

Office of the Secretary

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**SEVENTEENTH CONGRESS OF THE }
REPUBLIC OF THE PHILIPPINES }
First Regular Session }**

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

Introduced by SENATOR VICENTE C. SOTTO III

**AN ACT
AMENDING ARTICLE IX OF REPUBLIC ACT 9165, OTHERWISE
KNOWN AS THE COMPREHENSIVE DANGEROUS DRUGS ACT OF
2002, AND CREATING THE PRESIDENTIAL ANTI-DRUG
AUTHORITY (PRADA), 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."

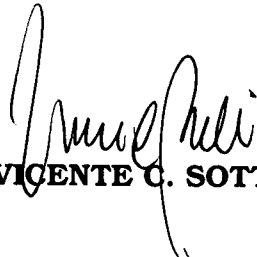
The Philippines' war against drug has been ongoing since the year 1972, which resulted to the enactment of Republic Act No. 6425, otherwise known as the "*Dangerous Drug Act of 1972*," as well as the creation of the Dangerous Drugs Board (DDB) through Presidential Decree No. 44. Since their inception, 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law has undergone several amendments, and the DDB has formulated numerous policies and programs until RA 6425 has been repealed by Republic Act No. 9165, otherwise known as the "*Comprehensive Dangerous Drugs Act*".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 RA 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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SENATE
S.B. No. 3

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AN ACT
AMENDING ARTICLE IX OF REPUBLIC ACT 9165, OTHERWISE
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2002, AND CREATING THE PRESIDENTIAL ANTI-DRUG
AUTHORITY (PRADA), AND FOR OTHER PURPOSES

*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 Anti-Drug Authority (PRADA) 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 Anti-Drug Authority (PRADA).** -
12 The PRADA shall primarily be the supervising agency for the proper,
13 more effective and efficient implementation of Republic Act 9165,
14 otherwise known as the "Comprehensive Dangerous Drugs Act of
15 2002." It shall likewise absorb the policy-making and strategy-
16 formulating functions of the current Dangerous Drugs Board. It shall
17 be under the Office of the President.

18 The creation of the PRADA shall dissolve the existing Philippine
19 Drug Enforcement Agency (PDEA) and the Dangerous Drugs Board
20 (DDB).

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

13 The PRADA shall be headed by a Secretary, who shall be
14 responsible for the general administration and management of the
15 agency and shall hold office at the pleasure of the President. The
16 Secretary of the PRADA shall be appointed by the President of the
17 Philippines and shall perform such other duties that may be assigned
18 to him/her. He/she must possess adequate knowledge, training and
19 experience in the field of dangerous drugs and controlled precursor
20 and essential chemical, and in any of the following fields: law
21 enforcement, law, medicine, criminology, psychology or social work.

22 **SECTION 4. *Organization of the PRADA.*** – The PRADA shall
23 have the following Bureaus:

- 24 1) Anti-Drug Enforcement;
- 25 2) Anti-Drug Prosecution;
- 26 3) Anti-Drug Prevention;
- 27 4) Anti-Drug Rehabilitation; and
- 28 5) Ant-Drug Policy Formulation, Guidelines and Procedures.

29 **SECTION 5. *General Powers, Term of Office and***
30 ***Compensation of the Bureau Chief.*** – Each Bureau shall be headed
31 by a Bureau Chief, with a rank of an Undersecretary, who shall be
32 appointed by the President upon the recommendation of the

1 Secretary, shall hold office at the pleasure of the President and shall
2 receive the compensation, allowances and other emoluments to which
3 Undersecretaries are entitled. He/she shall be responsible for the
4 general administration and management of the assigned Bureau.

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

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

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

- 17 a) Require regular monthly reports from all the Narcotics Units
18 relative to the status of the implementation of RA 9165 in
19 their respective Units.
- 20 b) Conduct a periodic assessment or examination of all the
21 personnel of all the Narcotics Unit in order to ascertain that
22 their duties are satisfactorily performed.
- 23 c) Take such necessary action or step, as prescribed by law, to
24 make a personnel of any Narcotics Unit who fails or neglects
25 his/her function to perform what is incumbent upon
26 him/her.

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

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

- 3 a) Require regular monthly reports from the DOJ on the status
4 of the prosecution of all pending illegal drug-related cases in
5 the country.
- 6 b) Conduct a periodic assessment or examination of all the
7 personnel involved in the prosecution of illegal drug cases to
8 ascertain that their duties are satisfactorily performed.
- 9 c) Take such necessary action or step, as prescribed by law, to
10 make a personnel of DOJ who fails or neglects his/her
11 function relating to prosecution of illegal drugs-related cases
12 to perform what is incumbent upon him/her.

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

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

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

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

- 28 a) Require regular monthly reports from the DepEd, CHED,
29 TESDA, DSWD and DOLE regarding the status of the
30 implementation of R.A. 9165 in their respective jurisdictions.

- 1 b) Conduct a periodic assessment or examination of all the
2 personnel involved in the implementation of R.A. 9165 to
3 ascertain that their duties are satisfactorily performed.
- 4 c) Take such necessary action or step, as prescribed by law, to
5 make a personnel of DepEd, CHED, TESDA, DSWD or DOLE
6 who fails or neglects his/her function to perform what is
7 incumbent upon him/her under R.A. 9165.

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

14 The DOH's duty to oversee and monitor the integration,
15 coordination and supervision of all drug rehabilitation, intervention,
16 after-care and follow-up programs, projects and activities as well as
17 the establishment, operations, maintenance and management of
18 privately-owned drug treatment rehabilitation centers and drug
19 testing networks and laboratories throughout the country in
20 coordination with the DSWD and other agencies shall be exercised
21 jointly with the Anti-Drug Rehabilitation Bureau.

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

- 24 a) Require regular monthly reports from the DOH in relation to
25 the status of the implementation of its functions under R.A.
26 9165; from the different DOH-accredited drug rehabilitation
27 centers all over the country on the general status of drug
28 rehabilitation patients; and from the DSWD as to the status
29 of the implementation of its duties and responsibilities under
30 R.A. 9165.
- 31 b) Conduct a periodic assessment or examination of all the
32 personnel involved in the implementation of R.A. 9165 to
33 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 DOH or DSWD who fails or neglects
3 his/her function to perform what is incumbent upon
4 him/her under R.A. 9165.

5 SECTION 10. **Powers and Functions of the Anti-Drug Policy**
6 **Formulation, Guidelines and Procedures Bureau.** – The powers
7 and duties of the DDB provided in Section 81 of R.A. 9165 shall be
8 absorbed by the Anti-Drug Policy, Formulation, Guidelines and
9 Procedures Bureau.

10 SECTION 11. **Transfer, Absorption and Integration of All**
11 **Operating Units of the PDEA and DDB to PRADA.** – Upon the
12 effectivity of this Act, the PDEA and DDB shall cease to exist; however
13 they shall continue with the performance of their task as detail service
14 with the PRADA, subject to screening, until such time that the
15 organizational structure of PRADA is fully operational. *Provided,* That
16 such personnel who are affected shall have the option of either being
17 integrated into the PRADA or transfer to other concerned government
18 agencies and shall, thereafter, be immediately reassigned to other
19 units therein by the head of such agencies. Such personnel who are
20 transferred, absorbed and integrated in the PDEA shall be extended
21 appointments to positions similar in rank, salary, and other
22 emoluments and privileges granted to their respective positions in
23 their original agencies.

24 SECTION 12. **PDEA Academy and its Graduates.** – Upon the
25 effectivity of this Act, the PDEA Academy shall cease to accept
26 enrollees. Those students who will be graduating from the Academy
27 after the implementation of this Act shall be given an option to either
28 be employed in any of the Bureaus under the PRADA, or work under
29 any of the Narcotics Unit of PNP, NBI, AFP or BOC subject to the
30 employment requirement and policy of the respective Narcotics Units.

31 SECTION 13. **Implementing Rules and Regulations.** – The
32 present PDEA, represented by its Director General, as well as the

1 Chair of the DDB, together with the Secretaries of the DOH, DILG,
2 DOJ and DepEd, and in consultation with the CHED, TESDA, DSWD,
3 DOLE, PNP, NBI and all other concerned government agencies shall
4 promulgate within sixty (60) days the Implementing Rules and
5 Regulations that shall be necessary to implement the provisions of
6 this Act.

7 SECTION 14. **Reportorial Requirements.** - The Secretary of
8 the PRADA and the head of each Bureau shall submit a consolidated
9 annual report to the President of the Philippines, copy furnished the
10 President of the Senate and the Speaker of the House of
11 Representatives, on the statuses of the implementation of this Act and
12 the anti-drug campaign in the country.

13 SECTION 15. **Funding Source.** - The funds required for the
14 implementation of this Act shall be taken from the budget of the PDEA
15 and DDB for the current fiscal year.

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

18 SECTION 16. **Separability Clause.** - If any of provision of this
19 Act is held invalid or unconstitutional, the same shall not affect the
20 validity and effectivity of the other provisions hereof.

21 SECTION 17. **Repealing Clause.** - All laws, decrees, orders, and
22 issuances, or portions thereof, which are inconsistent with the
23 provisions of this Act, are hereby repealed, amended or modified
24 accordingly.

25 SECTION 18. **Effectivity Clause.** - This Act shall take effect
26 fifteen (15) days after its publication in the *Official Gazette* or in two
27 (2) newspapers of general circulation.

Approved,