

Republic of the Philippines
House of Representatives
Quezon City

Fifteenth Congress
Third Regular Session

House Bill No. 6206



Introduced by Representatives VICENTE "VARF" BELMONTE,
RUFUS B. RODRIGUEZ & MAXIMO B. RODRIGUEZ, JR.

EXPLANATORY NOTE

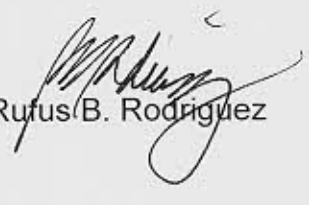
After 10 years of implementing the Comprehensive Dangerous Drugs Act of 2002, statistics on pending and acquitted drug cases prove that there is a growing need to introduce important amendments. New problem areas are emerging that if left unchecked could later undermine the all-out war policy of the State against dangerous drugs.

The Philippine Drug Enforcement Agency, PNP Anti-Illegal Drugs Special Operations Task Force and the National Bureau of Investigation reported that many warehouses and residential units have been used to conceal clandestine "shabu" laboratories. Stockpiles of precursors and essential chemicals used in the manufacture of dangerous drugs were uncovered and seized from these places. In all the raids they conducted 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. At the alarming rate of discovery of such clandestine laboratories in exclusive villages and high end condominium units in Metro Manila, there is no denying that the drug traffickers are determined to continue the nefarious trade at any cost.

On their own, our law enforcers cannot easily monitor such operations without the help of the public, particularly in exclusive and secured residential areas. The lessors have the right to inspect their properties for signs of any illegal activities. The lessors need not even be intrusive in their inspection because operations of clandestine laboratories have tell-tale signs.

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


Vicente "Varf" Belmonte


Rufus B. Rodriguez


Maximo B. Rodriguez, Jr.

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**AN ACT PENALIZING NEGLIGENT LESSORS OF PROPERTIES USED AS
CLANDESTINE LABORATORIES AND DRUG WAREHOUSES, AMENDING
FOR THE PURPOSE SECTION 8 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 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 OMITS 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. 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,