



Republic of the Philippines
Province of Ilocos Sur
MUNICIPALITY OF NARVACAN

OFFICE OF THE SANGGUNIANG BAYAN 2016-2019

12th Regular Session
Held at the SB Session Hall
On April 16, 2018

RESOLUTION NO. 12
Series of 2018

**RESOLUTION CREATING THE PEOPLE'S LAW ENFORCEMENT BOARD (PLEB)
OF THE MUNICIPALITY OF NARVACAN, ILOCOS SUR.**

WHEREAS, No less than our 1987 Constitution declares that the State shall adhere to the policy of peace, equality, justice, freedom, and cooperation; recognizes that the maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy and acknowledge that the prime duty of the Government is to serve and protect the people;

WHEREAS, Section 16 of RA 7160 otherwise known as the Local Government Code of 1991 rests upon the local government units the obligation to promote peace and order, improve public morals, among other equally significant concerns;

WHEREAS, Section 43 of Republic Act Numbered 6975 otherwise known as the "*Department of the Interior and Local Government Act of 1990*" provided for the creation of People's Law Enforcement Boards in every city/municipality to conduct hearing and adjudication of citizen's complaints against uniformed members of the Philippine National Police (PNP) for offenses committed in their area of jurisdiction;

WHEREAS, on March 6, 1998 Republic Act Numbered 8551 otherwise known as the "*PNP Reform and Reorganization Act of 1998*" took effect amending, among others, Section 43 of R.A. 6975 in order to further strengthen the PLEB;

WHEREAS, the National Police Commission (NAPOLCOM) promulgated Memorandum Circular No. 91-002 establishing the procedure in the investigation and hearing of administrative complaints before the PLEB against uniformed members of the PNP, and in conformity with the amendments brought about by R.A. 8551, promulgated Memorandum Circular 2002-010 revising the existing rules of procedure;

WHEREAS, the city/municipal government supports the PNP's quest for policing its own personnel to continuously uphold its good reputation and integrity by strengthening its disciplining authority as endowed by our laws;

WHEREAS, Section 4 of Memorandum Circular 2002-010 provides that the PLEB be formally organized through a resolution by the Sangguniang Panlungsod/Bayan;

NOW THEREFORE, on motion duly seconded by the body, **BE IT RESOLVED AS IT IS HEREBY RESOLVED** to organize the People's Law Enforcement Board (PLEB) of the municipality to wit:

SECTION 1. Creation. – Pursuant to Republic Act No. 6975 otherwise known as the DILG Act as amended by Republic Act 8551 otherwise known as the Philippine National Police Reform and Reorganization Act of 1998 and the pertinent guidelines issued by the National Police Commission pertaining thereto, there is hereby created a People's Law Enforcement Board (PLEB) in the city/municipality.

Upon enactment of this resolution, a copy hereof shall immediately be submitted to the City/Municipal Mayor who shall, within five (5) days from receipt thereof, issue the appropriate executive order adopting the resolution of the Sanggunian concerned.

SECTION 2. Functions, Powers and Duties. – The PLEB shall have the power to hear and adjudicate all citizen's complaints formally filed with, or referred to it, against any uniformed member of the PNP assigned at Narvacan Municipal Police Station, and, if warranted, impose the corresponding penalty.

The PLEB shall be the central receiving entity for any citizen's complaint against a uniformed member of the PNP. As such, every citizen's complaint, regardless of the imposable penalty for the offense alleged, shall be filed with the PLEB .

The jurisdiction of the PLEB to hear and decide citizen's complaint pertains to complaints of private individuals against PNP men and not by PNP men against their co-members or officers in a professional capacity, except, when they filed such a complaint in their private capacity and not as members of the PNP.

In the exercise of its functions, the PLEB, acting through its chairman, is empowered to administer oaths, summon witnesses, require the production of documents, records, books, or other things by a subpoena *duces tecum* and issue other processes as may be necessary.

SECTION 3. *Composition.* – The PLEB shall be composed of the following:

- a) A member of the Sangguniang Panlungsod/Bayan chosen by the sanggunian;
- b) A punong-barangay of the city or municipality concerned chosen by the Liga ng mga Barangay; and
- c) Three (3) other members who are removable only for cause to be chosen by the local peace and order council from among the respected members of the community known for their probity and integrity, one (1) of whom must be a woman and another, a member of the Bar, or in the absence thereof, a college graduate, or, the principal of the central elementary school in the locality.

~~The Chairman of the PLEB shall be elected from among its members.~~

A public official or employee is disqualified for appointment or designation as member thereof unless allowed by law or by the primary functions of his office.

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/her successor shall have been chosen and qualified.

The tenure of office of a PLEB member who has been designated as such by ~~virtue of his election to the Sangguniang Panlungsod/Bayan or his membership with the~~ Liga ng Mga Barangay ends upon the expiration of his term of office as Sangguniang Panlungsod/Bayan member or as Punong Barangay.

Before assuming the duties of their office, the chairperson and members of the ~~PLEB shall take the oath or affirmation before an administering officer, a copy of which~~ shall be filed with the office of the National Police Commission in the region where the PLEB is situated.

If reelected, and subsequently redesignated to the PLEB, members must take a ~~new oath of office.~~

SECTION 5. *Nature* - Membership in the PLEB constitutes a public office. 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 6. *Compensation* - The PLEB members shall be paid per diem and shall be provided with life insurance coverage as may be determined by the city or municipal council from city or municipal funds.

SECTION 7. Quorum. – The presence of the majority of all the PLEB members shall constitute a quorum.

If for any reason, the chairperson is unable to attend a meeting or is disqualified from participating therein, the members shall elect from themselves a temporary chairman to perform the duties appurtenant thereto.

When a PLEB member, after sufficient notice, fails or refuses to attend the hearings and/or deliberations thereof without any valid and justifiable reason and the Board could not proceed for lack of quorum, the Chairperson or the designated presiding officer may request the Sangguniang Panlungsod/Bayan or the Liga ng mga Barangay or the City/Municipal Peace and Order Council concerned to designate a temporary representative therein in order to attain the required quorum; Provided That, such temporary representative shall act as such only for the specific case.

SECTION 8. Procedures:

- (1) The PLEB, by a majority vote of all its members and its Chairperson shall determine whether or not the respondent officer or member of the PNP is guilty of the charge upon which the complaint is based.
- (2) Each case shall be decided within sixty (60) days from the time the case has been filed with the PLEB.
- (3) 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.
- (4) The PLEB shall strictly adhere to the Rules of Procedure including the penalties espoused in Memorandum Circular 2002-010 and all subsequent guidelines, formulated and promulgated by the National Police Commission (NAPOLCOM) in the hearing and adjudication of citizen's complaints before the PLEB against uniformed members of the PNP, ;
- (5) The PLEB, may invite NAPOLCOM hearing officers assigned by their Commission to act as legal consultants of the PLEBs and to provide, whenever necessary, legal services, assistance and advise to the PLEB in hearing and deciding cases against officers and members of the PNP, especially those involving difficult questions of law: Provided, That these lawyers may also be assigned to investigate claims for death and disability benefits of PNP members or their heirs..

SECTION 9. Decisions- The decisions of the PLEB shall be final and executory. Provided that a decision involving demotion or dismissal from the service may be appealed by either party with the regional appellate board within ten (10) days from receipt of the copy of the decision.

SECTION 10. Funding – The city/municipal government shall allocate substantial funding in its annual budget for the effective and efficient operation of the PLEB.

SECTION 11. Repealing Clause- Any resolution, part or provision thereof which is in conflict or inconsistent with any provision of this resolution, is hereby deemed repealed, amended or modified accordingly.

SECTION 12. Effectivity- This Resolution shall take effect immediately upon its approval and after religious compliance with the posting requirement of the Local Government Code of 1991.

RESOLVED FURTHER, to furnish a copy of this resolution to the Municipal Mayor, Hon. Zuriel S. Zaragoza for his immediate issuance of executive order adopting this resolution and naming the official compositions of the PLEB;

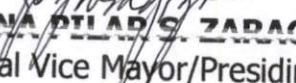
RESOLVED FINALLY, to forward copies of this resolution together with the approved Executive Order and a copy of Memorandum Circular No. 2002-010 entitled "Revised Rules of Procedure in the Hearing and Adjudication of Citizen's Complaints Against Uniformed Members of the Philippine National Police (PNP) Before the People's Law Enforcement Board (PLEB) to the PNP City/Municipal Police Station for their information and reference, and to DILG in compliance with the LGU's reportorial requirements.

ADOPTED this 16th day of April, 2018.


Certified Correct:

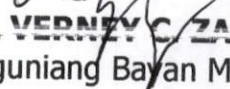

ATTY. JUMAR A. VILORIA
Attorney II/Acting SB Secretary

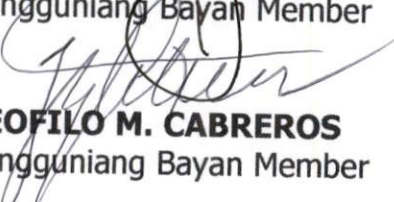
Attest:


FAYINNA PILAD S. ZARAGOZA-DELGADO
Municipal Vice Mayor/Presiding Officer

CONFORME:


JOSEPH A. TELADA
Sangguniang Bayan Member


AVEL VERNEY C. ZARAGOZA
Sangguniang Bayan Member



TEOFILO M. CABREROS
Sangguniang Bayan Member

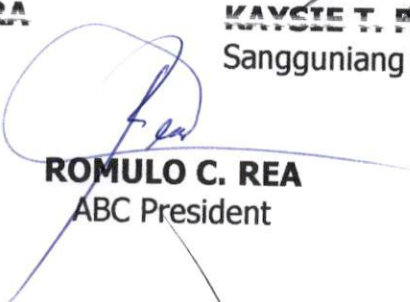

LUIS "CHAVIT" C. SINGSON
Sangguniang Bayan Member

RAFAEL C. CACHOLA
Sangguniang Bayan Member

ROSALINDA C. CABANILLA
Sangguniang Bayan Member

BENEDIX BX L. DELA CUADRA
Sangguniang Bayan Member


KAYSIE T. POTENCION
Sangguniang Bayan Member


ROMULO C. REA
ABC President

Approved:


ZURIEL S. ZARAGOZA
Municipal Mayor



Republic of the Philippines
Province of Ilocos Sur
MUNICIPALITY OF NARVACAN

OFFICE OF THE MUNICIPAL MAYOR

April 12, 2018

The Presiding Officer and Members,
Sangguniang Bayan, Narvacan,
Ilocos Sur

Your Honors:

Greetings!

In the interest of public service and by virtue of the authority vested upon me by law particularly Article 107 (e) of the Rules and Regulations Implementing the Local Government Code of 1991, the undersigned requests the Honorable Body to treat as **urgent matter** the passage of:

1. RESOLUTION NO. 12., SERIES OF 2018 - RESOLUTION CREATING THE PEOPLE'S LAW ENFORCEMENT BOARD (PLEB) OF THE MUNICIPALITY/CITY OF NARVACAN, ILOCOS SUR.

Thank you.

Very truly yours,

ZURIEL S. ZARAGOZA
Municipal Mayor

A handwritten signature in black ink, appearing to read "Zurriel S. Zaragoza", is written over the printed name and title.