EXPLANATORY NOTE

Reports of illegal drug trafficking and use of among inmates of the New Bilibid Prison have surfaced increasingly since 2014 when the government launched a series of raids under Oplan Galugad at the national penitentiary. In the much publicized raids, the police discovered methamphetamine, drug paraphernalia, and other objects and facilities prohibited inside prisons.

This presents the stark reality of the persistent illegal drug trade inside our penal and correctional institutions. The lack of appropriate safeguards to prevent such illicit undertaking has caused the flourishing of these reprehensible activities in what are supposed to be institutions meant to discipline or rehabilitate felons.

Thus, this proposed legislation envisions a penal and correctional system insulated from the blight of illegal drugs by instituting a mandatory random drug test to all detainees/prisoners and their custodians. Prisoners/detainees shall be subject to such tests and, if tested positive shall undergo treatment in a rehabilitation facility for illegal drugs. Prisoners who will test positive shall also have their petitions for parole/pardon reconsidered by the Board of Pardons and Parole. Likewise, government officials/employees who shall be proven positive of illegal drug use, their rehabilitation notwithstanding, shall suffer administrative and criminal sanctions.

In view of the foregoing, immediate passage of this bill is earnestly sought.

MANUEL DG. CABOCHAN III
Representative
Magdalo Para sa Pilipino Party-List
REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 5627

Introduced by MAGDALO PARTY-LIST Representative
HON. MANUEL DG. CABOCHAN III

AN ACT
MANDATING THE ADMINISTRATION OF REGULAR DRUG TESTS IN
CORRECTIONAL PENAL INSTITUTIONS

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

SECTION 1. Short Title. – This Act shall be known as the Drug-Free Prisons Act.

SEC. 2. Declaration of Policy. – It is the policy of the State to safeguard the integrity
of correctional and penal institutions throughout the country thereby ensuring the successful
rehabilitation and reformation of inmates before their reintegration into mainstream society.
Towards this end, the State shall implement measures to prevent the entry of illegal drugs in
penitentiaries and the use of prohibited substances by those under State custody, as well as by
the public officials and employees who work therein.

SEC. 3. Coverage. – This Act shall apply to:
(a) all city, district, municipal, provincial and sub-provincial jails under the
supervision of the Bureau of Jail Management and Penology and the local
government units;
(b) all prison and reformation facilities under the supervision of the Bureau of
Corrections; and
(c) the custodial centers of the Philippine National Police, the National Bureau of
Investigation, and the Armed Forces of the Philippines.

SEC. 4. Mandatory Drug Testing. – The following shall be covered by the mandatory
drug testing:
(a) All persons in state custody, whether under detention for investigation and/or trial
for alleged commission of an offense or crime, or have already been sentenced
with imprisonment by final judgement, irrespective of the place of their detention
or imprisonment, shall undergo mandatory drug testing; and
(b) All persons employed or detailed in prisons, jails and other detention facilities,
whether in a permanent or temporary capacity.

The testing shall be conducted in accordance with the procedures set forth by the
Dangerous Drugs Board and at the random and unannounced intervals, the frequency of
which shall be determined by the head of the detention/prison facility, but in no case shall be
less than once per annum. The result of the test conducted upon such person shall be revealed
to him/her and reflected in his/her prison record; Provided, that all drug test results and
records must strictly be held confidential as provided for under the pertinent provisions of
Republic Act No. 9165.

SEC. 5. Effect of a Positive Result. – A positive drug test shall immediately be made
known to the head of detention/prison institution, who shall then notify the concerned person.
Such person shall have fifteen (15) days from receipt of notice to challenge the result of the
test. A challenge test shall then be conducted, using the same specimen, by a government
drug testing laboratory. Failure to file a challenge within the prescribed period shall make
the positive drug test final.

A detainee/prisoner who is found positive of drug use shall undergo a Drug
Dependency Examination conducted by the Department of Health (DOH) and thereafter be
immediately transferred to facilities designated for treatment and/or rehabilitation of
detainees/prisoners who are drug users. Repeated drug use even after ample opportunity for
treatment and rehabilitation shall be dealt with the corresponding penalties under R.A. No.
9165.

If the prisoner has a pending petition for executive clemency or parole, the head of the
prison institution shall inform the Board of Pardons and Parole of such positive drug test
result. The Board shall consider the positive drug test result in its evaluation of such petition.

A public official/employee who is tested positive of drug use shall likewise undergo a
Drug Dependency Examination conducted by DOH, and shall be advised on possible
programs for treatment and rehabilitation. However, this shall be without prejudice to
administrative and criminal liabilities for violation of R.A. No. 9165, and other civil service
rules against drug use by public officials and employees.

SEC. 6. Appropriations. ---The concerned detention/prison institution shall bear the
expenses for the conduct of the initial drug test. However, drug test conducted as a result of a
challenge to a positive to a drug test shall be account of the detainee/prisoner or public
official/employee, as applicable.

SEC. 7. Reports. – The BuCor and the BJMP shall submit to the President of the
Senate and the Speaker of the House of Representatives an annual report on the
implementation on this Act.

SEC. 8. Implementing Rules and Regulations. – Within six (6) months from the
approval of this Act, the Department of Justice, the Department of Interior and Local
Government, the Department of Health, and the Commission of Human Rights shall adopt
and issue the rules and regulations for the effective implementation of this Act.

SEC. 9. Repealing Clause. – All laws, executive orders, presidential decrees,
presidential proclamations, letters of implementation, rules and regulations or parts thereof
inconsistent with the provisions of this Act are hereby repealed or modify accordingly.
SEC. 10. **Separability Clause.** – If any provision of this Act is declared invalid or unconstitutional, the provisions not affected thereby shall continue to be in full force and effect.

SEC. 11. **Effectivity.** This Act shall take effect fifteen (15) days after its publication in the Official Gazette in at least two (2) newspapers of general circulation.

Approved,