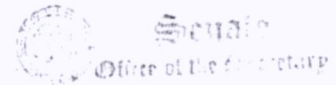


SEVENTEENTH CONGRESS OF THE }
REPUBLIC OF THE PHILIPPINES }
Second Regular Session }



'17 DEC -5 P1:27

SENATE
S.B. No. 1628

RECEIVED BY

INTRODUCED BY **SENATOR VICENTE C. SOTTO III**

AN ACT
STREAMLINING THE PROCESS FOR THE ADMISSION OF DRUG
DEPENDENTS IN GOVERNMENT DRUG REHABILITATION
FACILITIES, AMENDING FOR THE PURPOSE SECTION 3, 54, 77 AND
81 OF REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE
COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002

EXPLANATORY NOTE

In the Philippines, there is a stigma that a known user of prohibited drugs is deemed as a continuing nuisance to the society. According to the National Institute on Drug Abuse, like other chronic diseases, addiction can be managed successfully. Treatment enables people to counteract addiction's powerful disruptive effects on the brain and behavior and to regain control of their lives.¹

Under our Constitution, it is the policy of the State to protect and promote the right to health of the people and instill health consciousness among them.

¹ <https://www.drugabuse.gov/publications/principles-drug-addiction-treatment-research-based-guide-third-edition/frequently-asked-questions/how-effective-drug-addiction-treatment>

Under our Constitution, it is the policy of the State to protect and promote the right to health of the people and instill health consciousness among them.

With the campaign against illegal drugs now in full implementation, thousands of users are voluntarily submitting themselves to reform and undergo drug rehabilitation treatment. However, one of the challenges faced by the surge of these drug users or dependents is the delay in the process of admission for treatment in government facilities.

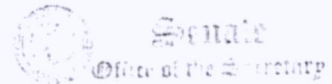
Under Republic Act 9165 or the Comprehensive Dangerous Drugs Act of 2002, a voluntary patient to be admitted in a government treatment facility must secure a court order. The court shall hear the petition for confinement before the court granting such. This litigious proceeding is a tedious and long process, while the treatment being applied for can be completed within six (6) months the least.

To streamline this process, this bill aims to require that the petition for voluntary confinement be a non-litigious matter before the Dangerous Drugs Board. The prompt disposition of petitions will facilitate the timely rehabilitation of the accused and their eventual reintegration to the society and the working force.

Hence, in the interest of justice, health and for the mutual benefit of the State and the drug dependents, the passage of this bill is earnestly sought.


VICENTE C. SOTTO III

SEVENTEENTH CONGRESS OF THE }
REPUBLIC OF THE PHILIPPINES }
Second Regular Session }



'17 DEC -5 P1:27

SENATE
S.B. No. 1628

RECEIVED BY: _____

INTRODUCED BY SENATOR VICENTE C. SOTTO III

AN ACT

1 **STREAMLINING THE PROCESS FOR THE ADMISSION OF DRUG**
2 **DEPENDENTS IN GOVERNMENT DRUG REHABILITATION**
3 **FACILITIES, AMENDING FOR THE PURPOSE SECTION 3, 54, 77 AND**
4 **81 OF REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE**
5 **COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002**

6
7 SECTION 1. Section 3 of Republic Act 9165 is hereby amended to add
8 the following provisions:

9
10 *Section 3. Definitions. As used in this Act, the following terms shall mean:*

11
12 **DOH-ACCREDITED PHYSICIAN.- A PHYSICIAN WITH BACKGROUND**
13 **AND EXPERIENCE ON PSYCHOLOGICAL/BEHAVIORAL MEDICINE**
14 **WHOSE APPLICATION HAS BEEN APPROVED AND DULY**
15 **AUTHORIZED BY THE DOH TO CONDUCT DRUG DEPENDENCY**
16 **EXAMINATION AND TREATMENT ON PERSONS BELIEVED TO BE**
17 **USING DANGEROUS DRUGS.**

18
19 **DRUG DEPENDENCY EXAMINATION.- A PROCEDURE CONDUCTED**
20 **BY THE DOH-ACCREDITED PHYSICIAN TO EVALUATE THE EXTENT**

1 OF DRUG ABUSE OF A PERSON AND TO DETERMINE WHETHER OR
2 NOT HE/SHE IS A DRUG DEPENDENT, WHICH INCLUDES HISTORY
3 TAKING, INTAKE INTERVIEW, DETERMINATION OF THE CRITERIA
4 FOR DRUG DEPENDENCY, MENTAL AND PHYSICAL STATUS, AND
5 THE DETECTION OF DANGEROUS DRUGS IN THE BODY SPECIMENS
6 THROUGH LABORATORY PROCEDURES.

7
8 REHABILITATIVE SURVEILLANCE.- INTENSIVE SUPERVISION AND
9 MONITORING OF A CLIENT UNDERGOING OUTPATIENT
10 TREATMENT, PROBATION, SUSPENDED SENTENCE AND/ OR
11 AFTERCARE PROGRAMS TO DETERMINE HIS/HER COMPLIANCE
12 OF A DRUG FREE STATE, HIS/HER SOCIAL RESPONSIBILITIES AND
13 HIS/HER RETURN AS A PRODUCTIVE MEMBER OF THE SOCEITY.

14
15 SECTION 2. Section 54 of Republic Act 9165 is hereby amended to read
16 as follows:

17
18 *Section 54. Voluntary Submission of a Drug Dependent to Confinement,*
19 *Treatment and Rehabilitation.* - A drug dependent, [or any person who
20 violates Section 15 of this Act] may, by himself/herself or through
21 his/her parent, spouse, guardian or relative within the fourth degree of
22 consanguinity or affinity, [apply to the Board or its duly recognized
23 representative, for treatment and rehabilitation of the drug dependency.]
24 **FILE A VERIFIED APPLICATION TO THE BOARD, OR ITS DULY**
25 **AUTHORIZED REPRESENTATIVE, FOR VOLUNTARY CONFINEMENT**
26 **FOR TREATMENT AND REHABILITATION.**

27
28 **UPON RECEIPT OF THE VERIFIED APPLICATION, THE BOARD OR**
29 **ITS DULY AUTHORIZED REPRESENTATIVE SHALL ORDER THAT**
30 **THE APPLICANT OR THE PERSON IN WHOSE BEHALF THE**

1 APPLICATION IS FILED, BE EXAMINED FOR DRUG DEPENDENCY BY
2 TWO (2) DOH-ACCREDITED PHYSICIANS.

3
4 IF BOTH PHYSICIANS CONCLUDE THAT THE APPLICANT IS A DRUG
5 DEPENDENT, THE BOARD SHALL ORDER HIS/HER IMMEDIATE
6 CONFINEMENT AND TREATMENT UPON THE RECOMMENDATION
7 OF THE PHYSICIANS. IF ONLY ONE FINDS HIM/HER TO BE A DRUG
8 DEPENDENT, THE BOARD SHALL CONDUCT A HEARING AND
9 CONSIDER ALL RELEVANT EVIDENCE, WHICH MAY BE OFFERED.

10
11 [Upon such application, the Board shall bring forth the matter to the
12 Court, which shall order that the applicant be examined for drug
13 dependency. If the examination by a DOH-accredited physician results in
14 the issuance of a certification that the applicant is a drug dependent,
15 he/she shall be ordered by the Court to undergo treatment and
16 rehabilitation in a Center designated by the Board] **THE ORDER OF**
17 **CONFINEMENT AND TREATMENT MAY BE IN A GOVERNMENT OR**
18 **PRIVATE TREATMENT AND REHABILITATION CENTER**
19 **DESIGNATED BY THE BOARD, AT THE OPTION OF THE APPLICANT.**
20 **THE APPLICANT SHALL BEAR THE TREATMENT AND**
21 **REHABILITATION COSTS IF HE/SHE OPTED TO BE TREATED IN A**
22 **PRIVATE REHABILITATION INSTITUTION. SUCH CONFINEMENT**
23 **SHALL BE** for a period of not less than six (6) months: Provided, That a
24 drug dependent may be placed under the care of a DOH-accredited
25 physician where there is no Center near or accessible to the residence of
26 the drug dependent or where said drug dependent is below eighteen (18)
27 years of age and is a first-time offender and non-confinement in a Center
28 will not pose a serious danger to his/her family or the community.

29
30 Confinement in a Center for treatment and rehabilitation shall not
31 exceed one (1) year, after which time [the Court, as well as] the Board,

1 shall be apprised by the head of the treatment and rehabilitation center
2 of the status of said drug dependent and determine whether further
3 confinement will be for the welfare of the drug dependent and his/her
4 family or the community.

5
6
7 SECTION 3. Section 77 of Republic Act 9165 is hereby amended to read
8 as follows:

9
10 *Section 77. The Dangerous Drugs Board.* – The Board shall be the policy-
11 making and strategy-formulating body in the planning and formulation
12 of policies and programs on drug prevention and control. It shall develop
13 and adopt comprehensive, integrated, unified and balanced national
14 drug abuse prevention and control strategy. It shall be under the Office
15 of the President. **THE BOARD SHALL HAVE A QUASI-JUDICIAL**
16 **POWER TO DETERMINE THE DRUG DEPENDENCY OF A PERSON**
17 **AND ISSUE A CONFINEMENT ORDER IN RELATION TO THE**
18 **VOLUNTARY APPLICATION FOR REHABILITATION AND TREATMENT**
19 **OF DRUG DEPENDENTS.**

20
21 **ANY PERSON AGGRIEVED BY AN ORDER OR DECISION OF THE**
22 **BOARD, IN RELATION TO THE CONFINEMENT AND TREATMENT**
23 **ORDER FOR DRUG DEPENDENTS, MAY APPEAL THE ORDER OR**
24 **DECISION TO THE COURT OF APPEALS BY PETITION FOR REVIEW**
25 **IN ACCORDANCE WITH THE PERTINENT PROVISIONS OF THE**
26 **RULES OF COURT.**

27
28 SECTION 4. Section 81 of Republic Act 9165 is hereby amended to read
29 as follows:

30 *Section 81. Powers and Duties of the Board.* – The Board shall:

1 (a) Formulate, develop and establish a comprehensive, integrated,
2 unified and balanced national drug use prevention and control
3 strategy;

4 (b) Promulgate such rules and regulations as may be necessary to
5 carry out the purposes of this Act, including the manner of
6 safekeeping, disposition, burning or condemnation of any
7 dangerous drug and/or controlled precursor and essential
8 chemical under its charge and custody, and prescribe
9 administrative remedies or sanctions for the violations of such
10 rules and regulations;

11 (c) Conduct policy studies, program monitoring and evaluations
12 and other researches on drug prevention, control and enforcement;

13 (d) Initiate, conduct and support scientific, clinical, social,
14 psychological, physical and biological researches on dangerous
15 drugs and dangerous drugs prevention and control measures;

16 (e) Develop an educational program and information drive on the
17 hazards and prevention of illegal use of any dangerous drug
18 and/or controlled precursor and essential chemical based on
19 factual data, and disseminate the same to the general public, for
20 which purpose the Board shall endeavor to make the general
21 public aware of the hazards of any dangerous drugs and/or
22 controlled precursor and essential chemical by providing among
23 others, literature, films, displays or advertisements and by
24 coordinating with all institutions of learning as well as with all
25 national and local enforcement agencies in planning and
26 conducting its educational campaign programs to be implemented
27 by the appropriate government agencies;

1 (f) Conduct continuing seminars for, and consultations with, and
2 provide information materials to judges and prosecutors in
3 coordination with the Office of the Court Administrator, in the case
4 of judges, and the DOJ, in the case of prosecutors, which aim to
5 provide them with the current developments and programs of the
6 Board pertinent to its campaign against dangerous drugs and its
7 scientific researches on dangerous drugs, its prevention and
8 control measures;

9 (g) Design special trainings in order to provide law enforcement
10 officers, members of the judiciary, and prosecutors, school
11 authorities and personnel of centers with knowledge and know-
12 how in dangerous drugs and/or controlled precursors and
13 essential chemicals control in coordination with the Supreme
14 Court to meet the objectives of the national drug control programs;

15 (h) Design and develop, in consultation and coordination with the
16 DOH, DSWD and other agencies involved in drugs control,
17 treatment and rehabilitation, both public and private, a national
18 treatment and rehabilitation program for drug dependents
19 including a standard aftercare and community service program for
20 recovering drug dependents;

21 (i) Design and develop, jointly with the DOLE and in consultation
22 with labor and employer groups as well as nongovernment
23 organizations a drug abuse prevention program in the workplace
24 that would include a provision for employee assistance programs
25 for emotionally-stressed employees;

26 (j) Initiate and authorize closure proceedings against non-
27 accredited and/or substandard rehabilitation centers based on
28 verified reports of human rights violations, subhuman conditions,

1 inadequate medical training and assistance and excessive fees for
2 implementation by the PDEA;

3 (k) Prescribe and promulgate rules and regulations governing the
4 establishment of such centers, networks and laboratories as
5 deemed necessary after conducting a feasibility study in
6 coordination with the DOH and other government agencies;

7 (l) Receive, gather, collect and evaluate all information on the
8 importation, exportation, production, manufacture, sale, stocks,
9 seizures of and the estimated need for any dangerous drug and/or
10 controlled precursor and essential chemical, for which purpose the
11 Board may require from any official, instrumentality or agency of
12 the government or any private person or enterprise dealing in, or
13 engaged in activities having to do with any dangerous drug and/or
14 controlled precursors and essential chemicals such data or
15 information as it may need to implement this Act;

16 (m) Gather and prepare detailed statistics on the importation,
17 exportation, manufacture, stocks, seizures of and estimates need
18 for any dangerous drug and/or controlled precursors and essential
19 chemicals and such other statistical data on said drugs as may be
20 periodically required by the United Nations Narcotics Drug
21 Commission, the World Health Organization and other
22 international organizations in consonance with the country's
23 international commitments;

24 (n) Develop and maintain international networking coordination
25 with international drug control agencies and organizations, and
26 implement the provisions of international conventions and
27 agreements thereon which have been adopted and approved by the
28 Congress of the Philippines;

1 (o) Require all government and private hospitals, clinics, doctors,
2 dentists and other practitioners to submit a report to it, in
3 coordination with the PDEA, about all dangerous drugs and/or
4 controlled precursors and essential chemicals-related cases to
5 which they have attended for statistics and research purposes;

6 (p) Receive in trust legacies, gifts and donations of real and
7 personal properties of all kinds, to administer and dispose the
8 same when necessary for the benefit of government and private
9 rehabilitation centers subject to limitations, directions and
10 instructions from the donors, if any;

11 (q) Issue guidelines as to the approval or disapproval of
12 applications for voluntary treatment, rehabilitation or confinement,
13 wherein it shall issue the necessary guidelines, rules and
14 regulations pertaining to the application and its enforcement;

15 (r) Formulate guidelines, in coordination with other government
16 agencies, the importation, distribution, production, manufacture,
17 compounding, prescription, dispensing and sale of, and other
18 lawful acts in connection with any dangerous drug, controlled
19 precursors and essential chemicals and other similar or analogous
20 substances of such kind and in such quantity as it may deem
21 necessary according to the medical and research needs or
22 requirements of the country including diet pills containing
23 ephedrine and other addictive chemicals and determine the
24 quantity and/or quality of dangerous drugs and controlled
25 precursors and essential chemicals to be imported, manufactured
26 and held in stock at any given time by authorized importer,
27 manufacturer or distributor of such drugs;

1 (s) Develop the utilization of a controlled delivery scheme in
2 addressing the transshipment of dangerous drugs into and out of
3 the country to neutralize transnational crime syndicates involved
4 in illegal trafficking of any dangerous drugs and/or controlled
5 precursors and essential chemicals;

6 (t) Recommend the revocation of the professional license of any
7 practitioner who is an owner, co-owner, lessee, or in the employ of
8 the drug establishment, or manager of a partnership, corporation,
9 association, or any juridical entity owning and/or controlling such
10 drug establishment, and who knowingly participates in, or
11 consents to, tolerates, or abets the commission of the act of
12 violations as indicated in the preceding paragraph, all without
13 prejudice to the criminal prosecution of the person responsible for
14 the said violation;

15 (u) Appoint such technical, administrative and other personnel as
16 may be necessary for the effective implementation of this Act,
17 subject to the Civil Service Law and its rules and regulations;

18 (v) Establish a regular and continuing consultation with concerned
19 government agencies and medical professional organizations to
20 determine if balance exists in policies, procedures, rules and
21 regulations on dangerous drugs and to provide recommendations
22 on how the lawful use of dangerous drugs can be improved and
23 facilitated; and

24 (w) Submit an annual and periodic reports to the President, the
25 Congress of the Philippines and the Senate and House of
26 Representatives committees concerned as may be required from
27 time to time, and perform such other functions as may be
28 authorized or required under existing laws and as directed by the

1 President himself/herself or as recommended by the congressional
2 committees concerned.

3 **(X) ORDER EXAMINATION FOR DRUG DEPENDENCY UPON**
4 **RECEIPT OF VERIFIED APPLICATION FOR VOLUNTARY**
5 **CONFINEMENT AND TREATMENT OF DRUG DEPENDENTS,**
6 **HEAR AND DECIDE IN CASES WHERE ONLY ONE DOH-**
7 **ACCREDITED PHYSICIAN CONFIRMS DRUG DEPENDENCY AND**
8 **ISSUE AN ORDER OF CONFINEMENT AND TREATMENT**
9 **THEREOF.**

10 **(Y) ESTABLISH AND MAINTAIN FIELD OFFICES IT MAY DEEM**
11 **NECESSARY FOR THE EFFECTIVE IMPLEMENTATION OF THE**
12 **NATIONAL DRUG PREVENTION AND CONTROL STRATEGY.**

13 SECTION 5. **Repealing Clause.**- All laws, decrees, executive orders,
14 issuances or regulations inconsistent with the provisions of this Act shall
15 hereby revised or amend accordingly.

16
17 SECTION 6. **Separability Clause.**- If any part of this Act is declared
18 unconstitutional or invalid such parts or provisions thereof not so
19 declared shall remain valid and subsisting.

20
21 SECTION 7. **Effectivity Clause.**- This Act shall take effect fifteen (15)
22 days after its publication in at least two (2) newspaper of general
23 circulation.

24
25
26 *Approved.*