



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
A. Francisco Gold Condominium II Bldg, EDSA
corner Mapagmahal St., Diliman, Quezon City
OFFICE OF THE SECRETARY

January 29, 2009

MEMORANDUM CIRCULAR

NO. 2009 -09

TO : ALL PROVINCIAL GOVERNORS, CITY/MUNICIPAL MAYORS, PUNONG BARANGAYS, SANGGUNIAN MEMBERS AT ALL LEVELS, DILG REGIONAL DIRECTORS AND OTHERS CONCERNED

SUBJECT : UNIFIED ACTIONS AGAINST ILLEGAL DRUGS AND OTHER SUBSTANCES

I. Purpose

This Memorandum Circular is issued to emphasize to local authorities their principal responsibilities in support of overall government efforts to address illegal drugs and other substances.

II. Coverage

All provinces, cities, municipalities and barangays, except those in the Autonomous Region in Muslim Mindanao, are covered by this Memorandum Circular.

III. Responsibilities Common to all Local Government Officials at all Levels

1. As required under Sections 51 to 53 of RA 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, Local Chief Executives and Sanggunian Members must ensure the mandatory inclusion in the Local Annual Budget of a substantial appropriation that can adequately assist in or enhance the enforcement of RA 9165 giving priority to preventive or educational programs and the rehabilitation or treatment of drug dependents.

2. Ensure that the provisions of Sections 51 to 53 of RA 9165 shall be strictly and faithfully enforced.
3. Initiate the formulation of prevention and rehabilitation programs in their respective Local Government Units.
4. Initiate the conduct of symposia and dialogues with school authorities and students, owners and employees of business establishments, government officials and employees and the general public.
5. Ensure the sustainability of rehabilitation or treatment program of drug dependents.
6. Cause the enactment of an ordinance complementing the Comprehensive Drugs Act of 2002, if none has yet been passed, or to amend the same, to be consistent with the pertinent provisions of the said Act, and ensure the effective enforcement thereof.
7. Ensure that the Anti-Drug Abuse Councils at all levels perform their functions and responsibilities as embodied in relevant Department issuances.

IV. Responsibility of the Provincial Governor

Ensure that component city mayors and municipal mayors shall perform their mandated tasks and responsibilities under Sections 51-53 of RA 9165, in this Circular, and other Department issuances, including the creation and activation of the Anti-Drug Abuse Councils at all levels.

V. Responsibilities of the City Mayor or Municipal Mayor

1. Call on the local PNP, pursuant to their power of operational supervision and control over the local PNP under Section 51 (a) of RA 6975, as amended by Section 62 of RA 8551, to conduct periodic or unannounced onsite inspection of dens, resorts, bars, karaoke bars, nightclubs and other establishments or houses suspected of being used as drug dens or place of sale or delivery of illegal drugs.
2. Ensure that the Administrative Board under Section 52 (1) of RA 9165 shall be created, functional and shall faithfully discharge their

mandated task to abate nuisances contemplated under the said provision of RA 9165.

3. Revoke the business permit of any business establishment found by the Board created under Section 52 (1) of RA 9165 to be the site of the deliveries, sale and use of illegal drugs and substances.
4. Provide support, financial or otherwise, to the local PNP that is necessary in its sustained operations against illegal drugs.
5. Ensure that the Punong Barangays under their general supervision shall perform their responsibilities as embodied in this Circular and in other relevant Department issuances and pertinent laws.

VI. Responsibilities of the Punong Barangay

1. Shall identify drug affected house clusters, work places, streets, puroks and sitios where delivery, sale or use of illegal drugs are being conducted and to report the same immediately to the PNP or the Philippine Drug Enforcement Agency (PDEA).
2. Extend necessary assistance and cooperation, from operations up to prosecution, to the PDEA and PNP authorities in its operation against illegal drugs.

VII. Sanctions

All concerned local authorities are hereby advised that:

1. The mandate under Section 51 of RA 9165 for Local Government Units to appropriate a substantial portion of their respective Annual Budgets to assist in or enhance the enforcement of RA 9165 is considered as a mandatory requirement in all budget preparations in addition to those already mandatorily required under Section 324 of the Local Government Code. Accordingly, failure to include such appropriation in the Annual Budget of every Local Government Unit shall be a ground to disapprove the said Annual Budget on review. Further, failure to include such appropriation in the said Annual Budget can subject the local officials concerned to a possible administrative charge of dereliction of duty.
2. In case of adverse reports from PDEA and/or PNP that illegal drugs' sale, delivery and use is rampant within the Local Government Unit concerned or that the PDEA, PNP and other law enforcement agencies have uncovered shabu and other illegal

drug laboratories and marijuana plantation within the area of their jurisdiction, and the local officials therein, after having been made aware thereof, failed to take appropriate measures to enforce the pertinent provisions of RA 9165, including abatement of nuisances under Section 52 thereof, may be charged administratively for gross negligence or dereliction of duty as may be warranted by evidence. Such inaction, despite knowledge of the PDEA or PNP adverse reports, shall be considered as prima facie evidence for the said administrative charge/s.


3. Any local official engaged in the sale, delivery, transportation and use of illegal drugs or who may have benefited therefrom shall be dealt with criminally and administratively pursuant to RA 9165.

VIII. Repealing Clause

All previous issuances which are inconsistent herewith are hereby repealed or modified accordingly.

IX. Effectivity

This Memorandum Circular shall take effect immediately.


RONALDO V. PUNO
Secretary



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IN REPLYING, PLS CITE:

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