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BALAY SILANGAN – GUIDELINES FOR COMMUNITY INVOLVEMENT IN REFORMING DRUG OFFENDERS INTO SELF-SUFFICIENT AND LAW-ABIDING MEMBERS OF SOCIETY

BOARD REGULATION NO. 2, February 15, 2018

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WHEREAS, Section 77 of Republic Act No. 9165, or the Comprehensive Dangerous Drugs Act of 2002, as Amended (the "Act") , provides that the Dangerous Drugs Board (the "Board") to be the policy-making and strategy- formulating body in the field of drug prevention and control;

WHEREAS, Section 84 (a) of the Act provides for the Philippine Drug Enforcement Agency (PDEA) to: "Implement or cause the efficient and effective implementation of the national drug control strategy formulated by the Board thereby carrying out a national anti-drug control strategy formulated by the Board thereby carrying out a national anti-drug campaign program which shall include drug law enforcement, control and prevention campaign with the assistance of concerned government agencies";

WHEREAS, Section 84(q) of the Act states that, the PDEA" ... may enlist the assistance of any department, bureau, office, agency or instrumentality of the government, including government-owned and/or controlled corporations, in the anti-illegal drugs drive..";

WHEREAS, Section 51 of the Act mandates that Local Government Units ("LGUs") shall "appropriate a substantial portion of their respective annual budgets to assist in or enhance the enforcement of the Act giving priority to preventive or educational programs and the rehabilitation or treatment of drug dependents";

WHEREAS, the Board also issued Regulation No. 3, series of 2016 (Guidelines on Handling Voluntary Surrender of Drug Personalities) which provides for the guidelines on handling voluntary surrender of drug personalities who are non- users;

WHEREAS, Regulation No. 4, series of 2016 (Oplan Sagip - Guidelines on Voluntarily Surrender of Drug Users and Dependents and Monitoring Mechanism of Barangay Anti-Drug Abuse Campaigns), provides for the guidelines on handling drug users and drug dependents which includes interventions, training, livelihood, and monitoring mechanism";

WHEREAS, the Department of Interior and Local Government (DILG) issued Memorandum Circular (MC) No. 2009-09 (Subject: Unified Actions Against Illegal Drugs and Other Substances), which mandates that it is a principal responsibility of local authorities to support overall government efforts to address illegal drugs and other substances;

WHEREAS, there is a need to provide guidelines to complement the provisions of Regulation No. 3, series of 2016, particularly on the coordination among LGUs with the National Government and other stakeholders in providing interventions to drug personalities who voluntarily surrendered;

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NOW, THEREFORE, be it RESOLVED, as it is hereby RESOLVED, to provide guidelines for the reformation of drug personalities who voluntarily surrendered to authorities but are not drug users and the provision of livelihood training, after -

care and community/social re-integration programs through coordination among the LGUs, the National Government and private stakeholders.

SECTION 1. Scope and Limitation:

The Guidelines shall provide for programs for drug offenders surrendering under Regulation No. 3, series of 2016 issued by the Board. It defines “rehabilitation” as pertaining to two distinct situations:

Medical Rehabilitation - The process of helping substance/drug addicted individuals stop compulsive substance/drug seeking and use. It may involve a series of bio-psycho-social interventions provided by health professionals to remove toxins in the body and modify behavior of the substance/drug dependent. This definition would usually apply to those who have tried using mood altering substances to and/or already dependent on these substances.

Reformatory Rehabilitation - The process of rectifying or modifying negative attitude and behavior to enable the person to be more productive and acceptable to society. This may also include facilitating the reintegration of the individual back to his family and community. This would usually apply to law violators who may or may not have used substances and/or dependent to these substances.

This set of guidelines will be for drug offenders requiring Reformatory Rehabilitation with the end goal of reforming drug personalities who are not violators of Section 15 of the Act. The program shall be independent from interventions being undertaken by the drug dependents in Drug Abuse Treatment and Rehabilitation Centers.

The guidelines shall likewise complement the Supply Reduction, Civic Awareness and Alternative Development efforts of the government.

The implementation of the program shall be endorsed to the level of local government units (municipal/city/provincial) in support of the anti-illegal drugs advocacy of the administration.

The implementation of the program in the Barangay level shall be dependent, but not limited to the capacity, capability and/or the state of drug affectation in the particular barangay/s and other related determining factors.

SECTION 2. Rationale - In consideration of drug personalities who voluntarily surrendered as a result of the government’s revitalized campaign against the Philippine Drug Problem, the PDEA shall lead the implementation of an LGU-led program designed to provide family-based in house reformation for drug offenders based on the concept of BAHAY PAGBABAGO, a Reformation Center.

The BAHAY PAGBABAGO was conceptualized and implemented in the province of Bataan by the Bataan Police Provincial Office under the leadership PSSupt Rhodel Orden Sermonia.

Given the program’s success in the province of Bataan, it was later expanded to the rest of Police Regional office 3 (PRO-3) under the orders of PDEA DIRECTOR GENERAL AARON N. AQUINO, who was then the Regional Director of PRO-3.

By allowing every institution in the community to be involved as part of the shared social and corporate responsibility in addressing the threat of illegal drug abuse, the Reformation Center or “BAHAY PAGBABAGO” operates on the spirit of volunteerism without expenses being incurred on the part of the patients as well as the government and its instrumentalities. It sustains its existence thru the support coming from the corporate

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community and civic spirited/cause oriented groups.

The BAHAY PAGBABAGO facility is specifically designed for surrendered drug personalities (who are not users/dependents) where they are given intervention, counseling, and livelihood with the end-in-view of helping them to become more productive and law abiding citizens once they are reintroduced/reintegrated to the society.

Relative to this model and idea, the BALAY SILANGAN was conceptualized. This program shall also serve as an instrument for the reformation of drug personalities who avail of plea bargaining in light of the decision of the Supreme Court in the case of Estipona v. Judge Frank Lobrigo (GR No. 226679, 15 August 2017). This serves as an alternative intervention for drug personalities who are not eligible to be admitted in Treatment and Rehabilitation facilities supervised by the Department of Health (DOH).

SECTION 3. National Oversight Committee - a “BALAY SILANGAN” Program National Oversight Committee shall be created to be chaired by the PDEA. The DILG will serve as the secretariat of the Committee.

Members of the National Oversight Committee shall include the PDEA, DILG, the Department of Social Welfare and Development (DSWD), Technical Education and Skills Development Administration (TESDA), Parole and Probation Administration (PPA), Bureau of Corrections (BuCor), Department of Trade and Industry (DTI), Department of National Defense (DND) the Philippine National Police (PNP), and the Armed Forces of the Philippines (AFP).

Permanent Members of the DDB or their designated representatives shall serve as the consultants for the ”BALAY SILANGAN” Program.

DILG Shall issue an MC Directing its Regional Offices to provide the secretariat for the Regional Oversight Committee.

The Committee shall have the authority to invite related agencies to expand membership as the need may require.

Each member of the ‘BALAY SILANGAN” National Oversight Committee shall create a Technical Working Group (TWG) within their Agency that will serve as the OPR on maters pertaining to ‘BALAY SILANGAN” Program. The TWG shall be headed by the Community Relations Units of each member Agency of the “BALAY SILANGAN” National Oversight Committee (i.e.PDEA-PECIS, PNP- PCRG, AFP-CRS, or its equivalent).

SECTION 4. Functions of the National Oversight Committee:

a. Monitor and evaluate the implementation of the Program;

b. File necessary administrative and/or criminal charges in accordance with applicable laws, policies and guidelines;

c. Coordinate the participation of all sectors in the Program;

d. To enlist the assistance of any Department, Bureau, Office, Agency or any instrumentality of the government, including any Government-Owned and/or Controlled Corporation (GOCC) in the Program;

e. Meet at least once every quarter; and

f. To conduct random inspection and audit of Drug Reformation Program facilities.

SECTION 5. Formation of a Regional Oversight Committee

A Regional Oversight Committee must be established which shall be composed of the Regional Directors of the PDEA, PNP, AFP, DSWD, DTI, TESDA and the DILG. Representatives may be designated, however only the

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principal of each institution may sign formal documents.

SECTION 6. Functions of the Regional Oversight Committee

a. Ensure establishment and operation of Drug Reformation Programs in the communities (Cities and Municipalities);

b. Ensure Sustainability of Reformation Programs;

c. File necessary administrative and/or criminal charges in accordance with applicable laws, policies, and guidelines; and

d. Ensure the inclusion of the following sectors/institutions in the establishment and implementation of Drug Reformation Program, but may not be limited to:

- Local Government Units (LGUs)

- Livelihood (DTI,TESDA)

- Private Companies/Corporations (Corporate Social Responsibilities)

- Educational Institutions (DepEd, CHED, Private Sector)

- Health (DOH, Local Health Offices, Private Health Institutions)

- Social Welfare (DSWD, Local Social Welfare Offices, Private Sector)

- Law Enforcement and Armed Units (PDEA, PNP, NBI, PCG, AFP, etc.)

- Other sectors that may help in the establishment, implementation, and sustainability of Drug Reformation Programs in the communities.

DILG shall issue an MC directing its Regional Offices to provide the secretariat for the Regional Oversight Committee. (OPR: Regional Offices of PDEA, PNP, DILG, concerned government offices, and private sector)

SECTION 7. Revitalization of the Anti-Drug Abuse Councils (ADACs) - This phase provides for the updating of the validated list of illegal drug personalities at the barangay level. It further provides for establishment of necessary structures, manpower, funds and other needs deemed necessary for providing livelihood and training programs to the drug personalities who voluntarily surrendered by municipal, city and provincial ADACs.

The ADACs shall also be in charge of formulating action plan for the Reformation Program in coordination with relevant institution and stakeholders in the LGU level.

The ADACs shall also serve as coordinator for the participation of all stakeholders in the implementation of this Program.

SECTION 8. Formation of Provincial, City, and Municipal Drug Reformation Program Committee and Adoption of Program of Instructions (POIs).

The Provincial, City/Municipal ADACs shall be in charge in the forming of the Drug Reformation Committee and the adoption of its POIs.

A. General Interventions shall include, but may not be limited to the following:

1. Education and Health
a. Knowledge on Illegal Drugs
b. Ill effects of illegal Drugs

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c. Lecture on RA 9165

2. Psychological/Spiritual/Physical Activities
a. Counseling/Consultative meetings b. Moral Recovery Activities
c. Values Formation
d. Personal and Life Skills
e. Community Service
f. Exercises and Sports Activities
g. Family Visitation

B. Livelihood or Employment Education

1. Green Revolution Program (Gardening*)
2. Soap Making
3. Massage Training or Reflexology
4. Basic Carpentry
5. Basic Welding and Electrical
6. Basic Haircutting
7. Food Processing
8. Mushroom Culture

SECTION 9. Networking and Establishment of Infrastructures

a. The concerned Anti-Drug Abuse Councils (ADACs) shall establish and implement a Drug Reformation Program Committee in the Provinces, Cities, and Municipalities.

b. ADACs shall adopt POIs for the Drug Reformation Program to cater to eligible, Drug Personalities.

c. Establishment of the infrastructures necessary for the program such as, but may not be limited to:

- Classrooms
- Sleeping Areas
- Shower Areas and Toilet
- Mess Area/Pantry
- Library
- Clinic (accredited/monitored by DOH Regional Hospital)
- Sports/Recreation Area

d. Provide human resources who will serve as Personnel and Subject Matter Experts (SMEs) for the Program in accordance with the requirements of the POI, The PDEA, PNP, AFP, and concerned ADACs shall be in charge of finding personnel and SMEs that will manning and facilitating the Program.

The personnel and SMEs may be provided by the following, but not limited:

- Government Offices (Section 84, para 1. RA 9165

- Privately Owned Corporations through Corporate Social Responsibility (DDB Reg. No. 2, s. 2004: Guidelines in the Formulation and Implementation of a Drug-Free Workplace Program and the Conduct of Authorized Drug Testing by all Offices, Bureaus, and Agencies of the National and Local Governments, Government-Owned and Controlled Corporations and Other Institutes of Learning Including State Colleges and Universities.

- LGUs

- NGOs

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e. Ensure that financial and logistical support needed are proved for the conduct of advocacy activities, information dissemination and media relations, construction of Drug Reformation Centers, as well as livelihood, financial assistance, educational assistances to program beneficiaries.

SECTION 10. Security - To ensure the security of the facility and to discourage unauthorized departure of people undergoing the Program, all Drug Reformation Program Facilities must be located in either PNP or AFP camps/bases and will be manned accordingly.

SECTION 11. Eligibility to the Program - The following personalities are eligible to enter the Program:

- Drug personalities who voluntarily surrendered and do not belong to the PDEA and PNP Target List, Wanted List and Watch List or has any other pending criminal case/s.

- Drug personalities who availed of the plea bargaining agreement and/or convicted under Section 15 (Use of Dangerous Drugs) of the Act are required to undergo Drug Reformation Program which shall serve as alternate intervention.

- Drug personalities who served jail terms for violation of the Act are eligible to undergo the Program.

SECTION 12. Implementation of the Program - A comprehensive National Reformation Intervention Program Framework, shall be designed by concerned agencies, spearheaded by the PDEA to assure evidence-based and rights-based activities which conform with international standards and principles.

The intervention process shall include, but may not be limited to the following activities:

1. Conduct Supply Reduction initiatives spearheaded by the PDEA Regional Offies with the assistance of, but not limited to, the territorial units of the Philippine National Police (PNP) aided by provincial/national anti-illegal drugs operatives. (PDEA, Local PNP and Provincial, City/Municipal Prosecutor)

2. Initiate the conduct of Civic Awareness and Demand Reduction activities from the Provincial down to Barangay Level such as, but not limited to:

a. Drug Awareness Seminars/Training/Symposia

b. Preventive Education and Information Campaign

c. Lectures, programs, or for a on Ill-effects of drug abuse

d. Implementation of measures towards drug abuse prevention and eradication.

e. Engage the youth and students in the active information dissemination drive at all levels of the community.

(OPR: PDEA, Local PNP supported by: Local Government Health Officer, Local Government Social Welfare Officer, DepEd Representative, Barangay/SK Chairman and Local Sanggunian, NGOs)

3. Classify Drug Personalities in accordance with following DDB Regulations:

a. Regulation No. 3, s. 2016 providing for the Guidelines on Handling Voluntary Surrender of Drug Personalities. (OPR: PDEA, Local PNP with the Support by LGUs thru the CADAC/MADAC, PAO Local PNP)

b. Regulation No. 4, s. 2016 providing for OPLAN SAGIP - Guidelines on Voluntarily Surrender of Drug Dependents and Monitoring Mechanism of Barangay Anti-Drug Abuse Campaign (OPR: All City and Municipal Mayors, All BADACs, BADAC Auxiliary Teams, C/MLGOO, DDB Authorized Representative)

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4. Conduct/Evaluation of Situational Analysis to determine peculiarities of concerned communities as basis for interventions, services, and other requirements to implement the Reformation Program. (In consideration of the ff: Demography, Geography, Political Situation, etc.) OPR: DSWD, DILG, and Local Social Welfare Officers)

5. Concerned Institutions shall implement the Drug Reformation Program in their respective AORs. Eligible Drug Personalities shall be enrolled to the Program. The Program will have the following phases:

1st Phase - One (1) month reformation program (mandatory in-house)
2nd Phase - May vary depending on specific cases

a. Voluntary Surrenders subject to provisions of Regulation No. 3 series of 2016 may be subjected to an out-patient program for a duration of one to two months.
b. For those who availed of plea bargaining and/or convicted under Section 15 of the Act shall be subject to in-house intervention programs and orders of the Regional Trial Court.

3rd Phase - Livelihood and skills training program with skills matching based on capacity and job opportunities.

SECTION 13. Funding - Primary source of fund will be the LGUs in accordance with the Act, the Local Government Code and issuances of the DILG.

Private Corporations may also provide funding through Corporate Social Responsibility. These corporations are also encouraged to extend drug abuse prevention advocacy and training to familieis of workers and communities under the Drug-Free Workplace Program as provided for in Regulation No. 8, s. of 2003 of the Board.

Further, the oversight Committee together with the representatives of ADACs will coordinate the participation of all Stakeholders who are willing to assist in the Program.

SECTION 14. Monitoring and Reporting - Concerned PDEA/PNP Unit in the Province/City/Municipality shall submit quarterly reports on the Drug Reformation Program to the Oversight Committee.

The member Agencies of Oversight Committee will submit the quarterly reports to their national offices, copy furnished the Board. Each Agency will designate an office/service/unit to collate the reports.

SECTION 15. Penalty for Non-Compliance/Violation

Failure of the concerned officials to perform their function in accordance with the provisions of this Board Regulation shall be a ground for filing of appropriate charges pursuant to Section 32 of the Act, the Local Government Code and issuances of the DILG.

Further, failure of the LGUs to appropriate a substantial portion of their Annual Budgets to assist in or enhance the enforcement of the Act, shall be ground for disapproval of the subject LGUs Annual Budget.

SECTION 16. Effectivity - This Regulation shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation and registration with the Office of the National Administrative Register (ONAR), UP Law Center, Diliman, Quezon City.

APPROVED and ADOPTED this 24th day of January, in the year of Our Lord, 2018 in Quezon City.

(SGD.) Secretary CATALINO S. CUY
Chairman, Dangerours Drugs Board

Attested by:

(SGD.) Undersecretary EARL P. SAAVEDRA

Secretary of the Board

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