

EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )

SENATE  
Office of the President

SENATE  
S. No. 513

'19 JUL 16 A9:03

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Introduced by SENATOR RONALD "BATO" DELA ROSA

**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**

**EXPLANATORY NOTE**

The problems brought about by the rampant use and proliferation of illegal drugs is usually tasked to law enforcers who are mandated to maintain public order. However, drug abuse is also a health and social concern. It affects not only the individual who uses or distribute said illegal drugs, but as well as, their family, community and the entire country.

Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, as amended, recognized the role of the health sector and as such, has specified the duties and responsibilities of the Department of Health (DOH) including the establishment of residential treatment and rehabilitation centers. Furthermore, the Philippine Anti-Illegal Drug Strategy (PADS) stated that drug demand reduction through drug rehabilitation, extensive preventive education and awareness programs is one of the two strategies to provide a balanced approach on the drug problem in the country.

Currently, the role of DOH in the drug abuse prevention, treatment and rehabilitation is being implemented through several offices such as the Dangerous Drugs Abuse Prevention and Treatment Program (DDAPTP), Health Facilities and

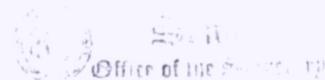
Services Regulatory Bureau (HFSRB), and the Field Implementation and Coordination Team (FICT). The establishment of a Bureau which will serve as the focal office of DOH on drug abuse prevention, treatment and rehabilitation, as proposed in this bill, will streamline efficient program management and health service delivery.

The proposed measure seeks to strengthen the country's public health approach in the prevention, treatment and rehabilitation of drug abuse by amending specific provisions of Republic Act No. 9165 as amended and institutionalizing a Bureau which will perform specific duties and responsibilities of DOH relating to policy, program and standards development and the monitoring and evaluation of service provision.

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

  
RONALD "BATÓ" DELA ROSA

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*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 a policy of the State  
2 to protect and promote the right to health of the Filipino people and to instill health  
3 consciousness among them on the harmful effects of dangerous drugs through the  
4 adoption of a more integrated and comprehensive approach in the drug abuse  
5 prevention, treatment, and rehabilitation. For this purpose, the State shall strengthen  
6 the drug abuse prevention, treatment, and rehabilitation.

7  
8       **SEC. 2.** Section 15 of Republic Act No. 9165, otherwise known as "The  
9 Comprehensive Dangerous Drugs Act of 2002", is hereby amended, to read as follows:  
10

11                   "SEC 15. *Use of Dangerous Drugs.* A person apprehended  
12 or arrested, who is found to be positive for use of any dangerous drug,  
13 after a confirmatory test [shall be imposed a penalty of a minimum of  
14 six-(6) months rehabilitation in a government center for the first offense,  
15 subject to the provisions of Article VIII of this Act] **AND A SCREENING**  
16 **AND DRUG DEPENDENCY EXAMINATION SHALL BE REFERRED**  
17 **TO AN APPROPRIATE DRUG TREATMENT AND REHABILITATION**  
18 **PROGRAM AS RECOMMENDED BY A DOH-ACCREDITED**  
19 **PHYSICIAN.** If apprehended using any dangerous drug for the second  
20 time **AND SUBSEQUENTLY,** [shall suffer the penalty of imprisonment

1 ranging from six (6) years and one (1) day to twelve (12) years and a  
2 fine ranging from Fifty thousand pesos (P50,000.00) to Two hundred  
3 thousand pesos (P200,000.00)] **THE PERSON SHALL BE**  
4 **CONSIDERED AS A CASE OF RELAPSE AND SHALL BE REFERRED**  
5 **AGAIN TO A DOH-ACCREDITED PHYSICIAN FOR**  
6 **RECOMMITMENT TO A DRUG TREATMENT AND**  
7 **REHABILITATION FACILITY:** Provided, that this section shall not be  
8 applicable where the person is also found to have in his/her possession  
9 such quantity of any dangerous drug provided for under Section 11 of  
10 this Act, in which case the provisions stated therein shall apply."

11

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

14

15 "SEC 45. *Publication and Distribution of Materials on*  
16 *Dangerous Drugs.*- – With the assistance of the Board, the Secretary of the  
17 Department of Education (DepEd), **THE SECRETARY OF THE**  
18 **DEPARTMENT OF HEALTH (DOH)**, the Chairman of the Commission on  
19 Higher Education (CHED) and the Director-General of the Technical  
20 Education and Skills Development Authority (TESDA) shall cause the  
21 development, publication and distribution of information and support  
22 educational materials on dangerous drugs to the students, the faculty, the  
23 parents, and the community."

24

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

27

28 "SEC. 47. *Drug-Free Workplace.* – It is deemed a policy of  
29 the State to promote drug-free workplaces using a tripartite approach.  
30 With the assistance of the Board, the Department of Labor and  
31 Employment (DOLE) shall develop, promote and implement a national  
32 drug abuse prevention program in the workplace to be adopted by  
33 private companies with ten (10) or more employees. Such program shall  
34 include the mandatory drafting and adoption of company policies against  
35 drug use in the workplace in close consultation and coordination with the  
36 DOLE, labor and employer organizations, human resource development  
37 managers and other such private sector organizations.

38 **SUCH PROGRAMS SHALL ENSURE THAT EMPLOYEES**  
39 **FOUND TO BE POSITIVE FOR DRUG USE WILL BE REFERRED TO**  
40 **A TRAINED HEALTH SERVICE PROVIDER FOR FURTHER**  
41 **SCREENING AND INTERVENTION.**

42

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

1  
2        "SEC. 54. *Voluntary Submission of a Drug Dependent to*  
3        *[Confinement,] Treatment and Rehabilitation.* - A drug dependent or  
4        any person who violates Section 15 of this Act may, by himself/herself  
5        or through his/her parent, spouse, guardian or relative within the fourth  
6        degree of consanguinity or affinity, ~~[apply to the Board or its duly~~  
7        ~~recognized representative, for treatment and rehabilitation of the drug~~  
8        ~~dependency. Upon such application, the Board shall bring forth the~~  
9        ~~matter to the Court which shall order that the applicant be examined for~~  
10      ~~drug dependency. If the examination by a DOH-accredited physician~~  
11      ~~results in the issuance of a certification that the applicant is a drug~~  
12      ~~dependent, he/she shall be ordered by the Court to undergo treatment~~  
13      ~~and rehabilitation in a Center designated by the Board for a period of not~~  
14      ~~less than six (6) months: *Provided,* That a drug dependent may be placed~~  
15      ~~under the care of a DOH-accredited physician where there is no Center~~  
16      ~~near or accessible to the residence of the drug dependent or where said~~  
17      ~~drug dependent is below eighteen (18) years of age and is a first-time~~  
18      ~~offender and non-confinement in a Center will not pose a serious danger~~  
19      ~~to his/her family or the community.]~~ **SEEK TREATMENT AND**  
20      **REHABILITATION FROM A HEALTH FACILITY, BE SCREENED BY**  
21      **A TRAINED HEALTH SERVICE PROVIDER AND ASSESSED**  
22      **THEREAFTER BY A DOH-ACCREDITED PHYSICIAN. IF THE**  
23      **EXAMINATION BY A DOH-ACCREDITED PHYSICIAN RESULTS**  
24      **IN THE DIAGNOSIS OF DRUG DEPENDENCY, THE DRUG**  
25      **DEPENDENT SHALL BE REFERRED TO AN APPROPRIATE DRUG**  
26      **TREATMENT AND REHABILITATION FACILITY WITH THE**  
27      **DURATION DEPENDING ON THE SEVERITY OF THE DRUG**  
28      **DEPENDENCE AS DETERMINED BY A DOH-ACCREDITED**  
29      **PHYSICIAN.**

30  
31        Confinement in a Center for treatment and rehabilitation  
32        shall [not exceed one (1) year, after which time the Court, as well as the  
33        Board, shall be apprised by the head of the treatment and rehabilitation  
34        center of the status of said drug dependent and determine whether  
35        further confinement will be for the welfare of the drug dependent and  
36        his/her family or the community.] **BE BASED ON THE DIAGNOSIS**  
37        **AND RECOMMENDATION OF A DOH-ACCREDITED PHYSICIAN.**

38  
39        Sec. 5. Section 56 of Republic Act No. 9165 is hereby amended, to read as follows:

40  
41        "SEC. 56. ~~[Temporary Release from the Center;]~~ After-Care  
42        and Follow-up Treatment Under the Voluntary Submission Program. –  
43        Upon certification of ~~[the Center]~~ a **DOH-ACCREDITED PHYSICIAN**  
44        that the drug dependent within the voluntary submission program **HAS**  
45        **COMPLETED THE PRESCRIBED TREATMENT AND**  
46        **REHABILITATION PROGRAM** may be ~~[temporarily]~~ be released, the  
47        Court shall order his/her release on the condition that said drug

1 dependent shall report to DOH for after-care and follow-up treatment,  
2 including urine testing [for a period not exceeding eighteen (18) months  
3 under such terms and conditions that the Court may impose] with a  
4 duration based on **RECOMMENDATIONS OF A DOH-ACCREDITED**  
5 **PHYSICIAN BUT SHALL NOT EXCEED EIGHTEEN (18) MONTHS.**

7 If during the period of after-care and follow-up, the drug  
8 dependent is certified to be rehabilitated, he/she may be discharged [by  
9 the Court], subject to the provisions of Section 55 of this Act without  
10 prejudice to the outcome of any pending case filed in court.

12 However, should DOH find that during the initial after-care  
13 and follow-up program of eighteen (18) months, the drug dependent  
14 requires further treatment and rehabilitation, he/she shall be  
15 recommitted to [the Center for confinement.] **A TREATMENT AND**  
16 **REHABILITATION FACILITY AS RECOMMENDED BY A DOH-**  
17 **ACCREDITED PHYSICIAN.** Thereafter, he/she may again be certified  
18 [for temporary release] **AS REHABILITATED AND ORDERED FOR**  
19 another aftercare and follow-up program pursuant to this Section."

22 Sec. 7. Section 75 of Republic Act No. 9165 is hereby amended, to read as follows:

24 "SEC. 75. *Treatment and Rehabilitation Centers.* The  
25 existing treatment and rehabilitation centers for drug dependents  
26 [~~operated and maintained by the NBI and the PNP~~] shall be operated,  
27 maintained and managed by the DOH in coordination with other  
28 concerned agencies. For the purpose of enlarging the network of  
29 centers, the Board through the DOH shall encourage, promote or  
30 whenever feasible, assist or support in the establishment, operations  
31 and maintenance of private centers which shall be eligible to receive  
32 grants, donations or subsidy from either government or private sources.  
33 It shall also support the establishment of government-operated regional  
34 treatment and rehabilitation centers depending upon the availability of  
35 funds. The national government, through its appropriate agencies shall  
36 give priority funding for the increase of subsidy to existing government  
37 drug rehabilitation centers, and shall establish at least one (1)  
38 **RESIDENTIAL** drug rehabilitation center in each **REGION, AND ONE**  
39 **(1) NON-RESIDENTIAL DRUG REHABILITATION CENTER IN**  
40 **EACH PROVINCE** depending on the availability of funds.

42 **BASED FROM THE EXISTING TREATMENT AND**  
43 **REHABILITATION CENTERS, THE DOH SHALL ESTABLISH FIVE**  
44 **(5) APEX TREATMENT AND REHABILITATION CENTERS TO**  
45 **PROVIDE SPECIALIZED CARE FOR DRUG DEPENDENTS.**

47 **FOR DRUG DEPENDENTS WITH CRIMINAL OFFENSES**

OTHER THAN VIOLATION OF SECTION 2 OF THIS ACT, THE DEPARTMENT OF JUSTICE (DOJ) THROUGH THE BUREAU OF CORRECTIONS (BuCor) AND THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT (DILG) THROUGH THE PHILIPPINE NATIONAL POLICE (PNP) AND BUREAU OF JAIL MANAGEMENT AND PENOLOGY (BJMP) SHALL ESTABLISH TREATMENT AND REHABILITATION CENTERS WITHIN THEIR PENITENTIARY FACILITIES.

10 Sec. 8. Section 76 of Republic Act No. 9165 is hereby amended, to read as  
11 follows:

*"SEC. 76. The Duties and Responsibilities of the Department of Health (DOH) Under this Act. – The DOH shall:*

(1) xxx

xxx                    xxx                    xxx

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

22 (6) Charge reasonable fees for drug dependency examinations, other  
23 medical and legal services provided to the public, which shall accrue to  
24 the Board. All income derived from these sources shall be part of the  
25 funds constituted as special funds for the implementation of this Act  
26 under Section 87; and

(7) REGULATE THE LICENSE TO PRESCRIBE (A) DANGEROUS DRUG PREPARATIONS IN ANY FORM AND/OR (B) DRUG PREPARATIONS CONTAINING CONTROLLED CHEMICALS."

*Sec. 9. Creation of the Bureau on Drug Abuse Prevention and Control.* To carry out the above policy, the Bureau shall be created under the DOH.

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

(1) To provide leadership in the implementation of the selected mandates of the Department of Health as stipulated under the Republic Act 9165 otherwise known as the "Comprehensive Dangerous Drugs Act of 2002", as amended.

(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 researches for the improvement of prevention and treatment services;
  - (5) Represent the DOH in the Dangerous Drugs Board, Inter-Agency Task Forces and other relevant committees; and
  - (6) Establish networks with various agencies, professional groups and organizations in implementing the mandates of the DOH.

**SEC. 10.** *Appropriations.* For the purpose of this Act, the amount needed for the initial implementation shall be taken from the current fiscal year's appropriation for the Operations of Drug Abuse Treatment and Rehabilitation Center – Central Office. 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 Dangerous Drugs Board (DDB), Department of the Interior and Local Government (DILG), Civil Service Organizations, Non-Governmental Organizations, representatives from the private sector, and other

1 stakeholders, shall promulgate a new set of implementing rules and regulations within  
2 ninety (90) days from the effectivity of this Act.

3

4 **SEC. 12.** *Separability Clause.* – If any provision of this Act is held invalid or  
5 unconstitutional, the same shall not affect the validity and effectivity of the other  
6 provisions hereof.

7

8 **SEC. 13.** *Repealing Clause.* – Sections 58, 59, and 61 of Republic Act No.  
9 9165, otherwise known as "The Comprehensive Dangerous Drugs Act of 2002" are  
10 hereby repealed. All other laws, decrees, executive orders and rules and regulations  
11 contrary to or inconsistent with the provisions of this Act are hereby repealed or  
12 modified accordingly.

13

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

16 Approved,