implementation and enforcement of this ordinance. The Philippine National Police shall provide the necessary guidelines and assistance to ensure compliance with the certification requirements.

SECTION 8. SEPARABILITY CLAUSE. In the event that any part or provision of this ordinance is declared invalid for any reason the other provisions thereof shall not affected thereby.

SECTION 9. REPEALING CLAUSE. All existing rules and regulations which are inconsistent with the provisions of this ordinance are hereby repealed or amended accordingly.

SECTION 10. EFFECTIVITY. This Ordinance shall take effect 15 days after its publication in a Local Newspaper of General Circulation and upon compliance with other legal requirements.

Enacted this 9th day of September 2024 .



PAQUITO D. PELIPEL, JR.
SB Member



LILETH I. GATCHALIAN
SB Member



EDWARD JAY A. DURANTE
SB Member



AIDA A. DELANTAR
SB Member



ALEX A. BAGANDAN
SB Member




EULOGIO E. CAPACIO
SB Member



GUALBERTO G. MERACAP
SB Member

JERRY G. APACIBLE
ABC President

Certified Correct:



VILMA D. COMBATE
Secretary to the Sanggunian

Attested:



ARMANDO M. YSIDORO
Municipal Vice Mayor
Presiding Officer

Approved:



ARNOLD JAMES M. YSIDORO
Municipal Mayor



Republic of the Philippines
MUNICIPALITY OF LEYTE
L E Y T E
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Office of the Sangguniang Bayan

CERTIFICATE OF POSTING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that Municipal Ordinance No. 103-24: " AN ORDINANCE MANDATING BUSINESS OPERATING WITHIN TERRITORIAL JURISDICTION OF LEYTE, LEYTE TO SECURE A PHILIPPINE NATIONAL POLICE (PNP) CERTIFICATE OF CONFORMITY OR A CERTIFICATE OF DISTRIBUTION BEFORE MANUFACTURING, SELLING, USING, OR DISTRIBUTING PNP UNIFORMS, INSIGNIAS AND OTHER ACCOUTREMENTS AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF

, has been posted in three (3) conspicuous places in this Municipality.

This certification is issued this 25th day of September, 2024 at Leyte, Leyte, Philippines.


VILMA D. COMBATE
SB Secretary