

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Second Regular Session

House Bill No. 9668



Introduced by Hon. Robert Ace S. Barbers

**AN ACT MANDATING INCINERATION FACILITIES, INCLUDING
CREMATORIUMS, TO RENDER FREE SERVICES FOR THE PROMPT
DESTRUCTION OF DANGEROUS DRUGS SEIZED DURING ANTI-ILLEGAL
DRUG OPERATIONS, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The lack of dedicated facilities for the immediate destruction of seized dangerous drugs has long been a concern, raising issues of pilferage and the potential recycling of confiscated substances back into the illicit market.

This proposed measure is born out of a recognition that we must explore innovative ways to address this problem. By tapping into the capabilities of cremation facilities, we aim to repurpose their infrastructure for a cause that serves the greater good – the speedy and secure destruction of seized dangerous drugs.

At the heart of this legislative proposal is the concept of corporate social responsibility. Cremation facilities, traditionally associated with the dignified handling of end-of-life rituals, are poised to extend their commitment to societal well-being. By repurposing these facilities for the timely destruction of illegal drugs, law enforcement could potentially mitigate the risks of pilferage and recycling, thereby enhancing the efficiency of drug disposal processes.

One of the notable advantages of this measure is the cost-effectiveness of repurposing existing infrastructure. Cremation facilities are equipped with the necessary technology to handle high temperatures, a crucial factor in the secure destruction of dangerous drugs. This adaptation minimizes the need for extensive new infrastructure, making it a pragmatic and efficient solution.

In essence, the creation of a law mandating cremation facilities to render free services for the immediate destruction of dangerous drugs is a bold and innovative step. It calls for a harmonious convergence of public and private interests, urging us to think beyond traditional boundaries and embrace unconventional yet impactful solutions. As we embark on this legislative journey, let us engage in thoughtful deliberation, understanding that this proposed law has the potential to redefine our collective approach to combating the illegal drug trade and ensuring a safer, more secure future for our communities.

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

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

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

SECTION 1. Short Title. – This Act shall be known as the “*Prompt Dangerous Drugs Destruction Act of 2023*”.

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to pursue an intensive and unrelenting campaign towards eradicating the proliferation of dangerous drugs to safeguard the integrity of its territory and the well being of its citizenry through the stern enforcement of anti-drug laws. Toward this end, the State shall provide an effective mechanism for the speedy destruction and disposal of seized, surrendered or confiscated dangerous drugs to prevent its pilferage and the illegal practice of drug recycling by some unscrupulous individuals in law enforcement agencies.

SEC. 3. Definition of Terms. – For purposes of this Act, the term:

- a. *Cremation facility or Crematorium* refers to a building where corpses are burned or incinerated, usually as part of funeral ceremony. A crematorium can be a part of a funeral home or a stand-alone facility;
- b. *Destruction of Dangerous drugs* shall mean the process of breaking down of chemical compounds found in dangerous drugs through thermal decomposition or the use of tremendous heat; and
- c. *Dangerous Drugs* shall have the same meaning as that provided for in Republic Act No. 9165, otherwise known as the “*Comprehensive Dangerous Drugs Act of 2002, as amended*”.

SEC. 4. Free Destruction Service. – Any existing crematorium shall render free services for the immediate destruction of confiscated, seized or surrendered dangerous drugs and other substances consistent with the provisions of Republic Act No. 9165, as amended.

The Philippine Drug Enforcement Agency (PDEA) shall designate the cremation facility that would undertake the drug destruction process giving preference to the facility nearest to the court having jurisdiction over the case or to the place where the dangerous drugs were seized.

The destruction and disposal of seized or confiscated illegal drugs and other substances shall be done through a court order and the same shall be conducted with strict supervision of the PDEA.

SEC. 5. *Actual Destruction.* – The actual destruction of seized drugs and other substances shall be witnessed by the following: (1) PDEA personnel; (2) an elected public official, preferably the one who witnessed the physical inventory of the seized drugs; (3) a representative from the National Prosecution Service; (4) a representative from the media; and (5) a representative from civil society groups.

SEC. 6. *Recording of the Actual Destruction.* – The actual destruction of seized drugs shall be photographed and video-recorded by PDEA officer/s present. The photograph and video-recordings shall be preserved for record purposes and official reference for any and all legal proceedings.

SEC. 7. *Issuance of Certification.* – Within twenty-four (24) hours from the destruction and disposal of the seized dangerous drugs, the PDEA shall issue a certification, indicating therein the brief summary of the proceedings, the names of the witnesses present, the quantity of items or substance burned or destroyed, and the same shall be submitted to the court handling the case, if applicable.

SEC. 8. *Submission of Records.* – The PDEA as well as the owners and/or managers of crematorium shall keep books of record, which shall be open at reasonable times for inspection, in which shall be entered the names of the witnesses present during the destruction of dangerous drugs, the date and time of the burning or disposal procedure, the court which issued the order for its destruction, and the quantity of the dangerous drugs destroyed.

SEC. 9. *Anti-Pollution Measures.* – The Department of Environment and Natural Resources (DENR) shall issue pertinent guidelines and practices promoting anti-pollution measures such as, but not limited to, installation of filter systems and similar pollution control devices, neutralization of pollutants and toxic wastes, more efficient use of fuel and energy, and adequate controls on emission levels, among others, in relation to the destruction and disposal of seized dangerous drugs.

SEC. 10. *Tax Incentives.* – Any crematorium that renders services as mandated by this Act shall be entitled to a tax credit of 10% but not exceeding fifty thousand pesos (P50,000.00) of the taxable gross income for a period of two (2) years.

SEC. 11. *Penalties.* – The failure of any covered cremation facility or crematorium to render free services for the immediate destruction of seized or confiscated dangerous drugs as required under this Act shall be a ground for the suspension, revocation, or non-renewal of license or permit to operate the said business.

Any private individual or employee of a crematorium who misappropriates the seized dangerous drugs subject for destruction shall suffer the penalty of life imprisonment and fine ranging from Five Hundred Thousand Pesos (P500,000.00) to Ten Million Pesos (P10,000,000.00)

Any public officer or employee who shall be found guilty for misappropriation, misapplication or failure to account for the seized or confiscated dangerous drugs shall be penalized in accordance with the provisions of Section 27 of RA 9165, otherwise known as the "*Comprehensive Dangerous Drugs Act of 2002, as amended.*"

SEC. 12. *Implementing Rules and Regulations.* – To ensure the effective implementation of this Act, the Director General of the Philippine Drug Enforcement Agency (PDEA), in coordination with the Philippine National Police (PNP), National Bureau of Investigation (NBI), Dangerous Drugs Board (DDB), and the Supreme Court of the Philippines, shall promulgate the rules and regulations within sixty (60) days from the date that this law is passed by Congress.

SEC. 13. *Repealing Clause.* – All laws, orders, issuances, circulars, rules and regulations or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed, modified, or amended accordingly.

SEC. 14. *Separability Clause.* – If any provision of this Act is declared unconstitutional or invalid, other parts or provisions hereof not affected thereby shall continue to be in full force and effect.

SEC. 15. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation. The publication shall contain the Congress approved IRR.

Approved,

