



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

COMMITTEE REPORT NO. 1111

Submitted JAN 29 2018 by the Committee on Dangerous Drugs on

Re : House Bill No. 8909

Recommending its approval, in substitution of House Bills Numbered 588, 860, 1257, 1413, 2568, 3191, 3403, 3609, 3809, 3976, 4659, 4671, 4728, and 6984

Sponsors : Representatives Gloria Macapagal-Arroyo, Robert Ace S. Barbers, Rozzano Rufino B. Biazon, and Leopoldo N. Bataoil

Madam Speaker:

The Committee on Dangerous Drugs to which were referred House Bill No. 588, introduced by Rep. Leopoldo N. Bataoil, entitled:

AN ACT STRENGTHENING THE PHILIPPINE DRUG ENFORCEMENT AGENCY (PDEA) AND PROVIDING SUPPLEMENTAL DUTIES THEREOF, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002"

House Bill No 860, introduced by Victor Yap, entitled:

AN ACT ADOPTING THE HIGHER PRESCRIBED PENALTY, INCLUDING DEATH, OF THE NATIONAL LAW OF AN ALIEN FOUND GUILTY OF TRAFFICKING DANGEROUS DRUGS AND OTHER SIMILAR SUBSTANCES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002"

House Bill No. 1257, introduced by Rep. Rozzano Rufino Biazon, entitled:

AN ACT AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002"

House Bill No. 1413, introduced by Rep. Winston "Winnie" Castelo, entitled:

AN ACT AMENDING SECTIONS 23 AND 24 OF REPUBLIC ACT NO. 9165, ALSO KNOWN AS THE COMPREHENSIVE DANGEROUS

DRUGS ACT OF 2002 BY RESTORING PLEA BARGAINING AND PROBATION LAWS

House Bill No. 2568, introduced by Rep. Maximo B. Rodriguez, Jr., entitled:

AN ACT ADOPTING THE HIGHER PRESCRIBED PENALTY, INCLUDING DEATH, OF THE NATIONAL LAW OF AN ALIEN FOUND GUILTY OF TRAFFICKING DANGEROUS DRUGS AND OTHER SIMILAR SUBSTANCES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002"

House Bill No. 3191, introduced by Rep. Peter "Sr. Pedro" M. Unabia, entitled:

AN ACT REQUIRING AN ANNUAL MANDATORY DRUG TESTING FOR ALL GOVERNMENT OFFICIALS AND EMPLOYEES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE 'COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002'

House Bill No. 3403, introduced by Reps. Rodel M. Batocabe, Alfredo A. Garbin, Jr., and Christopher S. Co, entitled:

AN ACT PROVIDING FOR THE LEGAL PROCEDURE IN THE DISPOSITION AND REHABILITATION OF DRUG DEPENDENTS AND/OR DRUG PUSHERS OR DEALERS WHO VOLUNTARILY SURRENDER, AMENDING FOR THE PURPOSE RA 9165, AS AMENDED

House Bill No. 3609, introduced Rep. Christopher V. P. De Venecia, entitled:

AN ACT AMENDING THE COMPOSITION OF THE DANGEROUS DRUGS BOARD TO FURTHER STRENGTHEN THE ANTI-DRUG CAMPAIGN OF THE GOVERNMENT, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9165, AS AMENDED, OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002"

House Bill No. 3809, introduced by Rep. Robert Ace S. Barber, entitled:

AN ACT TO STRENGTHEN AND INTENSIFY THE CAMPAIGN AGAINST ILLEGAL DRUGS TRAFFICKING, AMENDING FOR THIS PURPOSE SECTION 3, 4, 5, 6, 8, 11, 12, 13, 15, 16, 20, 29, 33, 78, 84 AND 92 OF REPUBLIC ACT 9165, OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002"

House Bill No. 3976, introduced by Rep. Gloria Macapagal-Arroyo, entitled:

AN ACT REQUIRING DRUG TESTS FOR PROFESSIONAL AND NON-PROFESSIONAL ATHLETES, AMENDING FOR THE PURPOSE SECTION 36 OF REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002 AND FOR OTHER PURPOSES"

House Bill No. 4659, introduced by Rep. Mariano Michael M. Velarde, Jr., entitled:

AN ACT EXPANDING THE COVERAGE OF AUTHORIZED DRUG TESTING AMENDING FOR THE PURPOSE SECTION 36, ARTICLE III

OF REPUBLIC ACT 9165 OR KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002"

House Bill No. 4671, introduced by Rep. Jose Enrique S. Garcia III, entitled:

AN ACT TO FURTHER EXPEDITE THE DISPOSITION OF JUDICIAL CASES INVOLVING VIOLATIONS OF REPUBLIC ACT NO. 9165, ENHANCE ITS EFFICACY AGAINST DANGEROUS DRUGS, AND AMENDING FOR THE PURPOSE SECTIONS 90 AND 92 THEREOF

House Bill No. 4728, introduced by Reps. Rodel M. Batocabe and Alfredo A. Garbin, entitled:

AN ACT PROVIDING FOR THE DISPOSITION OF CONFISCATED, SEIZED, AND/OR SURRENDERED DANGEROUS DRUGS, PLANT SOURCES OF DANGEROUS DRUGS, CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, INSTRUMENTS/PARAPHERNALIA AMENDING FOR THE PURPOSE RA 9165 AS AMENDED BY RA 10640

House Bill No. 6984, introduced by Rep. Joseph Sto. Niño B. Bernos, entitled:

AN ACT INSTITUTIONALIZING THE AUTOMATIC REHABILITATION OF ARRESTED/APPREHENDED PERSONS FOUND TO BE DRUG DEPENDENT, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002 AND FOR OTHER PURPOSES

has considered the same and recommends that the attached House Bill No. 8909, entitled:

AN ACT STRENGTHENING DRUG PREVENTION AND CONTROL, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9165, AS AMENDED, OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002"

be approved in substitution of House Bills Numbered 588, 860, 1257, 1413, 2568, 3191, 3403, 3609, 3809, 3976, 4659, 4671, 4728, and 6984 with Representatives Gloria Macapagal-Arroyo, Robert Ace S. Barbers, Rozzano Rufino B. Biazon, Leopoldo N. Bataoil, Victor Yap, Winston "Winnie" Castelo, Maximo B. Rodriguez, Jr., Peter "Sr. Pedro" M. Unabia, Rodel M. Batocabe, Alfredo A. Garbin, Jr., Christopher S. Co, Christopher V. P. De Venecia, Mariano Michael M. Velarde, Jr., Jose Enrique S. Garcia III, Joseph Sto. Niño B. Bernos, Nancy A. Catamco, Rene L. Relampagos, Gus S. Tambunting, Deogracias Victor "DV" B. Savellano, Gary C. Alejano, Teodoro G. Montoro, Micaela S. Violago, Marlyn B. Alonte, Jose Antonio "Kuya Jonathan" R. Sy-Alvarado, Carmelo "Jon" B. Lazatin II, Bernadette C. Herrera-Dy, Geraldine B. Roman, Roger G. Mercado, Jerry P. Treñas, Aniceto "John" D. Bertiz III, Edward Vera Perez Maceda, Eugene Michael B. De Vera, Maria Lourdes Acosta-Alba, Reynaldo V. Umali, Manuel Monsour T. Del Rosario III, Lorna C. Silverio, Eric L. Olivarez, John Marvin "Yul Servo" C. Nieto, Juliette T. Uy, Jericho Jonas B. Nograles, Ron P. Salo, Salvador B. Belaro Jr., Lord Allan Jay Q. Velasco, Rodante D. Marcoleta, and Pablo C. Ortega, as authors thereof.

Respectfully submitted,

REP. ROBERT ACE S. BARBERS
Chairman
Committee on Dangerous Drugs

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY



Seventeenth Congress
Third Regular Session
Substitute Bill No. 8909

Introduced by Representatives Gloria Macapagal-Arroyo, Robert Ace S. Barbers, Rozzano Rufino B. Biazon, Leopoldo N. Bataoil, Victor Yap, Winston “Winnie” Castelo, Maximo B. Rodriguez, Jr., Peter “Sr. Pedro” M. Unabia, Rodel M. Batocabe, Alfredo A. Garbin, Jr., Christopher S. Co, Christopher V. P. De Venecia, Mariano Michael M. Velarde, Jr., Jose Enrique S. Garcia III, Joseph Sto. Niño B. Bernos, Nancy A. Catamco, Rene L. Relampagos, Gus S. Tambunting, Deogracias Victor “DV” B. Savellano, Gary C. Alejano, Teodoro G. Montoro, Micaela S. Violago, Marilyn B. Alonte, Jose Antonio “Kuya Jonathan” R. Sy-Alvarado, Carmelo “Jon” B. Lazatin II, Bernadette C. Herrera-Dy, Geraldine B. Roman, Roger G. Mercado, Jerry P. Treñas, Aniceto “John” D. Bertiz III, Edward Vera Perez Maceda, Eugene Michael B. De Vera, Maria Lourdes Acosta-Alba, Reynaldo V. Umali, Manuel Monsour T. Del Rosario III, Lorna C. Silverio, Eric L. Olivarez, John Marvin “Yul Servo” C. Nieto, Juliette T. Uy, Jericho Jonas B. Nograles, Ron P. Salo, Salvador B. Belaro Jr., Lord Allan Jay Q. Velasco, Rodante D. Marcoleta and Pablo C. Ortega

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AN ACT

STRENGTHENING DRUG PREVENTION AND CONTROL, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9165, AS AMENDED, OTHERWISE KNOWN AS THE “COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002”

Be it enacted by Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 3 of Republic Act No. 9165, as amended, is hereby amended to read as follows:

“SEC. 3. *Definitions.* – As used in this Act, the following terms shall mean:

- | | | | |
|------|---|---|---|
| “(a) | x | x | x |
| | x | x | x |
| “(c) | x | x | x |

“(C-1) **CHEMICAL DEPENDENCE.** – A CONDITION OF MENTAL OR MENTAL AND PHYSICAL DEPENDENCE ON ANY CONTROLLED PRECURSOR AND ESSENTIAL CHEMICAL OR VOLATILE SUBSTANCE THAT AFFECTS THE CENTRAL

1 **NERVOUS SYSTEM, CHARACTERIZED BY THE PERIODIC OR**
2 **CONSTANTLY REPEATED CONSUMPTION OF THIS SUBSTANCE**
3 **AND WHOSE EFFECTS VARY DEPENDING UPON THE KIND OF**
4 **CONTROLLED PRECURSOR AND ESSENTIAL CHEMICAL TAKEN**
5 **BY THE DEPENDENT OR USER.**

6 “x x x

7 “(h) *Controlled Precursors and Essential Chemicals.* – Include those
8 listed in Tables I and II of the 1988 UN Convention Against Illicit Traffic in
9 Narcotic Drugs and Psychotropic Substances as enumerated in the attached annex,
10 which is an integral part of this Act[.], **ESSENTIAL CHEMICALS AND**
11 **CHEMICALS WHICH SHALL BE HEREINAFTER ADDED TO THE**
12 **LIST OF CONTROLLED PRECURSORS, PURSUANT TO SECTION 93**
13 **OF THIS ACT OR ANY DERIVATIVE AND PREPARATION**
14 **CONTAINING SUCH CHEMICALS OR ARE SOURCED THEREFROM**
15 **WHICH ARE PRESUMED TO FALL WITHIN THE AMBIT THEREOF.**

16 x x x

17 “(j) *Dangerous Drugs.* – Include those listed in the Schedules annexed
18 to the 1961 Single Convention on Narcotic Drugs, as amended by the 1972
19 Protocol, and in the Schedules annexed to the 1971 Single Convention on
20 Psychotropic Substances as enumerated in the attached annex, which is an integral
21 part of this Act[.], **ESSENTIAL CHEMICALS AND CHEMICALS WHICH**
22 **ARE HEREINAFTER ADDED TO THE LIST OF CONTROLLED**
23 **PRECURSORS PURSUANT TO SECTION 93 OF THIS ACT OR**
24 **DERIVATIVES AND PREPARATIONS CONTAINING SUCH**
25 **CHEMICALS OR ARE SOURCED THEREFROM WHICH ARE**
26 **PRESUMED TO FALL WITHIN THE AMBIT THEREOF.**

27 “x x x

28 “(r) *Illegal Trafficking.* – The illegal cultivation, culture, delivery,
29 administration, dispensation, manufacture, sale, trading, transportation,
30 distribution, importation, exportation, **CHEMICAL DIVERSION,** and
31 possession of any dangerous drug and/or controlled precursor and essential
32 chemical.

33 “x x x

34 “(dd) x x x

1 “(DD-1) **PROPER DISPOSAL.** – ANY ACT OF DISCARDING
2 **DANGEROUS DRUGS AT A LICENSED OR AUTHORIZED FACILITY IN**
3 **ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS,**
4 **NOT TO BE RESUED OR SOLD FOR ANY PURPOSE.**

5 “(DD-2) **PROPERTY.** – ANY PROPERTY, SITE, STRUCTURE,
6 **PART OF A STRUCTURE, OR THE GROUND SURROUNDING A**
7 **STRUCTURE INCLUDING SINGLE-FAMILY RESIDENCE,**
8 **OUTBUILDING, GARAGE, UNIT OR MULTIPLEX, CONDOMINIUM,**
9 **APARTMENT BUILDING, WAREHOUSE, HOTEL, MOTEL, BOAT,**
10 **MOTOR VEHICLE, TRAILER, MANUFACTURED HOUSING, SHOP, OR**
11 **BOOTH AND OTHER SIMILAR STRUCTURE.**

12 “(ee) *Protector/Coddler.* – Any person who knowingly and willfully
13 consents to the unlawful acts provided for in this Act and uses his/her influence,
14 power or position in shielding, harboring, screening or facilitating the escape of any
15 person he/she knows, or **ANY PERSON WHO** has reasonable grounds to believe
16 or suspect[₅] **THAT AN INDIVIDUAL** has violated the provisions of this Act,
17 **AND HE/SHE USES HIS/HER INFLUENCE, POWER OR POSITION** in
18 order to prevent the arrest, prosecution [and] **OR** conviction of the violator.

19 “x x x

20 “(kk) x x x

21 “(LL) **WASTE.** – **ANY REFUSE, GARBAGE, OR OTHER**
22 **DISCARDED MATERIAL, EITHER SOLID OR LIQUID.”**

23 SEC. 2. Section 4 of the same Act is hereby amended to read as follows:

24 “SEC. 4. *Importation AND/OR EXPORTATION of Dangerous*
25 *Drugs and/or Controlled Precursors and Essential Chemicals.* – The penalty of
26 life imprisonment to death and a fine ranging from Five hundred thousand pesos
27 (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any
28 person, who, unless authorized by law, shall import or bring into **OR EXPORT**
29 **FROM** the Philippines any dangerous drug, regardless of the quantity and purity
30 involved, including any and all species of opium poppy or any part thereof or
31 substances derived therefrom even for floral, decorative and culinary purposes.

32 “The penalty of imprisonment ranging from twelve (12) years and one (1)
33 day to twenty (20) years and a fine ranging from One hundred thousand pesos
34 (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed

1 upon any person, who, unless authorized by law, shall import **AND/OR EXPORT**
2 any controlled precursor and essential chemical.

3 "The maximum penalty provided for under this Section shall be imposed
4 upon any person, who, unless authorized under this Act, shall import or bring into
5 **OR EXPORT FROM** the Philippines any dangerous drug and/or controlled
6 precursor and essential chemical through the use of a diplomatic passport,
7 diplomatic facilities or any other means involving his/her official status intended
8 to facilitate the unlawful entry of the same. In addition, the diplomatic passport
9 shall be confiscated and cancelled.

10 "ANY PERSON WHO IS FOUND TO HAVE IN HIS/HER
11 POSSESSION OR UNDER HIS/HER DIRECT OR INDIRECT CONTROL
12 ANY DOCUMENT, PURCHASE ORDER, MEMORANDUM RECEIPT,
13 DELIVERY RECEIPT, BILL OF LADING, OR ANY WRITTEN MATTER
14 CONTAINING INFORMATION RELATED TO OR IN CONNECTION
15 WITH ANY DANGEROUS DRUGS AND/OR CONTROLLED
16 PRECURSORS AND ESSENTIAL CHEMICALS IS, UNTIL PROVEN
17 OTHERWISE, PRESUMED TO HAVE IMPORTED OR EXPORTED THE
18 DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND
19 ESSENTIAL CHEMICALS THAT ARE THE SUBJECT MATTER OF
20 SUCH DOCUMENT OR WRITING.

21 "The maximum penalty provided for under this Section shall be imposed
22 upon any person, who organizes, manages or acts as a "financier" of any of the
23 illegal activities prescribed in this Section.

24 "A PERSON IS PRESUMED A FINANCIER IF HE/SHE CAUSES
25 THE PAYMENT, RAISES, PROVIDES OR SUPPLIES MONEY FOR OR
26 UNDERWRITES THE IMPORTATION OR EXPORTATION OF
27 DANGEROUS DRUGS OR CONTROLLED PRECURSORS AND
28 ESSENTIAL CHEMICALS. ANY EVIDENCE SHOWING DELIVERY OR
29 TRANSFER OF MONEY, OR DRAWING OR ISSUANCE OF A CHECK,
30 MONETARY INSTRUMENT OR DOCUMENT TO THE ACCOUNT,
31 CUSTODY OR CONTROL OF A PERSON OR ENTITY KNOWN TO BE
32 CONNECTED WITH OR WORKING FOR AN IMPORTER OR
33 EXPORTER OF DANGEROUS DRUGS OR CONTROLLED
34 PRECURSORS AND ESSENTIAL CHEMICALS, UNLESS PROVEN
35 OTHERWISE, IS *PRIMA FACIE* PROOF OF THE CONSENT TO OR

1 **KNOWLEDGE OF THE SENDER, TRANSFEROR OR ISSUER OF THE**
2 **FINANCING OF THE ILLEGAL IMPORTATION OR EXPORTATION OF**
3 **SUCH DANGEROUS DRUGS, CONTROLLED PRECURSORS AND**
4 **ESSENTIAL CHEMICALS. THIS PRESUMPTION MAY BE**
5 **OVERTURNED UPON PRESENTATION OF PROOF THAT THE**
6 **IMPORTATION OR EXPORTATION IS AUTHORIZED OR VALID.**

7 “The penalty of twelve (12) years and one (1) day to twenty (20) years of
8 imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00)
9 to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person,
10 who acts as a "protector/coddler" of any violator of the provisions under this
11 Section.

12 **“A PERSON IS PRESUMED A PROTECTOR OR CODDLER OF A**
13 **PERSON WHO IMPORTS OR EXPORTS DANGEROUS DRUGS,**
14 **CONTROLLED PRECURSONRS OR ESSENTIAL CHEMICALS TO BE**
15 **USED IN THE PREPARATION FOR SUCH DANGEROUS DRUGS, IF**
16 **HE/SHE KNOWS THE IMPORTER OR EXPORTER OF DANGEROUS**
17 **DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL**
18 **CHEMICALS, AND HE/SHE USES HIS/HER INFLUENCE, POWER OR**
19 **POSITION TO SHIELD, HARBOR, SCREEN OR FACILITATE THE**
20 **ESCAPE OF SAID IMPORTER OR EXPORTER. A PERSON IS**
21 **LIKEWISE PRESUMED A PROTECTOR OR CODDLER IF HE/SHE HAS**
22 **KNOWLEDGE OF OR HAS REASONABLE GROUND TO BELIEVE**
23 **THAT THE VIOLATOR IS AN IMPORTER OR EXPORTER OF**
24 **DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND**
25 **ESSENTIAL CHEMICALS, AND HE/SHE USES HIS INFLUENCE,**
26 **POWER OR POSITION IN PREVENTING THE ARREST,**
27 **PROSECUTION OR CONVICTION OF THE IMPORTER OR**
28 **EXPORTER.**

29 **“UNLESS PROVEN OTHERWISE, A PERSON WHO SHIELDS,**
30 **HARBORS, SCREENS OR FACILITATES THE ESCAPE OF, OR**
31 **PREVENTS THE ARREST, PROSECUTION, OR CONVICTION OF THE**
32 **IMPORTER OR EXPORTER IS PRESUMED TO HAVE KNOWLEDGE**
33 **OF, OR HAS WILLFULLY CONSENTED TO, THE ILLEGAL**
34 **IMPORTATION OR EXPORTATION AND THAT HE/SHE HAS USED**
35 **HIS/HER INFLUENCE, POWER OR POSITION. EXCEPT WHEN IT IS**

1 **DONE BY ANY MEMBER OF THE IMPORTER’S OR EXPORTER’S**
2 **IMMEDIATE FAMILY OR HIS/HER LEGAL COUNSEL, A PERSON**
3 **WHO INTERCEDES AND/OR REPRESENTS THE SAID IMPORTER OR**
4 **EXPORTER IS, UNLESS PROVEN OTHERWISE, PRESUMED TO HAVE**
5 **SHIELDED, HARBORED, SCREENED OR FACILITATED THE ESCAPE**
6 **OF OR PREVENTED THE ARREST, PROSECUTION OR CONVICTION**
7 **OF THE IMPORTER OR EXPORTER.”**

8 SEC. 3. Section 5 of the same Act is hereby amended to read as follows:

9 “SEC. 5. *Sale, Trading, Administration, Dispensation, Delivery,*
10 *Distribution and Transportation of Dangerous Drugs and/or Controlled*
11 *Precursors and Essential Chemicals.* – The penalty of life imprisonment to death
12 and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million
13 pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized
14 by law, shall sell, trade, administer, dispense, deliver, give away to another,
15 distribute, dispatch in transit or transport any dangerous drug, including any and all
16 species of opium poppy regardless of the quantity and purity involved, or shall act
17 as a broker in any of such transactions.

18 “x x x
19 “x x x
20 “x x x
21 “x x x

22 **“UNLESS PROVEN OTHERWISE, ANY PERSON FOUND OR IS**
23 **PRESENT WITHIN OR INSIDE THE PLACE OF SALE, TRADING,**
24 **MARKETING, DISPENSATION, DELIVERY OR DISTRIBUTION, IS**
25 **PRESUMED TO HAVE BEEN INVOLVED IN THE SALE, TRADE OR**
26 **DISTRIBUTION OF DANGEROUS DRUGS, CONTROLLED**
27 **PRECURSORS OR ESSENTIAL CHEMICALS.**

28 **“ANY PERSON FOUND IN POSSESSION OF DANGEROUS**
29 **DRUGS IN THE FOLLOWING QUANTITY OR WEIGHT, REGARDLESS**
30 **OF PURITY, IS PRESUMED TO HAVE BEEN ENGAGED IN SELLING,**
31 **TRADING, DISPENSATION, ADMINISTRATION, DELIVERY,**
32 **DISTRIBUTION AND/OR TRANSPORTATION OF DANGEROUS**
33 **DRUGS:**

34 **(1) 200 GRAMS OR MORE OF SHABU, COCAINE, COCAINE**
35 **HYDROCHLORIDE, OPIUM, HEROINE, MORPHINE, MARIJUANA**

1 RESIN OR MARIJUANA RESIN OIL, OR OTHER DANGEROUS DRUGS
2 SUCH AS METHYLENEDOXYMETAMPHETAMINE (MDMA) OR
3 “ECSTASY,” PARAMETHOXYAMPHETAMINE (PMA),
4 TRIMETHOXYAMPHETAMINE (TMA), LYSERGIC ACIDE
5 DIETHYLAMINE (LSD), GAMMA HYDROXYBUTYRATE (GHB), AND
6 THOSE THAT ARE SIMILARLY DESIGNED OR ARE NEWLY
7 INTRODUCED DRUGS AND THEIR DERIVATIVES;

8 (2) 500 GRAMS OR MORE OF MARIJUANA.”

9 “The maximum penalty provided for under this Section shall be imposed
10 upon any person who organizes, manages or acts as a “financer” of any of the
11 illegal activities prescribed in this Section.

12 “A PERSON IS PRESUMED A FINANCIER IF HE/SHE CAUSES
13 THE PAYMENT, RAISE OR PROVIDES OR SUPPLIES MONEY FOR,
14 OR UNDERWRITES THE SALE, TRADING OR DISTRIBUTION OF
15 DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND
16 ESSENTIAL CHEMICALS. ANY EVIDENCE SHOWING DELIVERY OR
17 TRANSFER OF MONEY, OR THE DRAWING, ISSUANCE OR
18 TRANSFERRING OF ISSUANCE OF A CHECK, MONETARY
19 INSTRUMENT, INVESTMENT OR PROPERTY TO THE ACCOUNT,
20 CUSTODY OR CONTROL OF A PERSON OR ENTITY CONNECTED
21 WITH OR WORKING FOR A SELLER, TRADER OR DISTRIBUTOR OF
22 DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND
23 ESSENTIAL CHEMICALS IS, UNLESS PROVEN OTHERWISE, A *PRIMA*
24 *FACIE* PROOF OF KNOWLEDGE BY THE SENDER, TRANSFERROR
25 OR ISSUER OF THE FINANCING OF AN UNLAWFUL ACT OR
26 ACTIVITY.

27 “The penalty of twelve (12) years and one (1) day to twenty (20) years of
28 imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00)
29 to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person,
30 who acts as a “protector/coddler” of any violator of the provisions under this
31 Section.

32 “A PERSON IS PRESUMED A PROTECTOR OR CODDLER IF
33 HE/SHE KNOWS THE SELLER, TRADER, DISTRIBUTOR OR
34 VIOLATOR OF THIS SECTION AND HE/SHE USES HIS/HER
35 INFLUENCE, POWER OR POSITION IN SHIELDING, HARBORING,

1 SCREENING OR FACILITATING THE ESCAPE OF SAID VIOLATOR. A
2 PERSON IS LIKEWISE PRESUMED A PROTECTOR OR CODDLER IF
3 HE/SHE HAS KNOWLEDGE OF OR HAS REASONABLE GROUND TO
4 BELIEVE OR TO SUSPECT THAT THE VIOLATOR IS A SELLER,
5 TRADER, OR DISTRIBUTOR OF DANGEROUS DRUGS AND/OR
6 CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, AND
7 HE/SHE USES HIS/HER INFLUENCE, POWER OR POSITION IN
8 PREVENTING THE ARREST, PROSECUTION OR CONVICTION OF THE
9 VIOLATOR.

10 "A PERSON WHO SHIELDS, HARBORS, SCREENS OR
11 FACILITATES THE ESCAPE OF, OR PREVENTS THE ARREST,
12 PROSECUTION OR CONVICTION OF, THE SELLER, TRADER,
13 DISTRIBUTOR OR VIOLATOR OF THIS SECTION IS, UNLESS PROVEN
14 OTHERWISE, PRESUMED TO HAVE KNOWLEDGE OF OR WILLFULLY
15 CONSENTED TO, THE ILLEGAL SELLING, TRADING OR
16 DISTRIBUTION AND HAS USE HIS/HER INFLUENCE, POWER OR
17 POSITION IN DOING SO. EXCEPT WHEN IT IS DONE BY ANY MEMBER
18 OF THE VIOLATOR'S IMMEDIATE FAMILY OR HIS/HER LEGAL
19 COUNSEL, A PERSON WHO INTERCEDES AND/OR REPRESENTS THE
20 SAID VIOLATOR IS, UNLESS PROVEN OTHERWISE, PRESUMED TO
21 HAVE SHIELDED, HARBORED, SCREENED OR FACILITATED THE
22 ESCAPE OF, OR PREVENTED THE ARREST, PROSECUTION OR
23 CONVICTION OF THE VIOLATOR."

24 SEC. 4. Section 6 of the same Act is hereby amended to read as follows:

25 "SEC. 6. *Maintenance of a Den, Dive or Resort.* – The penalty of life
26 imprisonment to death and a fine ranging from Five hundred thousand pesos
27 (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any
28 person or group of persons who shall maintain a den, dive or resort [~~where any~~
29 ~~dangerous drug is used or sold in any form~~] AS DEFINED UNDER THIS ACT.

30 "x x x

31 "x x x

32 "x x x

33 "If such den, dive or resort is owned by a third person, the same shall be
34 confiscated and escheated in favor of the government: **PROVIDED, THAT IN**
35 **CASE THE OWNER OF SUCH PROPERTY IS A PARTNERSHIP,**

1 **CORPORATION, ASSOCIATION OR ANY JURIDICAL ENTITY, THE**
2 **PARTNER, PRESIDENT, DIRECTOR, MANAGER TRUSTEE, ESTATE**
3 **ADMINISTRATOR, OR OFFICER WHO CONSENTS TO OR**
4 **TOLERATES SUCH VIOLATION SHALL BE CRIMINALLY LIABLE AS**
5 **CO-PRINCIPAL: *Provided, FURTHER,*** That the criminal complaint shall
6 specifically allege that such place is intentionally used in the furtherance of the
7 crime: *Provided, [further] FURTHERMORE,* That the prosecution shall prove
8 such intent on the part of the owner, **PARTNER, PRESIDENT, DIRECTOR,**
9 **MANAGER, TRUSTEE, ESTATE ADMINISTRATOR OR OFFICER OF**
10 **THE JURIDICAL ENTITY** to use the property for such purpose: *Provided,*
11 *finally,* That the owner, **PARTNER, PRESIDENT, DIRECTOR, MANAGER,**
12 **TRUSTEE, ESTATE ADMINISTRATOR OR OFFICER OF THE**
13 **JURIDICAL ENTITY** shall be included as an accused in the criminal complaint.

14 **“FOR THE PURPOSE OF THIS SECTION, THE FOLLOWING**
15 **ARE PRESUMED:**

16 **(A) ANY DEN, DIVE, RESORT IS PRESUMED**
17 **INTENTIONALLY USED FOR THE PURPOSE OF SELLING OR USING**
18 **DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND**
19 **ESSENTIAL CHEMICALS EVEN ON ONE OCCASION ONLY;**

20 **(B) A PERSON IS PRESUMED AN OPERATOR, MAINTAINER**
21 **OR ADMINISTRATOR OF A DEN, DIVE OR RESORT IF HE/SHE HAS**
22 **ACTUAL OR CONSTRUCTIVE CONTROL AND MANAGEMENT OF**
23 **SUCH PREMISES; AND**

24 **(C) IF ANY PARAPHERNALIA OR INSTRUMENT SUITABLE**
25 **OR FIT FOR THE USE OR ADMINISTRATION OF ANY DANGEROUS**
26 **DRUG IS FOUND IN A DEN, DIVE OR RESORT, IT IS PRESUMED**
27 **THAT THE PREMISES ARE USED FOR THE PURPOSE OF THE**
28 **ADMINISTRATION, SMOKING OR CONSUMPTION OF A**
29 **DANGEROUS DRUG BY A HUMAN BEING AND THAT THE**
30 **OPERATOR, MAINTAINER OR ADMINISTRATOR PERMITS SAID**
31 **PREMISES TO BE USED FOR SUCH PURPOSE.**

32 “The maximum penalty provided for under this Section shall be imposed
33 upon any person who organizes, manages or acts as a "financier" of any of the
34 illegal activities prescribed in this Section.

1 **“A PERSON IS PRESUMED A FINANCIER OF A DEN, DIVE OR**
2 **RESORT IF HE/SHE CAUSES THE PAYMENT, RAISES, PROVIDES OR**
3 **SUPPLIES MONEY FOR OR UNDERWRITES THE OPERATION AND**
4 **MAINTENANCE THEREOF. ANY EVIDENCE SHOWING THE**
5 **DELIVERY OR TRANSFER OF MONEY, OR DRAWING OR ISSUANCE**
6 **OF A CHECK, MONETARY INSTRUMENT, INVESTMENT OR**
7 **PROPERTY TO THE ACCOUNT, CUSTODY OR CONTROL OF THE**
8 **OPERATOR, MANAGER OR MAINTAINER OF A DEN, DIVE OR**
9 **RESORT IS, UNLESS PROVEN OTHERWISE, A *PRIMA FACIE* PROOF**
10 **OF THE SENDER’S, TRANSFERROR’S OR ISSUER’S KNOWLEDGE OF**
11 **FINANCING THE OPERATION AND MAINTENANCE THEREOF.**

12 “The penalty of twelve (12) years and one (1) day to twenty (20) years of
13 imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00)
14 to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person,
15 who acts as a "protector/coddler" of any violator of the provisions under this
16 Section.

17 **“A PERSON IS PRESUMED A PROTECTOR OR CODDLER IF**
18 **HE/SHE KNOWS THE OPERATOR, MAINTAINER, ADMINISTRATOR**
19 **OR MANAGER OF THE DEN, DIVE OR RESORT AND HE/SHE USES**
20 **HIS/HER INFLUENCE, POWER OR POSITION IN SHIELDING,**
21 **HARBORING, SCREENING OR FACILITATING THE ESCAPE OF THE**
22 **VIOLATOR. A PERSON IS LIKEWISE PRESUMED A PROTECTOR OR**
23 **CODDLER IF HE/SHE HAS KNOWLEDGE OF OR HAS REASONABLE**
24 **GROUND TO BELIEVE OR TO SUSPECT THAT THE SAID OPERATOR,**
25 **MAINTAINER, ADMINISTRATOR OR MANAGER ACTUALLY**
26 **OPERATES, MAINTAINS, ADMINISTERS OR MANAGES A DEN, DIVE**
27 **OR RESORT AND HE/SHE USES HIS/HER INFLUENCE, POWER OR**
28 **POSITION IN PREVENTING THE ARREST, PROSECUTION OR**
29 **CONVICTION OF THE VIOLATOR.**

30 **“UNLESS PROVEN OTHERWISE, A PERSON WHO SHIELDS,**
31 **HARBORS, SCREENS OR FACILITATES THE ESCAPE OF, OR**
32 **PREVENTS THE ARREST, PROSECUTION OR CONVICTION OF, AN**
33 **OPERATOR, MAINTAINER, ADMINISTRATOR OR MANAGER OF A**
34 **DEN, DIVE OR RESORT IS PRESUMED TO HAVE KNOWLEDGE OF,**
35 **OR HAVE WILLFULLY CONSENTED TO THE OPERATION, AND**

1 MAINTENANCE OF A DEN, DIVE OR RESORT AND HE/SHE USES
2 HIS/HER INFLUENCE, POWER OR POSITION IN DOING THE SAME.
3 EXCEPT WHEN IT IS DONE BY ANY MEMBER OF THE OPERATOR’S,
4 MAINTAINER’S, ADMINISTRATOR’S OR MANAGER’S IMMEDIATE
5 FAMILY OR HIS/HER LEGAL COUNSEL, A PERSON WHO
6 INTERCEDES AND/OR REPRESENTS THE VIOLATOR IS, UNLESS
7 PROVEN OTHERWISE, PRESUMED TO HAVE SHIELDED,
8 HARBORED, SCREENED OR FACILITATED THE ESCAPE OF OR
9 PREVENTED THE ARREST, PROSECUTION OR CONVICTION OF
10 SAID OPERATOR, MAINTAINER, ADMINISTRATOR OR MANAGER.”

11 SEC. 5. Section 8 of the same Act is hereby amended to read as follows:

12 “SEC. 8. *Manufacture of Dangerous Drugs and/or Controlled*
13 *Precursors and Essential Chemicals.* – The penalty of life imprisonment to death
14 and a fine ranging Five hundred thousand pesos (P500,000.00) to Ten Million
15 pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized
16 by law, shall engage in the manufacture of any dangerous drug.

17 “x x x

18 “The presence of any controlled precursor and essential chemical or
19 laboratory equipment in the clandestine laboratory is a *prima facie* proof of
20 manufacture of any dangerous drug **OR CONTROLLED PRECURSORS AND**
21 **ESSENTIAL CHEMICALS.** It shall be considered an aggravating circumstance
22 if the clandestine laboratory is undertaken or established under the following
23 circumstances:

24 (a) x x x

25 x x x

26 (e) x x x

27 “**ANY PERSON FOUND OR IS PRESENT WITHIN THE**
28 **PREMISES OF A CLANDESTINE LABORATORY OR THE PLACE**
29 **WHERE DANGEROUS DRUGS ARE MANUFACTURED, PRODUCED,**
30 **PREPARED, COMPOUNDED, PROCESSED, PACKED OR RE-PACKED**
31 **IS, UNLESS PROVEN OTHERWISE, PRESUMED INVOLVED IN OR**
32 **HAS PARTICIPATED IN MANUFACTURING OR PRODUCING**
33 **DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND**
34 **ESSENTIAL CHEMICALS.**

1 **“ANY EQUIPMENT, APPARATUS, PARAPHERNALIA SUITABLE**
2 **FOR THE USE, MANUFACTURE OR PRODUCTION OF DANGEROUS**
3 **DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL**
4 **CHEMICALS FOUND IN A CLANDESTINE LABORATORY, OR IN ANY**
5 **OTHER PLACE OR PROPERTY, SHALL BE PRESUMED *PRIMA FACIE***
6 **PROOF THAT SAID LABORATORY, PLACE OR PROPERTY IS USED**
7 **FOR THE PURPOSE OF MANUFACTURE OR PRODUCTION OF ANY**
8 **DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND**
9 **ESSENTIAL CHEMICALS, AND THAT THE PERSON WHO HAS THE**
10 **ACTUAL OR CONSTRUCTIVE CONTROL OR MANAGEMENT**
11 **THEREOF PERMITS SUCH PROPERTY TO BE USED FOR THE**
12 **PURPOSE.**

13 “The maximum penalty provided for under this Section shall be imposed
14 upon any person, who organizes, manages or acts as a “financier” of any of the
15 illegal activities prescribed in this Section.

16 **“A PERSON IS PRESUMED A FINANCIER IF HE/SHE CAUSES**
17 **THE PAYMENT, RAISES, PROVIDES OR SUPPLIES THE MONEY FOR,**
18 **OR UNDERWRITES THE MANUFACTURE, PRODUCTION,**
19 **PREPARATION, COMPOUNDING OR PROCESSING OF DANGEROUS**
20 **DRUG AND CONTROLLED PRECURSORS AND ESSENTIAL**
21 **CHEMICALS. ANY EVIDENCE SHOWING DELIVERY OR TRANSFER**
22 **OF MONEY, OR DRAWING OR ISSUANCE OF A CHECK,**
23 **NEGOTIABLE OR NON-NEGOTIABLE INSTRUMENT OR DOCUMENT**
24 **TO THE ACCOUNT OR CUSTODY OF A PERSON OR ENTITY KNOWN**
25 **TO BE CONNECTED WITH OR WORKING FOR, A MANUFACTURER,**
26 **PRODUCER OR PROCESSOR OF DANGEROUS DRUGS AND/OR**
27 **CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS IS,**
28 **UNLESS PROVEN OTHERWISE, A *PRIMA FACIE* PROOF OF THE**
29 **SENDER’S, TRANSFERROR’S OR ISSUER’S CONSENT OR**
30 **KNOWLEDGE OF FINANCING THE VIOLATOR’S UNLAWFUL**
31 **ACTIVITIES.**

32 “The penalty of twelve (12) years and one (1) day to twenty (20) years of
33 imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00)
34 to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person,

1 who acts as a “protector/coddler” of any violator of the provisions under this
2 Section.

3 **“A PERSON IS PRESUMED A PROTECTOR OR CODDLER IF**
4 **HE/SHE KNOWS THE MANUFACTURER, PRODUCER OR PROCESSOR**
5 **OF ANY DANGEROUS DRUG AND/OR CONTROLLED PRECURSOR**
6 **AND ESSENTIAL CHEMICAL, AND HE/SHE USES HIS/HER**
7 **INFLUENCE, POWER OR POSITION TO SHIELD, HARBOR, SCREEN**
8 **OR FACILITATE THE ESCAPE OF SAID MANUFACTURER,**
9 **PRODUCER OR PROCESSOR. A PERSON IS LIKEWISE PRESUMED A**
10 **PROTECTOR OR CODDLER IF HE/SHE HAS KNOWLEDGE OF OR**
11 **HAS REASONABLE GROUND TO BELIEVE THAT ONE IS A**
12 **MANUFACTURER, PRODUCER OR PROCESSOR OF DANGEROUS**
13 **DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL**
14 **CHEMICALS, AND HE/SHE USES HIS/HER INFLUENCE, POWER OR**
15 **POSITION IN PREVENTING THE ARREST, PROSECUTION OR**
16 **CONVICTION OF THE MANUFACTURER, PRODUCER OR**
17 **PROCESSOR.**

18 **“THE OFFENDER SHALL BE HELD LIABLE TO PAY THE COST**
19 **OF THE CLEAN UP OF THE CLANDESTINE LABORATORY ON THE**
20 **PROPERTY.**

21 **“IN ANY SALE OR LEASE OF PROPERTY, IT IS THE DUTY OF**
22 **THE OWNER OF RECORD OR HIS/HER AUTHORIZED**
23 **REPRESENTATIVE TO DISCLOSE ACTUAL KNOWLEDGE OF PRIOR**
24 **USE OF THE PROPERTY AS A CLANDESTINE LABORATORY TO THE**
25 **BUYER OR LESSEE. THE LESSOR MUST INCLUDE IN THE LEASE**
26 **CONTRACT A PROHIBITION THAT THE PROPERTY BEING LEASED**
27 **WILL NOT BE USED FOR THE ILLICIT MANUFACTURE OF**
28 **DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND**
29 **ESSENTIAL CHEMICALS IN VIOLATION OF THIS ACT.”**

30 SEC. 6. A new section denominated as Section 8-A is hereby inserted after Section
31 8 of the same Act, to read as follows:

32 **“SEC. 8-A. NEGLIGENT OWNER OR LESSOR OF PROPERTY**
33 **USED AS CLANDESTINE LABORATORY. – THE PENALTY OF**
34 **IMPRISONMENT RANGING FROM SIX (6) YEARS AND ONE (1) DAY**
35 **TO TWELVE (12) YEARS AND A FINE RANGING FROM FIVE**

1 HUNDRED THOUSAND PESOS (P500,000.00) TO ONE MILLION PESOS
2 (P1,000,000.00) SHALL BE IMPOSED UPON THE OWNER OR LESSOR
3 OF A BUILDING, WAREHOUSE, OR ANY PROPERTY, OR IN HIS/HER
4 ABSENCE, THE DULY AUTHORIZED REPRESENTATIVE WHO
5 LEASES THE PROPERTY TO ANY PERSON BUT OMITS OR FAILS TO
6 ASCERTAIN, CHECK AND CONFIRM THAT THE PROPERTY IS
7 ACTUALLY USED FOR A LAWFUL PURPOSE, AND WHICH
8 PROPERTY IS FOUND TO HAVE BEEN ACTUALLY UTILIZED AS
9 CLANDESTINE LABORATORY OR USED IN THE MANUFACTURE OR
10 STORAGE OF DANGEROUS DRUGS, CONTROLLED PRECURSORS
11 AND ESSENTIAL CHEMICALS. THE MAXIMUM PENALTY SHALL BE
12 IMPOSED UPON THE OWNER OR LESSOR, OR HIS/HER DULY
13 AUTHORIZED REPRESENTATIVE WHO HAS DISCOVERED THE
14 ILLEGAL ACTIVITY BUT FAILED TO REPORT THE SAME TO
15 PROPER AUTHORITIES.

16 IF THE PROPERTY SUBJECT OF LEASE IS GOVERNMENT-
17 OWNED, THE GOVERNMENT OFFICIALS AND EMPLOYEES, WHO
18 OMIT OR FAIL TO OBSERVE AND DISCHARGE THE LEGAL
19 OBLIGATION REQUIRED IN THE PRECEDING PARAGRAPH SHALL
20 SUFFER THE MAXIMUM PENALTY IN ADDITION TO ABSOLUTE
21 PERPETUAL DISQUALIFICATION FROM ANY PUBLIC OFFICE.

22 IF THE PROPERTY SUBJECT OF LEASE IS OWNED BY A
23 PARTNERSHIP, CORPORATION, ASSOCIATION, OR ANY JURIDICAL
24 ENTITY, THE PERSON LIABLE TO THE PENALTY PRESCRIBED IN
25 THE FIRST PARAGRAPH OF THIS SECTION IS THE CORPORATE OR
26 ASSOCIATION PRESIDENT, CHIEF EXECUTIVE OFFICER, CHIEF
27 OPERATING OFFICER OR MANAGER, OR ANY PARTNER IN A
28 PARTNERSHIP, ANY MEMBER OF THE BOARD OF
29 DIRECTORS/TRUSTEES OF ANY CORPORATION OR ASSOCIATION,
30 ANY ESTATE EXECUTOR AND ADMINISTRATOR, OR ANY OF THEIR
31 DULY AUTHORIZED REPRESENTATIVE.

32 FOR PURPOSES OF THIS SECTION, THE PERSONS LIABLE IN
33 THE PRECEDING THREE (3) PARAGRAPHS HEREIN ARE, UNLESS
34 PROVEN OTHERWISE, PRESUMED TO HAVE GIVEN THEIR
35 CONSENT TO THE ILLEGAL USE OF THE LEASED PROPERTY IF

1 **THEY FAIL TO VISIT AND INSPECT THE LEASED PROPERTY AT**
2 **LEAST ONCE EVERY QUARTER.**

3 **“THE VISITATION SHALL BE EVIDENCED BY AN AFFIDAVIT**
4 **TO BE EXECUTED WITHIN FIVE (5) DAYS FROM DATE OF**
5 **VISITATION AND INSPECTION, BY THE PRIVATE INDIVIDUAL,**
6 **CONCERNED GOVERNMENT OFFICIAL OR EMPLOYEE, OR**
7 **CONCERNED OFFICER OF THE PARTNERSHIP, CORPORATION,**
8 **ASSOCIATION, OR JURIDICAL ENTITY THAT OWNS THE**
9 **PROPERTY SUBJECT OF THE LEASE. THE AFFIDAVIT SHALL**
10 **CATEGORICALLY STATE THE FOLLOWING: (A) THE DATE WHEN**
11 **THE INSPECTION OF THE PROPERTY WAS MADE; (B) THE DETAILS**
12 **OF THE THINGS SEEN AND OBSERVED DURING THE INSPECTION;**
13 **AND (C) THE FACT THAT THE LEASED PREMISES ARE NOT BEING**
14 **USED FOR ANY UNLAWFUL PURPOSE, IF SUCH IS THE CASE. IT**
15 **SHALL BE SUBMITTED TO THE ADMINISTRATIVE BOARD**
16 **CREATED PURSUANT TO THE PROVISIONS OF PARAGRAPH 1,**
17 **SECTION 52 OF THIS ACT WITHIN FIVE (5) WORKING DAYS FROM**
18 **THE EXECUTION OF SAID AFFIDAVIT. IN ADDITION, A COPY OF**
19 **THE LEASE CONTRACT AND THE SPECIAL POWER OF ATTORNEY**
20 **OF THE AUTHORIZED REPRESENTATIVE, IF ANY, SHALL ALSO BE**
21 **FILED WITH THE ADMINISTRATIVE BOARD AND THE CITY OR**
22 **MUNICIPAL ASSESSOR WITHIN FIVE (5) DAYS FROM EXECUTION**
23 **OF SAID CONTRACT.**

24 **THE FAILURE TO COMPLY WITH THE FOREGOING**
25 **MANDATORY REPORTORIAL REQUIREMENTS SHALL, UNLESS**
26 **PROVEN OTHERWISE, BE PRESUMED THAT NO SUCH VISITATION**
27 **WAS CONDUCTED ON THE LEASED PROPERTY FOR THE**
28 **DURATION OF THE COVERED PERIOD.”**

29 **SEC. 7.** Section 11 of the same Act is hereby amended to read as follows:

30 **“SEC. 11. *Possession of Dangerous Drugs.* – The penalty of life**
31 **imprisonment to death and a fine ranging from Five hundred thousand pesos**
32 **(P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any**
33 **person, who, unless authorized by law, shall possess any dangerous drug in the**
34 **following quantities, regardless of the degree of purity thereof:**

35 **“(1) 10 grams or more of opium;**

1 x x x

2 “(8) x x x

3 “Otherwise, if the quantity involved is less than the foregoing quantities,
4 the penalties shall be graduated as follows:

5 “(1) x x x

6 x x x

7 “(3) x x x

8 **“(4) IMPRISONMENT OF SIX (6) YEARS AND ONE (1) DAY TO**
9 **TWELVE (12) YEARS AND A FINE RANGING FROM FIFTY**
10 **THOUSAND PESOS (P50,000.00) TO TWO HUNDRED THOUSAND**
11 **PESOS (P200,000.00), IF THE QUANTITIES OF DANGEROUS DRUGS**
12 **ARE LESS THAN TWO (2) GRAMS OF OPIUM, MORPHINE, HEROIN,**
13 **COCAINE OR COCAINE HYDROCHLORIDE, MARIJUANA RESIN OR**
14 **MARIJUANA RESIN OIL, METHAMPHETAMINE HYDROCHLORIDE**
15 **OR “SHABU” OR OTHER DANGEROUS DRUGS, INCLUDING MDMA**
16 **OR “ECSTASY,” PMA, TMA, LSD, GHB, AND THOSE SIMILARLY**
17 **DESIGNED OR NEWLY INTRODUCED DRUGS AND THEIR**
18 **DERIVATIVES, WITHOUT HAVING ANY THERAPEUTIC**
19 **REQUIREMENT, OR LESS THAN FIFTY (50) GRAMS OF MARIJUANA.**

20 **“FOR THE PURPOSE OF THIS SECTION, THE FOLLOWING**
21 **ARE PRESUMED:**

22 **(A) DANGEROUS DRUGS OR SIMILAR SUBSTANCES FOUND**
23 **TO BE CONCEALED IN ANY PROPERTY SHALL BE**
24 **PRESUMED, UNTIL THE CONTRARY IS PROVEN, THAT THE**
25 **SAID DRUGS OR SIMILAR SUBSTANCES ARE IN THE**
26 **POSSESSION OF AND/OR CONCEALED WITH THE**
27 **KNOWLEDGE OF THE PERSON WHO HAS OR APPEARS TO**
28 **HAVE THE EXCLUSIVE CONTROL OR MANAGEMENT**
29 **THEREOF;**

30 **(B) DANGEROUS DRUGS FOUND CONCEALED IN ANY**
31 **COMPARTMENT THAT IS SPECIALLY CONSTRUCTED FOR**
32 **THE PURPOSE ON ANY PREMISE, VEHICLE, VESSEL OR ANY**
33 **KIND OF TRANSPORTATION SHALL, UNTIL THE CONTRARY**
34 **IS PROVEN, BE PRESUMED TO HAVE BEEN POSSESSED**
35 **AND/OR CONCEALED WITH THE KNOWLEDGE OF THE**

1 OCCUPANT, ADMINISTRATOR, OWNER OR PERSON IN-
2 CHARGE OF THE PROPERTY;

3 (C) SUBJECT TO THE PROVISIONS OF SECTION 5 OF THIS
4 ACT, ANY PERSON FOUND IN POSSESSION OF ANY
5 DANGEROUS DRUG IN THE FOLLOWING QUANTITY OR
6 WEIGHT, REGARDLESS OF PURITY, IS PRESUMED TO HAVE
7 BEEN ENGAGED IN SELLING, TRADING, DISPENSATION,
8 ADMINISTRATION, DELIVERY, DISTRIBUTION AND/OR
9 TRANSPORTATION OF DANGEROUS DRUGS:

10 (1) 200 GRAMS OR MORE OF SHABU, COCAINE,
11 COCAINE HYDROCHLORIDE, OPIUM, HEROINE,
12 MORPHINE, MARIJUANA RESIN OR MARIJUANA RESIN
13 OIL, OR OTHER DANGEROUS DRUGS SUCH AS MDMA OR
14 "ECSTASY," PMA, TMA, LSD, GHB, AND THOSE SIMILARLY
15 DESIGNED OR NEWLY INTRODUCED DRUGS AND THEIR
16 DERIVATIVES; AND

17 (2) 500 GRAMS OR MORE OF MARIJUANA."

18 SEC. 8. A new section denominated as Section 11-A is hereby inserted after
19 Section 11 of the same Act, to read as follows:

20 "SEC. 11-A. *POSSESSION OF CONTROLLED PRECURSORS AND*
21 *ESSENTIAL CHEMICALS. – THE PENALTY OF IMPRISONMENT*
22 *RANGING FROM TWELVE (12) YEARS AND ONE (1) DAY TO*
23 *TWENTY (20) YEARS AND A FINE RANGING FROM ONE HUNDRED*
24 *THOUSAND PESOS (P 100,000.00) TO FIVE HUNDRED THOUSAND*
25 *PESOS (P500,000.00) SHALL BE IMPOSED UPON ANY PERSON, WHO,*
26 *UNLESS AUTHORIZED BY LAW, SHALL POSSESS OR HAVE UNDER*
27 *HIS/HER CONTROL CONTROLLED PRECURSORS AND ESSENTIAL*
28 *CHEMICALS, KNOWING, OR UNDER CIRCUMSTANCES WHERE ONE*
29 *REASONABLY KNOWS THAT THESE MAY BE USED FOR*
30 *ADMINISTRATION, MANUFACTURE, SALE, TRADING,*
31 *TRANSPORTATION, DISTRIBUTION, EXPORTATION AND*
32 *DIVERSION.*

33 "THE MAXIMUM PENALTY PROVIDED FOR UNDER THIS
34 SECTION SHALL BE IMPOSED UPON ANY PERSON WHO

1 **ORGANIZES, MANAGES OR ACTS AS FINANCIER OF THE ILLEGAL**
2 **ACTIVITY PROVIDED IN THIS SECTION.”**

3 SEC. 9. Section 12 of the same Act is hereby amended to read as follows:

4 “SEC. 12. *Possession of Equipment, Instrument, Apparatus and Other*
5 *Paraphernalia for Dangerous Drugs.* – x x x

6 “The possession of such equipment, instrument, apparatus and other
7 paraphernalia fit or intended for any of the purposes enumerated in the preceding
8 paragraph shall be *prima facie* evidence that the possessor has smoked, consumed,
9 administered to himself/herself, injected, ingested or used a dangerous drug and
10 shall be presumed to have violated Section 15 of this Act, **UNLESS HE/SHE**
11 **VOLUNTARILY SUBMITS TO A DRUG TEST TO BE CONDUCTED BY**
12 **A HOSPITAL, DOCTOR OR MEDICAL PRACTITIONER, UNDER THE**
13 **SUPERVISION OF, OR ACCREDITED BY, THE DEPARTMENT OF**
14 **HEALTH FOR THIS PURPOSE, AND IN THE PRESENCE OF, AND**
15 **WITNESSED BY, A REPRESENTATIVE EACH FROM THE MEDIA AND**
16 **THE NEAREST REGIONAL TRIAL COURT IN THE CITY OR**
17 **PROVINCE OF THE PLACE OF INCIDENT, WITHIN TWENTY-FOUR**
18 **(24) HOURS FROM APPREHENSION, AND THE RESULT THEREOF IS**
19 **NEGATIVE. IF THE RESULT OF HIS/HER VOLUNTARY DRUG TEST**
20 **IS POSITIVE, AFTER CONFIRMATORY TEST, THE PROVISIONS OF**
21 **SECTION 15 OF THIS ACT SHALL APPLY.”**

22 SEC. 10. A new section denominated as Section 12-A is hereby inserted after
23 Section 12 of the same Act, to read as follows:

24 “**SEC. 12-A. POSSESSION OF LABORATORY EQUIPMENT, FOR**
25 **THE ILLICIT MANUFACTURE OF DANGEROUS DRUGS AND/OR**
26 **CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS.** – **THE**
27 **PENALTY OF IMPRISONMENT RANGING FROM TWELVE (12)**
28 **YEARS AND ONE (1) DAY TO TWENTY (20) YEARS AND A FINE**
29 **RANGING FROM ONE HUNDRED THOUSAND PESOS (P100,000.00) TO**
30 **FIVE HUNDRED THOUSAND PESOS (P500,000.00), SHALL BE**
31 **IMPOSED UPON ANY PERSON WHO POSSESSES, OR HAS UNDER**
32 **HIS/HER CONTROL, ANY LABORATORY EQUIPMENT, INCLUDING**
33 **REACTION VESSEL, ENCAPSULATING MACHINES, TABLETING**
34 **MACHINES, ROTARY EVAPORATORS, LABORATORY EQUIPMENT**
35 **WITH A CAPACITY FOR LARGE VOLUME PRODUCTION SUCH AS**

1 **ROUND BOTTOM FLASKS OF TWENTY-FIVE (25) LITRES OR ABOVE**
2 **AND RELATED CONDENSERS, SEPARATING FUNNELS AND**
3 **HEATING APPARATUS, KNOWING, OR UNDER CIRCUMSTANCES**
4 **WHERE ONE REASONABLY KNOWS THAT THESE MAY BE USED**
5 **FOR ILLEGAL MANUFACTURE OF DANGEROUS DRUGS AND/OR**
6 **CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS IN**
7 **VIOLATION OF THIS ACT. THE DANGEROUS DRUGS BOARD SHALL,**
8 **BY REGULATION, LIST SUCH INDISPENSABLE ITEMS OF**
9 **EQUIPMENT PECULIAR TO SUCH ILLEGAL MANUFACTURE.”**

10 SEC. 11. Section 13 of the same Act is hereby amended to read as follows:

11 “SEC. 13. *Possession of Dangerous Drugs During Parties, Social*
12 *Gatherings or Meetings.* – Any person found possessing any dangerous drug
13 during a party, or at a social gathering or meeting, or in the proximate company of
14 at least two (2) persons, shall suffer the [~~maximum penalties provided for in~~
15 ~~Section 11 of this Act~~] **PENALTY OF LIFE IMPRISONMENT TO DEATH**
16 **AND A FINE OF FIVE HUNDRED THOUSAND PESOS (P500,000.00) TO**
17 **TEN MILLION PESOS (P10,000,000.00)**, regardless of the quantity and purity
18 of such dangerous drugs.”

19 SEC. 12. Section 15 of the same Act is hereby amended to read as follows:

20 “SEC. 15. *Use of Dangerous Drugs AND CONTROLLED*
21 **PRECURSORS AND ESSENTIAL CHEMICALS.** – A person apprehended or
22 arrested, who is found to be positive for use of any dangerous drug **OR**
23 **CONTROLLED PRECURSOR AND ESSENTIAL CHEMICAL AND A**
24 **DRUG DEPENDENT**, after a confirmatory test[,] **AND A DEPENDENCY**
25 **EXAMINATION**, shall be imposed a penalty of a minimum of six (6) months
26 **TREATMENT AND AFTER CARE** rehabilitation in a government center for
27 the first offense, subject to the provisions of Article VIII of this Act. **IF FOUND**
28 **TO BE NOT A DRUG DEPENDENT, HE/SHE SHALL SUFFER THE**
29 **PENALTY OF IMPRISONMENT RANGING FROM SIX (6) MONTHS**
30 **AND ONE (1) DAY TO SIX (6) YEARS AND A FINE RANGING FROM**
31 **TEN THOUSAND PESOS (P10,000.00) TO FIFTY THOUSAND PESOS**
32 **(P50,000.00).** If apprehended using any dangerous drug **OR CONTROLLED**
33 **PRECURSOR AND ESSENTIAL CHEMICAL** for the second time, he/she
34 shall suffer the penalty of imprisonment ranging from six (6) years and one (1) day
35 to twelve (12) years and a fine ranging from Fifty thousand pesos (P50,000.00) to

1 Two hundred thousand pesos (P200,000.00): *Provided*, That this Section shall not
2 be applicable where the person tested is also found to have in his/her possession
3 such quantity of any dangerous drugs provided for under Section 11 **AND OF**
4 **ANY CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS**
5 **UNDER SECTION 11-A** of this Act, in which case the provisions stated therein
6 shall apply.

7 **“ANY PERSON APPREHENDED UNDER THIS SECTION IS**
8 **PRESUMED TO HAVE USED A DANGEROUS DRUG IF HE/SHE HAS**
9 **SOME PHYSICAL MANIFESTATION OF BEING A DANGEROUS DRUG**
10 **USER AND HE/SHE REFUSES TO SUBMIT TO A DRUG TEST WITHIN**
11 **A PERIOD OF TWENTY-FOUR (24) HOURS FROM APPREHENSION.**
12 **THE ARRESTING OFFICER SHALL INFORM THE SUSPECT ORALLY**
13 **AND IN WRITING ABOUT THE PRESUMPTION IF HE/SHE DOES NOT**
14 **PROMPTLY AND VOLUNTARILY SUBMIT TO A DRUG TEST. THIS**
15 **PRESUMPTION, HOWEVER, SHALL BE OVERTURNED BY A**
16 **NEGATIVE RESULT OF THE TEST TO BE CONDUCTED BY ANY**
17 **HOSPITAL, DOCTOR OR MEDICAL PRACTITIONER UNDER THE**
18 **SUPERVISION OF, OR ACCREDITED BY, THE DEPARTMENT OF**
19 **HEALTH FOR THIS PURPOSE, IN THE PRESENCE OF SAID PERSON’S**
20 **REPRESENTATIVE AND HIS/HER COUNSEL OF CHOICE OR ANY**
21 **LAWYER AVAILABLE IF HE HAS NO COUNSEL OF CHOICE. THE**
22 **TEST SHALL LIKEWISE BE WITNESSED BY AT LEAST ONE**
23 **REPRESENTATIVE EACH FROM LOCAL OR NATIONAL MEDIA**
24 **ORGANIZATION AND FROM THE NEAREST REGIONAL TRIAL**
25 **COURT IN THE CITY OR PROVINCE OF THE PLACE OF**
26 **APPREHENSION.**

27 **“POSSESSION OF ANY INSTRUMENT, APPARATUS OR**
28 **PARAPHERNALIA FIT OR INTENDED FOR ANY OF THE PURPOSES**
29 **ENUMERATED IN SECTION 12 OF THIS ACT BY ANY PERSON**
30 **SUSPECTED OR APPREHENDED FOR USING DANGEROUS DRUGS**
31 **SHALL BE A *PRIMA FACIE* EVIDENCE THAT THE POSSESSOR HAS**
32 **SMOKED, CONSUMED, ADMINISTERED TO HIMSELF/HERSELF,**
33 **INJECTED, INGESTED OR USED A DANGEROUS DRUG.”**

34 SEC. 13. Section 16 of the same Act is hereby amended to read as follows:

1 “SEC. 16. *Cultivation or Culture of Plants Classified as Dangerous*
2 *Drugs or are Sources Thereof.* – x x x

3 “The land or portions thereof and/or greenhouses on which any of said
4 plants is cultivated or cultured shall be confiscated and escheated in favor of the
5 State, unless the owner thereof can prove lack of knowledge of such cultivation or
6 culture despite the exercise of due diligence on his/her part. If the land involved is
7 part of the public domain, the maximum penalty provided for under this Section
8 shall be imposed upon the offender. **FOR ESCHEAT PURPOSES UNDER**
9 **THIS ACT, THE SUPREME COURT SHALL PROMULGATE THE**
10 **RULES OF PROCEDURE GOVERNING THE SAME.**

11 “The maximum penalty provided for under this Section shall be imposed
12 upon any person, who organizes, manages or acts as a "financier" of any of the
13 illegal activities prescribed in this Section.

14 **“A PERSON IS PRESUMED A FINANCIER OF THE VIOLATOR**
15 **OF THIS SECTION IF HE/SHE CAUSES THE PAYMENT, RAISES,**
16 **PROVIDES OR SUPPLIES THE MONEY FOR OR UNDERWRITES THE**
17 **PLANTING, MAINTENANCE AND OPERATION OF ANY**
18 **PLANTATION, FARM OR PLACE OF CULTIVATION OR CULTURE OF**
19 **ANY PLANT CLASSIFIED AS DANGEROUS DRUGS OR SOURCE**
20 **THEREOF. ANY EVIDENCE SHOWING THE DELIVERY OR**
21 **TRANSFER OF MONEY, OR DRAWING OR ISSUANCE OF A CHECK,**
22 **MONETARY INSTRUMENT OR INVESTMENT TO THE ACCOUNT,**
23 **CONTROL OR CUSTODY OF A PERSON OR ENTITY KNOWN TO BE,**
24 **CONNECTED WITH OR WORKING FOR, THE VIOLATOR OF THIS**
25 **SECTION IS, UNLESS PROVEN OTHERWISE, A *PRIMA FACIE* PROOF**
26 **THAT THE SENDER, TRANSFEROR OR ISSUER IS FINANCING THE**
27 **VIOLATOR’S ILLEGAL ACTIVITIES.**

28 “The penalty of twelve (12) years and one (1) day to twenty (20) years of
29 imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00)
30 to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person,
31 who acts as a "protector/coddler" of any violator of the provisions under this
32 Section.

33 **“A PERSON IS PRESUMED A CODDLER OR PROTECTOR IF**
34 **HE/SHE KNOWS THE CULTIVATOR, PRODUCER OR VIOLATOR OF**
35 **THIS SECTION AND HE/SHE USES HIS/HER INFLUENCE, POWER OR**

1 POSITION IN PREVENTING THE COLLECTION OF EVIDENCE
2 WITHOUT ANY JUSTIFIABLE REASON OR GROUNDS, SHIELDING,
3 HARBORING, SCREENING OR FACILITATING THE ESCAPE OF SAID
4 VIOLATOR. A PERSON IS LIKEWISE PRESUMED A PROTECTOR OR
5 CODDLER IF HE/SHE HAS KNOWLEDGE OF OR HAS REASONABLE
6 GROUND TO BELIEVE THAT ONE IS A CULTIVATOR, PLANTER,
7 PRODUCER OF PLANTS CLASSIFIED AS DANGEROUS DRUGS OR
8 SOURCE THEREOF, AND HE/SHE USES HIS/HER INFLUENCE,
9 POWER OR POSITION IN PREVENTING THE ARREST,
10 PROSECUTION OR CONVICTION OF SUCH CULTIVATOR, PLANTER
11 OR PRODUCER.

12 "ANY ACT OF THE PROTECTOR OR CODDLER OF
13 SHIELDING, HARBORING, SCREENING OR FACILITATING THE
14 ESCAPE OF, OR IN PREVENTING THE ARREST, PROSECUTION OR
15 CONVICTION OF THE VIOLATOR OF THIS SECTION IS, UNLESS
16 PROVEN OTHERWISE, *PRIMA FACIE* PROOF THAT THE
17 PROTECTOR OR CODDLER HAS KNOWLEDGE OF, OR CONSENTED
18 TO, THE CULTIVATION OR PRODUCTION OF PLANTS CLASSIFIED
19 AS DANGEROUS DRUGS OR SOURCE THEREOF, AND HE/SHE IS
20 PRESUMED FURTHER TO HAVE USED HIS/HER INFLUENCE,
21 POWER OR POSITION IN DOING THE SAME. EXCEPT WHEN IT IS
22 DONE BY ANY MEMBER OF THE VIOLATOR'S IMMEDIATE FAMILY
23 OR HIS/HER LEGAL COUNSEL, ANY PERSON WHO INTERCEDES
24 AND/OR REPRESENTS THE SAID VIOLATOR IS, UNLESS PROVEN
25 OTHERWISE, PRESUMED TO HAVE SHIELDED, HARBORED,
26 SCREENED OR FACILITATED THE ESCAPE OF OR PREVENTED THE
27 ARREST, PROSECUTION OR CONVICTION OF THE VIOLATOR."

28 SEC. 14. Section 20 of the same Act is hereby amended to read as follows:

29 "SEC. 20. *Confiscation and Forfeiture of the Proceeds or Instruments*
30 *of the Unlawful Act, Including the Properties or Proceeds Derived from the Illegal*
31 *Trafficking of Dangerous Drugs and/or Precursors and Essential Chemicals. – x*

32 x x

33 "x x x

34 "During the pendency of the case in the Regional Trial Court, no property,
35 or income derived therefrom, which may be confiscated and forfeited, shall be

1 disposed, alienated or transferred and the same shall be in *custodia legis* and no
2 bond shall be admitted for the release of the same. **THE PROHIBITION**
3 **PROVIDED HEREIN SHALL NOT APPLY TO ANY FIREARM,**
4 **EXPLOSIVE OR WEAPON WHICH SHALL BE CONFISCATED,**
5 **FORFEITED AND DISPOSED OF IMMEDIATELY BY THE COURT IN**
6 **FAVOR OF THE GOVERNMENT, FOR THE USE OF THE PHILIPPINE**
7 **DRUG ENFORCEMENT AGENCY (PDEA) OR OTHER LAW**
8 **ENFORCEMENT AGENCIES INVOLVED IN FIGHTING ILLEGAL**
9 **DRUG TRAFFICKING.**

10 "x x x"

11 SEC. 15. Section 21 of the same Act, are hereby amended to read as follows:

12 "SEC. 21. *Custody and Disposition of Confiscated, Seized, and/or*
13 *Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled*
14 *Precursors and Essential Chemicals, Instruments/Paraphernalia and/or*
15 *Laboratory Equipment.* – x x x

16 "(1) x x x

17 "(2) Within twenty-four (24) hours upon confiscation/seizure of dangerous
18 drugs, plant sources of dangerous drugs, controlled precursors and essential
19 chemicals, as well as instruments/paraphernalia and/or laboratory equipment, the
20 same shall be submitted to the PDEA Forensic laboratory for a qualitative and
21 quantitative examination[;].

22 "WHERE A SEIZURE OF A LABORATORY IS MADE, THE PDEA
23 SHALL, WITHIN REASONABLE TIME, DO THE PROPER DISPOSAL
24 OF CHEMICALS WHICH ARE NOT LISTED AS CONTROLLED
25 PRECURSORS AND ESSENTIAL CHEMICALS, REMAINING
26 UNIDENTIFIED LIQUID OR SOLID CHEMICALS IN UNLABELED
27 CONTAINERS AND/OR IN OPENED CONTAINERS THAT MAY NOT
28 BE RESEALED, AND WASTES, WHICH ARE NOT NEEDED AS
29 EVIDENCE IN THE INVESTIGATION OR PROSECUTION OF THE
30 CASE: *PROVIDED*, THAT SUCH ITEMS OF CHEMICALS AND WASTES
31 SHALL BE SEPARATELY PHOTOGRAPHED AND INVENTORIED.

32 "(3) x x x

33 "(4) After the filing of the criminal case, the Court shall, within seventy-
34 two (72) hours, conduct an ocular inspection of the confiscated, seized and/or
35 surrendered dangerous drugs, plant sources of dangerous drugs, and controlled

1 precursors and essential chemicals, including the instruments/paraphernalia and/or
2 laboratory equipment, and through the PDEA shall within twenty-four (24) hours
3 thereafter proceed with the destruction or burning of the same, in the presence of
4 the accused or the person/s from whom such items were confiscated and/or seized,
5 or his representative or counsel, a representative from the media and the DOJ, civil
6 society groups and any elected public official. **THE PROPERTY FROM**
7 **WHERE THE CLANDESTINELY MANUFACTURED DRUGS AND/OR**
8 **CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS WERE**
9 **SEIZED SHALL BE CLEANED UP UNDER THE SUPERVISION OF THE**
10 **BOARD, IN COOPERATION WITH THE DEPARTMENT OF HEALTH,**
11 **DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND**
12 **LOCAL GOVERNMENT UNIT.** The Board shall draw up guidelines on the
13 manner of proper disposition and destruction of such item/s, **INCLUDING THE**
14 **CLEAN UP OF THE CLANDESTINE LABORATORY,** which shall be borne
15 by the offender. **IN THE CASE OF THE CLEAN UP OF THE**
16 **CLANDESTINE LABORATORY, THE LESSOR OF THE PROPERTY OR**
17 **OWNER OF RECORD SHALL ALSO BEAR THE COST, UNLESS THE**
18 **LESSOR OF THE PROPERTY OR OWNER OF RECORD EACH PROVES**
19 **LACK OF KNOWLEDGE OF SUCH CLANDESTINE MANUFACTURE:**
20 [~~Provided, That those item/s of lawful commerce, as determined by the Board,~~
21 ~~shall be donated, used or recycled for legitimate purposes.~~] *Provided, [further,]*
22 That a representative sample, duly weighed and recorded is retained;

23 “x x x”

24 SEC. 16. Section 22 of the same Act is hereby amended to read as follows:

25 “SEC. 22. *Grant of Compensation, Reward and Award.* – The Board
26 shall recommend to the concerned government agency the grant of compensation,
27 reward and award to any person providing information and to law enforcers
28 participating in the operation, which results in the successful confiscation, seizure
29 or surrender of dangerous drugs, plant sources of dangerous drugs, and controlled
30 precursors and essential chemicals **AND LABORATORY EQUIPMENT. THE**
31 **COMPUTATION OF MONETARY REWARD SHALL BE BASED ON**
32 **ONE HUNDRED PERCENT (100%) PURITY OF THE DANGEROUS**
33 **DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL**
34 **CHEMICALS BASED ON QUANTITATIVE AND QUALITATIVE**
35 **EXAMINATIONS CONDUCTED BY THE FORENSIC LABORATORY**

1 **EXAMINER WITHIN TWENTY-FOUR (24) HOURS AFTER RECEIPT**
2 **OF SEIZED ITEMS.”**

3 SEC. 17. Section 26 of the same Act is hereby amended to read as follows:

4 “SEC. 26. *Attempt or Conspiracy.* – Any attempt or conspiracy to
5 commit the following unlawful acts shall be penalized by the same penalty
6 prescribed for the commission of the same as provided under this Act:

7 “(a) x x x

8 x x x

9 “(e) x x x

10 “(F) **CHEMICAL DIVERSION.”**

11 SEC. 18. Section 29 of the same Act is hereby amended to read as follows:

12 “SEC. 29. *Criminal Liability for Planting of Evidence.* – Any person
13 who is found guilty of "planting" any dangerous drug and/or controlled precursor
14 and essential chemical, regardless of quantity and purity, shall suffer the penalty of
15 death.

16 “A DEFENSE OF ‘PLANTING EVIDENCE’ INTERPOSED AND
17 PLEADED BY ANY PERSON CHARGED FOR VIOLATION OF ANY OF
18 THE UNLAWFUL ACTS PRESCRIBED IN THIS ACT IS PRESUMED TO
19 BE A COMPLAINT AGAINST THE LAW ENFORCER/S OR PRIVATE
20 INDIVIDUAL/S INVOLVED IN THE ARREST, SEARCH AND SEIZURE.

21 “AS SOON AS THE ALLEGED PLANTING OF EVIDENCE HAS
22 BEEN INTERPOSED AND/OR PLEADED BEFORE OR DURING THE
23 PROSECUTION OF THE CASE AGAINST THE ACCUSED, THE COURT
24 WHERE THE CASE IS PENDING SHALL CAUSE THE PUBLIC
25 PROSECUTOR ASSIGNED IN SAID COURT TO CONDUCT
26 PRELIMINARY INVESTIGATION FOR THE VIOLATION OF THIS
27 SECTION AND FILE THE CORRESPONDING INFORMATION. IN THE
28 MEANTIME, THE PROCEEDINGS OF THE CASE SHALL BE
29 SUSPENDED UNTIL THE PRELIMINARY INVESTIGATION IS
30 CONCLUDED AND RESOLVED IN ACCORDANCE WITH THE
31 PROCEDURES ENUNCIATED IN SECTION 90 OF THIS ACT. IF THE
32 INFORMATION IS FILED FOR THE CRIME OF “PLANTING OF
33 EVIDENCE,” THE LAW ENFORCER OR ANY PRIVATE INDIVIDUAL
34 INVOLVED SHALL BE ARRAIGNED AND THE CASE SHALL BE TRIED
35 JOINTLY WITH THAT OF THE COMPLAINING ACCUSED.

1 **“ANY PERSON WHO IS CHARGED AND PROSECUTED FOR**
2 **ALLEGEDLY PUTTING OR PLACING ANY DANGEROUS DRUG OR**
3 **SIMILAR SUBSTANCE AND/OR PUTTING OR PLACING ANY DRUG**
4 **EQUIPMENT, INSTRUMENT OR PARAPHERNALIA ON THE PERSON**
5 **OR IMMEDIATE PREMISES OF ANY ACCUSED/SUSPECT, SHALL BE**
6 **PRESUMED TO HAVE PUT, PLACED, OR PLANTED THE SAID**
7 **EVIDENCE IF THE RULES OF PROCEDURE AND/OR ENGAGEMENT**
8 **FOR ARREST, SEARCH AND SEIZURE HAVE NOT BEEN COMPLIED**
9 **WITH.”**

10 SEC. 19. Section 33 of the same Act is hereby amended to read as follows:

11 **“SEC. 33. *Immunity from Prosecution and Punishment.* –**
12 Notwithstanding the provisions of Section 17, Rule 119 of the Revised Rules on
13 Criminal Procedure and the provisions of Republic Act No. 6981 or the Witness
14 Protection Security and Benefit Act of 1991, any person who has violated Sections
15 7, [11] **11(3), 11(4), 11-A,12, 12-A, 14** and [19] 15, Article II of this Act, who
16 voluntarily gives information about any violation of Sections 4, 5, 6, 8, 10, 13 and
17 16, Article II of this Act as well as any violation of the offenses mentioned if
18 committed by a drug syndicate, or any information leading to the whereabouts,
19 identities and arrest of all or any of the members thereof; and who willingly
20 testifies against such persons as described above, shall be exempted from
21 prosecution or punishment for the offense with reference to which his/her
22 information of testimony were given, and may plead or prove the giving of such
23 information and testimony in bar of such prosecution: Provided, That the
24 following conditions concur:

25 “x x x”

26 SEC. 20. A new section denominated as Section 33-A is hereby inserted after Section 33
27 of the same Act, to read as follows:

28 **“SEC. 33-A. *IMMUNITY FROM PROSECUTION UNDER OTHER***
29 ***CIRCUMSTANCES, MINIMUM PENALTY AND COMMUTATION OF***
30 ***SENTENCE.* – ANY PERSON CHARGED FOR ANY OFFENSE UNDER**
31 **THIS ACT AND WHO IS NOT QUALIFIED FOR IMMUNITY UNDER**
32 **THE PRECEDING SECTION 33 MAY APPLY FOR IMMUNITY FROM**
33 **PROSECUTION UNDER THIS SECTION IF HE/SHE IS WILLING TO**
34 **REVEAL THE IDENTITY AND PARTICIPATION OF PERSONS**
35 **INVOLVED FOR VIOLATION OF SECTIONS 4, 5, 6, 8, 10 AND 16 OF**

1 ARTICLE II OF THIS ACT, INCLUDING THE VIOLATOR'S
2 FINANCIERS, PROTECTORS OR CODDLERS.

3 "THE GRANT OF THE APPLICATION FOR IMMUNITY IS
4 CONDITIONED UPON THE ARREST AND PROSECUTION OF
5 ANYONE, SOME OR ALL OF THE PERSONS HE/SHE NAMED OR
6 IDENTIFIED, THE WILLINGNESS FROM HIS/HER PART TO TESTIFY
7 AGAINST THE PERSON/S HE/SHE NAMED OR IDENTIFIED, HE/SHE
8 DOES NOT APPEAR TO BE THE MOST GUILTY FOR THE OFFENSE
9 TO WHICH HIS/HER INFORMATION OR TESTIMONY IS GIVEN, AND
10 THE CONCURRENCE OF THE FOLLOWING:

11 (A) THE INFORMATION AND TESTIMONY ARE NECESSARY
12 FOR THE CONVICTION OF THE PERSONS HE/SHE NAMED OR
13 IDENTIFIED;

14 (B) SUCH INFORMATION AND TESTIMONY ARE NOT YET
15 IN THE POSSESSION OF THE STATE;

16 (C) SUCH INFORMATION AND TESTIMONY CAN BE
17 CORROBORATED ON ITS MATERIAL POINTS;

18 (D) THE INFORMANT OR WITNESS HAS NOT BEEN
19 PREVIOUSLY CONVICTED OF A CRIME INVOLVING MORAL
20 TURPITUDE, EXCEPT WHEN THERE IS NO OTHER DIRECT
21 EVIDENCE AVAILABLE FOR THE STATE OTHER THAN THE
22 INFORMATION AND TESTIMONY OF SAID INFORMANT OR
23 WITNESS; AND

24 (E) THE INFORMANT OR WITNESS SHALL, WITHOUT
25 DELAY, STRICTLY AND FAITHFULLY COMPLY WITH ANY
26 CONDITION OR UNDERTAKING LAWFULLY IMPOSED BY THE
27 STATE AS FURTHER CONSIDERATION FOR THE GRANT OF
28 IMMUNITY FROM PROSECUTION AND PUNISHMENT.

29 "IF HE/SHE SATISFIES THE ABOVE CONDITIONS FOR THE
30 GRANT OF IMMUNITY, THE APPLICANT MAY BE QUALIFIED FOR
31 AND BE PLACED UNDER THE WITNESS PROTECTION PROGRAM.

32 "IF NONE OF THE PERSON/S HE/SHE NAMED OR IDENTIFIED
33 HAS BEEN ARRESTED AND CHARGED, THE PROSECUTION OF THE
34 CASE SHALL PROCEED, BUT THE COURT SHALL SUSPEND
35 PROMULGATION OF JUDGMENT FOR A PERIOD NOT EXCEEDING

1 SIX (6) MONTHS FROM THE DATE HIS/HER CASE IS SUBMITTED
2 FOR DECISION. THE COURT, HOWEVER, IS BOUND TO RENDER
3 JUDGMENT IF THE ACCUSED REQUESTS FOR EARLY DECISION.

4 "THE COURT SHALL RENDER A DECISION IF THE PERSON
5 HE/SHE NAMED OR IDENTIFIED REMAINS AT-LARGE AFTER THE
6 LAPSE OF THE ORIGINAL OR EXTENDED PERIOD. IF HE/SHE IS
7 FOUND GUILTY, THE COURT SHALL IMPOSE ONLY THE MINIMUM
8 PENALTY FOR THE OFFENSE CHARGED OR PROVEN. HOWEVER,
9 HE/SHE MAY BE CALLED LATER AS WITNESS FOR THE
10 PROSECUTION, WITH HIS/HER EXPRESS CONSENT, IN THE EVENT
11 THAT ONE, SOME OR ALL THE PERSONS HE/SHE NAMED OR
12 IDENTIFIED HAS OR HAVE BEEN APPREHENDED AND CHARGED IN
13 COURT FOR VIOLATION OF SECTIONS 4, 5, 6, 8, 10 AND 16 OF THIS
14 ACT. IF HE/SHE HAS TESTIFIED FOR THE PROSECUTION, HIS/HER
15 SENTENCE MAY BE REDUCED, OR HE/SHE MAY BE CONSIDERED
16 TO HAVE FULLY SERVED HIS/HER SENTENCE AND MAY BE
17 RELEASED IMMEDIATELY, AT THE DISCRETION OF THE COURT."

18 SEC. 21. Section 36 of the same Act is hereby amended to read as follows:

19 "SEC. 36. *Authorized Drug Testing.* – Authorized drug testing shall be
20 done by any government forensic laboratories or by any of the drug testing
21 laboratories accredited and monitored by the DOH to safeguard the quality of test
22 results. The DOH shall take steps in setting the price of the drug test with DOH
23 accredited drug testing centers to further reduce the cost of such drug test. The
24 drug testing shall employ, among others, [~~two~~-(2)] testing methods THAT
25 INCLUDE THE FOLLOWING DRUGS: CANNABIS, COCAINE,
26 OPIATES, AMPHETAMINES, METHAMPHENTAMINE,
27 PHENCYCLIDINE AND OTHER DRUGS AS DETERMINED BY THE
28 BOARD TO BE PREVALENT AT THE TIME, the screening test which will
29 determine the positive result as well as the type of the drug used and confirmatory
30 test which will confirm a positive screening test. Drug test certificates issued by
31 accredited drug testing centers shall be valid for a [~~one-year~~] **THREE-MONTH**
32 period from the date of issue which may be used for other purposes. The following
33 shall be subjected to undergo drug testing:

34 (a) x x x
35 x x x

1 “(g) x x x

2 **“(H) PROFESSIONAL AND NON-PROFESSIONAL ATHLETES. –**
3 **ALL ATHLETES, PROFESSIONAL AND NON-PROFESSIONAL, IN**
4 **ANY KIND OF SPORT, SHALL UNDERGO A MANDATORY DRUG**
5 **TEST TWICE A YEAR. ANY ATHLETE FOUND POSITIVE FOR USE OF**
6 **DANGEROUS DRUGS SHALL BE SUSPENDED SUBJECT TO FURTHER**
7 **INVESTIGATION BY APPROPRIATE GOVERNMENT AGENCIES.**

8 “x x x”

9 SEC. 22. Section 51 of the same Act is hereby amended to read as follows:

10 “SEC. 51. *Local Government Units’ PROGRAMS AND Assistance.* –
11 Local government units shall **UNDERTAKE LOCAL DRUG AND**
12 **CHEMICAL PREVENTION AND CONTROL PROGRAMS IN**
13 **COOPERATION AND COORDINATION WITH THE BOARD AND ITS**
14 **MEMBER DEPARTMENTS AND NON-GOVERNMENTAL**
15 **ORGANIZATIONS. THEY SHALL** appropriate a substantial portion of their
16 respective annual budgets to assist in or enhance the enforcement of this Act
17 giving priority to preventive or educational programs and the rehabilitation or
18 treatment of drug **AND/OR CHEMICAL** dependents.”

19 SEC. 23. The Title of Article VIII and Sections 54, 55, 56, 57, 58, 59, 60, 61, 62, 63,
20 64, 68, 72, 73, 74, 75 and 76 of the same Article are hereby amended by deleting the words “drug
21 dependent” wherever they appear and replacing them with the words “**DRUG AND/OR**
22 **CHEMICAL DEPENDENT.**”

23 SEC. 24. Section 78 of the same Act is hereby amended to read as follows:

24 “SEC. 78. *Composition of the Board.* – The Board shall be composed
25 of [~~seventeen~~–(17)] **TWENTY (20)** members wherein three (3) of [~~which~~]
26 **WHOM** are permanent members, the other [~~twelve~~–(12)] **FIFTEEN (15)**
27 members shall be in an *ex-officio* capacity and the two (2) shall be regular
28 members.

29 “The three (3) permanent members, who shall possess at least seven-year
30 training and experience in the field of dangerous drugs and any of the following
31 fields: in law, medicine, criminology, psychology or social work, shall be
32 appointed by the President of the Philippines. The President shall designate a
33 Chairman, who shall have the rank of a secretary from among the three (3)
34 permanent members who shall serve for six (6) years. Of the two (2) other
35 members, who shall have the rank of undersecretary, one (1) shall serve for four

1 (4) years and the other for two (2) years. Thereafter, the persons appointed to
2 succeed such members shall hold office for a term of six (6) years and until their
3 successors shall have been duly appointed and qualified.

4 "The other [~~twelve (12)~~] **FIFTEEN (15)** members who shall be *ex-officio*
5 members of the Board are the following:

6 (1) Secretary of the Department of Justice or his/her **AUTHORIZED**
7 representative;

8 (2) Secretary of the Department of Health or his/her **AUTHORIZED**
9 representative;

10 (3) Secretary of the Department of National Defense or his/her
11 **AUTHORIZED** representative;

12 (4) Secretary of the Department of Finance or his/her **AUTHORIZED**
13 representative;

14 (5) Secretary of the Department of Labor and Employment or his/her
15 **AUTHORIZED** representative;

16 (6) Secretary of the Department of the Interior and Local Government
17 or his/her **AUTHORIZED** representative;

18 (7) Secretary of the Department of Social Welfare and Development or
19 his/her **AUTHORIZED** representative;

20 (8) Secretary of the Department of Foreign Affairs or his/her
21 **AUTHORIZED** representative;

22 (9) Secretary of the Department of Education or his/her
23 **AUTHORIZED** representative;

24 (10) Chairman of the Commission on Higher Education or his/her
25 representative;

26 (11) Chairman of the National Youth Commission **OR HIS/HER**
27 **AUTHORIZED REPRESENTATIVE; [and]**

28 (12) Director General of the Philippine Drug Enforcement Agency [.]
29 **OR HIS/HER AUTHORIZED REPRESENTATIVE;**

30 (13) **SECRETARY OF THE DEPARTMENT OF**
31 **TRANSPORTATION OR HIS/HER AUTHORIZED REPRESENTATIVE;**

32 (14) **SECRETARY OF THE DEPARTMENT OF BUDGET AND**
33 **MANAGEMENT OR HIS/HER AUTHORIZED REPRESENTATIVE; AND**

(15) **EXECUTIVE DIRECTOR OF THE DANGEROUS DRUGS**
BOARD.

1 “[~~Cabinet secretaries who are~~] **EX-OFFICIO** members of the Board,
2 **EXCEPT THE EXECUTIVE DIRECTOR OF THE BOARD**, may designate
3 their duly authorized and permanent representatives whose ranks shall in no case
4 be lower than [~~undersecretary~~] **ASSISTANT SECRETARY**. **THE**
5 **EXECUTIVE DIRECTOR OF THE BOARD SHALL HAVE NO VOTING**
6 **RIGHTS ON ISSUES BEFORE THE BOARD.**

7 “The two (2) regular members shall be as follows:

8 (a) The president of the Integrated Bar of the Philippines **OR**
9 **HIS/HER AUTHORIZED REPRESENTATIVE**; and

10 (b) The chairman or president of a non-government organization involved
11 in dangerous drug campaign to be appointed by the President of the Philippines.

12 “The Director of the NBI and the Chief of the PNP shall be the
13 [~~permanent~~] **EX-OFFICIO** consultants of the Board, and [~~shall~~] **MAY** attend all
14 the meetings of the Board.

15 **“THE BOARD MAY ENGAGE THE SERVICES OF**
16 **CONSULTANTS WHO ARE PRESUMED EXPERTS IN DRUG ABUSE**
17 **AND CONTROL POLICIES, STRATEGIES AND PROGRAMS,**
18 **RESEARCH, AND INTERNATIONAL DRUG CONVENTIONS, SUBJECT**
19 **TO THE PERTINENT BUDGETARY LAWS, RULES AND**
20 **REGULATIONS ON COMPENSATION, HONORARIA AND**
21 **ALLOWANCES.**

22 “All members of the Board as well as its [~~permanent~~] **EX-OFFICIO**
23 consultants shall receive *per diem* for every meeting actually attended subject to
24 the pertinent budgetary laws, rules and regulations on compensation, honoraria
25 and allowances: *Provided*, That where the representative of an *ex-officio* member
26 or of the [~~permanent~~] consultant of the Board attends a meeting in behalf of the
27 latter, such **PERMANENT** representatives shall be entitled to receive the *per*
28 *diem*.”

29 SEC. 25. Section 79 of the same Act is hereby amended to read as follows:

30 “SEC. 79. *Meetings of the Board.* – The Board shall meet once a
31 [~~week~~] **MONTH** or as often as necessary at the [~~discretion~~] **CALL** of the
32 Chairman or [~~at the call of~~] any four (4) other members. The presence of [~~nine (9)~~]
33 **ELEVEN (11)** members shall constitute a quorum.”

34 SEC. 26. Section 80 of the same Act is hereby amended to read as follows:

35 “SEC. 80. *Secretariat of the Board.* – x x x

1 “x x x

2 “The existing secretariat of the Board shall be under the administrative
3 control and supervision of the Executive Director. It shall be composed of the
4 following [~~divisions~~] **SERVICES**, namely: Policy Studies, Research and
5 Statistics; Preventive Education, Training and Information; Legal Affairs; and the
6 Administrative and Financial Management.”

7 SEC. 27. Section 82 of Republic Act No. 9165 is hereby amended to read as follows:

8 “SEC. 82. *Creation of the Philippine Drug Enforcement Agency*
9 (*PDEA*). – x x x

10 “The PDEA shall be headed by a Director General with the rank of
11 Undersecretary, who shall be responsible for the general administration and
12 management of the Agency. The Director General of the PDEA shall be appointed
13 by the President of the Philippines and shall perform such other duties that may be
14 assigned to him/her. He/she must possess adequate knowledge, training and
15 experience in the field of dangerous drugs, **CONTROLLED PRECURSORS**
16 **AND ESSENTIAL CHEMICALS CONTROL**, and in any of the following
17 fields: law enforcement, [~~law, medicine, criminology, psychology or social work~~]
18 **CRIMINAL POLICING, LEGAL AND PROSECUTION, CRIMINOLOGY,**
19 **AND INTELLIGENCE AND SECURITY ADMINISTRATION. HE/SHE**
20 **MUST ALSO POSSESS A POSTGRADUATE DEGREE, AND MUST**
21 **POSSESS CAREER EXECUTIVE SERVICE ELIGIBILITY.**

22 “The Director General of the PDEA shall be assisted in the performance of
23 his/her duties and responsibilities by two (2) deputies director general with the
24 rank of Assistant Secretary; one for Operations and the other one for
25 Administration. The two (2) deputies director general shall likewise be appointed
26 by the President of the Philippines upon recommendation **OF THE DIRECTOR**
27 **GENERAL OF THE PDEA AND CONCURRENCE** of the Board. The two (2)
28 deputies director general shall possess the same qualifications as those of the
29 Director General of the PDEA. The Director General and the two (2) deputies
30 director general shall receive the compensation and salaries as prescribed by law.

31 “**HAZARD PAY EQUIVALENT TO TWENTY-FIVE PERCENT**
32 **(25%) OF MONTHLY SALARY SHALL BE GRANTED TO OFFICIALS,**
33 **AGENTS, INVESTIGATORS AND OTHER PERSONNEL OF THE PDEA**
34 **WHOSE GEOGRAPHICAL ASSIGNMENT OR FUNCTIONAL MISSION**

1 **EXPOSE THEM TO GREATER DANGER OR RISK, SUBJECT TO**
2 **ACCOUNTING AND AUDITING REQUIREMENTS.”**

3 SEC. 28. Section 84 of the same Act is hereby amended to read as follows:

4 “SEC. 84. *Powers and Duties of the PDEA.* – The PDEA shall:

5 “(a) x x x

6 x x x

7 “(f) x x x

8 “(g) [~~Recommend to the DOJ the forfeiture of properties and other assets of~~
9 ~~persons and/or corporations found to be violating the provisions of this Act and in~~
10 ~~accordance with the pertinent provisions of the Anti-Money Laundering Act of~~
11 ~~2001.]~~ **COORDINATE AND SUBMIT CONFIDENTIAL REPORTS WITH**

12 **APPROPRIATE RECOMMENDATIONS TO THE ANTI-MONEY**
13 **LAUNDERING COUNCIL (AMLC) FOR THE ISSUANCE OF A FREEZE**
14 **ORDER, FOR THE INITIATION OF APPROPRIATE SEIZURE OR**
15 **FORFEITURE PROCEEDING AND FOR THE INVESTIGATION,**
16 **INSPECTION OR EXAMINATION OF ANY FINANCIAL**
17 **TRANSACTION, INVESTMENT OR ASSET IN ANY BANK OR**
18 **FINANCIAL INTERMEDIARY OF ANY PERSON SUSPECTED OR**
19 **APPREHENDED FOR VIOLATING SECTIONS 4, 5, 6, 8, 9, 10, 12, 13, 14**
20 **AND 16 OF THIS ACT.**

21 **THE CONFIDENTIAL REPORT OR RECOMMENDATION THAT**
22 **IS BASED ON RELIABLE AND VERIFIED INTELLIGENCE**
23 **INFORMATION SHALL CONTAIN THE NAME OR IDENTITY OF THE**
24 **SUSPECT AND OTHER RELEVANT INFORMATION. IT SHALL**
25 **RENDER THE PERSONAL AND RELATED TRANSACTIONS OF THE**
26 **SUSPECT SUSPICIOUS TRANSACTIONS AS DEFINED UNDER**
27 **SECTION 3(B-1) IN RELATION TO SECTION 4 OF REPUBLIC ACT NO.**
28 **9160, AS AMENDED, OTHERWISE KNOWN AS THE “ANTI-MONEY**
29 **LAUNDERING ACT OF 2001.” IT SHALL HAVE THE SAME EFFECT IN**
30 **THE CASE OF A REPORT OR RECOMMENDATION MADE UPON ALL**
31 **PERSONAL AND RELATED TRANSACTIONS OF A PERSON**
32 **ARRESTED OR APPREHENDED.**

33 **“PROPER COORDINATION AND EXCHANGE OF**
34 **INFORMATION WITH THE AMLC SHALL BE UNDERTAKEN TO**
35 **SUBSTANTIATE CHARGES, STRENGTHEN THE CASE, AND/OR**

1 **SUPPORT THE PROSECUTION AGAINST THE PERSON SUBJECT OF**
2 **THE REPORT OR RECOMMENDATION;**

3 “(h) x x x

4 “(i) x x x

5 **“(I-1) SUBJECT TO THE PROVISIONS OF REPUBLIC ACT NO.**
6 **4200, ENTITLED “AN ACT TO PROHIBIT AND PENALIZE WIRE**
7 **TAPPING AND OTHER RELATED VIOLATIONS OF THE PRIVACY OF**
8 **COMMUNICATION, AND FOR OTHER PURPOSES,” MONITOR ANY**
9 **MESSAGE, COMMUNICATION OR CONVERSATION TRANSMITTED**
10 **OR RECEIVED THROUGH WIRELESS OR DIGITAL**
11 **TELECOMMUNICATION, ON-LINE, INTERNET, CYBER OR**
12 **WHATEVER OTHER MEANS OF COMMUNICATION IF IT**
13 **CONSIDERS THAT SAID MESSAGE, COMMUNICATION OR**
14 **CONVERSATION IS CONNECTED TO THE COMMISSION OF ANY OF**
15 **THE UNLAWFUL ACTS OR ACTIVITIES PRESCRIBED IN THIS ACT**
16 **OR TO AN ACT PREPARATORY TO, OR FOR THE PURPOSE OF**
17 **COMMITTING SAID UNLAWFUL ACTS OR ACTIVITIES. FOR THIS**
18 **PURPOSE, THE PDEA SHALL ORGANIZE A SPECIAL UNIT OR**
19 **OFFICE UNDER ITS INTELLIGENCE AND INVESTIGATION**
20 **SERVICES TO MONITOR, BY THE USE OF ELECTRONIC DEVICE,**
21 **ALL ACTIVITIES OF ANY PERSON ENGAGED IN IMPORTATION,**
22 **EXPORTATION, MANUFACTURE, PLANTATION, CULTIVATION,**
23 **SELLING, PUSHING, TRADING, TRANSPORTATION OR**
24 **DISTRIBUTION OF ILLEGAL DRUGS OR SIMILAR SUBSTANCES,**
25 **AND THEIR FINANCIERS, PROTECTORS OR CODDLERS.**

26 **“SUBJECT TO THE PROVISIONS OF REPUBLIC ACT NO. 4200,**
27 **ANY INFORMATION GATHERED OR OBTAINED IN THE COURSE OF**
28 **VALID MONITORING MENTIONED IN THE PRECEDING**
29 **PARAGRAPH, WHETHER BEFORE OR AFTER THE SUBJECT PERSON**
30 **IS CHARGED FOR VIOLATION OF THIS ACT, MAY BE USED IN**
31 **EVIDENCE AGAINST HIM.**

32 “x x x

33 “(l) x x x

34 “(m) Establish and maintain close coordination, cooperation and linkages
35 with international drug control and administrative agencies and organizations,

1 **WITH DRUG SUPPLY REDUCTION AND CHEMICAL DIVERSION**
2 **CONTROL FUNCTIONS AND PROGRAMS,** and implement applicable
3 provisions of international conventions and agreements related to dangerous drugs
4 **AND CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS** to
5 which the Philippines is a signatory;

6 "x x x

7 “(o) [~~Require all government and private hospitals, clinics, doctors,~~
8 ~~dentists and other practitioners to submit a report to it, in coordination with the~~
9 ~~Board, about all dangerous drugs and/or controlled precursors and essential~~
10 ~~chemicals which they have attended to for data and information purposes].~~

11 **CONDUCT REGULATORY COMPLIANCE INSPECTION AND**
12 **DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND**
13 **ESSENTIAL CHEMICALS DIVERSION CONTROL PROGRAM AND**
14 **INVESTIGATION;**

15 "x x x”

16 “(r) x x x

17 “(S) **DEPUTIZE QUALIFIED PERSONNEL AND/OR UNITS OF**
18 **OTHER DEPARTMENT, BUREAU, OFFICE, AGENCY, OR LOCAL**
19 **GOVERNMENT UNITS TO ASSIST IN A MORE RESOLUTE**
20 **IMPLEMENTATION OF THIS ACT.”**

21 SEC. 29. Section 85 of Republic Act No. 9165 is hereby amended to read as follows:

22

23 “SEC. 85. *The PDEA Academy.* – Upon approval of the Board, the
24 PDEA Academy shall be established either in Baguio or Tagaytay City and in such
25 other places as may be necessary. The PDEA Academy shall be responsible in the
26 recruitment and training of all PDEA agents and personnel. The Board shall
27 provide for the qualifications of its recruits who must be at least twenty-one (21)
28 years old, of proven integrity and honesty and a Baccalaureate degree holder.

29 **UNTIL SUCH TIME THAT A FUNCTIONAL PDEA ACADEMY IS**
30 **ESTABLISHED, PDEA IS AUTHORIZED TO CONDUCT ITS TRAINING**
31 **IN ANY EXISTING TRAINING ACADEMY OR INSTITUTION OR**
32 **FACILITY OPERATED BY ANY DEPARTMENT, BUREAU, OFFICE,**
33 **AGENCY OR INSTRUMENTALITY OF THE GOVERNMENT, SUBJECT**
34 **TO PRIOR CONSULTATION WITH AND AGREEMENT OF THE**
35 **PARTIES CONCERNED.**

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“x x x”

SEC. 30. Section 86 of Republic Act No. 9165 is hereby amended to read as follows:

“SEC. 86. *Transfer, Absorption, and Integration of All Operating Units on Illegal Drugs into the PDEA and Transitory Provisions.* – x x x

“x x x

THE HEADS OF THE PHILIPPINE NATIONAL POLICE, NATIONAL BUREAU OF INVESTIGATION, BUREAU OF CUSTOMS, ARMED FORCES OF THE PHILIPPINES OR OTHER GOVERNMENT AGENCIES AND LOCAL GOVERNMENT UNITS PERFORMING LAW ENFORCEMENT FUNCTIONS OR MISSIONS ARE AUTHORIZED TO CONTINUE PLACEMENT OF THEIR PERSONNEL ON DETAIL SERVICE WITH PDEA UPON THE REQUEST OF THE DIRECTOR GENERAL OF PDEA FOR A PERIOD NOT EXCEEDING FIVE (5) YEARS: *PROVIDED*, THAT THE DETAIL SERVICE WITH PDEA SHALL BE CONSIDERED AS CAREER SERVICE CONNECTED: *PROVIDED, FURTHER*, THAT AUTHORIZATION FOR THE DETAIL SERVICE FROM OTHER AGENCIES TO PDEA SHALL CEASE WHEN PDEA IS ABLE TO RECRUIT A MINIMUM OF THREE THOUSAND (3,000) ORGANIC PDEA AGENTS: *PROVIDED, FINALLY*, THAT THE PERSONNEL ON DETAIL SHALL BE GIVEN THE OPTION TO JOIN THE PDEA, SUBJECT TO PERTINENT LAWS, CIVIL SERVICE RULES AND REGULATIONS, AND THE QUALIFICATION REQUIREMENTS OF THE PDEA.

“x x x”

SEC. 31. Section 87 of the same Act is hereby amended to read as follows:

“SEC. 87. *Appropriations.* – x x x

All receipts derived from fines, fees and other income authorized and imposed in this At, including ten percent (10%) of all unclaimed and forfeited sweepstakes and lotto prizes but not less than twelve million pesos (P12,000,000.00) per year from the Philippine Charity Sweepstakes Office (PCSO), are hereby constituted as a special account in the general fund for the implementation of this Act: *Provided*, That **EXCEPT AS OTHERWISE ALLOWED ELSEWHERE IN THIS ACT**, no amount shall be disbursed to cover operating expenses of the Board and other concerned agencies: ***PROVIDED, FURTHER*, THAT PDEA SHALL RETAIN THE TOTAL COLLECTION FOR DRUGS**

1 **AND CHEMICAL FEES AND CHARGES TO FUND THE COMPLIANCE**
2 **AND DIVERSION CONTROL PROGRAM, PDEA ACADEMY**
3 **DEVELOPMENT PROGRAM, AND FORENSIC LABORATORY**
4 **DEVELOPMENT PROGRAM OTHER THAN WHAT IS PROVIDED FOR**
5 **IN THE GENERAL APPROPRIATIONS ACT: *Provided [further] FINALLY,***
6 **That at least fifty percent (50%) of all the funds, EXCEPT FEES AND**
7 **CHARGES COLLECTED BY PDEA, shall be reserved for assistance to**
8 **government-owned and/or operated rehabilitation centers.**

9 “x x x”

10 SEC. 32. Section 92 of the same Act is hereby amended to read as follows:

11 “SEC. 92. *Delay and Bungling in the Prosecution of Drug Cases.* –
12 Any government officer or employee tasked with the prosecution of drug-related
13 cases under this Act, who, through patent laxity, inexcusable neglect, unreasonable
14 delay or deliberately causes the unsuccessful prosecution and/or dismissal of the
15 said drug cases, shall suffer the penalty of imprisonment ranging from twelve (12)
16 years and one (1) day to twenty (20) years without prejudice to his/her prosecution
17 under the pertinent provisions of the Revised Penal Code.

18 **THE ACQUITTAL OR DISMISSAL OF ANY DRUG-RELATED**
19 **CASE IS PRESUMED BUNGLING IN THE PROSECUTION OF SAID**
20 **CASE. UNLESS PROVEN OTHERWISE, A DECISION OF THE COURT**
21 **DISMISSING OR ACQUITTING A CASE PROSECUTED UNDER THIS**
22 **ACT IS PRESUMED THAT THE CASE HAS BEEN UNSUCCESSFULLY**
23 **PROSECUTED AND THE GOVERNMENT PROSECUTOR, LAW**
24 **ENFORCER, OFFICER OR EMPLOYEE INVOLVED IN THE**
25 **PROSECUTION THEREOF DELIBERATELY CAUSED THE**
26 **UNSUCCESSFUL PROSECUTION AND/OR DISMISSAL OF THE SAID**
27 **CASE.**

28 “THE TRIAL COURT OR APPELLATE/REVIEWING COURT
29 THAT RENDERS THE JUDGMENT OF ACQUITTAL OR ISSUES THE
30 ORDER OF DISMISSAL SHALL FURNISH A COPY THEREOF TO THE
31 CIVIL SERVICE COMMISSION AND TO THE OFFICE OF THE
32 OMBUDSMAN, WHICH SHALL PROMPTLY CONDUCT APPROPRIATE
33 ADMINISTRATIVE INVESTIGATION WITHIN A PERIOD OF FIVE (5)
34 DAYS FROM RECEIPT THEREOF. THE INVESTIGATION SHALL, IF
35 WARRANTED, INCLUDE THE IMPOSITION OF APPROPRIATE

1 **ADMINISTRATIVE SANCTION AND THE FILING OF PROPER**
2 **CRIMINAL ACTION FOR THE VIOLATION OF THIS SECTION.”**

3 SEC. 33. Section 93 of the same Act is hereby amended to read as follows:

4 “SEC. 93. *Reclassification, Addition or Removal of Any Drug AND*
5 **CHEMICAL from the Lists of Dangerous Drugs OR CONTROLLED**
6 **PRECURSORS AND ESSENTIAL CHEMICALS.** – The Board shall have the
7 power to reclassify, add to or remove from the lists of dangerous drugs AND
8 **CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS. THE**
9 **BOARD MAY ONLY REMOVE FROM SUCH LISTS, ANY OF THE**
10 **DANGEROUS DRUG AND/OR CONTROLLED PRECURSOR AND**
11 **ESSENTIAL CHEMICAL THAT IT HAD ADDED, BY REGULATION,**
12 **BUT NOT LISTED IN THE SCHEDULES UNDER INTERNATIONAL**
13 **CONTROL SET BY THE 1961 SINGLE CONVENTION ON NARCOTIC**
14 **DRUGS, AS AMENDED BY THE 1972 PROTOCOL, 1971 CONVENTION**
15 **ON PSYCHOTROPIC SUBSTANCES AND 1988 CONVENTION AGAINST**
16 **ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC**
17 **SUBSTANCES. THE BOARD SHALL ALSO HAVE THE POWER TO**
18 **EXEMPT ANY DANGEROUS DRUG PREPARATION AND ANY DRUG**
19 **OR CHEMICAL PREPARATION OR MIXTURE OR PRODUCTS**
20 **CONTAINING CONTROLLED PRECURSORS AND ESSENTIAL**
21 **CHEMICALS FROM ANY SPECIFIC PROVISION OF THE**
22 **REGULATION UNDER THIS ACT: PROVIDED, THAT SUCH**
23 **DANGEROUS DRUG PREPARATION OR ANY DRUG PREPARATION**
24 **CONTAINING CONTROLLED PRECURSORS AND ESSENTIAL**
25 **CHEMICALS IS REGISTERED WITH THE BUREAU OF FOOD AND**
26 **DRUGS AS A DRUG, AND PRODUCTS CONTAINING THE**
27 **CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS ARE**
28 **LEGITIMATELY TRADED AND SOLD COMMERCIALY.** Proceedings to
29 reclassify, add, or remove a drug, **CHEMICAL** or other substance, **OR**
30 **EXEMPT IT FROM ANY PRESCRIBED REGULATION** may be initiated by
31 the PDEA, the DOH, or by petition from any interested party, including the
32 manufacturer of a drug, **CHEMICAL OR OTHER SUBSTANCE**, a medical
33 society or association, a pharmacy association, **A CHEMICAL ASSOCIATION**,
34 a public interest group concerned with drug **OR CHEMICAL** abuse, a national or
35 local government agency, or an individual citizen. When a petition is received by

1 the Board, it shall immediately begin its own investigation of the drug **OR**
2 **CHEMICAL OR SUBSTANCE**. The PDEA also may begin an investigation of a
3 drug, **CHEMICAL OR SUBSTANCE** at any time based upon the information
4 received from law enforcement laboratories, national and local law enforcement
5 and regulatory agencies, or other sources of information.

6 “The Board after notice and hearing shall consider the following factors
7 with respect to each substance proposed to be reclassified, added or removed from
8 control **OR EXEMPTED FROM ANY PRESCRIBED REGULATORY**
9 **CONTROL:**

- 10 (a) Its actual or relative potential for abuse;
- 11 (b) Scientific evidence of its pharmacological effect if known;
- 12 (c) The state of current scientific knowledge regarding the drug,
13 **CHEMICAL** or other substance;
- 14 (d) **EVIDENCE AND** history [and] **OF** current pattern of abuse,
15 **ILLICIT TRAFFIC AND DIVERSION OF SUCH SUBSTANCE;**
- 16 (e) The scope, duration, and significance of abuse, **ILLICIT**
17 **TRAFFIC AND DIVERSION;**
- 18 (f) Risk to public health; [and]
- 19 (g) Whether the substance is an immediate precursor of a substance
20 already controlled under this Act;
- 21 **(H) TOXICOLOGY, INCLUDING ADVERSE REACTIONS IN**
22 **HUMANS;**
- 23 **(I) THERAPEUTIC OR INDUSTRIAL USE;**
- 24 **(J) WHETHER THE PREPARATION OR MIXTURE IS**
25 **COMPOUNDED IN SUCH A WAY THAT IT PRESENTS NO OR**
26 **NEGLIGIBLE RISK OF ABUSE OR DIVERSION AND THE SUBSTANCE**
27 **MAY NOT BE RECOVERED BY READILY APPLICABLE MEANS IN**
28 **QUANTITY LIABLE TO ABUSE OR DIVERSION SO THAT THE**
29 **PREPARATION OR MIXTURE DOES NOT GIVE RISE TO A PUBLIC**
30 **HEALTH, SOCIAL OR LAW ENFORCEMENT PROBLEM;**
- 31 **(K) WHETHER THE DRUG OR GROUP OF DRUGS IS**
32 **FORMULATED IN SUCH A WAY THAT IT MAY NOT BE EASILY USED**
33 **IN THE ILLICIT PRODUCTION OF A DANGEROUS DRUG; AND**
- 34 **(L) WHETHER THE CONTROLLED PRECURSOR AND**
35 **ESSENTIAL CHEMICAL MAY BE READILY RECOVERED FROM THE**

1 **DRUG OR GROUPS OF DRUGS OR CHEMICAL MIXTURE OR END**
2 **PRODUCT CONTAINING THE CHEMICAL.**

3 "The Board shall take into account the obligations and commitments to
4 international treaties, conventions and agreements to which the Philippines is a
5 signatory.

6 "The Dangerous Drugs Board shall give notice to the general public of the
7 public hearing of the reclassification, addition to or removal from the list of any
8 drug, **CHEMICAL OR SUBSTANCE OR EXEMPTION FROM ANY**
9 **PRESCRIBED REGULATION** by publishing such notice in any newspaper of
10 general circulation once a week for two weeks **OR PROVIDING INTERESTED**
11 **PARTIES WITH DUE NOTICES. THE BOARD SHALL LIKEWISE GIVE**
12 **NOTICE TO THE GENERAL PUBLIC OF ITS DECISIONS BY**
13 **PUBLISHING THE REGULATION IN ANY NEWSPAPER OF GENERAL**
14 **CIRCULATION ONCE A WEEK FOR TWO (2) WEEKS.**

15 "The effect of such reclassification, addition or removal **FROM THE**
16 **LISTS OF DANGEROUS DRUGS AND/OR CONTROLLED**
17 **PRECURSORS AND ESSENTIAL CHEMICALS, OR EXEMPTION FROM**
18 **ANY PRESCRIBED REGULATION** shall be as follows:

19 (a) In case a dangerous drug is reclassified as **CONTROLLED**
20 precursors and essential chemicals, the penalties for the violations of this Act
21 involving [the two latter categories of drugs] **CONTROLLED PRECURSORS**
22 **AND ESSENTIAL CHEMICALS** shall, in case of conviction, be imposed in all
23 pending criminal cases;

24 (b) In case a **CONTROLLED** precursor and essential chemical is
25 reclassified as dangerous drug, the penalties for violation of this Act, involving
26 **CONTROLLED** precursors and essential chemicals shall, in case of conviction,
27 be imposed in all pending criminal cases;

28 (c) In case of the addition of a new drug **OR CHEMICAL** to the list
29 of dangerous drugs [~~and~~] **OR CONTROLLED** precursors and essential
30 chemicals, no criminal liability involving the same under this Act shall arise until
31 after the lapse of fifteen (15) days from the last publication of such notice;

32 (d) In case of removal of a drug **OR CHEMICAL** from the list of
33 dangerous drugs [~~and~~] **OR CONTROLLED** precursors and essential chemicals,
34 all persons convicted and/or detained for the use and/or possession of such a drug
35 **OR CHEMICAL** shall be automatically released and all pending criminal

1 prosecution involving such a drug under this Act shall forthwith be dismissed;
2 [and]

3 (e) [~~The Board shall, within five (5) days from the date of its~~
4 ~~promulgation submit to Congress a detailed reclassification, addition, or removal~~
5 ~~of any drug from the list of dangerous drugs.] **IN CASE OF EXEMPTION OF**
6 **DRUG PREPARATIONS CONTAINING DANGEROUS DRUGS, OR**
7 **CHEMICAL MIXTURE OR PREPARATION OR PRODUCT**
8 **CONTAINING CONTROLLED PRECURSORS AND ESSENTIAL**
9 **CHEMICALS FROM ANY SPECIFIC PROVISIONS OF**
10 **IMPLEMENTING REGULATIONS, ALL PERSONS CONVICTED**
11 **AND/OR DETAINED FOR VIOLATION OF THAT CORRESPONDING**
12 **SPECIFIC REGULATION SHALL BE AUTOMATICALLY RELEASED**
13 **AND ALL PENDING CRIMINAL PROSECUTION AND**
14 **ADMINISTRATIVE PROCEEDINGS SHALL FORTHWITH BE**
15 **DISMISSED; AND**~~

16 (F) **THE BOARD SHALL, WITHIN FIVE (5) DAYS FROM THE**
17 **DATE OF ITS PROMULGATION, SUBMIT TO CONGRESS A**
18 **DETAILED RECLASSIFICATION, ADDITION, REMOVAL OF ANY**
19 **DRUG, CHEMICAL OR OTHER SUBSTANCE FROM THE LISTS OF**
20 **DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND**
21 **ESSENTIAL CHEMICALS, AND EXEMPTIONS.**

22 SEC. 34. Section 101 of the same Act is hereby amended to read as follows:

23 "SEC. 101. [*Amending*] **AMENDATORY Clause.** – Republic Act No.
24 **7659 AND PRESIDENTIAL DECREE NO. 1619 [is] ARE** hereby amended
25 accordingly."

26 SEC. 35. ***Separability Clause.*** – Should any provision of this Act or any part thereof
27 be declared invalid, the other provisions, insofar as they are separable from the invalid one, shall
28 remain in full force and effect.

29 SEC. 36. ***Repealing Clause.*** – All laws, orders, issuances, rules and regulations or
30 parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

31 SEC. 37. ***Effectivity.*** – This Act shall take effect fifteen (15) days after its
32 publication in the Official Gazette or in a newspaper of general circulation.

33 Approved,

FACT SHEET

House Bill No. _____ **8909**

**AN ACT
STRENGTHENING DRUG PREVENTION AND CONTROL, AMENDING FOR THE
PURPOSE REPUBLIC ACT NO. 9165, AS AMENDED, OTHERWISE KNOWN AS THE
"COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002"**

Introduced by: **REPS. GLORIA MACAPAGAL-ARROYO, ROBERT ACE S. BARBERS, ROZZANO RUFINO B. BIAZON, LEOPOLDO N. BATAOIL, VICTOR YAP, WINSTON "WINNIE" CASTELO, MAXIMO B. RODRIGUEZ, JR., PETER "SR. PEDRO" M. UNABIA, RODEL M. BATOCABE, ALFREDO A. GARBIN, JR., CHRISTOPHER S. CO, CHRISTOPHER V. P. DE VENECIA, MARIANO MICHAEL M. VELARDE, JR., JOSE ENRIQUE S. GARCIA III, JOSEPH STO. NIÑO B. BERNOS, AND DEOGRACIAS VICTOR "DV" B. SAVELLANO**

Committee Referral: **COMMITTEE ON DANGEROUS DRUGS**
Committee Chairperson: **REP. ROBERT ACE S. BARBERS**

OBJECTIVE:

- To strengthen drug prevention and control by providing legal presumption, penalizing negligent lessors of properties

KEY PROVISIONS:

- a) To provide for a legal presumption on who is considered as the importer, financier, and protector or coddler of illegal drugs.
- b) To provide for a provision to penalize negligent lessors of properties used as clandestine laboratories. Lessors of properties will be required to submit documents to avoid their properties from being used for illegal drug purpose.
- c) To ensure that our Filipino professional and non-professional athletes are drug free, by providing for a mandatory drug testing twice a year.
- d) If a property is owned by a third person and the same is used as a den, dive, or resort to commit violation of the provisions of RA 9165, criminal liability shall extend to the partner, president, director, manager trustee, estate administrator, or officer of the corporation or partnership who consents to or tolerates such violation.
- e) Drug test certificates issued by accredited drug testing centers shall now be valid only up to three (3) months from the original one year period, to ensure its reliability.
- f) The composition of the Dangerous Drugs Board is increased from seventeen (17) to twenty (20) members.

RELATED LAWS:

- The 1987 Constitution, RA 9165, as amended, Revised Penal Code