

SIXTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

HOUSE OF REPRESENTATIVES

House Bill No. 2285



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:*

1 **SECTION 1.** Section 21 of Republic Act No. 9165, otherwise known as the
2 Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as
3 follows:

4 **"SEC. 21. Custody and Disposition of Confiscated, Seized,**
5 **and/or Surrendered Dangerous Drugs, Plant Sources of**
6 **Dangerous Drugs, Controlled Precursors and Essential**
7 **Chemicals, Instruments/Paraphernalia and/or Laboratory**
8 **Equipment.** – The PDEA shall take charge and have custody of
9 all dangerous drugs, plant sources of dangerous drugs,
10 controlled precursors and essential chemicals, as well as
11 instruments/paraphernalia and/or laboratory equipment so
12 confiscated, seized and/or surrendered, for proper disposition in
13 the following manner:

14 "1) The apprehending team having initial custody and control of
15 the **DANGEROUS** drugs, **CONTROLLED PRECURSORS AND**
16 **ESSENTIAL CHEMICALS, INSTRUMENTS OR**
17 **PARAPHERNALIA AND LABORATORY EQUIPMENT** shall,
18 immediately after seizure and confiscation, physically inventory
19 and photograph the same in the presence of the accused or the
20 person/s from whom such items were confiscated and/or seized,
21 or his/her representative or counsel, **WITH AN ELECTED**
22 **PUBLIC OFFICIAL WHO HAS JURISDICTION OVER THE**
23 **SCENE OF THE CRIME OR A REPRESENTATIVE OF THE**
24 **DEPARTMENT OF JUSTICE OR THE MEDIA** [a representative
25 from the media and the Department of Justice, and any elected
26 public official] who shall be required to sign the copies of the
27 inventory and be given a copy thereof[.];**PROVIDED, THAT THE**
28 **PHYSICAL INVENTORY AND PHOTOGRAPH SHALL BE**
29 **CONDUCTED AT THE PLACE WHERE THE SEARCH**
30 **WARRANT IS SERVED; OR AT THE NEAREST POLICE**

1 STATION OR AT THE NEAREST OFFICE OF THE
2 APPREHENDING OFFICER/TEAM, WHICHEVER IS
3 PRACTICABLE, IN CASE OF WARRANTLESS SEIZURES;
4 PROVIDED, FINALLY, THAT NON-COMPLIANCE OF THESE
5 REQUIREMENTS UNDER JUSTIFIABLE GROUNDS, AS
6 LONG AS THE INTEGRITY AND THE EVIDENTIARY VALUE
7 OF THE SEIZED ITEMS ARE PROPERLY PRESERVED BY
8 THE APPREHENDING OFFICER/TEAM, SHALL NOT
9 RENDER VOID AND INVALID SUCH SEIZURES AND
10 CUSTODY OVER SAID ITEMS.

"X X X

11 "3) A certification of the forensic laboratory examination results,
12 which shall be done [under oath] by the forensic laboratory
13 examiner, shall be issued [within twenty-four (24) hours]
14 **IMMEDIATELY** [after] **UPON** the receipt of the subject item/s:
15 *Provided*, That when the volume of the dangerous drugs, plant
16 sources of dangerous drugs, and controlled precursors and
17 essential chemicals does not allow the completion of testing
18 within the time frame, a partial laboratory examination report
19 shall be provisionally issued stating therein the quantities of
20 dangerous drugs still to be examined by the forensic laboratory:
21 *Provided, however*, That a final certification shall be issued [on
22 the completed forensic laboratory examination on the same
23 within the next twenty-four (24) hours.] **IMMEDIATELY UPON**
24 **COMPLETION OF THE SAID EXAMINATION AND**
25 **CERTIFICATION.**

"X X X."

26 **SEC. 2. Separability Clause.** – If any provision or part hereof is held
27 invalid, or unconstitutional, the remainder of the law or the provision not otherwise
28 affected shall remain valid and subsisting.

29 **SEC. 3. Repealing Clause.** – All laws, presidential decrees or issuances,
30 executive orders, letters of instruction, administrative orders, rules and regulations
31 contrary to or inconsistent with the provisions of this Act are hereby repealed,
32 modified or amended accordingly.

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

35 Approved,