

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **5890**



Introduced by REPRESENTATIVE GLORIA MACAPAGAL-ARROYO

EXPLANATORY NOTE

Article 3 of the Comprehensive Dangerous Drugs Act of 2002 requires drug testing for specific individuals. Among those required to undergo drug testing are applicants for driver's license, applicants for firearm's license, employees of private and public offices, students, etc. This list, however, does not include our country's athletes.

A big part of an athlete's career is dedicated on intense physical training and strenuous exercises to stay in shape, which is key to a successful career in sports. Athletes face constant pressure to improve their skills and abilities to remain at a competitive level and increase their chances of winning.

The competitive drive to win can be fierce. Some take it very seriously that they result to taking performance-enhancing drugs. Performance-enhancing drugs (PEDs) are substances that boost the body's physical capabilities and therefore improve one's performance. But taking PEDs have its consequences. According to experts, the use of PEDs may cause hypertension, heart problems, and psychiatric disorders among several other serious illnesses.

Fitness and health are among the primary concerns of athletes. Since the use of PEDs have negative side effects on the body, athletes should be prevented from using such substances. PEDs do not only damage the body, they are also considered as cheats in the sports world.

In December 2012, when Congressman Manny Pacquiao faced Juan Manuel Marquez in the boxing ring for the fourth time, many were shocked by the sixth round knockout loss of Rep. Pacquiao versus his opponent. The manner of Rep. Pacquiao's defeat, along with several other factors, raised speculations that his opponent did take PEDs before the fight, an accusation that we would like to avoid for our athletes.

Therefore, this bill does not only seek to protect our athletes from the harmful effects of PEDs, it will also show that our country does not tolerate the use of dangerous drugs to enhance the performance of our athletes. Furthermore, it will compel our athletes to put in the necessary hard work, discipline and determination to attain success without the use of PEDs.

For the protection and benefit of all our athletes, I earnestly seek the immediate passage of this bill.


REP. GLORIA MACAPAGAL ARROYO
2ND DISTRICT, PAMPANGA

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"AN ACT REQUIRING DRUG TESTS FOR PROFESSIONAL AND NON-PROFESSIONAL ATHLETES, AMENDING FOR THE PURPOSE SECTION 36 OF REPUBLIC ACT 9165, OTHERWISE KNOWN AS THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002 AND FOR OTHER PURPOSES"

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

SECTION 1. Section 36 of Republic Act 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to 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;

(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.

(h) PROFESSIONAL AND NON-PROFESSIONAL ATHLETES - ALL ATHLETES, PROFESSIONAL AND NON PROFESSIONAL, IN ANY KIND OF SPORTS, SHALL UNDERGO A MANDATORY DRUG TEST TWICE A YEAR. ANY ATHLETE FOUND POSITIVE FOR USE OF DANGEROUS DRUGS SHALL BE SUSPENDED SUBJECT TO FURTHER INVESTIGATION BY APPROPRIATE GOVERNMENT AGENCIES.

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. *Repealing clause.* - All laws, decrees, orders, rules and regulations, or parts thereof inconsistent with this Act are hereby repealed.

SECTION 3. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in a national newspaper of general circulation.

Approved,