

FIFTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

HOUSE OF REPRESENTATIVES

House Bill No. **3990**

Introduced by Representatives ELPIDIO F. BARZAGA, JR. &
VICENTE "VARF" BELMONTE

EXPLANATORY NOTE

Last June 19, 2004, PO1 Samuel Quiteves of the Police Community Precinct 6 of Pasig Police Station was caught on video using methylamphetamine hydrochloride or shabu. To aggravate the situation, PO1 Quiteves was in police uniform when he indulged in the use of prohibited drugs inside their police station.

Several other cases of drug use have been filed against unscrupulous enforcers but the issue of drug use among persons in authority, sworn in to safeguard the welfare of the Filipinos against the harmful effects of prohibited drugs, have not been fully addressed.

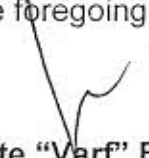
Such is the case of four other members of the Philippine National Police, namely: PO1 Antonio Carmona and PO2 Richard Guiyab who were caught using prohibited drugs. In the aftermath of the GMA News Imbestigador broadcast of the pot session, PO2 Armando Jimenez and PO3 Hermil Lumba tested positive for use of prohibited drugs after a surprise drug test.

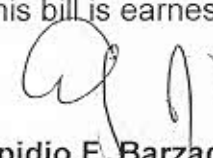
The drug user is considered a victim of this plague but if the user has the responsibility to uphold the law, he/she should be criminally liable for violating the law. He/she cannot feign ignorance of the law because they were trained to comprehend and ensure the proper implementation of the law, including the Comprehensive Dangerous Drugs Act of 2002.

Drug use by an officer or member of the military, police and other law enforcement agencies creates a far reaching effect to public perception on the integrity of the entire law enforcement body tasked to protect the Filipino citizenry.

The bare promise of reformation/repentance and the plea for a second chance could not brush aside the fact of committing grave misconduct by the use of prohibited drugs punishable by law and witnessed by the entire nation.

In view of the foregoing, early passage of this bill is earnestly requested.


Vicente "Varf" Belmonte


Elpidio F. Barzaga, Jr.

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**AN ACT PROVIDING FOR CRIMINAL LIABILITY AMONG OFFICERS
AND MEMBERS OF THE MILITARY, POLICE AND OTHER LAW
ENFORCEMENT AGENCIES FOR DRUG USE, AMENDING FOR THE
PURPOSE SECTIONS 15 AND 36 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 15 of Republic Act No. 9165, otherwise known as
the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read
as follows:

"SEC. 15. *Use of Dangerous Drugs* – A person
[apprehended or arrested] who **SHALL USE ANY
DANGEROUS DRUG AND** is found to be positive for use
after a confirmatory test, shall be imposed a penalty of a
minimum of six (6) months rehabilitation in a government
center for the first offense, subject to the provisions of Article
VIII of this Act. **PROVIDED, HOWEVER, THAT IF THE
PERSON CAUGHT USING DANGEROUS DRUGS IS AN
OFFICER AND MEMBER OF THE MILITARY, POLICE
AND OTHER LAW ENFORCEMENT AGENCIES, HE/SHE
SHALL SUFFER THE PENALTY OF IMPRISONMENT
RANGING FROM SIX (6) MONTHS AND ONE (1) DAY TO
FOUR (4) YEARS, WITHOUT THE BENEFIT OF THE
PROBATION LAW, AND A FINE RANGING FROM TEN
THOUSAND PESOS (P10,000.00) TO FIFTY THOUSAND
PESOS (P50,000.00) SHALL BE IMPOSED. PROVIDED,
FURTHER, THAT THE OFFICER AND MEMBER OF THE
MILITARY, POLICE AND OTHER LAW ENFORCEMENT
AGENCIES CAUGHT USING DANGEROUS DRUGS
SHALL UNDERGO SUMMARY DISMISSAL
PROCEEDINGS.** If apprehended using any dangerous drug
for the second time, he/she shall suffer the penalty of
imprisonment ranging from six (6) years and one (1) day to
twelve (12) years and a fine ranging from Fifty thousand
pesos (P50,000.00) to Two hundred thousand pesos
(P200,000.00). **Provided, FINALLY,** that this Section shall
not be applicable where the person tested is also found to
have in his/her possession such quantity of any dangerous

drug provided for under Section 11 of this Act, in which case the provisions stated therein shall apply.”

SEC. 2. 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 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] **ONE-MONTH** period from the date of issue which may be used for other purposes.

The following shall be subjected to undergo **MANDATORY** drug testing **ON A RANDOM BASIS UNDER SUCH GUIDELINES TO BE PROMULGATED BY THE DANGEROUS DRUGS BOARD:**

“(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 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] **OR ABOUT TO BE CHARGED FOR USING DANGEROUS DRUGS**

"[(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] **ARTICLE VIII** of this Act."

SEC. 3. Separability Clause. – If any provision or part hereof is held invalid, or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 4. Repealing Clause. – All laws, presidential decrees or issuances, executive orders, letters of instruction, administrative orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, modified or amended accordingly.

SEC. 5. Effectivity. – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved,