

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



'19 JUL -8 P12 :02

SENATE
S.B. No. 242

RECEIVED 

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>

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.



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THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002

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

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

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

5 **DOH-ACCREDITED PHYSICIAN. - A PHYSICIAN WITH**
6 **BACKGROUND AND EXPERIENCE ON**
7 **PSYCHOLOGICAL/BEHAVIORAL MEDICINE WHOSE APPLICATION**
8 **HAS BEEN APPROVED AND DULY AUTHORIZED BY THE DOH TO**

1 CONDUCT DRUG DEPENDENCY EXAMINATION AND TREATMENT
2 ON PERSONS BELIEVED TO BE USING DANGEROUS DRUGS.

3 DRUG DEPENDENCY EXAMINATION. - A PROCEDURE
4 CONDUCTED BY THE DOH-ACCREDITED PHYSICIAN TO
5 EVALUATE THE EXTENT OF DRUG ABUSE OF A PERSON AND TO
6 DETERMINE WHETHER OR NOT HE/SHE IS A DRUG
7 DEPENDENT, WHICH INCLUDES HISTORY TAKING, INTAKE
8 INTERVIEW, DETERMINATION OF THE CRITERIA FOR DRUG
9 DEPENDENCY, MENTAL AND PHYSICAL STATUS, AND THE
10 DETECTION OF DANGEROUS DRUGS IN THE BODY SPECIMENS
11 THROUGH LABORATORY PROCEDURES.

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

19 SECTION 2. Section 54 of Republic Act 9165 is hereby amended to
20 read as follows:

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

1 UPON RECEIPT OF THE VERIFIED APPLICATION, THE BOARD OR
2 ITS DULY AUTHORIZED REPRESENTATIVE SHALL ORDER THAT
3 THE APPLICANT OR THE PERSON IN WHOSE BEHALF THE
4 APPLICATION IS FILED, BE EXAMINED FOR DRUG DEPENDENCY
5 BY TWO (2) DOH-ACCREDITED PHYSICIANS.

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

13 [Upon such application, the Board shall bring forth the matter to the
14 Court, which shall order that the applicant be examined for drug
15 dependency. If the examination by a DOH-accredited physician results
16 in the issuance of a certification that the applicant is a drug
17 dependent, he/she shall be ordered by the Court to undergo
18 treatment and rehabilitation in a Center designated by the Board]

19 **THE ORDER OF CONFINEMENT AND TREATMENT MAY BE IN A**
20 **GOVERNMENT OR PRIVATE TREATMENT AND REHABILITATION**
21 **CENTER DESIGNATED BY THE BOARD, AT THE OPTION OF THE**
22 **APPLICANT. THE APPLICANT SHALL BEAR THE TREATMENT AND**
23 **REHABILITATION COSTS IF HE/SHE OPTED TO BE TREATED IN**
24 **A PRIVATE REHABILITATION INSTITUTION. SUCH CONFINEMENT**

25 **SHALL BE** for a period of not less than six (6) months: Provided, That
26 a drug dependent may be placed under the care of a DOH-accredited
27 physician where there is no Center near or accessible to the residence
28 of the drug dependent or where said drug dependent is below eighteen
29 (18) years of age and is a first-time offender and non-confinement in a

1 Center will not pose a serious danger to his/her family or the
2 community.

3 Confinement in a Center for treatment and rehabilitation shall not
4 exceed one (1) year, after which time [the Court, as well as] the Board,
5 shall be apprised by the head of the treatment and rehabilitation
6 center of the status of said drug dependent and determine whether
7 further confinement will be for the welfare of the drug dependent and
8 his/her family or the community.

9 SECTION 3. Section 77 of Republic Act 9165 is hereby amended to
10 read as follows:

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

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**
25 **REVIEW IN ACCORDANCE WITH THE PERTINENT PROVISIONS**
26 **OF THE RULES OF COURT.**

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

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

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

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

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

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

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

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

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

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

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

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

3 (k) Prescribe and promulgate rules and regulations governing
4 the 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
10 and/or controlled precursor and essential chemical, for which
11 purpose the Board may require from any official,
12 instrumentality or agency of the government or any private
13 person or enterprise dealing in, or engaged in activities having
14 to do with any dangerous drug and/or controlled precursors
15 and essential chemicals such data or information as it may
16 need to implement this Act;

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

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

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

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

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

17 (r) Formulate guidelines, in coordination with other government
18 agencies, the importation, distribution, production,
19 manufacture, compounding, prescription, dispensing and sale
20 of, and other lawful acts in connection with any dangerous
21 drug, controlled precursors and essential chemicals and other
22 similar or analogous substances of such kind and in such
23 quantity as it may deem necessary according to the medical and
24 research needs or requirements of the country including diet
25 pills containing ephedrine and other addictive chemicals and
26 determine the quantity and/or quality of dangerous drugs and
27 controlled precursors and essential chemicals to be imported,
28 manufactured and held in stock at any given time by authorized
29 importer, 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
3 of the country to neutralize transnational crime syndicates
4 involved in illegal trafficking of any dangerous drugs and/or
5 controlled 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
8 of the drug establishment, or manager of a partnership,
9 corporation, association, or any juridical entity owning and/or
10 controlling such drug establishment, and who knowingly
11 participates in, or consents to, tolerates, or abets the
12 commission of the act of violations as indicated in the preceding
13 paragraph, all without prejudice to the criminal prosecution of
14 the person responsible for the said violation;

15 (u) Appoint such technical, administrative and other personnel
16 as 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
19 concerned government agencies and medical professional
20 organizations to determine if balance exists in policies,
21 procedures, rules and regulations on dangerous drugs and to
22 provide recommendations on how the lawful use of dangerous
23 drugs can be improved and 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
29 the President himself/herself or as recommended by the
30 congressional committees concerned.

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

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

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

15
16 SECTION 6. **Separability Clause.** - If any part of this Act is declared
17 unconstitutional or invalid such parts or provisions thereof not so
18 declared shall remain valid and subsisting.

19
20 SECTION 7. **Effectivity Clause.** - This Act shall take effect fifteen (15)
21 days after its publication in at least two (2) newspaper of general
22 circulation.

23 *Approved.*