



Republic of the Philippines
Province of Iloilo
MUNICIPALITY OF OTON
OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT from the Minutes of Session of the Sangguniang Bayan ng Oton, Iloilo recorded during its Regular Session held at the SB Session Hall on **October 28, 2015** at 9:00 in the morning.

PRESENT:	Hon. Jose Neil P. Olivares Hon. Theodore C. Britanico Hon. Jafet P. Salinas Hon. Leonida C. Alcon Hon. Felix L. Flores Hon. Eusebio G. Villavicencio, Jr. Hon. Rodolfo Z. Alconga, Jr. Hon. Jose V. Olivares, Jr. Hon. Margarito T. Clavel III	Vice Mayor and Presiding Officer SB Member SB Member SB Member SB Member SB Member SB Member SB Member SB Member (Liga ng mga Barangay Representative)
Absent:	Hon. Juan Miguel M. Flores	SB Member

ORDINANCE NO. 2015 - 282

ORDINANCE CREATING THE ADMINISTRATIVE BOARD FOR DANGEROUS DRUGS OF THE MUNICIPALITY OF OTON, ILOILO, PURSUANT TO THE IMPLEMENTING RULES AND REGULATIONS (IRR) OF R.A 9165, OTHERWISE KNOWN AS AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUG ACT OF 2002.

WHEREAS, It is the policy of the State to safeguard the integrity of its territory and the well-being of its citizenry particularly the youth, from the harmful effects of dangerous drugs on their physical and mental well-being, and to defend the same against acts or omissions detrimental to their development and preservation;

WHEREAS, in view of the foregoing, the State needs to enhance further the efficacy of the law against dangerous drugs, it being one of today's more serious social ills;

WHEREAS, toward this end, the Congress of the Philippines enacted R.A 9165, *An Act Instituting the Comprehensive Dangerous Drug Act of 2002*, to provide effective mechanisms or measures to re-integrate into society individuals who have fallen victims to drug abuse or dangerous drug dependence through sustainable programs of treatment and rehabilitation;

WHEREAS, the recent Buy Bust operations in the country and particularly in the Municipality of Oton, have underscored the need for the LGU to do more in the fight against sale of dangerous drugs;

WHEREAS, Sections 51-53 of R.A 9165 provides for the participation of Local Government Units (LGU's) in the fight against dangerous drugs by creating the Administrative Board.

WHEREAS, Article VII of the Implementing Rules and Regulations (IRR) of R.A 9165 provides for the procedure on how the LGU can attain the objectives of abovementioned provisions.

AS PROPOSED by Hon. Eusebio G. Villavicencio, Jr., **ON MOTION** of the Committee on Peace and Order and Public Safety composed by Hon. Rodolfo Z. Alconga, Jr., Hon. Jafet P. Salinas and Hon. Theodore C. Britanico which was duly seconded by Hon. Juan Miguel M. Flores

BE IT ORDAINED by the Sangguniang Bayan ng Oton that:

SECTION 1. LOCAL GOVERNMENT UNITS' ASSISTANCE. — The Municipality of Oton shall appropriate a substantial portion of its annual budget to assist in or enhance the enforcement of Republic Act 9165 giving priority to preventive or educational programs on drug abuse prevention

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and control and the rehabilitation or treatment of drug dependents, such amount to be determined by this sanggunian based on the perceived need of the locality.

As used in this Section, "**perceived need**" may cover such factors as, but not limited to, the following:

1. Considerable increase in the number of drug dependents in the area;
2. The rise in drug-related crime incidents as certified to by the local PNP and/or PDEA;
and
3. The need for preventive and advocacy initiatives.

SECTION 2. CREATION OF ADMINISTRATIVE BOARD FOR DANGEROUS DRUGS OF OTON. The Administrative Board for Dangerous Drugs of Oton, Iloilo also known as the Administrative Board or Board is hereby created to be composed of the following:

Chairperson – Municipal Mayor

Vice Chair – SB Chair, Committee on Peace & Order

Members:

Municipal Legal Officer

The Local Chief of Police

Municipal Social Welfare & Dev. Officer

Municipal Health Officer

Liga ng mga Barangay President

Sangguniang Kabataan Municipal Federation President

MLGOO

SECTION 3. ABATEMENT OF DRUG-RELATED PUBLIC NUISANCES. — 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 by the Administrative Board for dangerous drugs to be a public nuisance, and such nuisance may be abated, pursuant to the following procedures:

- (a) Any employee, officer, or resident of the municipality may bring a complaint before the 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;
- (b) Within three (3) days from receipt of the complaint, a hearing shall then be conducted by the 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;
- (c) The owner/manager of the premises or place shall also be given an opportunity to present any evidence 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 4. HONORARIA OF ADMINISTRATIVE BOARD – The **Sangguniang Bayan** may grant reasonable honoraria to the Chairperson, Vice Chairperson and Members of the administrative board subject to the limitation on personal services under the Local Government Code of 1991, on the **availability of funds**, Local Budget Circulars, and auditing rules and regulations.

SECTION 5. EFFECT OF THE ADMINISTRATIVE BOARD DECLARATION. — Once 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 on the premises which is conducive to such nuisance. The municipal mayor shall implement the order of the administrative board 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, 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 the Ordinance in relation to RA 9165.

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. EFFECTIVITY CLAUSE. This Ordinance shall take effect upon approval.


SECTION 7. REPEALING CLAUSE. All municipal ordinances or parts of any municipal ordinance inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.


SECTION 8. SEPARABILITY CLAUSE. If any provision of this Ordinance is held invalid, the other provisions not affected thereby shall continue in operation.

SECTION 9. COPIES. This Ordinance shall be furnished to the Office of the Mayor; Oton PNP, PDEA RO6, LIGA ng mga Barangay; MLGOO, and the Sangguniang Panlalawigan of Iloilo for information, guidance and review respectively.

APPROVED BY MAJORITY VOTE.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance.

Concurred: 
JAFET P. SALINAS
Chair, Committee on Rules and Privileges

Approved: 
VICENTE A. FLORES, JR.
Municipal Mayor


KERRY ANN T. LACIFICAR
Secretary to the Sanggunian

Attested: 
JOSE NEIL P. OLIVARES
Vice Mayor and Presiding Officer

Date Approved by LCE: NOV 02 2015

Date Posted: NOV 02 2015 /jod/