

RESOLUTION NO. 14-053

A RESOLUTION CREATING THE PEOPLE'S LAW ENFORCEMENT BOARD (PLEB) PURSUANT TO REPUBLIC ACT NO. 8551 DATED FEBRUARY 25, 1998 AND THE MEMORANDUM CIRCULAR NO. 2007-001 ISSUED BY THE NATIONAL POLICE COMMISSION (NPC) AND THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG).

Sponsored by: *Hon. Coun. Atty. Patricio L. Boncayao, Jr.*
Hon. Coun. Atty. Raul R. Corro
Hon. Coun. Stephanie G. Teves
Hon. Coun. Louisito A. Arciaga
Hon. Coun. Ringo A. Teves
Hon. Coun. Margarita Amythyst Patdu-Labios, MD
Hon. Coun. Alexander B. Diaz
Hon. Coun. Ma. Dhesiree G. Arevalo
Hon. Coun. Elmer S. Espeleta
Hon. Coun. Rafael T. Sevilla
Hon. Coun. Vergel C. Ulanday
Hon. Coun. Robert A. Abas
Hon. Coun. Robert P. Baes
Hon. Coun. Celso C. Dioko

WHEREAS, Republic Act No. 8551 dated February 25, 1998 states that, "an act providing for the reform and reorganization of the Philippine National Police and for other purposes, amending certain provisions of Republic Act numbered sixty-nine hundred and seventy-five entitled, "an act establishing the Philippine National Police under a re-organized Department of the Interior and Local Government, and for other purposes";

WHEREAS, Title IX of Republic Act No. 8551 states that, "Title IX, Strengthening the People's Law Enforcement Board;

WHEREAS, Section 66, 67, 68, 69 and 70 of Republic Act No. 8551 provides that:

"Section 66. Paragraph (a), Section 43 of Republic Act No. 6975 is hereby amended to read as follows:

SECTION 43. People's Law Enforcement Board (PLEB). – (a) *Creation and Functions* – *The Sangguniang Panlungsod/Bayan in every city and municipality shall create such number of People's Law Enforcement Boards (PLEBs) as may be necessary: Provided, that there shall be at least one (1) PLEB for every five hundred (500) city or municipal police personnel and for each of the legislative districts in a city.*

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"The PLEB shall be the central receiving entity for any citizen's complaint against the officers and members of the PNP. Subject to the provisions of Section 41 of Republic Act No. 6975, the PLEB shall take cognizance of or refer the complaint to the proper disciplinary or adjudicatory authority within three (3) days upon the filing of the complaint."

Section 67. Number (3) of Paragraph (b), Section 43 of Republic Act No. 6975 is hereby amended to read as follows:

"(3) 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 Centre Elementary School in the locality."

Section 68. The last paragraph of Section 43(b)(3) of Republic Act No. 6975 shall be amended to read as follows:

"The Chairman of the PLEB shall be elected from among its members. 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 69. Compensation and Benefits - Paragraph (c), Section 43 of Republic Act No. 6975 shall be amended to read as follows:

"(c) Compensation - Membership in the PLEB is a civic duty. However, 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. The DILG shall provide for the per diem and insurance coverage of PLEB members in certain low income municipalities."

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Section 70. Budget Allocation - *The annual budget of the Local Government Units (LGU) shall include an item and the corresponding appropriation for the maintenance and operation of their local PLEBs.*

The Secretary shall submit a report to Congress and the President within fifteen (15) days from the effectivity of this Act on the number of PLEBs already organized as well as the LGUs still without PLEBs. Municipalities or cities without a PLEB or with an insufficient number of organized PLEBs shall have thirty (30) more days to organize their respective PLEBs. After such period, the DILG and the Department of Budget and Management shall withhold the release of the LGU's share in the national taxes in cities and municipalities still without PLEB(s)."

WHEREAS, Memorandum Circular No. 2007-001, issued by the National Police Commission and Department of Local Government states that, "uniform rules of procedure before the administrative disciplinary authorities and the Internal Affairs Service of the Philippine National Police.";

WHEREAS, Section 1, 2, 3, 4, 5 and 6 of Rule 11, People's Law Enforcement Board (PLEB), Creation, function, composition, term of office and quorum of the Memorandum Circular No. 2007-2001 provides that:

"Section 1. Creation - *The Sangguniang Panlungsod/Bayan in every city and municipality shall create such number of People's Law Enforcement Boards (PLEBs) as may be necessary. Provided, that there shall be at least one (1) PLEB for every five hundred (500) city or municipal police personnel and for each of the legislative districts in a city.*

Section 2. Function, Powers and Duties - *The PLEB has the power to hear and decide citizen's complaints within its jurisdiction filed against any member of the municipal police station or city police station/office.*

Section 3. Composition - *The PLEB shall be composed of the following:*

- a) A member of the Sangguniang Panlungsod/Bayan chosen by his/her respective sangunian;
- b) A punongbarangay of the city or municipality concerned chosen by the Liga ng mga Barangay; and
- c) Three (3) other member, who can be removed only or cause, chosen by the city/municipal 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 Chairperson of the PLEB shall be elected from among its members. Except as provided in this Section 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 provision 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. Resolution and Executive Order Constituting the PLEB - The Sangguniang Panlungsod/Bayan shall pass a resolution formally organizing the members of the PLEB a copy thereof shall immediately be submitted to the City/Municipal Mayor who shall, within five (5) days from receipt of the same, issue the appropriate Executive Order (EO) adopting the resolution of the Sanggunian concerned. A copy of said Executive Order shall be furnished the NAPOLCOM Regional Office within ten (10) days from issuance.

Section 5. 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 unless sooner removed for cause or some other valid grounds. 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 Association of Barangay Captains ends upon the expiration of his term of office as Sangguniang Panlungsod/Bayan member or as Barangay Chairman. If reelected, and subsequently re-designated to the PLEB, he must take a new oath of office.

Section 6. Budget Allocation – The annual budget of the city or municipality shall include an item and the corresponding appropriation for the maintenance and operation of their local PLEB(s)."

WHEREAS, Article 99, Rule IX(1)(ix) of Rules and Regulations Implementing the Local Government Code of 1991 states that, "the Sangguniang Panlungsod shall enact ordinances and adopt resolutions necessary for an efficient and effective city government and relative thereto shall, "authorize the payment of compensation to a qualified person xxx or grant honorarium to any qualified officials xxx in a concurrent capacity, at the rate authorized by law."

WHEREAS, pursuant to the above cited laws and Implementing Rules and Regulations, the members of the PLEB can be granted per diem in such amount which may be approved by way of ordinance or resolution of the City Council. For this purpose, the Chairman is granted **Php3,000.00** and each of the four other members of the PLEB is granted **Php2,000.00** per diem per meeting/session/hearing based on actual attendance supported by minutes of meeting/session/hearing. However, no meeting/session/hearing shall exceed four times in a month.

WHEREAS, the PLEB shall have a secretariat which shall be composed of the following:

- 1. Head Secretariat/DILG Director**
- 2. Investigator**
- 3. Consultant/NAPOLCOM**
- 4. Transcriber**
- 5. Clerk/Typist**
- 6. Utility**
- 7. Process Server/Driver**

The fund for the members of the PLEB and the Secretariat shall be taken from the 2014 Executive Budget. The Executive Budget shall provide fund for the PLEB every year.

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WHEREAS, the above Secretariat shall receive honorarium monthly supported by minutes of meeting/session/hearing based on actual attendance, as follows:

1. Head Secretariat/DILG Director	- Php10,000.00
2. Investigator	- 7,000.00
3. Consultant/NAPOLCOM	- 6,000.00
4. Transcriber	- 5,000.00
5. Clerk/Typist	- 5,000.00
6. Utility	- 4,000.00
7. Process Server/Driver	- 3,000.00

However, no meeting/session/hearing shall exceed four (4) times in a month.

WHEREAS, the **Chief Executive, Hon. City Mayor Atty. Jaime R. Fresnedi**, shall issue Executive Order appointing the members of the PLEB and the composition of the Secretariat pursuant to the Memorandum Circular No. 2007-001 and other pertinent laws;

WHEREAS, any resolution or ordinance in conflict with this Ordinance shall be declared without force and effect;

RESOLVE, THEREFORE, AS IT IS HEREBY RESOLVED, by the 7th Sangguniang Panlungsod of Muntinlupa, to create **People's Law Enforcement Board (PLEB)** pursuant to Republic Act No. 8551 dated February 25, 1998 and the Memorandum Circular No. 2007-001 issued by the National Police Commission (NPC) and Department of Interior and Local Government (DILG).

ENACTED, by the 7th Sangguniang Panlungsod of Muntinlupa this 3rd day of February 2014, on its 25th Regular Session.

CONCURRED:

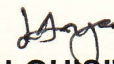
DISTRICT I:

COUN. ATTY. RAUL R. CORRO
Member

COUN. ATTY. PATRICIO L. BONCAYAO, JR.
Member

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COUN. STEPHANIE G. TEVES
Member



COUN. LOUISITO A. ARCIAGA
Member


COUN. MARGARITA AMYTHYST PATDU-LABIOS, MD
Member


COUN. RINGO A. TEVES
Member


COUN. ALEXANDER B. DIAZ
Member

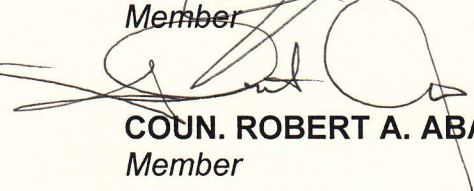
DISTRICT II:



COUN. MA. DHESIREE G. AREVALO
Member



COUN. ELMER S. ESPELETA
Member


COUN. RAFAEL T. SEVILLA
Member


COUN. VERGEL C. ULANDAY
Member



COUN. ROBERT A. ABAS
Member


COUN. ROBERT P. BAES
Member


COUN. CELSO C. DIOKO
Sectoral Representative
President
Association of Barangay Captains

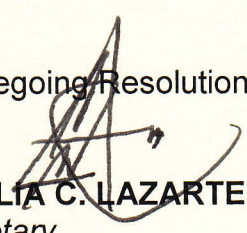
ABSENT:


COUN. BAL NIEFES
Member

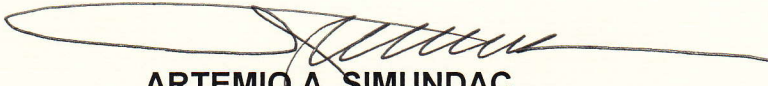

COUN. LUVI P. CONSTANTINO
Member

COUN. ENGR. NEPTALI S. SANTIAGO
Member

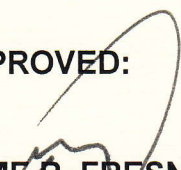
I HEREBY CERTIFY, as to the correctness of the foregoing Resolution.


CECILIA C. LAZARTE
Secretary

ATTESTED:


ARTEMIO A. SIMUNDAC
City Vice-Mayor/Presiding Officer

APPROVED:


ATTY. JAIME R. FRESNEDI
City Mayor
Date: FEB 10 2014


Norie/7th SP