

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 3061

Introduced by **Kabataan Party-List Rep. Raymond V. Palatino**

EXPLANATORY NOTE

In 2009, after three young drug suspects who are members of affluent families made headlines and brought renewed attention to the issue of youth drug abuse, former President Gloria Macapagal-Arroyo ordered for the implementation of random drug testing in all public and private schools in the country. The preliminary results of the nationwide random drug testing conducted from February to December 2009 and released in January this year show that only 72 of the 29,059 students tested were confirmed positive of drug use, a prevalence rate of 0.24 percent.

Prior to the nationwide random drug testing in 2009, the Department of Education and the Department of Health had conducted drug tests in 2005, where some 8,670 students from 287 high schools nationwide were randomly tested for illegal drugs. Reports indicate that at least 115 or 1.3 percent of the students tested “positive” for methamphetamine or “shabu” and other illegal drugs.

The DepEd first issued guidelines on random drug testing of high school students in 2003, according to a report by the Philippine Daily Inquirer. The conduct of nationwide drug testing in schools was pursuant to Section 36-C of Article 3 of Republic Act 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002. The law states that:

Article 3, Section 36(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.

We recognize the complexity and gravity of illicit trade and use of dangerous drugs in the country. Despite laws and programs initiated by the government to curb this social

menace, drug trafficking continues to be a major problem that victimizes the poor majority, especially the youth and students. Data from the Philippine Drug Enforcement Agency reveals that the number of drug users in the country increased from 1.8 million in 2003 to 6.7 million in 2008. However, random drug testing as a measure to curb drug use among the Filipino youth raises a lot of issues ranging from its constitutionality to its effectiveness.

First, the conduct of random drug testing in schools is an exercise in futility, as it will not prove to be deterrent, reductive, nor preventive. The effectiveness of drug testing to curb drug use among the youth is questionable. In the United States, for instance, there is no conclusive evidence to prove that drug tests in schools, which were implemented in 1998, were successful in discouraging drug use. A study published by the Journal of School Health in the US in 2002 revealed that incidences of drug use in schools that conducted drug tests were the same with schools that did not implement the program.

Consequently, the government would only be wasting precious taxpayers' money by implementing a program that will not even make a dent on the systemic drug problem and the scientific validity of which is being questioned in other countries. Our scarce education budget must be wisely utilized. Government resources must be used to buy basic school needs and construct classrooms and facilities, not for the expensive and ineffective drug testing program.

The implementation of random drug testing is also an infringement of our basic rights guaranteed in the Constitution, specifically the students' right against self-incrimination and right to individual privacy. Random drug tests also violate Article 16 of the United Nations Convention on Human Rights, which says, "No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honor and reputation."

Drug testing in schools is also punitive, discriminatory and arbitrary. Since no initial evidence is demanded in recommending a student for drug testing, this provision is subject to abuse by teachers and/or school authorities who bear a grudge against one of his/her students. Section 42 of RA 9165 also empowers school heads, supervisors, teachers and security officers to apprehend or arrest students found violating the provisions of the law. In the hands of abusive school authorities, this provision can be used to harass and punish students they deem as nuisance and bad influence, or those whom they may not have a good relationship. Essentially, these provisions discriminate against delinquents, emotionally-troubled children, fraternity members, activists, gangsters and other students the school may want to get rid of.

Kabataan Partylist supports the battle against illegal drug trade and use in the country since it victimizes the Filipino youth which we represent. However, we reject these provisions that are contrary to the rights of students. Furthermore, we believe that these provisions in RA 9165 will not solve the proliferation of illicit drug use in schools. Our efforts should be geared towards ensuring that our youth have access to education and the learning environment must be inspiring and motivating. The best way to banish compelling reasons to use drugs is to reduce poverty and unemployment levels in the country.

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


Hon. Raymond V. Palatino
Representative, Kabataan Party-List

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AN ACT
DECLARING AS UNLAWFUL THE CONDUCT OF DRUG TESTING OF STUDENTS
IN PUBLIC AND PRIVATE SCHOOLS REPEALING FOR THIS PURPOSE CERTAIN
PROVISIONS OF REPUBLIC ACT 9165, OTHERWISE KNOWN AS THE
"COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002"

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

SECTION 1. Section 36-C of Article III and Section 44 of Article IV of Republic Act 9165, entitled "AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES", also known as the "Comprehensive Dangerous Drugs Act of 2002", are hereby repealed.

SECTION 2. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after the completion of its publication in the Official Gazette or in any newspaper of general circulation and shall be implemented in schools on the semester immediately succeeding the effectivity.

Approved,