

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. **2756**



Introduced by Representative Julius Cesar "Jay" V. Vergara

EXPLANATORY NOTE

This bill seeks to rationalize the penalty for illegal possession of dangerous drugs with a quantity of one (1) gram or less, or marijuana of one hundred (100) grams or less, and for possession of drug paraphernalia, amending for the purpose Republic Act (RA) No. 9165, as amended, otherwise known as the "Comprehensive Dangerous Drugs Act of 2004."

RA 9165, as amended, penalizes all drug-related offenses including the possession, sale, and use of dangerous drugs. However, current trends in combatting drug use in other countries have shifted to rehabilitative measures instead of punitive ones. Drug users are viewed as individuals suffering from mental health issues who need medical and social intervention instead of imprisonment.

This bill aims to introduce a more balanced and rehabilitative approach for first-time offenders caught with limited quantities of one (1) gram or less for dangerous drugs and one hundred (100) grams or less of marijuana to give them an opportunity to change and not condemn them at the first instance. The possession of drug paraphernalia is also decriminalized while the penalty for possession of drug paraphernalia during social gatherings is lowered with this same goal in mind.

With this compassionate approach to drug use, the alienation of drug users will be lessened. The shame and stigma that comes with a drug conviction is eliminated and they would be more willing to admit and seek help from mental health facilities and their friends and family. The first step to reintegration as an active member of society is to create a society that welcomes them.

This proposed measure also seeks to address the jail congestion issue. According to data gathered on September 30, 2022, 338 jail facilities nationwide are at a 370% congestion rate capacity. There are five persons deprived of liberty (PDLs) occupying 4.7 square meters of jail space. 68.59% of those imprisoned are charged with drug-related cases. These prisons are filthy and cramped, forcing the prisoners to live in squalor, which is not in accord with the basic human dignity.

If this bill is passed, law enforcement measures and resources shall be redirected to more serious crimes. Furthermore, the planting of evidence by law enforcement personnel will be prevented since a larger amount of drugs is necessary for the penalty of imprisonment. The same goes for the planting of drug paraphernalia.

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



JULIUS CESAR "JAY" V. VERGARA
Third District of Nueva Ecija

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House Bill No. **2756**

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AN ACT

RATIONALIZING THE PENALTY FOR ILLEGAL POSSESSION OF DANGEROUS DRUGS WITH A QUANTITY OF ONE (1) GRAM OR LESS, OR MARIJUANA IN THE AMOUNT OF ONE HUNDRED (100) GRAMS OR LESS, AND FOR POSSESSION OF DRUG PARAPHERNALIA, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9165, AS AMENDED, OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002"

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

Section 1. Section 10 of Republic Act (RA) No. 9165, as amended, is further amended to read as follows:

"SEC. 10. Manufacture or Delivery of Equipment, Instrument, Apparatus, and Other Paraphernalia for 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 equipment, instrument, apparatus and other paraphernalia for dangerous drugs, knowing, or under circumstances where one reasonably should know, that it 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.

"xxx

"xxx."

Section 2. Section 11 of the same Act is further amended to read as follows:

1 “SEC. 11. *Possession of Dangerous Drugs.* - The penalty of life
2 imprisonment to death and a fine ranging from Five hundred thousand
3 pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed
4 upon any person, who, unless authorized by law, shall possess any
5 dangerous drug in the following quantities, regardless of the degree of
6 purity thereof:
7

8 “(1) 10 grams or more of opium;

9 “(2) 10 grams or more of morphine;

10 “(3) 10 grams or more of heroin;

11 “(4) 10 grams or more of cocaine or cocaine hydrochloride;

12 “(5) 50 grams or more of methamphetamine hydrochloride or
13 “*shabu*”;

14 “(6) 10 grams or more of marijuana resin or marijuana resin oil;

15 “(7) 500 grams or more of marijuana; and

16 “(8) 10 grams or more of other dangerous drugs such as, but not
17 limited to, methylenedioxymethamphetamine (MDMA) or “*ecstasy*”,
18 paramethoxyamphetamine (PMA), trimethoxyamphetamine (TMA),
19 lysergic acid diethylamine (LSD), gamma hydroxybutyrate (GHB), and
20 those similarly designed or newly introduced drugs and their derivatives,
21 without having any therapeutic value or if the quantity possessed is far
22 beyond therapeutic requirements, as determined and promulgated by the
23 Board in accordance to Section 93, Article XI of this Act.
24

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

27 “(1) xxx;

28 “(2) xxx;

29 “(3) Imprisonment of twelve (12) years and one (1) day to twenty
30 (20) years and a fine ranging from Three hundred thousand pesos
31 (P300,000.00) to Four hundred thousand pesos (P400,000.00), if the
32 quantities of dangerous drugs are **MORE THAN ONE (1) GRAM BUT**
33 less than five (5) grams of opium, morphine, heroin, cocaine or cocaine
34 hydrochloride, marijuana resin or marijuana resin oil, methamphetamine
35 hydrochloride or “*shabu*”, or other dangerous drugs such as, but not
36 limited to, MDMA or “*ecstasy*”, PMA, TMA, LSD, GHB, and those
37 similarly designed or newly introduced drugs and their derivatives,
38 without having any therapeutic value or if the quantity possessed is far
39 beyond therapeutic requirements; or **MORE THAN ONE HUNDRED**
40 **(100) GRAMS BUT** less than three hundred (300) grams of marijuana[-];
41 **AND**

42 “(4) **A FINE RANGING FROM TEN THOUSAND PESOS**
43 **(P10,000.00) TO FIFTY THOUSAND PESOS (P50,000.00), IF THE**
44 **QUANTITY OF DANGEROUS DRUGS IS ONE (1) GRAM OR LESS**
45 **OF OPIUM, MORPHINE, HEROIN, COCAINE OR COCAINE**
46 **HYDROCHLORIDE, MARIJUANA RESIN OR MARIJUANA RESIN**

1 OIL, METHAMPHETAMINE HYDROCHLORIDE OR "SHABU," OR
2 OTHER DANGEROUS DRUGS SUCH AS, BUT NOT LIMITED TO,
3 MDMA OR "ECSTASY," PMA, TMA, LSD, GHB, AND THOSE
4 SIMILARLY DESIGNED OR NEWLY INTRODUCED DRUGS AND
5 THEIR DERIVATIVES, WITHOUT HAVING ANY THERAPEUTIC
6 VALUE OR IF THE QUANTITY POSSESSED IS FAR BEYOND
7 THERAPEUTIC VALUE OR IF THE QUANTITY POSSESSED IS FAR
8 BEYOND THERAPEUTIC REQUIREMENTS; OR ONE HUNDRED
9 (100) GRAMS OR LESS OF MARIJUANA.

10
11 IF THE PERSON HAS BEEN CONVICTED FOR MORE THAN
12 THREE (3) TIMES, THE PENALTY TO BE IMPOSED FOR THE
13 FOURTH TIME OR MORE SHALL BE IMPRISONMENT OF TWELVE
14 (12) YEARS AND ONE (1) DAY TO TWENTY (20) YEARS AND A FINE
15 RANGING FROM THREE HUNDRED THOUSAND PESOS
16 (P300,000.00) TO FOUR HUNDRED THOUSAND PESOS
17 (P400,000.00)."

18
19 **Section 3.** Section 12 of the same Act is further amended to read as follows:

20
21 *"SEC. 12. Possession of Equipment, Instrument, Apparatus and Other*
22 *Paraphernalia for Dangerous Drugs. - [The penalty of imprisonment ranging*
23 *from six (6) months and one (1) day to four (4) years and a fine ranging*
24 *from Ten thousand pesos (P10,000.00) to Fifty thousand pesos (P50,000.00)*
25 *shall be imposed upon any person, who, unless authorized by law, shall*
26 *possess or have under his/her control any equipment, instrument,*
27 *apparatus and other paraphernalia fit or intended for smoking,*
28 *consuming, administering, injecting, ingesting, or introducing any*
29 *dangerous drug into the body: Provided, That in the case of medical*
30 *practitioners and various professionals who are required to carry such*
31 *equipment, instrument, apparatus and other paraphernalia in the practice*
32 *of their profession, the Board shall prescribe the necessary implementing*
33 *guidelines thereof.]*

34
35 "The possession of [such] ANY equipment, instrument, apparatus
36 and other paraphernalia fit or intended for **SMOKING, CONSUMING,**
37 **ADMINISTERING, INJECTING, INGESTING OR INTRODUCING**
38 **ANY DANGEROUS DRUG INTO THE BODY** [any of the purposes
39 ~~enumerated~~] shall be *prima facie* evidence that the possessor has smoked,
40 consumed, administered to himself/herself, injected, ingested or used a
41 dangerous drug and shall be presumed to have violated Section 15 of this
42 Act[.], **EXCEPT IN THE CASE OF MEDICAL PRACTITIONERS AND**
43 **VARIOUS PROFESSIONALS WHO ARE REQUIRED TO CARRY**
44 **SUCH EQUIPMENT, INSTRUMENT, APPARATUS AND OTHER**
45 **PARAPHERNALIA IN THE PRACTICE OF THEIR PROFESSION,**
46 **THE BOARD SHALL PRESCRIBE THE NECESSARY**
47 **IMPLEMENTING GUIDELINES THEREOF."**

1
2 **Section 4.** Section 13 of the same Act is hereby amended to read as follows:
3

4 “SEC. 13. *Possession of Dangerous Drugs During Parties, Social*
5 *Gatherings or Meetings.* - Any person found possessing any dangerous
6 drug AMOUNTING TO ONE (1) GRAM OR LESS OF OPIUM,
7 MORPHINE, HEROIN, COCAINE OR COCAINE
8 HYDROCHLORIDE, MARIJUANA RESIN OR MARIJUANA RESIN
9 OIL, METHAMPHETAMINE HYDROCHLORIDE OR “SHABU,” OR
10 OTHER DANGEROUS DRUGS SUCH AS, BUT NOT LIMITED TO,
11 MDMA OR “ECSTASY,” PMA, TMA, LSD, GHB, AND THOSE
12 SIMILARLY DESIGNED OR NEWLY INTRODUCED DRUGS AND
13 THEIR DERIVATIVES, WITHOUT HAVING ANY THERAPEUTIC
14 VALUE OR IF THE QUANTITY POSSESSED IS FAR BEYOND
15 THERAPEUTIC VALUE OR IF THE QUANTITY POSSESSED IS FAR
16 BEYOND THERAPEUTIC REQUIREMENTS; OR ONE HUNDRED
17 (100) GRAMS OF MARIJUANA OR LESS during a party, or at a social
18 gathering or meeting, or in the proximate company of at least two (2)
19 persons, shall suffer the PENALTY OF A FINE RANGING FROM
20 TWENTY THOUSAND PESOS (P20,000.00) TO SIXTY THOUSAND
21 PESOS (P60,000.00).
22

23 IF THE PERSON IS FOUND IN THE POSSESSION OF
24 DANGEROUS DRUGS AMOUNTING TO MORE THAN ONE (1)
25 GRAM OF OPIUM, MORPHINE, HEROIN, COCAINE OR COCAINE
26 HYDROCHLORIDE, MARIJUANA RESIN OR MARIJUANA RESIN
27 OIL, METHAMPHETAMINE HYDROCHLORIDE OR “SHABU,” OR
28 OTHER DANGEROUS DRUGS SUCH AS, BUT NOT LIMITED TO,
29 MDMA OR “ECSTASY,” PMA, TMA, LSD, GHB, AND THOSE
30 SIMILARLY DESIGNED OR NEWLY INTRODUCED DRUGS AND
31 THEIR DERIVATIVES, WITHOUT HAVING ANY THERAPEUTIC
32 VALUE OR IF THE QUANTITY POSSESSED IS FAR BEYOND
33 THERAPEUTIC VALUE OR IF THE QUANTITY POSSESSED IS FAR
34 BEYOND THERAPEUTIC REQUIREMENTS; OR MORE THAN ONE
35 HUNDRED (100) GRAMS OF MARIJUANA DURING A PARTY, OR
36 AT A SOCIAL GATHERING OR MEETING, OR IN THE PROXIMATE
37 COMPANY OF AT LEAST TWO (2) PERSONS, THE POSSESSOR
38 SHALL SUFFER THE maximum penalties provided for in Section 11 of
39 this Act, ~~[regardless of]~~ DEPENDING ON the quantity and purity of such
40 dangerous drug.
41

42 **Section 5.** Section 14 of the same Act is further amended to read as follows:
43

44 “SEC. 14. *Possession of Equipment, Instrument, Apparatus and Other*
45 *Paraphernalia for Dangerous Drugs During Parties, Social Gatherings or*
46 *Meetings.* - ~~[The maximum penalty provided for in Section 12 of this Act~~
47 ~~shall be imposed upon any person, who shall possess or have under~~

1 ~~his/her control]~~ THE PENALTY OF A FINE OF TEN THOUSAND
2 PESOS (PHP10,000.00) TO FIFTY THOUSAND PESOS (PHP50,000.00)
3 SHALL BE IMPOSED ON ANY PERSON POSSESSING any
4 equipment, instrument, apparatus and other paraphernalia fit or intended
5 for smoking, consuming, administering, injecting, ingesting, or
6 introducing any dangerous drug into the body, during parties, social
7 gatherings or meetings, or in the proximate company of at least two (2)
8 persons;
9

10 **Section 6.** Section 15 of the same Act is further amended to read as follows:
11

12 “SEC. 15. *Use of Dangerous Drugs.* - A person apprehended or
13 arrested, who is found to be positive for use of any dangerous drug, after
14 a confirmatory test, shall be imposed a **FINE PROVIDED UNDER**
15 **SECTION 11(4) OF THIS ACT FOR ILLEGAL USE OF DANGEROUS**
16 **DRUGS DEPENDING ON THE NUMBER OF TIMES THE PERSON**
17 **HAS TESTED POSITIVE.**
18

19 **ANY PERSON WHO HAS BEEN CONVICTED FOR THE THIRD**
20 **OR FOURTH TIME FOR ILLEGAL USE OF DANGEROUS DRUGS**
21 **UNDER THIS SECTION SHALL SUFFER THE** penalty of a minimum of
22 six (6) months rehabilitation in a government center [~~for the first offense~~],
23 subject to the provisions of Article VIII of this Act. If apprehended using
24 any dangerous drug for the [~~second time~~] **FIFTH TIME OR MORE**,
25 he/she shall suffer the penalty of imprisonment ranging from six (6) years
26 and one (1) day to twelve (12) years and a fine ranging from Fifty thousand
27 pesos (P50,000.00) to Two hundred thousand pesos (P200,000.00):
28 *Provided*, That this Section shall not be applicable where the person tested
29 is also found to have in his/her possession such quantity of any dangerous
30 drug provided for under Section 11 of this Act, in which case the
31 provisions stated therein shall apply.
32

33 **Section 7.** All laws, decrees, executive orders, rules and regulations and other
34 issuances, or parts thereof, inconsistent with the provisions of this Act, are hereby
35 repealed, amended or modified accordingly.
36

37 **Section 8.** This Act shall take effect fifteen (15) days after its publication in the
38 *Official Gazette* or in a newspaper of general circulation.
39

40 *Approved,*