

MEMORANDUM

FOR : HELEN Y. SUZARA
Director IV, Social Technology Bureau

FROM : THE ASSISTANT SECRETARY FOR GENERAL
ADMINISTRATION AND SUPPORT SERVICES GROUP
(GASSG) AND CONCURRENT OFFICER-IN-CHARGE, LEGAL
SERVICE

SUBJECT : REQUEST FOR LEGAL OPINION ON THE REPORTORIAL
REQUIREMENTS RELATIVE TO THE IMPLEMENTATION OF
SPECIAL DRUG EDUCATION CENTER

DATE : 18 JUNE 2024

This pertains to your office's MEMORANDUM¹ seeking "guidance in assessing the veracity of the reportorial requirements being compelled by the DILG among municipal LGUs given that **they are not technically implementing SDEC.**" This is in connection with the implementation of the Special Drug Education Center (SDEC) for out-of-school youth and street children pursuant to Republic Act No. 9165 (R.A. 9165) or the "Comprehensive Dangerous Drugs Act of 2002" and its Implementing Rules and Regulations (IRR).

As culled from your Memorandum, your office received an information that the Provincial Office of the Department of the Interior and Local Government (DILG) is requiring the Local Social Welfare Development Offices (LSDWOs) of Palawan to **submit regular reports concerning the implementation of the SDEC.** This is despite the absence of an actual SDEC within the 21 municipal LGUs of the aforesaid province. Your office emphasized that the establishment of a physical structure that shall serve as SDEC is a minimum requirement to effectively implement the program and services as provided under DSWD Administrative Order No. 83, series of 2023 or the "Standards in the Operation of SDEC".

This level's opinion

1. Office mandated to establish SDEC

Section 46 of R.A. 9165 states that:

"Special Drug Education Center. – With the assistance of the Board, the Department of the Interior and Local Government (DILG), the National Youth Commission (NYC), and the Department of Social Welfare and Development (DSWD) shall establish in each of its provincial office a special education drug center for out-of-school youth and street children. Such

¹ Annex A

*Center which **shall be headed by the Provincial Social Welfare Development Officer** shall sponsor drug prevention programs and activities and information campaigns with the end in view of educating the out-of-school youth and street children regarding the pernicious effects of drug abuse. The programs initiated by the Center shall likewise be adopted in all public and private orphanage and existing special centers for street children.” (Emphasis and underscoring supplied)*

Item III of the Dangerous Drugs Board (DDB) Regulation No. 1, Series of 2003, with subject, “Implementing Guidelines Governing the Operationalization of the Special Drug Education Centers”, provides that:

*“As provided for by the law, the **Special Drug Education Center** for out of school youth and street children **shall be established in every province** to be headed by a Provincial Social Welfare Officer (PSWDO). xxx **However, highly urbanized and non-component cities shall be encouraged to establish their own SDECs** to carry out an effective drug education prevention program.” (Emphasis and underscoring supplied)*

Further, Item VII of the DDB Regulation No. 1, s. of 2003 states that:

*“The Project shall be carried out by the local government units (LGUs) with the active participation of the community. xxx It shall entail the establishment of the SDECs in the provinces. **The DILG shall issue the corresponding memorandum circulars to encourage the establishment of the SDEC in the highly urbanized, component cities and municipalities or other LGUs.**” (Emphasis and underscoring supplied)*

Given the foregoing, it is clear that the establishment of the SDEC is mandatory in every provincial office, while it is merely encouraged in highly urbanized, component cities, and municipalities.

2. Manner to establish SDEC

Item III of the DDB Regulation No. 1, s. of 2003 states that SDEC may be established either in an **existing or new facility** in the community, owned by a government, non-government organization, civic, labor or religious organization.

The same is also provided under Item 5.2 of DILG Memorandum Circular No. 2021-001², to wit:

² Entitled “Amending DILG Memorandum Circular No. 2006-150 on Establishment and Operation of Special Drug Education Center for Out of School Youth and Street Children”

"5. POLICY CONTENT AND GUIDELINES

xxx

5.2. Modes of establishing SDECs. Pursuant to the IRR of R.A. No. 9165, SDECs may be established through any of the following manner:

5.2.1. As part of existing facilities of any government organization (GO), non-government organization (NGO), civic, labor or religious organization, or the private sector; or

5.2.2. As a new center constructed through government funds, donations, grants and the like." (*Emphasis and underscoring supplied*)

Similarly, Item II (A) of DSWD Administrative Order No. 03, series of 2003³ provides standard on the physical structures and safety of SDEC:

"II. PHYSICAL STRUCTURES AND SAFETY

A. Facilities

xxx

3. **The Center which shall be established in a new facility** shall have the following rooms with corresponding measurements.

xxx

4. **The SDEC which shall be house in an already existing facility or building** shall, as much as possible, conform with the required specifications as indicated." (*Emphasis and underscoring supplied*)

Based on the above and considering that SDEC is a community-based facility that serves as a venue for promoting preventive and developmental services for out-of-school youth and street children⁴, it is also our considered view that a physical structure or facility must be established to effectively implement the program and services, and attain the objectives of the law.

3. LGUs' duty to submit required reports

As regards to the reportorial requirements, Item VIII (a) (1) of the DDB Regulation No. 1, s. of 2003 designated the DILG to issue the appropriate circular for the LGUs through the Provincial/City/Municipal Social Welfare and Development Office to undertake the following, among others:

❖ **"Submit quarterly/annual reports to the Dangerous Drugs Board cc: DSWD, DILG"**

³ Entitled, "Standards in the Operation of Special Drug Education Centers"

⁴ Item III of the DDB Regulation No. 1, s. of 2003 relative to the definition of SDEC.

The above-said reports were also stated in Item 6.1 of DILG Memorandum Circular No. 2021-001, to wit:

"6. MONITORING AND REPORTING

6.1. A semi-annual accomplishment report is to be submitted every 30th day of July, while an annual accomplishment report is to be submitted every 30th day of January of the ensuing year, using the forms in Annexes 1 and 2, to the:

6.1.1. Philippine Anti-Illegal Drugs Strategy – Program Management Office, Dangerous Drugs Board xxx;

6.1.2. Office of the Undersecretary for Policy and Plans, Department of Social Welfare and Development xxx; and

6.1.3. Bureau of Local Government Supervision xxx DILG xxx".

A review of the aforementioned Annexes reveals that they require information such as the SDEC Three-Year Work and Financial Plan (Annex 1) and the SDEC Accomplishment Report-Semi-Annual (Annex 2), which only those provinces, cities, or municipalities that have established SDECs can provide.

In view of the foregoing laws, policies, rules, and regulations, it is our considered opinion that municipal LGUs that do not have established SDECs and are not operating said centers may not be compelled to submit the reports as stated above. We reiterate the requirement of a physical structure, either as part of the existing facility or a new constructed center, to indicate that there is an established SDEC. It is equally significant to emphasize that the establishment of SDEC is only mandatory in every provincial office, while highly urbanized and non-component cities shall be encouraged to establish their own SDECs.

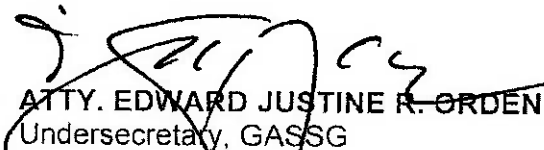
Please be informed that the foregoing legal opinion is based solely on the information provided by your office, and may vary based on additional information or document/s or when the facts are changed or elaborated.

Kindly fill out the attached Customer Feedback Form and return to the Legal Service.

For your consideration. Thank you.


ATTY. GINA V. WENCESLAO
CMUG/AV/MAQ/10065

Approved by:


ATTY. EDWARD JUSTINE R. ORDEN
Undersecretary, GASSG