

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 910



Introduced by **Hon. Bernadette S. Barbers**

AN ACT
CREATING ANTI-DRUG ABUSE COUNCILS IN ALL PROVINCES, CITIES,
MUNICIPALITIES, AND BARANGAYS THROUGHOUT THE COUNTRY AND
PROVIDING FUNDS THEREFOR

EXPLANATORY NOTE

This bill is a refiled version of a measure that was tediously deliberated upon and approved during the previous Congresses.

Article II, Section 5 of the Constitution provides that the maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

In addition, it is the mandate of the local government units to ensure and support, among other things, the promotion of health and safety, improvement of public morals, preservation of peace and order, and the advancement of the comfort and convenience of the inhabitants within their respective territorial jurisdictions.

Despite the efforts of our law enforcement authorities, drug-related incidents still threaten the peace and order of the community nationwide due to lack of structural consistency and comprehensive monitoring and reporting system.

Thus, this bill seeks to create the Anti-Drug Abuse Councils (ADACs) in all provinces, cities, municipalities, and barangays all over the country as the main implementing organs for the prevention, rehabilitation, and monitoring of drug dependency cases. This is to ensure the smooth implementation of anti-drug abuse programs and services especially at the local level.

It also mandates the concerned local government units to appropriate not less than 2% of their annual budget to fund the creation and operation of the ADACs and implement the provisions of the proposed law.

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


HON. BERNADETTE S. BARBERS
2nd District, Surigao del Norte

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

Section 1. Declaration of Policy. Article II, Section 15 of the Constitution mandates the State to "protect and promote the right to health of the people and instill health consciousness among them." In order to fulfill this mandate, there is a need to create mechanisms where a health-based approach on drug addiction can be implemented in the grassroots. In line with this, it is hereby declared the policy of the State to establish Anti-Drug Abuse Councils in all provinces, cities, municipalities, and barangays all over the country as the main implementation organs for prevention, rehabilitation, and monitoring of drug dependency cases.

Sec. 2. Definition of Terms. As used in this Act:

- a. Anti-Drug Abuse Council (ADAC) - refers to a multi-sector council composed of local officials and representatives of various community organizations tasked to spearhead the planning and implementation, and monitoring of all local anti-drug abuse programs, projects and activities.
- b. Anti-Drug Abuse Office (ADAO) – refers to the office established at the provincial, city, municipality level which shall institutionalize all ADAC activities and serve as the ADAC secretariat in charge of unifying and consolidating all local anti-drug abuse programs, projects and activities.
- c. Person Who Use Drugs (PWUD) – refers to a person who uses any dangerous drugs and/or controlled precursors and essential chemicals as defined by Republic Act No. 9165, otherwise known as the “Comprehensive Dangerous Drugs Act of 2002”, as amended, by injecting intravenously or intramuscularly, or consuming, either by chewing, smoking, sniffing, eating, swallowing, drinking or otherwise introducing into the physiological system of the body.
- d. Drug Rehabilitation Program – shall consist of the following:

- i. Medical Rehabilitation – refers to the process of helping a substance or drug addicted person to address one’s compulsion or drug seeking and use, which may involve a series of bio-psycho-social interventions provided by health professionals to remove toxins in the body and modify the person’s behavior.
- ii. Reformatory Rehabilitation – refers to the process of rectifying or modifying negative attitude and behavior to enable the person to become a more productive and acceptable member of the society, which may include facilitating the reintegration of the individual back to the family and eventually to the society.
- iii. Community-based Drug Rehabilitation Program – is an integrated model for drug users with mild severity of addiction. It provides a continuum of care from outreach and low threshold services through active coordination among a number of health, social and other non-specialist services needed to meet the client's need. It is composed of two core components namely community-based treatment and community- based support services.

SEC. 3. Creation of the Anti-Drug Abuse Council. – There shall be created a multi-sector council composed of local officials and representatives of various community organizations to be known as the Anti-Drug Abuse Council (ADAC). The ADAC shall spearhead the planning and implementation, and monitoring of all local anti-drug abuse programs, projects and activities. All local government units (LGUs) consisting of provinces, cities, municipalities, and barangays are mandated to create or organize their respective ADACs as follows: Provincial Anti-Drug Abuse Council (PADAC); City Anti-Drug Abuse Council (CADAC); Municipal Anti-Drug Abuse Council (MADAC); and Barangay Anti-Drug Abuse Council (BADAC).

The roles and responsibilities of ADAC shall be as follows:

- a. Formulate the Local Anti-Drug Plan of Action (LADPA) which contains the list of programs, projects, and activities with corresponding budgetary requirements and timeline;
- b. Initiate, coordinate, and monitor the implementation of anti-drug abuse programs, projects, and activities in their area of jurisdiction;
- c. Recommend to the local *sanggunian* the adoption of measures for the enactment of appropriate legislation on anti-drug abuse programs;
- d. Conduct a meeting at least once a month, or as often as maybe necessary at the discretion of the ADAC Chairperson, or upon request of the majority of the members of the council;
- e. Serve as an information-gathering body which shall monitor and report to appropriate authorities’ suspicious illegal drug personalities, facilities, and activities within their jurisdiction;
- f. Monitor the implementation of anti-drug abuse programs and link information to decisions and actions by the concerned central government

authorities. The BADAC shall submit monthly reports to the concerned MADAC or CADAC. The MADAC or CADAC shall submit semestral and annual monitoring and evaluation reports to the concerned PADAC; and,

- g. Perform other functions as may be assigned by law and implementing rules and regulations.

SEC. 4. *Duties and Responsibilities of LGUs.* Each LGU shall have the following duties and responsibilities:

- a. Activate, strengthen, and ensure functionality of its ADAC;
- b. Approve a comprehensive LADPA to eliminate drug addiction with corresponding targets per quarter, as included in the Local Peace and Order Safety Plan such as:
 - 1. Capacity development programs for all stakeholders through prevention education;
 - 2. Drug-clearing operation;
 - 3. After-care and reintegration programs; and
 - 4. Advocacy programs on the effects and legal consequences of the use of illegal drugs, and the role of family and the youth in the fight against illegal drugs, among others.
- c. Appropriate substantial amount of funds not lower than one percent (1%) of the annual appropriations for anti-illegal drug-related programs, activities, and operations as mandatory items in their budgets;
- d. Perform and accomplish other tasks delegated upon it by law or by appropriate issuances which are related to its core functions.

SEC. 5. *The PADAC.* - A PADAC is hereby created in every province which shall be composed of the following:

Chairperson:	Governor
Vice-Chairperson:	Philippine National Police (PNP) Provincial Director
Members:	Department of the Interior and Local Government (DILG) Provincial Director Department of Education (DepEd) Provincial Officer Department of Justice (DOJ) Provincial Prosecutor Provincial Social Welfare Officer Provincial Health Officer Provincial Public Information Officer Chairperson of the Committee on Peace and Order or Committee on Women of the <i>Sangguniang Panlalawigan</i> <i>Sangguniang Kabataan</i> Provincial Federation President At least two (2) representatives of accredited non-government organizations (NGOs) – One (1) from a church-based group and one (1) from a NGO, to be appointed by the Chairperson

SEC. 6. Roles and Responsibilities of the PADAC. In addition to the responsibilities provided in this Act, the PADAC shall have the following roles and responsibilities:

- a. Ensure the formulation of PADAC Action Plan that contains the programs, plans, and activities identified in the Municipal and City ADAC Action Plans;
- b. Organize the PADAC Drug Reformation Committee and adopt the Program of Instructions for Drug Reformation Program;
- c. Ensure the functionality of the CADAC/MADAC;
- d. Conduct regular meetings once a month;
- e. Analyze and review reports submitted by CADAC/MADAC Secretariat;
- f. Submit all collated quarterly reports to the Regional Peace and Order Council Secretariat not later than the 15th day of the ensuing quarter, copy furnished the Provincial Peace and Order Council and the DILG Provincial Office;
- g. Ensure the establishment and operation of the Special Drug Education Center for out of school youth and street children;
- h. Designate, through the Chairperson, the Executive Director and two (2) support staff of the ADAO as provided for in Sec. 13 of this Act;
- i. Provide support for the operationalization of a community-based rehabilitation program in the Municipalities and Component Cities; and
- j. Report every month, or at least every quarter, the names, addresses, and the total number of PWUDs to the DILG, copy furnished the Dangerous Drugs Board (DDB) and the Philippine Drug Enforcement Agency (PDEA).

SEC. 7. The CADAC. A CADAC is hereby created in every city which shall be composed of the following:

Chairperson:	City Mayor
Vice-Chairperson:	District Director or City Director or Chief of Police
Members:	DepEd City Division Superintendent
	DOJ City Prosecutor
	City Social Welfare Officer
	City Health Officer
	City Public Information Officer
	At least two (2) representatives of accredited NGOs – One (1) from a church-based group and one (1) from an NGO, to be appointed by the Chairperson
	City Probation and Parole Officer
	City Local Government Operations Officer (LGOO) who advocates anti-illegal drugs campaign
	Sangguniang Kabataan City Federation President

SEC. 8. Roles and Responsibilities of the CADAC. In addition to the responsibilities mentioned in this Act, CADACs shall:

- a) Attest, through its Chairperson, to the certification declaring the "drug-cleared" status of an affected barangay, certified by the Local Chief of Police and validated by the PDEA Regional Director;
- b) Monitor the names, addresses and other significant details in the list submitted

- by the BADACs;
- c) Receive the consolidated information report from the BADAC Chairperson;
 - d) Review the consolidated reports of cluster leaders for final consolidation and submission to the PDEA;
 - e) Maintain the list of endorsement or referral of the BADAC as to who are drug dependents for screening using any internationally accepted screening tools;
 - f) Establish one-stop-shop facilities where assessment, interview, counselling, referral, and/or processing of applications for petitions for confinement of drug dependents and PWUD who surrendered for treatment and rehabilitation and other allied processes may be undertaken;
 - g) Designate a focal person who shall ensure the compliance and enforcement of DDB Regulations on Voluntary Surrender of Drug Users and Dependents and shall coordinate with the appropriate service provider to assure compliance with the prescribed intervention;
 - h) Ensure that PWUDs who surrendered shall undergo screening in order to determine the level of risk and co-morbidities and refer them to the proper agency for appropriate intervention;
 - i) Recommend at least one of its personnel to be authorized by the DDB as the designated person who shall cause the processing and filing of petitions for confinement of drug dependents and PWUDs who surrendered for treatment and rehabilitation before the Regional Trial Courts pursuant to Sections 54 and 61 of RA 9165;
 - j) Organize the CADAC Drug Reformation Committee and adopt the Program of Instructions for Drug Reformation Program;
 - k) Provide for a community-based rehabilitation program;
 - l) Conduct advocacy and/or preventive education seminars, giving emphasis to the role of parents and children in the anti-drug abuse campaign, ill-effects of the use of illegal drugs, and consequences of drug abuse. These include lectures on the proper procedures on rehabilitation of drug dependents and PWUD who surrendered pursuant to RA 9165, pertinent DDB Regulations on counseling program for families with drug dependents, and PWUD who surrendered to cope with trauma;
 - m) Designate, through the Chairperson, the Executive Director and two (2) support staff of the ADAO as provided for in Sec. 13 of this Act;
 - n) Collate all reports and maintain periodic statistics on barangay drug-clearing operations for evaluation or analysis and continuing enhancement of processes and procedures and submit all quarterly reports to the PADAC, the local Peace and Order Council, and the DILG Field Office, not later than the tenth (10th) day of the ensuing quarter. This shall include the reporting every month, or at least every quarter, of the names, addresses, and the total number of PWUDs to the Provincial Drug Abuse Council.

SEC. 9. *The MADAC.* A MADAC is hereby created in every municipality which shall be composed of the following:

Chairperson:	Municipal Mayor
Vice-Chairperson:	Chief of Police
Members:	Municipal LGOO
	DepEd District Supervisor

Municipal Social Welfare Officer
 Municipal Health Officer
 Municipal Public Information Officer
 At least two (2) representatives of accredited NGOs – One (1)
 from a church-based group and one (1) from NGO, to
 be appointed by the Chairperson
 Municipal Probation and Parole Officer
 All BADAC Chairpersons
 One (1) Member of the *Sangguniang Bayan* who is the
 Chairperson of the Committee on Peace and Order
Sangguniang Kabataan Municipal Federation President

SEC. 10. Roles and Responsibilities of the MADAC. The roles and responsibilities of all MADACs shall be the same as those enumerated for all CADACs found in Section 8 of this Act.

SEC. 11. The BADAC. Every barangay shall create and establish a BADAC which shall be composed of the following:

Chairperson:	<u><i>Punong Barangay</i></u>
Vice-Chairperson:	<i>Sangguniang Barangay</i> member or <i>Kagawad</i> who is the Chairperson of the Committee on Peace and Order
Members:	<i>Sangguniang Barangay</i> Member or <i>Kagawad</i> who is the Chairperson of the Committee on Women and Family <i>Sangguniang Barangay</i> Member or <i>Kagawad</i> who is the Chairperson of the Committee on Health <i>Sangguniang Kabataan</i> Chairperson Public School Principal or a representative Executive Officer or Chief of the <i>Barangay Tanod</i> At least two (2) representatives of accredited NGOs – One (1) from a church-based group and one (1) from an NGO, to be appointed by the Chairperson A <i>Barangay</i> Health Worker Representative from the City or Municipal Police

SEC. 12. Roles and Responsibilities of the BADAC. All BADACs shall have the following roles and responsibilities:

- a) Create a BADAC Plan of Action to be submitted to CADAC/MADAC, and the DILG City or Municipal Field Office;
- b) Set quarterly targets to ultimately achieve and maintain a drug-cleared, drug-free or unaffected barangay status;
- c) Empower the community in reporting drug related cases through an award or commendation system;
- d) Enhance the capability *barangay tanods* in the campaign against street-level illegal drug trade through seminars and trainings;
- e) Identify drug-affected places such as workplaces, house clusters, and streets within their respective barangays where there are violations of RA 9165 and immediately report the same to the PNP or PDEA;

- f) Determine and maintain a record of the names and other pertinent information of residents, and likewise, record, update, and monitor all drug- related incidents or cases reported or filed and their effect on the peace and order situation in the barangay including a list of suspected drug users and peddlers;
- g) Consolidate all information gathered from all sources, related to any illegal drug activities within the barangay, to include names of peddlers, marijuana cultivation, clandestine drug laboratories, and submit immediately to the CADAC/MADAC;
- h) Ensure the existence and operation of barangay rehabilitation referral system, through the Barangay Rehabilitation and Referral Desk, intended for drug users and dependents who voluntarily surrendered;
- i) Assist PWUDs who surrendered to the Barangay Rehabilitation and Referral Desk and refer to CADAC/MADAC and other institutions for appropriate action;
- j) Monitor individuals who are undertaking Community-Based Treatment and Rehabilitation through their attendance and completion of community-based rehabilitation program requirements;
- k) Conduct regular and consultative meetings at least once a month and call for special meetings with organizations in the barangay, such as the parents-teachers community associations, youth groups, Boy and Girl Scouts, religious organizations, senior citizens, homeowners and neighborhood associations, *puroks*, tricycle operators and drivers associations and other groups existing in the community to ensure their commitment to assist in curbing the drug menace in the community, whenever necessary;
- l) Formulate anti-drug abuse prevention education programs and ensure their implementation in coordination with various associations stated in paragraph (k), using funds which shall be derived from the Local School Board and other available sources;
- m) Conduct an information and education campaign on illegal drug demand reduction;
- n) Extend assistance to law enforcement agencies during the conduct of anti-drug operations. The BADAC Chairperson or any elected official present during the anti-drug operations shall sign the inventory of seized drugs and paraphernalia as witness;
- o) Submit all monthly reports to CADAC/MADAC and the DILG City or Municipal Field Office. This shall include the reporting every month, or at least every quarter, of the names, addresses, and the total number of PWUDs;
- p) Submit annual Accomplishment Report and Fund Utilization Report to the CADAC/MADAC, the Peace and Order Council and the DILG Field Office;
- q) Submit reports on the implementation of BADAC Plan of Action including drug clearing operations;
- r) Create a Barangay Auxiliary Team whose responsibilities and membership shall be included in the implementing rules and regulations of this Act; and
- s) Perform other related functions as may be prescribed by the rules and regulations of this Act.

SEC. 13. *The ADAO.* An ADAO is hereby created in every province, city and municipality. The ADAO shall be headed by an Executive Director who shall be designated by the Chairperson of the ADAC. The Executive Director shall:

- a. Act as the Head of the Secretariat of the ADAC
- b. Oversee and supervise the overall operation of the ADAO
- c. Ensure the prompt submission of the reports to the ADAC Chairperson and other partner agencies; and
- d. Perform other duties that may be assigned by the ADAC.

The Executive Director shall receive a salary and other emoluments equivalent to the position one rank lower of a head of a department or office in a province, city or municipality.

No person shall be appointed Executive Director unless one is a citizen of the Philippines, a resident of the LGU concerned, of good moral character, a holder of a college degree preferably in law, management or public administration from a recognized college or university, and a first-grade civil service eligible or its equivalent.

Each ADAO shall have at least two (2) support staff in order to help fulfill its duties and responsibilities. The qualifications, salary and emoluments of the support staff shall be equivalent to a position two ranks lower of a department head or as may be determined by the LGU concerned.

The Executive Director and support staff shall hold office co-terminus with the appointing authority.

SEC. 14. *Strict Observance of All Laws, Rules and Regulations, Guidelines, Supreme Court Decisions and Executive Issuances Regarding Human Rights, Privacy and Similar Concerns.* All laws, rules and regulations, guidelines, Supreme Court decisions and executive issuances regarding human rights, privacy and similar concerns shall always be strictly observed by everyone in the implementation of this Act.

SEC. 15. *Penal Provisions.* Failure of the responsible Local Chief Executive to comply with the creation of the ADAC and the implementation of this Act shall be penalized with imprisonment of six (6) months to one (1) day to six (6) years with the accessory penalty of perpetual absolute disqualification to hold public office.

SEC. 16. *Implementing Rules and Regulations.* The DILG shall, in coordination with the Department of Social Welfare and Development, DepEd, PNP, PDEA, DDB, and Department of Health, issue the rules and regulations within ninety (90) days from the effectivity of this Act.

SEC. 17. *Appropriations.* The implementation of this Act shall be done through the concerned LGUs appropriating not less than one percent (1%) of their annual budget to fund the creation and operation of ADACs and ADAOs.

SEC. 18. *Separability Clause.* If any provision or part hereof is held invalid or unconstitutional, the remainder of the provisions not otherwise affected shall remain valid and subsisting.

SEC. 19. *Repealing Clause.* The funding provision under RA 9165, Art. VII, Sec. 51 is hereby repealed and all laws, decrees, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SEC. 20. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,