

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 5932



Introduced by **MAGDALO Party-List Representative**
HON. MANUEL DG. CABOCHAN III

EXPLANATORY NOTE

In recent years, there has been a shift in viewing drug abuse. New approaches in addressing drug addiction treat it as a health issue rather than a criminal one. Drug addiction is considered an illness that heavily damages both the physical and mental wellness of a person. This means that drug addiction can be treated with proper intervention.

Republic Act No. 9165, or the Comprehensive Dangerous Drugs Act of 2002, recognizes the role of the health sector in drug abuse prevention, treatment and rehabilitation. However, there is a need to amend certain provisions of RA 9165 in order to implement a comprehensive public health approach to drug abuse.

This bill specifically provides for referral of drug users, including those who voluntarily submit to authorities, to appropriate drug treatment and rehabilitation programs. Furthermore, this bill mandates the creation of the Bureau on Drug Abuse Prevention and Control which will oversee and implement the functions of the Department of Health on drug abuse prevention, treatment and rehabilitation. Ultimately, this bill seeks to promote the right to health of the people and value the life of every human being.

In view of the foregoing, the 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

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, who is
11 found to be positive for use of any dangerous drug, after a confirmatory test, [shall be
12 imposed a penalty of a minimum of six (6) months rehabilitation in a government center
13 for the first offense, subject to the provisions of Article VIII of this Act] **SHALL BE**
14 **REFERRED TO AN APPROPRIATE TREATMENT AND**
15 **REHABILITATION PROGRAM AS RECOMMENDED BY A DOH-**
16 **ACCREDITED PHYSICIAN.** If apprehended using any dangerous drug for the
17 second time **AND SUBSEQUENTLY**, [he/she shall suffer the penalty of
18 imprisonment ranging from six (6) years and one (1) day to twelve (12) years and a fine
19 ranging from Fifty thousand pesos (P50,000.00) to Two hundred thousand pesos
20 (P200,000.00)] **THE PERSON SHALL BE CONSIDERED AS A CASE OF**
21 **RELAPSE AND SHALL BE REFERRED AGAIN TO A DOH-ACCREDITED**
22 **PHYSICIAN FOR RECOMMITMENT TO A DRUG TREATMENT AND**
23 **REHABILITATION PROGRAM:** *Provided*, That this Section shall not be
24 applicable where the person tested is also found to have in his/her possession such
25 quantity of any dangerous drug provided for under Section 11 of this Act, in which case
26 the provisions stated therein shall apply.”
27

28 **SEC. 3.** Section 45 of Republic Act No. 9165 is hereby amended, to read as follows:
29

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

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

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

22 **SUCH COMPANY POLICIES SHALL INCLUDE THE PROVISION WHICH**
23 **SHALL ENSURE THAT EMPLOYEES FOUND TO BE POSITIVE FOR DRUG**
24 **USE SHALL BE REFERRED TO A TRAINED HEALTH SERVICE**
25 **PROVIDER FOR FURTHER SCREENING AND TREATMENT.”**
26

27 **SEC. 5.** Section 54 of Republic Act No. 9165 is hereby amended, to read as follows:
28

29 “Section 54. Voluntary Submission [of a Drug Dependent] to [Confinement,]
30 Treatment and Rehabilitation. – [A drug dependent or any person who violates Section
31 15 of this Act] **ANY PERSON** may, by himself/herself or through his/her parent,
32 spouse, guardian or relative within the fourth degree of consanguinity or affinity, apply
33 to the Board or its duly recognized representative, for treatment and rehabilitation [of
34 the drug dependency. Upon such application, the Board shall bring forth the matter to
35 the Court which shall order that the applicant be examined for drug dependency. If the
36 examination by a DOH-accredited physician results in the issuance of a certification
37 that the applicant is a drug dependent, he/she shall be ordered by the Court to undergo
38 treatment and rehabilitation in a Center designated by the Board for a period of not less
39 than six (6) months:] *Provided, That a [drug dependent] PERSON WHO*
40 **VOLUNTARILY SUBMITS** may [be placed under the care of a DOH-accredited
41 physician where there is no Center near or accessible to the residence of the drug
42 dependent or where said drug dependent is below eighteen (18) years of age and is a
43 first-time offender and non-confinement in a Center will not pose a serious danger to
44 his/her family or the community.] **SEEK TREATMENT AND REHABILITATION**
45 **FROM A HEALTH FACILITY, BE SCREENED BY A TRAINED HEALTH**
46 **SERVICE PROVIDER AND ASSESSED THEREAFTER BY A DOH-**
47 **ACCREDITED PHYSICIAN. IF THE EXAMINATION BY A DOH-**
48 **ACCREDITED PHYSICIAN RESULTS IN THE DIAGNOSIS OF DRUG USE,**
49 **THE PERSON WHO VOLUNTARILY SUBMITS SHALL BE REFERRED TO**
50 **AN APPROPRIATE DRUG TREATMENT AND REHABILITATION**

1 **FACILITY WITH THE DURATION DEPENDING ON THE SEVERITY OF**
2 **THE DRUG DEPENDENCE AS DETERMINED BY A QUALIFIED DOH-**
3 **ACCREDITED PHYSICIAN.**
4

5 Confinement in a Center for treatment and rehabilitation shall [not exceed one (1) year,
6 after which time the Court, as well as the Board, shall be apprised by the head of the
7 treatment and rehabilitation center of the status of said drug dependent and determine
8 whether further confinement will be for the welfare of the drug dependent and his/her
9 family or the community] **BE BASED ON THE DIAGNOSIS AND**
10 **RECOMMENDATION OF A DOH-ACCREDITED PHYSICIAN."**
11

12 **SEC. 6.** Section 56 of Republic Act No. 9165 is hereby amended, to read as follows:
13

14 "Section 56. [Temporary Release From the Center;] After-Care and Follow-Up
15 Treatment Under the Voluntary Submission Program. – Upon certification of [the
16 Center] **A DOH-ACCREDITED PHYSICIAN** that the [drug dependent] **PERSON**
17 within the voluntary submission program **HAS COMPLETED THE PRESCRIBED**
18 **TREATMENT AND REHABILITATION PROGRAM** may be [temporarily]
19 released, the Court shall order his/her release on condition that said drug dependent
20 shall report to the DOH for after-care and follow-up treatment, including urine testing,
21 [for a period not exceeding eighteen (18) months under such terms and conditions that
22 the Court may impose] **WITH A DURATION BASED ON THE**
23 **RECOMMENDATIONS OF A QUALIFIED DOH-ACCREDITED PHYSICIAN**
24 **BUT SHALL NOT EXCEED EIGHTEEN (18) MONTHS.**
25

26 If during the period of after-care and follow-up, the [drug dependent] **PERSON**
27 **RELEASED** is certified to be rehabilitated, he/she may be discharged [by the Court],
28 subject to the provisions of Section 55 of this Act, without prejudice to the outcome of
29 any pending case filed in court.
30

31 However, should the DOH find that during the initial after-care and follow-up program
32 of eighteen (18) months, the [drug dependent] **PERSON RELEASED** requires further
33 treatment and rehabilitation in the Center, he/she shall be recommitted to [the Center
34 for confinement] **A TREATMENT AND REHABILITATION FACILITY.**
35 Thereafter, he/she may again be certified [for temporary release] **AS**
36 **REHABILITATED** and ordered [released] for another after-care and follow-up
37 program pursuant to this Section."
38

39 **SEC. 7.** Section 75 of Republic Act No. 9165 is hereby amended, to read as follows:
40

41 "Section 75. Treatment and Rehabilitation Centers. – The existing treatment and
42 rehabilitation centers for **DRUG USERS** [drug dependents operated and maintained by
43 the NBI and the PNP] shall be operated, maintained and managed by the DOH in
44 coordination with other concerned agencies. For the purpose of enlarging the network
45 of centers, the Board through the DOH shall encourage, promote or whenever feasible,
46 assist or support in the establishment, operations and maintenance of private centers
47 which shall be eligible to receive grants, donations or subsidy from either government
48 or private sources. It shall also support the establishment of government-operated
49 regional treatment and rehabilitation centers depending upon the availability of funds.
50 The national government, through its appropriate agencies shall give priority funding

1 for the increase of subsidy to existing government drug rehabilitation centers, and shall
2 establish at least one (1) **RESIDENTIAL** drug rehabilitation center in each **REGION**,
3 **AND ONE (1) NON-RESIDENTIAL DRUG REHABILITATION CENTER IN**
4 **EACH** province, depending on the availability of funds.

5
6 **BASED FROM THE EXISTING TREATMENT AND REHABILITATION**
7 **CENTERS, THE DOH SHALL ESTABLISH FIVE (5) APEX TREATMENT**
8 **AND REHABILITATION CENTERS TO PROVIDE SPECIALIZED CARE**
9 **FOR DRUG USERS.**

10
11 **FOR DRUG DEPENDENTS WITH CRIMINAL OFFENSES OTHER THAN**
12 **VIOLATION OF SECTION 2 OF THIS ACT, THE DEPARTMENT OF**
13 **JUSTICE (DOJ) THROUGH THE BUREAU OF CORRECTIONS (BUCOR)**
14 **AND THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT**
15 **(DILG) THROUGH THE PHILIPPINE NATIONAL POLICE (PNP) AND**
16 **BUREAU OF JAIL MANAGEMENT AND PENOLOGY (BJMP) SHALL**
17 **ESTABLISH TREATMENT AND REHABILITATION CENTERS WITHIN**
18 **THEIR PENITENTIARY FACILITIES; PROVIDED, THAT PERSONS**
19 **DEPRIVED OF LIBERTY SHALL NOT BE DENIED ACCESS TO**
20 **TREATMENT AND REHABILITATION SERVICES.”**

21
22 **SEC. 8.** Section 76 of Republic Act No. 9165 is hereby amended, to read as follows:

23
24 “Section 76. *The Duties and Responsibilities of the Department of Health (DOH) Under*
25 *this Act.* – The DOH shall:

26 (1) XXX

27
28 XXX

XXX

XXX

29
30 (5) The DOH shall, without prejudice to the criminal prosecution of those found
31 guilty of violating this Act, order the closure of a Center for treatment and
32 rehabilitation of drug dependency when, after investigation it is found guilty of
33 violating the provisions of this Act or regulations issued by the Board; [and]

34
35 (6) Charge reasonable fees for drug dependency examinations, other medical
36 and legal services provided to the public, which shall accrue to the Board. All
37 income derived from these sources shall be part of the funds constituted as
38 special funds for the implementation of this Act under Section 87; **AND**

39
40 **(7) REGULATE THE LICENSE TO PRESCRIBE (A) DANGEROUS**
41 **DRUG PREPARATIONS IN ANY FORM AND/OR (B) DRUG**
42 **PREPARATIONS CONTAINING CONTROLLED CHEMICALS.”**

43
44 **SEC. 9. *Creation of the Bureau on Drug Abuse Prevention and Control.*** – To carry
45 out the above policy, the Bureau on Drug Abuse, Prevention, and Control shall be created under
46 the DOH.

47
48 (a) *Objectives of the Bureau.* The objectives of the Bureau are:

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

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

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

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

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

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

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

SEC. 10. Appropriations. – The amount needed for the initial implementation of this Act shall be taken from the current fiscal year's appropriation for the Dangerous Drugs Board. Thereafter, the amount needed for the operations and maintenance of the Bureau shall be included in the General Appropriations Act.

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

1 **SEC. 12. *Separability Clause.*** – If any part or provision of this Act is held invalid or
2 unconstitutional, the remaining parts or provisions not affected shall remain in full force and
3 effect.
4

5 **SEC. 13. *Repealing Clause.*** – Sections 58, 59 and 61 of Republic Act No. 9165 are
6 hereby repealed. All other laws, decrees, executive orders and rules and regulations contrary
7 to or inconsistent with the provisions of this Act are hereby repealed or amended accordingly.
8

9 **SEC. 14. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
10 publication in the Official Gazette or in any newspaper of general circulation.

Approved,