



Republic of the Philippines  
**QUEZON CITY COUNCIL**

Quezon City  
21<sup>st</sup> City Council

PO21CC-129

26<sup>th</sup> Regular Session

ORDINANCE NO. SP- 2962, S-2020

AN ORDINANCE CREATING THE QUEZON CITY DANGEROUS DRUGS ADMINISTRATIVE BOARD TO HEAR AND DECIDE COMPLAINTS INVOLVING PLACES AND/OR PREMISES BEING USED AS SITES FOR ILLEGAL DRUG ACTIVITIES TO DECLARE THE SAME AS PUBLIC NUISANCES AND SUBJECT OF ABATEMENT PROCEEDINGS AND PROVIDING MECHANISM THEREFOR.

*Introduced by Councilors ALLAN BUTCH T. FRANCISCO and  
MARRA C. SUNTAY.*

*Co-Introduced by Councilors Bernard R. Herrera, Lena Marie P. Juico, Dorothy A. Delarmente, M.D., Nicole Ella V. Crisologo, Victor V. Ferrer, Jr., Winston "Winnie" T. Castelo, Atty. Bong Liban, Mikey F. Belmonte, Estrella C. Valmocina, Franz S. Pumaren, Kate Galang-Coseteng, Matias John T. Defensor, Wencerom Benedict C. Lagumbay, Peachy V. De Leon, Resty B. Malañgen, Ivy L. Lagman, Hero M. Bautista, Karl Castelo, Patrick Michael Vargas, Shaira L. Liban, Ram V. Medalla, Marivic Co Pilar, Melencio "Bobby" T. Castelo, Jr., Rogelio "Roger" P. Juan, Donato "Donny" C. Matias, Eric Z. Medina, Freddy S. Roxas and Noe Dela Fuente.*

*WHEREAS, the present administration of the national government has been very relentless and aggressive in its campaign against illegal drugs and this city has been as well exemplifying similar attitude and fortitude in curbing or crashing the proliferation of such illegal drugs within its territorial jurisdiction;*

*WHEREAS, notwithstanding the tireless and unwavering drug sting operations conducted by the law enforcers in this city which have yielded to the apprehension and indictment of countless felons and confiscation or seizure of unquantifiable amounts of illegal drugs and drug paraphernalia, to the knowledge of the City Council, however, there have been no drug dens, places or premises which have been used as sites for furtherance of illegal drug activities that have been proceeded against by the courts of law and enforcers in accordance with Section 6, Article II of Republic Act No. 9165, otherwise known as the Dangerous Drugs Act of 2002, as amended by Republic Act No. 10640;*

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WHEREAS, the Quezon City Government is not without recourse for under Section 52 (1), Article VII of Republic Act No. 9165, otherwise known as the Dangerous Drugs Act of 2002, as amended by R.A. No. 10640, which treats on the abatement of Drug Related Public Nuisance, it provides that "Any city or municipality may, by ordinance, create an administrative board to hear complaints regarding the nuisances xxx";

WHEREAS, the creation of such board via ordinance is very timely and necessary as it will enable this city to address the given situation squarely and holistically taking into consideration the board's mandate to declare the places, premises and drug dens as nuisances and to abate the same as well;

WHEREAS, needless to state, the eventual declaration and abatement by the board as such of the places, premises and drug dens devoted to illegal drug activities after hearing are truly an effective measure to deter drug addiction and drug propagation.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. TITLE. - This Ordinance shall be known as the "Quezon City Dangerous Drugs Administrative Board Ordinance".

SECTION 2. DEFINITION OF TERMS. -

2.1 The following terms have meaning as used in Republic Act No. 9165 and its Implementing Rules and Regulations (IRR).

- a) Sell - Any act of giving away any dangerous drug and/or controlled precursor and essential chemical whether for money or any consideration.
- b) Deliver - Any act of knowingly passing a dangerous drug to another, personally or otherwise, and by any means, with or without consideration.
- c) Den - A place where dangerous drug and controlled precursor and essential chemical is administered, delivered, stored for illegal purposes, distributed, sold or used in any form.

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- d) *Dangerous Drugs* - Include those listed in the Schedules annexed to the 1961 Single Convention on Narcotics 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.
- e) *DDB* - refers to the Dangerous Drugs Board, created under Section 77, Article IX of R.A. No. 9165.

2.2 The following terms have meaning as used in the Civil Code of the Philippines.

- a) *Nuisance* - is any act, omission, establishment, condition or property, or anything else which:
  - 1. Injures or endangers the health or safety of others; or
  - 2. Annoys or offends the senses; or
  - 3. Shocks, defies or disregards decency or morality, or
  - 4. Obstruct or interferes with the free passage of any public highway or street, or any body of water; or
  - 5. Hinders or impairs the use of property (Article 694 of the New Civil Code)
- b) *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. (Article 695 of the New Civil Code).

2.3 The following term is defined according to jurisprudence.

- a) *Drug Den* - is a lair or hideaway where prohibited or regulated drugs are used in any form or are found. Its existence (may be) proved not only by direct evidence but may also be established by proof of facts and circumstances, including evidence of the general reputation of the house, or its general reputation among police officers. "(Coronel, et. Al. vs People of the Philippines, GR No. 214536 dated March 13, 2017)"

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**SECTION 3. COMPOSITION OF THE QUEZON CITY DANGEROUS DRUGS ADMINISTRATIVE BOARD.** - *The Quezon City Dangerous Drugs Administrative Board shall be composed of the following:*

- 1) *The City Vice Mayor and Chairman of the Quezon City Anti-Drug Abuse Advisory Council, as Chairman and Presiding Officer;*
- 2) *Chairperson of the City Council Committee on Anti-Illegal Drugs, as member;*
- 3) *City Health Officer, member;*
- 4) *City Legal Officer, member; and*
- 5) *The City Director, Quezon City Police District, PNP.*

**SECTION 4. ABATEMENT OF DRUG RELATED PUBLIC NUISANCES.** - *Any place or premises which have been 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, may be declared to be a public nuisance.*

- a) *Any employee, officer, resident of this 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 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 or manager of the premises or place shall also be given an opportunity to present evidence in his/ her defense;*
- d) *The Board Motu Proprio, may conduct hearing even in the event of the absence of any complainant, if necessary. This is in case of police or anti-drug operations in an establishment or premises found to have been utilized as site of the unlawful sale or delivery of dangerous drugs or used as drug dens and similar activities.*

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- e) After hearing, the administrative board may declare the place or premises to be public nuisance; and
- f) The hearing shall be terminated within ten (10) days from commencement.

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, the Sangguniang Panlungsod may grant reasonable honoraria to the chairperson and members of the administrative board.

**SECTION 5. EFFECT OF THE ADMINISTRATIVE BOARD DECLARATION -**  
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 activity on the said premises which is conducive to such nuisance. The City Mayor shall implement the decision/order of the administrative board and shall assume full responsibility in seeing to it that the order is immediately complied with.

- 5.1 The order issued by the administrative board shall expire after one (1) year, or at such earlier time as stated in the order. The administrative board may bring a complaint seeking a permanent injunction against any nuisance described under the Implementing Rules and Regulations (IRR) of Republic Act No. 9165.
- 5.2 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.
- 5.3 The DDB shall issue guidelines in the proper implementation of the order of the administrative 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 the Act.
- 5.4 The IRR of R.A. No. 9165 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 Bayan and Sangguniang Panlungsod per Section 447 (a)(4)(i) and Section 458 (a)(4)(i) respectively, of the Local Government Code of 1991 to declare or abate any nuisance.

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26<sup>th</sup> Regular Session

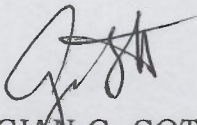
Ord. No. SP- **2962**, S-2020  
Page -6- PO21CC-129

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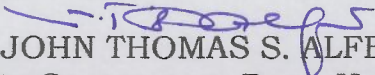
**SECTION 6. REPEALING CLAUSE.** - Any ordinance, executive order or issuances, administrative order, rules or regulations contrary to or inconsistent with the provisions of this Ordinance is hereby repealed, modified, or amended accordingly.

**SECTION 7. EFFECTIVITY CLAUSE.** - This Ordinance shall take effect Fifteen (15) days after its publication in a newspaper of general circulation and posted in at least three (3) conspicuous places in Quezon City, in compliance with Section 59, Chapter 3, Title II, Book 1 of the Local Government Code of 1991 (R.A. No. 7160), as amended.


ENACTED: March 16, 2020.

  
GIAN G. SOTTO  
City Vice Mayor  
Presiding Officer

ATTESTED:

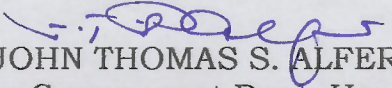
  
Atty. JOHN THOMAS S. ALFEROS III  
City Government Dept. Head III

APPROVED: AUG 04 2020

  
MA. JOSEFINA G. BELMONTE  
City Mayor

**CERTIFICATION**

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on March 16, 2020 and was PASSED on Third/Final Reading on June 29, 2020.

  
Atty. JOHN THOMAS S. ALFEROS III  
City Government Dept. Head III

9 