

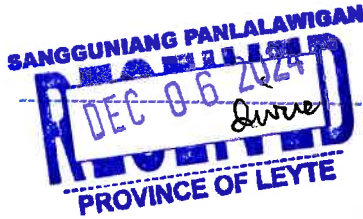
Item No.: 13

Date: 11 2024 DEC



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE

Province of Leyte
Legal Office
Released: [Signature]
Date: 12-5-24

2nd INDORSEMENT

November 11, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 193 of the Sangguniang Bayan of Matag-ob, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 193 entitled: **“An Ordinance creating the Matag-ob, Leyte Dangerous Drugs Administrative Board and appropriating funds therefor.”**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance with its power under Section 447(a)(1)(v)¹ of the Local Government Code of 1991 (R.A 7160) in consonance with Republic Act No. 9165² and Section 6(A)(6) of DDB Board Regulation No. 3, series of 2017³. However, it is noted in the 4th whereas that it cites and uses Section 458(a)(1)(v) as legal basis, which pertains to powers conferred to Sangguniang Panlungsods of cities, of which the municipality of Matag-ob is not. Hence, this office recommends further review and revision of said Ordinance.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on the facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer *[Signature]*

¹ (;(v) Enact ordinances intended to prevent, suppress and impose appropriate penalties for habitual drunkenness in public places, vagrancy, mendicancy, prostitution, establishment and maintenance of houses of ill repute, gambling and other prohibited games of chance, fraudulent devices and ways to obtain money or property, drug addiction, maintenance of drug dens, drug pushing, juvenile delinquency, the printing, distribution or exhibition of obscene or pornographic materials or publications, and such other activities inimical to the welfare and morals of the inhabitants of the municipality;

² "Comprehensive Dangerous Drugs Act of 2002".

³ Enactment of municipal or city ordinances creating administrative boards to hear and act on complaints regarding public nuisances pursuant to Section 52 Article VII of Republic Act No. 9165

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
05 November 2024

Handwritten signature and date: 11-5-24

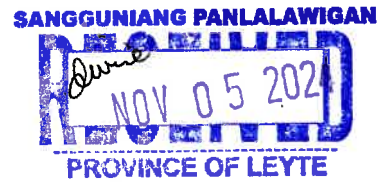
The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No.193** of the **Municipality of Matag-ob, Leyte**, entitled: **An Ordinance Creating the Matag-ob, Leyte Dangerous Drugs Administrative Board and appropriating funds therefor.**


ANDRE S. SANICO
Provl. Govt. Asst. Dept. Head



REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
MUNICIPALITY OF MATAG-OB
SANGGUNIANG BAYAN

INDORSEMENT
October 21, 2024



HONORABLE LEONARDO "SANDY" JAVIER
Vice-Governor
Presiding Officer
Sangguniang Panlalawigan of Leyte

Sir:

Respectfully forwarding to your good office the herein attached Municipal Ordinance No. 193 series 2024, entitled "AN ORDINANCE CREATING THE MATAG-OB, LEYTE DANGEROUS DRUGS ADMINISTRATIVE BOARD AND APPROPRIATING FUNDS THEREFOR.", of the Sangguniang Bayan of Matag-ob, Leyte for review and approval by the Sangguniang Panlalawigan.

Respectfully yours,


ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian



"The Town of United and Happy People"

ONE LCU Matag-ob, Leyte

MacArthur St, New SB Building,
Municipal Government Complex,
Barangay San Guillermo, Matag-ob, Leyte
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REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE

MUNICIPALITY OF MATAG-OB

SANGGUNIANG BAYAN

CERTIFICATION OF POSTING

THIS IS TO CERTIFY that copies of the Municipal Ordinance No. 193 series 2024, entitled "AN ORDINANCE CREATING THE MATAG-OB, LEYTE DANGEROUS DRUGS ADMINISTRATIVE BOARD AND APPROPRIATING FUNDS THEREFOR.", of the Sangguniang Bayan of Matag-ob, Leyte are posted in Three (3) conspicuous places within the municipality of Matag-ob, Leyte for three consecutive weeks from October 17, 2024:

This certification is issued in compliance with Section 59 of R.A. 7160, otherwise known as the Local Government Code of 1991.

Issued this October 17th. day of October, 2024.

ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian



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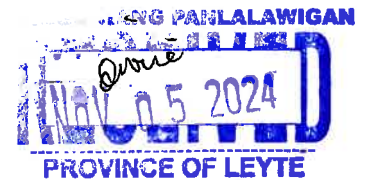
EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGUNIANG BAYAN OF MATAG-OB, LEYTE, HELD AT THE LEGISLATIVE SESSION HALL ON SEPTEMBER 16, 2024.

MUNICIPAL ORDINANCE NO. 193

(Prop. Mun. Ord. No. 217)

AN ORDINANCE CREATING THE MATAG-OB, LEYTE DANGEROUS DRUGS ADMINISTRATIVE BOARD AND APPROPRIATING FUNDS THEREFOR.

Author : Hon. Orlando G. Viacrusis
Co-authors : Hon. Joel N. Denoy
Hon. Joel G. Tacoy
Hon. Ana Love D. Borden
Hon. Evangeline C. Carno



PREFARATORY STATEMENT

WHEREAS, the proliferation and use of illegal drugs has caused moral degradation, disease, crimes, and deaths to numerous Filipinos;

WHEREAS, the vision of the national government for a healthy and peaceful community necessitates the participation of the local government units in accelerating the drive against illegal drugs and in the suppression of all illegal drug activities including the close monitoring of places serving as venue for these activities and to declare such places as public nuisances;

WHEREAS, Dangerous Drug Board REGULATION No. 2, Series of 2007, entitled "PROVIDING FOR REVISED GUIDELINES IN THE CONDUCT OF BARANGAY DRUG-CLEARING OPERATIONS" mandates the Enactment of city or municipal ordinances creating Administrative Boards to hear and act on complaints regarding public distances pursuant to Section 52, Article VII of Republic Act 9165;

WHEREAS, Section 458 (a)(1)(v) of Republic Act 7610 or the Local Government Code of 1991 mandates the local legislative bodies to enact ordinances, which are intended to prevent, suppress, and impose appropriate penalties for drug addiction, maintenance of drug dens and drug pushing;

WHEREAS, in order to make the clearing of drug-affected barangays more effective, there is a need to craft a more practical set of guidelines, considering the numbers of agencies involved and the complexity of said operations;

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September 16, 2024



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WHEREAS, in response to the growing challenges posed by the illegal drug trade and substance abuse within our municipality, it is imperative that we take precautionary measures to safeguard the welfare, safety, and future of our community;

AN ORDINANCE CREATING THE MATAG-OB, LEYTE DANGEROUS DRUGS ADMINISTRATIVE BOARD AND APPROPRIATING FUNDS THEREFOR.

WHEREAS, illegal drugs not only endanger lives but also threaten the peace, order, and development of our municipality of Matag-ob;

WHEREAS, addressing this complex issue requires a comprehensive and coordinated approach, ensuring that prevention, intervention, and rehabilitation efforts are effectively implemented;

NOW, THEREFORE, on motion of the Honorable Orlando G. Viacrusis, with the unanimous accord of all other members present, be it, Resolved, to enact;

MUNICIPAL ORDINANCE NO. 193

(Prop. Mun. Ord. No. 217)

AN ORDINANCE CREATING THE MATAG-OB, LEYTE DANGEROUS DRUGS ADMINISTRATIVE BOARD AND APPROPRIATING FUNDS THEREFOR:

Be it ordained by the Sangguniang Bayan, Matag-ob, Leyte, that:

SECTION 1. TITLE. This ordinance shall be known as the MATAG-OB, LEYTE DANGEROUS DRUGS ADMINISTRATIVE BOARD (MLDDAB).

SECTION 2. PURPOSE AND SCOPE - The purpose of this ordinance is to establish a local body to hear and act on complaints regarding public nuisances pursuant to Section 52, Article VII of Republic Act 9165. This ordinance shall apply only on any place or premises, which have been used as the site of unlawful sale or delivery or trafficking of dangerous drugs or used as drug dens or pot sessions and other similar illicit drug activities.

SECTION 3. COMPOSITION OF (MLDDAB) -The (MLDDAB) shall be composed of the following:

- Chairperson :Municipal Legal Officer/Mun. Administrator
- Vice-Chairperson :Municipal Health Officer or authorized representative
- Members :Chief of Police, Matag-ob PS

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REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE

MUNICIPALITY OF MATAG-OB

SANGGUNIANG BAYAN

- : MLGOO
- : One (1) Representative of the Non-Government
- : Organization that is a member of the Municipal Peace and Order Council
- : President, Liga ng mga Barangay

SECTION 4. POWERS AND DUTIES OF MLDDAB - The following are the powers and duties of the MLDDAB:

- a) Receive complaints filed regarding a place or premises used as the site of the unlawful sale or delivery of dangerous drugs, or used as drug dens for pot sessions and other similar activities;
- b) Conduct hearings and receive and consider any evidence, including evidence of the general reputation of the place or premises complained;
- c) Declare whether or not the place or premises in question is a public nuisance based on evidence presented;
- d) Issue an order immediately prohibiting the conduct, operation, or maintenance of any business or activity on the premises which is conducive to such nuisance;
- e) Bring a complaint seeking for permanent injunction against any nuisance described herein when circumstances warrant;
- f) Upon showing that the place is no longer a public nuisance, conduct hearing with the complainant duly notified for the possible lifting of the order; and
- g) On appropriate occasions, may conduct inspection or hearing motu proprio.

SECTION 5. SECRETARIAT SUPPORT - The Secretariat support shall be lodged with the Municipal Legal Office/Municipal Administrator and shall be responsible for the functionality of the MLDDAB, including the documentation of proceedings and meetings, preparation of the reports and other tasks that may be assigned by the MLDDAB.

SECTION 6. VOTES REQUIRED - Should there be any disagreement on any issue or matter pending before the MLDDAB, the vote of majority of all the members prevail. The same rule applies before an order declaring a place or premises as public nuisance is made.

SECTION 7. ABATEMENT OF DRUG RELATED PUBLIC NUISANCES - Pursuant to Section 52 of Republic Act 9165 and its Implementing Rules and Regulations and other relevant laws and executive issuances, any place or premises which have been used as site for two (2) or more occasions of unlawful sale or delivery of dangerous drugs, or used as drug dens for pot sessions and other similar activities may be declared to be a public nuisance and such nuisance may be abated under the following procedures;

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- a. Any employee, officer, or residents of Matag-ob, Leyte may bring a written complaint before the MLDDAB through the Municipal Legal Office/ Municipal Administrator on a place/s or premise/s used as site for two (2) more occasions of unlawful sale or delivery of dangerous drugs or used as drug dens for pot sessions and other similar activities;
- b. Within three (3) days from receipt of the complaint, the MLDDAB shall serve written notice of such complaint to the owner of the place or premises at his/her last known address;
- c. Within three (3) days from the date the owner is notified, a hearing shall then be conducted by the MLDDAB, with written notice to both parties and the administrative board may consider any evidence from the complainant;
- d. The owner/manager/administrator/tenant of the premises or place shall also be given an opportunity to present any evidence in his/her defence;
- e. The hearing shall be terminated within ten (10) days from its commencement.
- f. After hearing the MLDDAB may declare the place or premises to be a public nuisance.

SECTION 8. EFFECT OF THE MLDDAB DECLARATION - Pursuant to Section 53 of Republic Act 9165 and its Implementing Rules and Regulations, if the MLDDAB 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 MLDDAB within fifteen (15) days from receipt thereof and shall assume full responsibility in seeing to it that the order is immediately complied with. However, if the subject of the complaint is the use of place for illegal drug activities but only for single or first instance, the MLDDAB will still conduct hearing and issue an order of warning to the owner to stop the use of the place or premise for illegal activities.

The order issued by the MLDDAB shall expire after one (1) year from the date of issuance, or at such an earlier time as stated in the order. The MLDDAB may bring a complaint before the Court seeking a permanent injunction against any nuisance described under R.A. 9165 and its Implementing Rules and Regulations.

The MLDDAB, 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 9. APPLICATION OF OTHER LAWS - This ordinance is without prejudice to the filing of a criminal case against the owner, maintainers or caretakers of a place or premises declared for violation of Section 6, RA 9165. This does not



restrict the right of any person to proceed under the New Civil Code against any public nuisance. Neither shall this ordinance restrict the power of the Sangguniang Bayan to declare and/or abate any nuisance under Section 458 (a)(4)(i) of the Local Government Code.

SECTION 10. HONORARIA OF MLDDAB MEMBERS - Each member of the MLDDAB shall be entitled to honoraria of (ONE THOUSAND PESOS (P1,000.00) per session or meeting attended but not to exceed four (4) paid sessions per month. The Secretary to the Board under Section 5 of the ordinance as documenter or stenographer may be granted honoraria in the amount of FIVE HUNDRED PESOS (P500.00) per meeting attended but not to exceed four (4) paid sessions per month.

SECTION 11. FUNDING SOURCE- Funds necessary for the implementation hereof shall be sourced from the General Fund, subject to existing budgetary, accounting and auditing rules and regulation. For the succeeding years, the appropriation for the said program shall be included in the Annual Budget.

SECTION 12. IMPLEMENTING RULES AND GUIDELINES - The MLDDAB shall be tasked to formulate within thirty (30) days after the passage the implementing rules and regulations as well as procedures and guidelines to carry out the mandate under this ordinance.

SECTION 13. SUPPLEMENTARY RULE - The Rules of Court and other relevant rules shall apply to all matters not provided under this ordinance.

SECTION 14. SEPARABILITY CLAUSE - Any provision of this ordinance found be unconstitutional shall not affect the others which shall remain to be in full force and effect.

SECTION 15. REPEALING CLAUSE - Any ordinance found to be inconsistent with this shall be deemed repealed or modified accordingly.

SECTION 16. AMENDMENTS CLAUSE. This ordinance may be amended or modified as necessary through the appropriate legislative process.

SECTION 17. EFFECTIVITY. This Ordinance shall take effect upon compliance of the mandatory posting and publication requirements prescribed 7160 otherwise known as the Local Government Code of 1991.

CARRIED UNANIMOUSLY.

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REPUBLIC OF THE PHILIPPINES
 PROVINCE OF LEYTE
MUNICIPALITY OF MATAG-OB
SANGGUNIANG BAYAN

APPROVED by the Body with the following votes:


AYES: 9 Votes

1. HON. ARTEMIO T. ALMOROTO
SB Member
2. HON. JOEL N. DENOY
SB Member
3. HON. EVANGELINE C. CARNO
SB Member
4. HON. ORLANDO G. VIACRUSIS
SB Member
5. HON. EDUARDO. E. TOLEDO
SB Member
6. HON. PAOLO ANTONIO C. LAURENTE
SB Member
7. HON. RICARDO L. GIVA
SB Member
8. HON. ANA LOVE D. BORDEN
Ex-Officio Member, SK Fed. President
9. HON. JOEL G. TACOY
Ex-Officio Member, LNB President

NAYES: 0
ABSTAIN: 0

ENACTED this 16th. day of September, 2024.

I HEREBY CERTIFY the correctness of the foregoing ordinance duly enacted by the Sangguniang Bayan of Matag-ob, Leyte in regular session on September 16, 2024.


 ANA MARIA SANORIA-ECIJA
 Secretary to the Sanggunian

**ATTESTED AND CERTIFIED
 TO BE DULY ENACTED:**


 HONORABLE ARTEMIO T. ALMOROTO
 SB Member


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 PROVINCE OF LEYTE
MUNICIPALITY OF MATAG-OB
 SANGGUNIANG BAYAN

[Signature]
HONORABLE JOEL N. DENOY
 SB Member

[Signature]
HONORABLE EVANGELINE C. CARNO
 SB Member

[Signature]
HONORABLE ORLANDO G. VIACRUSIS
 SB Member

[Signature]
HONORABLE EDUARDO E. TOLEDO
 SB Member

[Signature]
HONORABLE PAOLO ANTONIO C. LAURENTE
 SB Member

[Signature]
HONORABLE RICARDO L. GIVA
 SB Member

[Signature]
HONORABLE ANA LOVE D. BORDEN
 Ex-Officio Member, SK Federation President

[Signature]
HONORABLE JOEL G. TACOY
 Ex-Officio Member, LNB President

HONORABLE ROMEO N. ALBARIDA
 Senior SB Member
 Temporary Presiding Officer

APPROVED:

[Signature]
HONORABLE BERNARDINO G. TACOY
 Municipal Mayor

04 NOV 2024

Date Signed

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 September 16, 2024



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