

OFFICE OF THE SECRETARY TO THE SANGGUNIANG BAYAN

**EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE
SANGGUNIANG BAYAN OF MARILAO, PROVINCE OF BULACAN, HELD AT THE
SESSION HALL OF THE MUNICIPAL BUILDING ON
MARCH 24, 2009**

PRESENT:

Hon. Juanito H. Santiago ----- Municipal Vice Mayor
Presiding Officer

COUNCILORS

Hon. Segundo R. Angeles ----- Majority Floor Leader
Hon. Divina E. Reyes ----- Minority Floor Leader

Hon. Alexis C. Castro Hon. Alan P. Aguilar
Hon. Andre Favian D. Santos Hon. Marlon O. Villamar
Hon. Allane T. Sayo Hon. Irma G. Celones
Hon. Quintin F. Nieto (Ex-Officio, Liga)

ABSENT:

Hon. Maria Richella I. Silvestre ----- Councilor (Ex-Officio, SK)

MUNICIPAL ORDINANCE NO. 667

Introduced by Author: Councilor Maria Richella I. Silvestre; Co-Author: Segundo R. Angeles and unanimously seconded by all members of the Sangguniang Bayan present.

AN ORDINANCE

**CREATING THE DRUG PREVENTION ADMINISTRATIVE BOARD IN THE
MUNICIPALITY OF MARILAO, PROVINCE OF BULACAN.**

WHEREAS, as per Section 447 [a] [4] [i] the Local Government Code of 1991, the local legislative councils shall have the power to declare, prevent or abate any nuisance;

WHEREAS, the proliferation of drug related problems, especially among the youths have become one of the security concerns of the municipal government;

WHEREAS, drug use is tolerated in many places, including homes, legitimate businesses and public areas which can be declared as nuisance;

WHEREAS, the national government has been exerting unified and intensified efforts to empower people in the fight against illegal drugs;

WHEREAS, drug use and abuse may be prevented through vigilance and cooperation among citizens, law enforcers and the government;

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NOW, THEREFORE, be it ordained by the Sangguniang Bayan, that:

Section 1. Declaration of Policy. It is hereby declared the policy of the municipal government to ensure a drug-free Marilao by protecting its people from nuisance and taking unified actions against illegal drugs.

Section 2. Creation of Drug Prevention Administrative Board. There is hereby created a Drug Prevention Administrative Board, herein referred to as the "BOARD" to hear complaints regarding nuisances, to be composed of the following:

- a. Municipal Health Officer as chairperson;
- b. Municipal Legal Officer or Municipal Administrator as member,
- c. The Local Chief of Police as member.

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 BOARD 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 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 BOARD, with notice to both parties, and the 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 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. Effect of the BOARD Declaration.

- a. 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 on the premises which is conducive to such nuisance. The municipal Mayor shall implement the order of the BOARD and shall assume full responsibility in seeing to it that the order is immediately and appropriately complied with.
- b. 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 as described under applicable rules.
- c. 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.

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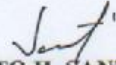
- d. The BOARD shall strictly follow the guidelines set by the Dangerous Drugs Board on the proper implementation of the order of the BOARD in case the place or premises declared as a public nuisance is a residential house, without prejudice to the filing of criminal case against the owner of the house pursuant to Section 6 of RA 9165.

Section 5. Subject to the limitation on personal services under the Local Government Code of 1991, the availability of funds and the existing Department of Budget and Management (DBM) Local Budget Circulars, reasonable honoraria is hereby granted to the chairperson and members of the BOARD which shall be included in the general appropriations..

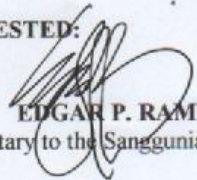
Section 7. Separability Clause. If for any reason/s, any part or provision of this ordinance shall be held or declared to be unconstitutional or invalid by a court of competent jurisdiction, other parts or provisions hereof which are not affected thereby shall continue to be in effect.

Section 8. Effectivity Clause. This ordinance shall take effect ten (10) days after its posting in at least two (2) conspicuous places in the municipality and its gist shall be published in a newspaper of general circulation within the province of Bulacan. In the absence of any newspaper of general circulation within the province of Bulacan, its posting shall be made in all municipalities and cities of Bulacan where the Sangguniang Bayan of Marilao is situated in accordance with Section 59 (a)(b)(c) of Republic Act No. 7160 or otherwise known as the Local Government Code of 1991.

ENACTED, March 24, 2009.


JUANITO H. SANTIAGO
Municipal Vice Mayor
Presiding Officer

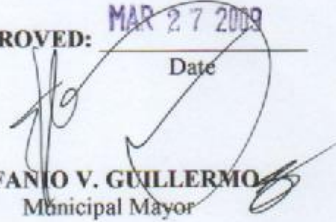
ATTESTED:


EDGAR P. RAMIREZ
Secretary to the Sangguniang Bayan

APPROVED:

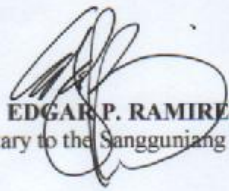
MAR 27 2009

Date


EPIFANIO V. GUILLERMO
Municipal Mayor

CERTIFICATION

This is to certify that this municipal ordinance was approved on third and final reading on March 24, 2009.


EDGAR P. RAMIREZ
Secretary to the Sangguniang Bayan