

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City, Metro Manila

Thirteenth Congress  
First Regular Session

HOUSE BILL NO. 4527



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**Introduced by Honorable Arthur D. Defensor**

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**EXPLANATORY NOTE**

The drug menace permeates all sectors of society. It is no respecter of position or wealth. Drug users are not only the stereotyped "istambay" of the community. It is of common knowledge that not a few users of illegal drugs are professionals such as doctors, lawyers and even elected government officials.

Republic Act No. 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002" requires all candidates for public office whether appointed or elected both in the national or local government to undergo mandatory drug testing. Let us take it one step further by requiring all elective government officials to undergo annual mandatory drug testing.

The leaders in government should set the example. We cannot afford to remain indifferent to the drug situation which has reached harrowing proportions. "It has broken the lives, shattered the hopes and destroyed the future of thousands of our young citizens." (People vs. Tantiado, (G.R. No. 92795-96; [1992])) Let us therefore submit ourselves however humbling it may seem to drug testing if only to show our resolve to fight the drug menace. Nobody is above the law -- not the drug lord, not the pusher, and certainly not a drug user in the corridors of government.

Many of us have our own notions in respect to illegal drug trafficking and how it should be addressed. Yet the situation will continue unabated unless Government is relentless in its campaign to destroy this illicit trade and weed out drug users from among its ranks.

  
**ARTHUR D. DEFENSOR**

Republic of the Philippines  
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**THIRTEENTH CONGRESS**

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**AN ACT**  
**REQUIRING AN ANNUAL MANDATORY DRUG TEST FOR ALL ELECTED**  
**GOVERNMENT OFFICIALS AMENDING FOR THE PURPOSE SECTION**  
**THIRTY-SIX OF REPUBLIC ACT NINETY ONE HUNDRED SIXTY-FIVE,**  
**OTHERWISE KNOWN AS THE “COMPREHENSIVE DANGEROUS DRUGS**  
**ACT OF 2002”**

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

SECTION 1. Section 36 of Republic Act No. 9165, otherwise known as the “Comprehensive Dangerous Drugs Act of 2002” is hereby amended to read as follows:

“SEC. 36. **Authorized Drug Testing.** – Authorized drug testing shall be done by any government forensic laboratories or by any of the drug testing laboratories accredited and monitored by the DOH to safeguard the quality of test results. The DOH shall take steps in setting the price of drug test with DOH accredited drug testing centers to further reduce the cost of such drug test. The drug testing shall employ among others, two (2) testing methods, the screening test which will determine the positive result as well as the type of the drug used and the confirmatory test which will confirm a positive screening test. Drug test certificates issued by the accredited drug testing centers shall be valid for a one-year period from the date of issue which may be used for other purposes. The following shall be subjected to undergo drug testing:

- a) **Applicants for driver's license.** – No driver's license shall be issued or renewed to any person unless he/she presents a certification that he/she has undergone a mandatory drug test and indicating thereon that he/she is free from the use of dangerous drugs.
- b) **Applicants for firearm's license and for permit to carry firearms outside of residence.** – All applicants for firearm's license and permit to carry firearms outside of residence shall undergo a mandatory drug test to ensure that they are free from the use of dangerous drugs: *Provided*, That all persons who by the nature of their profession carry firearms shall undergo drug testing.
- c) **Students of secondary and tertiary schools.** – Students of secondary and tertiary schools shall, pursuant to the related rules and regulations contained in the school's student handbook and with notice to the parents, undergo a random drug testing: *Provided*, That all drug testing expenses whether in public and private schools under this Section will be borne by the government.
- d) **Officers and employees of public and private offices.** – Officers and employees of public and private offices, whether domestic or overseas, shall be subjected to undergo a random drug test as contained in the company's work rules and regulations, which shall be borne by the employer, for the purposes of reducing the risk in the workplace. Any officer and employee found positive for use of dangerous drugs shall be dealt with administratively which shall be a ground for suspension or termination, subject to the provisions of Article 282 of the Labor Code and pertinent provisions of Civil Service Law.

EXCEPT FOR THE PRESIDENT, VICE PRESIDENT, SENATE PRESIDENT AND SPEAKER OF THE HOUSE OF REPRESENTATIVES ALL ELECTED GOVERNMENT OFFICIALS, BOTH IN THE NATIONAL AND LOCAL LEVELS SHALL UNDERGO AN ANNUAL MANDATORY DRUG TEST. ALL DRUG TESTING EXPENSES SHALL BE BORNE BY THE GOVERNMENT AGENCY CONCERNED. ANY OFFICIAL FOUND POSITIVE FOR USE OF DANGEROUS DRUGS SHALL BE SUBJECT TO DISCIPLINARY ACTION AS MAY BE DETERMINED, AFTER DUE NOTICE AND HEARING, BY THE

DISCIPLINARY AUTHORITY OF THE GOVERNMENT  
OFFICIAL CONCERNED.

- e) **Officers and members of the military, police, and other law enforcement agencies.** – Officers and members of the military, police and other law enforcement agencies shall undergo an annual mandatory drug test.
- f) All persons charged before the prosecutor's office with a criminal offense having an imposable penalty of imprisonment of not less than six (6) years and one (1) day shall have to undergo a mandatory drug test.
- g) All candidates for public office whether appointed or elected both in the national or local government shall undergo a mandatory drug test.

"In addition to the above stated penalties in this Section, those found to be positive for dangerous drugs use shall be subject to the provisions of Section 15 of this Act."

SEC. 2. All laws, decrees, executive orders, regulations and ordinances inconsistent herewith are hereby repealed, amended or modified accordingly.

SEC. 3. This law shall take effect upon its approval.

Approved,