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HOUSE OF REPRESENTATIVES
H.B. No. **5968**

Introduced by Representative H. Harry L. Roque Jr.

EXPLANATORY NOTE

The Constitution, Article II, Section 13 provides:

Section 13. The state recognizes the vital role of the youth in nation building and shall promote their physical, moral, spiritual, intellectual and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

Our people are more concerned about illegal drug use and crimes associated with such use than any other current social problem. Illegal drug use is harmful and wrong. Illegal drug use can kill the individuals involved or cause the individuals to hurt or kill others, and such use strips the individuals of their moral sense and with it, everything in life that is important and worthwhile.

The greatest threat presented by such use is to the youth, who are illegally using drugs. National leadership is critical to conveying to the youth the message that drug use is dangerous and wrong. While government's efforts to punish drug pushers are commendable, the problem cannot be addressed fully if the government will not undertake effort to reduce drug use, by mobilizing every sector of the community to support the implementation of comprehensive, sustainable, and effective programs to reduce drug abuse.

This bill seeks to facilitate a significant reduction in the incidence and prevalence of substance abuse through reducing the demand for illegal drugs and the inappropriate use of legal drugs.*



H. HARRY L. ROQUE JR.

* This bill was originally filed by Senator Miriam Defensor Santiago during the Sixteenth Congress, First Regular Session.

1 National Youth Commission (NYC), and the Philippine Information Agency (PIA), shall
2 conduct a national media campaign in accordance with this subtitle for the purpose of
3 reducing and preventing drug abuse among young people in the Philippines.

4 (B) *Local Target Requirement.* - The Director shall, to the maximum extent
5 feasible, use amounts made available to carry out this subtitle for media that focuses on, or
6 includes specific information on, prevention or treatment resources for consumers within
7 specific local areas.

8 SECTION 3. *Use of Funds.* -

9 (A) *Authorized Uses.* -

10 (1) *In General.* - Amounts made available to carry out this Act for the support of
11 national media campaign may only be used for—

- 12 (a) the purchase of media time and space;
- 13 (b) talent reuse payments;
- 14 (c) out-of-pocket advertising costs ;
- 15 (d) testing and evaluation of advertising;
- 16 (e) evaluation of the effectiveness of the media campaign;
- 17 (f) the negotiated fees for the winning bidder on request for proposals
18 issued by the Office of National Drug Control Policy;
- 19 (g) partnerships with community, civic, and professional groups, and
20 government organizations related to the media campaign; and
- 21 (h) entertainment industry collaborations to fashion antidrug messages in
22 motion pictures, television programming, popular music, interactive
23 (internet and news) media projects and activities, public information,
24 news media outreach, and corporate sponsorship and participation.

1 (2) *Advertising.* - In carrying out this subtitle, the Director shall devote sufficient
2 funds to the advertising portion of the national media campaign to the stated
3 reach and frequency goals of the campaign.

4 (B) *Prohibitions.* - None of the amounts made available under this subtitle may be
5 obligated or expended—

6 (1) to supplant current community based coalitions;

7 (2) to supplant current *pro bono* public service time donated by national
8 and local broadcasting networks;

9 (3) for partisan political purposes; or

10 (4) to fund media campaigns that feature any elected officials, persons
11 seeking elective office, cabinet level officials, and other agency
12 officials.

13 SECTION 4. *Reports to Congress.* - The Director shall—

14 (A) Submit to Congress, on an annual basis, a report on the activities for which
15 amounts made available under this subtitle have been obligated during the preceding year,
16 including information for each quarter of such year, and on the specific parameters of the
17 national media campaign; and

18 (B) A certification that funds made available under this subtitle will not be used to
19 supplant local funds, but will be used to increase the amounts of such funds that would, in the
20 absence of funds, be made available for law enforcement activities; and the programs
21 developed pursuant to this subtitle meet all requirements of this subtitle.

22 (C) *Review and Approval.* - The Director shall approve applications and make
23 grant awards to units of local governments that show the most promise for accomplishing the
24 purposes of this subtitle.

1 SECTION 5. *Uses of Funds by Local Government Units.* - A local government unit
2 that receives a grant award under this Act shall use funds to provide comprehensive treatment
3 programs to inmates in prisons or jails, including not less than three (3) of the following:

4 (A) Tailored treatment programs to meet the special needs of different types of
5 substance-involved offenders.

6 (B) Random and frequent drug testing, including a system of sanctions.

7 (C) Training and assistance for corrections officers and personnel to assist
8 substance involved offenders.

9 (D) Clinical assessment of incoming substance-involved offenders.

10 (E) Availability of religious and spiritual activity and counseling to provide an
11 environment that encourages recovery from substance involvement in correctional facilities.

12 (F) Educational and vocational training.

13 (G) A substance-free correctional facility policy.

14 SECTION 6. *Evaluation and Recommendation Report to Congress.* -

15 (A) *Evaluation.* -

16 (1) *In General.* - The Director shall enter into a contract, with an evaluating
17 agency that has demonstrated experience in the evaluation of substance abuse
18 treatment, to conduct an evaluation that incorporates the criteria.

19 (2) *Evaluation Criteria.* - The Director shall establish minimum criteria for
20 evaluating each program. Such criteria shall include reducing substance abuse
21 among participants; reducing recidivism among participants; cost
22 effectiveness of providing services to participants; and a data system that will
23 produce data.

(B) *Report.* - The Director shall submit to the appropriate committees of the Senate and the House of Representatives, at the same time as the President's budget is submitted, a report that describes the activities funded by grant awards under this subtitle; includes the evaluation submitted pursuant to paragraph (A) and makes recommendations regarding revisions to the authorization of the program, reduction, and termination.

SECTION 7. *Definitions.* - For purposes of this Act, the term:

(A) "Appropriate committees" mean the Committees on Appropriations of the House of Representatives and the Senate;

(B) "Substance-involved offender" means an individual under the supervision of a government or local criminal justice system, awaiting trial or serving a sentence imposed by the criminal justice system, who-

(1) violated or has been arrested for violating a drug or alcohol law;

(2) was under the influence of alcohol or an illegal drug at the time the crime was committed;

(3) stole property to buy illegal drugs, or

(4) has a history of substance abuse and addiction.

(C) "Local government unit" means municipality, city, or province.

SECTION 8. *Authorization of Appropriations.* - There are authorized to be appropriated such sums as may be necessary to implement this Act.

TITLE II-PROTECTING OUR NEIGHBORHOODS AND SCHOOLS FROM DRUGS

Subtitle A-Drug-free Teen Drivers

SECTION 9. *Demonstration Program.* - The Land Transportation Office (hereinafter "LTO") shall establish a demonstration program to provide voluntary drug testing for all teenager applicants, or other first time applicants for a driver's license regardless of age, for a driver's license. Information respecting an applicant's choice not to take the drug test or the result of the drug test on the applicant shall be made available to the applicant's automobile insurance company. If an applicant tests positive in the drug test, the LTO in which the program is established will not issue a license to the applicant and will require the applicant to complete a drug treatment program and to not test positive in a drug test before reapplying for a license.

Subtitle B-Drug-Free Schools

SECTION 10. *Authorization of Appropriations.* - There is authorized to be appropriated such sums as may be necessary to carry out this subtitle.

SECTION 11. *Authorization for Report Cards on Schools -*

(A) *In General.* - The Secretary of Education shall develop, establish, or conduct innovative programs for implementation in public schools and state colleges and universities to improve safety and promote the welfare of the students.

(B) *Priority*. - The Secretary shall give priority to establishing-

(1) Programs that provide parent and teacher notification about incidents of physical violence, weapon possession, or drug activity on school grounds as soon as practicable.

(2) Programs that provide parents and teachers an annual report regarding-

- 1 (a) the total number of incidents of physical violence, weapon possession,
2 and drug activity on school grounds;
- 3 (b) the percentage of students missing 10 or fewer days of school; and
- 4 (c) a comparison, if available, to previous annual reports under this
5 paragraph, which comparison shall not involve a comparison of more
6 than five (5) such previous annual reports; and
- 7 (3) Programs to enhance school security measures that may include-
- 8 (a) equipping schools with fences, closed circuit cameras, and other
9 physical security measures;
- 10 (b) providing increased police patrols in and around elementary schools
11 and secondary schools, including canine patrols; and
- 12 (c) mailings to parents at the beginning of the school year stating that the
13 possession of a gun or other weapon, or the sale of drugs in school,
14 will not be tolerated by school authorities.

15 SECTION 12. *Parental Consent to Drug Testing.* -

16 (A) *In General.* - The Secretary, in cooperation with the Dangerous Drugs Board
17 and the National Youth Commission, shall develop, establish, or conduct programs for testing
18 students for illegal drug use with prior parental consent.

19 (B) *Guidelines.* - The Secretary shall adapt the following guidelines in
20 implementing the program:

- 21 (1) Students shall only be tested with their parent's consent. If the program also
22 requires the consent of the student, the parent shall be informed of any refusal
23 by the student to give consent.

1 (2) The program may involve random testing or testing of all students within
2 certain age parameters at a participating school.

3 (3) Students who test positive for illegal drugs will not be penalized, except that
4 the privilege of participating in optional courses or extra-curricula activities in
5 which drug impairment might pose a safety risk such as athletic teams, drivers
6 education, or industrial arts may be restricted.

7 (4) The parent of a student who tests positive for illegal drugs shall be notified of
8 the results in a discrete manner by a health care professional, a counselor, or
9 other appropriate person. Parents shall be advised of resources that may be
10 available in the local area to treat drug dependency.

11 (C) *Subpoenas and Discovery.* - Test results for tests conducted shall not be
12 subject to subpoena or discovery in any court or administrative forum, without the consent of
13 the individual's consent is required.

14 Subtitle C-Drug-Free Workplaces

15 SECTION 13. *Purposes.* - The purposes of this Section are to-

16 (A) Educate small business concerns about the advantages of a drug-free
17 workplace;

18 (B) Provide financial incentives and technical assistance to enable small business
19 concerns to create a drug-free workplace; and

20 (C) Assist working parents in keeping their children drug-free.

21 SECTION 14. *Drug-free Workplace Demonstration Program.* -

(A) *Establishment.* - There is established a drug-free demonstration program, under which the Dangerous Drugs Board, shall start a drug-free workplace program.

(B) *Requirements for Program.* - Any drug-free workplace program established as a result of this section shall include -

(1) A written policy, including a clear statement of expectations for workplace behavior, prohibitions against substances in the workplace, and the consequences of violating such expectations and prohibitions;

(2) Employee drug testing; and

(5) Employee access to an employee assistance program, including assessment, referral, and short-term or long-term problem resolution.

TITLE 111 - NATIONAL DRUG CONTROL STRATEGY

SECTION 15. *Development, Submission, Implementation, and Assessment of National Drug Control Strategy.* -

(A) *Timing, Contents, and Process for Development and Submission of National Drug Control Strategy.* -Not later than sixty (60) days after the promulgation of this Act, the Director of the Dangerous Drugs Board shall submit to Congress a National Drug Control Strategy, which shall set forth a comprehensive four-year plan for reducing drug abuse and the consequences of drug use in the Philippines, by limiting the availability of and reducing the demand for illegal drugs and shall include quantifiable four-year performance objectives, targets, and measures for each National Drug Control Strategy goal and objective.

(B) *Contents.* - The National Drug Control Strategy shall include-

(1) Comprehensive, research-based, long-range, quantifiable, goals for reducing drug abuse and the consequences of drug-abuse in the Philippines;

1 (2) Short-term measurable objectives to accomplish long-term quantifiable goals
2 that the Director of the Dangerous Drugs Board determines may be
3 realistically achieved during the four-year period beginning on the date on
4 which the strategy is submitted;

5 (3) Five (5) year projections for program and budget priorities; and

6 (4) A review of governmental and private sector drug control activities to ensure
7 that the Philippines pursues well-coordinated and effective drug control at all
8 levels of government.

9 (C) *Classified Information.* - Any contents of the National Drug Control Strategy
10 that involves information properly classified under criteria established by an Executive Order
11 shall be presented to Congress separately from the rest of the Strategy.

12 (D) *Process for Development and Submission.* -

13 (1) *Consultation.* - In developing and effectively implementing the National Drug
14 Control Strategy, the Director shall consult with Congress, provincial and
15 local officials, private citizens and organizations with experience and expertise
16 in demand reduction and private citizens and organizations with experience
17 and expertise in supply reduction.

18 (2) *Modernization and Resubmission.* - Notwithstanding any other provision of
19 law, the Director may modify a National Drug Control Strategy submitted
20 under paragraph (1) at any time.

21 (3) *Annual Strategy Report.* - Every February 1 of each year, the Director shall
22 submit to Congress a report on the progress in implementing the Strategy,
23 which shall include an assessment of the effectiveness in achieving the
24 Strategy goals and objectives using the performance measurement system,
25 including an assessment of drug use and availability in the Philippines; and an

1 estimate of the effectiveness of interdiction, treatment, prevention, law
2 enforcement, and international programs under the National Drug Control
3 Strategy in effect during the preceding year, or in effect as of the date on
4 which the report is submitted;

- 5 (4) An assessment of current drug use, including inhalants, and availability,
6 impact of drug use, and treatment availability, which assessment shall include
7 estimates of drug prevalence and frequency of use as measured by national,
8 and local surveys of illicit drug use and by other special studies of casual and
9 chronic drug use; high-risk populations, including school dropouts, the
10 homeless and transient, arrestees, parolees, and juvenile delinquents; and drug
11 use in the workplace and the productivity lost by such use;

- 12 (5) An assessment of the reduction of drug availability against an ascertained
13 baseline, as measured by the quantities of cocaine, marijuana,
14 methamphetamine, and other drugs available, including recreational drugs
15 such as ecstasy for consumption in the Philippines; the amount of marijuana,
16 cocaine, and heroin, entering the Philippines; the number of hectares of
17 marijuana, poppy, and cocoa cultivated and destroyed; the number of metric
18 tons of marijuana, heroin, and cocaine seized; the number of cocaine and
19 methamphetamine processing laboratories destroyed; changes in the price and
20 purity of *shabu* and cocaine; the amount and type of controlled substances
21 diverted from legitimate retail and wholesale sources; and the effectiveness of
22 technology programs at improving drug detection capabilities in interdiction,
23 an at Philippines ports of entry;

- 24 (6) An assessment of the reduction of the consequences of drug use and
25 availability, which shall include estimation of the burden drug users placed on

1 hospital emergency departments in the Philippines, such as the quantity of
2 drug-related services provided; the annual national health care costs of drug
3 use, including costs associated with people becoming infected with human
4 immunodeficiency virus and other infectious diseases as a result of drug use;
5 the extent of drug-related crime and criminal activity; and the contribution of
6 drugs to the underground economy, as measured by the retail value of drugs
7 sold in the Philippines;

8 (7) A determination of the status of drug treatment in the Philippines, by assessing
9 public and private treatment capacity within each region, including
10 information on the treatment capacity available in relation to the capacity
11 actually used; the extent, within each region, to which treatment is available;
12 the number of drug users the Director estimates could benefit from treatment;
13 and the specific factors that restrict the availability of treatment services to
14 those seeking it and proposed administrative or legislative remedies to make
15 treatment available to those individuals; and

16 (8) An assessment of private sector initiatives and cooperative efforts between the
17 National Government and region and local governments for drug control.

18 (E) *Submission of Revised Strategy.* - The Director may submit to Congress a
19 revised National Drug Control Strategy that meets the requirements of this section at any
20 time, upon a determination by the Director that the National Drug Control Strategy in effect
21 is not sufficiently effective; and if a new Director takes office.

22 SECTION 16. *Separability Clause.* - If any provision or part thereof is held invalid or
23 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
24 valid and subsisting.

1 SECTION 17. *Repealing Clause.* - Any law, presidential decree or issuance,
2 executive order, letter of instruction, administrative order, rule, or regulation contrary to or
3 inconsistent with the provisions of this Act is hereby repealed, modified, or amended
4 accordingly.

5 SECTION 18. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
6 publication in at least two (2) newspapers of general circulation.

Approved,