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PRESS RELEASE

CHR calls for review of house-to-house drug testing policy,
stresses need to protect rights of all

QUEZON CITY—The Commission on Human Rights (CHR) expresses concern over the ongoing house-to-house drug testing reportedly conducted by police forces in Payatas and nearby barangays in Quezon City, Metro Manila, citing possible human rights violations during its implementation.

“From a human rights perspective, there is a violation of the presumption of innocence. The policy should be considered for further study before being fully implemented,” says CHR Chairperson Jose Luis Martin “Chito” Gascon.

“It is a kind of intervention that, when properly applied, might be useful. *Ang worry natin, kapag biglang mag-positive, masasama sila sa drug list at baka mapatay,*” laments Chairperson Gascon.

(The is a kind of intervention that, when properly applied, might be useful. Our worry is when someone tests positive, they would be included in the drug list and might be later killed.)

The Commission cites a Supreme Court’s decision on a mandatory drug test case in 2014 (*Dela Cruz v. People of the Philippines*) citing that mandatory drug testing is a violation of the right to privacy and the right against self-incrimination or testifying against oneself.

“Mandatory drug testing can never be random and suspicionless. The ideas of randomness and being suspicionless are antithetical to their being made defendants in a criminal complaint,” the Supreme Court said in its decision.

When left unexamined, the house-to-house drug testing might violate the right of the citizens as enshrined in Article III, Section 2 of the 1987 Constitution: “The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable…”

The Commission also points out that the said operations runs contrary to Republic Act No. 9165 or the Dangerous Drug Act of 2002, which specifies that drug tests must be conducted by “government forensic laboratories or by any of the drug testing laboratories accredited and monitored by the [Department of Health] to safeguard the quality of test results.” There is no provision in the law stating that police forces can conduct drug tests.
While the Commission recognizes the efforts of the law enforcement agents in curbing the deleterious effects of dangerous drugs, they must be constantly mindful of the reasonable limits of their authority. It is not unlikely that in their clear intent to purge society of its lawless elements, they must be knowingly or unknowingly transgressing the protected rights of the Filipino citizens.

CHR tirelessly calls for the protection of civilians, especially the poor and the vulnerable, who have become the immediate victims of the administration’s campaign against drugs. We also call on our law enforcement agents to exercise due diligence in upholding the rights of all Filipinos and the rule of law.

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