

HOUSE OF REPRESENTATIVES

**Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.**

House Bill No. 4510

EXPLANATORY NOTE

Last June 24, 2006, Republic Act 9346 was enacted into law thereby prohibiting the imposition of death penalty in the Philippines. While the rationale for passing the law was very clear and noble, there are some sectors of society who believe that this law is not just and equitable because while foreigners may not be executed in the Philippines for drug trafficking, Filipinos who commit the same are executed in other jurisdictions.

One argument against RA 9346 is made in context of drug related crimes. Many foreign nationals are now emboldened to establish their drug factories in the Philippines because once convicted, they only suffer life imprisonment as opposed to the penalties that they may suffer in their countries which is in some cases death (i.e. China).

There have been constant reports of foreign nationals, including Chinese nationals, being caught selling drugs and operating drug dens and laboratories in the Philippines. And once caught and convicted, the penalty that our local courts may impose is only life imprisonment.

This is a sad, or even unfair situation because when Filipinos are caught drug trafficking abroad, they may be imposed the death penalty, as seen in the most recent execution of the three Filipinos in China, namely Elizabeth Batain, 38, Sally Ordinario-Villanueva, 32, and Ramon Credo, 42.

While there is no reason to question the laws of foreign countries, we must however, ensure that our countrymen do not suffer the short end of the stick. As such, there is a need to amend our laws to ensure that foreign nationals caught violating our laws on drugs be also convicted of the harshest penalties that their national law imposes.

In view of the foregoing, immediate passage of this bill is earnestly requested.



RUFUS B. RODRIGUEZ



MAXIMO B. RODRIGUEZ, JR.

FIFTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.

House Bill No. 4510

AN ACT
AMENDING REPUBLIC ACT 9165, OTHERWISE KNOWN AS THE
COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002 BY
IMPLEMENTING CHANGES IN THE PENALTIES APPLIED WHEN THE
OFFENDER IS A FOREIGN NATIONAL

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

SECTION 1. Section 31 of Republic Act 9165 is hereby amended to read as
follows:

Section 31. [Additional] Penalty if Offender is an
***Alien.* – IF THE VIOLATOR OF ANY OF THE**
PROVISIONS OF THIS ACT IS AN ALIEN, THE
PENALTY TO BE IMPOSED SHALL BE THE
PENALTY PRESCRIBED BY THEIR NATIONAL
LAW FOR THE ACT COMMITTED OR THE
PENALTY PRESCRIBED BY THIS ACT,
WHICHEVER IS HIGHER, PROVIDED, THAT IF THE
ACT COMMITTED IS NOT PUNISHABLE IN THEIR
NATIONAL LAW, THEN THE PROVISIONS OF THIS
ACT SHALL APPLY.

WHERE THE DEATH PENALTY IS NOT
IMPOSED, in addition to the penalties prescribed in
the unlawful act committed, any alien who violates
such provisions of this Act shall, after service of
sentence, be deported immediately without further
proceedings.[, unless the penalty is death.]

**THE PENALTY OF DEATH, IF APPLICABLE,
SHALL BE IMPOSED DESPITE THE PROHIBITION
OF THE IMPOSITION OF THE DEATH PENALTY IN
THE PHILIPPINES.**

SEC. 2. *Repealing Clause.* – All laws, executive orders, rules and regulations or parts thereof in conflict with the provision of this Act are hereby repealed or amended accordingly.

SEC. 3. *Separability Clause.* – If for any reason any section or provision of this Act, or any portion thereof, or the application of such section, provision or portion thereof to any person, group or circumstance is declared invalid or unconstitutional, the remainder of this Act shall not be affected by such declaration and shall remain in force and effect.

SEC. 3. *Effectivity.* – This Act shall take effect after fifteen (15) days following its full and complete publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved.