

Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 1547



Introduced by REPRESENTATIVES ALFREDO A. GARBIN, Jr. and
ELIZALDY 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.

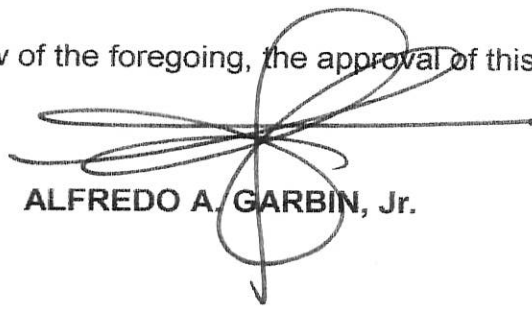
The news is abounding with reports that hundreds of thousands of Filipinos have voluntarily surrendered to the authorities, confessing that they are either pushers or users of illegal substances. The authorities on the other hand did not anticipate such influx of surrenderees, as this phenomenon is unprecedented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



ALFREDO A. GARBIN, Jr.



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RA 9165, AS AMENDED**

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

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

A) xxx

xxx

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

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

Section 54. xxx

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

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

3 **Section 1.** There is hereby inserted a new sub-section 54-B, under
4 Section 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**
9 **THE ACTS PUNISHABLE UNDER SECTION 5 OF THIS ACT, SHALL**
10 **BE IMMEDIATELY REFERRED BY THE OFFICER/S OR MEMBER/S**
11 **OF THE PDEA/NBI/PNP, WITHIN 24 HOURS, TO THE APPROPRIATE**
12 **PROSECUTOR. THE PROSECUTOR WILL AUTOMATICALLY**
13 **CHARGE THE SAID SURRENDEREE BEFORE THE COURT. THE**
14 **COURT WILL SCHEDULE THE ARRAIGNMENT OF THE**
15 **SURRENDEREE WITHIN 48 HOURS FROM FILING OF INFORMATION.**
16 **UPON ARRAIGNMENT, THE COURT WILL RENDER JUDGMENT ON**
17 **THE SAME DAY. PROVIDED, THAT THE COURT SHOULD**
18 **AUTOMATICALLY SUSPEND THE SENTENCE AND COMMIT THE**
19 **SURRENDEREE TO A DOH-ACCREDITED PHYSICIAN FOR**
20 **EXAMINATION. IF THE EXAMINATION BY A DOH-ACCREDITED**
21 **PHYSICIAN RESULTS IN THE ISSUANCE OF A CERTIFICATION**
22 **THAT THE SURRENDEREE IS ALSO A DRUG DEPENDENT, HE/SHE**
23 **SHALL BE ORDERED TO UNDERGO TREATMENT AND**
24 **REHABILITATION IN THE NEAREST CENTER FOR A PERIOD OF**
25 **NOT LESS THAN SIX (6) MONTHS: PROVIDED FURTHER, THAT SAID**
26 **DRUG DEPENDENT MAY BE PLACED UNDER THE CARE OF A DOH-**
27 **ACCREDITED PHYSICIAN WHERE THERE IS NO CENTER NEAR OR**
28 **ACCESSIBLE TO THE RESIDENCE OF THE DRUG DEPENDENT OR**
29 **WHERE SAID DRUG DEPENDENT IS BELOW EIGHTEEN (18) YEARS**
30 **OF AGE AND IS A FIRST-TIME OFFENDER AND NON-CONFINEMENT**
31 **IN A CENTER WILL NOT POSE A SERIOUS DANGER TO HIS/HER**
32 **FAMILY OR THE COMMUNITY.**

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

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

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

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

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

4

- 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
3 circulation, whichever comes earlier.
4
5 Approved,