

FIFTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

HOUSE OF REPRESENTATIVES

House Bill No. 3737

Introduced by Representative VICENTE "VARF" BELMONTE

EXPLANATORY NOTE

After 8 years of implementing the Comprehensive Dangerous Drugs Act of 2002, statistics on pending and acquitted drug cases prove that there is a growing need to introduce important amendments. New problem areas are emerging that if left unchecked could later undermine the all-out war policy of the State against dangerous drugs.

Many warehouses and residential units have been used to conceal clandestine "shabu" laboratories. In all the raids conducted by the Philippine Drug Enforcement Agency, PNP Anti-Illegal Drugs Special Operations Task Force and the National Bureau of Investigation, on these places, the owner of the warehouse or building escaped criminal liability by simply showing the contract of lease involving the property subject of the police operation. Without imputing malice and criminal intent on the part of the lessors, it is imperative, however, that a certain mechanism be designed to help curtail this emerging pattern. This significant provision was previously introduced during the 12th Congress by Rep. Oscar Gozos.

The drastic increase in the number of discovered drug dens, rampant recruitment of drug couriers and the transshipment of cocaine and other similar drugs should also be looked into. Amendments to the drug law should include penalties for the exportation of dangerous drugs and the possession of dangerous drugs and controlled precursors and essential chemicals.

In order to empower our law enforcers and policy implementors, amendments to Sections 20, 21, 22, 24, 52, 63, 66, 68, 77, 78, 79, 81, 86, 87, 93 and 94 should be enacted.

Also, considering the welfare of the victims of the drug menace, amendments to Section 15, providing for the application of probation for second time offenders introduced by Rep. Rufus Rodriguez during the 14th Congress is included in this measure.

The battle against illegal drugs is no less critical than the government's war against terrorism. In view of the foregoing, early passage of this bill is earnestly requested.

Vicente "Varf" Belmonte

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Introduced by Representative VICENTE "VARF" BELMONTE

**AN ACT PROVIDING FOR A MORE RESPONSIVE DRUG ENFORCEMENT
CAPABILITY AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF
REPUBLIC ACT 9165 OTHERWISE KNOWN AS THE COMPREHENSIVE
DANGEROUS DRUGS ACT OF 2002**

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

SECTION 1. Section 3 of Republic Act No. 9165, otherwise known as
the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read
as follows:

"SEC. 3. *Definitions.* –

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"(r) **[Illegal] DRUG Trafficking.** –The illegal cultivation,
culture, delivery, administration, dispensation, manufacture,
sale, trading, transportation, distribution, importation,
exportation, **DIVERSION** and possession of dangerous drug
and/or controlled precursor and essential chemical.

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"(ff) **Pusher.** – Any person who sells, trades, **EXPORTS**,
administers, dispenses, delivers or gives away to another, on
any terms whatsoever, or distributes, dispatches in transit or
transports dangerous drugs or who acts as a broker in any of
such transactions, in violation of this Act.

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"(II) **DOH-ACCREDITED PHYSICIAN.** – A PHYSICIAN
WITH BACKGROUND AND EXPERIENCE ON
PSYCHOLOGICAL/ BEHAVIORAL MEDICINE WHOSE
APPLICATION HAS BEEN APPROVED AND DULY
AUTHORIZED BY THE DOH TO CONDUCT DRUG
DEPENDENCY EXAMINATION AND TREATMENT ON

PERSONS BELIEVED TO BE USING DANGEROUS DRUGS.

“(mm) *DRUG DEPENDENCY EXAMINATION.* – A PROCEDURE CONDUCTED BY A DOH ACCREDITED PHYSICIAN TO EVALUATE THE EXTENT OF DRUG ABUSE OF A PERSON AND TO DETERMINE WHETHER OR NOT HE/SHE IS A DRUG DEPENDENT, WHICH INCLUDES HISTORY TAKING, INTAKE INTERVIEW, DETERMINATION OF THE CRITERIA FOR DRUG DEPENDENCY, MENTAL AND PHYSICAL STATUS, AND THE DETECTION OF DANGEROUS DRUGS IN BODY SPECIMENS THROUGH LABORATORY PROCEDURES.

“(nn) *RANDOM DRUG TEST.* – A TEST PERFORMED ON A SPECIMEN COLLECTED FROM A PERSON WHO IS SELECTED FROM A GROUP OF INDIVIDUALS HAVING THE SAME PROBABILITY OF SELECTION.

“(oo) *REHABILITATIVE SURVEILLANCE.* – INTENSIVE SUPERVISION AND MONITORING OF A CLIENT UNDERGOING OUTPATIENT TREATMENT, PROBATION, SUSPENDED SENTENCE AND/OR AFTERCARE PROGRAMS TO DETERMINE HIS/HER COMPLIANCE OF A DRUG FREE STATE, HIS/HER SOCIAL RESPONSIBILITIES AND HIS/HER RETURN AS A PRODUCTIVE MEMBER OF THE SOCIETY.

“(pp) *STORAGE.* – THE ACCUMULATION, AMASSING, HOARDING, KEEPING, LOCKING UP OR STOCKPILING OF ANY DANGEROUS DRUG, CONTROLLED PRECURSORS, AND ESSENTIAL CHEMICALS, REGARDLESS OF THE DEGREE OF PURITY THEREOF.”

SEC. 2. Section 5 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as follows:

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

"1) FIVE (5) GRAMS OR MORE OF METHAMPHETAMINE HYDROCHLORIDE OR "SHABU", "MARIJUANA" RESIN, "MARIJUANA" RESIN OIL, OR ANY DANGEROUS DRUG; OR

"2) FIFTY (50) GRAMS OR MORE OF CANNABIS OR "MARIJUANA", OPIUM PLANT OR ANY PART THEREOF, OR OTHER PLANT SOURCE OF DANGEROUS DRUGS.

"IF THE QUANTITY INVOLVED IS LESS THAN THE FOREGOING QUANTITIES, THE PENALTIES SHALL BE GRADUATED AS FOLLOWS:

"1) LIFE IMPRISONMENT AND FINE RANGING FROM FOUR HUNDRED THOUSAND PESOS (P400, 000.00) TO FIVE HUNDRED THOUSAND PESOS (P500, 000.00) IF THE QUANTITY IS THREE (3) GRAMS OR MORE BUT LESS THAN FIVE (5) GRAMS OF METHAMPHETAMINE HYDROCHLORIDE OR "SHABU", "MARIJUANA" RESIN, "MARIJUANA" RESIN OIL, OR ANY DANGEROUS DRUG; OR THIRTY (30) GRAMS OR MORE BUT LESS THAN FIFTY (50) GRAMS OF CANNABIS OR "MARIJUANA", OPIUM PLANT OR ANY PART THEREOF, OR OTHER PLANT SOURCE OF DANGEROUS DRUGS;

"2) IMPRISONMENT OF TWENTY (20) YEARS AND ONE (1) DAY TO LIFE IMPRISONMENT AND FINE RANGING FROM THREE HUNDRED THOUSAND PESOS (P300, 000.00) TO FOUR HUNDRED THOUSAND PESOS (P400, 000.00) IF THE QUANTITY IS ONE (1) GRAM OR MORE BUT LESS THAN THREE (3) GRAMS OF METHAMPHETAMINE HYDROCHLORIDE OR "SHABU", "MARIJUANA" RESIN, "MARIJUANA" RESIN OIL, OR ANY DANGEROUS DRUG; OR TEN (10) GRAMS OR MORE BUT LESS THAN THIRTY (30) GRAMS OF CANNABIS OR "MARIJUANA", OPIUM PLANT OR ANY PART THEREOF, OR OTHER PLANT SOURCE OF DANGEROUS DRUGS;

"3) IMPRISONMENT OF TWELVE (12) YEARS AND ONE (1) DAY TO TWENTY (20) YEARS AND FINE RANGING FROM TWO HUNDRED THOUSAND PESOS (P200, 000.00) TO THREE HUNDRED THOUSAND PESOS (P300, 000.00) IF THE QUANTITY IS LESS THAN ONE (1) GRAM OF METHAMPHETAMINE HYDROCHLORIDE OR "SHABU", "MARIJUANA" RESIN, "MARIJUANA" RESIN OIL, OR ANY DANGEROUS DRUG; OR LESS THAN TEN (10) GRAMS OF CANNABIS OR "MARIJUANA", OPIUM PLANT OR ANY PART THEREOF, OR OTHER PLANT SOURCE OF DANGEROUS DRUGS;

"The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100, 000.00) to Five hundred thousand pesos (P500, 000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, **EXPORT OR BRING OUT OF THE COUNTRY**, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any controlled precursor and essential chemical, or shall act as a broker in such transactions.

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SEC. 3. Section 8 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as follows:

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

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"THE PENALTY OF IMPRISONMENT RANGING FROM TWELVE (12) YEARS AND ONE (1) DAY TO TWENTY (20) YEARS AND A FINE RANGING FROM ONE HUNDRED THOUSAND PESOS (P100, 000.00) TO FIVE HUNDRED THOUSAND PESOS (P500, 000.00) SHALL BE IMPOSED UPON AN OWNER OR LESSOR OF A BUILDING, WAREHOUSE, OR ANY EDIFICE, OR IN THEIR ABSENCE, THEIR DULY AUTHORIZED REPRESENTATIVE, WHO LEASES THE PROPERTY TO ANY PERSON BUT OMITTS TO ASCERTAIN, CHECK AND CONFIRM THAT IT IS ACTUALLY USED FOR A LAWFUL PURPOSE, AND WHICH PROPERTY IS FOUND ACTUALLY UTILIZED AS CLANDESTINE LABORATORY OR USED IN THE MANUFACTURE OR STORAGE OF DANGEROUS DRUGS, CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS. AND IF THE OWNER OR LESSOR, OR HIS DULY AUTHORIZED REPRESENTATIVE, INSPECTED THE PROPERTY AND DISCOVERED THE ILLEGAL ACTIVITY BUT FAILED TO REPORT THE SAME, THE MAXIMUM PENALTY SHALL BE IMPOSED.

"IF THE PROPERTY SUBJECT OF LEASE IS GOVERNMENT OWNED, IN ADDITION TO ABSOLUTE PERPETUAL DISQUALIFICATION FROM ANY PUBLIC OFFICE, THE GOVERNMENT OFFICIALS AND EMPLOYEES, WHO OMIT TO OBSERVE AND DISCHARGE THE LEGAL OBLIGATION REQUIRED IN THE PRECEDING PARAGRAPH SHALL BE LIABLE TO THE MAXIMUM PENALTY IMPOSED THEREIN.

"IF THE PROPERTY SUBJECT OF LEASE IS OWNED BY A PARTNERSHIP, CORPORATION, ASSOCIATION, OR ANY JURIDICAL ENTITY, THE PERSON LIABLE TO THE PENALTY PRESCRIBED IN THE FIRST PARAGRAPH OF THIS SECTION IS THE PARTNER, PRESIDENT, DIRECTOR, MANAGER, TRUSTEE, ESTATE EXECUTOR OR ADMINISTRATOR, OR THEIR DULY AUTHORIZED REPRESENTATIVE.

"FOR PURPOSES OF THIS SECTION, THE PERSONS TO BE HELD LIABLE IN THE PRECEDING THREE (3) PARAGRAPHS OF THIS SECTION SHALL BE PRIMA FACIE CONSIDERED AS HAVING GIVEN THEIR CONSENT TO THE ILLEGAL USE OF THE LEASED PROPERTY WHEN THEY FAIL TO VISIT AND INSPECT THE LEASED PROPERTY AT LEAST ONCE EVERY GIVEN QUARTER, PROVIDED THAT IN NO CASE SHALL THE VISITATION BE LESS THAN FOUR TIMES IN A YEAR.

"THE VISITATION SHALL BE EVIDENCED BY AN AFFIDAVIT TO BE EXECUTED, WITHIN FIVE (5) DAYS FROM DATE OF VISITATION AND INSPECTION, BY THE PRIVATE INDIVIDUAL, CONCERNED GOVERNMENT OFFICIAL OR EMPLOYEE, OR CONCERNED OFFICER OF THE PARTNERSHIP, CORPORATION, ASSOCIATION, OR ANY JURIDICAL ENTITY THAT OWNS THE PROPERTY SUBJECT OF THE LEASE. THE AFFIDAVIT SHALL CATEGORICALLY STATE THE FOLLOWING: (1) THE DATE WHEN THE INSPECTION OF THE PREMISES WAS MADE (2) THE DETAILS OF THINGS SEEN AND OBSERVED DURING THE INSPECTION, AND (3) THE FACT THAT THE LEASED PREMISES IS NOT BEING USED FOR ANY UNLAWFUL PURPOSE, IF SUCH IS THE CASE. IT SHALL BE SUBMITTED TO THE ADMINISTRATIVE BOARD PURSUANT TO THE PROVISIONS OF SECTION 52 (1) HEREOF, WITHIN FIVE (5) WORKING DAYS FROM THE EXECUTION OF SAID AFFIDAVIT.

"IN ADDITION, A COPY OF THE LEASE CONTRACT AND THE SPECIAL POWER OF ATTORNEY OF THE AUTHORIZED REPRESENTATIVE, IF ANY, SHALL ALSO BE FILED WITH THE ADMINISTRATIVE BOARD AND CITY OR MUNICIPAL ASSESSOR WITHIN FIVE (5) DAYS FROM EXECUTION OF SAID CONTRACT. THE FAILURE TO COMPLY WITH THIS MANDATORY REPORTORIAL REQUIREMENTS SHALL ALSO CONSTITUTE A PRIMA FACIE PRESUMPTION THAT NO SUCH VISITATION WAS CONDUCTED ON THE LEASED PREMISES FOR THE DURATION OF THE COVERED PERIOD."

SEC. 4. Section 11 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as follows:

"SEC. 11. Possession of Dangerous Drugs AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS. – The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall possess any dangerous drug in the following quantities, regardless of the degree of purity thereof:

- "[1) 10 grams or more of opium;
- 2) 10 grams or more of morphine;
- 3) 10 grams or more of heroin;
- 4) 10 grams or more of cocaine or cocaine hydrochloride;
- 5) 50 grams or more of methamphetamine hydrochloride or "shabu";
- 6) 10 grams or more of marijuana resin or marijuana resin oil;
- 7) 500 grams or more of marijuana;
- 8) 10 grams or more of other dangerous drugs such as, but not limited to, methylenedioxymethamphetamine (MDMA) or "ecstasy", paramethoxyamphetamine (PMA), trimethoxyamphetamine (TMA), lysergic acid diethylamine (LSD), gamma hydroxybutyrate (GHB), and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements, as determined and promulgated by the Board in accordance to Section 93, Article XI of this Act.]

"1) TEN (10) GRAMS OR MORE OF METHAMPHETAMINE HYDROCHLORIDE OR "SHABU", "MARIJUANA" RESIN, "MARIJUANA" RESIN OIL OR OTHER DANGEROUS DRUGS; OR

"2) ONE HUNDRED (100) GRAMS OR MORE OF CANNABIS OR "MARIJUANA", OPIUM PLANT OR ANY PART THEREOF, OR OTHER PLANT SOURCE OF DANGEROUS DRUGS;

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

"1) Life imprisonment and a fine ranging from Four hundred thousand pesos (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the quantities of methamphetamine hydrochloride or "shabu", "MARIJUANA" RESIN, "MARIJUANA" RESIN OIL, OR OTHER DANGEROUS DRUGS ARE [is ten (10)] FIVE (5) grams or more but less than [fifty (50)] TEN (10) grams; OR FIFTY (50) GRAMS OR MORE BUT LESS THAN ONE HUNDRED (100) GRAMS OF CANNABIS OR "MARIJUANA", OPIUM PLANT OR ANY PART THEREOF, OR OTHER PLANT SOURCE OF DANGEROUS DRUGS;

"2) Imprisonment of twenty (20) years and one (1) day to life imprisonment and a fine ranging from Four hundred thousand pesos (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the quantities of METHAMPHETAMINE HYDROCHLORIDE OR "SHABU", "MARIJUANA" RESIN, "MARIJUANA" RESIN OIL, OR OTHER dangerous drugs are [five (5)] ONE (1) GRAM or more but less than [ten (10)] FIVE (5) grams [of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or "shabu", or other dangerous drugs such as, but not limited to, MDMA or "ecstasy". PMA, TMA, LSD, GHB and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements]; or [three hundred (300)] TEN (10) grams or more but less than [five hundred (500)] FIFTY (50) grams of CANNABIS OR "MARIJUANA", OPIUM PLANT OR ANY PART THEREOF, OR OTHER PLANT SOURCE OF DANGEROUS DRUGS; [marijuana; and]

"3) Imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three hundred thousand pesos (P300,000.00) to Four hundred thousand pesos (P400,000.00), if the quantities of METHAMPHETAMINE HYDROCHLORIDE OR "SHABU", "MARIJUANA" RESIN, "MARIJUANA" RESIN OIL, OR OTHER dangerous drugs are ONE-HALF (1/2) GRAM OR MORE BUT less than [five (5)] ONE (1) gram[s] [of opium, morphine, heroin, cocaine or cocaine hydrochloride,

marijuana resin or marijuana resin oil, methamphetamine hydrochloride or "shabu", or other dangerous drugs such as, but not limited to, methylenedioxymethamphetamine (MDMA) or "ecstasy", paramethoxyamphetamine (PMA), trimethoxyamphetamine (TMA), lysergic acid diethylamine (LSD), gamma hydroxybutyrate (GHB), and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements]; or **FIVE (5) GRAMS OR MORE BUT less than [three hundred (300)] TEN (10) grams of CANNABIS OR "MARIJUANA", OPIUM PLANT OR ANY PART THEREOF, OR OTHER PLANT SOURCE OF DANGEROUS DRUGS; [marijuana.]**

"4) IMPRISONMENT OF SIX (6) YEARS AND ONE (1) DAY TO TWELVE (12) YEARS AND A FINE RANGING FROM TWO HUNDRED THOUSAND PESOS (P200,000.00) TO THREE HUNDRED THOUSAND PESOS (P300,000.00), IF THE QUANTITIES OF METHAMPHETAMINE HYDROCHLORIDE OR "SHABU", CANNABIS OR "MARIJUANA" RESIN, "MARIJUANA" RESIN OIL, OR OTHER DANGEROUS DRUGS ARE ONE-FOURTH (1/4) GRAM OR MORE BUT LESS THAN ONE-HALF (1/2) GRAM; OR TWO AND ONE-HALF (2 1/2) GRAMS OR MORE BUT LESS THAN FIVE (5) GRAMS OF CANNABIS OR "MARIJUANA", OPIUM PLANT OR ANY PART THEREOF, OR OTHER PLANT SOURCE OF DANGEROUS DRUGS; AND

"5) IMPRISONMENT OF FOUR (4) YEARS AND ONE (1) DAY TO SIX (6) YEARS AND A FINE RANGING FROM ONE HUNDRED THOUSAND PESOS (P100,000.00) TO TWO HUNDRED THOUSAND PESOS (P200,000.00), IF THE QUANTITIES OF METHAMPHETAMINE HYDROCHLORIDE OR "SHABU", CANNABIS OR "MARIJUANA" RESIN, "MARIJUANA" RESIN OIL, OR OTHER DANGEROUS DRUGS ARE LESS THAN ONE-FOURTH (1/4) GRAM; OR LESS THAN TWO AND ONE-HALF (2 1/2) GRAMS OF CANNABIS OR "MARIJUANA", OPIUM PLANT OR ANY PART THEREOF, OR OTHER PLANT SOURCE OF DANGEROUS DRUGS.

"THE PENALTY RANGING FROM FOUR (4) YEARS AND ONE (1) DAY TO SIX (6) YEARS AND A FINE RANGING FROM ONE HUNDRED THOUSAND PESOS (P100,000.00) TO TWO HUNDRED THOUSAND PESOS (P200,000.00) SHALL BE IMPOSED UPON ANY PERSON WHO, UNLESS AUTHORIZED BY LAW OR REGULATION,

SHALL POSSESS ANY CONTROLLED PRECURSOR AND ESSENTIAL CHEMICAL.

"THE MAXIMUM PENALTY PROVIDED FOR UNDER THIS SECTION SHALL BE IMPOSED UPON ANY PERSON WHO ORGANIZES, MANAGES OR ACTS AS "FINANCIER" OF ANY OF THE ILLEGAL ACTIVITIES PRESCRIBED IN THIS SECTION.

"THE PENALTY OF TWELVE (12) YEARS AND ONE (1) DAY TO TWENTY (20) YEARS OF IMPRISONMENT AND A FINE RANGING FROM ONE HUNDRED THOUSAND PESOS (P100,000.00) TO FIVE HUNDRED THOUSAND PESOS (P500,000.00) SHALL BE IMPOSED UPON ANY PERSON, WHO ACTS AS A "PROTECTOR/CODDLER" OF ANY VIOLATOR OF THE PROVISIONS UNDER THIS SECTION."

SEC. 5. Section 13 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as follows:

"SEC. 13. *Possession of Dangerous Drugs During Parties, Social Gatherings or Meetings.* – Any person found possessing any dangerous drug during a party, or at a social gathering or meeting, or in the proximate company of at least two (2) persons, shall suffer the maximum penalties **CORRESPONDING TO THE PENALTIES** provided for in Section 11 of this Act[, regardless of the quantity and purity of such dangerous drugs].

SEC. 6. Section 15 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as follows:

"SEC. 15. *Use of Dangerous Drugs* – A person [apprehended or arrested] who **SHALL USE ANY DANGEROUS DRUG AND** is found to be positive for use after a confirmatory test **AND FOUND TO BE A DRUG DEPENDENT AFTER A DRUG DEPENDENCY EXAMINATION CONDUCTED BY A DOH ACCREDITED PHYSICIAN**, shall be imposed a penalty of a minimum of six (6) months rehabilitation in a government center for the first offense, subject to the provisions of Article VIII of this Act. **HOWEVER, IF FOUND NOT TO BE A DRUG DEPENDENT, HE/SHE SHALL UNDERGO AN OUTPATIENT PROGRAM WHICH WILL INCLUDE BUT NOT LIMITED TO COMMUNITY SERVICE AND COUNSELING FOR A PERIOD OF NOT LESS THAN SIX (6) MONTHS.** If **SUBSEQUENTLY** apprehended [using any dangerous drug for the second time], **FOR USE OF ANY**

DANGEROUS DRUG AS PROVIDED IN THIS SECTION, he/she shall suffer the penalty of imprisonment ranging from SIX (6) MONTHS AND ONE (1) DAY TO SIX (6) YEARS. THE COURT SHALL AFTER IT SHALL HAVE CONVICTED THE DEFENDANT AND UPON APPLICATION FOR PROBATION BY SAID DEFENDANT WITHIN THE PERIOD FOR PERFECTING AN APPEAL, SUSPEND THE EXECUTION OF THE SENTENCE AND PLACE THE DEFENDANT ON PROBATION FOR SUCH PERIOD AND UPON SUCH TERMS AND CONDITIONS AS IT MAY DEEM BEST INCLUDING SUPERVISION AND REHABILITATIVE SURVEILLANCE OF THE OFFENDER TO BE UNDERTAKEN BY THE BOARD THROUGH THE DEPARTMENT OF HEALTH IN COORDINATION WITH THE BOARD OF PARDONS AND PAROLE AND THE PAROLE AND PROBATION ADMINISTRATION. IF APPREHENDED USING ANY DANGEROUS DRUG FOR THE THIRD TIME, HE OR SHE SHALL SUFFER THE PENALTY OF IMPRISONMENT RANGING FROM six (6) years and one (1) day to twelve (12) years and a fine ranging from Fifty thousand pesos (P50,000.00) to Two hundred thousand pesos (P200,000.00). *Provided, HOWEVER, that this Section shall not be applicable where the person tested is also found to have in his/her possession such quantity of any dangerous drug provided for under Section 11 of this Act, in which case the provisions stated therein shall apply, BUT WITHOUT PREJUDICE TO ARTICLE VIII OF THIS ACT.*"

SEC. 7. Section 20 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as follows:

"SEC. 20. [Confiscation and Forfeiture of the Proceeds or Instruments of the Unlawful Act, Including the Properties or Proceeds Derived from the Illegal Trafficking of Dangerous Drugs and/or Precursors and Essential Chemicals.] **CONFISCATION AND FORFEITURE OF PROPERTIES WHICH ARE PROCEEDS OF THE UNLAWFUL ACT OR USED IN THE COMMISSION THEREOF.** – Every penalty imposed for the unlawful importation, sale, trading, **EXPORTATION**, administration, dispensation, delivery, distribution, transportation [or], manufacture **OR POSSESSION** of any dangerous drug and/or controlled precursor and essential chemical, **MAINTENANCE OF DEN, DIVE OR RESORT**, the cultivation or culture of plants which are sources of dangerous drugs, **DIVERSION OF CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS**, [and] the possession of any equipment, instrument, apparatus and other paraphernalia for dangerous drugs including other laboratory equipment **AND THE ATTEMPT OR CONSPIRACY TO COMMIT THE**

UNLAWFUL ACTS ENUMERATED IN SECTION 26 **HEREOF**, shall carry with it the confiscation and forfeiture, in favor of the government, [of all the proceeds and properties derived from the unlawful act, including, but not limited to, money and other assets obtained thereby, and the instruments or tools with which the particular unlawful act was committed] **OF ALL PROPERTIES, WHETHER REAL OR PERSONAL PROPERTY, MONEY, COMMERCIAL OR NEGOTIABLE INSTRUMENTS, WHICH ARE PROCEEDS OF THE UNLAWFUL ACTS, AS WELL AS THOSE USED IN OR IN ANY WAY CONNECTED WITH OR RELATED TO THE COMMISSION OF THE UNLAWFUL ACT**, unless they are the property of a third person not liable for the unlawful act, but those which are not of lawful commerce shall be ordered destroyed without delay pursuant to the provisions of Section 21 of this Act.

"[During the pendency] **UPON THE FILING** of the case in the Regional Trial Court, no property, **WHETHER REAL OR PERSONAL, WHICH IS A PROCEED OF THE UNLAWFUL ACT OR USED IN OR IN ANY WAY CONNECTED WITH OR RELATED TO THE COMMISSION THEREOF**, [or income derived therefrom,] which may be confiscated and forfeited, shall be disposed **OF**, alienated or transferred and the same shall be in *custodia legis* and no bond shall be admitted for the release of the same.

"After conviction in the Regional Trial Court in the appropriate criminal case filed, the Court shall immediately schedule a hearing for the confiscation and forfeiture [of all the proceeds of the offense and] all the assets and properties of the accused either owned or held by him or in the name of some other persons if the same shall be found to be manifestly out of proportion to his/her lawful income: *Provided, however*, That if the forfeited property is a vehicle, the same shall be auctioned off not later than five (5) days upon order of confiscation or forfeiture.

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"**IN CASE OF FLAGRANTE DELICTO, THE COURT OF APPEALS, THROUGH AN EX PARTE PETITION FILED BY THE PDEA, SHALL ISSUE A FREEZE ORDER ON ANY PERSONAL AND/OR REAL PROPERTY OF A PERSON ARRESTED FOR THE COMMISSION OF ANY UNLAWFUL ACT MENTIONED IN THIS SECTION WHICH ARE PROCEEDS OR USED IN OR IN ANY WAY CONNECTED WITH OR RELATED TO THE COMMISSION THEREOF. THE SAID FREEZE ORDER SHALL PROHIBIT THE WITHDRAWAL OF DEPOSITS, ENCASHMENT OF**

ANY CHECK OR OTHER MONETARY INSTRUMENT, OR ANY FORM OF CONVEYANCE OR TRANSFER OF SAID PERSONAL AND/OR REAL PROPERTY FOR A PERIOD OF TWENTY (20) DAYS UNLESS EXTENDED BY THE COURT.

"UPON THE FILING OF THE CRIMINAL CASE IN THE REGIONAL TRIAL COURT, THE FOREMENTIONED PERSONAL AND REAL PROPERTIES SHALL BE PLACED UNDER CUSTODIA LEGIS AND NO BOND SHALL BE ADMITTED FOR THE RELEASE OF THE SAME."

SEC. 8. Section 21 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as follows:

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

"X X X

"1) The apprehending team having initial custody and control of the **DANGEROUS drugs, CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, INSTRUMENTS OR PARAPHERNALIA AND LABORATORY EQUIPMENT** shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media [and the Department of Justice,] and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof[.]; **PROVIDED, THAT THE PHYSICAL INVENTORY AND PHOTOGRAPH SHALL BE CONDUCTED AT THE PLACE WHERE THE SEARCH WARRANT IS SERVED; OR AT THE NEAREST POLICE STATION OR AT THE NEAREST OFFICE OF THE APPREHENDING OFFICER/TEAM, WHICHEVER IS PRACTICABLE, IN CASE OF WARRANTLESS SEIZURES; PROVIDED, FURTHER, THAT NON-COMPLIANCE OF THESE REQUIREMENTS UNDER JUSTIFIABLE GROUNDS, AS LONG AS THE INTEGRITY AND THE EVIDENTIARY VALUE OF THE SEIZED ITEMS ARE PROPERLY PRESERVED BY THE APPREHENDING**

OFFICER/TEAM, SHALL NOT RENDER VOID AND INVALID SUCH SEIZURES AND CUSTODY OVER SAID ITEMS;

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

"3) A certification of the forensic laboratory examination results, which shall be done [under oath] by the forensic laboratory examiner, shall be issued [within twenty-four (24) hours] **IMMEDIATELY** [after] **UPON** the receipt of the subject item/s: *Provided*, That when the volume of the dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals does not allow the completion of testing within the time frame, a partial laboratory examination report shall be provisionally issued stating therein the quantities of dangerous drugs still to be examined by the forensic laboratory: *Provided, however*, That a final certification shall be issued on the completed forensic laboratory examination on the same [within the next twenty-four (24) hours.] **IMMEDIATELY UPON COMPLETION OF THE SAID EXAMINATION AND CERTIFICATION.**

"4) a) **UPON RECEIPT OF THE FINAL CERTIFICATION OF THE FORENSIC LABORATORY EXAMINATION, THE PDEA MAY FILE A PETITION FOR THE DESTRUCTION OF THE CONFISCATED, SEIZED AND/OR SURRENDERED DANGEROUS DRUGS, PLANT SOURCES OF DANGEROUS DRUGS, AND CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS WITH THE REGIONAL TRIAL COURT, IF NOT COVERED BY A SEARCH WARRANT, PRESIDED BY THE EXECUTIVE JUDGE OF THE PROVINCE OR THE CITY WHERE THE CONFISCATION, SEIZURE AND/OR SURRENDER TOOK PLACE. IF THE CONFISCATION, SEIZURE AND/OR SURRENDER IS BY VIRTUE OF A SEARCH WARRANT, THE APPROPRIATE MOTION SHALL BE FILED WITH THE COURT WHICH ISSUED THE SAID SEARCH WARRANT. IN BOTH INSTANCES, THE PETITION OR MOTION SHALL BE FILED WITH THE PRIOR CONSENT OF THE PROVINCIAL OR CITY PROSECUTOR WHICH SHALL BE INDICATED IN THE PLEADING. THE TRIAL COURT WHERE THE CRIMINAL CASE IS SUBSEQUENTLY FILED SHALL TAKE JUDICIAL NOTICE OF THE PROCEEDINGS THEREOF.**

"[After the filing of the criminal case, the] **b) THE Court WHERE THE AFOREMENTIONED PETITION OR MOTION IS FILED OR, IF NEITHER IS FILED, THE COURT WHERE THE CRIMINAL CASE IS FILED** shall, within seventy-two (72) hours **UPON THE FILING OF THE PETITION, MOTION OR CRIMINAL CASE, AS THE CASE MAY BE**, conduct an ocular inspection of the confiscated, seized and/or surrendered dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals, including the instruments/paraphernalia and/or laboratory equipment, and through the PDEA shall [within twenty-four (24) hours] **IMMEDIATELY** thereafter proceed with the destruction or burning of the same, in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, **A MEMBER OF THE APPREHENDING TEAM**, a representative from the media [and the Department of Justice], civil society groups and any elected public official. The Board shall draw up the guidelines on the manner of proper disposition and destruction of such item/s which shall be borne by the offender: *Provided*, That those item/s of lawful commerce, as determined by the Board, shall be donated, used or recycled for legitimate purposes: *Provided, further*, That a representative sample, duly weighed and recorded is retained."

"5) The Board shall then issue a sworn certification as to the fact of destruction or burning of the subject item/s which, together with the representative sample/s in the custody of the PDEA, shall be submitted to the court having jurisdiction over the case. **IN CASES OF SEIZURES WHERE NO PERSON IS APPREHENDED AND NO CRIMINAL CASE IS FILED, THE PDEA MAY ORDER THE IMMEDIATE DESTRUCTION OR BURNING OF SEIZED DANGEROUS DRUGS AND CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS UNDER GUIDELINES SET BY THE BOARD.** In all instances, the representative sample/s shall be kept to a minimum quantity as determined by the Board.

"X X X."

SEC. 9. Section 22 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as follows:

"**SEC. 22. Grant of Compensation, Reward and Award** – The Board shall [recommend to the concerned government agency the] grant [of] compensation, reward and award to any person providing information and to law enforcers participating in the operation, which results in the successful

confiscation, seizure or surrender of dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals **AND/OR THE ARREST OF WANTED DRUG PERSONALITIES.**

"PROVIDED, THAT SUCH COMPENSATION, REWARD AND AWARD SHALL BE DERIVED FROM A TRUST FUND SET UP FOR THE PURPOSE TO BE TAKEN FROM PDEA'S ANNUAL BUDGET IN THE GENERAL APPROPRIATIONS ACT.

"PROVIDED, FURTHER, THAT THE BOARD SHALL DETERMINE THE EQUIVALENT MONETARY VALUE OF SEIZED DRUGS AND CHEMICALS, GIVING DUE CONSIDERATION TO PURITY, OR THE ARREST OF WANTED DRUG PERSONALITIES."

SEC. 10. Section 24 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby deleted.

"[SEC. 24. Non-Applicability of the Probation Law for Drug Traffickers and Pushers. – Any person convicted for drug trafficking or pushing under this Act, regardless of the penalty imposed by the court, cannot avail of the privilege granted by the Probation Law or Presidential Decree No. 968, as amended.]"

SEC. 11. Section 27 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as follows:

"SEC. 27. Criminal Liability of a Public Officer or Employee for Misappropriation, Misapplication or Failure to Account for the Confiscated, Seized or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment Including the Proceeds or Properties Obtained from the Unlawful Act Committed. –

" x x x

"[Any elective local or national official found to have benefited from the proceeds of the trafficking of dangerous drugs as prescribed in this Act, or have received any financial or material contributions or donations from natural or juridical persons found guilty of trafficking dangerous drugs as prescribed in this Act, shall be removed from office and perpetually disqualified from holding any elective or appointive positions in the government, its divisions, subdivisions, and intermediaries, including government-owned or controlled corporations.]"

SEC. 12. Section 28 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as follows:

"SEC. 28. Criminal Liability of Government Officials and Employees. – The maximum penalties of the unlawful acts provided for in this Act shall be imposed, in addition to absolute perpetual disqualification from any public office, if those found guilty of such unlawful acts are government officials and employees.

"ANY ELECTIVE LOCAL OR NATIONAL OFFICIAL, FOUND TO HAVE BENEFITED FROM THE PROCEEDS OF DRUG TRAFFICKING AS PRESCRIBED IN THIS ACT, OR HAVE RECEIVED ANY FINANCIAL OR MATERIAL CONTRIBUTIONS OR DONATIONS FROM NATURAL OR JURIDICAL PERSONS FOUND GUILTY OF TRAFFICKING DANGEROUS DRUGS AS PRESCRIBED IN THIS ACT, SHALL BE IMPOSED THE PENALTY OF TWELVE (12) YEARS AND ONE (1) DAY TO TWENTY (20) YEARS AND A FINE RANGING FROM ONE HUNDRED THOUSAND PESOS (P100,000.00) TO FIVE HUNDRED THOUSAND PESOS (P500,000.00) AND PERPETUALLY DISQUALIFIED FROM HOLDING ANY ELECTIVE OR APPOINTIVE POSITIONS IN THE GOVERNMENT, ITS DIVISIONS, SUBDIVISIONS AND INTERMEDIARIES, INCLUDING GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS."

SEC. 13. Section 36 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as follows:

"SEC. 36. Authorized Drug Testing. – Authorized drug testing shall be done by any government forensic laboratories or by any of the drug testing laboratories accredited and monitored by the DOH to safeguard the quality of test results. The DOH shall take steps in setting the price of the drug test with DOH accredited drug testing centers to further reduce the cost of such drug test. The drug testing shall employ, among others, two (2) testing methods, the screening test which will determine the positive result as well as the type of the drug used and the confirmatory test which will confirm a positive screening test. Drug test certificates issued by accredited drug testing centers shall be valid for a one-year period from the date of issue which may be used for other purposes. The following shall be subjected to undergo drug testing **ON A RANDOM BASIS UNDER SUCH GUIDELINES TO BE PROMULGATED BY THE BOARD:**

"(a) Applicants for driver's license. – [No driver's license shall be issued or renewed to any person unless he/she presents a certification that he/she has undergone a mandatory drug test and indicating thereon that he/she is free from the use of dangerous drugs] **APPLICANTS FOR DRIVER'S LICENSE SHALL UNDERGO A RANDOM DRUG TEST WITHIN THREE (3) DAYS FROM RECEIPT OF THE SUMMON FOR SUCH BY THE LAND TRANSPORTATION OFFICE;**

"b) Applicants for firearm's license and for permit to carry firearms outside of residence[. – All applicants for firearm's license and permit to carry firearms outside of residence shall undergo a mandatory drug test to ensure that they are free from the use of dangerous drugs: *Provided*, That all persons who by the nature of their profession carry firearms shall undergo drug testing.]

"c) Students of secondary and tertiary schools[. – Students of secondary and tertiary schools shall, pursuant to the related rules and regulations as contained in the school's student handbook and with notice to the parents, undergo a random drug testing: *Provided*, That all drug testing expenses whether in public or private schools under this Section will be borne by the government.]

"d) Officers and employees of public and private offices. – [Officers and employees of public and private offices, whether domestic or overseas, shall be subjected to undergo a random drug test as contained in the company's work rules and regulations, which shall be borne by the employer, for purposes of reducing the risk in the workplace. Any officer or employee found positive for use of dangerous drugs shall be dealt with administratively which shall be a ground for suspension or termination, subject to the provisions of Article 282 of the Labor Code and pertinent provisions of the Civil Service Law] **WITHOUT PREJUDICE TO ANY SANCTIONS THAT MAY BE PROVIDED FOR IN THE DRUG-FREE WORKPLACE POLICY OF THE PUBLIC OR PRIVATE OFFICE PURSUANT TO SECTIONS 47 OF THIS ACT;**

"e) Officers and members of the military, police and other law enforcement agencies[. – Officers and members of the military, police and other law enforcement agencies shall undergo an annual mandatory drug test.]

"[f) All persons charged before the prosecutor's office with a criminal offense having an imposable penalty of imprisonment of not less than six (6) years and one (1) day shall have to undergo a mandatory drug test.]

"[g) All candidates for public office whether appointed or elected both in the national or local government shall undergo a mandatory drug test.] **F) ALL ELECTED / APPOINTED GOVERNMENT OFFICIALS BOTH IN THE NATIONAL AND LOCAL LEVELS**

"In addition to the above stated penalties in this Section, those found to be positive for dangerous drugs use shall be subject to the provisions of [Section 15] **ARTICLE VIII** of this Act."

SEC. 14. Section 44 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as follows:

"**SEC. 44. Heads, Supervisors, and Teachers of Schools. –**

"X X X

"APPROPRIATE PROTECTION OF THE CONCERNED SCHOOL OFFICIALS SHALL BE PUT IN PLACE TO ENSURE PERSONAL SECURITY AND PEACE OF MIND AMONG THEM, SUCH AS FREE LEGAL ASSISTANCE, POLICE PROTECTION AND ANY OTHER ASSISTANCE AS MAY BE DEEMED NECESSARY."

SEC. 15. Section 47 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as follows:

"**SEC. 47. Drug-Free Workplace. –** It is deemed a policy of the State to promote drug-free workplaces **IN BOTH THE PRIVATE, using a tripartite approach AND PUBLIC SECTORS.** With the assistance of the Board, the Department of Labor and Employment (DOLE) shall develop, promote and implement a national drug [abuse] prevention program in the workplace to be adopted by private companies with ten (10) or more employees. Such program shall include the mandatory drafting and adoption of company policies against drug use in the workplace in close consultation and coordination with the DOLE, labor and employer organizations, human resource development managers and other such private sector organizations.

"THE BOARD SHALL DEVELOP, PROMOTE AND IMPLEMENT A NATIONAL DRUG PREVENTION PROGRAM IN GOVERNMENT WORKPLACES INCLUDING GOVERNMENT OWNED AND CONTROLLED CORPORATIONS AND LOCAL GOVERNMENT UNITS."

SEC. 16. Section 49 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as follows:

"SEC. 49. *Labor Organizations and the Private Sector.* – All labor unions, federations, associations, or organizations [in cooperation with the] **AND THEIR** respective [private sector partners] **EMPLOYERS** shall include in their collective bargaining or any similar agreements, joint continuing programs and information campaigns for the laborers similar to the programs provided under Section 47 of this Act with the end in view of achieving a drug free workplace."

SEC. 17. Section 52 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as follows:

"SEC. 52. *Abatement of Drug Related Public Nuisances.* – Any place or premises which have been used [on two or more occasions] as the site of the unlawful sale, [or] delivery **OR USE** of dangerous drugs, **OR AS A CLANDESTINE LABORATORY, OR AS A STORAGE PLACE FOR DANGEROUS DRUGS, CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS** may be declared to be a public nuisance, and such nuisance may be abated, pursuant to the following procedures:

"(1) Any city or municipality [may] **SHALL**, by ordinance, create an administrative board to hear complaints regarding the nuisances;

"x x x."

SEC. 18. Section 54 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as follows:

"SEC. 54. *Voluntary Submission of a Drug Dependent to Confinement, Treatment and Rehabilitation.* – A drug dependent [or any person who violates Section 15 of this Act] may, by himself/herself or through his/her parent, spouse, guardian or relative within the fourth degree of consanguinity or affinity, [apply to the Board or its duly recognized representative, for treatment and rehabilitation of the drug dependency.] **FILE A VERIFIED APPLICATION TO THE BOARD, OR ITS DULY AUTHORIZED REPRESENTATIVE, FOR VOLUNTARY CONFINEMENT FOR TREATMENT AND REHABILITATION.** [Upon such application, the Board shall bring forth the matter to the Court which shall order that the applicant be examined for drug dependency.] **UPON RECEIPT OF THE VERIFIED APPLICATION, THE BOARD, OR ITS DULY AUTHORIZED REPRESENTATIVE, SHALL ORDER THAT THE APPLICANT OR THE PERSON IN WHOSE BEHALF THE**

APPLICATION IS FILED BE EXAMINED FOR DRUG DEPENDENCY BY A DOH-ACCREDITED PHYSICIAN. UPON ISSUANCE OF A CERTIFICATION BY THE EXAMINING PHYSICIAN THAT THE APPLICANT OR THE PERSON IN WHOSE BEHALF THE APPLICATION IS FILED IS A DRUG DEPENDENT AND HIS/HER CONFINEMENT IN A TREATMENT AND REHABILITATION CENTER IS RECOMMENDED, THE BOARD, OR ITS DULY AUTHORIZED REPRESENTATIVE, SHALL FILE A PETITION WITH THE APPROPRIATE COURT FOR THE CONFINEMENT OF THE SAID DRUG DEPENDENT FOR TREATMENT AND REHABILITATION. IF THE EXAMINING PHYSICIAN RECOMMENDS THE IMMEDIATE CONFINEMENT OF THE DRUG DEPENDENT, THE BOARD, OR ITS DULY AUTHORIZED REPRESENTATIVE, SHALL ORDER HIS/HER TEMPORARY CONFINEMENT IN A GOVERNMENT OR PRIVATE TREATMENT AND REHABILITATION CENTER, AT THE OPTION OF THE APPLICANT AND AT HIS/HER EXPENSE, PENDING THE ISSUANCE OF THE COMMITMENT ORDER OF THE COURT. THE TEMPORARY CONFINEMENT OF THE DRUG DEPENDENT SHALL NOT EXCEED FIFTEEN (15) DAYS AND IT SHALL BE DULY ALLEGED IN THE PETITION OF THE BOARD TO BE FILED WITH THE COURT.

"ANY OPPOSITION TO THE TEMPORARY CONFINEMENT OF A DRUG DEPENDENT SHALL BE IN WRITING AND VERIFIED. IT SHALL STATE THE GROUNDS FOR THE OPPOSITION AND SHALL BE FILED WITH THE OFFICE OF THE EXECUTIVE DIRECTOR OF THE BOARD. UPON RECEIPT OF THE OPPOSITION, THE EXECUTIVE DIRECTOR SHALL ACT WITH ALL REASONABLE DILIGENCE AND TAKE ALL MEASURES NECESSARY TO RESOLVE THE OPPOSITION. THE TEMPORARY CONFINEMENT SHALL STAY, UNLESS THE OPPOSITION CLEARLY SHOWS THAT THE CONTINUED CONFINEMENT OF THE DRUG DEPENDENT IS DETRIMENTAL TO HIS/HER PHYSICAL AND MENTAL WELL-BEING AND THAT HE/SHE DOES NOT POSE A DANGER TO HIMSELF/HERSELF, HIS/HER FAMILY OR THE COMMUNITY.

"UPON THE PETITION OF THE BOARD, THE COURT SHALL ORDER THAT THE APPLICANT BE EXAMINED FOR DRUG DEPENDENCY OR SHALL TAKE COGNIZANCE OF THE CERTIFICATION OF THE EXAMINING PHYSICIAN MENTIONED IN THE IMMEDIATELY PRECEDING PARAGRAPH. If the examination by a DOH-accredited physician results in the

issuance of a certification that the applicant is a drug dependent, he/she shall be ordered by the Court to undergo treatment and rehabilitation in a Center designated by the Board for a period of not less than six (6) months: *Provided*, That a drug dependent may be placed under the care of a DOH-accredited physician where there is no Center near or accessible to the residence of the drug dependent or where said drug dependent is below eighteen (18) years of age and is a first-time offender and non-confinement in a Center will not pose a serious danger to his/her family or the community.

"X X X."

SEC. 19. Section 55 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as follows:

"**SEC. 55. *Exemption from the Criminal Liability under the Voluntary Submission Program.*** – A drug dependent under the voluntary submission program, who is finally discharged from confinement, shall be exempt from the criminal liability under Section 15 of this Act subject to the following conditions:

"1) He/she has complied with the rules and regulations of the Center, the applicable rules and regulations of the Board, including the after-care and follow-up program [for at least eighteen (18) months] **FOR A PERIOD OF TIME TO BE DETERMINED BY THE ATTENDING DOH-ACCREDITED PHYSICIAN, BUT NOT EXCEEDING EIGHTEEN (18) MONTHS**, following temporary discharge from confinement in the Center or, in the case of a dependent placed under the care of the DOH-accredited physician, the after-care program and follow-up schedule formulated by the DSWD and approved by the Board: *Provided*, That capability-building of local government social workers shall be undertaken by the DSWD;

"2) [He/she has never been charged or convicted of any offense punishable under this Act, the Dangerous Drugs Act of 1972 or Republic Act No. 6425, as amended, the Revised Penal Code, as amended, or any special penal laws] **HE/SHE HAS NEVER BEEN CHARGED OR CONVICTED UNDER SECTION 15 OF THIS ACT;**

"X X X"

"4) [He/she poses no serious danger to himself/herself, his/her family or the community by his/her exemption from criminal liability] **HE/SHE HAS NOT BEEN PREVIOUSLY**

**COMMITTED TO A CENTER OR TO THE CARE OF A
DOH-ACCREDITED PHYSICIAN."**

SEC. 20. Section 56 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as follows:

*"SEC. 56. Temporary Release from the Center; After-care and Follow-up Treatment under the Voluntary Submission Program. – Upon certification of the Center that the drug dependent within the voluntary submission program may be temporarily released, the Court shall order his/her release on condition that said drug dependent shall report to the DOH for after-care and follow-up treatment, including urine testing, for a period **TO BE DETERMINED BY THE ATTENDING DOH ACCREDITED PHYSICIAN, BUT** not exceeding eighteen (18) months under such terms and conditions that the Court may impose.*

"X X X

"However, should the DOH find that during the initial after-care and follow-up program [of eighteen (18) months], the drug dependent requires further treatment and rehabilitation in the Center, he/she shall be recommitted to the Center for confinement. Thereafter, he/she may again be certified for temporary release and ordered released for another after-care and follow-up program pursuant to this Section.

SEC. 21. Section 61 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as follows:

"SEC. 61. Compulsory Confinement of a Drug Dependent Who Refuses to Apply under the Voluntary Submission Program. –

"X X X

*"If after such hearing and the facts so warrant, the court shall order the drug dependent to be examined by two (2) [physicians accredited by the Board] **DOH ACCREDITED PHYSICIAN.** If both physicians conclude that the respondent is not a drug dependent, the court shall order his/her discharge. If either physician finds him to be a dependent, the court shall conduct a hearing and consider all relevant evidence which may be offered. If the court finds him a drug dependent, it shall issue an order for his/her commitment to a treatment and rehabilitation center under the supervision of the DOH. In any event, the order of discharge or order of confinement or commitment shall be issued not later than fifteen (15) days from the filing of the appropriate petition.*

"CONFINEMENT IN A CENTER FOR TREATMENT AND REHABILITATION SHALL NOT BE LESS THAN SIX (6) MONTHS BUT NOT TO EXCEED ONE (1) YEAR, AFTER WHICH TIME THE COURT, AS WELL AS THE BOARD, SHALL BE APPRISED BY THE HEAD OF THE TREATMENT AND REHABILITATION CENTER OF THE STATUS OF THE DRUG DEPENDENT AND DETERMINE WHETHER FURTHER CONFINEMENT WILL BE FOR THE WELFARE OF THE SAID DRUG DEPENDENT AND HIS/HER FAMILY OR THE COMMUNITY.

"UPON CERTIFICATION OF THE CENTER THAT HE/SHE MAY TEMPORARILY BE DICHARGED FROM THE SAID CENTER, THE COURT SHALL ORDER HIS/HER RELEASE ON CONDITION THAT HE/SHE SHALL REPORT TO THE BOARD, THROUGH THE DOH, FOR AFTER-CARE AND FOLLOW-UP TREATMENT FOR A PERIOD TO BE DETERMINED BY THE ATTENDING DOH ACCREDITED PHYSICIAN BUT IN NO CASE SHALL EXCEED EIGHTEEN (18) MONTHS UNDER SUCH TERMS AND CONDITIONS AS MAY BE IMPOSED BY THE BOARD.

"IF AT ANYTIME DURING THE AFTER-CARE AND FOLLOW-UP PERIOD, THE BOARD CERTIFIES TO HIS/HER COMPLETE REHABILITATION, THE COURT SHALL ORDER HIS/HER FINAL DISCHARGE FROM CONFINEMENT AND ORDER FOR THE IMMEDIATE RESUMPTION OF THE TRIAL OF THE CASE FOR WHICH HE/SHE IS ORIGINALLY CHARGED. SHOULD THE BOARD THROUGH THE DOH FIND AT ANYTIME DURING THE AFTER-CARE AND FOLLOW-UP PERIOD THAT HE/SHE REQUIRES FURTHER TREATMENT AND REHABILITATION, IT SHALL REPORT TO THE COURT, WHICH SHALL ORDER HIS/HER RECOMMITMENT TO THE CENTER.

"SHOULD THE DRUG DEPENDENT, HAVING BEEN COMMITTED TO A CENTER UPON PETITION BY THE BOARD ESCAPE THEREFROM, HE/SHE MAY RESUBMIT HIMSELF/HERSELF FOR CONFINEMENT WITHIN ONE (1) WEEK FROM THE DATE OF HIS/HER ESCAPE; OR HIS/HER PARENT, SPOUSE, GUARDIAN OR RELATIVE WITHIN THE FOURTH DEGREE OF CONSANGUINITY OR AFFINITY MAY, WITHIN THE SAME PERIOD, SURRENDER HIM FOR RECOMMITMENT. IF, HOWEVER, THE DRUG DEPENDENT DOES NOT RESUBMIT HIMSELF/HERSELF FOR CONFINEMENT OR HE/SHE IS NOT SURRENDERED FOR RECOMMITMENT, THE

BOARD MAY APPLY WITH THE COURT FOR THE ISSUANCE OF THE RECOMMITMENT ORDER. UPON PROOF OF PREVIOUS COMMITMENT, THE COURT SHALL ISSUE AN ORDER FOR RECOMMITMENT. IF, SUBSEQUENT TO SUCH RECOMMITMENT, HE/SHE SHOULD ESCAPE AGAIN, HE/SHE SHALL NO LONGER BE EXEMPT FROM CRIMINAL LIABILITY FOR USE OF ANY DANGEROUS DRUG.

"A DRUG DEPENDENT COMMITTED UNDER THIS PARTICULAR SECTION WHO IS FINALLY DISCHARGED FROM CONFINEMENT SHALL BE EXEMPT FROM CRIMINAL LIABILITY UNDER SECTION 15 OF THIS ACT, WITHOUT PREJUDICE TO THE OUTCOME OF ANY PENDING CASE FILED IN COURT. ON THE OTHER HAND, A DRUG DEPENDENT WHO IS NOT REHABILITATED AFTER A SECOND COMMITMENT TO THE CENTER SHALL, UPON CONVICTION BY THE APPROPRIATE COURT, SUFFER THE SAME PENALTIES PROVIDED FOR UNDER SECTION 15 OF THIS ACT AGAIN WITHOUT PREJUDICE TO THE OUTCOME OF ANY PENDING CASE FILED IN COURT."

SEC. 22. Section 62 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as follows:

"SEC. 62. *Compulsory Submission of a Drug Dependent Charged with an Offense to Treatment and Rehabilitation.* – If a [person charged with an offense where the imposable penalty is imprisonment of less than six (6) years and one (1) day, and is found by] **RESPONDENT OR ACCUSED IN A CRIMINAL CASE WHO APPEARS TO BE A DRUG DEPENDENT** to the prosecutor or by the court, at any stage of the proceedings, [to be a drug dependent,] the prosecutor or the court as the case may be, shall suspend all further proceedings and transmit copies of the record of the case to the Board **FOR DRUG DEPENDENCY EXAMINATION.**

"[In the event the Board determines, after medical examination,] **IF FOUND TO BA DRUG DEPENDENT AND** that public interest requires that such drug dependent be committed to a center for treatment and rehabilitation, [it] **THE BOARD** shall file a petition for his/her commitment with the regional trial court of the province or city where he/she is being investigated [or tried]: *Provided,* That where a criminal case is pending in court, such petition shall be filed in the said court. The court shall take judicial notice of the prior proceedings in the case and shall proceed to hear the petition. If the court finds him to be a drug dependent, it shall order his/her commitment to a Center, **RECOMMENDED BY**

THE BOARD, for treatment and rehabilitation FOR NOT MORE THAN SIX (6) MONTHS. PROVIDED, THAT IF THE DEPENDENT IS A DETENTION PRISONER, HE/SHE SHALL BE COMMITTED IN A CENTER OPERATED AND MAINTAINED BY THE PROVINCIAL JAIL OR THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY WHERE HE/SHE IS BEING DETAINED, TO BE DETERMINED BY THE BOARD. The head of said Center shall submit to the court AND TO THE BOARD [every four (4) months, or as often as the court may require,] a MONTHLY written report on the progress of the treatment. [If the dependent is rehabilitated, as certified by the Center and the Board, he/she shall be returned to the court, which committed him, for his/her discharge therefrom.] THE CENTER, WITH PRIOR NOTICE TO THE BOARD, SHALL RETURN THE DEPENDENT TO THE COURT WHICH COMMITTED HIM/HER UPON HIS/HER REHABILITATION OR AFTER THE LAPSE OF THE SAID PERIOD OF SIX (6) MONTHS IF NOT REHABILITATED, WITH A CERTIFICATION WHETHER THE DEPENDENT IS REHABILITATED OR NOT. THE COURT SHALL THEN ORDER HIS/HER DISCHARGE FROM CONFINEMENT IN THE CENTER.

"Thereafter, his/her prosecution for any offense punishable by law shall be instituted or shall continue, as the case may be. In case of conviction, the judgment shall, if the accused is certified by the treatment and rehabilitation center to have maintained good behavior, indicate that he/she shall be given full credit for the period he/she was confined in the Center: *Provided, however,* That when the offense is for violation of Section 15 of this Act and the accused is not a recidivist, the penalty thereof shall be deemed to have been served in the center upon his/her release therefrom after certification by the Center [and the Board] that he/she is rehabilitated."

SEC. 23. Section 63 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as follows:

"SEC. 63. Prescription of the Offense Charged Against a Drug Dependent Under the Compulsory Submission Program. – – The period of prescription of the offense charged against a drug dependent under the compulsory submission program shall not run during the time that the drug dependent is under confinement in a Center or otherwise under the treatment and rehabilitation program approved by the Board.

"[Upon certification of the Center that he/she may temporarily be discharged from the said Center, the court

shall order his/her release on condition that he/she shall report to the Board through the DOH for after-care and follow-up treatment for a period not exceeding eighteen (18) months under such terms and conditions as may be imposed by the Board.]

"[If at anytime during the after-care and follow-up period, the Board certifies to his/her complete rehabilitation, the court shall order his/her final discharge from confinement and order for the immediate resumption of the trial of the case for which he/she is originally charged. Should the Board through the DOH find at anytime during the after-care and follow-up period that he/she requires further treatment and rehabilitation, it shall report to the court, which shall order his/her recommitment to the Center.]

"[Should the drug dependent, having been committed to a Center upon petition by the Board escape therefrom, he/she may resubmit himself/herself for confinement within one (1) week from the date of his/her escape; or his/her parent, spouse, guardian or relative within the fourth degree of consanguinity or affinity may, within the same period, surrender him for recommitment. If, however, the drug dependent does not resubmit himself/herself for confinement or he/she is not surrendered for recommitment, the Board may apply with the court for the issuance of the recommitment order. Upon proof of previous commitment, the court shall issue an order for recommitment. If, subsequent to such recommitment, he/she should escape again, he/she shall no longer be exempt from criminal liability for use of any dangerous drug.]

"[A drug dependent committed under this particular Section who is finally discharged from confinement shall be exempt from criminal liability under Section 15 of this Act, without prejudice to the outcome of any pending case filed in court. On the other hand, a drug dependent who is not rehabilitated after a second commitment to the Center shall, upon conviction by the appropriate court, suffer the same penalties provided for under Section 15 of this Act again without prejudice to the outcome of any pending case filed in court.]"

SEC. 24. Section 66 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as follows:

"SEC. 66. *Suspension of Sentence of a First-Time Minor Offender.* – An accused who is over fifteen (15) years **BUT LESS THAN EIGHTEEN (18) YEARS** of age at the time of the commission of [the] **ANY** offense mentioned in [Section 11 of] this Act **EXCEPT SECTION 15**, [but not more than

eighteen (18) years of age at the time when judgment should have been promulgated after having been found guilty of said offense.] may be given the benefits of a suspended sentence[, subject to the following conditions:].

"[a] He/she has not been previously convicted of violating any provision of this Act, or of the Dangerous Drugs Act of 1972, as amended, or of the Revised Penal Code, or of any special penal laws;]

"[b] He/she has not been previously committed to a center or to the care of a DOH-accredited physician; and]

"[c] The Board favorably recommends that his/her sentence be suspended.]

"x x x

"[In the case of minors under fifteen (15) years of age at the time of the commission of any offense penalized under this Act, Article 192 of Presidential Decree No. 603, otherwise known as the Child and Youth Welfare Code, as amended by Presidential Decree No. 1179 shall apply, without prejudice to the application of the provisions of this Section.]"

SEC. 25. Section 68 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as follows:

"SEC. 68. *Privilege of Suspended Sentence to be Availed of Only Once by a First-Time Minor Offender.* – The privilege of suspended sentence shall be availed of only once by an accused drug dependent who is a first-time offender over fifteen (15) years **BUT NOT MORE THAN EIGHTEEN (18) YEARS** of age at the time of the commission of the [violation of Section 15] **OFFENSE PUNISHABLE UNDER** [of] this Act [but not more than eighteen (18) years of age at the time when judgment should have been promulgated.]"

SEC. 26. Section 78 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as follows:

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

"The three (3) permanent members, who shall possess at least seven-year training and experience in the field of dangerous drugs and in any of the following fields, in law,

medicine, criminology, psychology or social work, shall be appointed by the President of the Philippines. The President shall designate a Chairman, who shall have the rank of a secretary from among the three (3) permanent members who shall serve for six (6) years. Of the two (2) other members, who shall both have the rank of undersecretary, one (1) shall serve for four (4) years and the other for two (2) years. Thereafter, the persons appointed to succeed such members shall hold office for a term of six (6) years and until their successors shall have been duly appointed and qualified. **OF THESE TWO (2) OTHER MEMBERS, THE PRESIDENT SHALL DESIGNATE A VICE-CHAIRMAN AND AN EXECUTIVE DIRECTOR.**

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

- "1) Secretary of the Department of Justice [or his/her representative];
- "2) Secretary of the Department of Health [or his/her representative];
- "3) Secretary of the Department of National Defense [or his/her representative];
- "4) Secretary of the Department of Finance [or his/her representative];
- "5) Secretary of the Department of Labor and Employment [or his/her representative];
- "6) Secretary of the Department of the Interior and Local Government [or his/her representative];
- "7) Secretary of the Department of Social Welfare and Development [or his/her representative];
- "8) Secretary of the Department of Foreign Affairs [or his/her representative];
- "9) Secretary of the Department of Education [or his/her representative];
- "10) **SECRETARY OF THE DEPARTMENT OF AGRICULTURE;**
- "11) **SECRETARY OF THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATION;**
- "12) **SECRETARY OF THE DEPARTMENT OF BUDGET AND MANAGEMENT;**

"13) Chairman of the Commission on Higher Education [or his/her representative];

"14) Chairman of the National Youth Commission; and

"15) Director General of the Philippine Drug Enforcement Agency.

"[Cabinet secretaries who are] **EX OFFICIO** members of the Board may designate their duly authorized and permanent representatives whose **EQUIVALENT** ranks shall in no case be lower than [undersecretary] **ASSISTANT SECRETARY**.

"X X X

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

"X X X

"The Director of the NBI and the Chief of the PNP shall be the permanent consultants of the Board, and shall attend all the meetings of the Board. **THEY MAY DESIGNATE THEIR DULY AUTHORIZED AND PERMANENT REPRESENTATIVES WHOSE RANKS SHALL IN NO CASE BE LOWER THAN SERVICE DIRECTOR.**

"**THE BOARD SHALL CONSTITUTE AN EXECUTIVE COMMITTEE, TO BE COMPOSED OF THE CHAIRMAN, THE VICE-CHAIRMAN, THE EXECUTIVE DIRECTOR OF THE BOARD, THE DIRECTOR GENERAL OF PDEA, AND THE CHAIRMEN OF THE STANDING COMMITTEES, WHICH MAY ACT FOR AND IN BEHALF OF THE BOARD AND SHALL MEET AS OFTEN AS NECESSARY UPON THE CALL OF THE CHAIRMAN, OR IN HIS ABSENCE OR INCAPACITY, BY THE VICE-CHAIRMAN WHO IN SUCH AN EVENT SHALL PRESIDE OVER THE MEETING OF THE EXECUTIVE COMMITTEE.**

"**THE BOARD SHALL ENGAGE THE SERVICE OF OTHER CONSULTANTS, WHO ARE DEEMED EXPERTS IN DRUG ABUSE PREVENTION AND CONTROL POLICIES, STRATEGIES AND PROGRAMS AND INTERNATIONAL DRUG CONVENTIONS SUBJECT TO THE PERTINENT BUDGETARY LAWS, RULES AND REGULATIONS ON COMPENSATION, HONORARIA AND ALLOWANCES.**

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

SEC. 27. There shall be added as powers and duties of the Board under Section 81 of Republic Act No. 9165, after paragraph (w), a new paragraph numbered (x) and (y), to read as follows:

"SEC. 81. *Powers and Duties of the Board.* –

"x x x

"(x). ENLIST THE ASSISTANCE OF ANY BRANCH, DEPARTMENT, BUREAU, OFFICE, AGENCY OR INSTRUMENTALITY OF THE GOVERNMENT INCLUDING GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS, IN UNDERTAKING THE MANDATE OF THE BOARD IN THE FORMULATION, DEVELOPMENT, ESTABLISHMENT AND IMPLEMENTATION OF A COMPREHENSIVE, INTEGRATED, UNIFIED AND BALANCED NATIONAL DRUG ABUSE PREVENETION AND CONTROL STRATEGY.

"(y). ENGAGE THE SERVICES OF OTHER CONSULTANTS, WHO ARE DEEMED EXPERTS IN DRUG ABUSE PREVENTION AND CONTROL POLICIES, STRATEGIES AND PROGRAMS, AND INTERNATIONAL DRUG CONVENTIONS, SUBJECT TO THE PERTINENT BUDGETARY LAWS, RULES AND REGULATIONS ON COMPENSATION, HONORARIA AND ALLOWANCES."

SEC. 28. There shall be incorporated after Section 86 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, a new section to read as follows:

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

"x x x

"SEC. 86 - A. *Relationship between PDEA and Other Law Enforcement Agencies.* - IN THE ENFORCEMENT OF THIS ACT, THE PHILIPPINE DRUG ENFORCEMENT AGENCY SHALL BE THE LEAD AGENCY, WHILE THE ANTI-DRUG UNITS OF THE PNP, NBI AND OTHER LAW ENFORCEMENT AGENCIES SHALL CONTINUE TO CONDUCT ANTI-DRUG OPERATIONS IN SUPPORT OF PDEA : *PROVIDED*, THAT SAID AGENCIES SHALL INFORM PDEA OF THEIR ANTI-DRUG OPERATIONS AND ACTUAL CUSTODY OF THE SUSPECTS OR SEIZURES OF ANY DRUGS AND SUBSTANCES: *PROVIDED, FURTHER* THAT SAID AGENCIES SHALL FURNISH PDEA WITH THE COMPLETE CASE RECORDS, AS SOON AS PRACTICABLE, AFTER THE FILING OF THE CASE."

SEC. 29. Section 87 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as follows:

"SEC. 87. *Appropriations.* -

"X X X

"All receipts derived from fines, fees and other income authorized and imposed in this Act, including ten percent (10%) of all unclaimed and forfeited sweepstakes and lotto prizes but not less than twelve million pesos (P12,000,000.00) per year from the Philippine Charity Sweepstakes Office (PCSO), are hereby constituted as a special account in the general fund for the implementation of this Act: *Provided*, That no amount shall be disbursed to cover the operating expenses of the Board and other concerned agencies. [*Provided, further*, That at least fifty percent (50%) of all the funds shall be reserved for assistance to government-owned and/or operated rehabilitation centers.]

"X X X."

SEC. 30. Section 93 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as follows:

"SEC.93. *Reclassification, Addition or Removal of Any Drug OR CHEMICAL from the List of Dangerous Drugs AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS* -

"The Board shall have the power to reclassify, add to or remove from the list of dangerous drugs **OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS ANY DANGEROUS DRUG, OR OTHER SUBSTANCE OR CHEMICAL**. Proceedings to reclassify, add, or remove a drug or other substance **OR CHEMICAL** may be initiated, **MOTU PROPIO BY THE BOARD, OR** by the PDEA, the DOH, or by petition from any interested party, including the manufacturer of a drug, **OR OTHER SUBSTANCE OR CHEMICAL**, a medical society or association, a pharmacy association, a public interest group concerned with drug abuse, a national or local government agency, or an individual citizen. When a petition is received by the Board, it shall immediately begin its own investigation of the drug, **OR OTHER SUBSTANCE OR CHEMICAL**. The **BOARD OR PDEA** also may begin an investigation of a drug, **OR OTHER SUBSTANCE OR CHEMICAL** at any time based upon the information received from law enforcement laboratories, national and local law enforcement and regulatory agencies, or other sources of information.

"The Board after notice and hearing shall consider the following factors with respect to each **DRUG, OR OTHER substance OR CHEMICAL** proposed to be reclassified, added or removed from control:

"x x x

"c) The state of current scientific knowledge regarding the drug or other substance **OR CHEMICAL**;

"d) Its history and current pattern of abuse **AND DIVERSION**;

"e) The scope, duration, and significance of abuse **AND DIVERSION**;

"x x x

"g) Whether the substance **OR CHEMICAL** is an immediate precursor of a substance already controlled under this Act.

"x x x

"The [Dangerous Drugs] Board shall give notice to the general public of the public hearing of the

reclassification, addition to or removal from the list any drug **OR OTHER SUBSTANCE OR CHEMICAL**, by publishing such notice in any newspaper of general circulation once a week for two (2) weeks.

"THE BOARD MAY EXEMPT A SUBSTANCE, PREPARATION OR MIXTURE CONTAINING ANY DANGEROUS DRUG OR CONTROLLED PRECURSOR AND ESSENTIAL CHEMICAL FROM REGULATORY CONTROL PURSUANT TO THIS ACT SUBJECT TO SUCH CONDITIONS AS DETERMINED BY THE BOARD THROUGH A REGULATION TO THIS EFFECT.

"The effect of such reclassification, addition [or], removal **OR EXEMPTION** shall be as follows:

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

"b) In case a precursor[s] and essential chemical[s] is reclassified as **A** dangerous drug, the penalties for violations of the Act involving **CONTROLLED** precursors and essential chemicals shall, in case of conviction, be imposed in all pending criminal prosecutions;

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

"d) In case of removal of a drug, **OR OTHER SUBSTANCE OR CHEMICAL** from the list of dangerous drugs [and] **OR CONTROLLED** precursors and essential chemicals, all persons convicted and/or detained [for the use and/or possession of such a drug] **INVOLVING THE SAME** shall be automatically released and all pending criminal prosecution [involving such a drug] under this Act shall forthwith be dismissed; [and]

"E) IN CASE OF EXEMPTION OF A SUBSTANCE, PREPARATION OR MIXTURE CONTAINING ANY DANGEROUS DRUG OR CONTROLLED PRECURSOR AND ESSENTIAL CHEMICAL FROM REGULATORY CONTROL, ALL PERSONS CONVICTED AND/OR DETAINED INVOLVING THE SAME SHALL BE AUTHOMATICALLY RELEASED AND ALL PENDING CRIMINAL PROSECUTION UNDER THIS ACT SHALL FORTHWITH BE DISMISSED; AND

"[e]F) The Board shall, within five (5) days from the date of its promulgation submit to Congress a detailed reclassification, addition, or removal of any drug OR OTHER SUBSTANCE OR CHEMICAL from the list of dangerous drugs OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, OR EXEMPTIONS OF A SUBSTANCE, PREPARATION OR MIXTURE CONTAINING ANY DANGEROUS DRUG OR CONTROLLED PRECURSOR AND ESSENTIAL CHEMICAL."

SEC. 31. *Separability Clause.* – If any provision or part hereof is held invalid, or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 32. *Repealing Clause.* – All laws, presidential decrees or issuances, executive orders, letters of instruction, administrative orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, modified or amended accordingly.

SEC. 33. *Effectivity.* – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved,