



Republic of the Philippines
Tanggapan ng Sangguniang Panlungsod
City of Naga



ORDINANCE NO. 2002-083

AN ORDINANCE CREATING THE NAGA CITY DRUG NUISANCE ABATEMENT BOARD (NCDNAB) AND DEFINING ITS FUNCTIONS: -

Author: Hon. John G. Bongat

Be it ordained by the Sangguniang Panlungsod of the City of Naga, that:

SECTION 1. - TITLE. - This Ordinance shall be known as the “NAGA CITY DRUG NUISANCE ABATEMENT BOARD (NCDNAB) ORDINANCE”.

SECTION 2. - BASIS OF ORDINANCE. - This Ordinance is hereby enacted pursuant to Section 52 of the Implementing Rules and Regulations (IRR) of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

SECTION 3. - PURPOSE. - The purpose of this Ordinance is to prevent any place, whether public or private, from being used as site of the unlawful sale or delivery, or as transit point of such sale or delivery, of dangerous drugs or as drug den for pot sessions and other similar activities, by declaring said place as public nuisance in order to effectively prohibit the conduct, operation or maintenance of any business or activity within the premises of the place concerned.

SECTION 4. - DEFINITION OF TERMS. - As used in this Ordinance, the following terms shall mean:

- a. **DANGEROUS DRUGS** – shall include those listed in the Schedules annexed to the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, and in the Schedules annexed to the 1971 Single Convention on Psychotropic Substances as enumerated in the annex attached to and made an integral part of Republic Act No. 9165.
- b. **DRUG DEN** – shall refer to a place where any dangerous drug and/or controlled precursor and essential chemical is administered, delivered or stored for illegal purposes, distributed, sold or used in any form.
- c. **PUBLIC NUISANCE** – shall refer to any place or premises, whether private or public, which have been used on two or more occasions as the site of the unlawful sale or delivery of dangerous drugs, and in view of its injurious effects to public health or safety, such place or premises may be declared to be a public nuisance by the Board in order to abate the same.
- d. **BOARD** – shall refer to the Naga City Drug Nuisance Abatement Board or NCDNAB.

SECTION 5. - COMPOSITION. - The Board shall be composed of the following:

- a. City Health Officer, as Chairperson;
- b. City Legal Officer, as Member; and
- c. The Chief of Police of the City Police Station, as member.

SECTION 6. - DUTIES AND FUNCTIONS OF THE BOARD. - The Board shall have the following duties and functions:

1. To hear complaints regarding drug-related nuisance;
2. To declare as public nuisance, any place or premises which have been used on two or more occasions as the site of the unlawful sale or delivery, or as transit point of such sale or delivery, of dangerous drugs, or used as drug dens for pot sessions and other similar activities, as defined in Republic Act No. 9165 and its Implementing Rules and Regulations;
3. To abate any such nuisance, in accordance with the procedures set under Section 52 of the Implementing Rules and Regulations of Republic Act No. 9165.

SECTION 7. - PROCEDURE. - The Board shall hear, declare and abate any public nuisance within the contemplation of this Ordinance in accordance with the procedure set forth in paragraphs b, c, d, e and f, Section 52 of the Implementing Rules and Regulations of Republic Act No. 9165.

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 within such premises that is conducive to such nuisance.

The Order issued by the Board shall expire after one (1) year, or at such earlier time as may be stated in the Order. The Board may bring a complaint seeking a permanent injunction against any nuisance described under the Implementing Rules and Regulations of Republic Act No. 9165

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

The Dangerous Drugs Board (National) shall issue guidelines on the proper implementation of the Order of the Board in case the place or premises declared as a public nuisance is a residential house or private place, without prejudice to the filing of the appropriate criminal case against the owner of the house pursuant to Section 6 of Republic Act No. 9165.

The declaration by the Board that a particular place is a public nuisance and its issuance of an Order prohibiting the conduct of illegal activities therein shall not be a bar to the right of any person to proceed against the same place as a public nuisance under the Civil Code. Neither shall the power of the Sangguniang Panlungsod pursuant to Section 458 [a][4][i] of the Local Government Code, to declare or abate any nuisance.

SECTION 8. - OPERATIONAL FUNDS. - The funding for the operation of the Board shall be taken from or charged against the existing appropriation for the Naga City Dangerous Drugs Board (NCDDDB), upon recommendation of the Board to and approval by the City Mayor. Subject to the limitations on personal services and the availability of funds, the Chairman and Members of the Board may be granted reasonable honoraria as may be determined by the City Mayor.

SECTION 9. - SEPARABILITY CLAUSE. - Any provision or portion of this ordinance found to be violative of the constitution or invalid shall not impair the other provisions or parts thereof which shall continue to be in force and in effect.

SECTION 10. - REPEALING CLAUSE. - Ordinances, rules and regulations or parts thereof, which are inconsistent or in conflict with the provisions of this ordinance, are hereby repealed or modified accordingly.

SECTION 11. - EFFECTIVITY. - This ordinance shall take effect immediately upon its approval and publication in a newspaper of general circulation.

ENACTED: December 18, 2002.

WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

JOSE C. RAÑOLA, M.D.
Acting City Vice Mayor & Presiding Officer

GIL A. DE LA TORRE
Board Secretary III &
Secretary-Designate

APPROVED:

JESSE M. ROBREDO
City Mayor

