

SEVENTEENTH CONGRESS OF THE REPUBLIC  
OF THE PHILIPPINES

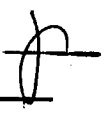
First Regular Session



Senate  
Office of the Secretary

16 SEP -5 P4:23

SENATE  
S.B. No. 1122

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Introduced by Senator Poe

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AN ACT  
STRENGTHENING THE DRUG REHABILITATION PROGRAMS OF THE  
GOVERNMENT, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 9165  
OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT  
OF 2002", AS AMENDED, APPROPRIATING FUNDS THEROF, AND FOR OTHER  
PURPOSES.

*Explanatory Note*

As of 9 August 2016, around 600,000 drug suspects have surrendered to the police as a result of the administration's zero-tolerance policy on illegal drugs.<sup>1</sup> The huge volume of drug users who have surrendered, however, have exposed our lack of drug rehabilitation centers. To quote a recent *Manila Bulletin* report, "As the number of drug dependents surrendering to authorities continues to spike, the government is now faced with the problem of where to place them as the number of existing rehabilitation centers cannot accommodate them all at the same time."<sup>2</sup>

The shortage of drug rehabilitation centers is a major problem that merits immediate action. Approaching the illegal drug problem purely through the lens of criminal law and prosecution is not effective. Our criminal and justice systems are reformatory in nature. Thus, the construction of additional rehabilitation centers is necessary to ensure that those who have surrendered will not go back to drug use and dependence. We should not only destroy *shabu* laboratories but also reduce the demand for *shabu* through holistic measures.

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<sup>1</sup> Geronimo, J.Y. "Rehab centers shortage: 100 years to treat drug surrenderees" *Rappler* (08/09/16). Retrieved from <http://www.rappler.com/nation/142511-recto-drug-rehabilitation-shortage>

<sup>2</sup> Terrazola, V.E. "More rehab centers needed as drug addicts surrender by the dozen every day" *Manila Bulletin* (07/08/16). Retrieved from <http://www.mb.com.ph/more-rehab-centers-needed-as-drug-addicts-surrender-by-the-dozen-every-day/>

As a response, this bill seeks to strengthen the drug rehabilitation and treatment program of the government. It seeks to amend Republic Act No. 9165, otherwise known as the "*Comprehensive Dangerous Drugs Act of 2002*", and introduces the following amendments, among others:

1. Establish Department of Health (DOH)-administered drug rehabilitation centers in every province and highly urbanized city in the country, and providing for adequate organization and staffing for such;
2. Expand the duties and powers of the DOH with regard to the regulation and administration of drug rehabilitation centers; and
3. Create a benefit package for the rehabilitation and detoxification of drug users under the Philippine Health Insurance Corporation.

In order to help the administration's anti-drug campaign, speedy approval of this measure is eagerly sought.

  
GRACE POE

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**AN ACT**  
**STRENGTHENING THE DRUG REHABILITATION PROGRAMS OF THE GOVERNMENT, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 9165 OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002", AS AMENDED, APPROPRIATING FUNDS THEROF, AND FOR OTHER PURPOSES.**

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

1           **SECTION 1. Amendatory Provisions.** – For purposes of this Act, the following  
2 provisions of Republic Act No. 9165 otherwise known as the "*Comprehensive Dangerous*  
3 *Drugs Act of 2002*", as amended, are hereby further amended to read as follows:

4  
5           a) Section 75, Article VIII or Republic Act No. 9165 is hereby amended to read as  
6 follows:

7  
8           "**Section 75. Treatment and Rehabilitation Centers.** – The existing treatment and  
9 rehabilitation centers for drug dependents operated and maintained by the NBI  
10 and the PNP shall be operated, maintained and managed by the DOH in  
11 coordination with other concerned agencies. For the purpose of enlarging the  
12 network of centers, the Board through the DOH, shall encourage, promote or  
13 whenever feasible, assist or support in the establishment, operations and  
14 maintenance of private centers which shall be eligible to receive grants, donations  
15 or subsidy from either government or private sources. It shall also support the  
16 establishment of government-operated regional treatment and rehabilitation  
17 centers. [depending upon the availability of funds.]  
18

1 The national government, through its appropriate agencies shall give priority  
2 funding for the increase of subsidy to existing government drug rehabilitation  
3 centers, and shall establish at least one (1) **DOH-ADMINISTERED** drug  
4 rehabilitation center in each province[,] **AND HIGHLY URBANIZED CITY IN**  
5 **THE COUNTRY** [depending on the availability of funds]  
6

7 b) A new Section 75-A is hereby inserted under Article VIII of Republic Act No.  
8 9165 and shall read as follows:  
9

10 **“SECTION 75-A. FUNCTIONS OF DRUG REHABILITATION**  
11 **CENTERS. – DRUG REHABILITATION CENTERS, WHETHER**  
12 **PRIVATE OR PUBLIC, SHALL HAVE THE FOLLOWING**  
13 **FUNCTIONS:**  
14

15 a. **TO PROVIDE AFFORDABLE, ACCESSIBLE, EVIDENCE-BASED**  
16 **TREATMENT, ACCOMMODATION, AND GUIDANCE AND**  
17 **COUNSELING SERVICES TO PERSONS FOUND TO BE DRUG**  
18 **USERS;**  
19

20 b. **TO ENSURE THAT DRUG USERS WILL NOT GO BACK INTO**  
21 **DRUG USE AND DEPENDENCE;**  
22

23 c. **TO EMPOWER DRUG USERS TO REGAIN THEIR SELF-**  
24 **CONFIDENCE AND UNDERSTAND THE NEGATIVE PHYSICAL**  
25 **AND SOCIAL IMPACTS OF SUBSTANCE ABUSE;**  
26

27 d. **TO INVOLVE FAMILIES AND COMMUNITY MEMBERS IN THE**  
28 **REHABILITATION OF DRUG USERS SO AS TO FACILITATE**  
29 **THE MENDING OF SOCIAL BONDS WHICH HAVE BEEN**  
30 **DESTROYED DUE TO LONG SUBSTANCE ABUSE AND**  
31 **PROVIDE A SUPPORT NETWORK FOR DRUG USERS BEYOND**  
32 **THE TREATMENT AND REHABILITATION PERIOD; AND**  
33

1 e. TO PROVIDE AFTER-CARE, FOLLOW-UP, AND SOCIAL  
2 REINTEGRATION SERVICES TO ENABLE A PREVIOUS DRUG  
3 DEPENDENT TO ADJUST TO FAMILY AND COMMUNITY LIFE  
4 AFTER HIS RELEASE.”  
5

6 c) A new Section 75-B is hereby inserted under Article VIII of Republic Act No.  
7 9165 and shall read as follows:  
8

9 “SECTION 75-B. *ORGANIZATION AND STAFFING*- EACH CENTER  
10 SHALL BE HEADED BY ONE DIRECTOR TO BE ASSISTED BY AT  
11 LEAST THREE (3) ASSISTANT DIRECTORS FOR OUTPATIENT OR  
12 INPATIENT CARE, ADMINISTRATION AND FINANCE,  
13 DEPENDING ON SERVICE TYPE AND CAPACITY, WHO SHALL  
14 ALL BE APPOINTED BY THE SECRETARY OF HEALTH. THE  
15 DIRECTOR AND DEPUTY DIRECTORS SHALL HAVE THE  
16 GENERAL POWERS EXERCISED BY A CHIEF AND ASSISTANT  
17 CHIEFS, RESPECTIVELY, OF A GOVERNMENT HOSPITAL.  
18

19 NO PERSON SHALL BE APPOINTED DIRECTOR OR DEPUTY  
20 DIRECTOR UNLESS HE OR SHE IS A CITIZEN AND RESIDENT OF  
21 THE PHILIPPINES; A PHYSICIAN OF GOOD STANDING WITH AT  
22 LEAST THREE (3) YEARS OF EXPERIENCE IN THE CARE,  
23 TREATMENT AND REHABILITATION OF DRUG USERS; AND  
24 MUST NOT HAVE BEEN A CANDIDATE FOR ANY ELECTIVE  
25 NATIONAL OR LOCAL OFFICE IN THE IMMEDIATELY  
26 PRECEDING ELECTIONS, WHETHER REGULAR OR SPECIAL.  
27

28 THE DOH MAY ISSUE ADITONAL GUIDELINES ON THE  
29 QUALIFICATIONS OF THE DIRECTORS OF CENTERS PURSUANT  
30 TO SECTION 76 (10) OF THIS ACT.  
31

32 THE DIRECTOR SHALL APPOINT OTHER STAFF AS MAY BE  
33 NECESSARY SUBJECT TO GUIDELINES ISSUED PURSUANT TO  
34 ARTICLE VIII, SECTION 76 (10) OF THIS ACT.

1  
2           **THE SALARIES AND EMOLUMENTS OF THE DIRECTORS AND**  
3           **ALL PERSONNEL OF CENTERS SHALL BE IN ACCORDANCE**  
4           **WITH LAWS, AND RULES AND REGULATIONS ON SALARY**  
5           **STANDARDIZATION.”**  
6

7           d) Section 76, Article VIII of Republic Act No. 9165 is hereby amended to read as  
8           follows:  
9

10           “Section 76. *The Duties and Responsibilities of the Department of health*  
11           *(DOH) Under this Act.* – The DOH shall:  
12

13           (1) x x x

14           (2) x x x

15           (3) x x x

16           (4) x x x

17           (5) x x x

18           (6) x x x  
19

20           **(7) IDENTIFY THE LOCATION, TYPE AND SERVICE CAPACITY**  
21           **OF THE DOH-ADMINISTERED DRUG REHABILITATION**  
22           **CENTERS TO BE CONSTRUCTED ON A CASE TO CASE BASIS,**  
23           **AFTER PRIOR SUFFICIENT CONSULTATION WITH THE**  
24           **CONCERNED LOCAL GOVERNMENT UNITS AND**  
25           **COMMUNITIES;**  
26

27           **(8) DEVELOP A WORKFORCE PLAN FOR THE CONTINUOUS**  
28           **PROVISION OF MEDICAL TOXICOLOGISTS AND OTHER**  
29           **NECESSARY MEDICAL STAFF;**  
30

31           **(9) PROVIDE TRAINING AND TECHNICAL ASSISTANCE TO THE**  
32           **STAFF OF DRUG REHABILITATION CENTERS, WHETHER**  
33           **PUBLIC OR PRIVATE; AND**  
34

1                   **(10) PROMULGATE GUIDELINES ON THE ORGANIZATION AND**  
2                   **STAFFING OF DOH-ADMINISTERED REHABILITATION**  
3                   **CENTERS, IN COORDINATION WITH THE DEPARTMENT OF**  
4                   **BUDGET AND MANAGEMENT AND OTHER CONCERNED**  
5                   **GOVERNMENT AGENCIES.**

6  
7                   e) A new Section 76-A is hereby inserted under Article VIII of Republic Act No.  
8                   9165 and shall read as follows:

9  
10                   **“SECTION 76-A. BENEFIT PACKAGE FOR REHABILITATION AND**  
11                   **DETOXIFICATION. – THE PHILIPPINE HEALTH INSURANCE**  
12                   **CORPORATION SHALL DESIGN BENEFIT PACKAGES FOR**  
13                   **REHABILITATION, TREATMENT AND DETOXIFICATION OF**  
14                   **DRUG DEPENDENTS AND SHALL ISSUE GUIDELINES THEREOF.**  
15                   **THE BENEFIT PACKAGE SHALL COVER:**

- 16  
17                   **1. ROOM AND BOARD;**  
18                   **2. SERVICES OF HEALTH CARE PROFESSIONALS; AND**  
19                   **3. PRESCRIPTION DRUGS, SUBJECT TO SECTION 37 OF THIS**  
20                   **ACT.**

21  
22                   **SECTION 2. Appropriations.** –The amount necessary for the initial  
23                   implementation of this Act shall be charged against the current appropriations of the  
24                   DOH. Thereafter, such sums as may be necessary for the continued implementation of  
25                   this Act shall be included in the annual General Appropriations Act.

26  
27                   Grants, donations, and endowments from domestic and foreign sources,  
28                   pursuant to existing laws and regulations, may be used to augment the sources of  
29                   funding identified under Article X, Sec. 87 of Republic Act N. 9165. All income  
30                   generated from the operation of centers shall be retained by the DOH and shall be  
31                   used to augment the centers' Maintenance and Other Operating Expenditures and  
32                   Capital Outlay. *Provided*, that the said amount shall not be used or realigned for the  
33                   payment of salaries, allowances and other benefits.

1           **SECTION 3. *Implementing Rules and Regulations.*** – The Department of Health, in  
2 consultation with the Dangerous Drugs Board, the Department of Interior and Local  
3 Government, the Department of Justice, the Department of Social Welfare and Development,  
4 and the Philippine National Police, shall promulgate the rules and regulations for the  
5 implementation of this Act no later than thirty (30) days after its effectivity.  
6

7           **SECTION 4. *Separability Clause.*** – If any provision of this Act shall be held  
8 unconstitutional or invalid, the other provisions not otherwise affected shall remain in full  
9 force and effect.  
10

11           **SECTION 5. *Repealing Clause.*** – All laws, executive orders, rules and regulations  
12 inconsistent with or contrary to this Act, are hereby deemed accordingly repealed or  
13 amended.  
14

15           **SECTION 6. *Effectivity Clause.*** – This Act shall take effect upon its approval and  
16 completion of publication in the Official Gazette.  
17

18           *Approved,*