

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 5627



Introduced by **MAGDALO PARTY-LIST Representative**
HON. MANUEL DG. CABOCHAN III


EXPLANATORY NOTE

Reports of illegal drug trafficking and use of among inmates of the New Bilibid Prison have surfaced increasingly since 2014 when the government launched a series of raids under *Oplan Galugad* at the national penitentiary. In the much publicized raids, the police discovered methamphetamine, drug paraphernalia, and other objects and facilities prohibited inside prisons.

This presents the stark reality of the persistent illegal drug trade inside our penal and correctional institutions. The lack of appropriate safeguards to prevent such illicit undertaking has caused the flourishing of these reprehensible activities in what are supposed to be institutions meant to discipline or rehabilitate felons.

Thus, this proposed legislation envisions a penal and correctional system insulated from the blight of illegal drugs by instituting a mandatory random drug test to all detainees/prisoners and their custodians. Prisoners/detainees shall be subject to such tests and, if tested positive shall undergo treatment in a rehabilitation facility for illegal drugs. Prisoners who will test positive shall also have their petitions for parole/pardon reconsidered by the Board of Pardons and Parole. Likewise, government officials/employees who shall be proven positive of illegal drug use, their rehabilitation notwithstanding, shall suffer administrative and criminal sanctions.

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


MANUEL DG. CABOCHAN III
Representative
Magdalo Para sa Pilipino Party-List

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AN ACT
MANDATING THE ADMINISTRATION OF REGULAR DRUG TESTS IN
CORRECTIONAL PENAL INSTITUTIONS

Be enacted by the Senate and House of Representatives of the Philippines in Congress assembled.

1 **SECTION 1. *Short Title.*** – This Act shall be known as the Drug-Free Prisons Act.

2
3 **SEC. 2. *Declaration of Policy.*** – It is the policy of the State to safeguard the integrity
4 of correctional and penal institutions throughout the country thereby ensuring the successful
5 rehabilitation and reformation of inmates before their reintegration into mainstream society.
6 Towards this end, the State shall implement measures to prevent the entry of illegal drugs in
7 penitentiaries and the use of prohibited substances by those under State custody, as well as by
8 the public officials and employees who work therein.

9
10 **SEC. 3. *Coverage.*** – This Act shall apply to:

- 11 (a) all city, district, municipal, provincial and sub-provincial jails under the
12 supervision of the Bureau of Jail Management and Penology and the local
13 government units;
14 (b) all prison and reformation facilities under the supervision of the Bureau of
15 Corrections; and
16 (c) the custodial centers of the Philippine National Police, the National Bureau of
17 Investigation, and the Armed Forces of the Philippines.

18
19 **SEC. 4. *Mandatory Drug Testing.*** – The following shall be covered by the mandatory
20 drug testing:

- 21 (a) All persons in state custody, whether under detention for investigation and/or trial
22 for alleged commission of an offense or crime, or have already been sentenced
23 with imprisonment by final judgement, irrespective of the place of their detention
24 or imprisonment, shall undergo mandatory drug testing; and
25 (b) All persons employed or detailed in prisons, jails and other detention facilities,
26 whether in a permanent or temporary capacity.

27
28 The testing shall be conducted in accordance with the procedures set forth by the
29 Dangerous Drugs Board and at the random and unannounced intervals, the frequency of
30 which shall be determined by the head of the detention/prison facility, but in no case shall be

31 less than once per annum. The result of the test conducted upon such person shall be revealed
32 to him/her and reflected in his/her prison record; *Provided*, that all drug test results and
33 records must strictly be held confidential as provided for under the pertinent provisions of
34 Republic Act No. 9165.
35

36 **SEC. 5. *Effect of a Positive Result.*** – A positive drug test shall immediately be made
37 known to the head of detention/prison institution, who shall then notify the concerned person.
38 Such person shall have fifteen (15) days from receipt of notice to challenge the result of the
39 test. A challenge test shall then be conducted, using the same specimen, by a government
40 drug testing laboratory. Failure to file a challenge within the prescribed period shall make
41 the positive drug test final.
42

43 A detainee/prisoner who is found positive of drug use shall undergo a Drug
44 Dependency Examination conducted by the Department of Health (DOH) and thereafter be
45 immediately transferred to facilities designated for treatment and/or rehabilitation of
46 detainees/prisoners who are drug users. Repeated drug use even after ample opportunity for
47 treatment and rehabilitation shall be dealt with the corresponding penalties under R.A. No.
48 9165.
49

50 If the prisoner has a pending petition for executive clemency or parole, the head of the
51 prison institution shall inform the Board of Pardons and Parole of such positive drug test
52 result. The Board shall consider the positive drug test result in its evaluation of such petition.
53

54 A public official/employee who is tested positive of drug use shall likewise undergo a
55 Drug Dependency Examination conducted by DOH, and shall be advised on possible
56 programs for treatment and rehabilitation. However, this shall be without prejudice to
57 administrative and criminal liabilities for violation of R.A. No. 9165, and other civil service
58 rules against drug use by public officials and employees.
59

60 **SEC. 6. *Appropriations.*** ---The concerned detention/prison institution shall bear the
61 expenses for the conduct of the initial drug test. However, drug test conducted as a result of a
62 challenge to a positive to a drug test shall be account of the detainee/prisoner or public
63 official/employee, as applicable.
64

65 **SEC. 7. *Reports.*** –The BuCor and the BJMP shall submit to the President of the
66 Senate and the Speaker of the House of Representatives an annual report on the
67 implementation on this Act.
68

69 **SEC. 8. *Implementing Rules and Regulations.*** – Within six (6) months from the
70 approval of this Act, the Department of Justice, the Department of Interior and Local
71 Government, the Department of Health, and the Commission of Human Rights shall adopt
72 and issue the rules and regulations for the effective implementation of this Act.
73

74 **SEC. 9. *Repealing Clause.*** – All laws, executive orders, presidential decrees,
75 presidential proclamations, letters of implementation, rules and regulations or parts thereof
76 inconsistent with the provisions of this Act are hereby repealed or modify accordingly.
77

78 **SEC. 10. *Separability Clause.*** – If any provision of this Act is declared invalid or
79 unconstitutional, the provisions not affected thereby shall continue to be in full force and
80 effect.

81
82 **SEC. 11. *Effectivity.*** This Act shall take effect fifteen (15) days after its publication
83 in the Official Gazette in at least two (2) newspapers of general circulation.

Approved,