

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'22 JUL -7 P5 :08

SENATE

RECEIVED BY: 

S. No. 202

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

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

13
14 Sec. 3. Section 45 of Republic Act No. 9165 is hereby amended, to read as
15 follows:

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

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

28 “SEC. 47. *Drug-Free Workplace.* – It is deemed a policy of the State
29 to promote drug-free workplaces using a tripartite approach. With the
30 assistance of the Board, the Department of Labor and Employment (DOLE)
31 shall develop, promote and implement a national drug abuse prevention
32 program in the workplace to be adopted by private companies with ten

1 (10) or more employees. Such program shall include the mandatory
2 drafting and adoption of company policies against drug use in the
3 workplace in close consultation and coordination with the DOLE, labor and
4 employer organizations, human resource development managers and
5 other such private sector organizations.
6

7 **SUCH PROGRAMS SHALL ENSURE THAT EMPLOYEES FOUND**
8 **TO BE POSITIVE FOR DRUG USE WILL BE REFERRED TO A**
9 **TRAINED HEALTH SERVICE PROVIDER FOR FURTHER**
10 **SCREENING AND INTERVENTION.**
11

12 Sec. 5. Section 54 of Republic Act No. 9165 is hereby amended, to read as
13 follows:

14 "SEC. 54. *Voluntary Submission of a Drug Dependent to*
15 *[Confinement,] Treatment and Rehabilitation.* - A drug dependent or any
16 person who violates Section 15 of this Act may, by himself/herself or
17 through his/her parent, spouse, guardian or relative within the fourth
18 degree of consanguinity or affinity, ~~[apply to the Board or its duly~~
19 ~~recognized representative, for treatment and rehabilitation of the drug~~
20 ~~dependency. Upon such application, the Board shall bring forth the matter~~
21 ~~to the Court which shall order that the applicant be examined for drug~~
22 ~~dependency. If the examination by a DOH accredited physician results in~~
23 ~~the issuance of a certification that the applicant is a drug dependent,~~
24 ~~he/she shall be ordered by the Court to undergo treatment and~~
25 ~~rehabilitation in a Center designated by the Board for a period of not less~~
26 ~~than six (6) months: *Provided,* That a drug dependent may be placed~~
27 ~~under the care of a DOH accredited physician where there is no Center~~
28 ~~near or accessible to the residence of the drug dependent or where said~~
29 ~~drug dependent is below eighteen (18) years of age and is a first time~~
30 ~~offender and non-confinement in a Center will not pose a serious danger~~
31 ~~to his/her family or the community.]~~ **SEEK TREATMENT AND**
32 **REHABILITATION FROM A HEALTH FACILITY, BE SCREENED BY A**

1 **TRAINED HEALTH SERVICE PROVIDER AND ASSESSED**
2 **THEREAFTER BY A DOH-ACCREDITED PHYSICIAN. IF THE**
3 **EXAMINATION BY A DOH-ACCREDITED PHYSICIAN RESULTS IN**
4 **THE DIAGNOSIS OF DRUG DEPENDENCY, THE DRUG DEPENDENT**
5 **SHALL BE REFERRED TO AN APPROPRIATE DRUG TREATMENT**
6 **AND REHABILITATION FACILITY WITH THE DURATION**
7 **DEPENDING ON THE SEVERITY OF THE DRUG DEPENDENCE AS**
8 **DETERMINED BY A DOH-ACCREDITED PHYSICIAN.**

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

17
18 Sec. 6. Section 56 of Republic Act No. 9165 is hereby amended, to read as follows:

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

31
32 If during the period of after-care and follow-up, the drug dependent

1 is certified to be rehabilitated, he/she may be discharged [by the Court],
2 subject to the provisions of Section 55 of this Act without prejudice to the
3 outcome of any pending case filed in court.
4

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

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

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

1 **BASED FROM THE EXISTING TREATMENT AND**
2 **REHABILITATION CENTERS, THE DOH SHALL ESTABLISH FIVE (5)**
3 **APEX TREATMENT AND REHABILITATION CENTERS TO PROVIDE**
4 **SPECIALIZED CARE FOR DRUG DEPENDENTS.**

5
6 **FOR DRUG DEPENDENTS WITH CRIMINAL OFFENSES OTHER**
7 **THAN VIOLATION OF SECTION 2 OF THIS ACT, THE DEPARTMENT OF**
8 **JUSTICE (DOJ) THROUGH THE BUREAU OF CORRECTIONS (BuCor)**
9 **AND THE DEPARTMENT OF THE INTERIOR AND LOCAL**
10 **GOVERNMENT (DILG) THROUGH THE PHILIPPINE NATIONAL**
11 **POLICE (PNP) AND BUREAU OF JAIL MANAGEMENT AND PENOLOGY**
12 **(BJMP) SHALL ESTABLISH TREATMENT AND REHABILITATION**
13 **CENTERS WITHIN THEIR PENITENTIARY FACILITIES.**

14
15 Sec. 8. Section 76 of Republic Act No. 9165 is hereby amended, to read as
16 follows:

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

19 (1) Oversee and monitor the integration, coordination and supervision of all
20 drug rehabilitation, intervention, after-care and follow-up programs, projects
21 and activities as well as the establishment, operations, maintenance and
22 management of privately-owned drug treatment rehabilitation centers and
23 drug testing networks and laboratories throughout the country in coordination
24 with the Department of Social Welfare and Development (DSWD) other
25 agencies;

26 (2) License, accredit, establish and maintain drug test network and laboratory,
27 initiate, conduct and support scientific research on drugs and drug control;

28 (3) Encourage, assist and accredit private centers, promulgate rules and
29 regulations setting minimum standards for their accreditation to assure their
30 competence, integrity and stability;

1 (4) Prescribe and promulgate rules and regulations governing the
2 establishment of such Centers as it may deem necessary after conducting a
3 feasibility study thereof;

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

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

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

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

18
19 (a) *Objectives of the Bureau.* The objectives of the Bureau are:

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

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

25
26 (b) *Composition.* The present Dangerous Drugs Abuse Prevention and Treatment
27 Program (DDAPTP) functionally created in the DOH shall be accordingly
28 modified and absorbed by the Bureau.

29

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

9
10 The Bureau shall determine the composition and size of the
11 organizational structure as it may be deemed necessary, in accordance with
12 the Civil Service laws and regulations.

13
14 (c) *Powers and Functions.* The Bureau shall have the following powers and
15 functions:

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

1 Sec. 10. *Appropriations.* For the purpose of this Act, the amount needed for the
2 initial implementation shall be taken from the current fiscal year's appropriation for
3 the Operations of Drug Abuse Treatment and Rehabilitation Center – Central Office.
4 Thereafter, the amount needed for the operations and maintenance of the BUREAU
5 shall be included in the General Appropriations Act.

6
7 Sec. 11. *Implementing Rules and Regulations.* – The DOH, the Department of
8 Budget and Management (DBM), and the Civil Service Commission (CSC), in
9 consultation and in coordination with the Dangerous Drugs Board (DDB), Department
10 of the Interior and Local Government (DILG), Civil Service Organizations, Non-
11 Governmental Organizations, representatives from the private sector, and other
12 stakeholders, shall promulgate a new set of implementing rules and regulations within
13 ninety (90) days from the effectivity of this Act.

14
15 Sec. 12. *Separability Clause.* – If any provision of this Act is held invalid or
16 unconstitutional, the same shall not affect the validity and effectivity of the other
17 provisions hereof.

18
19 Sec. 13. *Repealing Clause.* – Sections 58, 59, and 61 of Republic Act No. 9165,
20 otherwise known as "The Comprehensive Dangerous Drugs Act of 2002" are hereby
21 repealed. All other laws, decrees, executive orders and rules and regulations contrary
22 to or inconsistent with the provisions of this Act are hereby repealed or modified
23 accordingly.

24
25 Sec. 14. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
26 publication in the Official Gazette or in a newspaper of general circulation.

Approved,