



REPUBLIC OF THE PHILIPPINES  
Province of Eastern Samar  
MUNICIPALITY OF GUIUAN

- OFFICE OF THE SANGGUNIANG BAYAN -

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF  
GUIUAN, EASTERN SAMAR HELD ON August 22, 2019 AT THE MUNICIPAL SESSION HALL.

PRESENT:

HON. FLORIANO G. BAGRO, JR.	SB Member Presiding Officer Pro-Tempore
HON. ROGELIO O. CABLAO	SB Member
HON. FRANCIS ALDOUS B. SISON	SB Member
HON. CARLITO S. ABRUGAR, JR.	SB Member
HON. JOSE ERIC C. CORDERO	SB Member
HON. MARY CHARMAINE G. VILLAR	SB Member
HON. JASON C. ABRAJANO	SB Member

ABSENT:

HON. VERONICA C. RAMIREZ	Vice-Mayor
HON. ANTONIA R. CABLAO	SB Member

Official Travel:

HON. MANUEL L. VELASCO	SB Member
HON. PEDRO M. MACABOCSIT	SB Member

**Ordinance No. 8, Series of 2019**

(Sponsored by: Hon. Carlito S. Abrugar, Jr. and Hon. Mary Charmaine G. Villar)

**AN ORDINANCE  
CREATING THE ANTI-DRUG ABUSE COUNCIL (ADAC) ADMINISTRATIVE BOARD FOR THE  
MUNICIPALITY OF GUIUAN, EASTERN SAMAR.**

Be it ORDAINED by the Sangguniang Bayan, that:

Section 1. Title. – This Ordinance shall be known and cited as “The ADAC Administrative Board Ordinance of Guiuan, Eastern Samar”.

Section 2. Purpose. – This Ordinance is enacted for the purpose of assisting in or enhancing the enforcement of laws and ordinances dealing with the persistent drug menace, specially aiming to declare as public nuisance any place or premises which have been used on two or more occasions as the site of unlawful sale or delivery of dangerous drugs, or used as drug dens for pot sessions and other similar activities and their eventual abatement to the procedures laid down in Section 52 of Republic Act No. 9165.

Section 3. Definition of Terms. – When used in this Ordinance, the following terms shall have their meaning, viz:

- (a) Administrative Board – shall refer to the ADAC Administrative Board created under the Ordinance.

- (b) Dangerous Drugs – includes ecstasy, shabu, cocaine, opium, marijuana, rugby and other inhalants, and 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 R.A. 9165
- (c) Abatement – means the prohibition of the selling or delivery of dangerous or illegal drugs.
- (d) RA 9165 – shall mean an Act instituting “The Comprehensive Dangerous Drugs Act of 2002”.
- (e) 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.
- (f) Premises – shall refer to a place and the building on it; it may only be a building or part of a building, especially when used for commercial purposes.
- (g) Pusher – shall refer to any person who sells, trades, administers, dispenses, delivers or gives away to another, on any terms whatsoever, or distributes, dispatches in transit or transports dangerous drugs or who acts as a broker in any of such transactions in violation of R.A. 9165.
- (h) Sell – shall refer to any act of giving away any dangerous drug and/or controlled precursor of essential chemical whether for money or other consideration.
- (i) Use – shall refer to any act of injecting, intravenously or intramuscularly, of consuming, either chewing, smoking, sniffing, eating, swallowing, drinking, or otherwise introducing into the physiological system of the body of the dangerous drugs.

Section 4. Mandate. – There is hereby created the Anti-Drug Abuse Council (ADAC Administrative Board whose primary function is to hear and decide complaints regarding drug-related nuisance/s.

Section 5. Composition of the Board. – The ADAC Administrative Board shall be composed of the following:

Chairperson : Municipal Health Officer  
V-Chairperson : Chief of Police  
Consultant on Legal Affairs of the Municipality  
Chairman – SB Comm. on Peace and Order and Public Safety  
Chairman – SB Committee on Ordinances and Legal Matters  
Municipal Social Welfare and Development Officer  
CSO Representatives (2)  
MGLOO

The Secretary of the Sangguniang Bayan shall act as the Board Secretary.

Section 6. Duties and Functions of the Board. – The Board shall have the following duties and functions:

1. To hear complaints regarding abatement of public 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;
3. To abate public nuisance, in accordance with the procedures set under Section 52 of the Implementing Rules and Regulations of R.A. 9165.

Section 7. Procedure in Handling of Complaints – In dealing with drug-related complaints or nuisances, the Administrative Board shall be guided by the following procedure:

- (1) A written complaint must be filed with the Board specifying the place or premises complained of, the number of occasions it has been used as site of unlawful sale or delivery of dangerous drugs;
- (2) A copy of such written complaint must have been sent first to the owner of the place or premises at its last known address, at least three (3) days before the actual filing of the complaint with the Administrative Board;
- (3) The Board shall hear the case within three (3) days from receipt of the complaint with notice to both parties during which it may consider any evidence including evidence of the general reputation of the place or premises, and at which the owner of the premises shall be afforded the opportunity to present evidence in its defence;
- (4) After due hearing and if the evidence so warrants, the Board may declare the place of premises a public nuisance and order the immediate prohibition of the conduct, operation or maintenance of any business or activity on the premises conducive to such nuisance; Provided, that such declaration shall expire after one (1) year or earlier as indicated therein; and Provided, further, that the Board may bring a complaint before any appropriate court seeking a permanent injunction against said public nuisance.
- (5) The Municipal Mayor shall implement the order of the Administrative Board and shall assume full responsibility in seeing to it that the order is immediately complied with.
- (6) The hearing shall be terminated within ten (10) days from commencement.
- (7) The declaration by the Board that a particular place is a public nuisance and the issuance of the 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 and the power of the Sangguniang Bayan pursuant to section 447(a)(4)(1) of the Local Government Code to declare or abate any nuisance.
- (8) 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 R.A. 9165, the Board shall adhere to the guidelines on the proper implementation of the order issued by the DDB.
- (9) The administrative board, upon showing that the place is no longer public nuisance, may conduct hearing with the complainant duly notified, for the possible lifting of the order.

Section 8. Operational Funds – The funding for the operation of the Board shall be taken from or charged against the existing appropriation for the Peace and Order Program, Upon recommendation of the Board to and approval by the Municipal Mayor, subject to the limitations on personal services, availability of funds, and the existing Department of Budget and Management (DBM) Local Budget Circulars, the Chairman and the members of the Board may be granted honoraria by the Sangguniang Bayan.

Section 9. Penalty – The owner, proprietor or manager of the place or premises who knowingly and wilfully disobeys the order issued by the Board or who continues with the conduct operation of the prohibited activity shall, after conviction, be penalized with a fine of TWO THOUSAND FIVE HUNDRED PESOS (Php 2,500.00) or imprisonment of not more than 6 months or suffer both fine and imprisonment at the discretion of the court.

The business permit, if any, of the place or premises declared as nuisance shall also be revoked, and no such permit shall be granted within the period so indicated in the order.

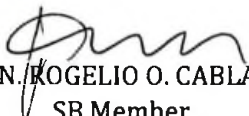
Section 10. Separability Clause. – If any provision/s of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, the provisions which are not affected thereby shall continue to be in full force and effect.

Section 11. Applicability Clause. – This Ordinance shall apply to all residents of the Municipality of Guiuan, Eastern Samar, and to all others who, for whatever reason, may within the ambit of its provisions.


Section 12. – Effectivity. – This Ordinance shall take effect immediately upon its approval. Copies of the Ordinance shall also be posted in at least three (3) conspicuous places in the municipality.

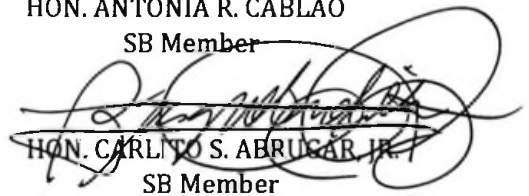
ENACTED AND APPROVED: August 22, 2019, at Guiuan, Eastern Samar.

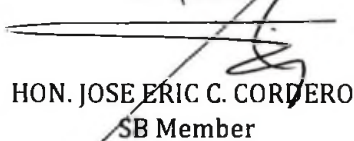
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HON. ROGELIO O. CABLAO  
SB Member

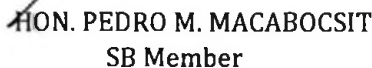
HON. ANTONIA R. CABLAO  
SB Member

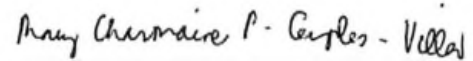
  
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SB Member

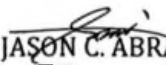
  
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HON. JOSE ERIC C. CORDERO  
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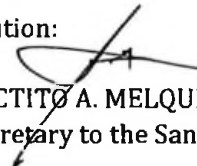
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HON. PEDRO M. MACABOCSIT  
SB Member

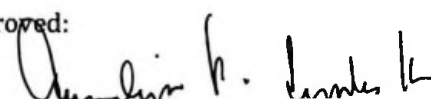
  
HON. MARY CHARMAINE G. VILLAR  
SB Member  
President – Liga ng mga Barangay

  
HON. JASON C. ABRAJANO  
SB Member  
President – SK Federation

I hereby certify to the correctness of the foregoing Resolution:

  
RECTITO A. MELQUIADES  
Secretary to the Sangguniang Bayan

Attested by:  
  
HON. FLORIANO G. BAGRO, JR.  
SB Member & Presiding Officer Pro-Tempore

Approved:  
  
HON. ANNALIZA P. GONZALES – KWAN  
Municipal Mayor