

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2635

Introduced by Hon. Robert Ace S. Barbers

EXPLANATORY NOTE

Republic Act No. 9165, the 'Comprehensive Dangerous Drugs Act of 2002', among its many provisions, defines Clandestine Laboratory as "any facility used for the illegal manufacture of any dangerous drug and/or controlled precursor and essential chemical".

This bill clarifies, so as not to have any iota of doubt, that Clandestine Laboratory shall include not only those situated on land or real property; but also those in a boat, ship, airplane or any vehicle; or on any location possible.

Also, this measure imposes the death penalty on persons responsible for the ownership, establishment, maintenance and operation of a clandestine laboratory. This will send the strong and clear message of the government's seriousness, determination and intolerance in its campaign against illegal drugs.

Visitors to a Clandestine Laboratory are presumed to have knowledge of the nature of the place and shall be punished with imprisonment of from 6 to 12 years, and a fine of One Million Pesos

Finally, owner/s of real property; boat, ship, airplane, van or any vehicle or mobile instrument, building, house, infrastructure or any place where a Clandestine Laboratory is located, shall be meted the death penalty and a fine of Ten Million Pesos, if proven to have full knowledge of the Clandestine Laboratory in his property and the nature of the work being done there.

The government campaign against illegal drugs must be focused and unrelenting. We need the strongest measures possible in order to fight the ruthless drug lords and their minions. In the recent past, illegal drugs are merely smuggled into our country but now, drug lords here have been manufacturing the same, and are even exporting to other countries. This is a sign of the drug lords' growing power, boldness and sophistication.

Reports from law enforcement agencies have revealed that clandestine laboratories are mushrooming all over the country. The drug lords have also been creative in hiding their laboratories, often putting them in ships, vans or other vehicles so as to have mobility to elude arrest. The ways of hiding these laboratories are as varied as the imagination of the drug lords.

Thus, we need a law which, regarding clandestine laboratories, would be air-tight, as well as with more severe penalties so as to deter the action of possible criminals and perpetrators. This bill will give more teeth to certain provisions of RA 9165, as it imposes stronger penalties for the establishment, maintenance and operations of a clandestine laboratory.

For these reasons, the immediate passage of this bill is earnestly sought.



ROBERT ACE S. BARBERS

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2635

Introduced by Hon. Robert Ace S. Barbers

AN ACT
DEFINING 'CLANDESTINE LABORATORY' AND PENALIZING THE
OWNERSHIP, ESTABLISHMENT, MAINTENANCE AND OPERATION THEREOF,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9165, THE
"COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002", AND FOR OTHER
PURPOSES

SECTION 1. *Clandestine Laboratory Defined.* - 'Clandestine Laboratory' is
"any facility used or intended to be used for the illegal manufacture of any dangerous
drug and/or controlled precursor and essential chemical", and shall include those situated
in real property; or in a boat, ship, airplane, van or any vehicle or mobile instrument; or
on any location possible. The presence of any laboratory equipment and/or chemical
as described and enumerated in Republic Act (RA) No. 9165, the "Comprehensive
Dangerous Drugs Act of 2002", shall be sufficient to classify the facility as a
Clandestine Laboratory.

SECTION 2. *Penalty for Establishment, Maintenance and Operations of
Clandestine Laboratory.* - The **penalty of death** and a fine of Ten Million Pesos (P
10,000,000.00) shall be imposed upon any person who shall own, establish, maintain
and/or operate a Clandestine Laboratory.

SECTION 3. *Presence Within the Premises of a Clandestine Laboratory.* - All
persons caught within the premises of a Clandestine Laboratory shall be presumed to be
owners, maintainers and/or operators of said Clandestine Laboratory and their presence
shall be *prima facie* proof of their awareness of the nature of the place and its use for the
illegal manufacture of any dangerous drug and/or controlled precursor and essential
chemical.

SECTION 4.. Visitors to the Clandestine Laboratory. – All other persons not falling under any of the classifications mentioned in the immediately preceding paragraph shall be classified as visitors. Visitors to a Clandestine Laboratory are presumed to have knowledge of the nature of the place and shall be punished with imprisonment of not less than six (6) years and not more than twelve (12) years, and a fine of One Million Pesos (P 1,000,000.00).

SECTION 5. Owner/s of Place Where Clandestine Property is Located. - The owner/s of the 1) real property; 2) boat, ship, airplane, van or any vehicle or mobile instrument, 3) building, house, infrastructure or any place where a Clandestine Laboratory is located, if proven to have full knowledge of the existence of a Clandestine Laboratory in his property as well as the nature of the work being done in the place and its use for the illegal manufacture of any dangerous drug and/or controlled precursor and essential chemical, shall be meted the **punishment of death** and a fine of Ten Million Pesos (10,000,000.00).

SECTION 6.. Repealing Clause. – Pertinent provision/s of Republic Act No. 9165 are hereby modified to conform to the provisions of this Act; and all Presidential Decrees, Republic Acts, Executive Orders, ordinances, other laws, rules and regulations, or parts thereof, inconsistent with this Act are hereby repealed, amended or modified accordingly.

SECTION 7. Effectivity. – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved.

