Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session
1547

HOUSE BILL No.

Introduced by REPRESENTATIVES ALFREDO A. GARBIN, Jr. and
ELIZALDY S. CO

AN ACT PROVIDING FOR THE LEGAL PROCEDURE IN THE DISPOSITION AND
REHABILITATION OF DRUG DEPENDENTS AND/OR DRUG PUSHERS OR
DEALERS WHO VOLUNTARILY SURRENDER, AMENDING FOR THE PURPOSE
RA 9165, AS AMENDED

EXPLANATORY NOTE

The Philippine government, under the stewardship of President Rodrigo Roa
Duterte, is gaining traction in its war against illegal drugs. A strong proactive stance
against the illegal drug trade is being undertaken; and, while the final outcome of this
war is yet to be determined, there is a need to address the other aspects of the issue of
illegal drugs.

The news is abounding with reports that hundreds of thousands of Filipinos have
voluntarily surrendered to the authorities, confessing that they are either pushers or
users of illegal substances. The authorities on the other hand did not anticipate such
influx of surrenderees, as this phenomenon is unprecedented in the history of the
Philippines.

Unfortunately, there is currently no legislation that addresses this situation.
Republic Act 9165, or the "Comprehensive Dangerous Drugs Act of 2002", as amended,
failed to provide the answers. There being an uncertainty on the course of action to be
taken, the authorities merely register or list down the names of the surrenderees, and
release these self-confessed drug addicts and pushers back to the general public.

The proposed piece of legislation seeks to rectify this vacuum in the law and
provide clear guidelines for the disposition of these surrenderees. Undersigned
legislators propose that the surrenderees, after a positive determination of their drug
dependence, shall be required to undergo mandatory treatment and rehabilitation.

The mandatory treatment for confirmed drug dependents, not otherwise failing
into other provisions of the Comprehensive Dangerous Drugs Act of 2002, is necessary
since drug dependency is a psychological disorder, which needs to be corrected;
otherwise, the citizens who took the first step towards reformation may return to their old
ways. As defined by the law, drug dependence is "a cluster of physiological, behavioral
and cognitive phenomena of variable intensity, in which the use of psychoactive drug
takes on a high priority thereby involving, among others, a strong desire or a sense of
compulsion to take the substance and the difficulties in controlling substance-taking
behavior in terms of its onset, termination, or levels of use."
In view of the foregoing, the approval of this bill is earnestly sought.

ALFREDO A. GARBIN, Jr.

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

Section 1. Section 3 or RA 9165, as amended by RA 10640, is hereby amended to read as follows:

A) xxx

B) xxx

Section 1. There is hereby inserted a new sub-section 54-A, under Section 54, which shall read as follows:

Section 54. xxx

SUB-SECTION 54-A. VOLUNTARY SURRENDER OF A DRUG DEPENDENT – A SURRENDEREE, WHO ADMITS TO BE A DRUG DEPENDENT BUT NOT A DRUG PushER OR DEALER, SHALL BE ENDORSED BY SUCH PDEA/NBI/PNP OFFICER/S OR MEMBER/S TO A DOH-ACCREDITED PHYSICIAN FOR EXAMINATION. SHOULD THE PHYSICIAN FIND THE NEED FOR REHABILITATION, THE SURRENDEREE SHALL VOLUNTARILY SUBMIT FOR CONFINEMENT AND REHABILITATION IN THE NEAREST CENTER: PROVIDED, THAT A DRUG DEPENDENT MAY BE PLACED UNDER THE CARE OF A DOH-ACCREDITED PHYSICIAN WHERE THERE IS NO CENTER NEAR OR ACCESSIBLE TO THE RESIDENCE OF THE DRUG DEPENDENT OR WHERE SAID DRUG DEPENDENT IS BELOW EIGHTEEN (18) YEARS OF AGE AND IS A FIRST-TIME OFFENDER AND NON-CONFINEMENT IN A CENTER WILL NOT POSE A SERIOUS DANGER TO HIS/HER FAMILY OR THE COMMUNITY. PROVIDED FURTHER, THAT SHOULD THE SURRENDEREE REFUSE TO SUBMIT
TO CONFINEMENT AND REHABILITATION, HE/SHE WILL BE CHARGED ACCORDINGLY PURSUANT TO SECTION 5.

Section 1. There is hereby inserted a new sub-section 54-B, under Section 54, which shall read as follows:

Section 54. xxx

xxx


A DRUG DEALER SURRENDEREE WHO, UPON EXAMINATION, IS FOUND NOT TO BE A DRUG DEPENDENT, SHALL BE RELEASED AND PLACED UNDER A WATCHLIST. INCLUSION IN THE WATCHLIST WILL BE AN AGGRAVATING CIRCUMSTANCE SHOULD THE SURRENDEREE BE SUBSEQUENTLY ARRESTED OR APPREHENDED IN VIOLATION OF SECTION 5 AND/OR 15 OF THIS ACT.

Section 4. Implementing Rules and Regulations. The Philippine Drug Enforcement Agency (PDEA) and the Dangerous Drugs Board, in consultation with the Department of Justice (DOJ), Department of Health (DOH), National Bureau of Investigation (NBI) and the Philippine National Police, shall issue the necessary Implementing Rules and Regulations.

Section 5. Provisions affected by these amendments shall be renumbered accordingly.

Section 6. Separability Clause. If any provision or part hereof is declared invalid or unconstitutional, the remainder of this Act or provision not affected shall remain in full force and effect.
Section 7. Repealing Clause. All laws, Presidential Decrees, Executive Orders, rules
and regulations or parts thereof inconsistent with the provisions of this Act are hereby
repealed, amended or modified accordingly.
Section 8. Effectivity Clause. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,