

06 June 2017

ATTY. JOSE LUIS MARTIN C. GASCON

Chairperson
Commission on Human Rights
Quezon City

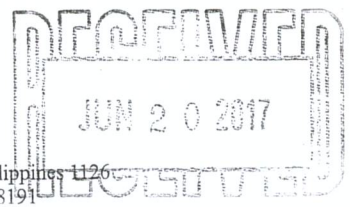
Dear **Chairperson Gascon:**

This has reference to the request of the Commission on Human Rights for our Department's official position on Senate Bill No. 1313 entitled, "An Act Mainstreaming the Public Health Approach to Philippine Drug Policy, Establishing and Implementing Community-Based Programs and Strategies for Drug-Related Issues and Concerns, and Prohibiting Harmful and Discriminatory Interventions and Practices, Appropriating Funds Therefor, and for Other Purposes" authored by Senator Ana Theresia Hontiveros-Baraquel.

The Department of Social Welfare and Development wishes to express its support on the bill as it seeks to institutionalize public health interventions for drug use as an alternative to criminal prosecution and facility based-rehabilitation.

To contribute to the bill's enhancement, we are also recommending the following:

1. Under **Sec. 6 – Components of the National Health Intervention for Drug Use Program:** To provide the salient features of the components to distinguish them from each other.
2. Under **Sec. 15 – Exemption from Criminal Liability:** To review the proposal to exempt people who use drugs (PWUDs) who withdraw from the program or fail the rehabilitation process. The purpose of the bill is to ultimately reintegrate the PWUDs to their families and communities. If a PWUD would not be rehabilitated, the purpose of the bill would be defeated.
3. Under **Sec. 17 – Compulsory Confinement:** To provide alternative procedures for PWUDs who need to be confined but refuse to do so without violating their rights. This is important for PWUDs who may cause harm to themselves or the community.
4. Under **Sec. 19 – Use or Possession for Personal Use:** On the first paragraph, clarify if the term *personal use* will follow the guidelines provided under Section 11 of Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act, as amended. If not, operationalize the term *personal use* to be used in the bill for clarification purposes.



Under the second paragraph, we recommend that the bill clarify what the treatment would be if there is already an ongoing case before a court against a person who has already been apprehended for prior violation of RA 9165.

5. Under **Sec. 31 – Role of Key Government Agencies:**

- a. Under **letter (a):** Include a second paragraph to the functions of the Department of Health (DOH) to be read as:

“IN ADDITION, THE DOH SHALL ENSURE THE PROPER MONITORING AND EVALUATION OF THE PROGRAM’S IMPLEMENTATION.”

- b. Under **letter (d):** To read as:

“The Department of Social Welfare and Development (DSWD), IN COORDINATION WITH THE DOH, shall incorporate health interventions for PWUD in its social service packages.”

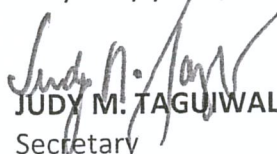
6. Under **Sec. 35 – Appropriations:** There is a need to provide funding to Local Government Units (LGUs) to ensure better implementation of the health interventions at the community level.

7. Under **Sec. 36 - Implementing Rules and Regulations:** Include the following in the crafting of the Implementing Rules and Regulations since they were also identified as key agencies in implementing the National Health Intervention for Drug Use Program.

- a. Department of Interior and Local Government (DILG)
- b. Department of Education (DepEd)
- c. Department of Social Welfare and Development (DSWD)
- d. Philippine Information Agency (PIA)
- e. Philippine Health Insurance Corporation (PhilHealth)
- f. Department of Justice (DOJ)
- g. Philippine National Police (PNP)
- h. Dangerous Drugs Board (DDB)
- i. Philippine Drug Enforcement Agency (PDEA)
- j. Civil Society Organizations (CSOs) that are actively involved in the Public Health Approach to Philippine Drug Policy

Thank you.

Very truly yours,


JUDY M. TAGUIWALO
Secretary