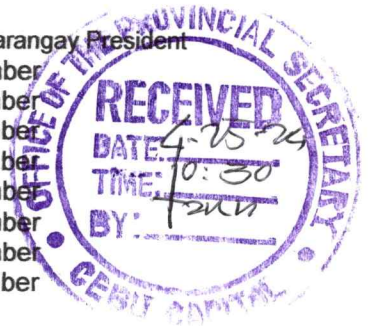




EXCERPT FROM THE MINUTES OF THE 81ST REGULAR SESSION OF THE 5TH SANGGUNIANG PANLUNGSOD (SP) HELD AT THE SP SESSION HALL, LEGISLATIVE BUILDING, EAST POBLACION, CITY OF NAGA, CEBU ON FEBRUARY 28, 2024.

PRESENT:

- | | |
|------------------------------|--|
| HON. VIRGILIO M. CHIONG | - Vice Mayor /Presiding Officer |
| HON. CLINT ISIDRO A. CHIONG | - Presiding Officer Pro Tempore |
| HON. CARMELINO N. CRUZ, JR. | - Majority Floor Leader |
| HON. SCOTT JUVENAL A. CHIONG | - Assistant Majority Floor Leader/Liga ng mga Barangay President |
| HON. ALEXANDER R. LARA | - Sangguniang Panlungsod Member |
| HON. AURELIO B. ALINSONORIN | - Sangguniang Panlungsod Member |
| HON. CHARMAINE R. NAVARRO | - Sangguniang Panlungsod Member |
| HON. RAY A. MANABAT | - Sangguniang Panlungsod Member |
| HON. JUSTINO L. DAKAY | - Sangguniang Panlungsod Member |
| HON. DOMINADOR A. LIBOR | - Sangguniang Panlungsod Member |
| HON. LETECIA F. ABANGAN | - Sangguniang Panlungsod Member |
| HON. ELMER JOHN R. LAPITAN | - Sangguniang Panlungsod Member |
| HON. FAITH JAMES B. SERVANO | - SK Federation President |



ORDINANCE NO. 2024-36

Author: **HON. CLINT ISIDRO A. CHIONG**
Vice Chairperson, Committee on Peace and Order

MANDATING ALL BUSINESSES OPERATING WITHIN THE TERRITORIAL JURISDICTION OF THE CITY OF NAGA, CEBU, ENGAGED IN THE MANUFACTURING, SELLING, OR DISTRIBUTING PHILIPPINE NATIONAL POLICE (PNP) UNIFORMS, INSIGNIAS, AND OTHER ACCOUTREMENTS TO SECURE A CERTIFICATE OF CONFORMITY FROM THE PNP AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF

EXPLANATORY NOTE

Section 16 or the General Welfare Clause of Republic Act (RA) 7160 otherwise known as the Local Government Code of 1991 provides in part that every local government unit (LGU) shall ensure and support the maintenance of peace and order within their respective territorial jurisdiction.

Executive Order (EO) No. 297, titled: "Regulating the Manufacture, Sale, Distribution 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.

EO 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 LGUs concerned.

On September 03, 2020, the PNP 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).

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.

Since 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 city ordinance to mitigate, or even eradicate, the proliferation of the unauthorized PNP uniforms and commission of illegal activities within the City of Naga, Cebu.

[Handwritten signatures and initials are present throughout the page, including a large checkmark on the left and several signatures on the right and bottom.]

NOW THEREFORE, be it **ORDAINED**, as it is hereby **ORDAINED**, by the 5th Sangguniang Panlungsod of the City Of Naga, Cebu, in session assembled, by virtue of the powers vested in it by law, that

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 the City of Naga, Cebu, whether in physical, online or in digital platforms, engaged in the manufacture, sale, and distribution of PNP uniforms, insignias, and other accoutrements, including 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 PNP.
- b) PNP Certificate of Conformity (COC) – a certification issued by the PNP through the 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 COC.
- 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 COC. – all businesses engaged and dealing with PNP uniforms, insignias, and accoutrements must secure a PNP COC 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 coordinate with 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 accoutrements that are applying for a business permit shall be evaluated by dedicated PNP personnel.

The PNP shall submit to the BPLO a Negative List of registered covered establishments that failed to secure the PNP COC.

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 their respective PNP COC.

SECTION 7. IMPLEMENTING OFFICES. – The 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 PNP, through the City of Naga, Cebu Police Station.

SECTION 8. PENALTIES – Failure to secure a PNP COC 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 on the nature of the violation committed thereof.

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.

In addition to the foregoing, administrative penalties consisting of fines shall be imposed upon the violator as follows:

First Offense : ₱1,500.00

Second Offense: ₱3,000.00

Third Offense : ₱5,000.00 and imprisonment of not more than one (1) year 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.

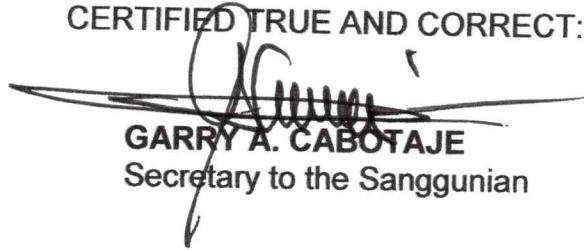
SECTION 10. REPEALING CLAUSE. - This Ordinance shall repeal, revoke, amend, modify and or otherwise supersede any rules and regulations inconsistent herewith.

SECTION 11. EFFECTIVITY CLAUSE. - This Ordinance shall take effect immediately upon approval and after compliance with the pertinent requirements of RA 7160 or the Local Government Code of 1991.


ENACTED BY THE 5TH SANGGUNIANG PANLUNGSOD OF THE CITY OF NAGA, CEBU, on motion of Hon. Clint Isidro A. Chiong, seconded by Hon. Elmer John R. Lapitan, in its 81st regular session held on the 21st day of March 2024.

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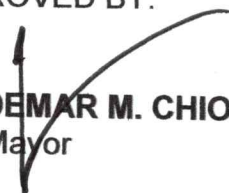
CERTIFIED TRUE AND CORRECT:


GARRY A. CABOTAJE
Secretary to the Sanggunian

ATTESTED BY:


VIRGILIO M. CHIONG
City Vice Mayor/Presiding Officer

APPROVED BY:


VALDEMAR M. CHIONG
City Mayor

3/4/2024

