

Republic of the Philippines
House of Representatives
Quezon City

Sixteenth Congress
Second Regular Session

House Bill No. **5874**



Introduced by Representative VICENTE "VARF" BELMONTE

EXPLANATORY NOTE

During the May 27, 2015 meeting of the Committee on Dangerous Drugs, the Department of Foreign Affairs reported that there are around 1,288 drug related cases affecting Filipinos overseas and out of this total number there are forty one (41) persons facing the death penalty. Persons on death row include eighteen (18) individuals in Malaysia, twenty-one (21) in China, one (1) in Saudi Arabia and one (1) in Indonesia - Mary Jane Veloso, who was given a temporary reprieve on the eleventh hour by Indonesian President Joko Widodo. Mary Jane was apprehended in 2010 in Yogyakarta, Indonesia upon her arrival from Malaysia for transporting 2.6 kilograms of heroin concealed in her luggage.

As early as September 2008, a Filipino informant divulged that a Nigerian syndicate based in Malaysia recruited Filipinas as drug couriers to China. In one incidence a Filipina was apprehended carrying 9 capsules of heroin in her privates, 48 capsules in her rectum and 11 capsules in her intestine. Some drug couriers attest that fellow Filipinos recruit them for employment abroad but were later on duped into transporting illegal drugs.

Despite the accomplishments in supply and demand reduction by drug law enforcers, drug syndicates have become fearless and resourceful in plying their nefarious trade by utilizing drug couriers. Hence, the need to urgently amend Sections 3 and 5 of Republic Act 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002 by providing the maximum penalty for recruiters of drug couriers.

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

VICENTE "VARF" BELMONTE

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**AN ACT PENALIZING THE RECRUITMENT OF DRUG COURIERS,
AMENDING FOR THE PURPOSE SECTIONS 3 AND 5 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 3 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. 3. *Definitions.* – As used in this Act, the following terms shall
5 mean:

 "x x x

6 **"GG) RECRUITER. - ANY PERSON WHO KNOWINGLY AND**
7 **WILLFULLY CONSENTS TO THE UNLAWFUL ACTS PROVIDED**
8 **FOR IN THIS ACT AND USES HIS/HER INFLUENCE, POWER**
9 **OR POSITION IN CANVASSING, ENLISTING, CONTRACTING,**
10 **TRANSPORTING, UTILIZING, HIRING PERSONS WHO WILL**
11 **UNDERTAKE ANY OF THE ILLEGAL ACTIVITIES PRESCRIBED**
12 **UNDER THIS ACT.**

13 **"[gg]HH) School. – Any educational institution, private or public,**
14 **undertaking educational operation for pupils/students pursuing**
15 **certain studies at defined levels, receiving instructions from**
16 **teachers, usually located in a building or a group of buildings in a**
17 **particular physical or cyber site.**

18 **"[Hh]II) Screening Test. – A rapid test performed to establish**
19 **potential/presumptive positive result.**

1 “[li]JJ) Sell. – Any act of giving away any dangerous drug and/or
2 controlled precursor and essential chemical whether for money or
3 any other consideration.

4 “[Jj]KK) Trading. – Transactions involving the illegal trafficking of
5 dangerous drugs and/or controlled precursors and essential
6 chemicals using electronic devices such as, but not limited to, text
7 messages, e-mail, mobile or landlines, two-way radios, internet,
8 instant messengers and chat rooms or acting as a broker in any of
9 such transactions whether for money or any other consideration in
10 violation of this Act.”

11 **SECTION 2.** Section 5 of Republic Act No. 9165, otherwise known as the
12 Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as
13 follows:

14 “SEC. 5. Sale, Trading, Administration, Dispensation, Delivery,
15 Distribution and Transportation of Dangerous Drugs and/or
16 Controlled Precursors and Essential Chemicals. – The penalty of
17 life imprisonment to death and a fine ranging from Five hundred
18 thousand pesos (P500,000.00) to Ten million pesos
19 (P10,000,000.00) shall be imposed upon any person, who, unless
20 authorized by law, shall sell, trade, administer, dispense, deliver,
21 give away to another, distribute, dispatch in transit or transport any
22 dangerous drug, including any and all species of opium poppy
23 regardless of the quantity and purity involved, or shall act as a
24 broker in any of such transactions.

 “X X X

25 **THE MAXIMUM PENALTY PROVIDED FOR UNDER THIS**
26 **SECTION SHALL BE IMPOSED UPON ANY PERSON WHO**
27 **ACTS AS A “RECRUITER” OF ANY OF THE ILLEGAL**
28 **ACTIVITIES PRESCRIBED IN THIS SECTION.**

 “X X X.”

29 **SEC. 3. *Separability Clause.*** – If any provision or part hereof is held
30 invalid, or unconstitutional, the remainder of the law or the provision not
31 otherwise affected shall remain valid and subsisting.

32 **SEC. 4. *Repealing Clause.*** – Sections 3 and 5 of Republic Act 9165
33 otherwise known as the Comprehensive Dangerous Drugs Act of 2002 and all
34 other laws, presidential decrees or issuances, executive orders, letters of
35 instruction, administrative orders, rules and regulations contrary to or inconsistent

1 with the provisions of this Act are hereby repealed, modified or amended
2 accordingly.

3 **SEC. 5. Effectivity.** – This Act shall take effect fifteen (15) days after its
4 complete publication in at least two (2) newspapers of general circulation.

Approved,