



Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**EIGHTEENTH (18<sup>th</sup>) CONGRESS**  
First Regular Session

**HOUSE BILL NO. 5761**

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Introduced by REP. JOSE CHRISTOPHER Y. BELMONTE

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**EXPLANATORY NOTE**

This bill intends to be a counterpart version of Senate Bill No. 513 entitled "*An Act Strengthening the Drug Abuse Prevention, Treatment, and Rehabilitation, Amending for the Purpose Republic Act No. 9165, Otherwise Known as 'The Comprehensive Dangerous Drugs Act of 2002' as Amended, and Appropriating Funds Therefor*" as authored by the Sen. Ronald "Bato" Dela Rosa.

This measure is pursuant to Section 15, Article II of the 1987 Constitution which provides that the State shall protect and promote the right to health of the people and instill health consciousness among them. Moreover, Section 11 of the same Article states that the State values the dignity of every human person and guarantees full respect for human rights.

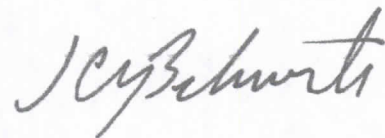
In the Philippines, human rights groups and health advocates alike have expressed concerns on the conduct of the crackdown on alleged drug personalities. The 2016 United Nations General Assembly Special Session on drugs (UNGASS 2016) has recognized "drug addiction as a complex multifactorial health disorder characterized by chronic and relapsing nature" that is preventable and treatable and not the result of moral failure or a criminal behavior.

Towards the realization of drug addiction as a health issue rather than as a criminal one, this bill adopts a more integrated and comprehensive approach to drug abuse prevention, treatment, and rehabilitation. This measure includes the referral of persons who use drugs to an appropriate drug treatment and rehabilitation program. In light of this, the recommendation of a qualified DOH-accredited physician will determine the treatment for persons who use drugs.

Further, this bill ensures that drug users who voluntarily submit to authorities is given the chance for treatment and rehabilitation provided for by a trained health service provider. The health service shall include the after-care and follow up treatment. This bill also provides for the establishment of residential and non-residential centers to expand the options available for those who need treatment.

Lastly, this bill creates the Bureau on Drug Abuse Prevention and Control under the Department of Health in order to centralize all of the Department's functions concerning drug prevention, treatment, and rehabilitation. Under this Bureau, the Director shall promote evidence and rights-based approach in the provision of treatment and rehabilitation services.

In view of the foregoing, the immediate passage of this bill is earnestly sought.

A handwritten signature in dark ink, appearing to read "J Cy Schmitt". The signature is written in a cursive style with a large, stylized "J" and "C".



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**AN ACT STRENGTHENING THE DRUG ABUSE PREVENTION, TREATMENT,  
AND REHABILITATION, AMENDING FOR THE PURPOSE REPUBLIC ACT NO.  
9165, OTHERWISE KNOWN AS "THE COMPREHENSIVE DANGEROUS DRUGS  
ACT OF 2002" AS AMENDED, AND APPROPRIATING FUNDS THEREFOR**

*Be it enacted by the Senate and the House of Representatives of the Philippines in  
Congress assembled:*

1        **Section 1. Declaration of Policy.** – It is hereby declared the policy of the State to  
2 protect and promote the right to health of the Filipino people and to instill health consciousness  
3 among them on the harmful effects of dangerous drugs through the adoption of a more  
4 integrated and comprehensive approach in the drug abuse prevention, treatment, and  
5 rehabilitation.  
6

7        **Sec. 2.** Section 15 of Republic Act No. 9165, otherwise known as "The Comprehensive  
8 Dangerous Drugs Act of 2002", is hereby amended to read as follows:  
9

10            "Section 15. *Use of Dangerous Drugs.* – A person apprehended or arrested,  
11 who is found to be positive for use of any dangerous drug, after a confirmatory test,  
12 [shall be imposed a penalty of a minimum of six (6) months rehabilitation in a  
13 government center for the first offense, subject to the provisions of Article VIII of this  
14 Act] **SHALL BE REFERRED TO AN APPROPRIATE PROGRAM AS**  
15 **RECOMMENDED BY A QUALIFIED DOH-ACCREDITED PHYSICIAN.**  
16 Provided, That this Section shall not be applicable where the person tested is also found  
17 to have in his/her possession such quantity of any dangerous drug provided for under  
18 Section 11 of this Act, in which case the provisions stated therein shall apply."  
19



1       **Sec. 3** Section 45 of Republic Act no 9165 is hereby amended, to read as follows:

2  
3               “Section 45. *Publication and Distribution of Materials on Dangerous Drugs.* –  
4       With the assistance of the Board, the Secretary of the Department of Education  
5       (DepEd), **THE SECRETARY OF THE DEPARTMENT OF HEALTH (DOH)**, the  
6       Chairman of the Commission on Higher Education (CHED) and the Director-General  
7       of the Technical Education and Skills Development Authority (TESDA) shall cause  
8       the development, publication and distribution of information and support educational  
9       materials on dangerous drugs to the students, the faculty, the parents, and the  
10      community.”

11  
12      **Sec. 4.** Section 47 of Republic Act No. 9165 is hereby amended, to read as follows:

13  
14              “Section 47. *Drug-Free Workplace.* – It is deemed a policy of the State to  
15      promote drug-free workplaces using a tripartite approach. With the assistance of the  
16      Board, the Department of Labor and Employment (DOLE), shall develop, promote and  
17      implement a national drug abuse prevention program in the workplace to be adopted  
18      by private companies with ten (10) or more employees. Such program shall include the  
19      mandatory drafting and adoption of company policies [against] **IN RELATION TO**  
20      drug use in the workplace in close consultation and coordination with the DOLE, labor  
21      and employer organizations, human resource development managers and other such  
22      private sector organizations

23              **SUCH COMPANY POLICIES SHALL INCLUDE THE PROVISION**  
24      **THAT SHALL ENSURE THAT EMPLOYEES FOUND TO BE POSITIVE FOR**  
25      **DRUG USE WILL BE REFERRED TO A TRAINED HEALTH SERVICE**  
26      **PROVIDER; PROVIDED, THAT THE EMPLOYER SHALL NOT**  
27      **TERMINATE THE SERVICES OF AN EMPLOYEE ON THE BASIS OF THE**  
28      **EMPLOYEE’S TREATMENT, REHABILITATION, AND REFERRAL;**  
29      **PROVIDED, FURTHER THAT EMPLOYEES FOUND TO BE POSITIVE FOR**  
30      **DRUG USE SHALL NOT BE DEPRIVED OF ANY AND ALL RIGHTS.”**

31  
32      **Sec. 5.** Section 54 of Republic Act No. 9165 is hereby amended, to read as follows:

33  
34              “Section 54. *Voluntary Submission [of a Drug Dependent] to [Confinement,]*  
35      *Treatment and Rehabilitation.* – [A drug dependent or any person who violates Section  
36      15 of this Act] **ANY PERSON** may by himself/herself or with the assistance of his/her  
37      parent, spouse, guardian or relative within the fourth degree of consanguinity or  
38      affinity, apply to the Board or its duly recognized representative, for treatment and  
39      rehabilitation [of the drug dependency. Upon such application, the Board shall bring  
40      forth the matter to the Court which shall order that the applicant be examined for drug  
41      dependency. If the examination by a DOH-accredited physician results in the issuance  
42      of a certification that the applicant is a drug dependent, he/she shall be ordered by the  
43      Court to undergo treatment and rehabilitation in a Center designated by the Board for  
44      a period of not less than six (6) months:] Provided, That a **PERSON WHO**



1 **VOLUNTARILY SUBMITS** [drug dependent] may [be placed under the care of a  
2 DOH-accredited physician where there is no Center near or accessible to the residence  
3 of the drug dependent or where said drug dependent is below eighteen (18) years of  
4 age and is a first-time offender and non-confinement in a Center will not pose a serious  
5 danger to his/her family or the community.] **SEEK TREATMENT AND**  
6 **REHABILITATION FROM A HEALTH FACILITY, BE SCREENED BY A**  
7 **TRAINED HEALTH SERVICE PROVIDER AND ASSESSED THEREAFTER**  
8 **BY A DOH-ACCREDITED PHYSICIAN. IF THE EXAMINATION BY A DOH-**  
9 **ACCREDITED PHYSICIAN RESULTS IN THE DIAGNOSIS OF DRUG**  
10 **DEPENDENCY, THE PERSON WHO VOLUNTARILY SUBMITS SHALL BE**  
11 **REFERRED TO AN APPROPRIATE DRUG TREATMENT AND**  
12 **REHABILITATION FACILITY WITH THE DURATION DEPENDING ON**  
13 **THE SEVERITY OF THE DRUG DEPENDENCE AS DETERMINED BY A**  
14 **QUALIFIED DOH-ACCREDITED PHYSICIAN.**

15  
16 **OTHER FORMS OF** confinement in a Center for treatment and rehabilitation  
17 shall [not exceed one (1) year, after which time the Court, as well as the Board, shall  
18 be apprised by the head of the treatment and rehabilitation center of the status of said  
19 drug dependent and determine whether further confinement will be for the welfare of  
20 the drug dependent and his/her family or the community.] **BE BASED ON THE**  
21 **DIAGNOSIS AND RECOMMENDATION OF A DOH-ACCREDITED**  
22 **PHYSICIAN."**

23  
24 **Sec. 5.** Section 56 of Republic Act No. 9165 is hereby amended, to read as follows:  
25

26 Section 56. *[Temporary Release From the Center;] After-Care and Follow-Up*  
27 *Treatment Under the Voluntary Submission Program.* – Upon certification of [the  
28 Center] **A DOH-ACCREDITED PHYSICIAN** that the [drug dependent] **PERSON**  
29 within the voluntary submission program **HAS COMPLETED THE PRESCRIBED**  
30 **TREATMENT AND REHABILITATION PROGRAM** may be [temporarily]  
31 released, the Court shall order his/her release on condition that said [drug dependent]  
32 **HE/SHE** shall report to the DOH for after-care and follow-up treatment, including  
33 urine testing, [for a period not exceeding eighteen (18) months under such terms and  
34 conditions that the Court may impose.] **WITH A DURATION BASED ON THE**  
35 **RECOMMENDATIONS OF A QUALIFIED DOH-ACCREDITED PHYSICIAN**  
36 **BUT SHALL NOT EXCEED EIGHTEEN (18) MONTHS.**

37  
38 If during the period of after-care and follow-up, the [drug dependent] **PERSON**  
39 **RELEASED** is certified to be rehabilitated, [he/she may be discharged by the Court,  
40 subject to the provisions of Section 55 of this Act, without prejudice to the outcome of  
41 any pending case filed in court.]

42  
43 However, should the DOH find that during the initial after-care and follow-up  
44 program of eighteen (18) months, the [drug dependent] **PERSON RELEASED**

1 requires further treatment and rehabilitation, he/she shall be recommitted to [in the  
2 Center for confinement] **A TREATMENT AND REHABILITATION FACILITY**  
3 **AS RECOMMENDED BY A DOH-ACCREDITED PHYSICIAN**. Thereafter,  
4 he/she may again be certified [for temporary release] **AS REHABILITATED** and  
5 ordered [released] for another after-care and follow-up program pursuant to this  
6 Section.”  
7

8 Sec. 7. Section 75 of Republic Act No. 9165 is hereby amended, to read as follows:  
9

10 “Section 75. *Treatment and Rehabilitation Centers*. – The existing treatment  
11 and rehabilitation centers for **DRUG USERS** [drug dependents operated and  
12 maintained by the NBI and the PNP] shall be operated, maintained and managed by the  
13 DOH in coordination with other concerned agencies. For the purpose of enlarging the  
14 network of centers, the Board through the DOH shall encourage, promote or whenever  
15 feasible, assist or support in the establishment, operations and maintenance of private  
16 centers which shall be eligible to receive grants, donations or subsidy from either  
17 government or private sources. It shall [also support the establishment of]  
18 **ESTABLISH** government-operated regional treatment and rehabilitation centers  
19 [depending upon the availability of funds.] The national government, through its  
20 appropriate agencies shall give priority funding for the increase of subsidy to existing  
21 government drug rehabilitation centers, and shall establish at least one (1)  
22 **RESIDENTIAL** drug rehabilitation center in each **REGION, AND ONE (1) NON-**  
23 **RESIDENTIAL DRUG REHABILITATION CENTER IN EACH** province,  
24 depending on the availability of funds.  
25

26 **BASED FROM THE EXISTING TREATMENT AND**  
27 **REHABILITATION CENTERS, THE DOH SHALL ESTABLISH FIVE (5)**  
28 **APEX TREATMENT AND REHABILITATION CENTERS TO PROVIDE**  
29 **SPECIALISED CARE FOR DRUG USERS.**  
30

31 **FOR DRUG DEPENDENTS WITH CRIMINAL OFFENSES OTHER**  
32 **THAN VIOLATION OF SECTION 2 OF THIS ACT, THE DEPARTMENT OF**  
33 **JUSTICE (DOJ) THROUGH THE BUREAU OF CORRECTIONS (BUCOR)**  
34 **AND THE DEPARTMENT OF THE INTERIOR AND LOCAL**  
35 **GOVERNMENT (DILG) THROUGH THE PHILIPPINE NATIONAL POLICE**  
36 **(PNP) AND BUREAU OF JAIL MANAGEMENT AND PENOLOGY (BJMP)**  
37 **SHALL ESTABLISH TREATMENT AND REHABILITATION CENTERS**  
38 **WITHIN THEIR PENITENTIARY FACILITIES; PROVIDED, THAT**  
39 **PERSONS DEPRIVED OF LIBERTY SHALL NOT BE DENIED ACCESS TO**  
40 **TREATMENT AND REHABILITATION SERVICES.**  
41

42 Sec. 8. Section 76 of Republic Act No. 9165 is hereby amended, to read as follows:  
43



1           “Section 76. *The Duties and Responsibilities of the Department of Health*  
2 *(DOH) Under this Act.* – The DOH shall:

3           (1) XXX

4  
5                       XXX

6                       XXX

7                       XXX

8           (5) The DOH shall, without prejudice to the criminal prosecution of those found  
9 guilty of violating this Act, order the closure of a Center for treatment and  
10 rehabilitation of drug dependency when, after investigation it is found guilty of  
11 violating the provisions of this Act or regulations issued by the Board; [and]

12           (6) Charge reasonable fees for drug dependency examinations, other medical  
13 and legal services provided to the public, which shall accrue to the Board. All  
14 income derived from these sources shall be part of the funds constituted as  
15 special funds for the implementation of this Act under Section 87; **AND**

16  
17           **(7) REGULATE THE LICENSE TO PRESCRIBE (A) DANGEROUS**  
18 **DRUG PREPARATIONS IN ANY FORM AND/OR (B) DRUG**  
19 **PREPARATIONS CONTAINING CONTROLLED CHEMICALS.”**

20  
21           Sec. 9. *Creation of the Bureau on Drug Abuse Prevention and Control.* To carry out  
22 the above policy, the Bureau on Drug Abuse, Prevention, and Control shall be created under  
23 the DOH.

24  
25           (a) *Objectives of the Bureau.* The objectives of the Bureau are:

26           (1) To lead in the implementation of the selected mandates of the DOH as stipulated  
27 under Republic Act No. 9165.

28           (2) To promote evidence-based and rights-based approach in the provision of treatment  
29 and rehabilitation services.

30  
31           (b) *Composition.* The present Dangerous Drugs Abuse Prevention and Treatment Program  
32 (DDAPTP) functionally created in the DOH shall be accordingly modified and  
33 absorbed by the Bureau.

34  
35           The Bureau shall be headed by a Director IV, who shall be responsible for the general  
36 administration and management of the Bureau. The Director of the Bureau shall be  
37 appointed by the Office of the President, as recommended by the Secretary of Health  
38 and shall provide guidance, recommendations, and directions related to matters  
39 concerning drug abuse prevention and control, and perform such other duties that may  
40 be assigned. The Director IV must possess adequate knowledge, training and  
41 experience in the field of addiction and drug dependence.

42  
43           The Bureau shall determine the composition and size of the organizational structure as  
44 it may be deemed necessary, in accordance with the Civil Service laws and regulations.

1  
2 (c) *Powers and Functions.* The Bureau shall have the following powers and functions:

- 3 1. Develop standards, guidelines and systems including health promotion and  
4 advocacy programs on the prevention, treatment, rehabilitation and of dangerous  
5 drugs across identified key settings;
- 6 2. Recommend and propose the establishment of additional Drug Abuse Treatment  
7 and Residential Centers (DATRCs) (residential and non-residential) based on  
8 needs, and aligned with the existing health facility development plan of the DOH;
- 9 3. Provide technical, functional, and advocacy assistance to end users, stakeholders  
10 and partner agencies relative to drug abuse prevention and treatment;
- 11 4. Conduct health research for the improvement of prevention and treatment services;
- 12 5. Represent DOH in the Dangerous Drugs Board (DDB), Inter-Agency Task Forces  
13 and other relevant committees; and
- 14 6. Establish networks with various agencies, professional groups and organizations in  
15 implementing the mandates of DOH.

16  
17 **Sec. 10. Appropriations.** The amount needed for the initial implementation of this Act  
18 shall be taken from the current fiscal year's appropriation for the Dangerous Drugs Board.  
19 Thereafter, the amount needed for the operations and maintenance of the Bureau shall be  
20 included in the General Appropriations Act.

21  
22 **Sec. 11. Implementing Rules and Regulations.** The DOH, the Department of Budget  
23 and Management (DBM), and the Civil Service Commission (CSC), in consultation and in  
24 coordination with the DDB, Department of Interior and Local Government (DILG), civil  
25 society organizations, non-government organizations, and the private sector, shall promulgate  
26 a new set of implementing rules and regulations within ninety (90) days from the effectivity of  
27 this Act.

28  
29 **Sec. 12. Separability Clause.** If any provision of this Act is held invalid or  
30 unconstitutional, the same shall not affect the validity and effectivity of the other provisions  
31 hereof.

32  
33 **Sec. 13. Repealing Clause.** Sections 58, 59, and 61 of Republic Act No. 9165 are hereby  
34 repealed.

35 All other laws, decrees, executive orders and rules and regulations contrary to or  
36 inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

37  
38 **Sec. 14. Effectivity Clause.** This Act shall take effect fifteen (15) days after its  
39 publication in the Official Gazette or in a newspaper of general circulation.

40  
41 Approved,