



Republic of the Philippines
Province of Ilocos Norte
MUNICIPALITY OF SAN NICOLAS

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE FIRST REGULAR SESSION OF THE 10TH
SANGGUNIANG BAYAN OF THE MUNICIPALITY OF SAN NICOLAS, ILOCOS NORTE HELD
AT THE MUNICIPAL SESSION HALL ON THE 4TH DAY OF FEBRUARY, 2019
AT 10:30 O'CLOCK IN THE MORNING.

PRESENT:

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| Hon. Edistio P. Valdez | Vice-Mayor/Presiding Officer; |
| Hon. Angel Miguel L. Hernando | Member; |
| Hon. Domingo C. Ambrocio, Jr. | Member; |
| Hon. Ariel B. Villa | Member; |
| Hon. Efren C. Butay | Member |
| Hon. Norberto S. Dadiz, Jr. | Member; |
| Hon. Manuel D. Coloma, Sr. | Member; |
| Hon. Orlando B. Badua | Member; |
| Hon. Jessie Julito P. Pumaras, Sr. | Member; |
| Hon. Juanito P. Ulep, Jr. | Member/Liga ng mga Barangay President; |
| Hon. Inno Ma. Angelo Paulo O. Hernando | Member/PPSK President. |

ABSENT:

None.

“MUNICIPAL ORDINANCE NO. 2019-05

AN ORDINANCE RELATING TO THE CREATION OF A LOCAL LAW ENFORCEMENT BOARD (LLEB) OF SAN NICOLAS, PROVINCE OF ILOCOS NORTE.

WHEREAS, it is hereby declared that the purpose of this ordinance is to provide an equitable, expeditious, and effective method of ensuring compliance with the ordinances in force in this municipality;

WHEREAS, this ordinance will provide an additional or supplemental means of enforcing the local ordinances enacted by the Sangguniang Bayan. The Sangguniang Bayan, after due consideration and consultation with the Municipal Trial Court Judge, as well as the Public Prosecutor and Public Attorney assigned in the municipality, has determined that the creation of an administrative body to enforce local ordinances will provide a desirable alternative method of such enforcement;

WHEREFORE, BE IT RESOLVED as it is hereby **RESOLVED** by the Sangguniang Bayan to create a Law Enforcement Board (LEB), pursuant to the Local Government Code of 1991 and impose fines as a method of enforcing a local ordinance in violation thereto. This enforcement board shall have no power to enforce any violations which are offenses under any provision of national laws or other penal laws or not within its jurisdiction.

ARTICLE I. MEMBERSHIP/QUALIFICATIONS

SECTION 1. A. The LEB shall consist of six (6) members who shall be appointed by the Municipal Mayor from various sectors in the Local Government Unit.

1. CHAIRMANThe Municipal Administrator
2. VICE-CHAIRMAN A member from the academe
3. MEMBERS:
 - a.Chairman of the Committee on Laws of the Sangguniang Bayan
 - b.Chairman of the Committee on Peace and Order of the Sangguniang Bayan
 - c.A representative from the private/business sector
 - d.A representative from the Civil Society Organizations

Page 2, *Municipal Ordinance No. 2019-05*;

The initial appointment of the members shall be as follows: a. All members appointed for a term of three (3) years.

B. All subsequent appointments shall be made for a term of three (3) years also.

SECTION 2. A. Each member of the LEB shall have resided within the municipality for a period of at least one (1) year prior to the date of the member's appointment and shall reside there throughout the term in office.

C. All members of the board shall, before entering upon their duties, take the oath of office as prescribed by law.

ARTICLE II. VACANCIES/REMOVAL FROM OFFICE

SECTION 3. A member may be reappointed, subject to the approval of the Mayor. Any vacancy on the board shall be filled within thirty (30) days by the Mayor. If a vacancy is not filled within thirty (30) days, the remaining members of the LEB shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term with the concurrence of the Local Chief Executive.

SECTION 4. Any member of the law enforcement board may be removed by the appointing authority for misconduct, inefficiency, or willful neglect of duty. Any appointing authority who exercises the power to remove a member of the enforcement board shall submit a written statement to the member and to the Board setting forth the reasons for removal. The member so removed shall have the right of appeal to the all the members of the board which shall determine the validity of the removal. If the removal is justified, it shall be upheld, otherwise, upon a vote of 2/3 the removal shall be deemed overruled and the member be reinstated.

ARTICLE III. RESPONSIBILITIES/AUTHORITY/CONFLICTS OF INTEREST

SECTION 5. A. The chairman of the Board shall be the presiding officer and a full voting member of the board.

B. The board shall meet as necessary and four (4) or more members shall constitute a quorum; all official action of the board shall require the affirmative vote of a majority of the members constituting a quorum. Any member of the board who has any direct or indirect financial or personal interest in any matter to be decided shall disclose the nature of the interest and shall disqualify himself from voting on the matter and shall not be counted for purposes of establishing a quorum.

C. The board shall keep written minutes of all proceedings and the vote of each member on any issue decided by the board shall be recorded in the minutes which shall be subject to Open Records.

D. All meetings and hearings of the board shall be open to the public.

E. The Local Chief Executive shall provide clerical and administrative personnel as reasonably required by the board for the proper conduct of its duties.

ARTICLE IV. POWERS OF THE BOARD

SECTION 6. The enforcement board shall have the following powers:

A. Adopt rules and regulations to govern its operation and the conduct of its hearings that are consistent with state and local laws.

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Page 3, Municipal Ordinance No. 2019-05;

B. Conduct hearings to determine whether there has been a violation of any local government ordinance that the board has jurisdiction to enforce.

C. Subpoena alleged violators, witnesses, and evidence to its hearings. A subpoena issued by the board may be served by any code enforcement officer.

D. Take testimony under oath. The chairman of the board shall have the authority to administer oaths to witnesses prior to their testimony before the board on any matter.

E. Make findings and issue orders that are necessary to remedy any violation of a local government ordinance that the board has jurisdiction to enforce.

ARTICLE V. INITIATION OF PROCEEDINGS

SECTION 7. All enforcement proceedings before the board shall be initiated by the issuance of a citation by a code enforcement officer.

A. The code enforcement officer is authorized to issue a citation to the offender when the officer, either from personal observation or investigation, has reason to believe that a person has committed a violation of a local government ordinance. The officer may, in lieu of issuing a citation, give notice that a violation shall be remedied within a specified period of time. If the violation is not remedied within the time specified, the code enforcement officer is authorized to issue a citation.

B. The citation issued by the code enforcement officer shall be in a form prescribed by the Municipal Government.

C. The enforcement officer shall notify the board of the issuance of a citation by delivering one copy of the citation to the Office of the LEB.

D. The person to whom the citation is issued shall respond to the citation within three (3) days of the date the citation is issued by either paying the civil fine set forth in the citation or requesting, in writing, a hearing before the code enforcement board to contest the citation. If the person fails to respond to the citation in three (3) days, the person shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be considered final. In this event, the board shall enter a final order determining that the violation was committed and imposing the civil fine set forth in the citation.

VI. FINES

SECTION 8. The person found to have committed the violation shall be personally responsible for the amount of all fines assessed for the violation and for all charges and fees incurred by the municipality in connection with the enforcement of the ordinance.

Upon payment of fines/settlement, the offender shall be relieved from further prosecution of the same case in any other administrative body or tribunal.

SECTION 9. *Funding Requirement.* Funds needed for the operation of the LEB as well as reasonable honoraria for the members shall be sourced out from the Trust fund which will be the fines or penalties collected, which the Local Chief Executive would determine.

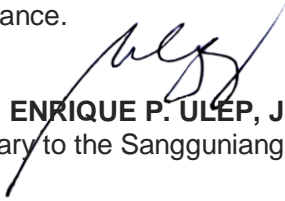
SECTION 10. *Effectivity Date:* This ordinance shall be effective upon approval after compliance with the posting and publication requirement under the Local Government Code of 1991.

UNANIMOUSLY APPROVED.”

Voting on the foregoing ordinance was as follows:

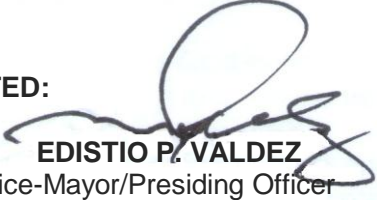
AYES : Members Hernando, A., Ambrocio, Jr., Villa, Butay, Dadiz, Jr.,
Coloma, Sr., Badua, Pumaras, Sr., Ulep, Jr. and Hernando, I.
NAYS : None.
ABSTAINED : None.

I hereby certify to the correctness of the foregoing ordinance.



ENRIQUE P. ULEP, JR.
Secretary to the Sangguniang Bayan I

ATTESTED:



EDISTIO P. VALDEZ
Vice-Mayor/Presiding Officer

APPROVED:



ALFREDO P. VALDEZ, JR., M.D.
Municipal Mayor

Approved on: February 13, 2019