

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session
House Bill No. **7689**



Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

EXPLANATORY NOTE

Reports of illegal drug trafficking and use among inmates of the New Bilibid Prison have surfaced increasingly since 2014 when officials under the administration of President Benigno Aquino III launched a series of raids under *Oplan Galugad* ("Operation Surprise Inspection") at the national penitentiary. In a much publicized December 2014 raid, the police discovered methamphetamine and other drug paraphernalia, inflatable sex dolls, a stripper bar and jacuzzi spread across 19 air-conditioned villas built for convicted drug dealers.

This highly scandalous event in the New Bilibid Prison presents the stark reality of the persistent illegal drug trade inside our penal and correctional institutions. The lack of appropriate safeguards to prevent such illicit undertaking has caused the flourishing of these reprehensible activities in what are supposed to be institutions meant to discipline or rehabilitate felons.

Measures undertaken by the present administration to curb the illegal drug trade inside these institutions have proven ineffective, with the Secretary of Justice admitting that there has been a resurgence of the drug trade in the national penitentiary.

Thus, this proposed legislation envisions a penal and correctional system insulated from the blight of illegal drugs by instituting a mandatory random drug test to all detainees/prisoners and their custodians. Prisoners/detainees shall be subject to such tests and, if tested positive, shall undergo treatment in a rehabilitation facility for illegal drugs. Prisoners who will test positive shall also have their petitions for parole/pardon reconsidered by the Board of Pardons and Parole. Likewise, government officials/employees who shall be proven positive of illegal drug use, their rehabilitation notwithstanding, shall suffer administrative and criminal sanctions.

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


GARY C. ALEJANO
Representative
Magdalo Para sa Pilipino Party-List

1 b. All persons employed or detailed in prisons, jails, and other detention facilities,
2 whether in a permanent or temporary capacity.
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4 The testing shall be conducted in accordance with the procedures set forth by the Dangerous
5 Drugs Board and at random and unannounced intervals, the frequency of which shall be determined
6 by the head of the detention/prison facility, but in no case shall be less than once per annum. The
7 result of the test conducted upon such person shall be revealed to him/her and reflected in his/her
8 prison record; *Provided*, that all drug test results and records must strictly be held confidential as
9 provided for under the pertinent provisions of Republic Act No. 9165.
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11 **Sec. 5. Effect of a Positive Result.**—A positive drug test shall immediately be made known
12 to the head of the detention/prison institution, who shall then notify the concerned person. Such
13 person shall have fifteen (15) days from receipt of notice to challenge the result of the test. A
14 challenge test shall then be conducted, using the same specimen, by a government drug testing
15 laboratory. Failure to file a challenge within the prescribed period shall make the positive drug test
16 final.
17

18 A detainee/prisoner who is found positive of drug use shall undergo a Drug Dependency
19 Examination conducted by the Department of Health (DOH) and thereafter be immediately
20 transferred to facilities designated for treatment and/or rehabilitation of detainees/prisoners who are
21 drug users. Repeated drug use even after ample opportunity for treatment and rehabilitation shall be
22 dealt with the corresponding penalties under R.A. No. 9165.
23

24 If the prisoner has a pending petition for executive clemency or parole, the head of the
25 prison institution shall inform the Board of Pardons and Parole of such positive drug test result. The
26 Board shall consider the positive drug test result in its evaluation of such petition.
27

28 A public official/employee who is tested positive of drug use shall likewise undergo a Drug
29 Dependency Examination conducted by the DOH, and shall be advised on possible programs for
30 treatment and rehabilitation. However, this shall be without prejudice to administrative and criminal
31 liabilities for violation of R.A. No. 9165, and other civil service rules against drug use by public
32 officials and employees.
33

34 **SEC. 6. Appropriations.**—The concerned detention/prison institution shall bear the
35 expenses for the conduct of the initial drug test. However, drug test conducted as a result of a
36 challenge to a positive to a drug test shall be on the account of the detainee/prisoner or public
37 official/employee, as applicable.
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39 **SEC. 7. Reports.**—The BuCor and the BJMP shall submit to the President of the Senate and
40 the Speaker of the House of Representatives an annual report on the implementation of this Act.
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42 **SEC. 8. Implementing Rules and Regulations.**—Within six (6) months from the approval
43 of this Act, the Department of Justice, the Department of Interior and Local Government, the
44 Department of National Defense, the Department of Health, and the Commission on Human Rights
45 shall adopt and issue the rules and regulations for the effective implementation of this Act.
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1 **SEC. 9. *Repealing Clause.***—All laws, executive orders, presidential decrees, presidential
2 proclamations, letters of implementation, rules and regulations or parts thereof inconsistent with the
3 provisions of this Act are hereby repealed or modified accordingly.
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5 **SEC. 10. *Separability Clause.***—If any provision of this Act is declared invalid or
6 unconstitutional, the provisions not affected thereby shall continue to be in full force and effect.
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8 **SEC. 11. *Effectivity.***—This Act shall take effect fifteen (15) days after its publication in the
9 Official Gazette in at least two (2) newspapers of general circulation.

Approved,