

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5857



Introduced by **Rep. Winston "Winnie" Castelo**

EXPLANATORY NOTE

The Philippine law on dangerous drugs is rather harsh. Such harshness could be said to have failed as an effective deterrent to drug-related crimes.

Fact is, it is said that about 70% of cases in the country's courts are drug-related ones thereby significantly contributing to the expanding backlog by courts and judges to dispose of cases as promptly and as ably as possible.

This is not to mention the fact that thousands and more of young Filipinos are languishing in jail and most of whom are even first offenders who largely belong to the youth sector. Whoever said, "the youth is the fair hope of the Fatherland" must be most unhappy to know how a law may have in fact, ruined the future and the lives of our youth. But God forbids.

Chief Justice Earl Warren had this said, "Once a boy has a crime record, his opportunities for success are 76 percent and he loses 90 percent of his self respect. Those are hard odds to fight against".

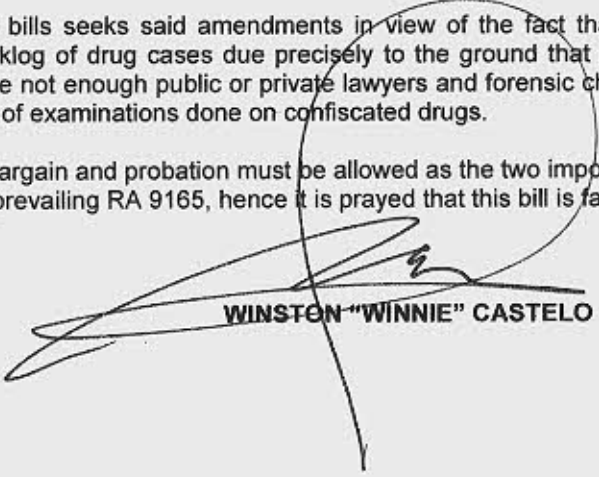
This Warren's nightmare may be happening now with a law that dismally failed to achieve its stated objective, namely, "to reintegrate into society individuals who have fallen victims to drug abuse or dangerous drug dependence".

For in truth, the current anti-drug law punishes with imprisonment from 12 years and 1 day to 20 years if the quantity of illegal drug possession is less than 5 grams and life imprisonment if quantity is more than 10 grams but less than 50 grams.

What this bill seeks to amend are Sections 23 and Section 24 of Republic Act No. 9165 signed into law on June 7, 2002.

Further, this bills seeks said amendments in view of the fact that there has been an ever increasing court backlog of drug cases due precisely to the ground that plea bargain are no longer allowed and there are not enough public or private lawyers and forensic chemists to testify before the courts on the results of examinations done on confiscated drugs.

Thus, plea bargain and probation must be allowed as the two important ingredients of the new amendments to the prevailing RA 9165, hence it is prayed that this bill is favorably passed.


WINSTON "WINNIE" CASTELO ✓

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AN ACT
AMENDING SECTIONS 23 AND 24 OF REPUBLIC ACT NO. 9165, ALSO KNOWN
AS THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002 BY
RESTORING PLEA BARGAINING AND PROBATION LAWS

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

SECTION 1. Declaration of Policy. - It is the declared policy of the State to value the dignity of every human person and guarantees full respect for human rights and therefore, let old but well-meaning provisions of law breathe back hope to that dignity.

SEC. 2. Amendments. - Section 23 of Republic Act No. 9165 is hereby amended to read as follows:

"Sec. 23. Plea-Bargaining Provision. - Any person charged under any provision of this Act regardless of the imposable penalty shall not be allowed to avail of the provision on plea-bargaining."

ANY PERSON CHARGED UNDER ANY PROVISION OF THIS ACT REGARDLESS OF THE IMPOSABLE PENALTY SHALL BE ALLOWED TO THE PROVISION ON PLEA BARGAINING.

Further, Section 24 of subject RA 9165, is likewise hereby amended to read as follows:

"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. 24. APPLICABILITY OF THE DRUG 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, MAY AVAIL OF THE PRIVILEGE GRANTED BY THE PROBATION LAW OR PRESIDENTIAL DECREE NO. 968, AS AMENDED.

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SEC. 3. Repealing Clause. – All laws, orders, issuances, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 4. Effectivity. – This Act shall take effect thirty (30) days after its complete publication in at least three (3) newspapers of general circulation.

Approved,

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