

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL No. **3403**

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| HOUSE OF REPRESENTATIVES | |
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Introduced by REP. RODEL M. BATOCABE, REP. ALFREDO A. GARBIN, Jr., and
REP. CHRISTOPHER S. CO

**AN ACT PROVIDING FOR THE LEGAL PROCEDURE IN THE DISPOSITION AND
REHABILITATION OF DRUG DEPENDENTS AND/OR DRUG PUSHERS OR
DEALERS WHO VOLUNTARILY SURRENDER, AMENDING FOR THE PURPOSE
RA 9165, AS AMENDED**

EXPLANATORY NOTE

The Philippine government, under the stewardship of President Rodrigo Roa Duterte, is gaining traction in its war against illegal drugs. A strong proactive stance against the illegal drug trade is being undertaken; and, while the final outcome of this war is yet to be determined, there is a need to address the other aspects of the issue of illegal drugs.

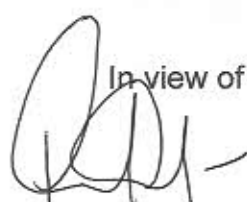
The news is abounding with reports that hundreds of thousands of Filipinos have voluntarily surrendered to the authorities, confessing that they are either pushers or users of illegal substances. The authorities on the other hand did not anticipate such influx of surrenderees, as this phenomenon is unprecedented in the history of the Philippines.

Unfortunately, there is currently no legislation that addresses this situation. Republic Act 9165, or the "Comprehensive Dangerous Drugs Act of 2002", as amended, failed to provide the answers. There being an uncertainty on the course of action to be taken, the authorities merely register or list down the names of the surrenderees, and release these self-confessed drug addicts and pushers back to the general public.

The proposed piece of legislation seeks to rectify this vacuum in the law and provide clear guidelines for the disposition of these surrenderees. Undersigned legislators propose that the surrenderees, after a positive determination of their drug dependence, shall be required to undergo mandatory treatment and rehabilitation.

The mandatory treatment for confirmed drug dependents, not otherwise falling into other provisions of the Comprehensive Dangerous Drugs Act of 2002, is necessary since drug dependency is a psychological disorder, which needs to be corrected; otherwise, the citizens who took the first step towards reformation may return to their old ways. As defined by the law, drug dependence is *"a cluster of physiological, behavioral and cognitive phenomena of variable intensity, in which the use of psychoactive drug takes on a high priority thereby involving, among others, a strong desire or a sense of compulsion to take the substance and the difficulties in controlling substance-taking behavior in terms of its onset, termination, or levels of use."*

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



RODEL M. BATOCABE



ALFREDO A. GARBIN, Jr.



CHRISTOPHER S. CO

Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 3403

Introduced by HON. RODEL M. BATOCABE, HON. ALFREDO A. GARBIN, Jr. and
HON. CHRISTOPHER S. CO

1 **AN ACT PROVIDING FOR THE LEGAL PROCEDURE IN THE DISPOSITION AND**
2 **REHABILITATION OF DRUG DEPENDENTS AND/OR DRUG PUSHERS OR**
3 **DEALERS WHO VOLUNTARILY SURRENDER, AMENDING FOR THE PURPOSE**
4 **RA 9165, AS AMENDED**

5
6 *Be it enacted by the Senate and House of Representatives of the Philippines in*
7 *Congress assembled:*

8
9 **Section 1.** Section 3 or RA 9165, as amended by RA 10640, is hereby amended to read
10 as follows:

11 A) xxx

12 xxx

13 **LL) SURRENDEREE – ANY PERSON WHO, CLAIMING THAT HE OR SHE IS A**
14 **DRUG DEPENDENT AND/OR DRUG DEALER OR PUSHER, SURRENDERS TO**
15 **ANY OFFICER/S OR MEMBER/S OF EITHER THE PHILIPPINE DRUG**
16 **ENFORCEMENT AGENCY (PDEA), NATIONAL BUREAU OF INVESTIGATION**
17 **(NBI), OR PHILIPPINE NATIONAL POLICE (PNP).**

18 **Section 1.** There is hereby inserted a new sub-section 54-A, under Section 54, which
19 shall read as follows:

20 Section 54. xxx

21 **SUB-SECTION 54-A. VOLUNTARY SURRENDER OF A DRUG**
22 **DEPENDENT – A SURRENDEREE, WHO ADMITS TO BE A DRUG**
23 **DEPENDENT BUT NOT A DRUG PUSHER OR DEALER, SHALL BE**
24 **ENDORSED BY SUCH PDEA/NBI/PNP OFFICER/S OR MEMBER/S TO**
25 **A DOH-ACCREDITED PHYSICIAN FOR EXAMINATION. SHOULD THE**
26 **PHYSICIAN FIND THE NEED FOR REHABILITATION, THE**
27 **SURRENDEREE SHALL VOLUNTARILY SUBMIT FOR CONFINEMENT**
28 **AND REHABILITATION IN THE NEAREST CENTER: PROVIDED, THAT**
29 **A DRUG DEPENDENT MAY BE PLACED UNDER THE CARE OF A DOH-**
30 **ACCREDITED PHYSICIAN WHERE THERE IS NO CENTER NEAR OR**
31 **ACCESSIBLE TO THE RESIDENCE OF THE DRUG DEPENDENT OR**
32 **WHERE SAID DRUG DEPENDENT IS BELOW EIGHTEEN (18) YEARS**
33 **OF AGE AND IS A FIRST-TIME OFFENDER AND NON-CONFINEMENT**
34 **IN A CENTER WILL NOT POSE A SERIOUS DANGER TO HIS/HER**
35 **FAMILY OR THE COMMUNITY. PROVIDED FURTHER, THAT SHOULD**
36 **THE SURRENDEREE REFUSE TO SUBMIT TO CONFINEMENT AND**

1 REHABILITATION, HE/SHE WILL BE CHARGED ACCORDINGLY
2 PURSUANT TO SECTION 5.

3 **Section 1.** There is hereby inserted a new sub-section 54-B, under Section
4 54, which shall read as follows:

5 Section 54. xxx

6 xxx

7 SUB-SECTION 54-B. *VOLUNTARY SURRENDER OF A DRUG*
8 *PUSHER/DEALER* – A SURRENDEREE, WHO ADMITS TO ANY OF THE
9 ACTS PUNISHABLE UNDER SECTION 5 OF THIS ACT, SHALL BE
10 IMMEDIATELY REFERRED BY THE OFFICER/S OR MEMBER/S OF
11 THE PDEA/NBI/PNP, WITHIN 24 HOURS, TO THE APPROPRIATE
12 PROSECUTOR. THE PROSECUTOR WILL AUTOMATICALLY CHARGE
13 THE SAID SURRENDEREE BEFORE THE COURT. THE COURT WILL
14 SCHEDULE THE ARRAIGNMENT OF THE SURRENDEREE WITHIN 48
15 HOURS FROM FILING OF INFORMATION. UPON ARRAIGNMENT, THE
16 COURT WILL RENDER JUDGMENT ON THE SAME DAY. *PROVIDED,*
17 *THAT THE COURT SHOULD AUTOMATICALLY SUSPEND THE*
18 *SENTENCE AND COMMIT THE SURRENDEREE TO A DOH-*
19 *ACCREDITED PHYSICIAN FOR EXAMINATION. IF THE EXAMINATION*
20 *BY A DOH-ACCREDITED PHYSICIAN RESULTS IN THE ISSUANCE OF*
21 *A CERTIFICATION THAT THE SURRENDEREE IS ALSO A DRUG*
22 *DEPENDENT, HE/SHE SHALL BE ORDERED TO UNDERGO*
23 *TREATMENT AND REHABILITATION IN THE NEAREST CENTER FOR*
24 *A PERIOD OF NOT LESS THAN SIX (6) MONTHS: PROVIDED*
25 *FURTHER, THAT SAID DRUG DEPENDENT MAY BE PLACED UNDER*
26 *THE CARE OF A DOH-ACCREDITED PHYSICIAN WHERE THERE IS NO*
27 *CENTER NEAR OR ACCESSIBLE TO THE RESIDENCE OF THE DRUG*
28 *DEPENDENT OR WHERE SAID DRUG DEPENDENT IS BELOW*
29 *EIGHTEEN (18) YEARS OF AGE AND IS A FIRST-TIME OFFENDER*
30 *AND NON-CONFINEMENT IN A CENTER WILL NOT POSE A SERIOUS*
31 *DANGER TO HIS/HER FAMILY OR THE COMMUNITY.*

32 A DRUG DEALER SURRENDEREE WHO, UPON EXAMINATION,
33 IS FOUND NOT TO BE A DRUG DEPENDENT, SHALL BE RELEASED
34 AND PLACED UNDER A WATCHLIST. INCLUSION IN THE WATCHLIST
35 WILL BE AN AGGRAVATING CIRCUMSTANCE SHOULD THE
36 SURRENDEREE BE SUBSEQUENTLY ARRESTED OR APPREHENDED
37 IN VIOLATION OF SECTION 5 AND/OR 15 OF THIS ACT.

38
39 **Section 4. *Implementing Rules and Regulations.*** The Philippine Drug Enforcement
40 Agency (PDEA) and the Dangerous Drugs Board, in consultation with the Department of
41 Justice (DOJ), Department of Health (DOH), National Bureau of Investigation (NBI) and
42 the Philippine National Police, shall issue the necessary Implementing Rules and
43 Regulations.

44 **Section 5.** Provisions affected by these amendments shall be renumbered accordingly.

45 **Section 6. *Separability Clause.*** If any provision or part hereof is declared invalid or
46 unconstitutional, the remainder of this Act or provision not affected shall remain in full
47 force and effect

48 **Section 7. *Repealing Clause.*** All laws, Presidential Decrees, Executive Orders, rules
49 and regulations or parts thereof inconsistent with the provisions of this Act are hereby
50 repealed, amended or modified accordingly.

1 **Section 8. *Effectivity Clause.*** This Act shall take effect fifteen (15) days after its
2 publication in the Official Gazette or in at least two (2) newspapers of general circulation,
3 whichever comes earlier.

4
5 Approved,