



Republika ng Pilipinas  
**SANGGUNANG PANLUNGSOD**  
Lungsod Mandaluyong

ORDINANCE NO. 722, S-2019

AN ORDINANCE CREATING THE MANDALUYONG CITY  
ANTI-DRUG RELATED PUBLIC NUISANCE BOARD,  
PROVIDING FUNDS THEREFOR AND  
FOR OTHER PURPOSES

WHEREAS, the relevancy of the State policy enunciated in Republic Act No. 9165 (RA 9165) is very evident these days, and the City of Mandaluyong restates the policy to safeguard the integrity of its own territory and the well-being of all Mandaleños 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, unrelenting as the Duterte Government, the City of Mandaluyong shall pursue an intensive and vigorous campaign against the trafficking and use of dangerous drugs through an integrated system of planning, implementation and enforcement of anti-drug abuse policies, programs, and projects;

WHEREAS, Section 52 of Republic Act No. 9165 mandates cities and municipalities to create, by ordinance, an administrative board to hear complaints regarding drug related public nuisances in accordance with the procedure laid down therein;

NOW, THEREFORE, be it ORDAINED by the Sangguniang Panlungsod of the City of Mandaluyong, in session assembled:

SECTION 1. TITLE. This Ordinance shall be known as the "Anti-Drug Related Public Nuisance Ordinance".

SECTION 2. CITY POLICY. As assistance to the National Government in its unrelenting anti-drug campaign, the City of Mandaluyong shall 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 of dangerous drugs and other similar activities, and abate the same; provided that, such declaration may be lifted may be made upon showing that the place is no longer a public nuisance.

SECTION 3. DEFINITION OF TERMS. For purposes of this Ordinance, the following terms are defined:

- a. ABATEMENT – act of removing, or if necessary, destroying the thing which constitutes the public nuisance;
- b. BOARD – refers to the Mandaluyong City Anti-Drug Related Nuisance Board, which is the administrative board being referred to under Sections 52 and 53, Article VII of RA 9165;
- c. DANGEROUS DRUGS – 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 attached annex which is an integral part of this Act (Section 3 [j], RA 9165);

- d. DELIVER – any act of knowingly passing a dangerous drug to another, personally or otherwise, and by any means, with or without consideration (Section 3 [k], RA 9165);
- e. DEN, DIVE OR RESORT – a place where any dangerous drug and/or controlled precursor and essential chemical is administered, delivered, stored for illegal purposes, distributed, sold or used in any form (Section 3 [l], RA 9165);
- f. 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, and declared to be a public nuisance by the Board;
- g. NUISANCE – any act, omission, establishment, business, condition of property, or anything else which injures or endangers the health or safety of others, or annoys or offends the senses, or shocks, defies or disregards decency or morality (Section 694, New Civil Code);
- h. PUBLIC NUISANCE – affects a community or neighborhood or any considerable number of persons, although the extent of the annoyance, danger or damage upon individuals may be unequal (Section 695, New Civil Code);
- i. SELL – any act of giving away any dangerous drug and/or controlled precursor and essential chemical whether for money or any other consideration (Section 3 [ii], RA 9165);
- j. TRADING – transactions involving the illegal trafficking of dangerous drugs and/or controlled precursors and essential chemicals using electronic devices such as, but not limited to, text messages, email, mobile or landlines, two-way radios, internet, instant messengers and chat rooms or acting as a broker in any of such transactions whether for money or any other consideration (Section 3 [jj], RA 9165);
- k. USE – any act of injecting, intravenously or intramuscularly, of consuming, either by chewing, smoking, sniffing, eating, swallowing, drinking or otherwise introducing into the physiological system of the body, and of the dangerous drugs (Section 3 [kk], RA 9165).

SECTION 4. **MANDALUYONG CITY ANTI-DRUG RELATED PUBLIC NUISANCE BOARD.** There is hereby created the Mandaluyong City Anti-Drug Related Public Nuisance Board, which is an administrative board that will hear complaints regarding the nuisances, to be composed of the following:

- a. City Health Officer as Chairperson;
- b. City Legal Officer as Member; and
- c. City Chief of Police as Member.

SECTION 5. **OFFICE OF THE BOARD AND SECRETARY OF THE BOARD.**

- a. The Mandaluyong City Anti-Drug Related Public Nuisance Board shall hold office at 4/F Executive Building, City Government Complex, Maysilo Circle, Plainview, Mandaluyong City 1550, where all complaints, motions, correspondence and all other records shall be sent, received, filed and kept.

- b. The Secretary of the Board may be appointed or designated, and shall act as officer-in-charge of the office. Employees of the City Government may also be designated to act as staff of the office to assist the Secretary.
- c. The Secretary shall:
  - i. keep and maintain such books as are necessary for the recording of all papers, pleadings, orders, resolutions, proceedings and other documents filed before the Board;
  - ii. see to it that all pleadings, motions, decisions, orders, resolutions and documents filed with the Board shall bear a stamp indicating the date of filing or rendition thereof;
  - iii. attend all meetings and hearings of the Board and take down or cause to be taken down the minutes of all proceedings;
  - iv. cause the prompt issuance and service of notices of hearings, summons, subpoena, orders or resolutions promulgated by the Board to the parties concerned or their duly authorized representatives or counsels;
  - v. keep and prepare the calendar of hearings and sessions of the Board;
  - vi. prepare, upon request of any person, certified true copies of any order, resolution, order and/or record of the proceedings before the Board, upon payment of the standard fees therefor; and
  - vii. perform such other duties and functions that the Board may be deemed necessary.

SECTION 6. PROCEDURE FOR THE ABATEMENT OF DRUG RELATED PUBLIC NUISANCES.

- a. Any employee, officer, or resident of the City 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 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 7. EFFECT OF THE ADMINISTRATIVE BOARD DECLARATION. 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 order is final and executory, and unappealable.

The order issued by the Board shall expire after one (1) year, or at such an earlier time as stated in the order; provided that, despite the expiration of the periods stated, the Board must still satisfy themselves that the place is no longer a public nuisance.

SECTION 8. **ENFORCEMENT.** The City Mayor shall implement the order of the Board, and shall assume full responsibility in seeing to it that the order is immediately complied with.

SECTION 9. **LIFTING OF THE ORDER.** The 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 10. **PERMANENT INJUNCTION.** The Board may bring a complaint before the proper court an action seeking a permanent injunction against the nuisance.

SECTION 11. **NON-PREJUDICE CLAUSE.** This Ordinance 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 under Section 458 [a] [4] [i] of the Local Government Code, to declare or abate any nuisance.

SECTION 12. **BUDGET.** During the initial year of the implementation of this Ordinance, the source of funds to operationalize the Office of the Mandaluyong City Anti-Drug Related Public Nuisance Board shall be taken from the available funds of the Office of the Mayor under the item Maintenance & Other Operating Expenses, and subsequently the amount necessary to implement the Ordinance shall be included in the annual Appropriations Ordinance.

SECTION 13. **SEPARABILITY CLAUSE.** If for any reason or reasons, any part or provision of this Ordinance shall be held unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 14. **EFFECTIVITY.** This Ordinance shall take effect upon its approval and publication in a newspaper of local circulation within the City of Mandaluyong.

ENACTED on this 7<sup>th</sup> day of January, 2019 in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ENACTED AND APPROVED BY THE SANGGUNIAN PANLUNGSOD OF MANDALUYONG IN REGULAR SESSION HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.

MA. TERESA S. MIRANDA  
Sanggunian Secretary

ATTESTED BY:

APPROVED:

ANTONIO DLS. SUVA  
Vice Mayor &  
Presiding Officer

CARMELITA A. ABALOS  
City Mayor

Date: JAN 16 2019

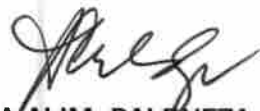
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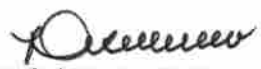
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Page 5

  
**CHARISSE MARIE ABALOS-VARGAS**  
Councilor

  
**ALEXANDER C. STA. MARIA**  
Councilor

  
**AYLA ALIM-BALDUEZA**  
Councilor

  
**FRANCISCO O. ESTEBAN**  
Councilor

**ABSENT**  
**GRACE MARIE V. ANTONIO**  
Councilor

**SICK LEAVE**  
**JESUS C. CRUZ**  
Councilor

  
**LUISITO E. ESPINOSA**  
Councilor

  
**ROEHL B. BACAR**  
Councilor

  
**RODOLFO M. POSADAS**  
Councilor

**OFFICIAL BUSINESS**  
**CHERRY LYNN P. SANTOS**  
Councilor

  
**BRANDO P. DOMINGUEZ**  
Councilor

  
**FERNANDO S. OCAMPO**  
Councilor

**ABSENT**  
**DARWIN A. FERNANDEZ**  
LnB President

  
**AEROL SEDRICK A. MANGALIAG**  
SK President