

REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FOURTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,
ORMOC CITY HALL BUILDING
ON OCTOBER 26, 2017

PRESENT:

Leo Carmelo L. Locsin, Jr.	Vice Mayor & Presiding Officer
Vincent L. Rama,	SP Member, Asst. Majority Floor Leader
Mario M. Rodriguez	SP Member, Presiding Officer "Pro-Tempore"
Tomas R. Serafica,	SP Member
Benjamin S. Pongos, Jr.,	SP Member
Eusebio Gerardo S. Penserga,	SP Member
Gregorio G. Yrastorza III	SP Member
Nolito M. Quilang	SP Member
John Eulalio Nepomuceno O. Aparis II,	SP Member
Lea Doris C. Villar	Minority Floor Leader
Mariano Y. Corro,	SP Member, Asst. Minority Floor Leader
	Ex-Officio SP Member
	Chapter President, Liga ng mga Barangay ng Ormoc

ON LEAVE:

Rolando M. Villasencio,	SP Member, Majority Floor Leader
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PREFATORY STATEMENT

WHEREAS, the proliferation and use of illegal drugs has caused moral degradation, disease, crimes and deaths to numerous Filipinos;

WHEREAS, the vision of the national government for a healthy and peaceful community necessitates the participation of the local government units in accelerating the drive against illegal drugs and in the suppression of all illegal drug activities including the close monitoring of places serving as venue for these activities and to declare such places as public nuisances;

WHEREAS, Dangerous Drug Board REGULATION No. 2, Series of 2007, entitled "PROVIDING FOR REVISED GUIDELINES IN THE CONDUCT OF BARANGAY DRUG-CLEARING OPERATIONS" mandates the Enactment of city or municipal ordinances creating Administrative Boards to hear and act on complaints regarding public nuisances pursuant to Section 52, Article VII of Republic Act 9165;

WHEREAS, Section 458 (a)(1)(v) of Republic Act 7610 or the Local Government Code of 1991 mandates the local legislative bodies to enact ordinances, which are intended to prevent, suppress, and impose appropriate penalties for drug addiction, maintenance of drug dens and drug pushing;

WHEREAS, in order to make the clearing of drug-affected barangays more effective, there is a need to craft a more practical set of guidelines, considering the numbers of agencies involved and the complexity of said operations;

NOW, THEREFORE, on joint motion of SP Member Nolito M. Quilang, Chairman, Committee on Good Government and SP Member Gregorio Yrastorza III, Chairman, Committee on Police, Fire & Penology, severally seconded by SP Members Tomas R. Serafica, Mario M. Rodriguez, Eusebio Gerardo S. Penserga, John Eulalio Nepomuceno O. Aparis II, Lea Doris C. Villar, Mariano Y. Corro; be it

RESOLVED, to enact:

ORDINANCE NO. 050

AN ORDINANCE CREATING THE ORMOC DANGEROUS DRUGS ADMINISTRATIVE BOARD AND APPROPRIATING FUNDS THEREFOR.

Be it ordained by the 14th Sangguniang Panlungsod, Ormoc City, that:

SECTION 1. TITLE. This ordinance shall be known as the ORMOC CITY DANGEROUS DRUGS ADMINISTRATIVE BOARD (OCDDDB).

SECTION 2. PURPOSE AND SCOPE – The purpose of this ordinance is to establish a local body to hear and act on complaints regarding public nuisances pursuant to Section 52, Article VII of Republic Act 9165. This ordinance shall apply only on any place or premises, which have been used as the site of unlawful sale or delivery or trafficking of dangerous drugs or used as drug dens or pot sessions and other similar illicit drug activities.

SECTION 3. COMPOSITION OF OCDDDB– The OCDDDB shall be composed of the following:

CHAIRPERSON	: City Legal Officer
VICE CHAIRPERSON	: City Health Officer or authorized representative
MEMBERS	: PNP City Director
	DILG City Director
	One (1) representative of the Non-Government Organization that is a member of the City Peace and Order Council
	President, Liga ng mga Barangay

SECTION 4. POWERS AND DUTIES OF OCDDDB– The following are the powers and duties of the OCDDDB:

- a) Receive complaints filed regarding a place or premises used as the site of the unlawful sale or delivery of dangerous drugs, or used as drug dens for pot sessions and other similar activities;
- b) Conduct hearings and receive and consider any evidence, including evidence of the general reputation of the place or premises complained;
- c) Declare whether or not the place or premises in question is a public nuisance based on evidence presented;
- d) Issue an order immediately prohibiting the conduct, operation, or maintenance of any business or activity on the premises which is conducive to such nuisance;
- e) Bring a complaint seeking for permanent injunction against any nuisance described herein when circumstances warrant;
- f) Upon showing that the place is no longer a public nuisance, conduct hearing with the complainant duly notified for the possible lifting of the order; and
- g) On appropriate occasions, may conduct inspection or hearing motu proprio.

SECTION 5. SECRETARIAT SUPPORT - The Secretariat support shall be lodged with the City Legal Office and shall be responsible for the functionality of the OCDDb, including the documentation of proceedings and meetings, preparation of the reports and other tasks that may be assigned by the OCDDb.

SECTION 6. VOTES REQUIRED - Should there be any disagreement on any issue or matter pending before the OCDDb, the vote of majority of all the members prevail. The same rule applies before an order declaring a place or premises as public nuisance is made.

SECTION 7. ABATEMENT OF DRUG RELATED PUBLIC NUISANCES - Pursuant to Section 52 of Republic Act 9165 and its Implementing Rules and Regulations and other relevant laws and executive issuances, any place or premises which have been used as site for two (2) or more occasions of 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 residents of Ormoc City may bring a written complaint before the OCDDb through the City Legal Office on a place/s or premise/s used as site for two (2) or more occasions of unlawful sale or delivery of dangerous drugs or used as drug dens for pot sessions and other similar activities;
- b) Within three (3) days from receipt of the complaint, the OCDDb shall serve written notice of such complaint to the owner of the place or premises at his/her last known address;
- c) Within three (3) days from the date the owner is notified, a hearing shall then be conducted by the OCDDb, with written notice to both parties and the administrative board may consider any evidence from the complainant;
- d) The owner/manager of the premises or place shall also be given an opportunity to present any evidence in his/her defense;
- e) The hearing shall be terminated within ten (10) days from its commencement.
- f) After hearing the OCDDb may declare the place or premises to be a public nuisance, and;

SECTION 8. EFFECT OF THE OCDDb DECLARATION - Pursuant to Section 53 of Republic Act 9165 and its Implementing Rules and Regulations, if the OCDDb 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 on the premises, which is conducive to such nuisance. The City Mayor shall implement the order of the OCDDb within fifteen (15) days from receipt thereof and shall assume full responsibility in seeing to it that the order is immediately complied with. However, if the subject of the complaint is the use of place for illegal drug activities but only for single or first instance, the OCDDb will still conduct hearing and issue an order of warning to the owner to stop the use of the place or premise for illegal activities.

The order issued by the OCDDb shall expire after one (1) year from the date of issuance, or at such an earlier time as stated in the order. The OCDDb may bring a complaint before the Court seeking a permanent injunction against any nuisance described under R.A. 9165 and its Implementing Rules and Regulations.

The OCDDb, 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 9. APPLICATION OF OTHER LAWS - This ordinance is without prejudice to the filing of a criminal case against the owner, maintainers or caretakers of a place or premises declared for violation of Section 6, RA 9165. This does not restrict the right of any person to proceed under the New Civil Code against any public nuisance. Neither shall this ordinance 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.

SECTION 10. HONORARIA OF OCDDDB MEMBERS - Each member of the OCDDDB shall be entitled to honoraria of ONE THOUSAND PESOS (P1,000.00) per session or meeting attended but not to exceed four (4) paid sessions per month. The Secretary to the Board under Section 5 of the ordinance as well as the documenter or stenographer may be granted honoraria in the amount of FIVE HUNDRED PESOS (P500.00) per meeting attended but not to exceed four (4) paid sessions per month.

SECTION 11. FUNDING SOURCE - Funds necessary for the implementation hereof shall be sourced from the General Fund, subject to existing budgetary, accounting and auditing rules and regulations. For the succeeding years, the appropriation for the said program shall be included in the Annual Budget.

SECTION 12. IMPLEMENTING RULES AND GUIDELINES - The OCDDDB shall be tasked to formulate within thirty (30) days from the passage the implementing rules and regulations as well as procedures and guidelines to carry out the mandate under this ordinance.

SECTION 13. SUPPLEMENTARY RULE - The Rules of Court and other relevant rules shall apply to all matters not provided under this ordinance.

SECTION 14. SEPARABILITY CLAUSE - Any provision of this ordinance found to be unconstitutional shall not affect the others which shall remain to be in full force and effect.

SECTION 15. REPEALING CLAUSE - Any ordinance found to be inconsistent with this shall be deemed repealed or modified accordingly.

SECTION 16. EFFECTIVITY. This Ordinance shall take effect upon compliance of the mandatory posting and publication requirements prescribed under RA 7160 otherwise known as the Local Government Code of 1991.

ENACTED, October 26, 2017.

RESOLVED, FURTHER, to furnish copies of this ordinance one each to the City Mayor Richard I. Gomez; the City Administrator, Vincent L. Emnas; the City Legal Officer, Atty. Jasper M. Lucero; the City Budget Officer; the City Treasurer; the OIC-City Accountant; the City Health Officer; the PNP, City Director; the President Liga ng mga Barangay; the OIC-City Director, DILG; and other offices concerned;

CARRIED UNANIMOUSLY.



I HEREBY CERTIFY to the correctness of the above ordinance.


MARIA ANTONIETA G. CO HAT
(OIC - SP Secretary)
Supervising Administrative Officer

ATTESTED:


LEO CARMELO L. LOCSIN, JR.
Vice Mayor & Presiding Officer

APPROVED:


RICHARD L. GOMEZ
City Mayor

30 OCT 2017

(Date)