

Fifteenth Congress
First Regular Session

HOUSE BILL NO. 2305

Introduced by Honorable Godofredo V. Arquiza

EXPLANATORY NOTE

This bill seeks to require all public and private secondary and college schools to conduct a Drug Test on all students from the Secondary to College levels every school year to safeguard and protect the physical well-being of all students who are the future leaders of the nation.

Section 13 Article II of the 1987 Constitution provides:

"The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. xxx "

Furthermore, Section 15, Article II of the 1987 Constitution states:

"The State shall protect and promote the right to health of the people and instil health consciousness among them."

The bulk of our population is made up of the youth. Our youth are the nation's most valuable resource and asset. On their shoulders rest the success of all efforts to build our nation into a strong republic. They are our hope and future as they constitute a rich reservoir of manpower.

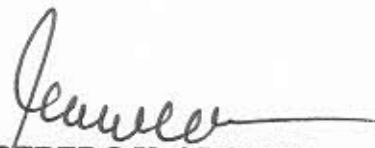
Recognizing their vital role in shaping the country's destiny the Constitution lends its support to the promotion of their welfare. It is made the constitutional duty of the State to promote and protect the well-being of the youth to enable them to develop their physical, moral, spiritual and social well-being and thus transform them into healthy, upright, intelligent and useful citizens and potential community leaders.

In these modern times, the State takes cognizance of the continuing rise of students who take prohibited drugs. The harmful effects of being dependent on prohibited drugs destroys the mind and the body of a person until he becomes a "useless" member of the family and the community.

Despite the efforts of various law enforcement agencies mandated to implement the Dangerous Drugs Act, the drug problem alarmingly escalated. The high profitability of the illegal drug trade could start within the school campus. It is about time that the State take positive steps to reduce the "users" of prohibited drugs within the school campus and thus prevent the proliferation of prohibited drugs. By determining those affected by the drug problem, the concerned student could be immediately treated and rehabilitated.

In fact, the Land Transportation Office has also taken positive measures to eradicate the drug problem by requiring Filipino drivers to undergo a drug testing examination before they qualify for a Driver's license.

In view of the foregoing considerations, approval of this bill is earnestly sought.


GODOFREDO V. ARQUIZA
Senior Citizen Party List

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HOUSE BILL NO. 2305

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AN ACT
REQUIRING ALL PUBLIC AND PRIVATE SCHOOLS,
COLLEGES AND UNIVERSITIES TO REQUIRE ALL STUDENTS
IN THE SECONDARY AND COLLEGE LEVELS
TO UNDERGO DRUG TESTING EXAMINATION

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

Section 1. **Short Title.** – This Act shall be known as the “ *An Act requiring All Public and Private Schools, Colleges and Universities to Require all Students in the Secondary and College Levels to Undergo Drug Testing Examination .*”

Section 2. **Declaration of Policy.** – Section 13 , Article II of the 1987 Constitution states:

“The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. xxx”

Furthermore, Section 15, Article II of the 1987 Constitution states:

“The State shall protect and promote the right to health of the people and instil health consciousness among them.”

Consonant with these constitutional principle, the following are the declared policies of this Act:

(a) To take cognizance that the youth is the nation’s most valuable resource and asset of the nation, and on their shoulders rest the success of all efforts to build our nation into a strong republic;

(b) To protect the youth from the proliferation of prohibited drugs and to help rehabilitate the affected drug users; and

(c) To recognize the vital role of all Public and Private Secondary Schools, Colleges and Universities and actively seek their partnership so they can give their full support to achieve this purpose;

In accordance with these policies, this Act aims to:

(1) adopt measures whereby all Public and Private Schools, Colleges and Universities in the Secondary and College levels shall require all students to undergo Drug Testing examination ; and

(2) establish a policy or program towards the achievement of this objective.

Section 3. *Definition of Terms.* – For purposes of this Act, these terms are defined as follows:

(a) “Department of Education” – also known as the “DEP-ED” shall mean a government educational institution under the Office of the President which is committed to a culture of excellence in public education service.

(b) Commission on Higher Education” – also known as “CHED” shall mean the governing body covering both public and private higher education institutions as well as degree-granting programs in all tertiary educational institutions in the Philippines. The CHED was established in May 18, 1994 through Republic Act 7722 or the Higher Education Act of 1994.

(c) Philippine Drug Enforcement Agency – also known as “PDEA” shall mean the agency under the Office of the President that undertakes the enforcement and implementation of the national drug control formulated by the Dangerous Drugs Board;

(d) “Drug Dependence” – shall mean as based on the World Health Organization definition, it is a cluster of physiological, behavioural 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 behaviour in terms of its onset, termination, or levels of use.

(e) "Drug Test" – shall mean a rapid test performed to establish potential or presumptive positive result of prohibited drugs.

(f) "Prohibited Drugs" – shall mean opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or "shabu", or other dangerous drugs such as, but not limited to, MDMA or "ecstasy", PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, as defined and enumerated under the Dangerous Drugs Act of 2002 (R.A. 9165).

Section 4. Duty of Public and Private Secondary Schools, Colleges and Universities – All Public and Private Secondary Schools, Colleges and Universities shall require all students in the Secondary and College levels to take a drug testing examination every semester before the opening of every school year. Those found to be "dependents" of prohibited drugs shall be required to undergo a rehabilitation program in any public or private rehabilitation institution of their own choice. All information acquired in connection with the drug testing examination shall be made in strict confidence between the school administration and the student concerned and the same shall not be divulged to the public without the consent of the student and the parents affected.

Section 5. Government Assistance. – The DEP-ED and the CHED shall institute a program in pursuance of the Objectives of this Act and shall have the following functions:

(a) To plan, implement and monitor yearly programs in pursuance of the Drug Testing Examination and the Rehabilitation Program in pursuance of this Act;

(b) To maintain and regularly update, on a quarterly basis, the list of drug users in all public and private schools, colleges and universities;

(c) To serve as a General Information and Liaison Institution and monitor compliance under the provisions of this Act ;

Section 6. **DEP-ED and CHED Responsibility.** – It shall be the responsibility of the Dep-Ed and the CHED to inform all public and private Secondary Schools, Colleges and Universities about the provisions of this Act. They shall prominently display posters, stickers, and other notices that will generate public awareness of this Act and ensure that the provisions of this Act are implemented to its fullest.

Section 7. **Partnership of the Government Agencies.** – The DEP-ED, CHED and the Philippine Drug Enforcement Agency (PEDEA) shall undertake to ensure the implementation of this Act in their respective territorial jurisdictions.

Section 8. **Implementing Rules and Regulations.** – The Department of Education (DEP-ED) and the CHED, within ninety (90) days from the approval of this Act, shall promulgate the implementing, rules and regulations for the effective implementation of the provisions of this Act in consultation and coordination with all public and private schools, colleges and universities.

Section 9. **Appropriation.** – The necessary appropriation for the operation of this Act shall be appropriated and approved by the DEP-ED and the CHED. The amount necessary to carry out the provisions of this Act upon its effectivity shall be charged out of the funds of the Office of the President. Thereafter, any such sum as shall be needed for the regular implementation of this Act shall be included in subsequent General Appropriations Act following its enactment into law.

Section 10. **Effectivity.** – This Act shall take effect within fifteen (15) days after publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,


GODOFREDO V. ARQUIZA
Senior Citizen Party List