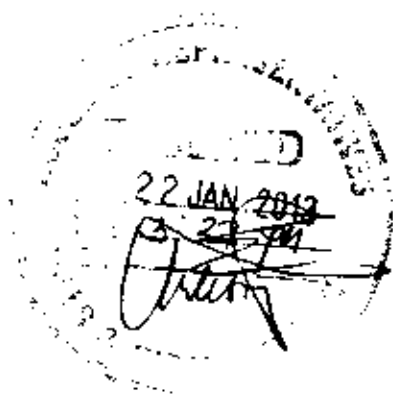


FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



HOUSE of REPRESENTATIVES
House Bill No. 6837

Introduced by: MA. THERESA B. BONOAN-DAVID
4th District, City of Manila

EXPLANATORY NOTE

Sec. 5 Article II of the 1987 Constitution provides:

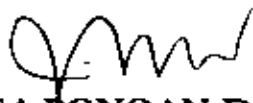
"Sec. 5. The maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy."

Quite a number of drug-related cases to which arrested drug dealers and drug-pushers were acquitted of the charge of violation of Republic Act No. 9165, Otherwise Known As The Comprehensive Dangerous Drugs Act Of 2002 based on the a number of alleged failure committed by the arresting officers particularly in the collection and handling of evidence.

An example of this is the famous Alabang Boys to which all the arrested alleged drug dealers caught in a buy-bust operation were acquitted for a number of reasons, to wit: the existence of a "glaring blunder" on the part of arresting authorities specifically the PDEA in its handling of the evidence, that the witness could not identify in the document the very items allegedly seized from one of the arrested in a buy-bust operation, etc. the Court in acquitting the said Alabang Boys said "The integrity of the 'corpus delicti' has been compromised. With such serious lapses and infractions committed there is no other recourse but for this court to order the acquittal of accused in both cases." "The court cannot merely rely on the presumption of regularity in the performance of official functions in view of the glaring blunder in the handling of the corpus delicti (body of the crime) of these cases."

To avoid any of the afore-mentioned to be repeated based on the very same ground, and to ensure that no mockery of the legal system will take place, it is but proper that the arresting officers particularly the PDEA should mandatorily bring with them camera and video camcorder in order to record and document the actual search and seizure process so as to present the same in support of the seized evidence to the Court.

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


MA. THERESA BONOAN-DAVID
4th District, City of Manila

FIFTEENTH CONGRESS OF THE)
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HOUSE of REPRESENTATIVES
House Bill No. 6837

Introduced by: MA. THERESA B. BONOAN-DAVID
4th District, City of Manila

**AN ACT AMENDING SECTION 21 OF REPUBLIC ACT NO. 9165,
OTHERWISE KNOWN AS THE COMPREHENSIVE DANGEROUS
DRUGS ACT OF 2002**

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

SECTION 1. Section 21 of R.A. 9165, otherwise known as the
Comprehensive Drugs Act of 2002, is hereby amended to read as follows:

**"Section 21. MANDATORY VIDEO DOCUMENTATION AND VIDEO
RECORDING OF ANY OPERATION INVOLVING CONFISCATION, SEIZURE
AND/OR SURRENDERING OF DANGEROUS DRUGS AND OTHER
PARAPHERNALIA AS DEFINED HEREOF ----- THE PDEA SHALL, IN ALL
ITS OPERATION OF WHATEVER KIND INVOLVING THE CONFISCATION,
SEIZURE AND/OR SURRENDERING OF DANGEROUS DRUGS AND
OTHER PARAPHERNALIA AS HEREOF PENALIZED, DOCUMENT AND
RECORD, THROUGH PHOTOGRAPHS AND VIDEO CAMCORDING THE
PROCESS AS WELL AS THE PROCEDURE THAT TRANSPIRED BEFORE,
DURING AND AFTER THE SAID OPERATION.**

**PDEA SHALL SAVE AND PRESERVE BOTH PHOTOGRAPHS AND
VIDEO CAMCORDING OF THE DOCUMENTATION AND/OR RECORDING
OF THE SAID OPERATION WHICH SHALL SERVE AS SUPPORTING
EVIDENCE IN A SUBSEQUENT PROSECUTION OF THE SAID PROHIBITED
ACTIVITY.**

**Section 21-A - 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:

xxx xxx xxx xxx xxx”

SECTION 2. *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.

SECTION 3. *Repealing Clause.* - All laws, presidential decrees and other executive issuances, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 4. This Act shall take effect fifteen (15) days from its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved.