

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **4451**



Introduced by **HON. SAMUEL D. PAGDILAO**

EXPLANATORY NOTE

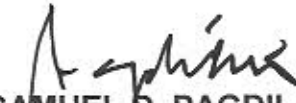
This bill seeks to institutionalize the automatic rehabilitation and treatment of arrested/apprehended persons including those who are in jails and prisons found to be drug dependents.

Among the many problems that threaten our society is drug addiction. It is considered one of the evils of today's society that affects not only the peace and order in our country but also destroys the physical and moral well-being of our people. Despite efforts of various law enforcement agencies to curb this problem, illegal drug activities seen to escalate and so too are drug-related crimes.

There are two dominant views on drug addiction and how it should be handled. The first is that drug addiction is a disease like any other and should be tackled through treatment and prevention. The second is that drug use is a crime and should be dealt with through the array of threats and sanctions available through the criminal justice system.

It is clear that the latter approach has dominated the way our Government handled drug addiction. However, it is clear that threats and sanctions do not effectively stop the problem against drugs. It does not cure the underlying cause of drug addiction. As a result, drug dependent offenders have increasingly populated jails and prisons. Conversely, crimes involving illegal drugs have also risen. Hence, it is about time that the first approach be given an equal opportunity to address the problem of illegal drugs.

This bill aims to equip the government with a tool that will provide offenders easy and fast access to drug rehabilitation and treatment in order to free them from the control and bondage of substance abuse which cause them to commit crimes.


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AN ACT TO INSTITUTIONALIZE AUTOMATIC REHABILITATION OF
ARRESTED/APPREHENDED PERSONS FOUND TO BE DRUG DEPENDENT,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9165,
OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS
DRUGS ACT OF 2002," AND FOR OTHER PURPOSES

Section 1. Insertion of Section 15-A. – Under Article II (Unlawful Acts and Penalties), Section 15-A is hereby inserted after Section 15 thereof and shall read as follows:

Section 15-A. Automatic Rehabilitation – A person apprehended or arrested for use of dangerous drugs and who, immediately after arrest, confesses/admits to the use thereof shall be subjected to automatic rehabilitation for a minimum period of six (6) months rehabilitation in a rehabilitation center duly accredited by the Board. Provided, that this shall not be applicable if other case(s) for violation of other Section(s) of this Act is/are filed against the person apprehended or arrested, or when he/she is a repeat offender.

Upon confession/admission given with due regard to the arrested or apprehended person's constitutional rights, members of the law enforcement agency who arrested the suspect shall relay the matter to the Board or its duly recognized representative, who shall then order the applicant to be examined for drug dependency by a DOH-accredited physician. If the examination of a DOH-accredited physician results in the issuance of a certification that the apprehended or arrested person is a drug dependent, said physician shall recommend to the Board the required treatment for the said drug dependent. Thereafter, the drug dependent shall be referred to the necessary treatment and rehabilitation center which shall be required to submit monthly reports to the Board on the progress of rehabilitation/ treatment. Costs for the rehabilitation and treatment shall be shouldered by the arrested or apprehended person.

Section 2. Additional Accessory Penalty – Under Article II (Unlawful Acts and Penalties), Section 35-A is hereby inserted after Section 35 thereof and shall read as follows:

Section 35-A. Rehabilitation at Jails and Correctional Facilities – Persons apprehended or arrested for violation of any provision of this Act who are found to be drug dependent are to be subjected to treatment and rehabilitation while inside the jail and correctional facilities.

The DOH and the DILG, in coordination with the Board and the Courts, shall come up with specific guidelines on how the said rehabilitation and treatment of drug dependence shall be undertaken.

Section 3. Separability Clause. – If for any reason any Section or provision of this Act, or any portion thereof, or the application of such section, provision or portion thereof to any person, group or circumstance is declared invalid or unconstitutional, the remainder of this Act shall not be affected by such declaration and shall remain in full force and effect.

Section 4. Repealing Clause. – All laws, decrees, orders, rules and regulations or other issuances or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

Section 5. Effectivity Clause. – This Act shall take effect after fifteen (15) days after publication in at least two (2) national papers of general circulation.