



Republic of the Philippines
Western Mindanao, Region IX
PROVINCE OF ZAMBOANGA DEL SUR
MUNICIPALITY OF SAN PABLO
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OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 37TH REGULAR SESSION OF THE 9TH MUNICIPAL COUNCIL (Under the Local Government Code of 1991) HELD AT THE OFFICE OF THE MUNICIPAL VICE MAYOR, SAN PABLO, ZAMBOANGA DEL SUR ON AUGUST 23, 2017.

MUNICIPAL ORDINANCE NO. 2017-08-20

AN ORDINANCE CREATING THE SAN PABLO DANGEROUS DRUGS ADMINISTRATIVE BOARD

Section 1. TITLE- This ordinance shall be known as **THE SAN PABLO DANGEROUS DRUGS ADMINISTRATION.**

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

- a) The Municipal Health Officer as Chairperson;
- b) SB Chair on Health as Vice Chairperson
- c) The Municipal Chief of Police as Member
- d.)SB Chair on Peace & Order Chairman as Member
- e.) MRP-MRND (Religious Sector)and
- f.) President, Liga ng mga Barangay.

Section 3. POWER AND DUTIES- The following are the powers and duties of the San Pablo 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 of 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 places 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 San Pablo may bring a complaint before the San Pablo Dangerous Administrative Board after giving not less than seven (7)days written notice of such complaint to the owner of the place or premises at his/her last known address;

b) Within Seven (7) days from receipt of the complaint, a hearing shall then be conducted by the San Pablo Dangerous Drugs Administrative Board, with notice to both parties and the administrative board may consider any evidence submitted, including the 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 evidences 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 (10) days from commencement.

SECTION 5. EFFECT OF THE ADMINISTRATIVE BOARD DECLARATION- Pursuant to section 53 of Republic Act 9165 and in 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 the 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 6. 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 ILA 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 458(a)(4)(1) of the Local Government Code.

SECTION 7. APPROPRIATION- The amount of at least Fifty Thousand Pesos (P50,000.00) shall be appropriated annually for the effective implementation of this ordinance.

SECTION 8. 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 9. REPEALING CLAUSE- Any ordinance found to be inconsistent with this Ordinance shall be deemed repealed or modified accordingly.

SECTION 10. TRANSITORY PROVISION- The amount appropriated in the 2017 Municipal Development Plan for the Anti-Drug Abuse Program shall also cover expenses for the implementation of this ordinance until such time that a regular appropriation be mooted under Section 8 hereof.

SECTION 11. EFFECTIVITY- This ordinance shall take effect immediately.

ENACTED on August 23, 2017.

I hereby certify to the correctness of the above-quoted ordinance.

(SGD) NELITA P. SUMBI
Sangguniang Bayan Secretary

Verified Correct:

(SGD) ALLAN S. CEÑO
Sangguniang Bayan Member
Floor Leader

Attested:

(SGD) ROBERTO M. AGUILAR
Municipal Vice Mayor
Presiding Officer

Approved:

(SGD) DANILO A. TAUCAN
Municipal Mayor