

Sixteenth Congress
First Regular Session

HOUSE BILL NO. 4452



Introduced by Honorable Samuel D. Pagdilao

EXPLANATORY NOTE

This bill mandates the mandatory testing of persons arrested for offenses classified as heinous and violent crimes for illegal substance or drug use and making such positive finding a special aggravating circumstance.

Among the many problems that threaten our society is drug addiction. It is considered one of the evils of today's society that involves not only the peace and order of our country but also erodes the physical and moral well-being of our people. We, as a nation, have suffered from this menace in view of the fact that a reported number of violent or heinous crimes have been committed under the influence of illegal drugs. It is no longer surprising to see news reports of heinous crimes being committed by those under the influence of illegal drugs. Clearly, it cannot be denied that illegal drugs and violence are strongly linked. In fact, international reports have provided data on illegal drug use by perpetrators of violent crimes.¹

¹ "Interpersonal violence and illicit drugs", p.3,

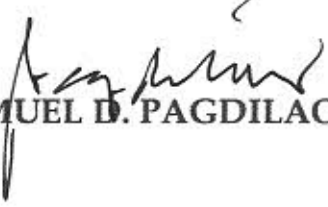
(http://www.who.int/violenceprevention/interpersonal_violence_and_illicit_drug_use.pdf): "Illicit drug use by perpetrators of violence

- In Los Angeles, USA, 35% of methamphetamine users aged 18-25 years old were found to have committed violence while under the influence of the drug (7).

- In Memphis, USA, victims and family members believed that 92% of perpetrators of intimate partner violence had used drugs or alcohol during the day of the assault and 67% had used a combination of cocaine and alcohol (8). A study on intimate partner violence in China found that partners who used illicit drugs were significantly more likely to abuse their spouses physically, sexually, or both (9).

This bill shall contribute to the government's anti-illegal drugs efforts by mandating drug examination on persons arrested for offenses involving heinous crimes and providing sanctions in case they are tested positive. This bill will allow relevant government agencies to collate and study data collected for purposes of showing the linked between heinous crimes and drug use and use this to formulate strategies and adopt measures to curb violent crimes. Currently, there is no empirical data to establish such relationship between violent crimes and drug use. We need such data in order to create effective measures not only for anti-illegal drugs but also for anti-criminality. Further, this bill is another step in the government's drug control strategy and in promoting the safety of the community.

In view of all the above, immediate approval of this bill is earnestly sought.


SAMUEL D. PAGDILAO

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- Results from the British Crime Survey 2007/08 showed that victims of violent crime believed the offender to be under the influence of drugs in 19% of incidents (10).
 - In Australia, perpetrators of violence against nurses in emergency departments were perceived to be under the influence of drugs in 25% of cases (11).
 - In Atlanta, USA, ecstasy users with higher levels of lifetime use exhibited higher rates of aggressive and violent behaviour (12).
 - In Rhode Island, USA, a quarter of women arrested for intimate partner violence and referred by courts to intimate partner violence prevention programmes reported symptoms consistent with a drug-related diagnosis (13).
 - In Canada, boys reporting sexual harassment perpetration were seven times more likely to use drugs and girls four times more likely to use drugs (14).
 - In a study of violence in youth holiday resorts among young German, Spanish and British holidaymakers, the use of cocaine during the holiday was associated with triple the odds of involvement in fighting and use of cannabis with double the odds (15).
 - In England and Wales, 12% of arrestees held for assault tested positive for cocaine use and 24% for opiate use (excluding methadone) (16).
 - Amongst patients to emergency departments in Cape Town and Durban in South Africa those with violence-related injuries were more likely to test positive for drugs than patients with other injury types (17)."

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4452

Introduced by HON. SAMUEL D. PAGDILAO

**"AN ACT PROVIDING MANDATORY DRUG TESTING OR
LABORATORY EXAMINATION OF PERSONS ARRESTED FOR
HEINOUS CRIMES FOR PURPOSES OF RECORDING AND SCIENTIFIC STUDY"**

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

Section 1. Short Title – This Act shall be known as the "Drug Testing on Persons Arrested for Heinous Crimes Act of 2013."

Section 2. Declaration of Policy – It is the policy of the state to maintain the peace and order, to help and protect the life, liberty and property and to promote the general welfare of the society.

Further, the State shall promote a drug-free country to protect the citizenry from the destructive effects of illegal drugs and to adopt and pursue a policy of freedom from dangerous drugs in its territory.

It is the duty of the state to adopt mechanisms to ensure the successful prosecution of heinous crimes which more often than not result from illegal drugs abuse.

Section 3. Objective – Due to the alarming upsurge of heinous crimes in the country, resulting to loss of human lives, destruction of property and adversely affecting the nation's efforts towards sustainable economic development, it is high time for the state to formulate and carry out measures that will help deter the commission of heinous crimes.

Section 4. Definition of Heinous Crimes – For purposes of this act, refers to any act which involves grievous, odious and hateful offenses and which, by reason of their inherent or manifest wickedness, viciousness, atrocity and perversity are repugnant and outrageous to the common standards and norms of decency and morality in a just, civilized and ordered society.

Section 5. *Heinous crimes shall include, but not limited to, the following offenses as defined by the Revised Penal Code (RPC) or other special penal laws or Presidential Decrees in effect:*

- (a) Treason;
- (b) Piracy;
- (c) Qualified Piracy;
- (d) Qualified Bribery;
- (e) Parricide;
- (f) Murder;
- (g) Infanticide;
- (h) Kidnapping and Serious Illegal Detention;
- (i) Robbery with violence against or intimidation of persons;
- (j) Destructive Arson;
- (k) Rape;
- (l) Plunder under Section 2 of R.A. No. 7080; and
- (m) Carnapping under Section 14 of R.A. No. 6539.

Section 6. *Procedure.* – Persons arrested, by virtue of warrant or through a valid warrantless arrest, for offenses involving heinous crimes shall be subjected to screening laboratory examination or drug test within forty-eight (48) hours from the time of arrest, the same shall be used solely for data-recording and scientific study.

Section 7. *Special Aggravating Circumstances* – Persons under the influence of dangerous drugs in the commission of any heinous crimes as provided for in this Act shall be considered only as a special aggravating circumstance to the crime committed.

Section 8. *Separability* – If, for any reason or reasons, any part of the provision of this Act shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 9. *Repealing Clause.* – All laws inconsistent with the provisions of this Act are hereby repealed or accordingly amended.

Section 10. *Effectivity* – This Act shall take effect fifteen (15) days from the date of its complete publication in at least two (2) newspapers of general circulation.