



Republic of the Philippines
House of Representatives
Quezon City

SEVENTEENTH CONGRESS

First Regular Session

House Bill No. 4671



Introduced by Representative Jose Enrique S. Garcia III

EXPLANATORY NOTE

The all-out war unleashed by President Rodrigo R. Duterte against illegal drugs has exposed the extent of the scourge which the President himself has estimated to involve a staggering 3.7 million drug personalities.

This brings into question the efficacy of the Comprehensive Drugs Act of 2002 (RA 6195) in fulfilling its avowed policy *"to safeguard xxx the citizenry, particularly the youth, from the harmful effects of dangerous drugs on their physical and mental well-being."* More than a decade after its passage, what was once regarded in the law as *"one of today's more serious social ills,"* has worsened to become the most serious problem which, according to the President, is out to **"destroy"** the country unless decisively addressed.

On hindsight, it is not really difficult to know the reason why the campaign against drugs has not been succeeding despite the comprehensive measures that the law prescribes. Two (2) areas have been identified: the exceedingly slow grind of the wheels of justice and the perceived lack of vigor and dedication in the prosecution of drugs cases.

A noted former Director of Public Prosecutions in Victoria, Australia once declared: *"Do not imagine for one moment that longer and more punitive sentences are the panacea to the troublesome crime rate. I am firmly convinced that the greatest deterrent to crime is the certainty of detection coupled with the speedy dispensation of justice. Over 3000 years ago, the wisest of all men, King Solomon wrote - "It is because the sentence for wrongdoing is not executed quickly that men are encouraged to do evil." Speedy justice as a deterrent is no new concept."*

It was precisely for such purpose that RA 9165 mandates in Section 90 thereof that trial of cases involving violations of its provisions shall be finished not later than sixty (60) days from the date of filing of information and the decision to be rendered within fifteen (15) days from submission for resolution.

Is this being observed and followed?

The said provision notwithstanding, a random search through the records of the Supreme Court shows that the courts trying the cases governed by RA 9165 still take some three (3) years or more to render their decisions.

To address this problem, the designation of special courts to exclusively try drugs cases should be required not only in each judicial region, as originally provided in the law, but in every province and city where such cases comprise at least sixty (60) percent of the total number of cases pending. The same requirement will be imposed on the Department of Justice in the designation of special prosecutors.

On the other hand, Section 92 of the law is sought to be amended in order to instill upon the law enforcement agents and prosecutors the distinct possibility of their being held criminally answerable if they would bungle the prosecution of their cases.

This is in response to the pronouncement of the Supreme Court in the case of *People v. Joel Ancheta, et al*, G.R. No. 197371, June 13, 2012:

"The disposition of this case reminds us of our observation in People v. Garcia, in which we took note of the statistics relating to dismissal and acquittal in dangerous drugs cases. There we mentioned that [u]nder PDEA records, the dismissals and acquittals accounted for 56% because of the failure of the police authorities to observe proper procedure under the law, among others. We then noted an international study conducted in 2008, which showed that out of 13,667 drug cases filed from 2003 to 2007, only 4,790 led to convictions (most of which were cases of simple possession); the charges against the rest were dismissed or the accused were acquitted. Our own data on the cases filed with us from 2006 to 2011 show that, out of those in which this Court made acquittals and reversals, 85% involved failure of the prosecution to establish the arresting officers' compliance with the procedural requirements outlined in Section 21 of R.A. 9165.

"It is truly distressing how courts are constrained to make acquittals, dismissals, or reversals because of the inadvertent failure of arresting officers and the prosecution to establish compliance or justify noncompliance with a statutory procedure. It is even more troubling when those cases involve apparently known or long-suspected drug pushers. Congress was clear in its declaration on the eradication of the drug menace plaguing our country. Yet, also firm and stringent is its mandate to observe the legal safeguards under R.A. 9165. This is the reason why we have emphasized countless times that courts must remain vigilant in their disposition of cases related to dangerous drugs. Also, we have already called on the police, PDEA, and the prosecution to reinforce and review the conduct of buy-bust operations and the presentation of evidence."

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


REP. JOSE ENRIQUE S. GARCIA III
Second District, Bataan



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AN ACT TO FURTHER EXPEDITE THE DISPOSITION OF JUDICIAL CASES INVOLVING VIOLATIONS OF REPUBLIC ACT NO. 9165, ENHANCE ITS EFFICACY AGAINST DANGEROUS DRUGS, AND AMENDING FOR THE PURPOSE SECTIONS 90 AND 92 THEREOF

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

SECTION 1. Section 90 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, is hereby amended, to read as follows:

“Section 90. Jurisdiction. – The Supreme Court shall designate special courts from among the existing Regional Trial Courts in each judicial region to exclusively try and hear cases involving violations of this Act. The number of courts designated in each judicial region shall be based on the population and the number of cases pending in their respective jurisdiction.

ONE SUCH SPECIAL COURT SHALL BE DESIGNATED IN EVERY PROVINCE AND CITY WITH MULTIPLE BRANCHES WHERE CASES INVOLVING VIOLATIONS OF THIS ACT COMPRISE AT LEAST SIXTY (60%) PERCENT OF THE TOTAL NUMBER OF CASES PENDING THEREIN.

The DOJ shall designate special prosecutors to exclusively handle cases involving violations of this Act. **IN EACH PROVINCE AND CITY WHERE CASES INVOLVING VIOLATIONS OF THIS ACT COMPRISE AT LEAST SIXTY (60%) PERCENT OF THE TOTAL NUMBER OF CASES BEING HANDLED BY THEIR RESPECTIVE OFFICES, THE PROVINCIAL PROSECUTOR AND THE CITY PROSECUTOR SHALL BE SO DESIGNATED.**

THE DESIGNATION SHALL REMAIN IN EFFECT FOR AS LONG AS THE SUPREME COURT AND THE SECRETARY OF THE DEPARTMENT OF JUSTICE SHALL DEEM THE SAME TO BE NECESSARY.

The preliminary investigation of cases filed under this Act shall be terminated within a period of thirty (30) days from the date of their filing.

When the preliminary investigation is conducted by a public prosecutor and a probable cause is established, the corresponding information shall be filed in court within twenty-four (24) hours from the termination of the investigation. If the preliminary investigation is conducted by a judge and a probable cause is found to exist, the corresponding information shall be filed by the proper prosecutor within forty-eight (48) hours from the date of receipt of the records of the case.

Trial of the case under this Section shall be finished by the court not later than sixty (60) days from the date of the filing of the information. Decision on said cases shall be rendered within a period of fifteen (15) days from the date of submission of the case for resolution.

FAILURE TO OBSERVE THE REGLEMENTARY PERIOD SPECIFIED IN THE PRECEDING PARAGRAPHS WITHOUT JUSTIFIABLE CAUSE SHALL RENDER THE PROSECUTOR OR JUDGE ADMINISTRATIVELY LIABLE."

SECTION 2. Section 92 of the same Act is hereby amended to read as follows:

"Section 92. *Delay and Bungling in the Prosecution of Drug Cases.* – Any government officer or employee tasked with the prosecution of drug-related cases under this act, who, through patent laxity, inexcusable neglect, unreasonable delay or deliberately causes the unsuccessful prosecution and/or dismissal of the said drug cases, shall suffer the penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years without prejudice to his/her prosecution under the pertinent provisions of the Revised Penal Code.

THE COURT WHICH HAS ORDERED THE DISMISSAL OF ANY DRUG-RELATED CASE SHALL FURNISH THE SECRETARY OF THE DEPARTMENT OF JUSTICE A COPY OF THE DECISION AND PERTINENT PORTIONS OF THE RECORDS OF THE CASE FOR A DETERMINATION OF POSSIBLE LIABILITY UNDER THE PRECEDING PARAGRAPH AND FOR THE INSTITUTION OF THE CORRESPONDING CRIMINAL ACTION IF SO WARRANTED."

SECTION 3. All laws, decrees, executive orders, proclamations and administrative regulations, or part or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 4. If any part or provisions of this Act shall be held to be unconstitutional or invalid, the other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 5. This Act shall take effect fifteen (15) days from its publication in the Official Gazette or in two (2) newspapers of national circulation.

Approved.