



Seventeenth Congress  
First Regular Session

HOUSE BILL NO. **3191**

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**Introduced by Honorable Peter M. “Sr. Pedro” Unabia**

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### **EXPLANATORY NOTE**

This bill seeks to amend Republic Act No. 9165, otherwise known as the “*Comprehensive Dangerous Drugs Act of 2002*” by requiring an annual mandatory drug testing for all government officials and employees.

It is the policy of the State to safeguard the well-being of its citizenry, particularly the youth, from the harmful effects of dangerous drugs. However, the State needs to enhance further the efficacy of the law against dangerous drugs.

Due to the declarations and actions of our President Duterte, it has become common knowledge that the drug menace permeates all sectors of society. Some users of illegal drugs are even professionals such as doctors and lawyers, but shocking of all, even government officials and employees. Without drug testing at work, there is no way to positively identify workers who pose a risk to everyone in the workplace with their drug use or abuse. A drug testing program will keep the environment at the workplace safe for everyone. It can also help minimize workplace accidents, improve job performance and boost the morale of the employees. It will also lessen absenteeism, tardiness, theft and behavioral problems that are often associated with drug abuse.

The Supreme Court has already upheld the legality of mandatory random drug test in the workplace in the case of *Social Justice Society vs. Dangerous Drugs Board and Philippine Drug Enforcement Agency*, G.R. No. 157870, November 3, 2008, thus:

“x x x

*To reiterate, RA 9165 was enacted as a measure to stamp out illegal drug in the country and thus protect the well-being of the citizens,*

*especially the youth, from the deleterious effects of dangerous drugs. The law intends to achieve this through the medium, among others, of promoting and resolutely pursuing a national drug abuse policy in the workplace via a mandatory random drug test. To the Court, the need for drug testing to at least minimize illegal drug use is substantial enough to override the individual's privacy interest under the premises. The Court can consider that the illegal drug menace cuts across gender, age group, and social-economic lines. And it may not be amiss to state that the sale, manufacture, or trafficking of illegal drugs, with their ready market, would be an investor's dream were it not for the illegal and immoral components of any of such activities. The drug problem has hardly abated since the martial law public execution of a notorious drug trafficker. The state can no longer assume a laid back stance with respect to this modern-day scourge. Drug enforcement agencies perceive a mandatory random drug test to be an effective way of preventing and deterring drug use among employees in private offices, the threat of detection by random testing being higher than other modes. The Court holds that the chosen method is a reasonable and enough means to lick the problem.*

x x x

*Like their counterparts in the private sector, government officials and employees also labor under reasonable supervision and restrictions imposed by the Civil Service law and other laws on public officers, all enacted to promote a high standard of ethics in the public service. And if RA 9165 passes the norm of reasonableness for private employees, the more reason that it should pass the test for civil servants, who, by constitutional command, are required to be accountable at all times to the people and to serve them with utmost responsibility and efficiency.*

x x x. "

Definitely, if the drug problem remains unabated it will create more serious problems and will compromise the future of our youth. This bill requiring an annual mandatory drug testing for all government officials and employees will hopefully arrest this pernicious problem before it is too late.

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

  
PETER M. "SR. PEDRO" UNABIA

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**AN ACT**

**REQUIRING AN ANNUAL MANDATORY DRUG TESTING FOR ALL  
GOVERNMENT OFFICIALS AND EMPLOYEES, AMENDING FOR  
THE PURPOSE REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS  
THE “COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002”**

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

SECTION 1. Section 36 of Republic Act No. 9165 is hereby amended to  
read as follows:

**“SEC. 36. Authorized Drug Testing.** – Authorized drug  
testing shall be done by any government forensic laboratories or by  
any of the drug testing laboratories accredited and monitored by  
the DOH to safeguard the quality of test results. The DOH shall  
take steps in setting the price of the drug test with the DOH  
accredited drug testing centers to further reduce the cost of such  
drug tests. The drug testing shall employ, among others, two (2)  
testing methods, the screening test which will determine the



1 positive result as well as the type of the drug used and  
2 confirmatory test which will confirm a positive screening test.  
3 Drug test certificates issued by accredited drug testing centers shall  
4 be valid for a one-year period from the date of issue which may be  
5 used for other purposes. The following shall be subjected to  
6 undergo drug testing:

7 (a) x x x ;

8 (b) x x x ;

9 (c) x x x ;

10 (d) Officers and employees of **[public and]** private  
11 offices. – Officers and employees of **[public and]** private offices,  
12 whether domestic or overseas, shall be subjected to undergo a  
13 random drug test as contained in the company's work rules and  
14 regulations, which shall be borne by the employer, for purposes of  
15 reducing the risk in the workplace. Any **[officer or]** employee  
16 found positive for use of dangerous drugs shall be dealt with  
17 administratively which shall be a ground for suspension or  
18 termination subject to the provisions of Articles 282 of the Labor  
19 Code **[and pertinent provisions of the Civil Service Law]**;

20 ALL GOVERNMENT OFFICIALS AND EMPLOYEES  
21 SHALL UNDERGO AN ANNUAL MANDATORY DRUG TEST.  
22 ALL DRUG TESTING EXPENSES SHALL BE BORNE BY THE

1 AGENCY OF THE OFFICIAL AND EMPLOYEE;

2 (e) x x x ;

3 (f) x x x ;

4 (g) x x x ;

5 In addition to the above stated penalties in this Section,  
6 those found to be positive for dangerous drugs use,  
7 WHETHER LOCAL OR NATIONAL OFFICIALS, INCLUDING  
8 THOSE IN GOVERNMENT-OWNED AND -CONTROLLED  
9 CORPORATIONS, shall be subject to the provisions of Section 15  
10 of this Act AND PERTINENT PROVISIONS OF THE CIVIL  
11 SERVICE LAWS.”

12 SEC. 2. This Act shall take effect fifteen (15) days after publication in  
13 the Official Gazette or in two national newspapers of general circulation.

14 Adopted,