

Gn
Seventh Congress of the Republic)
of the Philippines)
First Session

HOUSE OF REPRESENTATIVES

H. No. 658

.....
Introduced by Congressman Nitividad
.....

EXPLANATORY NOTE

The present Administration is vigorously prosecuting its anti-smuggling campaign; there are other crimes that manace the life and liberty of our families - our women and youths.

One evil is the illegal selling of administering of opium. The law enforcement agencies reveal that dope-pushers are increasing in Manila, the suburbs, and towns.

The perpetrators carry out their activities on a large scale in open defiance and disregard of laws, causing a vile social disease and making the victims unwholesome burdens of society. The crime is heinous because the victims include students, minors and young women, who because of the drugs, are forced to live a life of shame, misery and criminality.

The present penalties imposed by our Penal Code upon the perpetrators of the crime relative to opium and prohibited drugs are not severe enough to serve as deterrent. Immediate, positive steps should be taken to check this terrible social economic evil.

This bill seeks to increase the penalty for violation of crimes relative to opium and other prohibited drugs.

A heavier penalty is imposed upon the "pusher" and importer of prohibited drugs because these persons distribute the drugs. Without them, drug addicts would be reduced to a minimum.

The bill also seeks to impose upon any alien opium addict the additional penalty of deportation. He is a menace to society a constant danger to the life and property of our citizens, and the security of our country.

(Sgd.) TEODULO C. NATIVIDAD
Congressman, 1st District
Bulacan

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AN ACT
INCREASING THE PENALTIES FOR THE POSSESSION, PREPARATION,
USE, IMPORTATION AND SALE OF PROHIBITED DRUGS, PENALIZING
THE CULTIVATION, PRODUCTION, MANUFACTURE AND CERTAIN ACTS
RELATING TO THE DISTRIBUTION OF SUCH DRUGS, AMENDING FOR
THE PURPOSE THE REVISED PENAL CODE, AND AUTHORIZING THE
APPROPRIATION OF FUNDS FOR THE TREATMENT AND REHABILITA-
TION OF VICTIMS OF DRUG ADDICTION.

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

1 SECTION 1. Article one hundred and ninety of the Re-
2 vised Penal Code, as amended by Republic Act Numbered Twenty
3 hundred and sixty, is hereby further amended to read as
4 follows:

5 "Article 190. Possession, preparation and use of pro-
6 hibited drugs, and maintenance of opium dens. - The penalty
7 of PRISION MAYOR /arresto mayor in its medium period to pri-
8 sion correccional in its minimum period⁷ and a fine ranging
9 from TWO THOUSAND /three hundred⁶ to ten thousand pesos shall
10 be imposed upon:

11 "1. Anyone who, unless lawfully authorized, shall pos-
12 sess, prepare, administer or otherwise use any prohibited
13 drug. IF THE ACCUSED IS FOUND TO BE A DRUG ADDICT AFTER
14 TRIAL, THE COURT MAY IN ITS DISCRETION SUSPEND THE SENTENCE
15 AND ORDER THE CONFINEMENT OF THE ACCUSED FOR SUCH PERIOD OF
16 TIME NECESSARY FOR THE PURPOSE IN A GOVERNMENT INSTITUTION
17 ESTABLISHED FOR THE TREATMENT AND REHABILITATION OF PERSONS
18 SUFFERING FROM DRUG ADDICTION.

19 "'Prohibited Drug', as used herein, includes opium, co-
20 caine, HEROIN, alpha and beta cocaine. Indian hemp, their
21 derivatives, and all preparations made from them or any of

1 them, and such other drugs, whether natural or synthetic,
2 having physiological action as narcotic drug.

3 "'Opium' embraces every kind, class, and character of
4 opium, whether crude or prepared; the ashes or refuse of the
5 same; narcotic preparations thereof or therefrom; morphine or
6 any alkaloid of opium; preparations in which opium, morphine
7 or any alkaloid of opium, enter as an ingredient, and also
8 opium leaves or wrappings of opium leaves, whether prepared
9 or not for their use.

10 "'Indian hemp', otherwise known as marihuana, cannabia
11 American, hashish, bhang, guaza, churrus, and canjah, embraces
12 every kind, class and character of Indian hemp, whether dried
13 or fresh flowering or fruiting tops of pistillate plant can-
14 nabis satival, from which the resin has not been extracted,
15 including all other geographic varieties whether used as
16 reefers, resin, extract, tincture or in any form whatsoever.

17 "By Narcotic drug is meant a drug that produces a con-
18 dition of insensibility and melancholy dullness of mind with
19 delusions and may be habit forming.

20 "2. Anyone who shall maintain a dive or resort where
21 any prohibited drug is used in any form in violation of the
22 law, IF THE MAINTAINER SHALL ALSO FURNISH ANY PROHIBITED
23 DRUG TO HIS CUSTOMERS, HE SHALL BE CONSIDERED A 'PUSHER'".

24 SEC. 2. Article one hundred and ninety-one of the same
25 Code is hereby amended to read as follows:

26 "Article 191. Keeper, HELPER, watchman, LOOKOUT and
27 visitor of opium den. - The penalty of PRISION CORRECCIONAL,
28 [arresto mayor] and a fine ranging from TWO HUNDRED [one hun-
29 dred] pesos to TWO THOUSAND [three hundred] pesos shall be
30 imposed upon:

31 "1. Anyone who shall act as keeper, HELPER, watchman,
32 OR LOOKOUT, of a dive or resort where any prohibited drug

1 is used in any manner contrary to law; and

2 "2. Any person who, not being included in the provisions
3 of the next preceding article, shall knowingly visit any dive
4 or resort of the character referred above."

5 SEC. 3. Article one hundred and ninety-two of the same
6 Code is hereby amended to read as follows:

7 "Article 192. Importation and sale of prohibited drugs.--

8 The penalty of RECLUSION TEMPORAL /prision correccional/ in
9 its medium and maximum periods and a fine ranging from FIVE
10 THOUSAND /three hundred/ pesos to TWENTY THOUSAND /ten thou-
11 sand/ pesos shall be imposed upon any person who shall import
12 or bring into the Philippines any prohibited drug;

13 "The same penalty shall be imposed upon any person who
14 shall unlawfully sell, ADMINISTER, or deliver to another any
15 prohibited drug: PROVIDED, THAT SAID PENALTY SHALL BE IM-
16 POSED IN THE MAXIMUM PERIOD IN EVERY CASE WHEREIN ANY PROHI-
17 BITED DRUG IS SOLD, ADMINISTERED, DELIVERED OR FURNISHED A
18 MINOR, A STUDENT OR A WOMAN: PROVIDED, FURTHER, THAT THE SAME
19 PENALTY SHALL BE IMPOSED UPON ANY PERSON WHO SHALL UNLAWFUL-
20 LY BEING ON BOARD, OR HAS IN HIS POSSESSION OR CONTROL ON
21 BOARD ANY PHILIPPINE SHIP OR AIRSHIP ENGAGED ON A FOREIGN OR
22 DOMESTIC VOYAGE, ANY PROHIBITED DRUG NOT CONSTITUTING A PART
23 OF THE CARGO ENTERED IN THE MANIFEST, OR OF THE SHIP STORES:
24 AND PROVIDED, FINALLY, THAT ANY PRIVATE MOTOR VEHICLE, AIR-
25 CRAFT, BOAT, YACHT, OR VESSEL EMPLOYED IN THE ILLEGAL USE OF,
26 ILLEGAL TRAFFIC IN NARCOTICS SHALL BE CONFISCATED AND FOR-
27 FEITED IN FAVOR OF THE STATE."

28 SEC. 4. The same Code is amended by inserting a new
29 article to be known as article 192-A to read as follows:

30 "ART. 192-A. CULTIVATION, PRODUCTION, MANUFACTURE,
31 OFFERING WITHOUT CONSIDERATION, DISTRIBUTION, PURCHASE, DE-
32 LIVERY OR ANY TERMS WHATSOEVER, BROKERAGE, DISPATCH IN TRAN-

1 SIT, AND TRANSPORT, OF PROHIBITED DRUGS. - THE PENALTY OF PRIS-
2 SION CORRECCIONAL TO PRISION MAYOR IN ITS MEDIUM PERIOD AND
3 A FINE RANGING FROM FIVE THOUSAND TO TEN THOUSAND PESOS SHALL
4 BE IMPOSED UPON:

5 "1. ANY PERSON WHO SHALL UNLAWFULLY CULTIVATE AND GROW
6 OPIUM POPPY OR MARIHUANA;

7 "2. ANYONE WHO, WITHOUT AUTHORITY FROM THE COMMISSIONER
8 OF INTERNAL REVENUE SHALL ENGAGE IN THE PRODUCTION, MANUFACT-
9 URING OR EXTRACTION OF ANY DERIVATIVE OR ALKALOID OPIUM;

10 "3. ANY PERSON WHO SHALL OFFER, OFFER FOR SALE, DISTRI-
11 BUTE, DELIVER ON ANY TERM WHATSOEVER, OR PURCHASE ANY PROHI-
12 BITED DRUG OR WHO SHALL ACT AS BROKER FOR THE PURPOSE OF DIS-
13 PATCHING OR TRANSPORTING OPIUM OR ANY PROHIBITED DRUGS."

14 SEC. 5. Article one hundred ninety-three of the same
15 Code is hereby amended to read as follows:

16 "ART. 193. Illegal possession of opium pipe or other
17 paraphernalia for the use of any prohibited drug. - The penal-
18 ty of PRISION CORRECCIONAL [arresto mayor] and a fine RANGING
19 FROM THREE HUNDRED TO TEN THOUSAND PESOS [not exceeding five
20 hundred pesos] shall be imposed upon any person who, not being
21 authorized by law, shall possess any opium pipe or other para-
22 phernalia for smoking, injecting, administering or using opium
23 or any prohibited drug.

24 "The illegal possession of an opium pipe or other para-
25 phernalia for using any other prohibited drug shall be prima
26 facie evidence that its possessor has used said drug."

27 SEC. 6. Article one hundred and ninety-four of the same
28 Code is hereby amended to read as follows:

29 "ART. 194. Prescribing opium OR OTHER PROHIBITED DRUG
30 unnecessarily for a patient. - The penalty of prision MAYOR
31 [correccional or] AND a fine ranging from FIVE THOUSAND [three
32 hundred] to TWENTY THOUSAND [ten thousand] pesos, or both,

1 shall be imposed upon any physician or dentist who shall pres-
2 cribe opium or any other prohibited drug for any person whose
3 physical condition does not require the use of the same OR
4 WHO SHALL CATER TO DRUG ADDICTS."

5 SEC. 7. The same Code is hereby amended by inserting
6 after Article One hundred and ninety-four a new Article to
7 be known as Article 194-A, to read as follows:

8 "ART. 194-A. ADDITIONAL PENALTY FOR AN OFFENDER WHO IS
9 AN ALIEN. - ANY ALIEN WHO SHALL VIOLATE THE PROVISIONS OF
10 THIS TITLE SHALL, IN ADDITION TO THE PENALTY HEREIN PROVIDED,
11 BE DEPORTED AFTER SAID ALIEN SHALL HAVE FIRST SERVED THE
12 PENALTY CALLED FOR IN THE DECISION BEFORE HIS DEPORTATION."

13 SEC. 8. Appropriation of Funds for the maintenance of
14 a treatment and rehabilitation center. - The sum of three hun-
15 dred sixty-six thousand pesos is hereby authorized to be ap-
16 propriated, out of any funds in the National Treasury not other-
17 wise appropriated, for the operation and maintenance of the
18 treatment and rehabilitation center for drug addicts under
19 the Narcotics Division of the National Bureau of Investiga-
20 tion, for the fiscal year nineteen hundred and sixty-nine and
21 thereafter such amount necessary shall be included in the
22 General Appropriations Act.

23 SEC. 9. Any provision of law, executive or administra-
24 tive order, rules or regulations, contrary to the provisions
25 of this Act are hereby repealed or modified accordingly.

26 SEC. 10. This Act shall take effect upon its approval.

Approved,