

CONGRESS OF THE PHILIPPINES
FIFTEENTH CONGRESS
First Regular Session

HOUSE OF REPRESENTATIVES
House Bill No. 4536

Introduced by REP. MARK A. VILLAR

EXPLANATORY NOTE

The data from the Philippine Drug Enforcement Agency (PDEA) reveals that there are 630 Filipinos languishing in jails in Asia, United States and Middle East for allegedly acting as drug couriers of high-profile international drug syndicates.

Recently, we have witnessed how our government requested for the reprieve of the death sentence imposed on three (3) Filipinos who were allegedly used as drug mules. Unfortunately, while the reprieve was granted, the same was only temporary.

These are not mere isolated cases considering that it had been reported that there are 205 Filipinos imprisoned in China for allegedly acting as drug mules.

It can be safely assumed that some of them are Overseas Filipino Workers (OFWs) who could have been unwittingly used by drug syndicates as drug mules. Most of these OFWs were merely forced by circumstances to leave their loved ones and look for employment opportunities abroad.

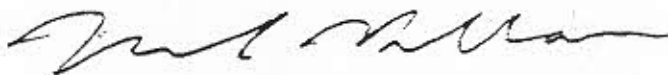
While Republic Act 9165 or the Comprehensive Dangerous Drugs Act 2002 imposes the maximum penalty of life imprisonment to death on individuals who shall sell, trade, administer, dispense, deliver, give away to another, distribute dispatch in transit or transport any dangerous drug, it only imposes the 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) on individuals who

shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any controlled precursor and essential chemical.

Considering the vulnerability of OFWs to syndicates who could use them not only to deliver or dispatch dangerous drugs but also controlled precursor and essential chemical, it is only apt that we provide the maximum penalty of life imprisonment to drug pushers who will use OFWs to dispatch controlled precursor and essential chemical.

This bill hopes to deter the illegal drug traffickers from victimizing OFWs by imposing the maximum penalty of life imprisonment and at the same time highlighting the seriousness of our government in affording protection to OFWs who are considered to be our modern heroes.

The passage of this Bill is earnestly requested.



MARK A. VILLAR

Representative, Lone District of Las Piñas City

CONGRESS OF THE PHILIPPINES
FIFTEENTH CONGRESS
First Regular Session

HOUSE OF REPRESENTATIVES

House Bill No. 4536

Introduced by REP. MARK A. VILLAR

**AN ACT IMPOSING OF THE PENALTY OF LIFE IMPRISONMENT
ON INDIVIDUALS WHO USE OVERSEAS FILIPINO WORKERS AS
RUNNERS OR COURIERS TO DISTRIBUTE OR DISPATCH CONTROLLED
PRECURSORS AND ESSENTIAL CHEMICAL, AMENDING FOR THE
PURPOSE REPUBLIC ACT 9165 KNOWN AS COMPREHENSIVE
DANGEROUS DRUGS ACT OF 2002, AND FOR OTHER PURPOSE**

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

SECTION 1. Section 5 of Republic Act 9165, otherwise known as the Dangerous
Drugs Act of 2002 is hereby amended to read as follows:

*"Section 5. Sale, Trading, 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, administer, dispense, deliver, give away to another,
distribute dispatch in transit or transport any dangerous drug,
including any and all species of opium poppy regardless of the
quantity and purity involved, or shall act as a broker in any of such
transactions.*

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, 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.

If the sale, trading, administration, dispensation, delivery, distribution or transportation of any dangerous drug and/or controlled precursor and essential chemical transpires within one hundred (100) meters from the school, the maximum penalty shall be imposed in every case.

For drug pushers who use minors or mentally incapacitated individuals as runners, couriers and messengers, or in any other capacity directly connected to the dangerous drugs and/or controlled precursors and essential chemical trade, the maximum penalty shall be imposed in every case.

FOR DRUG PUSHERS WHO USE OVERSEAS FILIPINO WORKERS (OFWs) AS RUNNERS OR COURIERS TO BRING IN CONTROLLED PRECURSORS AND/OR ESSENTIAL CHEMICAL TO THE PHILIPPINES FROM A FOREIGN COUNTRY OR FROM THE PHILIPPINES TO A FOREIGN COUNTRY, THE MAXIMUM PENALTY OF LIFE IMPRISONMENT SHALL BE IMPOSED IN EVERY CASE.

FOR THIS PURPOSE, AN OVERSEASE FILIPINO WORKER IS ONE WHO IS EMPLOYED, ABOUT TO BE EMPLOYED, OR HAD BEEN MADE TO BELIEVE THAT THERE IS AN AVAILABLE EMPLOYMENT FOR HIM OUTSIDE THE PHILIPPINES. THE TERM OFWs SHALL INCLUDE BOTH DOCUMENTED AND UNDOCUMENTED FILIPINOS WORKING ABROAD.

If the victim of the offense is a minor or a mentally incapacitated individual, or should a dangerous drug and/or a controlled precursor and essential chemical involved in any offense herein provided be the proximate cause of death of a victim thereof, the maximum penalty provided for under this Section shall be imposed.

The maximum penalty provided for under this Section shall be imposed upon any person who organizes, manages or acts as a "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.

SECTION 2. Repealing Clause. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 3. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,