

Item No.: 02

Date: 21 2025 JAN

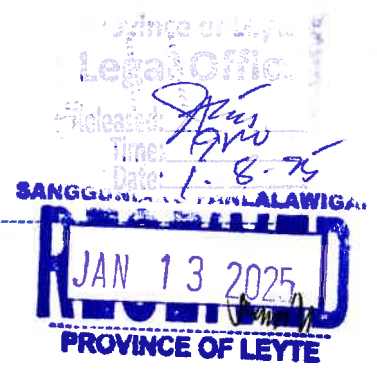
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Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE



2nd INDORSEMENT
December 26, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2024-07 of the Sangguniang Bayan of San Miguel, Leyte.

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

- Ordinance No. 2024-07 entitled: **“An Ordinance mandating all business operating within the territorial jurisdiction of the Municipality of San Miguel, Leyte engaged in the manufacture, sale or distribution of PNP uniforms, etc.”**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance with its power under Section 447(a)¹ of the Local Government Code of 1991 (R.A 7160) in relation to E.O. 297². Hence, we recommend 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 the 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

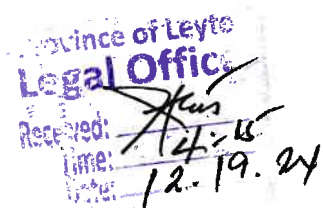
¹(a) *The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code,*

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
19 December 2024



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 2024-07** of the **Municipality of San Miguel, Leyte**, entitled: **An Ordinance mandating all businesses operating within the territorial jurisdiction of the Municipality of San Miguel, 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.**

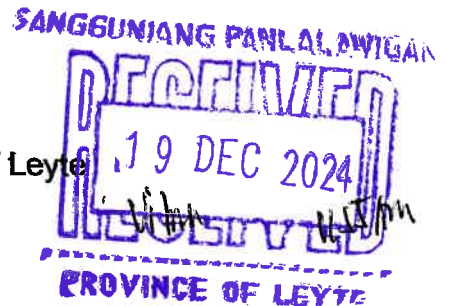

FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF SAN MIGUEL
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OFFICE OF THE SANGGUNIANG BAYAN

December 19, 2024



The Honorable Members of the Sangguniang Panlalawigan of Leyte
Thru: The Sangguniang Panlalawigan Secretary
Provincial Legislative Building,
Candahug, Palo, Leyte

Gentlemen/Ladies:

I have the honor to forward herewith pertinent documents of the Sangguniang Bayan of the Municipality of San Miguel, Leyte for review and approval, to wit:

1. Seventeen (16) copies of Municipal Ordinance No. 2024-07, Series of 2024 entitled: **"AN ORDINANCE MANDATING ALL BUSINESSES OPERATING WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF SAN MIGUEL, 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"**.

Kindly acknowledge receipt hereof.

Very truly yours,

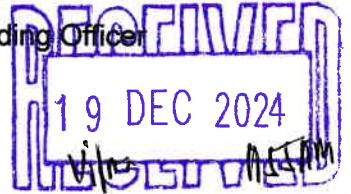

BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN, SAN MIGUEL, LEYTE, HELD AT THE SESSION HALL, LEGISLATIVE BUILDING, SAN MIGUEL, LEYTE ON DECEMBER 02, 2024

SANGGUNIANG PANLALAWIGAN



PROVINCE OF LEYTE

PRESENT:

- Hon. Protacio Q. Brazil - Municipal Vice-Mayor/Presiding Officer
- Hon. Richard Len B. Lapidario - SB Member
- Hon. Prospero Q. Brazil - SB Member
- Hon. Charlie L. Guy - SB Member
- Hon. Antonio L. Asis - SB Member
- Hon. Otelio U. Babiano, Jr. - SB Member
- Hon. Thelma M. Brazil - SB Member
- Hon. Letecia G. Espos - SB Member
- Hon. Samuel P. Salomon - Ex-Officio Member/President, Liga ng mga Barangay
- Hon. Jahlen Hans C. Labarrete - Ex-Officio Member President, Sanggunian Kabataan Pambayan Pederasyon
- Hon. Ruben G. Agner - SB Member (on official leave)

**Resolution No. 218
Series of 2024**

RESOLUTION ENACTING AN ORDINANCE MANDATING ALL BUSINESSES OPERATING WITHIN THE TERRITOTIAL JURISDICTION OF THE MUNICIPALITY OF SAN MIGUEL, 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

Introduced by: **HON. RICHARD LEN B. LAPIDARIO**
SB Member/Chairman, Committee on Rules, Privileges,
Ordinances, Legal Matters and Ways & Means

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, Distributing and Use of PNP Uniforms, Insignias and other Accoutrements was signed on October 4, 2000 to control and manage the unauthorized manufacture, sale and distribution of PNP uniforms, insignias and other accoutrements;

WHEREAS, E.O. No. 297 imposes penalties and 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, on 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 (COO);

WHEREAS, the unauthorized manufacture, sale, use, and distribution of PNP uniforms, insignias, and other accoutrements 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 municipality;

Certified Correct: **BRYAN NEIL B. BRAZIL**
Secretary to the Sangguniang Bayan

Attested by: **HON. PROTACIO Q. BRAZIL**
Municipal Vice-Mayor/Presiding Officer

Concurred: **HON. RICHARD LEN B. LAPIDARIO**
SB MEMBER

Approved: **HON. ANTONIO L. ASIS**
SB MEMBER

HON. OTHELIO U. BABIANO, JR.
SB MEMBER

HON. THELMA M. BRAZIL
SB MEMBER

HON. LETECIA G. ESPOS
SB MEMBER

HON. SAMUEL P. SALOMON
President, Liga ng mga Barangay

HON. JAHLEN HANS C. LABARRETE
President, SK Pambayang Pederasyon

ATTY. NORMAN P. SABDAO
Municipal Mayor

Certified Correct:
BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan
HON. OTHELIO U. BABIANO, JR.
SB MEMBER

Attested by:
HON. PROTAÑO Q. BRAZIL
Municipal Vice-Mayor/Presiding Officer

WHEREAS, premises considered, 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 Municipality;

NOW THEREFORE, on motion of Hon. Richard Len B. Lapidario duly seconded by Hon. Prospero Q. Brazil;

RESOLVED, as it is hereby resolved, to enact the following Ordinance, to wit:

**MUNICIPAL ORDINANCE NO. 2024-07
Series of 2024**

AN ORDINANCE MANDATING ALL BUSINESSES OPERATING WITHIN THE TERRITOTIAL JURISDICTION OF THE MUNICIPALITY OF SAN MIGUEL, 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. THELMA M. BRAZIL
SB MEMBER

Be it ordained by the Sangguniang Bayan of the Municipality of San Miguel, Leyte in regular session assembled that:

Section 1. Title of Ordinance. This Ordinance shall be known as "THE PNP CERTIFICATE OF CONFORMITY ORDINANCE".

HON. LETECIA Q. SEROS
SB MEMBER

Section 2. Scope and Application. All businesses operating within the territorial jurisdiction of the Municipality of San Miguel, 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.

HON. SAMUEL P. SALOMON
President, Liga ng mga Barangay

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 accoutrements.
- c) Distributor — an authorized agent of a supplier or manufacturer to supply or deliver PNP uniforms, insignias and accoutrements 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 accoutrements.

HON. JAHLEN HANS C. LABARRETE
President, SK Pambayang Pederasyon

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.

Section 5. Coordination with the PNP. For effective implementation of this Ordinance, the San Miguel Police Station shall be integrated into the Online Unified Business Permit Application System (OUBPAS), through the Business Permit and Licensing Office (BPLO) of the Municipality of San Miguel, Leyte, to ensure that all covered establishments engaged in the manufacturing, selling, or distribution of PNP uniforms, insignias, and other accoutrements that are applying for a business permit shall be evaluated by a dedicated PNP personnel.

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

Approved:
ATTN: NORMAN P. SABBDAO
Municipal Mayor

Concurred by:

Section 6. Authority to Inspect Establishments. The BPLO in coordination with the San Miguel Police Station, shall periodically conduct joint inspection of covered business establishments requiring the presentation of its respective PNP Certificate of Conformity.

Section 7. Implementing Offices. The BPLO is the primary office mandated to execute the provisions of this Ordinance in coordination with the San Miguel Police Station.

Section 8. Penalties. Failure to secure a PNP Certificate of Conformity or present the same during inspection shall warrant 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 proof of authority to deal with PNP uniforms, insignias and other accoutrements, 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 Two Thousand Five Hundred (P2,500.00) Pesos but not less than Five Hundred (P500.00) Pesos only and/or imprisonment for one (1) to three (3) days, or 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 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.

DATE APPROVED - December 02, 2024

I HEREBY CERTIFY to the correctness of the foregoing resolution/ordinance.

BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan

Attested by:

HON. PROTACIO Q. BRAZIL
Municipal Vice-Mayor/Presiding Officer

Approved:

ATTY. NORMAN D. SABDAO
Municipal Mayor

HON. RICHARD VEN B. LAPIDARIO SB MEMBER
HON. THELMA M. BRAZIL SB MEMBER
HON. PROSPERO Q. BRAZIL SB MEMBER
HON. LETECIA G. ESPINO SB MEMBER
HON. CHARLETT L. GUY SB MEMBER
HON. ANTONIO L. ASIS SB MEMBER
HON. SAMUEL P. SALOMON President, Liga ng mga Barangay
HON. JANLEN MARNS C. LABARRETE President, SK Pederasyang Pederasyon



Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF SAN MIGUEL

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OFFICE OF THE SANGGUNIANG BAYAN

PUBLIC HEARING MINUTES OF THE MEETING

The public hearing convened at the ABC Hall, Municipal Grounds on November 6, 2024, commenced at 9:50 AM. Preliminaries were observed which then finished at exactly 10 AM.

Present: HON. RICHARD LEN B. LAPIDARIO – SB Member/Chairperson,
Committee on Rules, Privileges, Ordinances, Legal Matters, and Ways &
Means
HON. SAMUEL P. SALOMON – President, Liga ng mga Barangay,
Committee on Barangay Affairs, Games and Amusements
15 Other Punong Barangays of the Municipality
2 Liga ng mga Barangay Office Staff

Hon. Richard Len B. Lapidario opened the public hearing for the proposed ordinance, "AN ORDINANCE PROTECTING THE PEATLANDS IN BARANGAYS GUINCIAMAN AND CAPILIHAN OF THE MUNICIPALITY OF SAN MIGUEL, LEYTE, INITIATING ITS ESTABLISHMENT AS A CRITICAL HABITAT, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES". He then showed a copy of the boundary map covering the Sab-a Peatland on said barangays.

Hon. Wenceslao E. Blones of Barangay Capilihan mentioned that they were already visited by personnels coming from the Office of the Provincial Environment and Natural Resources (PENRO) and that there also private citizens saying they have claims in these areas who showed up a week after said visit. Hon. Lapidario informed the body that the Sangguniang Bayan will be inviting representatives from PENRO and Department of Agrarian Reform (DAR) and the private citizens as well to help settle the issues construed before the ordinance. He also said that they will be conducting a Public Awareness Campaign on this matter.

Hon. Lapidario asked if there were any other comments. There being no more concerns, they then moved to another proposed ordinance to be taken up.

Hon. Lapidario presented the proposed ordinance, "AN ORDINANCE MANDATING ALL THE BUSINESSES OPERATING WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF SAN MIGUEL, 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. Norita L. Acebo of Barangay Canap suggested that the ordinance should include prohibition of the same uniforms, insignias and other accoutrements made for children. To which Hon. Roselda A. Elbore of Barangay Santol clarified that even the old uniforms of retirees should not be sold as well. Hon. Lapidario then clarified that the ordinance is only applicable to businesses dealing with the aforementioned items.

Hon. Lapidario asked if there were any other suggestions. There being no more concerns, they then moved to another proposed ordinance to be taken up.

Hon. Lapidario presented the proposed ordinance, "AN ORDINANCE RECLASSIFYING LOT NO. 1144 DECLARED IN THE NAME OF ULDARICO LAPIDARIO WITH AN AREA OF 3.9360 HECTARES LOCATED AT BRGY. MALAGUINABOT, SAN MIGUEL, LEYTE FROM AGRICULTURAL (COCO LAND) TO RESIDENTIAL USE". He then informed everyone in attendance that said reclassification is in accord since there are already existing residential houses and community buildings. Further, said land area is no longer conducive for rice or coconut plantation.

Hon. Lapidario asked if there were any questions, comments or suggestions regarding the three proposed ordinances. There being none, the hearing was adjourned at 11:00 AM.



Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF SAN MIGUEL

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PUBLIC HEARING FOR THE PROPOSED MUNICIPAL ORDINANCES TO WIT: (1) "AN ORDINANCE MANDATING ALL BUSINESSES OPERATING WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF SAN MIGUEL, 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; (2) "AN ORDINANCE PROTECTING THE PEATLANDS IN BARANGAYS GUINCIAMAN AND CAPILIHAN OF THE MUNICIPALITY OF SAN MIGUEL, LEYTE, INITIATING ITS ESTABLISHMENT AS A CRITICAL HABITAT, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES"; AND (3) "AN ORDINANCE RECLASSIFYING LOT NO. 1144 DECLARED IN THE NAME OF ULDARICO LAPIDARIO WITH AN AREA OF 3.9360 HECTARES LOCATED AT BRGY. MALAGUINABOT, SAN MIGUEL, LEYTE FROM AGRICULTURAL (COCO LAND) TO RESIDENTIAL USE" TO BE HELD ON NOVEMBER 06, 2024 AT THE ABC HALL, MUNICIPAL GROUNDS, SAN MIGUEL, LEYTE.

ATTENDANCE

	NAME	DESIGNATION	SIGNATURE
1.	SAMUEL P. CALOMON	LIGA PRESIDENT	
2.	MELCON V. VIADOR-LIBAS	PUNONG BARANGAY	
3.	BENECIO P. ARUTA	P. B.	
4.	DANIEL S. NARRIDO	P. B.	
5.	JOSEPH B. LEGO	P. B.	
6.	ERIC C. LESIGUES	P. B.	
7.	MARCEL S. DOMINGUEZ	P. B.	
8.	WENCESLAO D. BLONOS	P. B.	
9.	Tabalanza, Alfred Jr C.	P. B.	
10.	Emma P. Brun	P. B.	
11.	Roselda A. Ellare	P. B.	
12.	SONIA A. BIAO	P. B.	
13.	Darlyn G. Valeriano	Liga Staff	
14.	CHRISTIAN B. LESIGUES		
15.	EDWIN L. DAMIANO	P. B.	
16.	LEONARDO T. CADORNA	P. B.	
17.	Martini B. Aquilino	P. B.	
18.	Jesse B. AGE	P. B.	
19.	Norita L. Acebo	P. B.	
20.	CHAD LAPIDARIO	SB	
21.	HENRY R. AMAGA		
22.	Antonio Asa	SR	
23.	OTELIO MANLACOD IV.	SA	
24.	CHARME ELLY	SB	
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Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF SAN MIGUEL
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OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATE OF POSTING

THIS IS TO CERTIFY that Municipal Ordinance No. 2024-07, Series of 2024 as embodied under Resolution No. 218, Series of 2024 entitled: **“AN ORDINANCE MANDATING ALL BUSINESSES OPERATING WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF SAN MIGUEL, 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”**, has been posted in three (3) conspicuous places within the municipality and shall remain posted for three (3) consecutive weeks.

Done this 19th day of December 2024 at San Miguel, Leyte.

BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan