

HOUSE OF REPRESENTATIVES

H. No. 8909

BY REPRESENTATIVES MACAPAGAL-ARROYO, BARBERS, BIAZON, BATAOIL, YAP (V.), CASTELO, RODRIGUEZ (M.), UNABIA, BATOCABE, GARBIN, CO, DE VENECIA, VELARDE, GARCIA (J.E.), BERNOS, CATAMCO, RELAMPAGOS, TAMBUNTING, SAVELLANO, ALEJANO, MONTORO, VIOLAGO, ALONTE, SY-ALVARADO, LAZATIN, HERRERA-DY, ROMAN, MERCADO, TREÑAS, BERTIZ, MACEDA, DE VERA, ACOSTA-ALBA, UMALI, DEL ROSARIO, SILVERIO, OLIVAREZ, NIETO, UY (J.), NOGRALES (J.J.), SALO, BELARO, VELASCO, MARCOLETA AND ORTEGA (P.), PER COMMITTEE REPORT NO. 1111

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 NERVOUS SYSTEM, CHARACTERIZED BY THE PERIODIC OR CONSTANTLY REPEATED CONSUMPTION OF

1 **THIS SUBSTANCE AND WHOSE EFFECTS VARY DEPENDING UPON**
2 **THE KIND OF CONTROLLED PRECURSOR AND ESSENTIAL CHEMICAL**
3 **TAKEN BY THE DEPENDENT OR USER.**

4 "x x x

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

14 x x x

15 “(j) *Dangerous Drugs.* – Include those listed in the Schedules annexed to the
16 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, and in the
17 Schedules annexed to the 1971 Single Convention on Psychotropic Substances as
18 enumerated in the attached annex, which is an integral part of this Act[.], **ESSENTIAL**
19 **CHEMICALS AND CHEMICALS WHICH ARE HEREINAFTER ADDED TO**
20 **THE LIST OF CONTROLLED PRECURSORS PURSUANT TO SECTION 93 OF**
21 **THIS ACT OR DERIVATIVES AND PREPARATIONS CONTAINING SUCH**
22 **CHEMICALS OR ARE SOURCED THEREFROM WHICH ARE PRESUMED TO**
23 **FALL WITHIN THE AMBIT THEREOF.**

24 "x x x

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

29 "x x x

30 “(dd) x x x

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

35 “(DD-2) **PROPERTY.** – ANY PROPERTY, SITE, STRUCTURE,
36 PART OF A STRUCTURE, OR THE GROUND SURROUNDING A STRUCTURE
37 INCLUDING SINGLE-FAMILY RESIDENCE, OUTBUILDING, GARAGE, UNIT
38 OR MULTIPLEX, CONDOMINIUM, APARTMENT BUILDING, WAREHOUSE,

1 HOTEL, MOTEL, BOAT, MOTOR VEHICLE, TRAILER, MANUFACTURED
2 HOUSING, SHOP, OR BOOTH AND OTHER SIMILAR STRUCTURE.

3 “(ee) *Protector/Coddler.* – Any person who knowingly and willfully consents to
4 the unlawful acts provided for in this Act and uses his/her influence, power or position in
5 shielding, harboring, screening or facilitating the escape of any person he/she knows, or
6 ANY PERSON WHO has reasonable grounds to believe or suspect[7] THAT AN
7 INDIVIDUAL has violated the provisions of this Act, AND HE/SHE USES HIS/HER
8 INFLUENCE, POWER OR POSITION in order to prevent the arrest, prosecution [and]
9 OR conviction of the violator.

10 “x x x

11 “(kk) x x x

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

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

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

23 “The penalty of imprisonment ranging from twelve (12) years and one (1) day to
24 twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to
25 Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who,
26 unless authorized by law, shall import AND/OR EXPORT any controlled precursor and
27 essential chemical.

28 “The maximum penalty provided for under this Section shall be imposed upon
29 any person, who, unless authorized under this Act, shall import or bring into OR
30 EXPORT FROM the Philippines any dangerous drug and/or controlled precursor and
31 essential chemical through the use of a diplomatic passport, diplomatic facilities or any
32 other means involving his/her official status intended to facilitate the unlawful entry of the
33 same. In addition, the diplomatic passport shall be confiscated and cancelled.

34 “ANY PERSON WHO IS FOUND TO HAVE IN HIS/HER POSSESSION
35 OR UNDER HIS/HER DIRECT OR INDIRECT CONTROL ANY DOCUMENT,
36 PURCHASE ORDER, MEMORANDUM RECEIPT, DELIVERY RECEIPT, BILL
37 OF LADING, OR ANY WRITTEN MATTER CONTAINING INFORMATION
38 RELATED TO OR IN CONNECTION WITH ANY DANGEROUS DRUGS

1 AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS IS,
2 UNTIL PROVEN OTHERWISE, PRESUMED TO HAVE IMPORTED OR
3 EXPORTED THE DANGEROUS DRUGS AND/OR CONTROLLED
4 PRECURSORS AND ESSENTIAL CHEMICALS THAT ARE THE SUBJECT
5 MATTER OF SUCH DOCUMENT OR WRITING.

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

9 "A PERSON IS PRESUMED A FINANCIER IF HE/SHE CAUSES THE
10 PAYMENT, RAISES, PROVIDES OR SUPPLIES MONEY FOR OR
11 UNDERWRITES THE IMPORTATION OR EXPORTATION OF DANGEROUS
12 DRUGS OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS.
13 ANY EVIDENCE SHOWING DELIVERY OR TRANSFER OF MONEY, OR
14 DRAWING OR ISSUANCE OF A CHECK, MONETARY INSTRUMENT OR
15 DOCUMENT TO THE ACCOUNT, CUSTODY OR CONTROL OF A PERSON
16 OR ENTITY KNOWN TO BE CONNECTED WITH OR WORKING FOR AN
17 IMPORTER OR EXPORTER OF DANGEROUS DRUGS OR CONTROLLED
18 PRECURSORS AND ESSENTIAL CHEMICALS, UNLESS PROVEN
19 OTHERWISE, IS *PRIMA FACIE* PROOF OF THE CONSENT TO OR
20 KNOWLEDGE OF THE SENDER, TRANSFEROR OR ISSUER OF THE
21 FINANCING OF THE ILLEGAL IMPORTATION OR EXPORTATION OF SUCH
22 DANGEROUS DRUGS, CONTROLLED PRECURSORS AND ESSENTIAL
23 CHEMICALS. THIS PRESUMPTION MAY BE OVERTURNED UPON
24 PRESENTATION OF PROOF THAT THE IMPORTATION OR EXPORTATION
25 IS AUTHORIZED OR VALID.

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

30 "A PERSON IS PRESUMED A PROTECTOR OR CODDLER OF A
31 PERSON WHO IMPORTS OR EXPORTS DANGEROUS DRUGS,
32 CONTROLLED PRECURSONRS OR ESSENTIAL CHEMICALS TO BE USED
33 IN THE PREPARATION FOR SUCH DANGEROUS DRUGS, IF HE/SHE KNOWS
34 THE IMPORTER OR EXPORTER OF DANGEROUS DRUGS AND/OR
35 CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, AND HE/SHE
36 USES HIS/HER INFLUENCE, POWER OR POSITION TO SHIELD, HARBOR,
37 SCREEN OR FACILITATE THE ESCAPE OF SAID IMPORTER OR
38 EXPORTER. A PERSON IS LIKEWISE PRESUMED A PROTECTOR OR

1 CODDLER IF HE/SHE HAS KNOWLEDGE OF OR HAS REASONABLE
2 GROUND TO BELIEVE THAT THE VIOLATOR IS AN IMPORTER OR
3 EXPORTER OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS
4 AND ESSENTIAL CHEMICALS, AND HE/SHE USES HIS INFLUENCE, POWER
5 OR POSITION IN PREVENTING THE ARREST, PROSECUTION OR
6 CONVICTION OF THE IMPORTER OR EXPORTER.

7 "UNLESS PROVEN OTHERWISE, A PERSON WHO SHIELDS,
8 HARBORS, SCREENS OR FACILITATES THE ESCAPE OF, OR PREVENTS
9 THE ARREST, PROSECUTION, OR CONVICTION OF THE IMPORTER OR
10 EXPORTER IS PRESUMED TO HAVE KNOWLEDGE OF, OR HAS
11 WILLFULLY CONSENTED TO, THE ILLEGAL IMPORTATION OR
12 EXPORTATION AND THAT HE/SHE HAS USED HIS/HER INFLUENCE,
13 POWER OR POSITION. EXCEPT WHEN IT IS DONE BY ANY MEMBER OF
14 THE IMPORTER'S OR EXPORTER'S IMMEDIATE FAMILY OR HIS/HER
15 LEGAL COUNSEL, A PERSON WHO INTERCEDES AND/OR REPRESENTS
16 THE SAID IMPORTER OR EXPORTER IS, UNLESS PROVEN OTHERWISE,
17 PRESUMED TO HAVE SHIELDED, HARBORED, SCREENED OR
18 FACILITATED THE ESCAPE OF OR PREVENTED THE ARREST,
19 PROSECUTION OR CONVICTION OF THE IMPORTER OR EXPORTER."

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

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

29 "x x x

30 "x x x

31 "x x x

32 "x x x

33 "UNLESS PROVEN OTHERWISE, ANY PERSON FOUND OR IS
34 PRESENT WITHIN OR INSIDE THE PLACE OF SALE, TRADING,
35 MARKETING, DISPENSATION, DELIVERY OR DISTRIBUTION, IS
36 PRESUMED TO HAVE BEEN INVOLVED IN THE SALE, TRADE OR
37 DISTRIBUTION OF DANGEROUS DRUGS, CONTROLLED PRECURSORS OR
38 ESSENTIAL CHEMICALS.

1 “ANY PERSON FOUND IN POSSESSION OF DANGEROUS DRUGS IN
2 THE FOLLOWING QUANTITY OR WEIGHT, REGARDLESS OF PURITY, IS
3 PRESUMED TO HAVE BEEN ENGAGED IN SELLING, TRADING,
4 DISPENSATION, ADMINISTRATION, DELIVERY, DISTRIBUTION AND/OR
5 TRANSPORTATION OF DANGEROUS DRUGS:

6 (1) 200 GRAMS OR MORE OF SHABU, COCAINE, COCAINE
7 HYDROCHLORIDE, OPIUM, HEROINE, MORPHINE, MARIJUANA RESIN OR
8 MARIJUANA RESIN OIL, OR OTHER DANGEROUS DRUGS SUCH AS
9 METHYLENEDOXYMETAMPHETAMINE (MDMA) OR “ECSTASY,”
10 PARAMETHOXYAMPHETAMINE (PMA), TRIMETHOXYAMPHETAMINE
11 (TMA), LYSERGIC ACIDE DIETHYLAMINE (LSD), GAMMA
12 HYDROXYBUTYRATE (GHB), AND THOSE THAT ARE SIMILARLY
13 DESIGNED OR ARE NEWLY INTRODUCED DRUGS AND THEIR
14 DERIVATIVES;

15 (2) 500 GRAMS OR MORE OF MARIJUANA.”

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

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

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

37 “**A PERSON IS PRESUMED A PROTECTOR OR CODDLER IF HE/SHE**
38 **KNOWS THE SELLER, TRADER, DISTRIBUTOR OR VIOLATOR OF THIS**

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

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

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

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

29 "x x x

30 "x x x

31 "Should any dangerous drug be the proximate cause of the death of a person using
32 the same in such den, dive or resort, the penalty of **[death] LIFE IMPRISONMENT** and
33 a fine ranging from One million (P1,000,000.00) to Fifteen million pesos
34 (P15,000,000.00) shall be imposed on the maintainer, owner and/or operator."

35 "If such den, dive or resort is owned by a third person, the same shall be
36 confiscated and escheated in favor of the government: **PROVIDED, THAT IN CASE**
37 **THE OWNER OF SUCH PROPERTY IS A PARTNERSHIP, CORPORATION,**
38 **ASSOCIATION OR ANY JURIDICAL ENTITY, THE PARTNER, PRESIDENT,**

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

12 **"FOR THE PURPOSE OF THIS SECTION, THE FOLLOWING ARE**
13 **PRESUMED:**

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

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

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

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

32 **"A PERSON IS PRESUMED A FINANCIER OF A DEN, DIVE OR**
33 **RESORT IF HE/SHE CAUSES THE PAYMENT, RAISES, PROVIDES OR**
34 **SUPPLIES MONEY FOR OR UNDERWRITES THE OPERATION AND**
35 **MAINTENANCE THEREOF. ANY EVIDENCE SHOWING THE DELIVERY OR**
36 **TRANSFER OF MONEY, OR DRAWING OR ISSUANCE OF A CHECK,**
37 **MONETARY INSTRUMENT, INVESTMENT OR PROPERTY TO THE**
38 **ACCOUNT, CUSTODY OR CONTROL OF THE OPERATOR, MANAGER OR**

1 MAINTAINER OF A DEN, DIVE OR RESORT IS, UNLESS PROVEN
2 OTHERWISE, A *PRIMA FACIE* PROOF OF THE SENDER'S, TRANSFEROR'S
3 OR ISSUER'S KNOWLEDGE OF FINANCING THE OPERATION AND
4 MAINTENANCE THEREOF.

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

9 "A PERSON IS PRESUMED A PROTECTOR OR CODDLER IF HE/SHE
10 KNOWS THE OPERATOR, MAINTAINER, ADMINISTRATOR OR MANAGER
11 OF THE DEN, DIVE OR RESORT AND HE/SHE USES HIS/HER INFLUENCE,
12 POWER OR POSITION IN SHIELDING, HARBORING, SCREENING OR
13 FACILITATING THE ESCAPE OF THE VIOLATOR. A PERSON IS LIKEWISE
14 PRESUMED A PROTECTOR OR CODDLER IF HE/SHE HAS KNOWLEDGE OF
15 OR HAS REASONABLE GROUND TO BELIEVE OR TO SUSPECT THAT THE
16 SAID OPERATOR, MAINTAINER, ADMINISTRATOR OR MANAGER
17 ACTUALLY OPERATES, MAINTAINS, ADMINISTERS OR MANAGES A DEN,
18 DIVE OR RESORT AND HE/SHE USES HIS/HER INFLUENCE, POWER OR
19 POSITION IN PREVENTING THE ARREST, PROSECUTION OR CONVICTION
20 OF THE VIOLATOR.

21 "UNLESS PROVEN OTHERWISE, A PERSON WHO SHIELDS,
22 HARBORS, SCREENS OR FACILITATES THE ESCAPE OF, OR PREVENTS
23 THE ARREST, PROSECUTION OR CONVICTION OF, AN OPERATOR,
24 MAINTAINER, ADMINISTRATOR OR MANAGER OF A DEN, DIVE OR
25 RESORT IS PRESUMED TO HAVE KNOWLEDGE OF, OR HAVE WILLFULLY
26 CONSENTED TO THE OPERATION, AND MAINTENANCE OF A DEN, DIVE
27 OR RESORT AND HE/SHE USES HIS/HER INFLUENCE, POWER OR
28 POSITION IN DOING THE SAME. EXCEPT WHEN IT IS DONE BY ANY
29 MEMBER OF THE OPERATOR'S, MAINTAINER'S, ADMINISTRATOR'S OR
30 MANAGER'S IMMEDIATE FAMILY OR HIS/HER LEGAL COUNSEL, A
31 PERSON WHO INTERCEDES AND/OR REPRESENTS THE VIOLATOR IS,
32 UNLESS PROVEN OTHERWISE, PRESUMED TO HAVE SHIELDED,
33 HARBORED, SCREENED OR FACILITATED THE ESCAPE OF OR
34 PREVENTED THE ARREST, PROSECUTION OR CONVICTION OF SAID
35 OPERATOR, MAINTAINER, ADMINISTRATOR OR MANAGER."

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

37 "SEC. 8. *Manufacture of Dangerous Drugs and/or Controlled Precursors*
38 *and Essential Chemicals.* – The penalty of life imprisonment [to death] and a fine ranging

1 Five hundred thousand pesos (P500,000.00) to Ten Million pesos (P10,000,000.00) shall
2 be imposed upon any person, who, unless authorized by law, shall engage in the
3 manufacture of any dangerous drug.

4 "x x x

5 "The presence of any controlled precursor and essential chemical or laboratory
6 equipment in the clandestine laboratory is a *prima facie* proof of manufacture of any
7 dangerous drug **OR CONTROLLED PRECURSORS AND ESSENTIAL**
8 **CHEMICALS.** It shall be considered an aggravating circumstance if the clandestine
9 laboratory is undertaken or established under the following circumstances:

10 (a) x x x

11 x x x

12 (e) x x x

13 **"ANY PERSON FOUND OR IS PRESENT WITHIN THE PREMISES OF A**
14 **CLANDESTINE LABORATORY OR THE PLACE WHERE DANGEROUS**
15 **DRUGS ARE MANUFACTURED, PRODUCED, PREPARED, COMPOUNDED,**
16 **PROCESSED, PACKED OR RE-PACKED IS, UNLESS PROVEN OTHERWISE,**
17 **PRESUMED INVOLVED IN OR HAS PARTICIPATED IN MANUFACTURING**
18 **OR PRODUCING DANGEROUS DRUGS AND/OR CONTROLLED**
19 **PRECURSORS AND ESSENTIAL CHEMICALS.**

20 **"ANY EQUIPMENT, APPARATUS, PARAPHERNALIA SUITABLE FOR**
21 **THE USE, MANUFACTURE OR PRODUCTION OF DANGEROUS DRUGS**
22 **AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS**
23 **FOUND IN A CLANDESTINE LABORATORY, OR IN ANY OTHER PLACE OR**
24 **PROPERTY, SHALL BE PRESUMED *PRIMA FACIE* PROOF THAT SAID**
25 **LABORATORY, PLACE OR PROPERTY IS USED FOR THE PURPOSE OF**
26 **MANUFACTURE OR PRODUCTION OF ANY DANGEROUS DRUGS AND/OR**
27 **CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, AND THAT**
28 **THE PERSON WHO HAS THE ACTUAL OR CONSTRUCTIVE CONTROL OR**
29 **MANAGEMENT THEREOF PERMITS SUCH PROPERTY TO BE USED FOR**
30 **THE PURPOSE.**

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

34 **"A PERSON IS PRESUMED A FINANCIER IF HE/SHE CAUSES THE**
35 **PAYMENT, RAISES, PROVIDES OR SUPPLIES THE MONEY FOR, OR**
36 **UNDERWRITES THE MANUFACTURE, PRODUCTION, PREPARATION,**
37 **COMPOUNDING OR PROCESSING OF DANGEROUS DRUG AND**
38 **CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS. ANY**

1 EVIDENCE SHOWING DELIVERY OR TRANSFER OF MONEY, OR
2 DRAWING OR ISSUANCE OF A CHECK, NEGOTIABLE OR NON-
3 NEGOTIABLE INSTRUMENT OR DOCUMENT TO THE ACCOUNT OR
4 CUSTODY OF A PERSON OR ENTITY KNOWN TO BE CONNECTED WITH
5 OR WORKING FOR, A MANUFACTURER, PRODUCER OR PROCESSOR OF
6 DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND
7 ESSENTIAL CHEMICALS IS, UNLESS PROVEN OTHERWISE, A *PRIMA*
8 *FACIE* PROOF OF THE SENDER'S, TRANSFERROR'S OR ISSUER'S
9 CONSENT OR KNOWLEDGE OF FINANCING THE VIOLATOR'S UNLAWFUL
10 ACTIVITIES.

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

15 "A PERSON IS PRESUMED A PROTECTOR OR CODDLER IF HE/SHE
16 KNOWS THE MANUFACTURER, PRODUCER OR PROCESSOR OF ANY
17 DANGEROUS DRUG AND/OR CONTROLLED PRECURSOR AND ESSENTIAL
18 CHEMICAL, AND HE/SHE USES HIS/HER INFLUENCE, POWER OR
19 POSITION TO SHIELD, HARBOR, SCREEN OR FACILITATE THE ESCAPE
20 OF SAID MANUFACTURER, PRODUCER OR PROCESSOR. A PERSON IS
21 LIKEWISE PRESUMED A PROTECTOR OR CODDLER IF HE/SHE HAS
22 KNOWLEDGE OF OR HAS REASONABLE GROUND TO BELIEVE THAT ONE
23 IS A MANUFACTURER, PRODUCER OR PROCESSOR OF DANGEROUS
24 DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL
25 CHEMICALS, AND HE/SHE USES HIS/HER INFLUENCE, POWER OR
26 POSITION IN PREVENTING THE ARREST, PROSECUTION OR CONVICTION
27 OF THE MANUFACTURER, PRODUCER OR PROCESSOR.

28 "THE OFFENDER SHALL BE HELD LIABLE TO PAY THE COST OF
29 THE CLEAN UP OF THE CLANDESTINE LABORATORY ON THE
30 PROPERTY.

31 "IN ANY SALE OR LEASE OF PROPERTY, IT IS THE DUTY OF THE
32 OWNER OF RECORD OR HIS/HER AUTHORIZED REPRESENTATIVE TO
33 DISCLOSE ACTUAL KNOWLEDGE OF PRIOR USE OF THE PROPERTY AS A
34 CLANDESTINE LABORATORY TO THE BUYER OR LESSEE. THE LESSOR
35 MUST INCLUDE IN THE LEASE CONTRACT A PROHIBITION THAT THE
36 PROPERTY BEING LEASED WILL NOT BE USED FOR THE ILLICIT
37 MANUFACTURE OF DANGEROUS DRUGS AND/OR CONTROLLED

1 **PRECURSORS AND ESSENTIAL CHEMICALS IN VIOLATION OF THIS**
2 **ACT.”**

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

5 **“SEC. 8-A. NEGLIGENT OWNER OR LESSOR OF PROPERTY USED AS**
6 **CLANDESTINE LABORATORY. – THE PENALTY OF IMPRISONMENT**
7 **RANGING FROM SIX (6) YEARS AND ONE (1) DAY TO TWELVE (12) YEARS**
8 **AND A FINE RANGING FROM FIVE HUNDRED THOUSAND PESOS**
9 **(P500,000.00) TO ONE MILLION PESOS (P1,000,000.00) SHALL BE IMPOSED**
10 **UPON THE OWNER OR LESSOR OF A BUILDING, WAREHOUSE, OR ANY**
11 **PROPERTY, OR IN HIS/HER ABSENCE, THE DULY AUTHORIZED**
12 **REPRESENTATIVE WHO LEASES THE PROPERTY TO ANY PERSON BUT**
13 **OMITS OR FAILS TO ASCERTAIN, CHECK AND CONFIRM THAT THE**
14 **PROPERTY IS ACTUALLY USED FOR A LAWFUL PURPOSE, AND WHICH**
15 **PROPERTY IS FOUND TO HAVE BEEN ACTUALLY UTILIZED AS**
16 **CLANDESTINE LABORATORY OR USED IN THE MANUFACTURE OR**
17 **STORAGE OF DANGEROUS DRUGS, CONTROLLED PRECURSORS AND**
18 **ESSENTIAL CHEMICALS. THE MAXIMUM PENALTY SHALL BE IMPOSED**
19 **UPON THE OWNER OR LESSOR, OR HIS/HER DULY AUTHORIZED**
20 **REPRESENTATIVE WHO HAS DISCOVERED THE ILLEGAL ACTIVITY BUT**
21 **FAILED TO REPORT THE SAME TO PROPER AUTHORITIES.**

22 **IF THE PROPERTY SUBJECT OF LEASE IS GOVERNMENT-OWNED,**
23 **THE GOVERNMENT OFFICIALS AND EMPLOYEES, WHO OMIT OR FAIL**
24 **TO OBSERVE AND DISCHARGE THE LEGAL OBLIGATION REQUIRED IN**
25 **THE PRECEDING PARAGRAPH SHALL SUFFER THE MAXIMUM PENALTY**
26 **IN ADDITION TO ABSOLUTE PERPETUAL DISQUALIFICATION FROM ANY**
27 **PUBLIC OFFICE.**

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

1 FOR PURPOSES OF THIS SECTION, THE PERSONS LIABLE IN THE
2 PRECEDING THREE (3) PARAGRAPHS HEREIN ARE, UNLESS PROVEN
3 OTHERWISE, PRESUMED TO HAVE GIVEN THEIR CONSENT TO THE
4 ILLEGAL USE OF THE LEASED PROPERTY IF THEY FAIL TO VISIT AND
5 INSPECT THE LEASED PROPERTY AT LEAST ONCE EVERY QUARTER.

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

25 THE FAILURE TO COMPLY WITH THE FOREGOING MANDATORY
26 REPORTORIAL REQUIREMENTS SHALL, UNLESS PROVEN OTHERWISE,
27 BE PRESUMED THAT NO SUCH VISITATION WAS CONDUCTED ON THE
28 LEASED PROPERTY FOR THE 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 person,
33 who, unless authorized by law, shall possess any dangerous drug in the following
34 quantities, regardless of the degree of purity thereof:

- 35 "(1) 10 grams or more of opium;
36 x x x
37 "(8) x x x

1 "Otherwise, if the quantity involved is less than the foregoing quantities, the
2 penalties shall be graduated as follows:

3 "(1) x x x

4 x x x

5 "(3) x x x

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

18 "FOR THE PURPOSE OF THIS SECTION, THE FOLLOWING ARE
19 PRESUMED:

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

27 (B) DANGEROUS DRUGS FOUND CONCEALED IN ANY
28 COMPARTMENT THAT IS SPECIALLY CONSTRUCTED FOR THE
29 PURPOSE ON ANY PREMISE, VEHICLE, VESSEL OR ANY KIND OF
30 TRANSPORTATION SHALL, UNTIL THE CONTRARY IS PROVEN, BE
31 PRESUMED TO HAVE BEEN POSSESSED AND/OR CONCEALED
32 WITH THE KNOWLEDGE OF THE OCCUPANT, ADMINISTRATOR,
33 OWNER OR PERSON IN-CHARGE OF THE PROPERTY;

34 (C) SUBJECT TO THE PROVISIONS OF SECTION 5 OF THIS ACT,
35 ANY PERSON FOUND IN POSSESSION OF ANY DANGEROUS DRUG
36 IN THE FOLLOWING QUANTITY OR WEIGHT, REGARDLESS OF
37 PURITY, IS PRESUMED TO HAVE BEEN ENGAGED IN SELLING,
38 TRADING, DISPENSATION, ADMINISTRATION, DELIVERY,

1 **DISTRIBUTION AND/OR TRANSPORTATION OF DANGEROUS**
2 **DRUGS:**

3 (1) **200 GRAMS OR MORE OF SHABU, COCAINE, COCAINE**
4 **HYDROCHLORIDE, OPIUM, HEROINE, MORPHINE, MARIJUANA**
5 **RESIN OR MARIJUANA RESIN OIL, OR OTHER DANGEROUS**
6 **DRUGS SUCH AS MDMA OR "ECSTASY," PMA, TMA, LSD, GHB,**
7 **AND THOSE SIMILARLY DESIGNED OR NEWLY INTRODUCED**
8 **DRUGS AND THEIR DERIVATIVES; AND**

9 (2) **500 GRAMS OR MORE OF MARIJUANA."**

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

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

23 **"THE MAXIMUM PENALTY PROVIDED FOR UNDER THIS SECTION**
24 **SHALL BE IMPOSED UPON ANY PERSON WHO ORGANIZES, MANAGES OR**
25 **ACTS AS FINANCIER OF THE ILLEGAL ACTIVITY PROVIDED IN THIS**
26 **SECTION."**

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

28 **"SEC. 12. *Possession of Equipment, Instrument, Apparatus and Other***
29 ***Paraphernalia for Dangerous Drugs. – x x x***

30 **"The possession of such equipment, instrument, apparatus and other paraphernalia**
31 **fit or intended for any of the purposes enumerated in the preceding paragraph shall**
32 **be *prima facie* evidence that the possessor has smoked, consumed, administered to**
33 **himself/herself, injected, ingested or used a dangerous drug and shall be presumed to have**
34 **violated Section 15 of this Act, UNLESS HE/SHE VOLUNTARILY SUBMITS TO A**
35 **DRUG TEST TO BE CONDUCTED BY A HOSPITAL, DOCTOR OR MEDICAL**
36 **PRACTITIONER, UNDER THE SUPERVISION OF, OR ACCREDITED BY, THE**
37 **DEPARTMENT OF HEALTH FOR THIS PURPOSE, AND IN THE PRESENCE**
38 **OF, AND WITNESSED BY, A REPRESENTATIVE EACH FROM THE MEDIA**

1 AND THE NEAREST REGIONAL TRIAL COURT IN THE CITY OR PROVINCE
2 OF THE PLACE OF INCIDENT, WITHIN TWENTY-FOUR (24) HOURS FROM
3 APPREHENSION, AND THE RESULT THEREOF IS NEGATIVE. IF THE
4 RESULT OF HIS/HER VOLUNTARY DRUG TEST IS POSITIVE, AFTER
5 CONFIRMATORY TEST, THE PROVISIONS OF SECTION 15 OF THIS ACT
6 SHALL APPLY.”

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

9 “SEC. 12-A. *POSSESSION OF LABORATORY EQUIPMENT, FOR THE*
10 *ILLICIT MANUFACTURE OF DANGEROUS DRUGS AND/OR CONTROLLED*
11 *PRECURSORS AND ESSENTIAL CHEMICALS. – THE PENALTY OF*
12 *IMPRISONMENT RANGING FROM TWELVE (12) YEARS AND ONE (1) DAY*
13 *TO TWENTY (20) YEARS AND A FINE RANGING FROM ONE HUNDRED*
14 *THOUSAND PESOS (P100,000.00) TO FIVE HUNDRED THOUSAND PESOS*
15 *(P500,000.00), SHALL BE IMPOSED UPON ANY PERSON WHO POSSESSES,*
16 *OR HAS UNDER HIS/HER CONTROL, ANY LABORATORY EQUIPMENT,*
17 *INCLUDING REACTION VESSEL, ENCAPSULATING MACHINES,*
18 *TABLETING MACHINES, ROTARY EVAPORATORS, LABORATORY*
19 *EQUIPMENT WITH A CAPACITY FOR LARGE VOLUME PRODUCTION*
20 *SUCH AS ROUND BOTTOM FLASKS OF TWENTY-FIVE (25) LITRES OR*
21 *ABOVE AND RELATED CONDENSERS, SEPARATING FUNNELS AND*
22 *HEATING APPARATUS, KNOWING, OR UNDER CIRCUMSTANCES WHERE*
23 *ONE REASONABLY KNOWS THAT THESE MAY BE USED FOR ILLEGAL*
24 *MANUFACTURE OF DANGEROUS DRUGS AND/OR CONTROLLED*
25 *PRECURSORS AND ESSENTIAL CHEMICALS IN VIOLATION OF THIS ACT.*
26 *THE DANGEROUS DRUGS BOARD SHALL, BY REGULATION, LIST SUCH*
27 *INDISPENSABLE ITEMS OF EQUIPMENT PECULIAR TO SUCH ILLEGAL*
28 *MANUFACTURE.”*

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

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

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

1 “SEC. 15. *Use of Dangerous Drugs AND CONTROLLED PRECURSORS AND*
2 *ESSENTIAL CHEMICALS.* – A person apprehended or arrested, who is found to be
3 positive for use of any dangerous drug **OR CONTROLLED PRECURSOR AND**
4 **ESSENTIAL CHEMICAL AND A DRUG DEPENDENT**, after a confirmatory test[,]
5 **AND A DEPENDENCY EXAMINATION**, shall be imposed a penalty of a minimum of
6 six (6) months **TREATMENT AND AFTER CARE** rehabilitation in a government
7 center for the first offense, subject to the provisions of Article VIII of this Act. **IF**
8 **FOUND TO BE NOT A DRUG DEPENDENT, HE/SHE SHALL SUFFER THE**
9 **PENALTY OF IMPRISONMENT RANGING FROM SIX (6) MONTHS AND ONE**
10 **(1) DAY TO SIX (6) YEARS AND A FINE RANGING FROM TEN THOUSAND**
11 **PESOS (P10,000.00) TO FIFTY THOUSAND PESOS (P50,000.00).** If apprehended
12 using any dangerous drug **OR CONTROLLED PRECURSOR AND ESSENTIAL**
13 **CHEMICAL** for the second time, he/she shall suffer the penalty of imprisonment ranging
14 from six (6) years and one (1) day to twelve (12) years and a fine ranging from Fifty
15 thousand pesos (P50,000.00) to Two hundred thousand pesos (P200,000.00): *Provided,*
16 That this Section shall not be applicable where the person tested is also found to have in
17 his/her possession such quantity of any dangerous drugs provided for under Section 11
18 **AND OF ANY CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS**
19 **UNDER SECTION 11-A** of this Act, in which case the provisions stated therein shall
20 apply.

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

1 **“POSSESSION OF ANY INSTRUMENT, APPARATUS OR**
2 **PARAPHERNALIA FIT OR INTENDED FOR ANY OF THE PURPOSES**
3 **ENUMERATED IN SECTION 12 OF THIS ACT BY ANY PERSON SUSPECTED**
4 **OR APPREHENDED FOR USING DANGEROUS DRUGS SHALL BE A *PRIMA***
5 ***FACIE* EVIDENCE THAT THE POSSESSOR HAS SMOKED, CONSUMED,**
6 **ADMINISTERED TO HIMSELF/HERSELF, INJECTED, INGESTED OR USED A**
7 **DANGEROUS DRUG.”**

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

9 “SEC. 16. *Cultivation or Culture of Plants Classified as Dangerous Drugs*
10 *or are Sources Thereof.* – The penalty of life imprisonment [to death] and a fine ranging
11 from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00)
12 shall be imposed upon any person, who shall plant, cultivate or culture marijuana, opium
13 poppy or any other plant regardless of quantity, which is or may hereafter be classified as
14 a dangerous drug or as a source from which any dangerous drug may be manufactured or
15 derived: *Provided*, That in the case of medical laboratories and medical research centers
16 which cultivate or culture marijuana, opium poppy and other plants, or materials of such
17 dangerous drugs for medical experiments and research purposes, or for the creation of new
18 types of medicine, the Board shall prescribe the necessary implementing guidelines for the
19 proper cultivation, culture, handling, experimentation and disposal of such plants and
20 materials.”

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

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

32 **“A PERSON IS PRESUMED A FINANCIER OF THE VIOLATOR OF**
33 **THIS SECTION IF HE/SHE CAUSES THE PAYMENT, RAISES, PROVIDES OR**
34 **SUPPLIES THE MONEY FOR OR UNDERWRITES THE PLANTING,**
35 **MAINTENANCE AND OPERATION OF ANY PLANTATION, FARM OR PLACE**
36 **OF CULTIVATION OR CULTURE OF ANY PLANT CLASSIFIED AS**
37 **DANGEROUS DRUGS OR SOURCE THEREOF. ANY EVIDENCE SHOWING**
38 **THE DELIVERY OR TRANSFER OF MONEY, OR DRAWING OR ISSUANCE**

1 OF A CHECK, MONETARY INSTRUMENT OR INVESTMENT TO THE
2 ACCOUNT, CONTROL OR CUSTODY OF A PERSON OR ENTITY KNOWN TO
3 BE, CONNECTED WITH OR WORKING FOR, THE VIOLATOR OF THIS
4 SECTION IS, UNLESS PROVEN OTHERWISE, A *PRIMA FACIE* PROOF THAT
5 THE SENDER, TRANSFEROR OR ISSUER IS FINANCING THE VIOLATOR'S
6 ILLEGAL ACTIVITIES.

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) to Five
9 hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a
10 "protector/coddler" of any violator of the provisions under this Section.

11 "A PERSON IS PRESUMED A CODDLER OR PROTECTOR IF HE/SHE
12 KNOWS THE CULTIVATOR, PRODUCER OR VIOLATOR OF THIS SECTION
13 AND HE/SHE USES HIS/HER INFLUENCE, POWER OR POSITION IN
14 PREVENTING THE COLLECTION OF EVIDENCE WITHOUT ANY
15 JUSTIFIABLE REASON OR GROUNDS, SHIELDING, HARBORING,
16 SCREENING OR FACILITATING THE ESCAPE OF SAID VIOLATOR. A
17 PERSON IS LIKEWISE PRESUMED A PROTECTOR OR CODDLER IF HE/SHE
18 HAS KNOWLEDGE OF OR HAS REASONABLE GROUND TO BELIEVE THAT
19 ONE IS A CULTIVATOR, PLANTER, PRODUCER OF PLANTS CLASSIFIED
20 AS DANGEROUS DRUGS OR SOURCE THEREOF, AND HE/SHE USES
21 HIS/HER INFLUENCE, POWER OR POSITION IN PREVENTING THE
22 ARREST, PROSECUTION OR CONVICTION OF SUCH CULTIVATOR,
23 PLANTER OR PRODUCER.

24 "ANY ACT OF THE PROTECTOR OR CODDLER OF SHIELDING,
25 HARBORING, SCREENING OR FACILITATING THE ESCAPE OF, OR IN
26 PREVENTING THE ARREST, PROSECUTION OR CONVICTION OF THE
27 VIOLATOR OF THIS SECTION IS, UNLESS PROVEN OTHERWISE, *PRIMA*
28 *FACIE* PROOF THAT THE PROTECTOR OR CODDLER HAS KNOWLEDGE
29 OF, OR CONSENTED TO, THE CULTIVATION OR PRODUCTION OF PLANTS
30 CLASSIFIED AS DANGEROUS DRUGS OR SOURCE THEREOF, AND HE/SHE
31 IS PRESUMED FURTHER TO HAVE USED HIS/HER INFLUENCE, POWER OR
32 POSITION IN DOING THE SAME. EXCEPT WHEN IT IS DONE BY ANY
33 MEMBER OF THE VIOLATOR'S IMMEDIATE FAMILY OR HIS/HER LEGAL
34 COUNSEL, ANY PERSON WHO INTERCEDES AND/OR REPRESENTS THE
35 SAID VIOLATOR IS, UNLESS PROVEN OTHERWISE, PRESUMED TO HAVE
36 SHIELDED, HARBORED, SCREENED OR FACILITATED THE ESCAPE OF OR
37 PREVENTED THE ARREST, PROSECUTION OR CONVICTION OF THE
38 VIOLATOR."

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

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

5 "x x x

6 "During the pendency of the case in the Regional Trial Court, no property, or
7 income derived therefrom, which may be confiscated and forfeited, shall be disposed,
8 alienated or transferred and the same shall be in *custodia legis* and no bond shall be
9 admitted for the release of the same. **THE PROHIBITION PROVIDED HEREIN**
10 **SHALL NOT APPLY TO ANY FIREARM, EXPLOSIVE OR WEAPON WHICH**
11 **SHALL BE CONFISCATED, FORFEITED AND DISPOSED OF IMMEDIATELY**
12 **BY THE COURT IN FAVOR OF THE GOVERNMENT, FOR THE USE OF THE**
13 **PHILIPPINE DRUG ENFORCEMENT AGENCY (PDEA) OR OTHER LAW**
14 **ENFORCEMENT AGENCIES INVOLVED IN FIGHTING ILLEGAL DRUG**
15 **TRAFFICKING.**

16 "x x x"

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

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

22 "(1) x x x

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

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

36 "(3) x x x

37 "(4) After the filing of the criminal case, the Court shall, within seventy-two (72)
38 hours, conduct an ocular inspection of the confiscated, seized and/or surrendered

1 dangerous drugs, plant sources of dangerous drugs, and controlled precursors and
2 essential chemicals, including the instruments/paraphernalia and/or laboratory equipment,
3 and through the PDEA shall within twenty-four (24) hours thereafter proceed with the
4 destruction or burning of the same, in the presence of the accused or the person/s from
5 whom such items were confiscated and/or seized, or his representative or counsel, a
6 representative from the media and the DOJ, civil society groups and any elected public
7 official. **THE PROPERTY FROM WHERE THE CLANDESTINELY**
8 **MANUFACTURED DRUGS AND/OR CONTROLLED PRECURSORS AND**
9 **ESSENTIAL CHEMICALS WERE SEIZED SHALL BE CLEANED UP UNDER**
10 **THE SUPERVISION OF THE BOARD, IN COOPERATION WITH THE**
11 **DEPARTMENT OF HEALTH, DEPARTMENT OF ENVIRONMENT AND**
12 **NATURAL RESOURCES AND LOCAL GOVERNMENT UNIT.** The Board shall
13 draw up guidelines on the manner of proper disposition and destruction of such item/s,
14 **INCLUDING THE CLEAN UP OF THE CLANDESTINE LABORATORY,** which
15 shall be borne 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 LESSOR**
18 **OF THE PROPERTY OR OWNER OF RECORD EACH PROVES LACK OF**
19 **KNOWLEDGE OF SUCH CLANDESTINE MANUFACTURE:** [~~Provided, That~~
20 ~~those item/s of lawful commerce, as determined by the Board, shall be donated, used or~~
21 ~~recycled for legitimate purposes:] *Provided,* [further,] That a representative sample, duly
22 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 shall
26 recommend to the concerned government agency the grant of compensation, reward and
27 award to any person providing information and to law enforcers participating in the
28 operation, which results in the successful confiscation, seizure or surrender of dangerous
29 drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals
30 **AND LABORATORY EQUIPMENT. THE COMPUTATION OF MONETARY**
31 **REWARD SHALL BE BASED ON ONE HUNDRED PERCENT (100%) PURITY**
32 **OF THE DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND**
33 **ESSENTIAL CHEMICALS BASED ON QUANTITATIVE AND QUALITATIVE**
34 **EXAMINATIONS CONDUCTED BY THE FORENSIC LABORATORY**
35 **EXAMINER WITHIN TWENTY-FOUR (24) HOURS AFTER RECEIPT OF**
36 **SEIZED ITEMS."**

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

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

4 “(a) x x x

5 x x x

6 “(e) x x x

7 “(F) **CHEMICAL DIVERSION.**”

8 SEC. 18. Section 19 of the same Act is hereby amended to read as follows:

9 “SEC. 19. *Unlawful Prescription of Dangerous Drugs.* – The penalty of life
10 imprisonment [**to death**] and a fine ranging from Five hundred thousand pesos (P500,000.00)
11 to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized
12 by law, shall make or issue a prescription or any other writing purporting to be a prescription
13 for any dangerous drug.”

14
15 SEC. 19. Section 27 of the same Act is hereby amended to read as follows:

16 “SEC. 27. *Criminal Liability of a Public Officer or Employee for*
17 *Misappropriation, Misapplication or Failure to Account for the Confiscated, Seized*
18 *and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled*
19 *Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory*
20 *Equipment Including the Proceeds or Properties Obtained from the Unlawful Act*
21 *Committed.* – The penalty of life imprisonment [**to death**] and a fine ranging from Five
22 hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00), in addition
23 to absolute perpetual disqualification from any public office, shall be imposed upon any
24 public officer or employee who misappropriates, misapplies or fails to account for
25 confiscated, seized or surrendered dangerous drugs, plant sources of dangerous drugs,
26 controlled precursors and essential chemicals, instruments/paraphernalia and/or
27 laboratory equipment including the proceeds or properties obtained from the unlawful
28 acts as provided for in this Act.”

29 “x x x.”

30 SEC. 20. Section 29 of the same Act is hereby amended to read as follows:

31 “SEC. 29. *Criminal Liability for Planting of Evidence.* – Any person who is
32 found guilty of "planting" any dangerous drug and/or controlled precursor and essential
33 chemical, regardless of quantity and purity, shall suffer the penalty of [**death**] **LIFE**
34 **IMPRISONMENT.**

35 **“A DEFENSE OF ‘PLANTING EVIDENCE’ INTERPOSED AND**
36 **PLEADED BY ANY PERSON CHARGED FOR VIOLATION OF ANY OF THE**
37 **UNLAWFUL ACTS PRESCRIBED IN THIS ACT IS PRESUMED TO BE A**

1 COMPLAINT AGAINST THE LAW ENFORCER/S OR PRIVATE
2 INDIVIDUAL/S INVOLVED IN THE ARREST, SEARCH AND SEIZURE.

3 "AS SOON AS THE ALLEGED PLANTING OF EVIDENCE HAS BEEN
4 INTERPOSED AND/OR PLEADED BEFORE OR DURING THE PROSECUTION
5 OF THE CASE AGAINST THE ACCUSED, THE COURT WHERE THE CASE IS
6 PENDING SHALL CAUSE THE PUBLIC PROSECUTOR ASSIGNED IN SAID
7 COURT TO CONDUCT PRELIMINARY INVESTIGATION FOR THE
8 VIOLATION OF THIS SECTION AND FILE THE CORRESPONDING
9 INFORMATION. IN THE MEANTIME, THE PROCEEDINGS OF THE CASE
10 SHALL BE SUSPENDED UNTIL THE PRELIMINARY INVESTIGATION IS
11 CONCLUDED AND RESOLVED IN ACCORDANCE WITH THE PROCEDURES
12 ENUNCIATED IN SECTION 90 OF THIS ACT. IF THE INFORMATION IS
13 FILED FOR THE CRIME OF "PLANTING OF EVIDENCE," THE LAW
14 ENFORCER OR ANY PRIVATE INDIVIDUAL INVOLVED SHALL BE
15 ARRAIGNED AND THE CASE SHALL BE TRIED JOINTLY WITH THAT OF
16 THE COMPLAINING ACCUSED.

17 "ANY PERSON WHO IS CHARGED AND PROSECUTED FOR
18 ALLEGEDLY PUTTING OR PLACING ANY DANGEROUS DRUG OR SIMILAR
19 SUBSTANCE AND/OR PUTTING OR PLACING ANY DRUG EQUIPMENT,
20 INSTRUMENT OR PARAPHERNALIA ON THE PERSON OR IMMEDIATE
21 PREMISES OF ANY ACCUSED/SUSPECT, SHALL BE PRESUMED TO HAVE
22 PUT, PLACED, OR PLANTED THE SAID EVIDENCE IF THE RULES OF
23 PROCEDURE AND/OR ENGAGEMENT FOR ARREST, SEARCH AND
24 SEIZURE HAVE NOT BEEN COMPLIED WITH."

25 SEC. 21. Section 31 of the same Act is hereby amended to read as follows:

26 "SEC. 31. *Additional Penalty if Offender is an Alien.* – In addition to the
27 penalties prescribed in the unlawful act committed, any alien who violates such
28 provisions of this Act shall, after service of sentence, be deported immediately
29 without further proceedings[, **unless the penalty is death.**"]

30 SEC. 22. Section 33 of the same Act is hereby amended to read as follows:

31 "SEC. 33. *Immunity from Prosecution and Punishment.* – Notwithstanding
32 the provisions of Section 17, Rule 119 of the Revised Rules on Criminal Procedure and
33 the provisions of Republic Act No. 6981 or the Witness Protection Security and Benefit
34 Act of 1991, any person who has violated Sections 7, [44] 11(3), 11(4), 11-A, 12, 12-A, 14
35 and [49] 15, Article II of this Act, who voluntarily gives information about any violation
36 of Sections 4, 5, 6, 8, 10, 13 and 16, Article II of this Act as well as any violation of the
37 offenses mentioned if committed by a drug syndicate, or any information leading to the
38 whereabouts, identities and arrest of all or any of the members thereof; and who willingly

1 testifies against such persons as described above, shall be exempted from prosecution or
2 punishment for the offense with reference to which his/her information of testimony were
3 given, and may plead or prove the giving of such information and testimony in bar of such
4 prosecution: Provided, That the following conditions concur:

5 "x x x"

6 SEC. 23. A new section denominated as Section 33-A is hereby inserted after Section 33 of the
7 same Act, to read as follows:

8 "SEC. 33-A. *IMMUNITY FROM PROSECUTION UNDER OTHER*
9 *CIRCUMSTANCES, MINIMUM PENALTY AND COMMUTATION OF SENTENCE.*

10 – ANY PERSON CHARGED FOR ANY OFFENSE UNDER THIS ACT AND WHO
11 IS NOT QUALIFIED FOR IMMUNITY UNDER THE PRECEDING SECTION 33
12 MAY APPLY FOR IMMUNITY FROM PROSECUTION UNDER THIS SECTION
13 IF HE/SHE IS WILLING TO REVEAL THE IDENTITY AND PARTICIPATION
14 OF PERSONS INVOLVED FOR VIOLATION OF SECTIONS 4, 5, 6, 8, 10 AND 16
15 OF ARTICLE II OF THIS ACT, INCLUDING THE VIOLATOR'S FINANCIERS,
16 PROTECTORS OR CODDLERS.

17 "THE GRANT OF THE APPLICATION FOR IMMUNITY IS
18 CONDITIONED UPON THE ARREST AND PROSECUTION OF ANYONE,
19 SOME OR ALL OF THE PERSONS HE/SHE NAMED OR IDENTIFIED, THE
20 WILLINGNESS FROM HIS/HER PART TO TESTIFY AGAINST THE PERSON/S
21 HE/SHE NAMED OR IDENTIFIED, HE/SHE DOES NOT APPEAR TO BE THE
22 MOST GUILTY FOR THE OFFENSE TO WHICH HIS/HER INFORMATION OR
23 TESTIMONY IS GIVEN, AND THE CONCURRENCE OF THE FOLLOWING:

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

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

28 (C) SUCH INFORMATION AND TESTIMONY CAN BE
29 CORROBORATED ON ITS MATERIAL POINTS;

30 (D) THE INFORMANT OR WITNESS HAS NOT BEEN PREVIOUSLY
31 CONVICTED OF A CRIME INVOLVING MORAL TURPITUDE, EXCEPT
32 WHEN THERE IS NO OTHER DIRECT EVIDENCE AVAILABLE FOR THE
33 STATE OTHER THAN THE INFORMATION AND TESTIMONY OF SAID
34 INFORMANT OR WITNESS; AND

35 (E) THE INFORMANT OR WITNESS SHALL, WITHOUT DELAY,
36 STRICTLY AND FAITHFULLY COMPLY WITH ANY CONDITION OR
37 UNDERTAKING LAWFULLY IMPOSED BY THE STATE AS FURTHER

1 **CONSIDERATION FOR THE GRANT OF IMMUNITY FROM PROSECUTION**
2 **AND PUNISHMENT.**

3 **“IF HE/SHE SATISFIES THE ABOVE CONDITIONS FOR THE GRANT**
4 **OF IMMUNITY, THE APPLICANT MAY BE QUALIFIED FOR AND BE**
5 **PLACED UNDER THE WITNESS PROTECTION PROGRAM.**

6 **“IF NONE OF THE PERSON/S HE/SHE NAMED OR IDENTIFIED HAS**
7 **BEEN ARRESTED AND CHARGED, THE PROSECUTION OF THE CASE**
8 **SHALL PROCEED, BUT THE COURT SHALL SUSPEND PROMULGATION OF**
9 **JUDGMENT FOR A PERIOD NOT EXCEEDING SIX (6) MONTHS FROM THE**
10 **DATE HIS/HER CASE IS SUBMITTED FOR DECISION. THE COURT,**
11 **HOWEVER, IS BOUND TO RENDER JUDGMENT IF THE ACCUSED**
12 **REQUESTS FOR EARLY DECISION.**

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

26 SEC. 24. Section 36 of the same Act is hereby amended to read as follows:

27 **“SEC. 36. *Authorized Drug Testing.* – Authorized drug testing shall be done by**
28 **any government forensic laboratories or by any of the drug testing laboratories accredited**
29 **and monitored by the DOH to safeguard the quality of test results. The DOH shall take**
30 **steps in setting the price of the drug test with DOH accredited drug testing centers to**
31 **further reduce the cost of such drug test. The drug testing shall employ, among others,**
32 **[two—(2)] testing methods THAT INCLUDE THE FOLLOWING DRUGS:**
33 **CANNABIS, COCAINE, OPIATES, AMPHETAMINES,**
34 **METHAMPHETAMINE, PHENCYCLIDINE AND OTHER DRUGS AS**
35 **DETERMINED BY THE BOARD TO BE PREVALENT AT THE TIME, the**
36 **screening test which will determine the positive result as well as the type of the drug used**
37 **and confirmatory test which will confirm a positive screening test. Drug test certificates**
38 **issued by accredited drug testing centers shall be valid for a [one-year] THREE-MONTH**

1 period from the date of issue which may be used for other purposes. The following shall
2 be subjected to undergo drug testing:

3 “(a) x x x

4 x x x

5 “(g) x x x

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

12 “x x x”

13 SEC. 25. Section 51 of the same Act is hereby amended to read as follows:

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

22 SEC. 26. The Title of Article VIII and Sections 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 68,
23 72, 73, 74, 75 and 76 of the same Article are hereby amended by deleting the words “drug dependent”
24 wherever they appear and replacing them with the words “**DRUG AND/OR CHEMICAL**
25 **DEPENDENT.**”

26 SEC. 27. Section 78 of the same Act is hereby amended to read as follows:

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

31 “The three (3) permanent members, who shall possess at least seven-year training
32 and experience in the field of dangerous drugs and any of the following fields: in law,
33 medicine, criminology, psychology or social work, shall be appointed by the President of
34 the Philippines. The President shall designate a Chairman, who shall have the rank of a
35 secretary from among the three (3) permanent members who shall serve for six (6) years.
36 Of the two (2) other members, who shall have the rank of undersecretary, one (1) shall
37 serve for four (4) years and the other for two (2) years. Thereafter, the persons appointed

1 to succeed such members shall hold office for a term of six (6) years and until their
2 successors shall have been duly appointed and qualified.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 "[~~Cabinet secretaries who are~~] **EX-OFFICIO** members of the Board, **EXCEPT**
34 **THE EXECUTIVE DIRECTOR OF THE BOARD**, may designate their duly
35 authorized and permanent representatives whose ranks shall in no case be lower than
36 [~~undersecretary~~] **ASSISTANT SECRETARY. THE EXECUTIVE DIRECTOR OF**

1 **THE BOARD SHALL HAVE NO VOTING RIGHTS ON ISSUES BEFORE THE**
2 **BOARD.**

3 "The two (2) regular members shall be as follows:

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

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

8 "The Director of the NBI and the Chief of the PNP shall be the [permanent] **EX-**
9 **OFFICIO** consultants of the Board, and [shall] **MAY** attend all the meetings of the
10 Board.

11 **"THE BOARD MAY ENGAGE THE SERVICES OF CONSULTANTS**
12 **WHO ARE PRESUMED EXPERTS IN DRUG ABUSE AND CONTROL**
13 **POLICIES, STRATEGIES AND PROGRAMS, RESEARCH, AND**
14 **INTERNATIONAL DRUG CONVENTIONS, SUBJECT TO THE PERTINENT**
15 **BUDGETARY LAWS, RULES AND REGULATIONS ON COMPENSATION,**
16 **HONORARIA AND ALLOWANCES.**

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

23 SEC. 28. Section 79 of the same Act is hereby amended to read as follows:

24 "SEC. 79. *Meetings of the Board.* – The Board shall meet once a [week]
25 **MONTH** or as often as necessary at the [discretion] **CALL** of the Chairman or [at the call
26 of] any four (4) other members. The presence of [~~nine (9)~~] **ELEVEN (11)** members shall
27 constitute a quorum."

28 SEC. 29. Section 80 of the same Act is hereby amended to read as follows:

29 "SEC. 80. *Secretariat of the Board.* – x x x

30 "x x x

31 "The existing secretariat of the Board shall be under the administrative control
32 and supervision of the Executive Director. It shall be composed of the following
33 [divisions] **SERVICES**, namely: Policy Studies, Research and Statistics; Preventive
34 Education, Training and Information; Legal Affairs; and the Administrative and Financial
35 Management."

36 SEC. 30. Section 82 of Republic Act No. 9165 is hereby amended to read as follows:

37 "SEC. 82. *Creation of the Philippine Drug Enforcement Agency (PDEA).* –

38 x x x

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

13 “The Director General of the PDEA shall be assisted in the performance of his/her
14 duties and responsibilities by two (2) deputies director general with the rank of Assistant
15 Secretary; one for Operations and the other one for Administration. The two (2) deputies
16 director general shall likewise be appointed by the President of the Philippines upon
17 recommendation **OF THE DIRECTOR GENERAL OF THE PDEA AND**
18 **CONCURRENCE** of the Board. The two (2) deputies director general shall possess the
19 same qualifications as those of the Director General of the PDEA. The Director General
20 and the two (2) deputies director general shall receive the compensation and salaries as
21 prescribed by law.

22 **“HAZARD PAY EQUIVALENT TO TWENTY-FIVE PERCENT (25%) OF**
23 **MONTHLY SALARY SHALL BE GRANTED TO OFFICIALS, AGENTS,**
24 **INVESTIGATORS AND OTHER PERSONNEL OF THE PDEA WHOSE**
25 **GEOGRAPHICAL ASSIGNMENT OR FUNCTIONAL MISSION EXPOSE THEM**
26 **TO GREATER DANGER OR RISK, SUBJECT TO ACCOUNTING AND**
27 **AUDITING REQUIREMENTS.”**

28 SEC. 31. Section 84 of the same Act is hereby amended to read as follows:

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

30 “(a) x x x

31 x x x

32 “(f) x x x

33 “(g) [~~Recommend to the DOJ the forfeiture of properties and other assets of~~
34 ~~persons and/or corporations found to be violating the provisions of this Act and in~~
35 ~~accordance with the pertinent provisions of the Anti-Money-Laundering Act of 2001.]~~
36 **COORDINATE AND SUBMIT CONFIDENTIAL REPORTS WITH**
37 **APPROPRIATE RECOMMENDATIONS TO THE ANTI-MONEY LAUNDERING**
38 **COUNCIL (AMLC) FOR THE ISSUANCE OF A FREEZE ORDER, FOR THE**

1 INITIATION OF APPROPRIATE SEIZURE OR FORFEITURE PROCEEDING
2 AND FOR THE INVESTIGATION, INSPECTION OR EXAMINATION OF ANY
3 FINANCIAL TRANSACTION, INVESTMENT OR ASSET IN ANY BANK OR
4 FINANCIAL INTERMEDIARY OF ANY PERSON SUSPECTED OR
5 APPREHENDED FOR VIOLATING SECTIONS 4, 5, 6, 8, 9, 10, 12, 13, 14 AND 16
6 OF THIS ACT.

7 THE CONFIDENTIAL REPORT OR RECOMMENDATION THAT IS
8 BASED ON RELIABLE AND VERIFIED INTELLIGENCE INFORMATION
9 SHALL CONTAIN THE NAME OR IDENTITY OF THE SUSPECT AND OTHER
10 RELEVANT INFORMATION. IT SHALL RENDER THE PERSONAL AND
11 RELATED TRANSACTIONS OF THE SUSPECT SUSPICIOUS TRANSACTIONS
12 AS DEFINED UNDER SECTION 3(B-1) IN RELATION TO SECTION 4 OF
13 REPUBLIC ACT NO. 9160, AS AMENDED, OTHERWISE KNOWN AS THE
14 "ANTI-MONEY LAUNDERING ACT OF 2001." IT SHALL HAVE THE SAME
15 EFFECT IN THE CASE OF A REPORT OR RECOMMENDATION MADE UPON
16 ALL PERSONAL AND RELATED TRANSACTIONS OF A PERSON ARRESTED
17 OR APPREHENDED.

18 "PROPER COORDINATION AND EXCHANGE OF INFORMATION
19 WITH THE AMLC SHALL BE UNDERTAKEN TO SUBSTANTIATE CHARGES,
20 STRENGTHEN THE CASE, AND/OR SUPPORT THE PROSECUTION AGAINST
21 THE PERSON SUBJECT OF THE REPORT OR RECOMMENDATION;

22 "(h) x x x

23 "(i) x x x

24 "(I-1) SUBJECT TO THE PROVISIONS OF REPUBLIC ACT NO. 4200,
25 ENTITLED "AN ACT TO PROHIBIT AND PENALIZE WIRE TAPPING AND
26 OTHER RELATED VIOLATIONS OF THE PRIVACY OF COMMUNICATION, AND
27 FOR OTHER PURPOSES," MONITOR ANY MESSAGE, COMMUNICATION OR
28 CONVERSATION TRANSMITTED OR RECEIVED THROUGH WIRELESS OR
29 DIGITAL TELECOMMUNICATION, ON-LINE, INTERNET, CYBER OR
30 WHATEVER OTHER MEANS OF COMMUNICATION IF IT CONSIDERS
31 THAT SAID MESSAGE, COMMUNICATION OR CONVERSATION IS
32 CONNECTED TO THE COMMISSION OF ANY OF THE UNLAWFUL ACTS OR
33 ACTIVITIES PRESCRIBED IN THIS ACT OR TO AN ACT PREPARATORY TO,
34 OR FOR THE PURPOSE OF COMMITTING SAID UNLAWFUL ACTS OR
35 ACTIVITIES. FOR THIS PURPOSE, THE PDEA SHALL ORGANIZE A
36 SPECIAL UNIT OR OFFICE UNDER ITS INTELLIGENCE AND
37 INVESTIGATION SERVICES TO MONITOR, BY THE USE OF ELECTRONIC
38 DEVICE, ALL ACTIVITIES OF ANY PERSON ENGAGED IN IMPORTATION,

1 EXPORTATION, MANUFACTURE, PLANTATION, CULTIVATION, SELLING,
2 PUSHING, TRADING, TRANSPORTATION OR DISTRIBUTION OF ILLEGAL
3 DRUGS OR SIMILAR SUBSTANCES, AND THEIR FINANCIERS,
4 PROTECTORS OR CODDLERS.

5 "SUBJECT TO THE PROVISIONS OF REPUBLIC ACT NO. 4200, ANY
6 INFORMATION GATHERED OR OBTAINED IN THE COURSE OF VALID
7 MONITORING MENTIONED IN THE PRECEDING PARAGRAPH, WHETHER
8 BEFORE OR AFTER THE SUBJECT PERSON IS CHARGED FOR VIOLATION
9 OF THIS ACT, MAY BE USED IN EVIDENCE AGAINST HIM.

10 "x x x

11 "(l) x x x

12 "(m) Establish and maintain close coordination, cooperation and linkages with
13 international drug control and administrative agencies and organizations, **WITH DRUG**
14 **SUPPLY REDUCTION AND CHEMICAL DIVERSION CONTROL FUNCTIONS**
15 **AND PROGRAMS**, and implement applicable provisions of international conventions
16 and agreements related to dangerous drugs **AND CONTROLLED PRECURSORS**
17 **AND ESSENTIAL CHEMICALS** to which the Philippines is a signatory;

18 "x x x

19 "(o) [~~Require all government and private hospitals, clinics, doctors, dentists and~~
20 ~~other practitioners to submit a report to it, in coordination with the Board, about all~~
21 ~~dangerous drugs and/or controlled precursors and essential chemicals which they have~~
22 ~~attended to for data and information purposes]. **CONDUCT REGULATORY**
23 **COMPLIANCE INSPECTION AND DANGEROUS DRUGS AND/OR**
24 **CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS DIVERSION**
25 **CONTROL PROGRAM AND INVESTIGATION;**~~

26 "x x x"

27 "(r) x x x

28 "(S) **DEPUTIZE QUALIFIED PERSONNEL AND/OR UNITS OF**
29 **OTHER DEPARTMENT, BUREAU, OFFICE, AGENCY, OR LOCAL**
30 **GOVERNMENT UNITS TO ASSIST IN A MORE RESOLUTE**
31 **IMPLEMENTATION OF THIS ACT."**

32 SEC. 32. Section 85 of Republic Act No. 9165 is hereby amended to read as follows:

33 "SEC. 85. *The PDEA Academy.* – Upon approval of the Board, the PDEA
34 Academy shall be established either in Baguio or Tagaytay City and in such other places
35 as may be necessary. The PDEA Academy shall be responsible in the recruitment and
36 training of all PDEA agents and personnel. The Board shall provide for the qualifications
37 of its recruits who must be at least twenty-one (21) years old, of proven integrity and
38 honesty and a Baccalaureate degree holder. **UNTIL SUCH TIME THAT A**

1 FUNCTIONAL PDEA ACADEMY IS ESTABLISHED, PDEA IS AUTHORIZED
2 TO CONDUCT ITS TRAINING IN ANY EXISTING TRAINING ACADEMY OR
3 INSTITUTION OR FACILITY OPERATED BY ANY DEPARTMENT, BUREAU,
4 OFFICE, AGENCY OR INSTRUMENTALITY OF THE GOVERNMENT,
5 SUBJECT TO PRIOR CONSULTATION WITH AND AGREEMENT OF THE
6 PARTIES CONCERNED.

7 “x x x”

8 SEC. 33. Section 86 of Republic Act No. 9165 is hereby amended to read as follows:

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

11 “x x x

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

28 “x x x”

29 SEC. 34. Section 87 of the same Act is hereby amended to read as follows:

30 “SEC. 87. *Appropriations.* – x x x

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

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

9 “x x x”

10 SEC. 35. 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.* – Any
12 government officer or employee tasked with the prosecution of drug-related cases under
13 this Act, who, through patent laxity, inexcusable neglect, unreasonable delay or
14 deliberately causes the unsuccessful prosecution and/or dismissal of the said drug cases,
15 shall suffer the penalty of imprisonment ranging from twelve (12) years and one (1) day to
16 twenty (20) years without prejudice to his/her prosecution under the pertinent provisions
17 of the Revised Penal Code.

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

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

36 SEC. 36. Section 93 of the same Act is hereby amended to read as follows:

37 “SEC. 93. *Reclassification, Addition or Removal of Any Drug AND*
38 **CHEMICAL from the Lists of Dangerous Drugs OR CONTROLLED PRECURSORS**

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

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

- 36 (a) Its actual or relative potential for abuse;
37 (b) Scientific evidence of its pharmacological effect if known;

1 (c) The state of current scientific knowledge regarding the drug,
2 **CHEMICAL** or other substance;

3 (d) **EVIDENCE AND** history [and] **OF** current pattern of abuse, **ILLCIT**
4 **TRAFFIC AND DIVERSION OF SUCH SUBSTANCE**;

5 (e) The scope, duration, and significance of abuse, **ILLCIT TRAFFIC**
6 **AND DIVERSION**;

7 (f) Risk to public health; [and]

8 (g) Whether the substance is an immediate precursor of a substance already
9 controlled under this Act;

10 **(H) TOXICOLOGY, INCLUDING ADVERSE REACTIONS IN**
11 **HUMANS**;

12 **(I) THERAPEUTIC OR INDUSTRIAL USE**;

13 **(J) WHETHER THE PREPARATION OR MIXTURE IS**
14 **COMPOUNDED IN SUCH A WAY THAT IT PRESENTS NO OR NEGLIGIBLE**
15 **RISK OF ABUSE OR DIVERSION AND THE SUBSTANCE MAY NOT BE**
16 **RECOVERED BY READILY APPLICABLE MEANS IN QUANTITY LIABLE TO**
17 **ABUSE OR DIVERSION SO THAT THE PREPARATION OR MIXTURE DOES**
18 **NOT GIVE RISE TO A PUBLIC HEALTH, SOCIAL OR LAW ENFORCEMENT**
19 **PROBLEM**;

20 **(K) WHETHER THE DRUG OR GROUP OF DRUGS IS**
21 **FORMULATED IN SUCH A WAY THAT IT MAY NOT BE EASILY USED IN**
22 **THE ILLICIT PRODUCTION OF A DANGEROUS DRUG; AND**

23 **(L) WHETHER THE CONTROLLED PRECURSOR AND**
24 **ESSENTIAL CHEMICAL MAY BE READILY RECOVERED FROM THE DRUG**
25 **OR GROUPS OF DRUGS OR CHEMICAL MIXTURE OR END PRODUCT**
26 **CONTAINING THE CHEMICAL.**

27 "The Board shall take into accord the obligations and commitments to
28 international treaties, conventions and agreements to which the Philippines is a signatory.

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

1 “The effect of such reclassification, addition or removal **FROM THE LISTS OF**
2 **DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND**
3 **ESSENTIAL CHEMICALS, OR EXEMPTION FROM ANY PRESCRIBED**
4 **REGULATION** shall be as follows:

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

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

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

17 (d) In case of removal of a drug **OR CHEMICAL** from the list of dangerous
18 drugs [~~and~~] **OR CONTROLLED** precursors and essential chemicals, all persons
19 convicted and/or detained for the use and/or possession of such a drug **OR CHEMICAL**
20 shall be automatically released and all pending criminal prosecution involving such a drug
21 under this Act shall forthwith be dismissed; [~~and~~]

22 (e) [~~The Board shall, within five (5) days from the date of its promulgation~~
23 ~~submit to Congress a detailed reclassification, addition, or removal of any drug from the~~
24 ~~list of dangerous drugs.]~~ **IN CASE OF EXEMPTION OF DRUG PREPARATIONS**
25 **CONTAINING DANGEROUS DRUGS, OR CHEMICAL MIXTURE OR**
26 **PREPARATION OR PRODUCT CONTAINING CONTROLLED PRECURSORS**
27 **AND ESSENTIAL CHEMICALS FROM ANY SPECIFIC PROVISIONS OF**
28 **IMPLEMENTING REGULATIONS, ALL PERSONS CONVICTED AND/OR**
29 **DETAINED FOR VIOLATION OF THAT CORRESPONDING SPECIFIC**
30 **REGULATION SHALL BE AUTOMATICALLY RELEASED AND ALL**
31 **PENDING CRIMINAL PROSECUTION AND ADMINISTRATIVE**
32 **PROCEEDINGS SHALL FORTHWITH BE DISMISSED; AND**

33 **(F) THE BOARD SHALL, WITHIN FIVE (5) DAYS FROM THE**
34 **DATE OF ITS PROMULGATION, SUBMIT TO CONGRESS A DETAILED**
35 **RECLASSIFICATION, ADDITION, REMOVAL OF ANY DRUG, CHEMICAL**
36 **OR OTHER SUBSTANCE FROM THE LISTS OF DANGEROUS DRUGS**
37 **AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, AND**
38 **EXEMPTIONS.**

1 SEC. 37. Section 98 of the same Act is hereby amended to read as follows:

2 “SEC. 98. *Limited Applicability of the Revised Penal Code.* – Notwithstanding
3 any law, rule or regulation to the contrary, the provisions of the Revised Penal Code (Act
4 No. 3814), as amended, shall not apply to the provisions of this Act, except in the case of
5 minor offenders. Where the offender is a minor, the penalty for acts punishable by life
6 imprisonment **[to death]** provided herein shall be *reclusion perpetua* **[to death].”**

7 SEC. 38. Section 101 of the same Act is hereby amended to read as follows:

8 “SEC. 101. [Amending] **AMENDATORY Clause.** – Republic Act No. 7659
9 **AND PRESIDENTIAL DECREE NO. 1619 [is] ARE** hereby amended accordingly.”

10 SEC. 39. ***Separability Clause.*** – Should any provision of this Act or any part thereof be
11 declared invalid, the other provisions, insofar as they are separable from the invalid one, shall remain in
12 full force and effect.

13 SEC. 40. ***Repealing Clause.*** – All laws, orders, issuances, rules and regulations or parts
14 thereof inconsistent with this Act are hereby repealed or modified accordingly.

15 SEC. 41. ***Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the
16 *Official Gazette* or in a newspaper of general circulation.

17 Approved,