

Republic of the Philippines
Province of Cebu
CITY OF NAGA



Excerpt from the minutes of the Regular Session of the Sangguniang Panlungsod of the City of Naga, Cebu held on December 21, 2016 at the Session Hall, Legislative Building, City of Naga, Cebu.



Present:

HON. OTHELLO M. CHIONG
HON. VIRGILIO M. CHIONG
HON. AURELIO B. ALINSONORIN
HON. DELFIN R. SEÑOR
HON. AFSHIN MARK K. SEÑOR
HON. CARMELINO N. CRUZ, JR.
HON. RODRIGO A. NAVARRO
HON. PABLO A. ABANGAN
HON. LUZMINDA R. LAPITAN
HON. PORFERIO V. RESABA, JR.

Official Business:

HON. JUSTINO L. DAKAY

On Leave:

HON. ALEXANDER R. LARA

- Vice Mayor/Presiding Officer
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member

- ABC President

- Sangguniang Panlungsod Member

ORDINANCE NO. 2016-015

Hon. Virgilio M. Chiong – Sponsor

AN ORDINANCE CREATING THE CITY OF NAGA ANTI-DRUG ABUSE COUNCIL (CNADAC) ADMINISTRATIVE BOARD OF THE CITY OF NAGA, CEBU

WHEREAS, Article 2 Section 4 of the 1987 Constitution states that the prime duty of the government is to serve and protect the people and it is for the reason that the National Government is adamant in devising ways and means to safeguard the welfare of its people;

WHEREAS, drug abuse has become the worst social affliction that has been plaguing countries all over the world today and thus, giving rise to the upsurge of deviant and criminal behaviour which cause untold suffering and destruction of precious human lives;

WHEREAS, the primary mission of Republic Act 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002 is to eradicate the supply and demand of dangerous drugs and its precursors, to stop trafficking to and from the country and to promote regional and international cooperation in drug abuse prevention and control;

WHEREAS, DILG Memorandum Circular No. 98-227 dated December 2, 1998 mandates the creation of provincial, city, municipal and anti-drug abuse councils which will serve as focal points through which various organizations and individuals work together cooperatively in the planning, implementation and evaluation of programs on drug abuse prevention;

WHEREAS, local governments are the most appropriate agencies that should be designated as lead agencies with the active participation of NGOs in the prevention of drug abuse and are vested with the access and authority to act on specific needs and problems of a particular community;

WHEREAS, Section 52 of RA 9165 states that any city or municipality may, by ordinance create an administrative board to hear complaints regarding drug-related public nuisances;

NOW THEREFORE, BE IT ENACTED by the Sangguniang Panlungsod of the City of Naga, Cebu, in session assembled, that:

SECTION 1. TITLE - This Ordinance shall be known as the CITY OF NAGA ANTI-DRUG ABUSE COUNCIL (CNADAC) ADMINISTRATIVE BOARD.

SECTION 2. RATIONALE – Through this Board, there is an expected development and adoption of a comprehensive, integrated, unified and balanced prevention and strategy in controlling the proliferation of drug-related public nuisances;

SECTION 3. COMPOSITION – The CNADAC Administrative Board is composed of the following:

Chairperson : City Mayor
 Vice Chairperson : Vice Mayor
 Members : SB Member, Chairperson on Peace and Order
 ABC President
 Chief of Police
 City Legal Officer
 Socio Civic Religious Leader
 One (1) representative of a Non- Government Organization (NGO)
 which is a member of the City Peace and Order
 One (1) representative of a Non- Government Organization (NGO)
 which is a member of the City of Naga Anti- Drug Abuse
 Council (CNADAC)
 DDB- PDEA Designated/Deputized as Ex-Officio member
 CNADAC Focal Person
 CPADAO Representative

SECTION 4. POWERS AND DUTIES – The following are the powers and duties of the CNADAC Administrative Board, to wit:

- a.) Operates under the Office of the City Mayor;
- b.) Receives complaints for the abatement of drug- related public nuisances;
- c.) Hears drug-related complaints and coordinates with concerned agencies in resolving drug-related complaints;
- d.) Conducts hearings in connection with the foregoing sub-section, letter B hereof;
- e.) Declares the place or premises in question as drug- related public nuisances if the circumstances so warrant;
- f.) Develops a comprehensive, integrated, unified and balanced drug abuse prevention program and control strategy;
- g.) Ensures full compliance, participation and support to the provisions of RA 9165 and oversees the operations and implementation;
- h.) Ensures that the Anti-Drug Abuse Councils, both at city and barangay levels perform their functions and responsibilities as embodied in relevant Department issuances;
- i.) Ensures a sustainable anti-drug abuse program in matters relating to rehabilitation or treatment program of drug dependents; and
- j.) Coordinates with the Dangerous Drugs Board (DDB);

SECTION 5. 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 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 drug, or used as drug dens for pot sessions and other similar activities may be declared to be a public nuisance and may be abated under the following procedures:

- a. Any employee, officer, or a resident in this city may bring a complaint before the CNADAC 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 CNADAC Administrative 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 of place shall also given an opportunity to present any evidence in his/her defense;
- d. After hearing, the CNADAC 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 6. HONORARIA FOR MEMBERS OF THE ADMINISTRATIVE BOARD – The member of the Administrative Board shall be entitled to receive honoraria for each session in the following manner:

- a. Chairperson - Six Hundred Pesos (P600.00)
- b. Member - Five Hundred Pesos (P500.00)

SECTION 7. 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 board shall expire one (1) year from the date of issuance, or at such an earlier time as stated in the order. The administrative board may bring a complaint seeking a permanent injunction against nuisance described under RA 9165 and its Implementing Rules and Regulations.

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.

SECTION 8. 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 filling of a criminal case against the owner of a place of 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 Panglungsod to declare and/or abate any nuisance under Section 447 (a) (4) (i) of the Local Government Code.

SECTION 9. APPROPRIATION – the amount of at least One Hundred Thousand Pesos (P100,000.00) shall be appropriated annually of the effective implementation of this Ordinance.

SECTION 10. 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 11. REPEALING CLAUSE – Any ordinance found to be inconsistent with with this Ordinance shall be deemed repealed or modified accordingly.

SECTION 12. EFFECTIVITY – This Ordinance shall take effect immediately upon its approval in accordance with law.

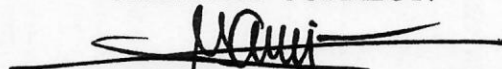
APPROVED on third and final reading this 21st day of December 2016, on motion of Hon. Virgilio M. Chiong, seconded by Hon. Rodrigo A. Navarro.

ATTESTED BY:




OTHELLO M. CHIONG
Vice Mayor/Presiding Officer

CERTIFIED CORRECT:


GARRY A. CABOTAJE
Secretary to the Sanggunian

APPROVED BY:


KRISTINE VANESSA T. CHIONG
City Mayor