



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 11<sup>TH</sup>  
SANGGUNIANG BAYAN OF THE MUNICIPALITY OF SAN NICOLAS, ILOCOS NORTE HELD  
AT THE MUNICIPAL SESSION HALL ON THE 2<sup>ND</sup> DAY OF DECEMBER, 2019  
AT 11:10 O'CLOCK IN THE MORNING.

**PRESENT:**

Hon. Edistio P. Valdez	Vice-Mayor/Presiding Officer;
Hon. Angel Miguel L. Hernando	Member;
Hon. Moera Joy N. Galing-Luna	Member;
Hon. Joseph Lister B. Butay	Member;
Hon. Norberto D. Dadiz, Sr.	Member;
Hon. Erico R. Ruiz, Jr.	Member;
Hon. Luciano R. Caraang	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. 2019-15**

#### **AN ORDINANCE CREATING AND ORGANIZING THE PEOPLE’S LAW ENFORCEMENT BOARD (PLEB) OF THE MUNICIPALITY OF SAN NICOLAS, PROVINCE OF ILOCOS NORTE, AND APPROPRIATING FUNDS THEREFOR.**

**AUTHOR: ATTY. MOERA JOY N. GALING-LUNA, SBM**

**WHEREAS**, Republic Act No. 6975 or the DILG Act of 1990, *as amended by Republic Act No. 8551 or the Philippine National Police Reform Act of 1998*, declares the policy of the state in establishing the Philippine National Police under a re-organized Department of the Interior and Local Government, thus:

**Section 2. Declaration of Policy.** – *It is hereby declared to be the policy of the State to promote peace and order, ensure public safety and further strengthen local government capability aimed towards the effective delivery of the basic services to the citizenry through the establishment of a highly efficient and competent police force that is national in scope and civilian in character. Towards this end, the State shall bolster a system of coordination and cooperation among the citizenry, local executives and the integrated law enforcement and public safety agencies created under this Act.*

Likewise, Republic Act No. 8551 declares that:

**Section 2. Declaration of Policy and Principles.** – *It is hereby declared the policy of the State to establish a highly efficient and competent police force which is national in scope and civilian in character administered and controlled by a national police commission.*

*The Philippine National Police (PNP) shall be a community and service oriented agency responsible for the maintenance of peace and order and public safety.*

*The PNP shall be so organized to ensure accountability and uprightness in police exercise of discretion as well as to achieve efficiency and effectiveness of its members and units in the performance of their functions.*

Page 2, *Municipal Ordinance No. 2019-15*;

**WHEREAS**, pursuant to the provisions of RA 7160, otherwise known as the “Local Government Code of 1991”, a People’s Law Enforcement Board, the disciplinary machinery of the PNP, shall be organized in each municipality in the Philippines in harmony with the above declared policy in ensuring accountability and uprightness in the police exercise of discretion and in the performance of their functions;

**WHEREFORE, PREMISES CONSIDERED, BE IT ORDAINED THAT:**

**SECTION 1. *Title.*** This ordinance shall be known as the “**The People’s Law Enforcement Board Ordinance of the Municipality of San Nicolas, Province of Ilocos Norte.**”

**SECTION 2. *Creation.*** There is hereby created one (1) People’s Law Enforcement Board (PLEB) of the Municipality of San Nicolas, Ilocos Norte.

**SECTION 3. *Composition and Membership.*** –

a) The PLEB shall be composed of the following:

- 3.1 A member of the Sangguniang Bayan chosen by the Sanggunian in a resolution duly passed for said purpose;
- 3.2 A Punong Barangay chosen by the Liga ng mga Barangay in a resolution duly passed for the said purpose; and
- 3.3 Three (3) other members, who can only be removed for cause, chosen through a resolution by the municipal peace and order council from among the respected members of the community known for their probity and integrity, provided that one (1) of whom must be a woman, another, a member of the Bar or, in the absence thereof, the principal of the central elementary school in the locality, or a college graduate.

b) The Chairman and the Secretary of the PLEB shall be elected from among its members. Except as provided in this ordinance or as may be provided by law, a public official or employee is disqualified for appointment or designation as member of the PLEB.

Applying the provisions of Article 152, Chapter IV, Title III, Book II of the Revised Penal Code, the members of the PLEB are considered persons in authority.

**SECTION 4. *Term of Office.*** – The term of office of the members of the PLEB shall be for a period of three (3) years from assumption of office. Such member shall hold office until his successor shall have been chosen and qualified.

**SECTION 5. *Compensation.*** In recognition of their valuable contribution to public service, each, PLEB members shall be accorded an allowance of P5,000.00 per annum.

**SECTION 6. *Functions, Powers and Duties.*** The PLEB empowers the people against abusive and erring policemen. It has the following functions, powers and duties:

- 6.1 To hear and decide citizen's complaints or cases formally filed with, or referred to it, against any erring officers and members of the PNP, and if warranted impose the corresponding penalty therefor in accordance with applicable laws;
- 6.2 To formulate its own procedures for a more expedient disposition of cases filed before it for adjudication as maybe deemed necessary by the Board subject to the hereunder General Rules of Procedure;

- 6.3 To Issue clearances as maybe requested by police officers subject to limitations as provided for by law.

**SECTION 7. *Exclusive Original Jurisdiction.*** Pursuant to the Section 41 (a) of the RA 6975, the PLEB has the exclusive original jurisdiction of complaints or charges where the offense is punishable by withholding of privileges, restriction to specified limits, suspension of forfeiture of salary, or any combination thereof, for a period exceeding thirty (30) days; or by dismissal.

A complaint or charge filed against a PNP member shall be heard and decided exclusively by the PLEB who may have acquired original jurisdiction over the case notwithstanding the existence of concurrent jurisdiction as regards the offense. Provided that offenses which carry higher penalties referred to it shall be referred to the appropriate authority which has jurisdiction over the offense.

**SECTION 8. *Rules of Procedure*** — The PLEB, by a majority vote of all its members and its Chairman shall determine whether or not the respondent officer or member of the PNP is guilty of the charge upon which the complaint is based. Each case shall be decided within sixty (60) days from the time the case has been filed with the PLEB.

The procedures in the PLEB shall be summary in nature, conducted in accordance with due process, but without strict regard to technical rules of evidence.

Cases before the PLEB shall be governed by the PNP Memorandum Circular 2002-010 otherwise known as the 2002 PLEB Revised Rules of Procedure without prejudice to any subsequent issuances as thereafter may be promulgated.

**SECTION 9. *Decisions of the PLEB*** — The decision of the PLEB shall be final and executory even on appeal. Any appeal on the Decision of the PLEB may be raised to the Regional Appellate Board of the NAPOLCOM within ten (10) days from receipt of a copy of the Decision. The appellate board shall decide the appeal within sixty (60) from receipt of the complete records of the case.

**SECTION 10. *Jurisdiction in Criminal Cases.*** — Any provision of law to the contrary notwithstanding, criminal cases involving PNP members shall within the exclusive jurisdiction of the regular courts.

**SECTION 11. *Appropriation.*** — The appropriation shall come from the General Fund and shall be included in the 2020 Annual Budget of the Municipality and thereafter.

**SECTION 12. *Separability Clause.*** If any provision of this Ordinance is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue in full force and effect.

**SECTION 13. *Repealing Clause.*** All ordinance, local issuances or rules inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

**SECTION 14. *Effectivity.*** This ordinance shall take effect after the requirements set forth in the Local Government Code of 1991 shall be complied with.


**UNANIMOUSLY APPROVED.”**

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Voting on the foregoing ordinance was as follows:

AYES : Members Hernando, A., Galing-Luna, Butay, Dadiz, Sr., Ruiz, Jr.,  
Caraang, 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

ATTESTED:



**EDISTIO P. VALDEZ**  
Vice-Mayor/Presiding Officer

APPROVED:



**ALFREDO P. VALDEZ, JR., M.D.**  
Municipal Mayor  
Approved on: December 17, 2019