



REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

Sangguniang Panglungsod

ORDINANCE NO. 03 -082

AN ORDINANCE ESTABLISHING THE MUNTINLUPA DRUG-RELATED NUISANCE BOARD (MDRNB), DEFINING ITS COMPOSITION, DUTIES AND RESPONSIBILITIES AND FOR OTHER PURPOSES.

Sponsored by:

Hon. Atty. Icasiano M. Dela Rea
Hon. Elmer S. Espeleta
Hon. Lucio B. Constantino
Hon. Francis Ian T. Bagatsing
Hon. Atty. Patricio L. Boncayao, Jr.
Hon. Melchor R. Teves
Hon. Aldrin L. San Pedro
Hon. Dr. Nicanor L. Echavez
Hon. Allan Rey A. Camilon
Hon. Atty. Raul R. Corro
Hon. Mario E. Bulay, Jr.
Hon. Mamerto T. Sevilla, Jr.
Hon. Rufino B. Joaquin
Hon. Artemio A. Simundac

WHEREAS, Section 458 (a)(1)(v) of Republic Act 7160, otherwise known as the Local Government Code of 1991, provides that: the Sangguniang Panlungsod, as the legislative body of the City, shall enact ordinances intended to prevent, suppress and impose appropriate penalties for xxx drug addiction, maintenance of drug dens, drug pushing xxx;

WHEREAS, Section 52 (1) of Republic Act 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002 provides that: any city may, by ordinance create an administrative board to hear complaints regarding nuisances;

WHEREAS, there is a need to create an administrative board to hear complaints, receive evidence and declare 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, to be public nuisance;

NOW, THEREFORE, BE IT ORDAINED AS IT IS HEREBY ORDAINED by the Members of the Sangguniang Panlungsod duly assembled the following:

Section 1. Title. This Ordinance shall be referred to as "An Ordinance establishing the Muntinlupa Drug-Related Nuisance Board (MDRNB) or for its brevity Board".

Section 2. Scope. This Ordinance shall apply only on any place or premises which have been used on two or more occasions, irrespective of time span, 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.



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Section 3. Composition. The Muntinlupa Drug-Related Nuisance Board (MDRNB) shall be composed of the following:

1. City Health Officer - Chairperson
2. City Legal Officer - member
3. Local Chief of Police - member
4. Representative from the City Council preferably the Chairman on Committee on Public Order, Security and Safety - member
5. Head, Drug Abuse Prevention and Control Office (DAPCO)-member
6. Representative from the following sectors:
 - a. Religious Sector
 - b. Non- Governmental OrganizationSaid Representatives shall be appointed by the City Mayor.

Section 4. Duties and Responsibilities. The Muntinlupa Drug-Related Nuisance Board (MDRNB) shall have the following duties and responsibilities:

1. To receive and hear complaint/s filed by any employee, officer, or resident of the City regarding 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;
2. To receive and consider any evidence, including evidence of the general reputation of the place or premises complained;
3. To declare whether or not the place or premises is a public nuisance based on the evidence presented;
4. To issue an order immediately prohibiting the conduct, operation, or maintenance of any business or activity on the premises which is conducive to such nuisance;
5. The order issued by the Board shall expire after one (1) year, or at an earlier time as stated in the order;
6. The Board may bring a complaint seeking a permanent injunction against any nuisance described herein;
7. The Board, upon showing that the place is no longer a public nuisance, shall conduct a hearing with the complainant duly notified for the possible lifting of the order.



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8. The Board, on appropriate occasions, may conduct inspection or hearing motu proprio.

Nothing in this Ordinance which could be construed to mean the restriction of the right to file charges against owners, maintainers or caretakers of the place or premises for violation of section 6, RA 9165, maintenance of den, dive or resort, nor the right of the person under the Civil Code on a public nuisance nor the power of the Sangguniang Panglungsod per section 447 (a) (4) (I) and Section 458 (a) (4) (I), respectively, of the Local Government Code, to declare or abate any nuisance.

Section 5. Votes Required. Should there be any disagreement on any issue or matter pending before it, 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 6. Definition of Terms. As used in this Ordinance the following terms are hereby defined as follows:

- a. Public Nuisance- One that affects a community or neighborhood or any considerable number of persons, although the extent of annoyance, danger or damage upon individuals may be unequal.
- b. General Reputation- In evidence, testimony concerning the repute in which a person or place is held in the community. The general opinion among persons who know a place or premises regarding the condition therein.
- c. Permanent Injunction- is one granted by the judgment which finally disposes the injunction suit. It is issued by the court after trial of the action restraining the defendant permanently from the commission of the act or acts complained of or one "confirming the preliminary injunction."
- d. Abatement- The abatement of a nuisance is its removal.

Section 7. Procedure for Abatement of Drug-Related Public Nuisance. The provision under Section 52 of the Implementing Rules and Regulations of Republic Act 9165 regarding procedure for the abatement of Drug-Related Public Nuisance shall apply.

Section 8. Implementation of the Order issued by the Muntinlupa Drug-Related Nuisance Board (MDRNB). The City Mayor shall implement the order issued by the Muntinlupa Drug-Related Nuisance Board (MDRNB) and shall assume full responsibility in seeing to it that the order is immediately complied with.

Section 9. Honoraria. Each member of the Board may receive an honoraria subject to the discretion of the City Mayor.



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Section 10. Office. The Board and Secretariat will have its Office in a place to be designated by the City Mayor and will conduct meetings and hearings in a place and time to be determined by it.

Section 11. Support Services. Other government offices and agencies of the City of Muntinlupa are mandated to support the plans, programs and activities of the Board.

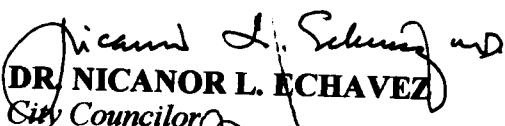
Section 12. Effectivity Clause. This Ordinance shall take effect upon its approval and publication in any newspaper of local circulation within the City of Muntinlupa.


Section 13. Formulation of the Implementing Rules and Regulations. That within thirty (30) days from passage and approval of this Ordinance, the Chief Executive is requested to formulate Implementing Rules and Regulations for the proper implementation of this Ordinance.

ENACTED, by the *Sangguniang Panlungsod of Muntinlupa* this 6th day of February 2003, on its 62nd Regular Session.

CONCURRED:


ALDRIN L. SAN PEDRO
City Councilor


DR. NICANOR L. ECHAVEZ
City Councilor

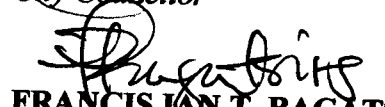

ATTY. PATRICIO L. BONCAYAO, JR.
City Councilor


ALLAN REY A. CAMILON
City Councilor


ATTY. RAUL R. CORRO
City Councilor


MELCHOR R. TEVES
City Councilor


ELMER S. ESPELETA
City Councilor


FRANCIS IAN T. BAGATSING
City Councilor


LUCIO B. CONSTANTINO
City Councilor


MARIO E. BULAY, JR.
City Councilor


MAMERTO T. SEVILLA, JR.
City Councilor



RUFINO B. JOAQUIN
City Councilor



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ATTY. ICASIANO M. DELA REA
City Councilor

ARTEMIO A. SIMUNDAC
Sectoral Representative
President
Association of Barangay Captains

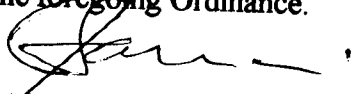
ABSENT:

BAL NIEFES
City Councilor

RENE CARL S. CAYETANO
City Councilor

CHRISTIAN GLENN D. LORICA
Sectoral Representative
President
Federation of Sangguniang Kabataan

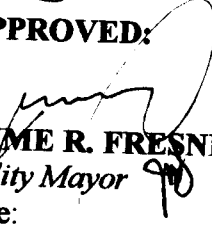
I HEREBY CERTIFIED, as to the correctness of the foregoing Ordinance.


ATTY. ISIDORO L. SORIANO, JR.
Secretary
SANGGUNANG PANLUNGSOD

ATTESTED:


ATTY. JO JASON T. ALCARAZ
City Vice Mayor/Presiding Officer

APPROVED:


ATTY. JAIME R. FRESNEDI
City Mayor
Date: _____


Remelito/Nory