

EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES }
First Regular Session }



S E N A T E
S.B. No. 3

19 JUL -1 A9:41

Introduced by SENATOR VICENTE C. SOTTO III

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AN ACT
AMENDING ARTICLE IX OF REPUBLIC ACT 9165, OTHERWISE
KNOWN AS THE COMPREHENSIVE DANGEROUS DRUGS ACT OF
2002, AND CREATING THE PRESIDENTIAL DRUG ENFORCEMENT
AUTHORITY, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The war against drugs continuously adjusts to the strategies, tactics and new substances introduced by illegal drug suppliers. Big time drug lords must be countered by big time government interdiction; while retail peddlers must be stopped by the Barangay and street tanod and policemen.

The law, as presently formulated, needs retrofitting, so to speak, like any structure or machine in constant use for 14 years now. Supervision of enforcement activities is desirable to map out policies for more effective anti-illegal drugs campaign.

It is the goal of every nation and generation to have peace and order. Peace and order bring about security, harmony and economic stability, just to name a few. Thus, Section 5, Article II of the 1987 Constitution declares one of the country's principles, to wit:

"The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy."

The Philippines' war against drug has been ongoing since the year 1972, which resulted to the enactment of Republic Act No. 6425, otherwise known as the "*Dangerous Drug Act of 1972*," as well as the creation of the Dangerous Drugs Board (DDB) through Presidential Decree No. 44. Since their inception, the aforesaid law has undergone several amendments, and the DDB has formulated numerous policies and programs until RA 6425 has been repealed by Republic Act No. 9165, otherwise known as the "*Comprehensive Dangerous Drugs Act*". By virtue of RA 9165, a new Dangerous Drugs Board has been established, with the addition of its implementing arm – the Philippine Drug Enforcement Agency (PDEA).

Despite the various measures currently in place to curtail this social ill, the war against it has not yet been won. Hence, the government is in a continuous search for an effective and efficient means to somehow get us closer to our victory.

The purpose of this measure is to further strengthen our fight against illegal drugs by unifying the four major programs – enforcement, prosecution, prevention and rehabilitation – into a single government agency. Since these four have to be in sync, a supervisory agency has to step in in order to ensure that the concerned government agencies mandated to perform several duties under Republic Act No. 9165 are doing the same satisfactorily.

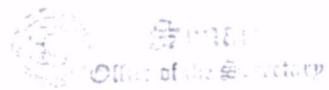
All these, so we may achieve a drug-free Philippines for the future generations. There is no best time to cure this social ill than now.

I therefore urge my colleagues to support the passage of this important measure.



VICENTE C. SOTTO III

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

1 SECTION 1. **Short Title.** – This Act shall be known as the
2 “*Presidential Drug Enforcement Authority Act.*”

3 SECTION 2. **Declaration of Policy.** – It is the policy of the State
4 to maintain peace and order, to protect life, liberty and property and
5 to promote that the general welfare are essential for the enjoyment by
6 all the people of the blessings of democracy. Thus, the State has the
7 duty to ensure that laws relating to peace and order, particularly
8 against illegal drugs being one of the major social problems of the
9 country, are properly, effectively and efficiently executed by the
10 agencies concerned for its implementation.

11 SECTION 3. **The Presidential Drug Enforcement Authority.** –
12 The Presidential Drug Enforcement Authority shall primarily be the
13 supervising agency for the proper, more effective and efficient
14 implementation of Republic Act 9165, otherwise known as the
15 “Comprehensive Dangerous Drugs Act of 2002.” It shall likewise
16 absorb the policy-making and strategy-formulating functions of the

1 current Dangerous Drugs Board. It shall be under the Office of the
2 President.

3 The creation of the Presidential Drug Enforcement Authority
4 shall dissolve the existing Philippine Drug Enforcement Agency (PDEA)
5 and the Dangerous Drugs Board (DDB).

6 The existing powers and functions of the PDEA on anti-drug
7 enforcement shall be exercised by the Philippine National Police,
8 through its Anti-Illegal Drugs Special Operation Task Force (AIDSOTF)
9 or such other Narcotics Unit under the PNP; the National Bureau of
10 Investigation, through its Anti-Illegal Drugs Task Force (AIDTF) or
11 such other Narcotics Unit under the NBI; the Bureau of Customs
12 (BOC), through its Customs Task Group/Force in Dangerous Drugs
13 and Controlled Chemicals (CTGFDDCC) or such other Narcotics Unit
14 under the BOC; and the Narcotics Units of the Armed Forces of the
15 Philippines. The current operational units of PDEA shall be absorbed
16 by the Presidential Drug Enforcement Authority, taking into
17 consideration the appropriate Bureau that needs its technical
18 support.

19 The Presidential Drug Enforcement Authority shall be headed
20 by a Secretary, who shall be responsible for the general administration
21 and management of the agency and shall hold office at the pleasure of
22 the President. The Secretary of the Presidential Drug Enforcement
23 Authority shall be appointed by the President of the Philippines and
24 shall perform such other duties that may be assigned to him/her.
25 He/she must possess adequate knowledge, training and experience in
26 the field of dangerous drugs and controlled precursor and essential
27 chemical, and in any of the following fields: law enforcement, law,
28 medicine, criminology, psychology or social work.

29 SECTION 4. ***Organization of the Presidential Drug***
30 ***Enforcement Authority.*** – The Presidential Drug Enforcement
31 Authority shall have the following Bureaus:

32 1) Anti-Drug Enforcement;

- 1 2) Anti-Drug Prosecution;
- 2 3) Anti-Drug Prevention;
- 3 4) Anti-Drug Rehabilitation; and
- 4 5) Anti-Drug Policy Formulation, Guidelines and Procedures.

5 SECTION 5. ***General Powers, Term of Office and Compensation of the Bureau Chief.*** – Each Bureau shall be headed by a Bureau Chief, with a rank of an Undersecretary, who shall be appointed by the President upon the recommendation of the Secretary, shall hold office at the pleasure of the President and shall receive the compensation, allowances and other emoluments to which Undersecretaries are entitled. He/she shall be responsible for the general administration and management of the assigned Bureau.

13 The incumbent DDB Chairman shall automatically be the Bureau Chief of Anti-Drug Policy Formulation, Guidelines and Procedure; in the same manner that the current General Director of PDEA shall automatically be the Bureau Chief of the Anti-Drug Enforcement Bureau.

18 SECTION 6. ***Powers and Duties of the Anti-Drug Enforcement Bureau.*** – The Anti-Drug Enforcement Bureau shall be responsible for the supervision of the operations of the Narcotics Units of the PNP, NBI, AFP and the BOC to ensure that the implementation of R.A. 9165 is properly exercised.

23 In order to perform the aforesaid function, the Anti-Drug Enforcement Bureau has the following powers:

- 25 a) Require regular monthly reports from all the Narcotics Units relative to the status of the implementation of RA 9165 in their respective Units.
- 26 b) Conduct a periodic assessment or examination of all the personnel of all the Narcotics Unit in order to ascertain that their duties are satisfactorily performed.

- 1 c) Take such necessary action or step, as prescribed by law, to
2 make a personnel of any Narcotics Unit who fails or neglects
3 his/her function to perform what is incumbent upon
4 him/her.

5 **SECTION 7. *Powers and Duties of the Anti-Drug Prosecution***

6 **Bureau.** – The Anti-Drug Prosecution Bureau shall be responsible for
7 the supervision of the Department of Justice (DOJ) to ensure that its
8 duties prescribed under R.A. 9165 relative to prosecution or filing of
9 illegal drug cases are properly and effectively executed.

10 In order to perform the aforesaid function, the Anti-Drug
11 Prosecution Bureau has the following powers:

- 12 a) Require regular monthly reports from the DOJ on the status
13 of the prosecution of all pending illegal drug-related cases in
14 the country.
- 15 b) Conduct a periodic assessment or examination of all the
16 personnel involved in the prosecution of illegal drug cases to
17 ascertain that their duties are satisfactorily performed.
- 18 c) Take such necessary action or step, as prescribed by law, to
19 make a personnel of DOJ who fails or neglects his/her
20 function relating to prosecution of illegal drugs-related cases
21 to perform what is incumbent upon him/her.

22 **SECTION 8. *Powers and Duties of the Anti-Drug Prevention***

23 **Bureau.** – The Anti-Drug Prevention Bureau shall have supervision
24 over the Department of Education (DepEd), Commission on Higher
25 Education (CHED) and Technical Education and Skills Development
26 Authority (TESDA)as regards the effective and proper performance of
27 their duties and responsibilities stated in R.A. 9165 in relation to drug
28 abuse prevention and control in all schools, as well as the Department
29 of Social Welfare and Development (DSWD) as regards special
30 education drug center for out-of-school youth and street children.

1 The Bureau shall likewise exercise supervision over the
2 Department of Labor and Employment (DOLE) on the performance of
3 its function under R.A. 9165 relative to the implementation of drug
4 abuse prevention program in the workplace.

5 In order to perform the aforesaid function, the Anti-Drug
6 Prevention Bureau has the following powers:

- 7 a) Require regular monthly reports from the DepEd, CHED,
8 TESDA, DSWD and DOLE regarding the status of the
9 implementation of R.A. 9165 in their respective jurisdictions.
- 10 b) Conduct a periodic assessment or examination of all the
11 personnel involved in the implementation of R.A. 9165 to
12 ascertain that their duties are satisfactorily performed.
- 13 c) Take such necessary action or step, as prescribed by law, to
14 make a personnel of DepEd, CHED, TESDA, DSWD or DOLE
15 who fails or neglects his/her function to perform what is
16 incumbent upon him/her under R.A. 9165.

17 SECTION 9. **Powers and Duties of the Anti-Drug**
18 **Rehabilitation Bureau.** – The Anti-Drug Rehabilitation Bureau shall
19 be responsible for the supervision of the Department of Health (DOH)
20 and the DSWD to ensure that its declared duties and responsibilities
21 under R.A. 9165 relative to rehabilitation of drug dependents are
22 properly exercised.

23 The DOH's duty to oversee and monitor the integration,
24 coordination and supervision of all drug rehabilitation, intervention,
25 after-care and follow-up programs, projects and activities as well as
26 the establishment, operations, maintenance and management of
27 privately-owned drug treatment rehabilitation centers and drug
28 testing networks and laboratories throughout the country in
29 coordination with the DSWD and other agencies shall be exercised
30 jointly with the Anti-Drug Rehabilitation Bureau.

31 In order to perform the aforesaid functions, the Anti-Drug
32 Enforcement Bureau has the following powers:

- 1 a) Require regular monthly reports from the DOH in relation to
2 the status of the implementation of its functions under R.A.
3 9165; from the different DOH-accredited drug rehabilitation
4 centers all over the country on the general status of drug
5 rehabilitation patients; and from the DSWD as to the status
6 of the implementation of its duties and responsibilities under
7 R.A. 9165.
- 8 b) Conduct a periodic assessment or examination of all the
9 personnel involved in the implementation of R.A. 9165 to
10 ascertain that their duties are satisfactorily performed.
- 11 c) Take such necessary action or step, as prescribed by law, to
12 make a personnel of DOH or DSWD who fails or neglects
13 his/her function to perform what is incumbent upon
14 him/her under R.A. 9165.

15 **SECTION 10. *Powers and Functions of the Anti-Drug Policy***

16 ***Formulation, Guidelines and Procedures Bureau.*** – The powers
17 and duties of the DDB provided in Section 81 of R.A. 9165 shall be
18 absorbed by the Anti-Drug Policy, Formulation, Guidelines and
19 Procedures Bureau.

20 **SECTION 11. *Transfer, Absorption and Integration of All
21 Operating Units of the PDEA and DDB to the Presidential Drug***

22 ***Enforcement Authority.*** – Upon the effectivity of this Act, the PDEA
23 and DDB shall cease to exist; however they shall continue with the
24 performance of their task as detail service with the Presidential Drug
25 Enforcement Authority, subject to screening, until such time that the
26 organizational structure of Presidential Drug Enforcement Authority is
27 fully operational. *Provided*, That such personnel who are affected shall
28 have the option of either being integrated into the Presidential Drug
29 Enforcement Authority or transfer to other concerned government
30 agencies and shall, thereafter, be immediately reassigned to other
31 units therein by the head of such agencies. Such personnel who are

1 transferred, absorbed and integrated in the PDEA shall be extended
2 appointments to positions similar in rank, salary, and other
3 emoluments and privileges granted to their respective positions in
4 their original agencies.

5 SECTION 12. **PDEA Academy and its Graduates.** – Upon the
6 effectivity of this Act, the PDEA Academy shall cease to accept
7 enrollees. Those students who will be graduating from the Academy
8 after the implementation of this Act shall be given an option to either
9 be employed in any of the Bureaus under the Presidential Drug
10 Enforcement Authority, or work under any of the Narcotics Unit of
11 PNP, NBI, AFP or BOC subject to the employment requirement and
12 policy of the respective Narcotics Units.

13 SECTION 13. **Implementing Rules and Regulations.** – The
14 present PDEA, represented by its Director General, as well as the
15 Chair of the DDB, together with the Secretaries of the DOH, DILG,
16 DOJ and DepEd, and in consultation with the CHED, TESDA, DSWD,
17 DOLE, PNP, NBI and all other concerned government agencies shall
18 promulgate within sixty (60) days the Implementing Rules and
19 Regulations that shall be necessary to implement the provisions of
20 this Act.

21 SECTION 14. **Reportorial Requirements.** – The Secretary of
22 the Presidential Drug Enforcement Authority and the head of each
23 Bureau shall submit a consolidated annual report to the President of
24 the Philippines, copy furnished the President of the Senate and the
25 Speaker of the House of Representatives, on the statuses of the
26 implementation of this Act and the anti-drug campaign in the country.

27 SECTION 15. **Funding Source.** – The funds required for the
28 implementation of this Act shall be taken from the budget of the PDEA
29 and DDB for the current fiscal year.

1 Thereafter, such amounts as may be necessary to implement
2 this Act shall be included in the annual General Appropriations Act.

3 SECTION 16. ***Separability Clause.*** – If any of provision of this
4 Act is held invalid or unconstitutional, the same shall not affect the
5 validity and effectivity of the other provisions hereof.

6 SECTION 17. ***Repealing Clause.*** – All laws, decrees, orders, and
7 issuances, or portions thereof, which are inconsistent with the
8 provisions of this Act, are hereby repealed, amended or modified
9 accordingly.

10 SECTION 18. ***Effectivity Clause.*** – This Act shall take effect
11 fifteen (15) days after its publication in the *Official Gazette* or in two (2)
12 newspapers of general circulation.

Approved,