



Republic of the Philippines
QUEZON CITY COUNCIL

Quezon City
22nd City Council

PO22CC-235

70th Regular Session

ORDINANCE NO. SP- **3326**, S-2024

AN ORDINANCE PROHIBITING THE DISCRIMINATION OF REHABILITATED PERSONS WHO USED DRUGS (PWUDs) IN QUEZON CITY AND PROVIDING PENALTIES THEREFOR

Introduced by Councilors DON S. DE LEON and TATAY RANNIE Z. LUDOVICA

Co-Introduced by Councilors Tany Joe "TJ" L. Calalay, Dorothy A. Delarmente, M.D., Joseph P. Juico, Nikki V. Crisologo, Charm M. Ferrer, Fernando Miguel "Mikey" F. Belmonte, Candy A. Medina, Aly Medalla, Dave C. Valmocina, Godofredo T. Liban II, Kate Galang-Coseteng, Geleen "Dok G" G. Lumbad, Albert Alvin "Chuckie" L. Antonio III, Wencerom Benedict C. Lagumbay, Edgar "Egay" G. Yap, Imee A. Rillo, Raquel S. Malañgen, Irene R. Belmonte, Nanette Castelo-Daza, Marra C. Suntay, Joseph Joe Visaya, Alfred Vargas, MPA, Ram V. Medalla, Shaira "Shay" L. Liban, Aiko S. Melendez, Maria Eleanor "Doc Ellie" R. Juan, O.D., Kristine Alexia R. Matias, Eric Z. Medina, Emmanuel Banjo A. Pilar, Vito Sotto Generoso, Victor "Vic" Bernardo, Jose Maria M. Rodriguez and Jhon Angelli "Sami" C. Neri

WHEREAS, it is the policy of the State to provide effective mechanisms or measures to reintegrate into society individuals who have fallen victims to drug abuse or dangerous drug dependence, through sustainable programs of treatment and rehabilitation;

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides that every local government unit shall exercise the powers which are essential to the promotion of the general welfare by ensuring and supporting the enhancement of social justice, maintenance of peace and order, and preservation of the comfort and convenience of their inhabitants;

WHEREAS, the United Nations Office on Drugs and Crimes has recognized that people who use drugs make up a considerably hidden population due to stigma, discrimination, and social exclusion which leads to a systemic and endemic violation of their universal human rights that has grave impacts on their well-being and health;

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WHEREAS, it is the policy of the State to treat persons who use drugs (PWUDs) as victims with a potential to rehabilitate and be reintegrated into the society;

WHEREAS, the systemic discrimination of PWUDs often impedes government efforts to treat, rehabilitate, and reintegrate them to becoming functioning members of the society;

WHEREAS, there is a need to enact an anti-discrimination policy for PWUDs in Quezon City.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. TITLE. – This Ordinance shall be known as the “Rehabilitated PWUDs Anti-Discrimination Ordinance.”

SECTION 2. DECLARATION OF POLICY. – The State shall extend to every person who used drugs full protection of his/ her human rights and civil liberties under the law. Towards this end:

- (a) the right to privacy of persons who used drugs (PWUDs) shall be guaranteed;
- (b) discrimination, in all its forms and subtleties, against PWUDs shall be considered inimical to individual and national interest; and
- (c) provision of basic health and social services for PWUDs, as allowed by relevant law, rule, or ordinance, shall be assured.

SECTION 3. DEFINITIONS. – For the purpose of this Ordinance, the following terms shall be defined as:

- (a) Drugs – refer to Dangerous Drugs as defined in Section 3(q) of Quezon City Ordinance No. SP-2791, S-2018, otherwise known as the “Quezon City Dangerous Drugs Code”;
- (b) Rehabilitated Person Who Used Drugs (PWUD) – refers to an individual who: 1. used, abused, or was dependent on a dangerous drug; 2. is no longer engaged in the illegal use of drugs; and 3. has been successfully rehabilitated from the illegal use of drugs, or who is currently participating in a rehabilitation program against the illegal use of drugs;

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- (c) *Discrimination – refers to any treatment, outlook or action that constitutes distinction, exclusion or restriction which has the purpose or effect of nullifying or impairing the recognition, enjoyment, or non-exercise by rehabilitated PWUDs, on an equal footing with other citizens, of political, civil, economic, social, cultural and other rights. Discrimination also includes incitement to discriminate and harassment; and*
- (d) *Quezon City Anti-Drug Abuse Advisory Council (QCADAAC) – refers to the lead agency of the Quezon City Government tasked with the implementation of a total and integrated program designed to curb the drug abuse problem.*

SECTION 4. PROHIBITED ACTS. – *The following acts are considered unlawful:*

- (a) *Any form of discrimination in employment, including hiring, promotion, or assignment based on a person’s prior use of drugs and from which he/she has been rehabilitated and cleared of is prohibited;*
- (b) *No educational institution shall refuse admission, discipline, segregate, or deny participation, benefits or services to a student or prospective student on the basis of his/her prior use of drugs and from which he/she has been rehabilitated and cleared of;*
- (c) *All credit and loan services, including health, accident and life insurance shall not be denied to a person on the basis of his/her prior use of drugs and from which he/she has been rehabilitated and cleared of; provided, that the PWUD has not concealed or misrepresented that fact to the insurance company, credit and loan entities and other lending institutions upon application. Extension and continuation of credit and loan shall likewise not be denied solely on the basis of said prior use of drugs;*
- (d) *No person shall be denied healthcare service or be charged with a higher fee on account of prior use of drugs and from which he/she has been rehabilitated and cleared of;*
- (e) *A deceased person who used drugs shall not be denied any kind of decent burial services; and*

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- (f) *No person shall inquire about an individual's use of drugs unless such inquiry is directly related to the individual's ability to perform a particular job or task, or to determine eligibility for a particular benefit or service.*

SECTION 5. PENALTIES AND ENFORCEMENT. –

- (a) *Any person, or in the case of an entity the responsible officer, found to have committed any of the prohibited acts enumerated in Section 4 shall, upon due notice and trial, suffer a fine not exceeding Php5,000.00 or imprisonment for a period not exceeding 1 year or both, in the discretion of the court, and without prejudice to such person or entity's liability for civil damages in a case which may independently be filed against him/her or it;*
- (b) *In addition to its criminal and civil liability provided herein, the revocation or cancellation of an establishment's business permit shall be imposed on any establishment found to have committed any of the prohibited acts enumerated in Section 4;*
- (c) *In case a public officer commits any of the prohibited acts enumerated in Section 4, he/she shall be dealt administratively in addition to his/her criminal and civil liability provided herein; and*
- (d) *Any individual, who believes he/she has been discriminated as defined and prohibited in this Ordinance may seek assistance from the QCADAAC Secretariat in filing a complaint with the proper tribunal or office.*

SECTION 6. IMPLEMENTING RULES AND REGULATIONS. – The QCADAAC shall, within 90 days after the effectivity of this Ordinance, formulate the necessary rules and regulations for its effective implementation.

SECTION 7. REPEALING CLAUSE. – All ordinances, resolutions, executive orders, memorandum circulars, and administrative orders or parts thereof which are inconsistent with any provision of this Ordinance are hereby repealed or modified accordingly.

SECTION 8. SEPARABILITY CLAUSE. – If any provision of this Ordinance is declared void or unconstitutional, the remaining portions shall not be affected and shall remain in full force and effect.

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SECTION 9. EFFECTIVITY CLAUSE. – This Ordinance shall take effect after its publication in a newspaper of general circulation, and after posting of copies in conspicuous locations within Quezon City.

ENACTED: June 10, 2024.


GIAN G. SOTTO
City Vice Mayor
Presiding Officer

ATTESTED:

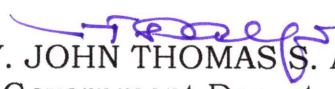

ATTY. JOHN THOMAS S. ALFEROS, III
City Government Department Head III
(City Council Secretary)

APPROVED: NOV 11 2024


MA. JOSEFINA G. BELMONTE
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on June 10, 2024 and was PASSED on Third/Final Reading under Suspended Rules on June 18, 2024.


ATTY. JOHN THOMAS S. ALFEROS, III
City Government Department Head III
(City Council Secretary)