



Republic of the Philippines  
Office of the President  
**DANGEROUS DRUGS BOARD**

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**BOARD REGULATION No. 3**  
**Series of 2007**

**SUBJECT: RULES GOVERNING VOLUNTARY CONFINEMENT FOR  
TREATMENT AND REHABILITATION OF DRUG DEPENDENTS**

**WHEREAS**, under Section 2 of R.A. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, it is a declared policy of the State to provide effective mechanisms or measures to re-integrate into society individuals who have fallen victims to drug abuse or dangerous drug dependence through sustainable programs of treatment and rehabilitation;

**WHEREAS**, Article VIII of R.A. 9165 provides for the program for the treatment and rehabilitation of drug dependents;

**WHEREAS**, there is a need to clarify and supplement the aforementioned provision of the law in order to expedite and effectively implement the declared State policy;

**WHEREAS**, Section 81 (b) of R.A. 9165 empowers the Dangerous Drugs Board to promulgate such rules and regulations as may be necessary to carry out the purposes of the said Act;

**WHEREAS**, Section 81 (q) of R.A. 9165 also empowers the Dangerous Drugs Board to issue guidelines as to the approval or disapproval of applications for voluntary treatment, rehabilitation or confinement, wherein it shall issue the necessary guidelines, rules and regulations pertaining to the application and its enforcement;

**NOW, THEREFORE**, be it resolved, as it is hereby resolved, to promulgate this Regulation governing the voluntary confinement for treatment and rehabilitation of drug dependents:

**SECTION 1. Definition of Terms.** The following are the definitions of terms used in this Regulation:

**Board** – refers to the Dangerous Drugs Board;

**DepEd** – refers to the Department of Education;

**DILG** – refers to the Department of the Interior and Local Government;

**DOH** – refers to the Department of Health;

**DOJ** – refers to the Department of Justice;

**Drug dependency** – refers to a state of psychological and/or physical dependence on drugs arising in a person following the administration or use of the drug on a periodic and continuous basis;

**Drug dependency examination** - a procedure conducted by a DOH-accredited physician to evaluate the extent of drug abuse of a person and to determine whether he/she is a drug dependent or not, which includes history taking, intake interview, determination of the criteria for drug dependency, mental and physical status, and the detection of dangerous drugs in body specimens through laboratory procedures;

**Drug dependent** – a person who regularly consumes or administers or allows others to administer to him dangerous drugs and has acquired a marked psychological and/or physical dependence on the drugs which has gone beyond a state of voluntary control;

**DSWD** – refers to the Department of Social Welfare and Development;

**PAO** – refers to the Public Attorney's Office;

**PDEA** – refers to the Philippine Drug Enforcement Agency;

**PPA** – Parole and Probation Administration;

**Rehabilitation** - is a dynamic process directed towards the physical, emotional/psychological, vocational, social and spiritual change to prepare a drug dependent for the fullest life compatible with his capabilities and potentials and render him able to become a law abiding and productive member of the community without abusing drugs;

**Treatment** - is the medical service rendered to a drug dependent for the effective management of his physical and mental conditions arising from drug abuse;

**Treatment and Rehabilitation Center / Center** – a drug treatment and rehabilitation center accredited by the Department of Health; and

**Voluntary Confinement for Treatment and Rehabilitation** - a treatment and rehabilitation program as provided for in Section 54 of R. A. 9165.

## **SECTION 2. Application for Voluntary Confinement.**

- a) Any drug dependent may by himself/herself or through his/her parent, spouse, guardian or relative within the fourth degree of consanguinity or affinity, may file a verified application to the Board for voluntary confinement for treatment and rehabilitation.
- b) Upon receipt of the verified application, the Board shall order that the applicant or the person in whose behalf the application is filed be examined for drug dependency by a DOH-accredited physician. The certification by the examining physician shall state, among others, whether the immediate confinement of the drug dependent is recommended, taking into consideration his/her level of drug dependency and the potential danger he/she may pose to himself/herself, his/her family and the community.
- c) Upon issuance of a certification by the examining physician that the applicant or the person in whose behalf the application is filed is a drug dependent and his/her confinement in a treatment and rehabilitation center is recommended, the Board shall file a petition with the appropriate Court for the confinement of

the said drug dependent for treatment and rehabilitation pursuant to Section 54 of R.A. 9165.

- d) If the examining physician recommends the immediate confinement of the drug dependent, the Board shall order his/her temporary confinement in a government or private treatment and rehabilitation center, at the option of the applicant, at his/her expense, pending the issuance of the commitment order of the Court. The temporary confinement of the drug dependent shall not exceed fifteen (15) days and it shall be duly alleged in the petition of the Board to be filed with the Court.
- e) Upon the petition of the Board, the Court shall order that the applicant be examined for drug dependency or shall take cognizance of the certification of the examining physician mentioned in paragraphs (b) and (c) hereof. If the examination by a DOH-accredited physician results in the issuance of a certification that the applicant is a drug dependent, he/she shall be ordered by the Court to undergo treatment and rehabilitation in a Center designated by the Board for a period of not less than six (6) months: *Provided*, That a drug dependent may be placed under the care of a DOH-accredited physician where there is no Center near or accessible to the residence of the drug dependent or where said drug dependent is below eighteen (18) years of age and is a first-time offender and non-confinement in a Center will not pose a serious danger to himself/herself, his/her family or the community.
- f) Confinement in a Center for treatment and rehabilitation shall not exceed one (1) year, after which time the Court, as well as the Board, shall be apprised by the head of the Center of the status of said drug dependent and determine whether further confinement will be for the welfare of the drug dependent and his/her family or the community.

### **SECTION 3. Authorized Representatives of the Board.**

- a) In connection with the implementation of the provisions of Section 2 hereof, the Executive Director of the Board is hereby authorized to act for and in behalf of the Board, and is further authorized to designate any Provincial or City Health Officer, Provincial or City Social Welfare and Development Officer, Provincial or City Local Government Operations Officer of the DILG, Provincial or City Schools Division Superintendent of the DepEd and Regional, Provincial or City Parole and Probation Officer of the PPA to perform the aforesaid delegated authority. The Representatives of the Board designated by the Executive Director shall be assisted by the Department of Justice, through the Public Attorney's Office, in the performance of their delegated authority, unless the applicant retains the services of a private counsel at his/her expense. The Executive Director and all other authorized representatives shall render a monthly report to the Board on all applications for voluntary confinement received, the corresponding actions taken, and the status thereof.
- b) The document to be issued by the Executive Director of the Board designating the Provincial or City Representatives of the Board shall state their specific duties and responsibilities, as follows:
  - 1) To receive verified applications for voluntary confinement for treatment and rehabilitation;
  - 2) To order the drug dependency examination of the applicant or the person in whose behalf the application is filed by a DOH-accredited physician;

- 3) To order the temporary confinement, not exceeding fifteen (15) days, of the drug dependent;
- 4) To file the petition for voluntary confinement for treatment and rehabilitation, for and in behalf of the Board, with the appropriate Court;
- 5) To appear and represent the Board during the hearing of the petition with authority to make stipulation of facts;
- 6) To designate the Center where the drug dependent shall be confined or the DOH-accredited physician in whose care the drug dependent shall be placed under;
- 7) To receive reports from the head of the Center or DOH-accredited physician regarding the status of the drug dependent; and
- 8) To furnish the Board with copies of all applications, issued orders, petitions and other pleadings, reports and other documents in connection with the exercise of their delegated authority.

**SECTION 4. Opposition to Temporary Confinement.** Any opposition to the temporary confinement of a drug dependent shall be in writing and verified. It shall state the grounds for the opposition and shall be filed with the Office of the Executive Director of the Board. Upon receipt of the opposition, the Executive Director shall act with all reasonable diligence and take all measures necessary to resolve the opposition. The temporary confinement shall stay, unless the opposition clearly shows that the continued confinement of the drug dependent is detrimental to his/her physical and mental well-being and that he/she does not pose a danger to himself/herself, his/her family or the community;

**SECTION 5. Temporary Release and Aftercare Program.**

- a) Upon certification of the Center that the drug dependent within the voluntary submission program may be temporarily released, the Court shall order his/her release on condition that said drug dependent shall report to the DOH for aftercare and follow-up treatment, including urine testing, for a period not exceeding eighteen (18) months under such terms and conditions that the Court may impose and subject to the guidelines on aftercare provided for in Board Regulation No. 1, Series of 2006.
- b) If, during the period of aftercare and follow-up, the drug dependent is certified to be rehabilitated, he/she may be discharged by the Court, subject to the provisions of Section 55 of R.A. 9165, without prejudice to the outcome of any pending case filed in court.
- c) However, should the DOH find that during the initial after-care and follow-up program of eighteen (18) months, the drug dependent requires further treatment and rehabilitation in the Center, he/she shall be recommitted to the Center for confinement. Thereafter, he/she may again be certified for temporary release and ordered released for another aftercare and follow-up program pursuant to this Section.

**SECTION 6. Probation and Community Service.** A drug dependent who is discharged as rehabilitated by the Center, but does not qualify for exemption from criminal liability under Section 55 of R.A. 9165, may be charged under the provisions of

the said Act, but shall be placed on probation and undergo a community service in lieu of imprisonment and/or fine in the discretion of the Court, without prejudice to the outcome of any pending case filed in Court.

**SECTION 7. Filing of Charges Against a Drug Dependent Who is Not Rehabilitated after Recommitment.** A drug dependent, who is not rehabilitated after the second commitment to the Center, shall, upon recommendation of the Board, be charged for violation of Section 15 of R.A. 9165 and prosecuted like any other offender. If convicted, he/she shall be credited for the period of confinement and rehabilitation in the Center in the service of his/her sentence.

**SECTION 8. Escape and Recommitment.**

- a) Should a drug dependent escape from the Center, he/she may submit himself/herself for recommitment within one (1) week therefrom, or his/her parent, spouse, guardian or relative within the fourth degree of consanguinity or affinity may, within said period, surrender him/her for recommitment, in which case the corresponding order shall be issued by the Board.
- b) Should the escapee fail to submit himself/herself or be surrendered after one (1) week, the Board shall apply to the Court for a recommitment order. Upon proof of previous commitment or his/her voluntary submission by the Board, the Court may issue an order for recommitment within one (1) week.
- c) If, subsequent to a recommitment, the drug dependent once again escapes from confinement, he/she shall be charged for violation of Section 15 of R.A. 9165 and be subjected under Section 61 of the said Act, either upon order of the Board or upon order of the Court, as the case may be.

**SECTION 9. Confidentiality of Records.**

a) Judicial and medical records of drug dependents under the voluntary submission program shall be confidential and shall not be used against him/her for any purpose, except to determine how many times, by himself/herself or through his/her parent, spouse, guardian or relative within the fourth degree of consanguinity or affinity, he/she voluntarily submitted himself/herself for confinement, treatment and rehabilitation or has been committed to a Center under this program.

b) However, where the drug dependent is not exempt from criminal liability under Section 55 of R.A. 9165, or when he/she is not rehabilitated under the voluntary submission program, or when he/she escapes again from confinement after recommitment, the records mentioned in the immediately preceding provisions, which are necessary for his/her conviction, may be utilized as evidence in court against him/her.

**SECTION 10. Penalty Clause.** Any violation of this Regulation shall be penalized under Section 32 of R.A. 9165, without prejudice to any criminal liability arising from the same act punishable under other provisions of R.A. 9165.

**SECTION 11. Separability Clause.** If, for any reason, any section or provision of this Regulation is declared invalid or unconstitutional, the remainder of this Regulation shall not be affected by such declaration and shall remain in force and effect.

**SECTION 12. Repealing and Amending Clause.** All Board regulations and other issuances inconsistent with this Regulation are hereby superseded, amended or modified accordingly.

**SECTION 13. Effectivity.** - This Regulation shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation and upon its registration with the Office of the National Administrative Register (ONAR), University of the Philippines Law Center.

**ADOPTED and APPROVED** this 6<sup>th</sup> day of June, in the year of Our Lord, 2007 in Quezon City.

**Secretary ANSELMO S. AVENIDO, JR.**  
Chairman, Dangerous Drugs Board

Attested by:

**Undersecretary EDGAR C. GALVANTE**  
Secretary of the Board