

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



Third Regular Session

House Bill No. 5664

Introduced by HON. TRANQUILINO CARMONA, M.D.

EXPLANATORY NOTE

It has been observed that drug testing for drivers is ineffective. There are still drivers, especially drivers of public utility vehicles, who are drug users. They are smart enough to employ techniques to ensure that they pass the drug testing, and it appears that government is helpless to thwart these clever means used by some unscrupulous drivers in general and drivers of public utility vehicles in particular.

Thus, this bill is introduced to catch drivers who are drug users, and are deliberately hiding their "true colors" by exploiting the imperfections that surrounds the procedure, like the method and facilities that are being utilized in drug testing is highly recommended through the passage of this bill.

A handwritten signature in black ink, appearing to read "Tranquilino B. Carmona".

TRANQUILINO B. CARMONA, M.D.

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

Third Regular Session

House Bill No. 5664

Introduced by HON. TRANQUILINO CARMONA, M.D.

An Act Amending Section 36 of R.A. 9165 otherwise known as the
"Comprehensive Dangerous Drugs Act of 2002"

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

SECTION 1. INSERTIONS TO SECTION 36, ARTICLE III, of R.A. 9165,
Dangerous Drugs Test and Record Requirement. – The hereunder provisions shall be modified and read, as follows:

Section 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 the 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 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;

1. IMMEDIATELY AFTER A VEHICULAR ACCIDENT/MISHAP, NO DRIVER SHALL BE RELEASED IN POLICE CUSTODY UNLESS HE/SHE HAS UNDERGONE DRUG TESTING;
2. A DRIVER, WHO ENCOUNTERED A VEHICULAR ACCIDENT DURING HIS/HER TRAVEL AND WHO IS NOT IN POLICE CUSTODY, SHALL NOT BE ALLOWED TO DRIVE ANY KIND OF VEHICLE UNLESS HE/SHE HAS UNDERGONE DRUG TESTING.

ANY APPREHENSION FOR THIS PURPOSE SHOULD BE BASED ON A REPORT PROPERLY RECORDED IN THE BOOKS OF APPROPRIATE LAW ENFORCEMENT AGENCIES AND/OR LOCAL CHIEFS EXECUTIVE, WHICH CLEARLY IDENTIFIES THE SAID DRIVER AND/OR THE VEHICLE INVOLVED IN AN ACCIDENT.

3. BY ENACTING AN ORDINANCE, LOCAL GOVERNMENT UNITS (LGUs) SHALL CONDUCT RANDOM DRUG TESTING FOR DRIVERS OF PUBLIC UTILITY VEHICLES WITHIN ITS TERRITORIAL JURISDICTION. FOR THIS REASON, DRIVERS OF PUBLIC UTILITY VEHICLES WHO ARE PLYING/TRAVERSING THE TERRITORIAL JURISDICTION OF LOCAL GOVERNMENT UNITS (LGUs) CONCERNED SHALL BE COVERED THE RANDOM DRUG TESTING WHICH MAY CONDUCTED BY THE CONCERNED LGUs.
4. IN ALL THE ABOVE INSTANCES, THE GOVERNMENT OR LGU CONCERNED SHALL BE THE ONE TO SHOULDER THE COST OF THE DRUG TESTING. NO DRIVER SHALL BE COMPELLED TO PAY THE COST OF THE DRUG TESTING.

(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 as 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 or 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 purposes of reducing the risk in the workplace. Any officer or 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 the Civil Service Law;

(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; and

(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.

SECTION 2. Effectivity. - This Act shall take effect thirty (30) days following its publication in the Official Gazette or in a national newspaper of general circulation in the Philippines.

APPROVED.