

Republic of the Philippines  
PROVINCE OF NEGROS ORIENTAL  
City of Bayawan  
*Office of the Sangguniang Panlungsod*

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE CITY COUNCIL OF BAYAWAN, NEGROS ORIENTAL ON DECEMBER 5, 2017 AT 2:00 PM AT THE SP SESSION HALL.

RECORD OF ATTENDANCE

HON. ISMAEL P. MARTINEZ	Presiding Officer	Present
HON. PETER PAUL F. RENACIA		Present
HON. HENRY E. CARREON, JR.		On Leave
HON. ERNESTO T. TIJING		Present
HON. MARK FIDENCIO L. AURELIA		OB - Vigan
HON. JONAS M. TRIAS		Present
HON. SHARLOU F. JAMIN		Present
HON. NARCISO N. CASIPONG		Present
HON. NICO ANGELO L. LIM		Present
HON. MERLITA R. GAUDIEL		Present
HON. DANILO G. LAMIS		Present
HON. WARLITO C. MAGDASAL	LNMB President	Present

RESOLUTION NO. 745

“Third and Final Reading of An Ordinance Creating the Bayawan City Dangerous Drugs Administrative Board.

“On motion of Honorable Councilor Jamin and duly seconded by Honorable Councilor Lim, the Council

“RESOLVED, To enact, as it hereby enacts the following ordinance:

ORDINANCE NO.63

AN ORDINANCE CREATING THE BAYAWAN DANGEROUS DRUGS ADMINISTRATIVE BOARD

Be it ordained that:

**SECTION 1. TITLE-** This Ordinance shall be known as **THE BAYAWAN CITY DANGEROUS DRUGS ADMINISTRATIVE BOARD.**

**SECTION 2. COMPOSITION-** The Bayawan City Dangerous Drugs Administrative Board is hereby composed of the following:

1. Chairperson : City Legal Officer
2. Vice-Chairperson : PNP Chief
3. Members :
  - City Health Office
  - City Public Safety Officer
  - One (1) representative of an NGO which member of the Peace and Order Council
  - One (1) representative of an NGO which member of the City Anti-Drug Abuse Council
  - Representative from the Department of the Interior and Local Government
  - City Social Welfare Development Officer
  - Mr. Leon Quindo

### **SECTION 3. POWERS AND DUTIES**

The following are the powers and duties of the Bayawan City Dangerous Administrative Board:

- a) Receive complaints for the abatement of drug related public nuisances.
- b) Conduct hearings in connection with the foregoing sub-section (Dangerous Drugs Board Resolution No. 3, Sec. 6. A. 5)
- c) Declare the place of 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 of Republic Act 9165 and its Implementing Rules and Regulations, otherwise known as The Comprehensive Dangerous Drugs Act of 2002, 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 under the following procedures:

- a) Any employee, officer, or resident of Bayawan City may bring a complaint before the Bayawan City Dangerous Drugs Administrative Board.
- b) A written notice relative to the complaint shall be given to the owner of the place or premises at his/her last known address.
- c) After three (3) days upon receipt of the owner of the place/premises being complained of, a hearing shall then be conducted by the Bayawan City Dangerous Administrative Drugs Board, with written notice to both the complaint and the person being complained of.
- d) Both parties shall be given the opportunity to present their evidence.
- e) After the hearing, the Board may or may not declare the place or premises to be a public nuisance.
- f) The hearing shall be terminated within ten (10) days from commencement.

### **SECTION 5. EFFECT OF THE ADMINISTRATIVE BOARD DECLARATION –**

Pursuant to Section 53 of Republic Act 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 City Mayor 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 shall expire after one (1) year from the date of issuance, or at such an earlier time through a hearing with complainant duly notified, upon showing that the place is no longer a public nuisance.

The administrative board may bring a compliant seeking a permanent injunction against any nuisance described under RA 9165 and its Implementing Rules.

### **SECTION 6. 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.

**SECTION 7. APPROPRIATION**

The amount of at least One Hundred Thousand Pesos (100,000.00) shall be appropriated annually for the effective implementation of this ordinance.

**SECTION 8. 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 9. REPEALING CLAUSE**

Any ordinance found to be inconsistent with this shall be deemed repealed or modified accordingly.

**SECTION 10. EFFECTIVITY.** This ordinance shall take effect after the compliance of the provision of R.A. 7160, the Local Government Code of 1991.

“Enacted.”

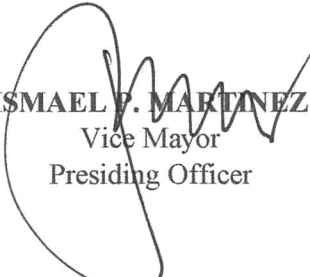
\* \* \*

I hereby certify to the correctness of the foregoing resolution.

\* \* \*

  
**JULIUS T. ESPARTERO**  
Secretary to the Sangguniang Panlungsod

ATTESTED:

  
**ISMAEL P. MARTINEZ**  
Vice Mayor  
Presiding Officer

DATE APPROVED: 29 JAN 2018

  
**PRYDE HENRY A. TEVES**  
Mayor

Copy for:

- The Honorable Provincial Board, Dumaguete City