



Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 10th SPECIAL SESSION OF THE 9th SANGGUNANG BAYAN OF DUMINGAG, ZAMBOANGA DEL SUR HELD AT THE MUNICIPAL SESSION HALL ON March 21, 2018.

OFFICERS/MEMBERS	POSITION	PRESENT	ABSENT	OB	OL
Hon. Francis Joeray T. Gumban	SB Member/Acting Vice Mayor	___/___	___	___	___
Hon. Lars Christian C. Tangalin	SB Member	___/___	___	___	___
Hon. Irish J. Mandao	SB Member	___/___	___	___	___
Hon. Nilo B. Ledesma	SB Member	___/___	___	___	___
Hon. Jenny T. Arbitrario	SB Member	___	___	___	___
Hon. Paquito P. Duerme, Jr.	SB Member	___/___	___	___	___
Hon. Tracy E. Morpos	SB Member	___/___	___	___	___
Hon. Bernaldo P. Degenion	SB Member	___	___/___	___	___
Hon. Jerson L. Cabahug	Ex- Officio Member	___	___	___/___	___

Municipal Ordinance No. 7, s. 2018

AN ORDINANCE CREATING THE DUMINGAG DANGEROUS DRUGS ADMINISTRATIVE BOARD AND PROVIDING PROCEDURES THEREOF IN THE MUNICIPALITY OF DUMINGAG, ZAMBOANGA DEL SUR.

Be it ordained by the Sangguniang Bayan in session assembled that:

SECTION 1. TITLE.

This ordinance shall be known as the “**DUMINGAG DANGEROUS DRUGS ADMINISTRATIVE BOARD (DDDAB).**”

SECTION 2. DECLARATION OF POLICY.

Pursuant to Section 52 of Republic Act 9165 and its Implementing Rules and Regulations, otherwise known as the Comprehensive Dangerous Drugs Act of 2002 provides that “*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...*”

SECTION 3. DEFINITION OF TERMS. The following terms are defined according to their use:

- Abatement** - defined as the interruption or end of something;
- Board** - refers to the Dumingag Dangerous Drugs Administrative Board (DDDAB);
- Nuisances** - a person or situation that causes trouble and/or problems;
- Public Nuisances** - refers to the site of the unlawful sale and/or delivery of dangerous drugs, or used as drug dens for pot sessions and other similar activities.

SECTION 4. COMPOSITION. The Dumingag Dangerous Drugs Administrative Board (DDDAB) is hereby composed of the following:

- Chairperson** - Municipal Health Officer (MHO);
- Members** - Municipal Legal Officer (MLO) or Municipal Administrator or authorized person appointed by Local Chief Executive (LCE); and
- Local Chief of Police (COP)

SECTION 5. POWERS AND DUTIES.

The following are the powers and duties of the Dumingag Dangerous Drugs Administrative Board (DDDAB):

- a. Receive complaints about the abatement of drug-related public nuisances;
- b. Conduct hearings in connection with the foregoing subsection;
- c. Declare the place premises in question as a drug-related public nuisance if the circumstances so warrant; and
- d. Abate drug-related public nuisances.

SECTION 6. PROCEDURE.

- a) Any employee, officer or resident may bring a complaint before the Board;
- b) Upon receipt of complaint the board within three (3) days will send a written notice to the respondent or owner of the place subject of the complaint;
- c) The board will set a hearing not less than 3 days after the respondent received the written notice regarding the complaint;
- d) After both parties has been duly notified, the administrative board will then conduct a hearing and may consider any evidence submitted, including evidence of general reputation of the place or premises;
- e) The owner and/or manager of the premises shall also be given an opportunity to present any evidence in his/her defense;
- f) The Board may declare the place or premises to be public nuisance after the hearing;
- g) If the 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 on the premises, which is conducive to such nuisances; and
- h) The hearing shall be terminated within ten (10) days from commencement.

Section 7. IMPLEMENTING AGENCY.

The Office of the Municipal Mayor shall implement the order of the 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.

SECTION 8. EXPIRATION/ DURATION OF THE ORDER.

The order issued by the Board shall expire after one (1) year, or at such an earlier time as stated in the order. The Board may bring a complaint seeking a permanent injunction against any nuisance. If the Board sees that the place is no longer a public nuisance, the board may conduct hearing together with the complainant upon due notification for the possible lifting of the order.

SECTION 9. APPROPRIATION.

The amount of at least Two Hundred Thousand Pesos (P200, 000.00) shall be appropriated annually for the effective implementation of this ordinance.

SECTION 10. SEPARABILITY CLAUSE.

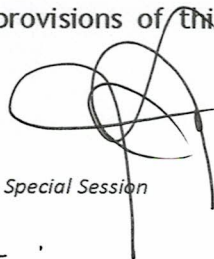
If any portion of this ordinance is declared unconstitutional, other portions thereof not affected by such declaration shall remain in full force and effect.

SECTION 11. REPEALING CLAUSE.

Any portion inconsistent with the provisions of this ordinance is hereby repealed or modified accordingly.



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SECTION 12. EFFECTIVITY.

This ordinance shall take effect after the approval of the Sangguniang Panlalawigan and after fifteen (15) days from the date, a copy hereof is posted in the bulletin board at the entrance of the Municipal Hall and in at least two (2) other conspicuous places in the Poblacion.

Enacted: March 21, 2018

Jessyl B. Palon
JESSYL B. PALON
Secretary to the Sanggunian

SANGGUNIANG BAYAN MEMBERS:

Hon. Francis Joeray T. Gumban Acting VM

Hon. Irish J. Mandao

Hon. Jenny T. Arbitrario

Hon. Tracy E. Morpos

Hon. Jerson L. Cabahug

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OB

Hon. Lars Christian C. Tangalin

Hon. Nilo B. Ledesma

Hon. Paquito P. Duerme, Jr.

Hon. Bernaldo P. Degenion

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absent

ATTESTED AND CERTIFIED
TO BE DULY ADOPTED

[Signature]
FRANCIS JOERAY T. GUMBAN
SB Member
Acting Municipal Vice Mayor/Presiding Officer

APPROVED: March 26, 2018

[Signature]
MARK V. PACALIOGA
Municipal Mayor

Not valid without Sanggunian seal