

MUNICIPAL ORDINANCE NO. 2017-01

Series of 2017

AN ORDINANCE CREATING THE BONGABONG DANGEROUS DRUGS ADMINISTRATIVE BOARD

SECTION 1. TITLE – This Ordinance shall be known as **THE BONGABONG DANGEROUS DRUGS ADMINISTRATIVE BOARD**.

SECTION 2. COMPOSITION – The Bongabong Drugs Administrative Board is hereby composed of the following.

- a.) The Municipal Health Officer as Chairperson;
- b.) The Secretary to the Sangguniang Bayan as Vice-Chairperson;
- c.) The Chief of Police as member;
- d.) One (1) representative from the Municipal Peace and Order Council as member to be selected by the said Council through a resolution;
- e.) One (1) representative from the Municipal Anti-Drugs Abuse Council as member to be selected by the said Council through a resolution.

SECTION 3. POWERS AND DUTIES – The Bongabong Dangerous Drugs Administrative Board shall have the following powers and functions:

- a.) Receive complaints for the abatement of dangerous drug-related public nuisances and conduct hearing for the purpose in accordance with the immediately succeeding section;
- b.) Declare the place or premises in question as drug-related public nuisances to warrant or lift such declaration;
- c.) Abate drug related public nuisances;

SECTION 4. ABATEMENT OF DRUG RELATED PUBLIC NUISANCES – Pursuant to Section 52 of Republic Act 9165 and its Implementing Rules and Regulations, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, any private place or premises which have been used on two or more occasion as site of the unlawful sale or delivery of dangerous drugs, or used as drug dens for pot sessions and other similar activities may be declared as public nuisance and such nuisances may be abated under the following procedures:

- a.) Any employee, officer or resident of Bongabong may bring a written complaint before the Bongabong Dangerous Drugs Administrative Board after giving not less than three (3) days written notice of such complaint to the owner of the place or premises at his/her last known address;
- b.) Within (3) days from receipt of the complaint, a hearing shall then be conducted by the Bongabong Dangerous Drugs Administrative Board, with notice to both parties and the administrative board may consider any evidence submitted, including evidence of general reputation of the place or premises;

- c.) The owner/manager of the premises or place shall also be given an opportunity to present any evidence in his/her defense;
- d.) After hearing, the Administrative Board may declare the place or premises to be a public nuisance;
- e.) The hearing shall be terminated within ten days (10) days from commencement.

SECTION 5. HONORARIA FOR MEMBERS OF THE ADMINISTRATIVE BOARD – Membership in the Dangerous Drugs Administrative Board is a civic duty and therefore, its members shall not be entitled to honorarium.

SECTION 6. EFFECT OF THE ADMINISTRATIVE BOARD DECLARATION – Pursuant to Section 53 of Republic Act 9165 and Its Implementing Rules and Regulations, if the administrative board declares a place or premises to be a public nuisance, it shall issue an order immediately prohibiting the conduct, operation or maintenance of any business or activity which is conducive to such nuisance. The Municipal Mayor shall implement the order of the administrative board within fifteen (15) days from receipt thereof and shall assume full responsibility in seeing to it that the order is immediately complied with.

The order issued by the administrative board shall expire after one (one) year from the date of issuance, or at such an earlier time as stated in the order. The administrative board may bring complaints seeking a permanent injunction against any nuisances described under R.A 9165 and Implementing Rules and Regulations.

The administrative board, upon showing that the place is no longer a public nuisance, may conduct hearing with the complaint duly notified, for the possible lifting of the order.

SECTION 7. WITHOUT PREJUDICE TO THE FILING OF CRIMINAL CASE, AND THE DECLARATION AND/OR ABATEMENT OF ANY NUISANCE UNDER THE CIVIL CODE AND THE LOCAL GOVERNMENT CODE OF THE PHILIPPINES – The ordinance is without prejudice to the filing of a criminal case against the owner of the place or premise declared as drug related public nuisances pursuant to Section 6 of R.A . 9165. This does not restrict the right of any person to proceed under the Civil Code on public nuisances. Neither shall this restrict the power of Sangguniang Bayan to declare and/or abate any nuisances under Section 458 (a)(4)(i) of the Local Government Code:

SECTION 8. APPROPRIATION – The amount of at least One Hundred Thousand Pesos (100,000.00) shall be appropriated annually for the effective implementation of this ordinance.

SECTION 9. SEPARABILITY CLAUSE – If any provision of this ordinance is found to be unconstitutional, the portion of provision not affected thereby shall remain in full force and effect.

SECTION 10. REPEALING CLAUSE – Any ordinance inconsistent with this shall be deemed repealed or modified accordingly.

SECTION 11. TRANSITORY PROVISION – For the current year, the Municipal Mayor is authorized to utilize appropriation for his office for the implementation of this ordinance until such time that a regular appropriation be enacted under Section 8 hereof.

SECTION 12. EFFECTIVITY – This ordinance shall take effect immediately.

Certified true:

Atty. EDUARDO M. MAGSINO
Secretary to the Sanggunian

Attested:

RICHARD S. CANDELARIO
Vice-Mayor/Presiding Officer

Approved:

ELEGIO A. MALALUAN, O.D.
Municipal Mayor
Date: _____