

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. 90



Introduced by HON. ROBERT ACE S. BARBERS

EXPLANATORY NOTE

**AN ACT STRENGTHENING DRUG PREVENTION AND CONTROL, AMENDING
FOR THE PURPOSE REPUBLIC ACT NO. 9165, AS AMENDED, OTHERWISE
KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002"**

This bill is a re-filed version of a measure that was tediously deliberated upon and approved on the third reading during the previous Congresses.

Although the current anti-drug campaign has gained initial success, the war on drugs is far from over. Drug users and syndicates continue to flourish due to certain loopholes in the current anti-drug law that are being exploited to evade prosecution and conviction.

Thus, the proposed measure seeks to strengthen drug prevention and control campaign of the government by amending certain provisions of Republic Act No. 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002", as amended.

The bill provides, among others, for a legal presumption of who is considered as the importer, financier, and protector or coddler of illegal drugs as well as the legal consequences or penalties for importers and financiers of illegal drugs, and their protectors or coddlers.

It also penalizes the exportation of dangerous drugs from the Philippines as the current law only limits the penalties to importation. Furthermore, negligent lessors of properties used as clandestine laboratories will also be penalized under this bill. Lessors of properties shall be required to submit documents to avoid their properties from being used for illegal drug purpose.

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

HON. ROBERT ACE S. BARBERS
2nd District, Surigao del Norte

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

SECTION 1. Section 3 of Republic Act No. 9165, as amended, is hereby amended
to read as follows:

"SEC. 3. *Definitions.* – As used in this Act, the following terms shall
mean:

"(a) x x x
 x x x
"(c) x x x

"(C-1) **CHEMICAL SUBSTANCE DEPENDENCE.** – A CONDITION
OF MENTAL AND/OR MENTAL AND PHYSICAL DEPENDENCE ON
ANY CONTROLLED PRECURSOR AND ESSENTIAL CHEMICAL OR
VOLATILE SUBSTANCE, WHETHER ORGANIC OR
MANUFACTURED, THAT AFFECTS THE CENTRAL NERVOUS
SYSTEM, CHARACTERIZED BY THE PERIODIC OR CONSTANTLY
REPEATED CONSUMPTION OF THIS SUBSTANCE AND WHOSE
EFFECTS VARY DEPENDING UPON THE KIND OF CONTROLLED
PRECURSOR AND ESSENTIAL CHEMICAL TAKEN BY THE
DEPENDENT OR USER.

"x x x

"(h) *Controlled Precursors and Essential Chemicals.* – Include
those listed in Tables I and II of the 1988 UN Convention Against Illicit
Traffic in Narcotic Drugs and Psychotropic Substances as enumerated
in the attached annex, which is an integral part of this Act[.], **AND
SUBSTANCES WHICH SHALL BE HEREINAFTER ADDED TO THE
LIST OF CONTROLLED PRECURSORS AND ESSENTIAL
CHEMICALS, PURSUANT TO SECTION 93 OF THIS ACT OR ANY
DERIVATIVE, MIXTURE, OR PREPARATION CONTAINING SUCH
CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS OR
ARE SOURCED THEREFROM WHICH ARE PRESUMED TO FALL
WITHIN THE AMBIT THEREOF.**

x x x

"(j) *Dangerous Drugs*. – Include those listed in the Schedules annexed to the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, and in the Schedules annexed to the 1971 Single Convention on Psychotropic Substances as enumerated in the attached annex, which is an integral part of this Act, **AND SUBSTANCES WHICH SHALL BE HEREINAFTER ADDED TO THE LIST OF DANGEROUS DRUGS, PURSUANT TO SECTION 93 OF THIS ACT OR ANY DERIVATIVE, MIXTURE, AND PREPARATION CONTAINING SUCH DANGEROUS DRUGS OR ARE SOURCED THEREFROM WHICH ARE PRESUMED TO FALL WITHIN THE AMBIT THEREOF.**

"x x x

"(r) *Illegal Trafficking*. – The illegal cultivation, culture, delivery, administration, dispensation, manufacture, sale, trading, transportation, distribution, importation, exportation, **CHEMICAL DIVERSION**, and possession of any dangerous drug and/or controlled precursor and essential chemical.

"x x x

"(dd) x x x

"(DD-2) *PROPERTY*. – ANY SITE, STRUCTURE, PART OF A STRUCTURE, OR THE GROUND SURROUNDING A STRUCTURE INCLUDING SINGLE-FAMILY RESIDENCE, OUTBUILDING, GARAGE, UNIT OR MULTIPLEX, CONDOMINIUM, APARTMENT BUILDING, WAREHOUSE, HOTEL, MOTEL, BOAT, MOTOR VEHICLE, TRAILER, MANUFACTURED HOUSING, SHOP, OR BOOTH AND OTHER SIMILAR STRUCTURES.

"(ee) *Protector/Coddler*. – Any person who knowingly and willfully consents to the unlawful acts provided for in this Act and uses his/her influence, power or position in shielding, harboring, screening or facilitating the escape of any person he/she knows, or **ANY PERSON WHO** has reasonable grounds to believe or suspect[,] **THAT AN INDIVIDUAL** has violated the provisions of this Act, **AND HE/SHE USES HIS/HER INFLUENCE, POWER OR POSITION** in order to prevent the arrest, prosecution [and] **OR** conviction of the violator.

"x x x

"(kk) x x x

"(LL) *WASTE*. – ANY REFUSE, GARBAGE, OR OTHER DISCARDED MATERIAL, EITHER SOLID OR LIQUID."

"(MM) *SURRENDERER* – ANY INDIVIDUAL WHO IS CLAIMING TO BE A PERSON WHO USES DRUGS AND/OR A DRUG DEALER OR PUSHER WHO SURRENDERS TO ANY OFFICER/S OR MEMBER/S OF EITHER THE PHILIPPINE DRUG ENFORCEMENT AGENCY (PDEA), NATIONAL BUREAU OF INVESTIGATION (NBI), OR THE PHILIPPINE NATIONAL POLICE (PNP)."

SEC. 2. Section 4 of the same Act is hereby amended to read as follows:

"SEC. 4. *Importation **AND/OR EXPORTATION** of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.* – The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall import or bring into **OR EXPORT FROM** the Philippines any dangerous drug, regardless of the quantity and purity involved, including any and all species of opium poppy or any part thereof or substances derived therefrom even for floral, decorative and culinary purposes.

"The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law, shall import **AND/OR EXPORT** any controlled precursor and essential chemical.

"The maximum penalty provided for under this Section shall be imposed upon any person, who, unless authorized under this Act, shall import or bring into **OR EXPORT FROM** the Philippines any dangerous drug and/or controlled precursor and essential chemical through the use of a diplomatic passport, diplomatic facilities or any other means involving his/her official status intended to facilitate the unlawful entry of the same. In addition, the diplomatic passport shall be confiscated and cancelled.

"ANY PERSON WHO IS FOUND TO HAVE IN HIS/HER POSSESSION OR UNDER HIS/HER DIRECT OR INDIRECT CONTROL ANY PURCHASE ORDER, MEMORANDUM RECEIPT, DELIVERY RECEIPT, BILL OF LADING, OR ANY SIMILAR DOCUMENT CONTAINING INFORMATION RELATED TO OR IN CONNECTION WITH IMPORTATION OR EXPORTATION TO OR FROM THE PHILIPPINES DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS IS, UNTIL PROVEN OTHERWISE, PRESUMED TO HAVE IMPORTED OR EXPORTED THE DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS THAT ARE THE SUBJECT MATTER OF SUCH DOCUMENT OR WRITING.

"The maximum penalty provided for under this Section shall be imposed upon any person, who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this Section.

"A PERSON IS PRESUMED TO BE A FINANCIER IF HE/SHE CAUSES THE PAYMENT, RAISES, PROVIDES OR SUPPLIES MONEY FOR OR UNDERWRITES THE IMPORTATION OR EXPORTATION OF DANGEROUS DRUGS OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS. ANY EVIDENCE SHOWING DELIVERY OR TRANSFER OF MONEY, OR DRAWING OR ISSUANCE OF A CHECK, MONETARY INSTRUMENT OR DOCUMENT TO THE ACCOUNT, CUSTODY OR CONTROL OF A PERSON OR ENTITY KNOWN TO BE CONNECTED WITH OR WORKING FOR AN IMPORTER OR EXPORTER

OF DANGEROUS DRUGS OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, UNLESS PROVEN OTHERWISE, IS *PRIMA FACIE* PROOF OF THE CONSENT TO OR KNOWLEDGE OF THE SENDER, TRANSFEROR OR ISSUER OF THE FINANCING OF THE ILLEGAL IMPORTATION OR EXPORTATION OF SUCH DANGEROUS DRUGS, CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS. THIS PRESUMPTION MAY BE OVERTURNED UPON PRESENTATION OF PROOF THAT THE IMPORTATION OR EXPORTATION IS AUTHORIZED OR VALID.

"The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a protector/coddler" of any violator of the provisions under this Section.

"A PERSON IS PRESUMED A PROTECTOR OR CODDLER OF A PERSON WHO IMPORTS OR EXPORTS DANGEROUS DRUGS, CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS TO BE USED IN THE PREPARATION FOR SUCH DANGEROUS DRUGS, IF HE/SHE KNOWS THE IMPORTER OR EXPORTER OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, AND HE/SHE USES HIS/HER INFLUENCE, POWER OR POSITION TO SHIELD, HARBOR, SCREEN OR FACILITATE THE ESCAPE OF SAID IMPORTER OR EXPORTER. A PERSON IS LIKEWISE PRESUMED A PROTECTOR OR CODDLER IF HE/SHE HAS KNOWLEDGE OF OR HAS REASONABLE GROUND TO BELIEVE THAT THE VIOLATOR IS AN IMPORTER OR EXPORTER OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, AND HE/SHE USES HIS INFLUENCE, POWER OR POSITION IN PREVENTING THE ARREST, PROSECUTION OR CONVICTION OF THE IMPORTER OR EXPORTER.

"UNLESS PROVEN OTHERWISE, A PERSON WHO SHIELDS, HARBORS, SCREENS OR FACILITATES THE ESCAPE OF, OR PREVENTS THE ARREST, PROSECUTION, OR CONVICTION OF THE IMPORTER OR EXPORTER IS PRESUMED TO HAVE KNOWLEDGE OF, OR HAS WILLFULLY CONSENTED TO, THE ILLEGAL IMPORTATION OR EXPORTATION AND THAT HE/SHE HAS USED HIS/HER INFLUENCE, POWER OR POSITION. EXCEPT WHEN IT IS DONE BY ANY MEMBER OF THE IMPORTER'S OR EXPORTER'S IMMEDIATE FAMILY OR HIS/HER LEGAL COUNSEL. A PERSON WHO INTERCEDES AND/OR REPRESENTS THE SAID IMPORTER OR EXPORTER IS, UNLESS PROVEN OTHERWISE, PRESUMED TO HAVE SHIELDED, HARBORED, SCREENED OR FACILITATED THE ESCAPE OF OR PREVENTED THE ARREST, PROSECUTION OR CONVICTION OF THE IMPORTER OR EXPORTER."

SEC. 3. Section 5 of the same Act is hereby amended to read as follows:

"SEC. 5. *Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled*

Precursors and Essential Chemicals. – The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.

"X	X	X
"X	X	X
"X	X	X
"X	X	X

"UNLESS PROVEN OTHERWISE, ANY PERSON FOUND OR IS PRESENT WITHIN THE IMMEDIATE VICINITY OF THE AREA OF SALE, TRADING, MARKETING, DISPENSATION, DELIVERY OR DISTRIBUTION, IS PRESUMED TO HAVE BEEN INVOLVED IN THE SALE, TRADE OR DISTRIBUTION OF DANGEROUS DRUGS, CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS.

"ANY PERSON FOUND IN POSSESSION OF DANGEROUS DRUGS IN THE FOLLOWING QUANTITY OR WEIGHT, REGARDLESS OF PURITY, IS PRESUMED TO HAVE BEEN ENGAGED IN SELLING, TRADING, DISPENSATION, DELIVERY, OR DISTRIBUTION OF DANGEROUS DRUGS:

"(1) 50 GRAMS OR MORE OF SHABU, COCAINE, COCAINE HYDROCHLORIDE, OPIUM, HEROINE, MORPHINE, MARIJUANA RESIN OR MARIJUANA RESIN OIL, OR OTHER DANGEROUS DRUGS SUCH AS METHYLENEDOXYMETAMPHETAMINE (MDMA) OR "ECSTASY," PARAMETHOXYAMPHETAMINE (PMA), TRIMETHOXYAMPHETAMINE (TMA), LYSERGIC ACIDE DIETHYLAMINE (LSD), GAMMA HYDROXYBUTYRATE (GHB), AND THOSE THAT ARE SIMILARLY DESIGNED OR ARE NEWLY INTRODUCED DRUGS AND THEIR DERIVATIVES;

"(2) 200 GRAMS OR MORE OF MARIJUANA."

"The maximum penalty provided for under this Section shall be imposed upon any person who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this Section.

"A PERSON IS PRESUMED A FINANCIER IF HE/SHE CAUSES THE PAYMENT, RAISES OR PROVIDES OR SUPPLIES MONEY FOR, OR UNDERWRITES THE SALE, TRADING OR DISTRIBUTION OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS. ANY EVIDENCE SHOWING DELIVERY OR TRANSFER OF MONEY, OR THE DRAWING, ISSUANCE OR TRANSFERRING OF ISSUANCE OF A CHECK, MONETARY INSTRUMENT, INVESTMENT OR PROPERTY TO THE ACCOUNT, CUSTODY OR CONTROL OF A PERSON OR ENTITY CONNECTED

WITH OR WORKING FOR A SELLER, TRADER OR DISTRIBUTOR OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS IS, UNLESS PROVEN OTHERWISE, A *PRIMA FACIE* PROOF OF KNOWLEDGE BY THE SENDER, TRANSFEROR OR ISSUER OF THE FINANCING OF AN UNLAWFUL ACT OR ACTIVITY.

"The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any violator of the provisions under this Section.

"A PERSON IS PRESUMED A PROTECTOR OR CODDLER IF HE/SHE KNOWS THE SELLER, TRADER, DISTRIBUTOR OR VIOLATOR OF THIS SECTION AND HE/SHE USES HIS/HER INFLUENCE, POWER OR POSITION IN SHIELDING, HARBORING, SCREENING OR FACILITATING THE ESCAPE OF SAID VIOLATOR. A PERSON IS LIKEWISE PRESUMED A PROTECTOR OR CODDLER IF HE/SHE HAS KNOWLEDGE OF OR HAS REASONABLE GROUND TO BELIEVE OR TO SUSPECT THAT THE VIOLATOR IS A SELLER, TRADER, OR DISTRIBUTOR OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, AND HE/SHE USES HIS/HER INFLUENCE, POWER OR POSITION IN PREVENTING THE ARREST, PROSECUTION OR CONVICTION OF THE VIOLATOR.

"A PERSON WHO SHIELDS, HARBORS, SCREENS OR FACILITATES THE ESCAPE OF, OR PREVENTS THE ARREST, PROSECUTION OR CONVICTION OF THE SELLER, TRADER, DISTRIBUTOR OR VIOLATOR OF THIS SECTION IS, UNLESS PROVEN OTHERWISE, PRESUMED TO HAVE KNOWLEDGE OF OR WILLFULLY CONSENTED TO, THE ILLEGAL SELLING, TRADING OR DISTRIBUTION AND HAS USED HIS/HER INFLUENCE, POWER OR POSITION IN DOING SO. EXCEPT WHEN IT IS DONE BY ANY MEMBER OR MEMBERS OF THE VIOLATOR'S IMMEDIATE FAMILY OR THEIR LEGAL COUNSEL. A PERSON WHO INTERCEDES AND/OR REPRESENTS THE SAID VIOLATOR IS, UNLESS PROVEN OTHERWISE, PRESUMED TO HAVE SHIELDED, HARBORED, SCREENED OR FACILITATED THE ESCAPE OF, OR PREVENTED THE ARREST, PROSECUTION OR CONVICTION OF THE VIOLATOR."

SEC. 4. Section 6 of the same Act is hereby amended to read as follows:

"SEC. 6. *Maintenance of a Den, Dive or Resort.* – The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person or group of persons who shall maintain a den, dive or resort [where any dangerous drug is used or sold in any form] **AS DEFINED UNDER THIS ACT.**

"x	x	x
"x	x	x
"x	x	x

"If such den, dive or resort is owned by a third person, the same shall be confiscated and escheated in favor of the government: **PROVIDED, THAT IN CASE THE OWNER OF SUCH PROPERTY IS A PARTNERSHIP, CORPORATION, ASSOCIATION OR ANY JURIDICAL ENTITY, THE PARTNER, PRESIDENT, DIRECTOR, MANAGER TRUSTEE, ESTATE ADMINISTRATOR, OR OFFICER WHO CONSENTS TO OR TOLERATES SUCH VIOLATION SHALL BE CRIMINALLY LIABLE AS CO-PRINCIPAL:** *Provided, FURTHER,* That the criminal complaint shall specifically allege that such place is intentionally used in the furtherance of the crime: *Provided, [further] FURTHERMORE,* That the prosecution shall prove such intent on the part of the owner, **PARTNER, PRESIDENT, DIRECTOR, MANAGER, TRUSTEE, ESTATE ADMINISTRATOR OR OFFICER OF THE JURIDICAL ENTITY** to use the property for such purpose: *Provided, finally,* That the owner, **PARTNER, PRESIDENT, DIRECTOR, MANAGER, TRUSTEE, ESTATE ADMINISTRATOR OR OFFICER OF THE JURIDICAL ENTITY** shall be included as an accused in the criminal complaint.

"FOR THE PURPOSE OF THIS SECTION, THE FOLLOWING ARE PRESUMED:

"(A) ANY DEN, DIVE, RESORT IS PRESUMED INTENTIONALLY USED FOR THE PURPOSE OF SELLING OR USING DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS EVEN ON ONE OCCASION ONLY;

"(B) A PERSON IS PRESUMED AN OPERATOR, MAINTAINER OR ADMINISTRATOR OF A DEN, DIVE OR RESORT IF HE/SHE HAS ACTUAL OR CONSTRUCTIVE CONTROL AND MANAGEMENT OF SUCH PREMISES; AND

"(C) IF ANY PARAPHERNALIA OR INSTRUMENT SUITABLE OR FIT FOR THE USE OR ADMINISTRATION OF ANY DANGEROUS DRUG IS FOUND IN A DEN, DIVE OR RESORT, IT IS PRESUMED THAT THE PREMISES ARE USED FOR THE PURPOSE OF THE ADMINISTRATION, SMOKING OR CONSUMPTION OF A DANGEROUS DRUG BY A HUMAN BEING AND THAT THE OPERATOR, MAINTAINER OR ADMINISTRATOR PERMITS SAID PREMISES TO BE USED FOR SUCH PURPOSE.

"The maximum penalty provided for under this Section shall be imposed upon any person who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this Section.

"A PERSON IS PRESUMED A FINANCIER OF A DEN, DIVE OR RESORT IF HE/SHE CAUSES THE PAYMENT, RAISES, PROVIDES OR SUPPLIES MONEY FOR OR UNDERWRITES THE OPERATION AND MAINTENANCE THEREOF. ANY EVIDENCE SHOWING THE DELIVERY OR TRANSFER OF MONEY, OR DRAWING OR ISSUANCE OF A CHECK, MONETARY INSTRUMENT, INVESTMENT OR PROPERTY TO THE ACCOUNT, CUSTODY OR CONTROL OF THE OPERATOR, MANAGER OR MAINTAINER OF A DEN, DIVE OR RESORT IS, UNLESS PROVEN OTHERWISE, A *PRIMA FACIE* PROOF OF THE KNOWLEDGE OF

FINANCING THE OPERATION AND MAINTENANCE THEREOF BY THE SENDER, TRANSFEROR, OR ISSUER.

"The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any violator of the provisions under this Section.

"A PERSON IS PRESUMED A PROTECTOR OR CODDLER IF HE/SHE KNOWS THE OPERATOR, MAINTAINER, ADMINISTRATOR OR MANAGER OF THE DEN, DIVE OR RESORT AND HE/SHE USES HIS/HER INFLUENCE, POWER OR POSITION IN SHIELDING, HARBORING, SCREENING OR FACILITATING THE ESCAPE OF THE VIOLATOR. A PERSON IS LIKEWISE PRESUMED A PROTECTOR OR CODDLER IF HE/SHE HAS KNOWLEDGE OF OR HAS REASONABLE GROUND TO BELIEVE OR TO SUSPECT THAT THE SAID OPERATOR, MAINTAINER, ADMINISTRATOR OR MANAGER ACTUALLY OPERATES, MAINTAINS, ADMINISTERS OR MANAGES A DEN, DIVE OR RESORT AND HE/SHE USES HIS/HER INFLUENCE, POWER OR POSITION IN PREVENTING THE ARREST, PROSECUTION OR CONVICTION OF THE VIOLATOR.

"UNLESS PROVEN OTHERWISE, A PERSON WHO SHIELDS, HARBORS, SCREENS OR FACILITATES THE ESCAPE OF, OR PREVENTS THE ARREST, PROSECUTION OR CONVICTION OF, AN OPERATOR, MAINTAINER, ADMINISTRATOR OR MANAGER OF A DEN, DIVE OR RESORT IS PRESUMED TO HAVE KNOWLEDGE OF, OR HAVE WILLFULLY CONSENTED TO THE OPERATION, AND MAINTENANCE OF A DEN, DIVE OR RESORT AND HE/SHE USES HIS/HER INFLUENCE, POWER OR POSITION IN DOING THE SAME. EXCEPT WHEN IT IS DONE BY ANY MEMBER OR MEMBERS OF THE IMMEDIATE FAMILY OF THE OPERATOR, MAINTAINER, ADMINISTRATOR OR MANAGER OR THEIR LEGAL COUNSEL. A PERSON WHO INTERCEDES AND/OR REPRESENTS THE VIOLATOR IS, UNLESS PROVEN OTHERWISE, PRESUMED TO HAVE SHIELDED, HARBORED, SCREENED OR FACILITATED THE ESCAPE OF OR PREVENTED THE ARREST, PROSECUTION OR CONVICTION OF SAID OPERATOR, MAINTAINER, ADMINISTRATOR OR MANAGER."

SEC. 5. Section 8 of the same Act is hereby amended to read as follows:

"SEC. 8. *Manufacture of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.* – The penalty of life imprisonment to death and a fine ranging Five hundred thousand pesos (P500,000.00) to Ten Million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall engage in the manufacture of any dangerous drug.

"x x x

"The presence of any controlled precursor and essential chemical or laboratory equipment in the clandestine laboratory is a *prima facie* proof of

manufacture of any dangerous drug **OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS**. It shall be considered an aggravating circumstance if the clandestine laboratory is undertaken or established under the following circumstances:

- | | | | |
|-----|---|---|---|
| (a) | x | x | x |
| | x | x | x |
| (e) | x | x | x |

"ANY PERSON FOUND OR IS PRESENT WITHIN THE PREMISES OF A CLANDESTINE LABORATORY OR THE PLACE WHERE DANGEROUS DRUGS ARE MANUFACTURED, PRODUCED, PREPARED, COMPOUNDED, PROCESSED, PACKED OR RE-PACKED IS, UNLESS PROVEN OTHERWISE, PRESUMED INVOLVED IN OR HAS PARTICIPATED IN MANUFACTURING OR PRODUCING DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS.

"ANY EQUIPMENT, APPARATUS, PARAPHERNALIA SUITABLE FOR THE USE, MANUFACTURE OR PRODUCTION OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS FOUND IN A CLANDESTINE LABORATORY, OR IN ANY OTHER PLACE OR PROPERTY, SHALL BE PRESUMED *PRIMA FACIE* PROOF THAT SAID LABORATORY, PLACE OR PROPERTY IS USED FOR THE PURPOSE OF MANUFACTURE OR PRODUCTION OF ANY DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, AND THAT THE PERSON WHO HAS THE ACTUAL OR CONSTRUCTIVE CONTROL OR MANAGEMENT THEREOF PERMITS SUCH PROPERTY TO BE USED FOR THE PURPOSE.

"The maximum penalty provided for under this Section shall be imposed upon any person, who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this Section.

"A PERSON IS PRESUMED A FINANCIER IF HE/SHE CAUSES THE PAYMENT, RAISES, PROVIDES OR SUPPLIES THE MONEY FOR, OR UNDERWRITES THE MANUFACTURE, PRODUCTION, PREPARATION, COMPOUNDING OR PROCESSING OF DANGEROUS DRUG AND CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS. ANY EVIDENCE SHOWING DELIVERY OR TRANSFER OF MONEY, OR DRAWING OR ISSUANCE OF A CHECK, NEGOTIABLE OR NON-NEGOTIABLE INSTRUMENT OR DOCUMENT TO THE ACCOUNT OR CUSTODY OF A PERSON OR ENTITY KNOWN TO BE CONNECTED WITH OR WORKING FOR, A MANUFACTURER, PRODUCER OR PROCESSOR OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS IS, UNLESS PROVEN OTHERWISE, A *PRIMA FACIE* PROOF OF THE CONSENT OR KNOWLEDGE OF FINANCING THE VIOLATOR'S UNLAWFUL ACTIVITIES BY THE SENDER, TRANSFERROR OR ISSUER.

"The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos

(P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any violator of the provisions under this Section.

"A PERSON IS PRESUMED A PROTECTOR OR CODDLER IF HE/SHE KNOWS THE MANUFACTURER, PRODUCER OR PROCESSOR OF ANY DANGEROUS DRUG AND/OR CONTROLLED PRECURSOR AND ESSENTIAL CHEMICAL, AND HE/SHE USES HIS/HER INFLUENCE, POWER OR POSITION TO SHIELD, HARBOR, SCREEN OR FACILITATE THE ESCAPE OF SAID MANUFACTURER, PRODUCER OR PROCESSOR. A PERSON IS LIKEWISE PRESUMED A PROTECTOR OR CODDLER IF HE/SHE HAS KNOWLEDGE OF OR HAS REASONABLE GROUND TO BELIEVE THAT ONE IS A MANUFACTURER, PRODUCER OR PROCESSOR OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, AND HE/SHE USES HIS/HER INFLUENCE, POWER OR POSITION IN PREVENTING THE ARREST, PROSECUTION OR CONVICTION OF THE MANUFACTURER, PRODUCER OR PROCESSOR.

"THE OFFENDER SHALL BE HELD LIABLE TO PAY THE COST OF THE CLEAN UP OF THE CLANDESTINE LABORATORY ON THE PROPERTY.

"IN ANY SALE OR LEASE OF PROPERTY, IT IS THE DUTY OF THE OWNER OF RECORD OR HIS/HER AUTHORIZED REPRESENTATIVE TO DISCLOSE ACTUAL KNOWLEDGE OF PRIOR USE OF THE PROPERTY AS A CLANDESTINE LABORATORY TO THE BUYER OR LESSEE. THE LESSOR MUST INCLUDE IN THE LEASE CONTRACT A STIPULATION THAT THE PROPERTY BEING LEASED WILL NOT BE USED FOR THE ILLICIT MANUFACTURE OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS IN VIOLATION OF THIS ACT."

SEC. 6. A new section denominated as Section 8-A is hereby inserted after Section 8 of the same Act, to read as follows:

"SEC. 8-A. NEGLIGENT OWNER OR LESSOR OF PROPERTY USED AS CLANDESTINE LABORATORY. – THE PENALTY OF IMPRISONMENT RANGING FROM SIX (6) YEARS AND ONE (1) DAY TO TWELVE (12) YEARS AND A FINE RANGING FROM FIVE HUNDRED THOUSAND PESOS (P500,000.00) TO ONE MILLION PESOS (P1,000,000.00) SHALL BE IMPOSED UPON THE OWNER OR LESSOR OF A BUILDING, WAREHOUSE, OR ANY PROPERTY, OR IN HIS/HER ABSENCE, THE DULY AUTHORIZED REPRESENTATIVE WHO LEASES THE PROPERTY TO ANY PERSON BUT OMITS OR FAILS TO ASCERTAIN, CHECK AND CONFIRM THAT THE PROPERTY IS ACTUALLY USED FOR A LAWFUL PURPOSE, AND WHICH PROPERTY IS FOUND TO HAVE BEEN ACTUALLY UTILIZED AS CLANDESTINE LABORATORY OR USED IN THE MANUFACTURE OR STORAGE OF DANGEROUS DRUGS, CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS. THE MAXIMUM PENALTY SHALL BE IMPOSED UPON

THE OWNER OR LESSOR, OR HIS/HER DULY AUTHORIZED REPRESENTATIVE WHO HAS DISCOVERED THE ILLEGAL ACTIVITY BUT FAILED TO REPORT THE SAME TO PROPER AUTHORITIES.

"IF THE PROPERTY SUBJECT OF LEASE IS GOVERNMENT-OWNED, THE GOVERNMENT OFFICIALS AND EMPLOYEES WHO OMIT OR FAIL TO OBSERVE AND DISCHARGE THE LEGAL OBLIGATION REQUIRED IN THE PRECEDING PARAGRAPH SHALL SUFFER THE MAXIMUM PENALTY IN ADDITION TO ABSOLUTE PERPETUAL DISQUALIFICATION FROM ANY PUBLIC OFFICE.

"IF THE PROPERTY SUBJECT OF LEASE IS OWNED BY A PARTNERSHIP, CORPORATION, ASSOCIATION, OR ANY JURIDICAL ENTITY, THE PERSON LIABLE TO THE PENALTY PRESCRIBED IN THE FIRST PARAGRAPH OF THIS SECTION IS THE CORPORATE OR ASSOCIATION PRESIDENT, CHIEF EXECUTIVE OFFICER, CHIEF OPERATING OFFICER OR MANAGER, OR ANY PARTNER IN A PARTNERSHIP, ANY MEMBER OF THE BOARD OF DIRECTORS/TRUSTEES OF ANY CORPORATION OR ASSOCIATION, ANY ESTATE EXECUTOR AND ADMINISTRATOR, OR ANY OF THEIR DULY AUTHORIZED REPRESENTATIVE.

"FOR PURPOSES OF THIS SECTION, THE PERSONS LIABLE IN THE PRECEDING THREE (3) PARAGRAPHS HEREIN ARE, UNLESS PROVEN OTHERWISE, PRESUMED TO HAVE GIVEN THEIR CONSENT TO THE ILLEGAL USE OF THE LEASED PROPERTY IF THEY FAIL TO VISIT AND INSPECT THE LEASED PROPERTY AT LEAST ONCE EVERY QUARTER.

"THE VISITATION SHALL BE EVIDENCED BY AN AFFIDAVIT TO BE EXECUTED WITHIN FIVE (5) DAYS FROM DATE OF VISITATION AND INSPECTION, BY THE PRIVATE INDIVIDUAL, CONCERNED GOVERNMENT OFFICIAL OR EMPLOYEE, OR CONCERNED OFFICER OF THE PARTNERSHIP, CORPORATION, ASSOCIATION, OR JURIDICAL ENTITY THAT OWNS THE PROPERTY SUBJECT OF THE LEASE AND CERTIFICATION FROM THE BARANGAY. THE AFFIDAVIT SHALL CATEGORICALLY STATE THE FOLLOWING: (A) THE DATE WHEN THE INSPECTION OF THE PROPERTY WAS MADE; (B) THE DETAILS OF THE THINGS SEEN AND OBSERVED DURING THE INSPECTION; AND (C) THE FACT THAT THE LEASED PREMISES ARE NOT BEING USED FOR ANY UNLAWFUL PURPOSE, IF SUCH IS THE CASE. IT SHALL BE SUBMITTED TO THE ADMINISTRATIVE BOARD CREATED PURSUANT TO THE PROVISIONS OF PARAGRAPH 1, SECTION 52 OF THIS ACT WITHIN FIVE (5) WORKING DAYS FROM THE EXECUTION OF SAID AFFIDAVIT. IN ADDITION, A COPY OF THE LEASE CONTRACT AND THE SPECIAL POWER OF ATTORNEY OF THE AUTHORIZED REPRESENTATIVE, IF ANY, SHALL ALSO BE FILED WITH THE ADMINISTRATIVE BOARD AND THE CITY OR MUNICIPAL ASSESSOR WITHIN FIVE (5) DAYS FROM EXECUTION OF SAID CONTRACT.

THE FAILURE TO COMPLY WITH THE FOREGOING MANDATORY REPORTORIAL REQUIREMENTS SHALL, UNLESS PROVEN OTHERWISE, BE PRESUMED THAT NO SUCH VISITATION WAS CONDUCTED ON THE LEASED PROPERTY FOR THE DURATION OF THE COVERED PERIOD."

SEC. 7. Section 10 of the same Act is hereby amended to read as follows:

"SEC. 10. *Manufacture [or], Delivery, OR POSSESSION of LABORATORY Equipment, Instrument, Apparatus, and Other Paraphernalia for THE ILLICIT MANUFACTURE OF Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.* - The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person who shall deliver, possess with intent to deliver, or manufacture with intent to deliver **LABORATORY equipment, INCLUDING REACTION VESSEL, ENCAPSULATING MACHINES, TABLETING MACHINES, ROTARY EVAPORATORS, LABORATORY EQUIPMENT WITH A CAPACITY FOR LARGE VOLUME PRODUCTION SUCH AS ROUND BOTTOM FLASKS OF TWENTY-FIVE (25) LITRES OR ABOVE AND RELATED CONDENSERS, SEPARATING FUNNELS AND HEATING APPARATUS,** instrument, apparatus and other paraphernalia for dangerous drugs **AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS**, knowing, or under circumstances where one reasonably should know, that [it] **THESE** will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain or conceal any dangerous drug and/or controlled precursor and essential chemical in violation of this Act.

The penalty of imprisonment ranging from six (6) months and one (1) day to four (4) years and a fine ranging from Ten thousand pesos (P10,000.00) to Fifty thousand pesos (P50,000.00) shall be imposed if it will be used to inject, ingest, inhale or otherwise introduce into the human body a dangerous drug in violation of this Act.

The maximum penalty provided for under this Section shall be imposed upon any person, who uses a minor or a mentally incapacitated individual to deliver such equipment, instrument, apparatus and other paraphernalia for dangerous drugs."

SEC. 8. Section 11 of the same Act is hereby amended to read as follows:

"SEC. 11. *Possession of Dangerous Drugs.* - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall possess any dangerous drug in the following quantities, regardless of the degree of purity thereof:

"(1) 10 grams or more of opium;

x x x

"(8) x x x

"Otherwise, if the quantity involved is less than the foregoing quantities, the penalties shall be graduated as follows:

"(1)	x	x	x
	x	x	x
"(3)	x	x	x

"(4) IMPRISONMENT OF SIX (6) YEARS AND ONE (1) DAY TO TWELVE (12) YEARS AND A FINE RANGING FROM FIFTY THOUSAND PESOS (P50,000.00) TO TWO HUNDRED THOUSAND PESOS (P200,000.00), IF THE QUANTITIES OF DANGEROUS DRUGS ARE LESS THAN TWO (2) GRAMS OF OPIUM, MORPHINE, HEROIN, COCAINE OR COCAINE HYDROCHLORIDE, MARIJUANA RESIN OR MARIJUANA RESIN OIL, METHAMPHETAMINE HYDROCHLORIDE OR "SHABU" OR OTHER DANGEROUS DRUGS, INCLUDING MDMA OR "ECSTASY," PMA, TMA, LSD, GHB, GAMMA BUTYROLACTONE (GBL), AND THOSE SIMILARLY DESIGNED OR NEWLY INTRODUCED DRUGS AND THEIR DERIVATIVES, WITHOUT HAVING ANY THERAPEUTIC REQUIREMENT, OR LESS THAN FIFTY (50) GRAMS OF MARIJUANA.

"FOR THE PURPOSE OF THIS SECTION, THE FOLLOWING ARE PRESUMED:

"(A) DANGEROUS DRUGS FOUND TO BE CONCEALED IN AN ENCLOSED PRIVATE PROPERTY SHALL BE PRESUMED, UNTIL THE CONTRARY IS PROVEN, THAT THE SAID DRUGS ARE IN THE POSSESSION OF AND/OR CONCEALED WITH THE KNOWLEDGE OF THE PERSON WHO HAS ACTUAL CONTROL THEREOF;

"(B) DANGEROUS DRUGS FOUND CONCEALED IN ANY COMPARTMENT THAT IS SPECIALLY CONSTRUCTED FOR THE PURPOSE ON ANY BUILDING, REAL PROPERTY, VEHICLE, VESSEL OR ANY KIND OF TRANSPORTATION OR PERSONAL PROPERTY, SHALL, UNTIL THE CONTRARY IS PROVEN, BE PRESUMED TO HAVE BEEN POSSESSED AND/OR CONCEALED WITH THE KNOWLEDGE OF THE OCCUPANT, ADMINISTRATOR, OWNER OR PERSON IN-CHARGE OF THE PROPERTY;

"(C) SUBJECT TO THE PROVISIONS OF SECTION 5 OF THIS ACT, ANY PERSON FOUND IN POSSESSION OF ANY DANGEROUS DRUG IN THE FOLLOWING QUANTITY OR WEIGHT, REGARDLESS OF PURITY, IS PRESUMED TO HAVE BEEN ENGAGED IN SELLING, TRADING, DISPENSATION, ADMINISTRATION, DELIVERY, DISTRIBUTION AND/OR TRANSPORTATION OF DANGEROUS DRUGS:

"(1) 200 GRAMS OR MORE OF SHABU, COCAINE, COCAINE HYDROCHLORIDE, OPIUM, HEROINE, MORPHINE, MARIJUANA RESIN OR MARIJUANA RESIN OIL, OR OTHER DANGEROUS DRUGS SUCH AS MDMA OR "ECSTASY," PMA, TMA, LSD, GHB, AND THOSE

SIMILARLY DESIGNED OR NEWLY INTRODUCED
DANGEROUS DRUGS AND THEIR DERIVATIVES WHICH
INCLUDE ANALOGUES; AND
"(2) 500 GRAMS OR MORE OF MARIJUANA."

SEC. 9. A new section denominated as Section 11-A is hereby inserted after Section 11 of the same Act, to read as follows:

"SEC. 11-A. POSSESSION OF CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS. – THE PENALTY OF IMPRISONMENT RANGING FROM TWELVE (12) YEARS AND ONE (1) DAY TO TWENTY (20) YEARS AND A FINE RANGING FROM ONE HUNDRED THOUSAND PESOS (P 100,000.00) TO FIVE HUNDRED THOUSAND PESOS (P500,000.00) SHALL BE IMPOSED UPON ANY PERSON, WHO, UNLESS AUTHORIZED BY LAW, SHALL POSSESS OR HAS UNDER HIS/HER CONTROL CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, KNOWING, OR UNDER CIRCUMSTANCES WHERE ONE REASONABLY KNOWS THAT THESE MAY BE USED FOR ADMINISTRATION, MANUFACTURE, SALE, TRADING, TRANSPORTATION, DISTRIBUTION, EXPORTATION AND DIVERSION.

"THE MAXIMUM PENALTY PROVIDED FOR UNDER THIS SECTION SHALL BE IMPOSED UPON ANY PERSON WHO ORGANIZES, MANAGES OR ACTS AS FINANCIER OF THE ILLEGAL ACTIVITY PROVIDED IN THIS SECTION."

SEC. 10. Section 12 of the same Act is hereby amended to read as follows:

"SEC. 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous Drugs. – x x x

"The possession of such equipment, instrument, apparatus and other paraphernalia fit or intended for any of the purposes enumerated in the preceding paragraph shall be *prima facie* evidence that the possessor has smoked, consumed, administered to himself/herself, injected, ingested or used a dangerous drug and shall be presumed to have violated Section 15 of this Act, UNLESS HE/SHE VOLUNTARILY SUBMITS TO A DRUG TEST TO BE CONDUCTED BY A HOSPITAL, DOCTOR OR MEDICAL PRACTITIONER, UNDER THE SUPERVISION OF, OR ACCREDITED BY, THE DEPARTMENT OF HEALTH FOR THIS PURPOSE, WITHIN TWENTY-FOUR (24) HOURS FROM APPREHENSION, AND THE RESULT THEREOF IS NEGATIVE. IF THE RESULT OF HIS/HER VOLUNTARY DRUG TEST IS POSITIVE, AFTER CONFIRMATORY TEST, THE PROVISIONS OF SECTION 15 OF THIS ACT SHALL APPLY."

SEC. 11. Section 13 of the same Act is hereby amended to read as follows:

"SEC. 13. Possession of Dangerous Drugs During Parties, Social Gatherings or Meetings. – Any person found possessing any dangerous drug during a party, or at a social gathering or meeting, or in the proximate company of at least two (2) persons, shall suffer the [maximum penalties provided for in Section 11 of this Act] PENALTY OF LIFE IMPRISONMENT TO DEATH AND A FINE OF FIVE HUNDRED THOUSAND PESOS

(P500,000.00) TO TEN MILLION PESOS (P10,000,000.00), regardless of the quantity and purity of such dangerous drugs."

SEC. 12. Section 15 of the same Act is hereby amended to read as follows:

"SEC. 15. Use of Dangerous Drugs AND CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS. – A person apprehended or arrested, who is found to be positive for use of any dangerous drug, **OR CONTROLLED PRECURSOR AND ESSENTIAL CHEMICAL AND A DRUG DEPENDENT**, after a confirmatory test[,] **AND A DEPENDENCY EXAMINATION**, shall be imposed a penalty of a minimum of six (6) months **TO EIGHTEEN (18) MONTHS IN-PATIENT TREATMENT AND AFTER CARE** rehabilitation **PROGRAM TO BE DETERMINED BY A PHYSICIAN WHICH SHALL START AFTER THE RELEASE OF THE DRUG DEPENDENT FROM THE REHABILITATION CENTER** in a government center for the first offense, subject to the provisions of Article VIII of this Act. **IF FOUND TO BE NOT A DRUG DEPENDENT, HE/SHE SHALL SUFFER THE PENALTY OF IMPRISONMENT RANGING FROM SIX (6) MONTHS AND ONE (1) DAY TO SIX (6) YEARS AND A FINE RANGING FROM TEN THOUSAND PESOS (P10,000.00) TO FIFTY THOUSAND PESOS (P50,000.00).** If apprehended using any dangerous drug **OR CONTROLLED PRECURSOR AND ESSENTIAL CHEMICAL** for the second time, he/she shall suffer the penalty of imprisonment ranging from six (6) years and one (1) day to twelve (12) years and a fine ranging from Fifty thousand pesos (P50,000.00) to Two hundred thousand pesos (P200,000.00): *Provided*, That this Section shall not be applicable where the person tested is also found to have in his/her possession such quantity of any dangerous drugs provided for under Section 11 **AND OF ANY CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS UNDER SECTION 11-A** of this Act, in which case the provisions stated therein shall apply.

"ANY PERSON APPREHENDED UNDER THIS SECTION IS PRESUMED TO HAVE USED A DANGEROUS DRUG IF HE/SHE REFUSES TO SUBMIT TO A DRUG TEST WITHIN A PERIOD OF TWENTY-FOUR (24) HOURS FROM APPREHENSION. THE ARRESTING OFFICER SHALL INFORM THE SUSPECT ORALLY AND IN WRITING ABOUT THE PRESUMPTION IF HE/SHE DOES NOT PROMPTLY AND VOLUNTARILY SUBMIT TO A DRUG TEST. THIS PRESUMPTION, HOWEVER, SHALL BE OVERTURNED BY A NEGATIVE RESULT OF THE TEST TO BE CONDUCTED BY ANY HOSPITAL, DOCTOR OR MEDICAL PRACTITIONER UNDER THE SUPERVISION OF, OR ACCREDITED BY, THE DEPARTMENT OF HEALTH FOR THIS PURPOSE, IN THE PRESENCE OF SAID PERSON'S REPRESENTATIVE AND HIS/HER COUNSEL OF CHOICE OR ANY LAWYER AVAILABLE IF HE HAS NO COUNSEL OF CHOICE.

"POSSESSION OF ANY INSTRUMENT, APPARATUS OR PARAPHERNALIA FIT OR INTENDED FOR ANY OF THE PURPOSES ENUMERATED IN SECTION 12 OF THIS ACT BY ANY PERSON SUSPECTED OR APPREHENDED FOR USING DANGEROUS DRUGS SHALL BE A PRIMA FACIE EVIDENCE THAT THE POSSESSOR HAS

SMOKED, CONSUMED, ADMINISTERED TO HIMSELF/HERSELF, INJECTED, INGESTED OR USED A DANGEROUS DRUG."

SEC. 13. Section 16 of the same Act is hereby amended to read as follows:

"SEC. 16. Cultivation or Culture of Plants Classified as Dangerous Drugs or are Sources Thereof. – x x x

"The land or portions thereof and/or greenhouses on which any of said plants is cultivated or cultured shall be confiscated and escheated in favor of the State, unless the owner thereof can prove lack of knowledge of such cultivation or culture despite the exercise of due diligence on his/her part. If the land involved is part of the public domain, the maximum penalty provided for under this Section shall be imposed upon the offender. **FOR ESCHEAT PURPOSES UNDER THIS ACT, THE SUPREME COURT SHALL PROMULGATE THE RULES OF PROCEDURE GOVERNING THE SAME.**

"The maximum penalty provided for under this Section shall be imposed upon any person, who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this Section.

"A PERSON IS PRESUMED A FINANCIER OF THE VIOLATOR OF THIS SECTION IF HE/SHE CAUSES THE PAYMENT, RAISES, PROVIDES OR SUPPLIES THE MONEY FOR OR UNDERWRITES THE PLANTING, MAINTENANCE AND OPERATION OF ANY PLANTATION, FARM OR PLACE OF CULTIVATION OR CULTURE OF ANY PLANT CLASSIFIED AS DANGEROUS DRUGS OR SOURCE THEREOF. ANY EVIDENCE SHOWING THE DELIVERY OR TRANSFER OF MONEY, OR DRAWING OR ISSUANCE OF A CHECK, MONETARY INSTRUMENT OR INVESTMENT TO THE ACCOUNT, CONTROL OR CUSTODY OF A PERSON OR ENTITY KNOWN TO BE, CONNECTED WITH OR WORKING FOR, THE VIOLATOR OF THIS SECTION IS, UNLESS PROVEN OTHERWISE, A PRIMA FACIE PROOF THAT THE SENDER, TRANSFEROR OR ISSUER IS FINANCING THE VIOLATOR'S ILLEGAL ACTIVITIES.

"The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any violator of the provisions under this Section.

"A PERSON IS PRESUMED A CODDLER OR PROTECTOR IF HE/SHE KNOWS THE CULTIVATOR, PRODUCER OR VIOLATOR OF THIS SECTION AND HE/SHE USES HIS/HER INFLUENCE, POWER OR POSITION IN PREVENTING THE COLLECTION OF EVIDENCE WITHOUT ANY JUSTIFIABLE REASON OR GROUNDS, SHIELDING, HARBORING, SCREENING OR FACILITATING THE ESCAPE OF SAID VIOLATOR. A PERSON IS LIKEWISE PRESUMED A PROTECTOR OR CODDLER IF HE/SHE HAS KNOWLEDGE OF OR HAS REASONABLE GROUND TO BELIEVE THAT ONE IS A CULTIVATOR, PLANTER,

PRODUCER OF PLANTS CLASSIFIED AS DANGEROUS DRUGS OR SOURCE THEREOF, AND HE/SHE USES HIS/HER INFLUENCE, POWER OR POSITION IN PREVENTING THE ARREST, PROSECUTION OR CONVICTION OF SUCH CULTIVATOR, PLANTER OR PRODUCER.

"ANY ACT OF THE PROTECTOR OR CODDLER OF SHIELDING, HARBORING, SCREENING OR FACILITATING THE ESCAPE OF, OR IN PREVENTING THE ARREST, PROSECUTION OR CONVICTION OF THE VIOLATOR OF THIS SECTION IS, UNLESS PROVEN OTHERWISE, *PRIMA FACIE* PROOF THAT THE PROTECTOR OR CODDLER HAS KNOWLEDGE OF, OR CONSENTED TO, THE CULTIVATION OR PRODUCTION OF PLANTS CLASSIFIED AS DANGEROUS DRUGS OR SOURCE THEREOF, AND HE/SHE IS PRESUMED FURTHER TO HAVE USED HIS/HER INFLUENCE, POWER OR POSITION IN DOING THE SAME. EXCEPT WHEN IT IS DONE BY ANY MEMBER OF THE VIOLATOR'S IMMEDIATE FAMILY OR HIS/HER LEGAL COUNSEL, ANY PERSON WHO INTERCEDES AND/OR REPRESENTS THE SAID VIOLATOR IS, UNLESS PROVEN OTHERWISE, PRESUMED TO HAVE SHIELDED, HARBORED, SCREENED OR FACILITATED THE ESCAPE OF OR PREVENTED THE ARREST, PROSECUTION OR CONVICTION OF THE VIOLATOR."

SEC. 14. Section 20 of the same Act is hereby amended to read as follows:

"SEC. 20. *Confiscation and Forfeiture of the Proceeds or Instruments of the Unlawful Act, Including the Properties or Proceeds Derived from the Illegal Trafficking of Dangerous Drugs and/or Precursors and Essential Chemicals.* - x x x

"x x x

"During the pendency of the case in the Regional Trial Court, no property, or income derived therefrom, which may be confiscated and forfeited, shall be disposed, alienated or transferred and the same shall be in *custodia legis* and no bond shall be admitted for the release of the same. **THE PROHIBITION PROVIDED HEREIN SHALL NOT APPLY TO ANY FIREARM, EXPLOSIVE OR WEAPON WHICH SHALL BE CONFISCATED, FORFEITED AND DISPOSED OF IMMEDIATELY BY THE COURT IN FAVOR OF THE GOVERNMENT, FOR THE USE OF THE PDEA OR OTHER LAW ENFORCEMENT AGENCIES INVOLVED IN FIGHTING ILLEGAL DRUG TRAFFICKING.**

"x x x"

SEC. 15. Section 21 of the same Act, is hereby further amended to read as follows:

"SEC. 21. *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.* - xxx

"(1) The apprehending team having initial custody and control of the dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment shall, immediately

after seizure and confiscation, conduct a physical inventory of the seized items and photograph the same **TOGETHER WITH A NEWSPAPER OR ANY PUBLICATION DATED ON THAT DAY, OR BY ANY MEANS OR MODE TO INDICATE THE DATE OF THE PHOTOGRAPH** in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, with an elected public official [and] **OR a DULY DESIGNATED** representative of the National Prosecution Service [or the media] who shall be required to sign the copies of the inventory and be given a copy thereof. *Provided*, That the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures; *Provided, finally*, That noncompliance of these requirements under justifiable grounds, as long as the [integrity and the evidentiary value of the] seized items are properly **PHOTOGRAPHED, RECORDED AND AUTHENTICATED** [properly preserved] by the apprehending officer/team, shall not render void and invalid such seizures and custody over said items.

"THE APPREHENDING TEAM MENTIONED IN THE PRECEDING PARAGRAPH SHALL BE REQUIRED TO PROPERLY DOCUMENT THE ANTI-ILLEGAL DRUGS OPERATIONS, FROM THE BEGINNING UNTIL THE END, THROUGH THE USE OF A VALID AND LEGITIMATE TECHNOLOGY, INCLUDING WEARING BODY-WORN CAMERAS.

"WHERE A SEIZURE OF AN ILLICIT LABORATORY IS MADE, THE PDEA SHALL, WITHIN FORTY EIGHT (48) HOURS, DO THE PROPER DISPOSAL OF CHEMICALS WHICH ARE NOT LISTED AS CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, REMAINING UNIDENTIFIED LIQUID OR SOLID CHEMICALS IN UNLABELED CONTAINERS AND/OR IN OPENED CONTAINERS THAT MAY NOT BE RESEALED, AND WASTES, WHICH ARE NOT NEEDED AS EVIDENCE IN THE INVESTIGATION OR PROSECUTION OF THE CASE: PROVIDED, THAT SUCH ITEMS OF CHEMICALS AND WASTES SHALL BE SEPARATELY PHOTOGRAPHED, EXAMINED, RECORDED, AUTHENTICATED, AND INVENTORIED.

"MEMBERS OF THE MEDIA MAY BE INVITED TO THE JOIN/COVER ANTI-DRUG OPERATIONS OF THE GOVERNMENT FOR JOURNALISM PURPOSES ONLY. DETAILS AND FACTS ABOUT THE OPERATION SHOULD NOT BE USED AS CONDITION FOR THE REPORTER TO SIGN THE INVENTORY.

"(2) Within twenty-four (24) hours upon confiscation/seizure of dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment, the same shall be submitted to [the PDEA Forensic Laboratory for a qualitative and quantitative examination] THE FORENSIC LABORATORY OF THE ARRESTING TEAM FOR THE EXAMINATION AND IDENTIFICATION OF THE SUBJECT SUBSTANCE;

" (3) A certification of the forensic laboratory examination results, which shall be done UNDER OATH by the forensic laboratory examiner INDICATING

THEREIN THE KIND OF DANGEROUS DRUGS SEIZED, ITS CHEMICAL COMPOSITION IF POSSIBLE, VOLUME, WEIGHT, AND OTHER RELEVANT INFORMATION shall be issued immediately upon the receipt of the subject item/s: *Provided*, That when the volume of dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals does not allow the completion of testing within the time frame, a partial laboratory examination report shall be provisionally issued stating therein the quantities of dangerous drugs still to be examined by the forensic laboratory: *Provided, however*, That a final certification shall be issued immediately upon completion of the said examination and certification;

“(4) After the filing of the criminal case, the Court shall, within seventy-two (72) hours, conduct an ocular inspection of the confiscated, seized and/or surrendered dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals, including the instruments/paraphernalia and/or laboratory equipment, and through the PDEA shall within twenty-four (24) hours thereafter proceed with the destruction or burning of the same, in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his representative or counsel, a representative from the media and the DOJ, civil society groups and any elected public official. **THE PROPERTY FROM WHERE THE CLANDESTINELY MANUFACTURED DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS WERE SEIZED SHALL BE CLEANED UP UNDER THE SUPERVISION OF THE BOARD, IN COOPERATION WITH THE DOH, DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND CONCERNED LOCAL GOVERNMENT UNITS.** The Board shall draw up guidelines on the manner of proper [disposition] **DISPOSAL** and destruction of such item/s, **INCLUDING THE CLEAN UP OF THE CLANDESTINE LABORATORY**, which shall be borne by the offender. **IN THE CASE OF THE CLEAN UP OF THE CLANDESTINE LABORATORY, THE LESSOR OF THE PROPERTY OR OWNER ON RECORD SHALL ALSO BEAR THE COST, UNLESS THE LESSOR OF THE PROPERTY OR OWNER ON RECORD EACH PROVES LACK OF KNOWLEDGE OF SUCH CLANDESTINE MANUFACTURE:** [Provided, That those item/s of lawful commerce, as determined by the Board, shall be donated, used or recycled for legitimate purposes:] *Provided, [further,]* That a representative sample, duly weighed and recorded is retained;

“(5) The Board shall then issue a sworn certification as to the fact of destruction or burning of the subject item/s which, together with the [representative sample] **AUTHENTICATED PHOTOGRAPHS OF THE EVIDENCE** in the custody of the PDEA[,] **AND THE FINAL CERTIFICATION OF THE FORENSIC LABORATORY EXAMINATION** shall be submitted to the court having jurisdiction over the case. [In all instances, the representative sample/s shall be kept to a minimum quantity as determined by the Board;]

“(6) The alleged offender or his/her representative or counsel shall be allowed to personally observe all of the above proceedings and his/her presence shall not constitute an admission of guilt. In case the said offender or accused refuses or [fails to appoint a representative after due notice in writing to the accused or his/her counsel within seventy-two (72) hours before] **IS UNABLE TO OBSERVE** the actual burning or destruction of the evidence in question,

the Secretary of Justice shall appoint a member of the public attorney's office to represent the former;

"[(7) After the promulgation and judgment in the criminal case wherein the representative sample/s was presented as evidence in court, the trial prosecutor shall inform the Board of the final termination of the case and, in turn, shall request the court for leave to turn over the said representative sample/s to the PDEA for proper disposition and destruction within twenty-four (24) hours from receipt of the same; and]

"xxx";

SEC. 16. Section 22 of the same Act is hereby amended to read as follows:

"SEC. 22. *Grant of Compensation, Reward and Award.* – The Board shall recommend to the concerned government agency the grant of compensation, reward and award to any person providing information and to law enforcers participating in the operation, which results in the successful confiscation, seizure or surrender of dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals **AND LABORATORY EQUIPMENT. THE COMPUTATION OF MONETARY REWARD SHALL BE BASED ON THE QUANTITATIVE AND QUALITATIVE EXAMINATIONS CONDUCTED BY THE FORENSIC LABORATORY EXAMINER WITHIN TWENTY-FOUR (24) HOURS AFTER RECEIPT OF SEIZED ITEMS.**"

SEC. 17. A new section denominated as Section 25-A is hereby inserted after Section 25 of the same Act, to read as follows:

"SEC. 25-A. AGGRAVATING CIRCUMSTANCE. – THE PENALTY OF ONE DEGREE HIGHER SHALL BE IMPOSED IF A PERSON VIOLATES SECTIONS 4, 5, 11, AND 15 OF THIS ACT AND THE SAME IS COMMITTED DURING AN EPIDEMIC OR PANDEMIC AS DECLARED BY THE PRESIDENT OF THE PHILIPPINES."

SEC. 18. Section 26 of the same Act is hereby amended to read as follows:

"SEC. 26. *Attempt or Conspiracy.* – Any attempt or conspiracy to commit the following unlawful acts shall be penalized by the same penalty prescribed for the commission of the same as provided under this Act:

"(a) x x x

x x x

"(e) x x x

"(F) **CHEMICAL DIVERSION**

"(G) **POSSESSION"**

SEC. 19. Section 29 of the same Act is hereby amended to read as follows:

"SEC. 29. *Criminal Liability for Planting of Evidence.* – Any person who is found guilty of "planting" any dangerous drug and/or controlled

precursor and essential chemical, regardless of quantity and purity, shall suffer the penalty of death.

"A DEFENSE OF 'PLANTING EVIDENCE' INTERPOSED AND PLEADED BY ANY PERSON CHARGED FOR VIOLATION OF ANY OF THE UNLAWFUL ACTS PRESCRIBED IN THIS ACT IS PRESUMED TO BE A COMPLAINT AGAINST THE LAW ENFORCER/S OR PRIVATE INDIVIDUAL/S INVOLVED IN THE ARREST, SEARCH AND SEIZURE.

"AS SOON AS THE ALLEGED PLANTING OF EVIDENCE HAS BEEN INTERPOSED AND/OR PLEADED BEFORE OR DURING THE PROSECUTION OF THE CASE AGAINST THE ACCUSED, THE COURT WHERE THE CASE IS PENDING SHALL CAUSE THE PUBLIC PROSECUTOR'S OFFICE WHERE THE COURT IS SITUATED TO CONDUCT PRELIMINARY INVESTIGATION FOR THE VIOLATION OF THIS SECTION, CONCLUDE THE PRELIMINARY INVESTIGATION WITHIN A PERIOD OF SEVEN (7) WORKING DAYS, AND WHEN WARRANTED, FILE THE CORRESPONDING INFORMATION. IN THE MEANTIME, THE PROCEEDINGS OF THE CASE SHALL BE SUSPENDED UNTIL THE PRELIMINARY INVESTIGATION IS CONCLUDED AND RESOLVED IN ACCORDANCE WITH THE PROCEDURES ENUNCIATED IN SECTION 90 OF THIS ACT. IF THE INFORMATION IS FILED FOR THE CRIME OF "PLANTING OF EVIDENCE," THE LAW ENFORCER OR ANY PRIVATE INDIVIDUAL INVOLVED SHALL BE ARRAIGNED AND THE CASE SHALL BE TRIED JOINTLY WITH THAT OF THE COMPLAINING ACCUSED.

"ANY PERSON WHO IS CHARGED AND PROSECUTED FOR ALLEGEDLY PUTTING OR PLACING ANY DANGEROUS DRUG OR SIMILAR SUBSTANCE AND/OR PUTTING OR PLACING ANY DRUG EQUIPMENT, INSTRUMENT OR PARAPHERNALIA ON THE PERSON OR IMMEDIATE PREMISES OF ANY ACCUSED/SUSPECT, SHALL BE PRESUMED TO HAVE PUT, PLACED, OR PLANTED THE SAID EVIDENCE IF THE RULES OF PROCEDURE AND/OR ENGAGEMENT FOR THE ARREST, SEARCH AND SEIZURE HAVE NOT BEEN COMPLIED WITH."

SEC. 20. A new section denominated as Section 29-A is hereby inserted after Section 29 of the same Act, to read as follows:

"SEC. 29-A. CRIMINAL LIABILITY ON USE OR IMPLEMENTATION OF SEARCH WARRANT ISSUED BASED ON PERJURIOUS, FALSIFIED DOCUMENTS OR PLANTED EVIDENCE. - ANY PERSON WHO IS FOUND GUILTY OF WILLFULLY OR INTENTIONALLY USING OR IMPLEMENTING SEARCH WARRANT ISSUED BASED ON PERJURIOUS OR FALSIFIED DOCUMENTS AS DEFINED UNDER THE REVISED PENAL CODE, OR PLANTED EVIDENCE AS DEFINED PENALIZED UNDER EXISTING LAWS SHALL SUFFER THE PENALTY AS PROVIDED FOR UNDER SEC. 29 OF THIS ACT."

SEC. 21. Section 33 of the same Act is hereby amended to read as follows:

"SEC. 33. *Immunity from Prosecution and Punishment.* – Notwithstanding the provisions of Section 17, Rule 119 of the Revised Rules of Criminal Procedure and the provisions of Republic Act No. 6981 or the Witness Protection, Security and Benefit Act of 1991, any person who has violated Sections 7, [11] **11(3), 11(4), 11-A, 12, 12-A, 14** and [19] **15**, Article II of this Act, who voluntarily gives information about any violation of Sections 4, 5, 6, 8, 10, 13 and 16, Article II of this Act as well as any violation of the offenses mentioned if committed by a drug syndicate, or any information leading to the whereabouts, identities and arrest of all or any of the members thereof; and who willingly testifies against such persons as described above, shall be exempted from prosecution or punishment for the offense with reference to which his/her information of testimony were given, and may plead or prove the giving of such information and testimony in bar of such prosecution: Provided, That the following conditions concur:

"x x x"

SEC. 22. A new section denominated as Section 33-A is hereby inserted after Section 33 of the same Act, to read as follows:

"SEC. 33-A. IMMUNITY FROM PROSECUTION UNDER OTHER CIRCUMSTANCES, MINIMUM PENALTY AND COMMUTATION OF SENTENCE. – ANY PERSON CHARGED FOR ANY OFFENSE UNDER THIS ACT AND WHO IS NOT QUALIFIED FOR IMMUNITY UNDER THE PRECEDING SECTION 33 MAY APPLY FOR IMMUNITY FROM PROSECUTION UNDER THIS SECTION IF HE/SHE IS WILLING TO REVEAL THE IDENTITY AND PARTICIPATION OF PERSONS INVOLVED FOR VIOLATION OF SECTIONS 4, 5, 6, 8, 10 AND 16 OF ARTICLE II OF THIS ACT, INCLUDING THE VIOLATOR'S FINANCIERS, PROTECTORS OR CODDLERS.

"THE GRANT OF THE APPLICATION FOR IMMUNITY IS CONDITIONED UPON THE ARREST AND PROSECUTION OF ANYONE, SOME OR ALL OF THE PERSONS HE/SHE NAMED OR IDENTIFIED, THE WILLINGNESS FROM HIS/HER PART TO TESTIFY AGAINST THE PERSON/S HE/SHE NAMED OR IDENTIFIED, HE/SHE DOES NOT APPEAR TO BE THE MOST GUILTY FOR THE OFFENSE TO WHICH HIS/HER INFORMATION OR TESTIMONY IS GIVEN, AND THE CONCURRENCE OF THE FOLLOWING:

"(A) THE INFORMATION AND TESTIMONY ARE NECESSARY FOR THE CONVICTION OF THE PERSONS HE/SHE NAMED OR IDENTIFIED;

"(B) SUCH INFORMATION AND TESTIMONY ARE NOT YET IN THE POSSESSION OF THE STATE;

"(C) SUCH INFORMATION AND TESTIMONY CAN BE CORROBORATED ON ITS MATERIAL POINTS;

"(D) THE INFORMANT OR WITNESS HAS NOT BEEN PREVIOUSLY CONVICTED OF A CRIME INVOLVING MORAL TURPITUDE, EXCEPT WHEN THERE IS NO OTHER DIRECT EVIDENCE AVAILABLE FOR THE STATE OTHER THAN THE INFORMATION AND TESTIMONY OF SAID INFORMANT OR WITNESS; AND

"(E) THE INFORMANT OR WITNESS SHALL, WITHOUT DELAY, STRICTLY AND FAITHFULLY COMPLY WITH ANY CONDITION OR UNDERTAKING LAWFULLY IMPOSED BY THE STATE AS FURTHER CONSIDERATION FOR THE GRANT OF IMMUNITY FROM PROSECUTION AND PUNISHMENT.

"IF HE/SHE SATISFIES THE ABOVE CONDITIONS FOR THE GRANT OF IMMUNITY, THE APPLICANT MAY BE QUALIFIED FOR AND BE PLACED UNDER THE WITNESS PROTECTION PROGRAM.

"IF NONE OF THE PERSON/S HE/SHE NAMED OR IDENTIFIED HAS BEEN ARRESTED AND CHARGED, THE PROSECUTION OF THE CASE SHALL PROCEED, BUT THE COURT SHALL SUSPEND PROMULGATION OF JUDGMENT FOR A PERIOD NOT EXCEEDING SIX (6) MONTHS FROM THE DATE HIS/HER CASE IS SUBMITTED FOR DECISION. THE COURT, HOWEVER, IS BOUND TO RENDER JUDGMENT IF THE ACCUSED REQUESTS FOR EARLY DECISION.

"THE COURT SHALL RENDER A DECISION IF THE PERSON HE/SHE NAMED OR IDENTIFIED REMAINS AT-LARGE AFTER THE LAPSE OF THE ORIGINAL OR EXTENDED PERIOD. IF HE/SHE IS FOUND GUILTY, THE COURT SHALL IMPOSE ONLY THE MINIMUM PENALTY FOR THE OFFENSE CHARGED OR PROVEN. HOWEVER, HE/SHE MAY BE CALLED LATER AS WITNESS FOR THE PROSECUTION, WITH HIS/HER EXPRESS CONSENT, IN THE EVENT THAT ONE, SOME OR ALL THE PERSONS HE/SHE NAMED OR IDENTIFIED HAS OR HAVE BEEN APPREHENDED AND CHARGED IN COURT FOR VIOLATION OF SECTIONS 4, 5, 6, 8, 10 AND 16 OF THIS ACT. IF HE/SHE HAS TESTIFIED FOR THE PROSECUTION, HIS/HER SENTENCE MAY BE REDUCED, OR HE/SHE MAY BE CONSIDERED TO HAVE FULLY SERVED HIS/HER SENTENCE AND MAY BE RELEASED IMMEDIATELY, AT THE DISCRETION OF THE COURT."

SEC. 23. Section 36 of the same Act is hereby amended to read as follows:

"SEC. 36. *Authorized Drug Testing.* – Authorized drug testing shall be done by any government forensic laboratories or by any of the drug testing laboratories accredited and monitored by the DOH to safeguard the quality of test results. The DOH shall take steps in setting the price of the drug test with DOH accredited drug testing centers to further reduce the cost of such drug test. The drug testing shall employ, among others, [two (2)] testing methods **THAT INCLUDE THE FOLLOWING DRUGS: CANNABIS, COCAINE, OPIATES, AMPHETAMINES, METHAMPHENTAMINE, PHENCYCLIDINE AND OTHER DRUGS AS DETERMINED BY THE BOARD TO BE PREVALENT AT THE TIME**, the screening test which will determine the positive result as well as the type of the drug used and the confirmatory test which will confirm a positive screening test. Drug test certificates issued by accredited drug testing centers shall be valid for a [one-year] **THREE-MONTH** period from the date of issue which may be used for other purposes. The following shall be subjected to undergo drug testing:

"(a) x x x

x x x
 "(g) x x x

"(H) **PROFESSIONAL AND NON-PROFESSIONAL ATHLETES. – ALL ATHLETES, PROFFESIONAL AND NON-PROFESSIONAL, IN ANY KIND OF SPORT, SHALL UNDERGO A MANDATORY DRUG TEST TWICE A YEAR. ANY ATHLETE FOUND POSITIVE FOR USE OF DANGEROUS DRUGS SHALL BE SUSPENDED SUBJECT TO FURTHER INVESTIGATION BY APPROPRIATE GOVERNMENT AGENCIES.**

"x x x"

SEC. 24. Section 51 of the same Act is hereby amended to read as follows:

"SEC. 51. *Local Government Units' PROGRAMS AND Assistance.* – Local government units shall appropriate a substantial portion of **NOT LESS THAN TWO PERCENT (2%) OF** their respective annual budgets [to assist in or enhance the enforcement of this Act giving priority to preventive or educational programs and the rehabilitation or treatment of drug dependents] **IN SUPPORT OF WELL-FUNCTIONING ANTI-DRUG ABUSE COUNCILS (ADACS) AND ESTABLISHMENT OF ANTI-DRUG ABUSE OFFICES (ADAOS).**

"**THE ADAC IS A MULTI-SECTOR GROUP COMPOSED OF LOCAL OFFICIALS AND REPRESENTATIVES OF VARIOUS COMMUNITY ORGANIZATIONS TASKED TO PLAN, IMPLEMENT, AND MONITOR ALL ANTI-DRUG ABUSE PROBLEMS IN THE LOCAL GOVERNMENT UNIT.**

"**THE ADAO SHALL PROVIDE TECHNICAL AND ADMINISTRATIVE SUPPORT SERVICES TO THE ADAC AND ACT AS ITS SECRETARIAT TO IMPLEMENT EFFECTIVELY THE PROVISIONS OF THIS SECTION. THE BOARD, WITH THE ASSISTANCE OF THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT (DILG), SHALL ISSUE THE NECESSARY GUIDELINES WITHIN NINETY (90) DAYS FROM APPROVAL OF THIS ACT."**

SEC. 25. The Title of Article VIII and Sections 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 68, 72, 73, 74, 75 and 76 of the same Article are hereby amended by deleting the words "drug dependent" wherever they appear and replacing them with the words "**DRUG AND/OR CHEMICAL DEPENDENT.**"

SEC. 26. Section 78 of the same Act is hereby amended to read as follows:

"SEC. 78. *Composition of the Board.* – The Board shall be composed of [seventeen (17)] **TWENTY (20)** members wherein three (3) of [which] **WHOM** are permanent members, the other [twelve (12)] **FIFTEEN (15)** members shall be in an *ex-officio* capacity and the two (2) shall be regular members.

"The three (3) permanent members, who shall possess at least seven-year training and experience in the field of dangerous drugs and any of the following fields: in law, medicine, criminology, psychology or social work, shall be appointed by the President of the Philippines. The President shall designate a Chairman, who shall have the rank of a secretary from among the three (3) permanent members who shall serve for six (6) years. Of the two (2) other members, who shall have the rank of undersecretary, one (1) shall serve for four (4) years and the other for two (2) years. Thereafter, the persons appointed to succeed such members shall hold office for a term of six (6) years and until their successors shall have been duly appointed and qualified.

"The other [twelve (12)] **FIFTEEN (15)** members who shall be *ex-officio* members of the Board are the following:

"(1) Secretary of the Department of Justice or his/her **AUTHORIZED** representative;

"(2) Secretary of the Department of Health or his/her **AUTHORIZED** representative;

"(3) Secretary of the Department of National Defense or his/her **AUTHORIZED** representative;

"(4) Secretary of the Department of Finance or his/her **AUTHORIZED** representative;

"(5) Secretary of the Department of Labor and Employment or his/her **AUTHORIZED** representative;

"(6) Secretary of the DILG or his/her **AUTHORIZED** representative;

"(7) Secretary of the Department of Social Welfare and Development or his/her **AUTHORIZED** representative;

"(8) Secretary of the Department of Foreign Affairs or his/her **AUTHORIZED** representative;

"(9) Secretary of the Department of Education or his/her **AUTHORIZED** representative;

"(10) Chairman of the Commission on Higher Education or his/her representative;

"(11) Chairman of the National Youth Commission **OR HIS/HER AUTHORIZED REPRESENTATIVE**; [and]

"(12) Director General of the Philippine Drug Enforcement Agency **[.] OR HIS/HER AUTHORIZED REPRESENTATIVE**;

"(13) **SECRETARY OF THE DEPARTMENT OF TRANSPORTATION OR HIS/HER AUTHORIZED REPRESENTATIVE**;

"(14) **SECRETARY OF THE DEPARTMENT OF BUDGET AND MANAGEMENT OR HIS/HER AUTHORIZED REPRESENTATIVE**; AND

"(15) **EXECUTIVE DIRECTOR OF THE DANGEROUS DRUGS BOARD.**

"[Cabinet secretaries who are] **EX-OFFICIO** members of the Board, **EXCEPT THE EXECUTIVE DIRECTOR OF THE BOARD**, may designate their duly authorized and permanent representatives whose ranks shall in no case be lower than [undersecretary] **ASSISTANT SECRETARY. THE EXECUTIVE DIRECTOR OF THE BOARD SHALL HAVE NO VOTING RIGHTS ON ISSUES BEFORE THE BOARD.**

"The two (2) regular members shall be as follows:

"(a) The president of the Integrated Bar of the Philippines **OR HIS/HER AUTHORIZED REPRESENTATIVE**; and

"(b) The chairman or president of a non-government organization involved in dangerous drug campaign to be appointed by the President of the Philippines.

"The Director of the NBI and the Chief of the PNP shall be the [permanent] **EX-OFFICIO** consultants of the Board, and [shall] **MAY** attend all the meetings of the Board.

"THE BOARD MAY ENGAGE THE SERVICES OF CONSULTANTS WHO ARE PRESUMED EXPERTS IN DRUG ABUSE AND CONTROL POLICIES, STRATEGIES AND PROGRAMS, RESEARCH, AND INTERNATIONAL DRUG CONVENTIONS, SUBJECT TO THE PERTINENT BUDGETARY LAWS, RULES AND REGULATIONS ON COMPENSATION, HONORARIA AND ALLOWANCES.

"All members of the Board as well as its [permanent] **EX-OFFICIO** consultants shall receive *per diem* for every meeting actually attended subject to the pertinent budgetary laws, rules and regulations on compensation, honoraria and allowances: *Provided*, That where the representative of an *ex-officio* member or of the [permanent] consultant of the Board attends a meeting in behalf of the latter, such **PERMANENT** representatives shall be entitled to receive the *per diem*."

SEC. 27. Section 79 of the same Act is hereby amended to read as follows:

"SEC. 79. *Meetings of the Board.* – The Board shall meet once a [week] **MONTH** or as often as necessary at the [discretion] **CALL** of the Chairman or [at the call of] any four (4) other members. The presence of [nine (9)] **ELEVEN (11)** members shall constitute a quorum."

SEC. 28. Section 80 of the same Act is hereby amended to read as follows:

"SEC. 80. *Secretariat of the Board.* – x x x

"x x x

"The existing secretariat of the Board shall be under the administrative control and supervision of the Executive Director. It shall be composed of the following [divisions] **SERVICES**, namely: Policy Studies, Research and Statistics; Preventive Education, Training and Information; Legal Affairs; and the Administrative and Financial Management."

SEC. 29. Section 82 of the same Act is hereby amended to read as follows:

"SEC. 82. *Creation of the Philippine Drug Enforcement Agency (PDEA).* – x x x

"The PDEA shall be headed by a Director General with the rank of Undersecretary, who shall be responsible for the general administration and management of the Agency. The Director General of the PDEA shall be appointed by the President of the Philippines and shall perform such other

duties that may be assigned to him/her. He/she must possess **A POSTGRADUATE DEGREE, A CAREER EXECUTIVE SERVICE ELIGIBILITY, A CAREER EXECUTIVE SERVICE ELIGIBILITY AND** adequate knowledge, training and experience in the field of dangerous drugs, **CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS CONTROL**, and in any of the following fields: law enforcement, [law, medicine, criminology, psychology or social work] **CRIMINAL POLICING, LEGAL AND PROSECUTION, CRIMINOLOGY, AND INTELLIGENCE AND SECURITY ADMINISTRATION.**

"IN THE PERFORMANCE OF DUTIES AND RESPONSIBILITIES, [T]he Director General of the PDEA shall be assisted [in the performance of his/her duties and responsibilities] by two (2) deputies director general with the rank of Assistant Secretary; one for Operations and the other one for Administration. The two (2) deputies director general shall likewise be appointed by the President of the Philippines upon recommendation **OF THE DIRECTOR GENERAL OF THE PDEA AND THE CONCURRENCE** of the Board. The two (2) deputies director general shall possess the same qualifications as those of the Director General of the PDEA. The Director General and the two (2) deputies director general shall receive the compensation and salaries as prescribed by law.

SEC. 30. Section 84 of the same Act is hereby amended to read as follows:

"SEC. 84. *Powers and Duties of the PDEA.* – The PDEA shall:

"(a) x x x

x x x

"(f) x x x

"(g) [Recommend to the DOJ the forfeiture of properties and other assets of persons and/or corporations found to be violating the provisions of this Act and in accordance with the pertinent provisions of the Anti-Money-Laundering Act of 2001.] **COORDINATE AND SUBMIT CONFIDENTIAL REPORTS WITH APPROPRIATE RECOMMENDATIONS TO THE ANTI-MONEY LAUNDERING COUNCIL (AMLC) FOR THE ISSUANCE OF A FREEZE ORDER, FOR THE INITIATION OF APPROPRIATE SEIZURE OR FORFEITURE PROCEEDING AND FOR THE INVESTIGATION, INSPECTION OR EXAMINATION OF ANY FINANCIAL TRANSACTION, INVESTMENT OR ASSET IN ANY BANK OR FINANCIAL INTERMEDIARY OF ANY PERSON SUSPECTED OR APPREHENDED FOR VIOLATING SECTIONS 4, 5, 6, 8, 9, 10, 12, 13, 14 AND 16 OF THIS ACT.**

THE CONFIDENTIAL REPORT OR RECOMMENDATION THAT IS BASED ON RELIABLE AND VERIFIED INTELLIGENCE INFORMATION SHALL CONTAIN THE NAME OR IDENTITY OF THE SUSPECT AND OTHER RELEVANT INFORMATION. IT SHALL RENDER THE PERSONAL AND RELATED TRANSACTIONS OF THE SUSPECT'S SUSPICIOUS TRANSACTIONS AS DEFINED UNDER SECTION 3(B-1) IN RELATION TO SECTION 4 OF REPUBLIC ACT NO. 9160, AS AMENDED, OTHERWISE KNOWN AS THE "ANTI-MONEY LAUNDERING ACT OF 2001." IT SHALL HAVE THE SAME EFFECT IN THE CASE OF A REPORT

OR RECOMMENDATION MADE UPON ALL PERSONAL AND RELATED TRANSACTIONS OF A PERSON ARRESTED OR APPREHENDED.

"PROPER COORDINATION AND EXCHANGE OF INFORMATION WITH THE AMLC SHALL BE UNDERTAKEN TO SUBSTANTIATE CHARGES, STRENGTHEN THE CASE, AND/OR SUPPORT THE PROSECUTION AGAINST THE PERSON SUBJECT OF THE REPORT OR RECOMMENDATION;

"(h)	x	x	x
"(i)	x	x	x

"(I-1) SUBJECT TO THE PROVISIONS OF REPUBLIC ACT NO. 4200, ENTITLED, "AN ACT TO PROHIBIT AND PENALIZE WIRE TAPPING AND OTHER RELATED VIOLATIONS OF THE PRIVACY OF COMMUNICATION, AND FOR OTHER PURPOSES," MONITOR ANY MESSAGE, COMMUNICATION OR CONVERSATION TRANSMITTED OR RECEIVED THROUGH WIRELESS OR DIGITAL TELECOMMUNICATION, ON-LINE, INTERNET, CYBER OR WHATEVER OTHER MEANS OF COMMUNICATION IF SAID MESSAGE, COMMUNICATION OR CONVERSATION IS CONSIDERED CONNECTED TO THE COMMISSION OF ANY OF THE UNLAWFUL ACTS OR ACTIVITIES PRESCRIBED IN THIS ACT OR TO AN ACT PREPARATORY TO, OR FOR THE PURPOSE OF COMMITTING SAID UNLAWFUL ACTS OR ACTIVITIES. FOR THIS PURPOSE, THE PDEA SHALL ORGANIZE A SPECIAL UNIT OR OFFICE UNDER ITS INTELLIGENCE AND INVESTIGATION SERVICES TO MONITOR, BY THE USE OF ELECTRONIC DEVICE, ALL ACTIVITIES OF ANY PERSON ENGAGED IN IMPORTATION, EXPORTATION, MANUFACTURE, PLANTATION, CULTIVATION, SELLING, PUSHING, TRADING, TRANSPORTATION OR DISTRIBUTION OF ILLEGAL DRUGS OR SIMILAR SUBSTANCES, AND THEIR FINANCIERS, PROTECTORS OR CODDLERS.

"SUBJECT TO THE PROVISIONS OF REPUBLIC ACT NO. 4200, ANY INFORMATION GATHERED OR OBTAINED IN THE COURSE OF VALID MONITORING MENTIONED IN THE PRECEDING PARAGRAPH, MAY BE USED IN EVIDENCE, WHETHER BEFORE OR AFTER THE SUBJECT PERSON IS CHARGED FOR VIOLATION OF THIS ACT.

"x	x	x
"(l)	x	x
"(m)		

Establish and maintain close coordination, cooperation and linkages with international drug control and administrative agencies and organizations, **WITH DRUG SUPPLY REDUCTION AND CHEMICAL DIVERSION CONTROL FUNCTIONS AND PROGRAMS**, and implement applicable provisions of international conventions and agreements related to dangerous drugs **AND CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS** to which the Philippines is a signatory;

"x	x	x
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"(o) [Require all government and private hospitals, clinics, doctors, dentists and other practitioners to submit a report to it, in coordination with the Board, about all dangerous drugs and/or controlled precursors and

essential chemicals which they have attended to for data and information purposes]. **CONDUCT REGULATORY COMPLIANCE INSPECTION AND DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS DIVERSION CONTROL PROGRAM AND INVESTIGATION;**

"x x x"

"(r) x x x"

"(S) DEPUTIZE QUALIFIED PERSONNEL AND/OR UNITS OF OTHER DEPARTMENTS, BUREAUS, OFFICES, AGENCIES, OR LOCAL GOVERNMENT UNITS TO ASSIST IN A MORE RESOLUTE IMPLEMENTATION OF THIS ACT."

SEC. 31. Section 85 of the same Act is hereby amended to read as follows:

"SEC. 85. The PDEA Academy. – Upon approval of the Board, the PDEA Academy shall be established either in Baguio or Tagaytay City, and in such other places as may be necessary. The PDEA Academy shall be responsible in the recruitment and training of all PDEA agents and personnel. The Board shall provide for the qualifications of its recruits who must be at least twenty-one (21) years old, of proven integrity and honesty and a Baccalaureate degree holder. **UNTIL SUCH TIME THAT A FUNCTIONAL PDEA ACADEMY IS ESTABLISHED, PDEA IS AUTHORIZED TO CONDUCT ITS TRAINING IN ANY EXISTING TRAINING ACADEMY OR INSTITUTION OR FACILITY OPERATED BY ANY DEPARTMENT, BUREAU, OFFICE, AGENCY OR INSTRUMENTALITY OF THE GOVERNMENT, SUBJECT TO PRIOR CONSULTATION WITH AND AGREEMENT OF THE PARTIES CONCERNED.**

"x x x"

SEC. 32. Section 86 of the same Act is hereby amended to read as follows:

"SEC. 86. Transfer, Absorption, and Integration of All Operating Units on Illegal Drugs into the PDEA and Transitory Provisions. – x x x

"x x x"

THE HEADS OF THE PNP, NATIONAL BUREAU OF INVESTIGATION, BUREAU OF CUSTOMS, ARMED FORCES OF THE PHILIPPINES OR OTHER GOVERNMENT AGENCIES AND LOCAL GOVERNMENT UNITS PERFORMING LAW ENFORCEMENT FUNCTIONS OR MISSIONS ARE AUTHORIZED TO CONTINUE PLACEMENT OF THEIR PERSONNEL ON DETAIL SERVICE WITH PDEA UPON THE REQUEST OF THE DIRECTOR GENERAL OF PDEA FOR A PERIOD NOT EXCEEDING FIVE (5) YEARS: PROVIDED, THAT THE DETAIL SERVICE WITH PDEA SHALL BE CONSIDERED AS CAREER SERVICE CONNECTED: PROVIDED, FURTHER, THAT AUTHORIZATION FOR THE DETAIL SERVICE FROM OTHER AGENCIES TO PDEA SHALL CEASE WHEN PDEA IS ABLE TO RECRUIT A MINIMUM OF THREE THOUSAND (3,000) ORGANIC PDEA AGENTS: PROVIDED, FINALLY, THAT THE PERSONNEL ON DETAIL SHALL BE GIVEN THE OPTION TO JOIN THE PDEA, SUBJECT TO PERTINENT LAWS, CIVIL SERVICE RULES AND REGULATIONS, AND THE QUALIFICATION REQUIREMENTS OF THE PDEA.

"X X X"

SEC. 33. Section 87 of the same Act is hereby amended to read as follows:

"SEC. 87. *Appropriations.* – X X X

All receipts derived from fines, fees and other income authorized and imposed in this Act, including ten percent (10%) of all unclaimed and forfeited sweepstakes and lotto prizes but not less than twelve million pesos (P12, 000,000.00) per year from the Philippine Charity Sweepstakes Office (PCSO), are hereby constituted as a special account in the general fund for the implementation

of this Act: *Provided*, That **EXCEPT AS OTHERWISE ALLOWED**

ELSEWHERE IN THIS ACT, no amount shall be disbursed to cover operating expenses of the Board and other concerned agencies:

PROVIDED, FURTHER, THAT PDEA SHALL RETAIN THE TOTAL

COLLECTION FOR DRUGS AND CHEMICAL FEES AND CHARGES TO FUND THE COMPLIANCE

AND DIVERSION CONTROL PROGRAM, PDEA ACADEMY DEVELOPMENT PROGRAM, AND FORENSIC LABORATORY DEVELOPMENT PROGRAM OTHER THAN WHAT IS

PROVIDED FOR IN THE GENERAL APPROPRIATIONS ACT: *Provided*

[further] **FINALLY**, That at least fifty percent (50%) of all the funds, **EXCEPT FEES AND CHARGES COLLECTED BY PDEA**, shall be reserved for

assistance to government-owned and/or operated rehabilitation centers.

"X X X"

SEC. 34. Section 92 of the same Act is hereby amended to read as follows:

"SEC. 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 **IN** deliberately [causes] **CAUSING** 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.

UNLESS PROVEN OTHERWISE, A DECISION OF THE COURT ACQUITTING THE ACCUSED OR DISMISSING A CASE PROSECUTED UNDER THIS ACT BASED ON ANY OF THE FOLLOWING REASONS SUCH AS, FAILURE TO FORMALLY OFFER EVIDENCE, FILING OF WRONG INFORMATION, FAILURE TO PRESENT *CORPUS DELICTI*, IRREGULARITY/ILLEGALITY OF ARREST, SEARCH AND SEIZURE, FAILURE TO CONDUCT CONFIRMATORY TEST, FAILURE TO PROSECUTE FOR AN UNREASONABLE LENGTH OF TIME, INSUFFICIENCY OF EVIDENCE, FAILURE TO COMPLY WITH SEC. 21 OF THIS ACT, INCONSISTENT TESTIMONIES, QUASHAL OF INFORMATION OR SEARCH WARRANT, LACK OF PROBABLE CAUSE, DEMURRER TO EVIDENCE GRANTED BY THE COURT, AND NON-PRESENTATION OF VITAL WITNESSES, IS PRESUMED TO HAVE BEEN UNSUCCESSFULLY PROSECUTED AND THE GOVERNMENT PROSECUTOR, LAW ENFORCER, OFFICER OR EMPLOYEE INVOLVED IN THE PROSECUTION THEREOF DELIBERATELY CAUSED THE

UNSUCCESSFUL PROSECUTION AND/OR DISMISSAL OF THE SAID CASE.

"THE TRIAL COURT OR APPELLATE/REVIEWING COURT THAT RENDERS THE JUDGMENT OF ACQUITTAL OR ISSUES THE ORDER OF DISMISSAL SHALL FURNISH A COPY THEREOF TO THE CIVIL SERVICE COMMISSION AND TO THE OFFICE OF THE OMBUDSMAN, WHICH SHALL PROMPTLY CONDUCT APPROPRIATE ADMINISTRATIVE INVESTIGATION WITHIN A PERIOD OF FIVE (5) DAYS FROM RECEIPT THEREOF. THE INVESTIGATION SHALL, IF WARRANTED, INCLUDE THE IMPOSITION OF APPROPRIATE ADMINISTRATIVE SANCTION AND THE FILING OF PROPER CRIMINAL ACTION FOR THE VIOLATION OF THIS SECTION."

SEC. 35. Section 93 of the same Act is hereby amended to read as follows:

"SEC. 93. *Reclassification, Addition or Removal of Any Drug AND CHEMICAL from the List of Dangerous Drugs OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS.* – The Board shall have the power to reclassify, add to or remove from the lists of dangerous drugs AND CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS. THE BOARD MAY ONLY REMOVE FROM SUCH LISTS, ANY OF THE DANGEROUS DRUGS AND/OR CONTROLLED PRECURSOR AND ESSENTIAL CHEMICAL THAT IT HAD ADDED, BY REGULATION, BUT NOT LISTED IN THE SCHEDULES UNDER INTERNATIONAL CONTROL SET BY THE 1961 SINGLE CONVENTION ON NARCOTIC DRUGS, AS AMENDED BY THE 1972 PROTOCOL, 1971 CONVENTION ON PSYCHOTROPIC SUBSTANCES AND 1988 CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES. THE BOARD SHALL ALSO HAVE THE POWER TO EXEMPT ANY DANGEROUS DRUG PREPARATION AND ANY DRUG OR CHEMICAL PREPARATION OR MIXTURE OR PRODUCTS CONTAINING CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS FROM ANY SPECIFIC PROVISION OF THE REGULATION UNDER THIS ACT: *PROVIDED*, THAT SUCH DANGEROUS DRUG PREPARATION OR ANY DRUG PREPARATION CONTAINING CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS IS REGISTERED WITH THE FOOD AND DRUG ADMINISTRATION AS A DRUG, AND PRODUCTS CONTAINING THE CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS ARE LEGITIMATELY TRADED AND SOLD COMMERCIALY. Proceedings to reclassify, add, or remove a drug, CHEMICAL or other substance, OR EXEMPT IT FROM ANY PRESCRIBED REGULATION may be initiated by the PDEA, the DOH, or by petition from any interested party, including the manufacturer of a drug, CHEMICAL OR OTHER SUBSTANCE, a medical society or association, a pharmacy association, A CHEMICAL ASSOCIATION, a public interest group concerned with drug OR CHEMICAL abuse, a national or local government agency, or an individual citizen. When a petition is received by the Board, it shall immediately begin its own investigation of the drug OR CHEMICAL OR SUBSTANCE. The PDEA also may begin an investigation of a drug, CHEMICAL OR SUBSTANCE at any time based upon the

information received from law enforcement laboratories, national and local law enforcement and regulatory agencies, or other sources of information.

"The Board after notice and hearing shall consider the following factors with respect to each substance proposed to be reclassified, added or removed from control **OR EXEMPTED FROM ANY PRESCRIBED REGULATORY CONTROL:**

- "(a) Its actual or relative potential for abuse;
- "(b) Scientific evidence of its pharmacological effect if known;
- "(c) The state of current scientific knowledge regarding the drug, **CHEMICAL** or other substance;
- "(d) **EVIDENCE AND** history [and] **OF** current pattern of abuse, **ILLCIT TRAFFIC AND DIVERSION OF SUCH SUBSTANCE;**
- "(e) The scope, duration, and significance of abuse, **ILLCIT TRAFFIC AND DIVERSION;**
- "(f) Risk to public health; [and]
- "(g) Whether the substance is an immediate precursor of a substance already controlled under this Act;
- "(H) **TOXICOLOGY, INCLUDING ADVERSE REACTIONS IN HUMANS;**
- "(I) **THERAPEUTIC OR INDUSTRIAL USE;**
- "(J) **WHETHER THE PREPARATION OR MIXTURE IS COMPOUNDED IN SUCH A WAY THAT IT PRESENTS NEGLIGIBLE OR NO RISK, IF ANY, OF ABUSE OR DIVERSION AND THE SUBSTANCE MAY NOT BE RECOVERED BY READILY APPLICABLE MEANS IN QUANTITY LIABLE TO ABUSE OR DIVERSION SO THAT THE PREPARATION OR MIXTURE DOES NOT GIVE RISE TO A PUBLIC HEALTH, SOCIAL OR LAW ENFORCEMENT PROBLEM;**
- "(K) **WHETHER THE DRUG OR GROUP OF DRUGS IS FORMULATED IN SUCH A WAY THAT IT MAY NOT BE EASILY USED IN THE ILLICIT PRODUCTION OF A DANGEROUS DRUG; AND**
- "(L) **WHETHER THE CONTROLLED PRECURSOR AND ESSENTIAL CHEMICAL MAY BE READILY RECOVERED FROM THE DRUG OR GROUPS OF DRUGS OR CHEMICAL MIXTURE OR END PRODUCT CONTAINING THE CHEMICAL.**

"The Board shall also take into account the obligations and commitments to international treaties, conventions and agreements to which the Philippines is a signatory.

"The Dangerous Drugs Board shall give notice to the general public of the public hearing of the reclassification, addition to or removal from the list of any drug, **CHEMICAL OR SUBSTANCE OR EXEMPTION FROM ANY PRESCRIBED REGULATION** by publishing such notice in any newspaper of general circulation once a week for two (2) weeks **OR PROVIDING INTERESTED PARTIES WITH DUE NOTICES. THE BOARD SHALL LIKEWISE GIVE NOTICE TO THE GENERAL PUBLIC OF ITS DECISIONS BY PUBLISHING THE REGULATION IN ANY NEWSPAPER OF GENERAL CIRCULATION ONCE A WEEK FOR TWO (2) WEEKS.**

"The effect of such reclassification, addition or removal **FROM THE LISTS OF DANGEROUS DRUGS AND/OR CONTROLLED**

PRECURSORS AND ESSENTIAL CHEMICALS, OR EXEMPTION FROM ANY PRESCRIBED REGULATION shall be as follows:

"(a) In case a dangerous drug is reclassified as **CONTROLLED** precursors and essential chemicals, the penalties for the violations of this Act involving [the two latter categories of drugs] **CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS** shall, in case of conviction, be imposed in all pending criminal prosecutions;

"(b) In case a **CONTROLLED** precursor and essential chemical is reclassified as dangerous drug, the penalties for violations of the Act involving **CONTROLLED** precursors and essential chemicals shall, in case of conviction, be imposed in all pending criminal prosecutions;

"(c) In case of the addition of a new drug **OR CHEMICAL** to the list of dangerous drugs [and] **OR CONTROLLED** precursors and essential chemicals, no criminal liability involving the same under this Act shall arise until after the lapse of fifteen (15) days from the last publication of such notice;

"(d) In case of removal of a drug **OR CHEMICAL** from the list of dangerous drugs [and] **OR CONTROLLED** precursors and essential chemicals, all persons convicted and/or detained for the use and/or possession of such a drug **OR CHEMICAL** shall be automatically released and all pending criminal prosecution involving such a drug under this Act shall forthwith be dismissed; [and]

"(e) [The Board shall, within five (5) days from the date of its promulgation submit to Congress a detailed reclassification, addition, or removal of any drug from the list of dangerous drugs.] **IN CASE OF EXEMPTION OF DRUG PREPARATIONS CONTAINING DANGEROUS DRUGS, OR CHEMICAL MIXTURE OR PREPARATION OF PRODUCT CONTAINING CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS FROM ANY SPECIFIC PROVISIONS OF IMPLEMENTING REGULATIONS, ALL PERSONS CONVICTED AND/OR DETAINED FOR VIOLATION OF THAT CORRESPONDING SPECIFIC REGULATION SHALL BE AUTOMATICALLY RELEASED AND ALL PENDING CRIMINAL PROSECUTION AND ADMINISTRATIVE PROCEEDINGS SHALL FORTHWITH BE DISMISSED; AND**

"(F) **THE BOARD SHALL, WITHIN FIVE (5) DAYS FROM THE DATE OF ITS PROMULGATION, SUBMIT TO CONGRESS A DETAILED RECLASSIFICATION, ADDITION, REMOVAL OF ANY DRUG, CHEMICAL OR OTHER SUBSTANCE FROM THE LISTS OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, AND EXEMPTIONS."**

SEC. 36. Section 101 of the same Act is hereby amended to read as follows:

"SEC. 101. [Amending] **AMENDATORY Clause.** – Republic Act No. 7659 **AND PRESIDENTIAL DECREE NO. 1619** [is] **ARE** hereby amended accordingly."

SEC. 37. Separability Clause. – Should any provision of this Act or any part thereof be declared invalid, the other provisions, insofar as they are separable from the invalid one, shall remain in full force and effect.

SEC. 38. Repealing Clause. – All laws, orders, issuances, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified

accordingly. **THE PROVISIONS OF THIS ACT SHALL NOT IN ANY WAY REPEAL REPUBLIC ACT NO. 9346, OR "AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES.**

SEC. 39. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved.