



GENERAL ORDINANCE NO. 18-61
Series of 2017

AN ORDINANCE CREATING THE MUNICIPAL DANGEROUS DRUGS ADMINISTRATIVE BOARD OF TUNGAWAN, ZAMBOANGA SIBUGAY

Authored by: HON. LOVERLE S. CARACOL

Be it ordained by the 18th Legislative Council of Tungawan, Zamboanga Sibugay in its 33rd Regular Session Assembled, that:

Section 1. TITLE – This Ordinance shall be known as **THE MUNICIPAL DANGEROUS DRUGS ADMINISTRATIVE BOARD OF TUNGAWAN, ZAMBOANGA SIBUGAY.**

Section 2. COMPOSITION - The Municipal Dangerous Drugs Administrative Board is hereby composed of the following:

Chairman	-----	Municipal Health Officer
Members	-----	Municipal Chief of Police
		Municipal Legal Officer/Municipal Administrator

In the absence of the Municipal Legal Officer or Municipal Administrator, the Municipal Mayor shall designate his Executive Assistance as Member.

Section 3. POWERS AND DUTIES – The following are the powers and duties of the Municipal Dangerous Drugs Administrative Board:

- a) Receive complaints for the abatement of drug related public nuisances;
- b) Conduct hearings in connection with the foregoing sub-section;
- c) Declare the place or premises in question as drug related public nuisance if the circumstances so warrant; and
- d) 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 place or premises which have been used on two or more occasions as the 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 to be a public nuisance and such nuisance may be abated under the following procedures:

- a) Any employee, officer, or resident of the Municipality of Tungawan may bring a complaint before the Municipal 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 three (3) days from receipt of the complaint, a hearing shall then be conducted by the Municipal 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; and;
- e) The hearing shall be terminated within ten days (10) days from commencement.



(Pg 2 of Gen. Ord. No. 18-61 series of 2017)

Section 5. HONORARIA FOR MEMBERS OF THE ADMINISTRATIVE BOARD –The members of the Administrative Board shall be entitled to receive honoraria in the following manner:

- a) Five Hundred pesos (P500.00) per month for the chairperson; and
- b) Four Hundred pesos (P400.00) per month for every member.

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 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 (1) year from the date of issuance, or at such an earlier time as stated in the order. The administrative board may bring a complaint seeking a permanent injunction against any nuisance described under R.A. 9165 and its Implementing Rules and Regulations.

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

Section 7. WITHOUT PREJUDICE TO THE FILING OF A CRIMINAL CASE, AND THE DECLARATION AND/OR ABATEMENT OF ANY NUISANCE UNDER THE CIVIL CODE AND THE LOCAL GOVERNMENT CODE OF THE PHILIPPINES – This ordinance is without prejudice to the filing of a criminal case against the owner of a place or premises declared as drug related public nuisance 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 nuisance. Neither shall this restrict the power of the Sangguniang Bayan to declare and/or abate any nuisance under Section 447 (a)(4)(i) of the Local Government Code.

Section 8. APPROPRIATION – the amount of at least Fifty Thousand Pesos (P50,000.00) shall be appropriated annually for the effective implementation of this ordinance.

Section 9. SEPARABILITY CLAUSE – Any provision of this ordinance found to be unconstitutional shall not affect the other which shall remain to be in full force and effect.

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

Section 11. TRANSITORY PROVISION – The amount appropriated in the 2017 Municipal Development Plan for Anti-Drug Abuse Program shall also cover expenses 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.

ADOPTED and APPROVED this 6th day of June 2017.

Attested and Certified
to be Duly Adopted:

IVAN N. BALANO
Mun. Vice Mayor/Presiding Officer

Approved:

CARL N. C. CLIMACO
Municipal Mayor

Date Signed _____

MOBIN M. MAULE
Admin. Officer I
Acting Secretary to the SB