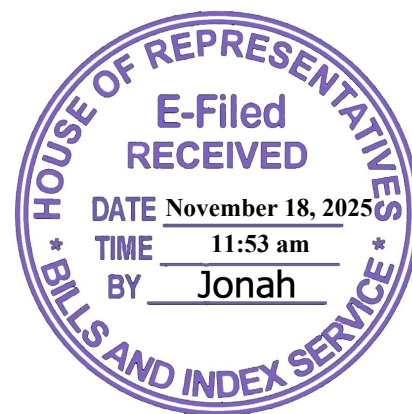


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
1st Regular Session

House Bill No. **6105**



Introduced by Representative PAOLO Z. DUTERTE

EXPLANATORY NOTE

Among the declared principles of the State is the maintenance of peace and order and the protection of the people's life, liberty, and property. The 1987 Constitution, in accentuating that "public office is public trust", also highlights the importance of accountability of public officers and employees, with high regard to the service equipped with "utmost responsibility, integrity, loyalty, and efficiency", actions toward patriotism and justice, and lives with modesty.

Despite this mandate, the country is still muddled with a remarkable number of drug use and abuse cases, particularly ₱87.19 billion worth of dangerous drugs seized by the Philippine Drug Enforcement Agency (PDEA) from 2022 until the first quarter of 2025. However, the Dangerous Drugs Board (DDB) estimated that the number of drug users in the Philippines in the past has ranged from 600,000 to over a million individuals, which is a huge disparity between the number of estimated users and the number of individuals who are apprehended or seek treatment, suggesting that the vast majority of drug use cases—especially those without violent or high-profile public incidents—are unreported and unaddressed by the formal justice or health systems. Thus, it becomes of primordial importance that drug testing becomes a norm in order to bridge the gap between reported and unreported cases—taking drug use and abuse cases under control.

Being at the forefront of public service with the mandate towards integrity and modesty, public officials and employees shall be the very first to uphold such Constitutional mandate by submitting towards accountability measures which serve as a tool in addressing the fulfillment of this mandate. This is the rationale behind the compulsory nature of drug testing in Section 36 of *Republic Act No. 9165* or the *Comprehensive Dangerous Drugs Act of 2002*. In fact, the Civil Service Commission (CSC) issued CSC Resolution No. 1700653 or *The Guidelines in the Mandatory Random Drug Test for Public Officials and Employees and for Other Purposes* for the implementation of the said measure. However, the Dangerous Drugs Board (DDB) thereafter issued the *DDB Regulation No. 13, s. 2018* which exempted elective officials and presidential appointees from the aforementioned CSC's policy on mandatory random drug testing.

In the case of *Conrado L. Tiu, et al. v. Court of Appeals, et al.*, G.R. No. 127410, January 20, 1999, the equal protection of the law, prescribed by the Constitution is further defined as:

The equal protection of the law clause is against undue favor and individual or class privilege, as well as hostile discrimination or the oppression of inequality. [...] It does not demand absolute equality among residents; it

merely requires that all persons shall be treated alike, under like circumstances and conditions both as to privileges conferred and liabilities enforced.

Considering the initiatives towards the deterrence of drug use and abuse, exemptions or favors in the mandatory nature of random drug testing shall not extend to certain class privilege such as the elected and appointed officials, since it becomes imperative upon their own mandate that they shall lead the life of modesty and integrity. In fact, the constitutionality of mandatory random drug testing in students, officers and employees of private and public offices was upheld in the case of *Social Justice Society v. Dangerous Drugs Board*, G.R. No. 157870, November 3, 2008, in which only candidates for public office were struck down as unconstitutional for just mere inconsistency with the qualifications of candidates for public office set forth in the 1987 Constitution. Such inconsistencies do not extend to elected and appointed public officials, who are forthright considered as officers and employees of public offices. In the application of the equal protection clause, mandatory random drug testing shall become binding among elected and appointed officials, pursuant to what this Bill foremost seeks.

It is in this pursuit that this proposed measure also seeks to include the Hair Follicle Drug Test as a mode of drug testing. Hence, although the RA 9165 does not explicitly provide for what type of methods shall be employed in drug testing, the said law provides further that two (2) testing methods should be employed for authorized drug testing—a screening test and a confirmatory test, the latter to be only performed if the screening test yields a presumptive positive result. The guideline for the accreditation of drug testing laboratories in the Philippines was released jointly by the Department of Health and the Dangerous Drugs Board where immunoassays, thin layer chromatography, and point of care testing kits were identified as acceptable methods for screening, while confirmatory tests had to be conducted in an analytical laboratory that uses gas chromatography-mass spectrometry (GC-MS) or “some such modern and accepted method.”

Hence, while neither RA 9165 nor the Implementing Rules and Regulations for RA 9165 specified a biologic specimen for drug testing, the guideline only stated procedures for urine collection and no other biologic matrix was mentioned. It is in this regard that Hair Follicle Drug Test shall be incorporated as the screening test in drug tests in the country, given that in the study conducted by Palamar et al. in “A comparison of the utility of urine and hair testing in detecting self-reported drug use among young adult opioid users” in 2019, the results show that hair testing does appear to be particularly efficacious in detecting unreported recent use of cocaine and/or oxycodone, and it often adds to the detection power of urine—making it ideal as a screening test coupled by the urine test in the confirmatory stages of drug testing.

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


HON. PAOLO Z. DUTERTE

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS

1st Regular Session

House Bill No. **6105**

Introduced by Representative **PAOLO Z. DUTERTE**

AN ACT

MANDATING ELECTED AND APPOINTED OFFICIALS OF PUBLIC OFFICES TO UNDERGO RANDOM DRUG TESTING THROUGH HAIR FOLLICLE DRUG TEST, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9165 OR THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002

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

SECTION 1. Declaration of Policy. – It is the policy of the state to maintain peace and order, protect one's life, liberty, and property, and promote the general welfare of the people. The Constitution also reiterates that the state shall maintain honesty and integrity in the public service, highlighting the importance of accountability of public officers and employees, with high regard to the service equipped with utmost responsibility, integrity, loyalty, and efficiency, actions toward patriotism and justice, and lives with modesty. Hence, a public office being a public trust, public officials shall also be subject to accountability measures such as mandatory random drug testing inclined with the officials' mandate of promoting the general welfare of the people, especially in terms of mitigating, if not totally eliminating, drug use and abuse in the community.

SEC 2. Amendment. – Section 36 of Republic Act No. 9165 or Comprehensive Dangerous Drugs Act of 2002 is 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 tests. The drug testing shall employ, among others, two (2) testing methods, the screening test which **SHALL BE DONE THROUGH HAIR FOLLICLE DRUG TEST** will determine the positive result as well as the type of the drug used and the confirmatory test which **SHALL BE DONE THROUGH URINE DRUG TEST** 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 **RANDOM** 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;

[xxx]

(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;

[xxx]

[(g) All candidates for public office whether appointed or elected both in the national or local government shall undergo a mandatory drug test]

(G) ELECTED AND APPOINTED OFFICIALS IN PUBLIC OFFICES. – ELECTED AND APPOINTED OFFICIALS OF THE GOVERNMENT, GOVERNMENT INSTRUMENTALITIES, OR GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS (GOCCS), WHETHER DOMESTIC OR OVERSEASES, SHALL BE SUBJECTED TO UNDERGO A RANDOM DRUG TEST, WHICH SHALL BE BORNE BY THE EXPENSES OF THEIR OFFICE UNDER THE GENERAL APPROPRIATIONS ACT. ANY OFFICIAL FOUND POSITIVE FOR USE OF DANGEROUS DRUGS SHALL BE DEALT WITH ADMINISTRATIVELY WHICH SHALL BE A GROUND FOR SUSPENSION OR TERMINATION FROM OFFICE, SUBJECT TO CERTAIN PERTINENT LAWS.

SEC. 3. *Separability Clause.* - If any of the sections or provisions of this Act is held invalid, all other provisions not affected thereby shall remain valid.

SEC. 4. *Repealing Clause.* - All laws, decrees, issuances, rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

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

Approved,