

5 **OFFICE OF THE SANGGUNIANG PANLALAWIGAN**
6

7 Draft Provincial Ordinance No. APDS-03-042
8

9 Sponsored by Kristian R. Ablan, Dr. Robert P. Castro
10 and the Committee on Health and Sanitation
11

12 **AN ORDINANCE PROVIDING FOR THE**
13 **ABATEMENT OF DRUG RELATED PUBLIC**
14 **NUISANCE PURSUANT TO ARTICLE VII,**
15 **REPUBLIC ACT NO. 9165, OTHERWISE KNOWN**
16 **AS THE "COMPREHENSIVE DANGEROUS DRUGS**
17 **ACT OF 2002" AND FOR OTHER PURPOSES.**
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19 **WHEREAS**, Republic Act No. 9165, othetwise known as the "Comprehensive
20 Dangerous Drugs Act of 2002" has enjoined local government units to participate in the
21 intensive campaign against illegal drugs;

22 **WHEREAS**, the aforesaid law provides that local government units may, by
23 ordinance, create administrative boards to hear complaints regarding drug related
24 nuisances;

25 **NOW, THEREFORE**, Be it ordained, that:

26 **SECTION 1. DEFINITION OF TERMS.**

27 a. **"DRUG RELATED PUBLIC NUISANCE"** – Any place or premises which
28 have been used on two or more occasions as the site of the unlawful sale or delivery of
29 dangerous drugs, or used as drug dens for pot sessions and other similar activities.

30 b. **"DRUG DEN"** – A place where any dangerous drugs and/or controlled
31 precursor and essential chemical is administered, delivered, stored for illegal purposes,
32 distributed, sold or used in any form.

33 **SECTION 2. CREATION OF CITY/MUNICIPAL ADMINISTRATIVE**
34 **BOARDS TO HEAR COMPLAINTS TO DECLARE ANY PLACE OR**
35 **PREMISES A DRUG RELATED PUBLIC NUISANCE.** – Every City/Municipality is
36 mandated to create a Drug Related Public Nuisance Administrative Board (DRPNAB) to
37 hear complaints for the purpose of declaring any place or premises a drug related public
38 nuisance. It shall be composed of the following:

39 a. City/Municipal Health Officer as Chairperson;



1 b. City/Municipal Legal Officer as member, provided that in cities and
2 municipalities with no Legal Officer, the City/Municipal Administrator shall
3 act as member; and

4 c. The Local Chief of Police, as member.

5 **SECTION 3. POWERS AND FUNCTIONS.** The Board shall have the
6 following powers and functions:

7 a) To receive complaints for the purpose of declaring a place or premises a drug
8 related public nuisance which may be filed by any employee, officer, or
9 resident of the respective city or municipality;

10 b) To declare a place or premises a drug related public nuisance, after due notice
11 and hearing. The hearing shall be terminated within ten (10) days from
12 commencement;

13 c) To invite or summon any person to appear and testify before the Board.

14 **SECTION 4. PROCEDURE.**

15 a) Any employee, officer, or resident of the city or municipality may bring a
16 complaint before the Board after giving not less than three (3) days written
17 notice of such complaint to the owner of the place or premises at his/her last
18 known address;

19 b) Within three (3) days receipt of the complaint, a hearing shall then be
20 conducted by the Board, with notice to both parties, and the Board may
21 consider any evidence submitted, including evidence of general reputation of
22 the place or premises;

23 c) The owner/manager of the premises or place shall be given an opportunity to
24 present any evidence in his/her defense;

25 d) After hearing, the board may declare the place or premises to be a public
26 nuisance; and

27 e) The hearing shall be terminated within ten (10) days from commencement.

28 **SECTION 5. EFFECT OF BOARD DECLARATION.** – If the Board declares
29 a place or premises to be a public nuisance, it shall issue an order immediately
30 prohibiting the conduct, operation or maintenance of any business or activity on the
31 premises which is conducive to such nuisance. The City/Municipal Mayor shall
32 implement the order of the board and shall assume full responsibility in seeing that the
33 order is immediately complied with.

34 An order entered under this section shall expire after one (1) year or at such
35 earlier time as stated in the order. However, the Board may bring a complaint seeking a
36 permanent injunction against any drug related public nuisance.

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

39 Nothing in this ordinance shall restrict the right of any person to proceed under
40 the civil code on public nuisance. Neither shall this restrict the power of the Sangguniang

1 Bayan and Sangguniang Panlungsod to declare or abate any nuisance under the Local
2 Government Code.

3 **SECTION 6. EFFECTIVITY.** – This ordinance shall take effect immediately
4 upon its approval.


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6 Approved,

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