

Republic of the Philippines
House of Representatives
Quezon City

17th Congress

1st Regular Session

House Bill 4017



Introduced by HON. BAYANI F. FERNANDO

EXPLANATORY NOTE

In 1997, Marikina City identified several areas within its jurisdiction where the drug trade is prevalent. To combat this threat to public safety and security, the City enacted Ordinance No. 245 which empowered the LGU to quarantine or cordon off these so-called “drug risk” areas, by strictly monitoring the entrance and exit points of the area, limiting the access of and conducting searches on persons going to and from the area, which severely affected the drug trade within said locality. In time, the ordinary citizens became empowered enough to report to the authorities the drug users, peddlers and suppliers within their respective communities, which led to the eventual decline and eradication of the drug trade in Marikina. This measure proposes to replicate the concept of Marikina Ordinance No. 245 Series of 1997 throughout the whole country.

The Local Government Code of 1991 grants to the City or Municipal Council the power to enact ordinances to prevent, suppress and impose appropriate penalties for drug dens, drug pushing and drug addiction.

In line with the thrust of the Duterte administration, which is to seek solutions to minimize if not completely eradicate the proliferate use, sale, distribution and manufacture of illegal drugs in the country, this measure proposes one such method involving the local government unit working hand in hand with law enforcement authorities to curb the aforementioned problem and to take the war against drugs to the grassroots level.

This proposed measure seeks to curtail the movement of drug users, pushers and manufacturers in a drug risk area as identified by the law enforcement authorities, the pronouncement of which is ratified by the City or Municipal Council. If implemented nationally, it serves as a pre-emptive strike against the drug “business” in their own area of operations by making life uncomfortable for the users, sellers, distributors or manufacturers of illegal drugs due to the daily monitoring of their movements.

In fact, in an opinion dated January 28, 2000, the Commission on Human Rights considered Ordinance No. 245 upon which this measure is based, as a tolerable exercise of police power and if properly enforced, may not adversely affect the rights of individuals to travel.

Everybody must do their part in this war against illegal drugs, thus, the passage of this measure is earnestly requested.


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**AN ACT EMPOWERING THE CITY OR MUNICIPAL COUNCIL TO
DECLARE CERTAIN AREAS IN THEIR LOCALITY AS DRUG RISK
AREAS AND REGULATING ENTRY THERETO**

Section 1. Short Title. – This Act shall be known as the Illegal Drug Quarantine Act of 2016.

Section 2. Definition of Terms:

- (a) Transient – an individual who is passing through or in place in a declared drug risk area with only a brief stay or sojourn; a non-resident of the area. The term shall also include an individual who intends to stay briefly in the area, either to visit for a few hours or sleep temporarily for several nights.
- (b) Resident – any individual who has established his domicile within the area for a minimum period of 1 year, with the intention to permanently stay or return there
- (c) Drug Risk Area – places where the drug trade is prevalent; places where the presence of drug users, pushers, distributors of prohibited drugs are commonly known as identified by the proper law enforcement authorities.

Section 3. Once Drug Risk Areas have been specifically identified by law enforcement authorities, such as but not limited to the Philippine National Police, the Philippine Drug Enforcement Authority and the Dangerous Drugs Board, the City or Municipal Council, through a resolution, shall declare said areas as drug risk areas and authorize the LGU's Office of Public Safety and Security (OPSS) or its equivalent office to fence off the area, post signs at entrances to aforementioned areas warning that the place is a drug risk area, that all persons entering will be subject to inspection and questioning to ascertain their purpose in the area. The signs posted shall be of sufficient size and appearance so as to be immediately cognizable by any person entering the drug risk area.

Section 4. The Office of Public Safety and Security (OPPS), barangay officials and barangay tanods are hereby deputized to inspect and question all persons entering said drug risk area to ascertain the purpose of the visit to the area and shall not allow entry without the permit or authority from the Barangay Captain.

Section 5. It shall be the duty of the OPSS officer, barangay official or tanod to enter into a log the names of all persons entering or leaving the quarantined area, stating their purpose or nature of business in the area, the person to visit and his or her address for the purpose of monitoring activities of persons in the area.

Section 6. The OPSS shall keep and maintain a record of all persons, other than residents of the drug risk areas, seen or observed as frequenting any particular place or residence of any person in the drug risk area, and shall provide such information to the local law enforcement authorities at a regular basis.

Section 7. Implementing Rules and Regulations. – The Department of Interior and Local Government shall formulate and issue appropriate implementing rules and regulations necessary within 90 days after the passage of this Act for the efficient and effective implementation of all provisions of this Act.

Section 8. Repealing Clause. – All laws, decrees, executive orders, memorandum circulars inconsistent with the provisions of this Act are hereby amended, repealed or modified accordingly.

Section 9. Effectivity. – This act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved.