



REPUBLIC OF THE PHILIPPINES
PROVINCE OF ORIENTAL MINDORO
MUNICIPALITY OF PINAMALAYAN

Office of the Sangguniang Bayan

ORDINANCE NO. 02 - 2017

AN ORDINANCE CREATING THE PINAMALAYAN DANGEROUS DRUGS ADMINISTRATIVE BOARD.

Be it ordained by the Sangguniang Bayan of Pinamalayan, Oriental Mindoro, that:

Section 1. TITLE - This Ordinance shall be known as Ordinance THE PINAMALAYAN DANGEROUS DRUGS ADMINISTRATIVE BOARD.

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

- a) The Municipal Mayor as Chairperson;
- b) The Chief of Police as Vice Chairperson;
- c) The Chairman of Sangguniang Bayan Committee on Peace & Order as member;
- d) One (1) Representative of NGO which is member of Municipal Peace and Order Council as member;
- e) Municipal Health Officer as member;
- f) Municipal Local Government Operation Officer as member;
- g) MSWDO as member;
- h) Municipal Secretary and one (1) Administrative Staff as Secretary of the Board.

Section 3. POWERS AND DUTIES – The following are the powers and duties of the Pinamalayan 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, Article VII of RA 9165 known as the Comprehensive Dangerous Drug Act 2002, states: Abatement of Drug Related Public Nuisances – Any place or premise which have been used on two (2) or more occasions as the site of the unlawful sale or delivery of dangerous drugs may be declared to be a public nuisance, and such nuisance may be abated, pursuant to the following procedures:

1. Any employee, officer, or resident of the Municipality of Pinamalayan may bring a complaint before the Pinamalayan 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;
2. Within three (3) days from receipt of the complaint, a hearing shall then be conducted by the Pinamalayan 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;



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3. The owner/manager of the premises or place shall also be given an opportunity to present any evidence in his/her defense;
4. After hearing, the Administrative Board may declare the place or premises to be a public nuisance; and
5. The hearing shall be terminated within ten days from commencement.

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) One Thousand pesos (Php1,000.00) per hearing for the chairperson; and
- b) Seven Hundred pesos (Php700.00) per hearing for every member.

Section 6. EFFECT OF THE ADMINISTRATIVE BOARD DECLARATION – Pursuant to Section 53 of RA 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 Panlungsod to declare and/or abate any nuisance under Section 458 (a)(4)(i) of the Local Government Code.



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Section 8. APPROPRIATION – the amount of at least One Hundred Thousand Pesos (Php100,000.00) shall be appropriated annually for the effective implementation of this Ordinance.

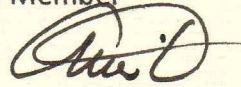
Section 9. SEPARABILITY CLAUSE - Any provision of this ordinance found to be unconstitutional shall not affect the other which shall remain to be in full force and effect.

Section 10. EFFECTIVITY - This Ordinance shall take effect upon its approval.

ENACTED this 8th day of May 2017 at Pinamalayan, Oriental Mindoro on motion of Hon. Rio S. Mercene and duly seconded by all SB Members present, said Ordinance was **UNANIMOUSLY APPROVED**.


HON. RIO S. MERCENE
SB Member


HON. JOSEPH T. RODIL
SB Member

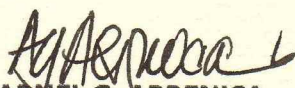

HON. SEVERINO J. NARITO
SB Member


HON. NAPOLEON M. MANGARING
SB Member

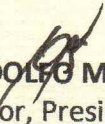

HON. JEOFFREY PAUL A. UMBAO
SB Member


HON. LEONARDO L. PEDRAZA
SB Member

Attested :


ARNEL G. ABRENICA
Secretary to the Sanggunian

Certified Correct :


HON. RODOLFO M. MAGSINO
Vice Mayor, Presiding Officer

Approved:


HON. ARISTEO A. BALDOS, JR.
Municipal Mayor

MAY 23 2017