

FIFTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

HOUSE OF REPRESENTATIVES

House Bill No. 4660

Introduced by Representative VICENTE "VARF" BELMONTE

EXPLANATORY NOTE

Section 2 of Republic Act 9165 states that it is the policy of the State to safeguard the integrity of its territory and the well-being of its citizenry particularly the youth, from the harmful effects of dangerous drugs on their physical and mental well-being, and to defend the same against acts or omissions detrimental to their development and preservation.

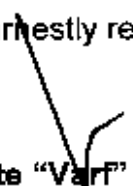
From 2003 to June 2010, the total seizures of dangerous drugs, controlled chemicals and laboratory equipment amounted to P 76.62 billion, while seized dangerous drugs can be quantified in terms of monetary value amounting to billions of pesos, the potential damage however to the socio-economic, political and cultural foundations of the country can never be measured.

However, from 1999 to December 2010, the conviction rate is only 7.30% or 8, 063 out of 110, 494 drug cases filed. Reasons for acquittal / dismissal include the following, namely: irregularity / illegality of arrest, search and seizure; reasonable doubt; insufficiency of evidence; inconsistencies in testimony; filing of wrong information; non-coordination with PDEA; failure to present vital witnesses; and failure to observe Section 21 of RA 9165.

The Philippine Drug Enforcement Agency, Philippine National Police and the National Bureau of Investigation cited Section 21 of RA9165 to be too stringent and therefore a hindrance in the anti-drug operations. In the case of *People v. Pringas*, the Court of Appeals brushed aside the attack on the non-compliance with Section 21 of R.A. No. 9165 where it was held that non-compliance is not fatal as long as the integrity and the evidentiary value of the confiscated items were properly preserved because the same will be utilized in ascertaining the guilt or innocence of the accused.

In order for the government to pursue an intensive and unrelenting campaign against the trafficking and use of dangerous drugs and other similar substances it is imperative that Section 21 be amended.

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


Vicente "Varf" Belmonte

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**AN ACT TO FURTHER STRENGTHEN THE ANTI-DRUG CAMPAIGN OF
THE GOVERNMENT AMENDING FOR THE PURPOSE SECTION 21 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 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.** – The PDEA shall take
charge and have custody of all dangerous drugs, plant
sources of dangerous drugs, controlled precursors and
essential chemicals, as well as instruments/paraphernalia
and/or laboratory equipment so confiscated, seized and/or
surrendered, for proper disposition in the following manner:

"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, **WITH AN ELECTED PUBLIC OFFICIAL OR A
REPRESENTATIVE OF THE DEPARTMENT OF JUSTICE
OR THE MEDIA** [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 FAILURE ON
THE PART OF THE INVITED REPRESENTATIVES TO
ATTEND THE INVENTORY WOULD MERIT
ADMINISTRATIVE CHARGES; PROVIDED, FURTHER,**

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, FINALLY, 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.

"x x x

"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.**

"x x x."

SEC. 2. 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. 3. 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. 4. Effectivity. – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved,