

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **7885**



Introduced by REP. YSABEL MARIA J. ZAMORA

EXPLANATORY NOTE

Republic Act No. 9165 or the "*Comprehensive Dangerous Drugs Act of 2002*," remains as the legal framework for the country's campaign against illegal drugs. However, more than two decades since its enactment, the illegal drug trade has grown to be more complex. It is imperative for law enforcers to adapt but this necessity can only be achieved through substantial funding support.

Over the years, the dynamic nature of the illegal drug trade has exposed several procedural and operational gaps in the implementation of the law. Certain provisions have become less responsive to the present realities, giving rise to interpretative challenges, operational inefficiencies, and difficulties in prosecution. As such, the proposed measure seeks to amend Republic Act No. 9165 in order to make it more adaptive to current demands. Specifically, the bill seeks to introduce the following changes:

- (1) The confiscation and forfeiture of proceeds or instruments of unlawful acts in favor of the agency conducting the operating unit;
- (2) The exemption of media practitioners from serving as witnesses in the inventory of seized items during anti-illegal drug operations;
- (3) The establishment of PDEA's own destruction facility for the proper and timely disposition of dangerous drugs, controlled precursors, and essential chemicals;
- (4) The creation of additional PDEA offices and services, including the establishment of Country Anti-Drug Attaché posts abroad; and
- (5) The grant of parity in salaries, allowances, benefits, and privileges to PDEA personnel, equivalent to those received by the uniformed and non-uniformed personnel of the Philippine National Police (PNP).

These amendments aim to strengthen the institutional framework of PDEA, modernize its operations, and ensure that the country's anti-drug campaign remains effective, transparent, and aligned with current enforcement realities.

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


REP. YSABEL MARIA J. ZAMORA
Lone District, City of San Juan

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AN ACT
AMENDING SECTIONS 20, 21, 83, AND 84 OF REPUBLIC ACT NO. 9165, OTHERWISE
KNOWN AS THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, AS AMENDED
BY REPUBLIC ACT NO. 10640

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

SECTION 1. Section 20 of Republic Act No. 9165 is hereby amended to read as follows:

Section 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.* – Every penalty imposed for the unlawful importation, sale, trading, administration, dispensation, delivery, distribution, transportation or manufacture of any dangerous drug and/or controlled precursor and essential chemical, the cultivation or culture of plants which are sources of dangerous drugs, and the possession of any equipment, instrument, apparatus and other paraphernalia for dangerous drugs including other laboratory equipment, shall carry with it the confiscation and forfeiture **IN FAVOR OF THE AGENCY OF THE OPERATING UNITS TO AUGMENT ITS RESOURCES IN THE CAMPAIGN AGAINST ILLEGAL DRUGS**, of all the proceeds and properties derived from the unlawful act, including, but not limited to, money and other assets obtained thereby, and the instruments or tools with which the particular unlawful act was committed, unless they are the property of a third person not liable for the unlawful act, but those which are not of lawful commerce shall be ordered destroyed without delay pursuant to the provisions of Section 21 of this Act.

IN CASE OF CONVICTION, the Regional Trial Court **SHALL INCLUDE IN ITS DECISION** the confiscation and forfeiture of all the proceeds **AND INSTRUMENTS IN THE COMMISSION** of the offense **IN FAVOR OF THE AGENCY OF THE OPERATING UNITS. MOREOVER, PROPERTIES AND ASSETS THAT ARE MANIFESTLY OUT OF PROPORTION TO THE LAWFUL INCOME OF THE ACCUSED MAY BE THE SUBJECT OF SEPARATE ACTION OR PROCEEDING.**

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.

FURTHER, IN THE MAINTENANCE AND CUSTODY OF NON-DRUG EVIDENCE, SEIZED OR CONFISCATED FROM ANTI ILLEGAL DRUG OPERATIONS, THE AGENCY OF THE OPERATING UNIT CONCERNED SHALL ESTABLISH ITS OWN NON-DRUG EVIDENCE FACILITY.

X X X

SEC. 2. Section 21 of the same Act, as amended by Republic Act No. 10640, is further amended to read as follows:

Section 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. – The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

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 MARKING AND** physical inventory of the seized items and photograph the same 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 OR A DULY AUTHORIZED** representative of the National and Prosecution Service who shall be required to sign the copies of the inventory and be given a copy thereof: *Provided, That* the **MARKING, physical inventory and photograph** shall be conducted at the place where the search warrant is served, **OR IN CASE OF WARRANTLESS SEIZURES, AT THE PLACE OF SEIZURE, OR AT THE NEAREST POLICE STATION OR OFFICE OF THE APPREHENDING TEAM**, whichever is practicable; **PROVIDED FURTHER, THAT** noncompliance **WITH** these requirements **SHALL NOT RENDER VOID AND INVALID SUCH SEIZURES AND CUSTODY OVER SAID ITEMS, AS LONG AS JUSTIFIABLE GROUNDS ARE STATED IN THE AFFIDAVIT OF THE APPREHENDING TEAM.**

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 **FORENSIC LABORATORY OF THE APPREHENDING TEAM OR OTHER LAW ENFORCEMENT FORENSIC LABORATORY FOR THE EXAMINATION AND IDENTIFICATION OF THE SUBJECT SUBSTANCE.**

3) X X X

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 **A REASONABLE TIME** 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/her representative or counsel, a representative from the media and the Department of Justice, civil society groups and any elected public official. The Board shall draw up the guidelines on the manner of proper disposition and destruction of such item/s which shall be borne by the offender: *Provided*, That a representative sample, duly weighed and recorded is retained.

5) X X X

6) X X X

7) **THE SAME REQUIREMENTS ON MARKING, INVENTORY, AND PHOTOGRAPH SHALL APPLY ON SEIZURES, CONFISCATIONS, AND SURRENDERED DANGEROUS DRUGS WHERE NO PERSON IS APPREHENDED AND NO CASE IS FILED. THE SAME SHALL BE TURNED OVER TO THE PDEA WITHIN TWENTY-FOUR (24) HOURS FOR DESTRUCTION OR BURNING. HOWEVER, IN CASE THE OPERATING UNIT IS STILL CONDUCTING AN INVESTIGATION FOR THE POSSIBLE FILING OF A CASE, REPRESENTATIVE SAMPLES SHALL BE TAKEN AND RETAINED BY THE OPERATING UNIT AS EVIDENCE, PURSUANT TO EXISTING LAWS, RULES, AND REGULATIONS, WHILE THE REST SHALL BE TURNED OVER TO PDEA FOR DESTRUCTION.**

**** SUBJECT TO THE APPROVAL OF THE PDEA DIRECTOR GENERAL, REPRESENTATIVE SAMPLES MAY BE RETAINED BY THE PDEA FOR PURPOSES OF TRAININGS OF FORENSIC PERSONNEL AND K-9 UNITS, RESEARCH, DRUG PROFILING, AND OTHER LAWFUL PURPOSES. PROVIDED, THAT WHEN THERE IS A CASE PENDING BEFORE THE REGIONAL TRIAL COURT, THE TAKING OF REPRESENTATIVE SAMPLES SHALL BE UPON THE APPROVAL OF THE COURT.**

8) **FOR THE EFFICIENT IMPLEMENTATION OF THE ABOVE PROVISIONS, THE PDEA SHALL ESTABLISH ITS OWN DESTRUCTION FACILITY FOR PROPER DISPOSITION OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS.**

SEC. 3. Section 83 of same Act is hereby amended to read as follows:

Section 83. Organization of the PDEA. – xxx For purposes of carrying out its duties and powers as provided for in the succeeding Section of this Act, the PDEA shall have the following Services, namely: International Cooperation and Foreign Affairs; Preventive Education and Community Involvement; Compliance; Legal and Prosecution; Human Resource Management; Financial Management; Logistics Management; Internal Affairs; **INTELLIGENCE**;

CYBERCRIME INFORMATION TECHNOLOGY; INVESTIGATION; PLANS; OPERATIONS; GENERAL SUPPORT; LABORATORY; PUBLIC INFORMATION; SPECIAL ENFORCEMENT; AND OTHER SERVICES/OFFICES OF PDEA AS NEEDED.

THE PERSONNEL OF PDEA SHALL ENJOY ALL THE SALARIES, ALLOWANCES, BENEFITS, AND PRIVILEGES BEING ENJOYED BY THE UNIFORMED AND NON UNIFORMED PERSONNEL OF THE PHILIPPINES.

THE PDEA SHALL ESTABLISH AND MAINTAIN OFFICES IN THE DIFFERENT REGIONS, PROVINCES, COMPONENT CITIES, HIGHLY URBANIZED CITIES, CITIES/MUNICIPALITIES, WHICH SHALL BE RESPONSIBLE FOR THE IMPLEMENTATION OF THIS ACT AND THE POLICIES, PROGRAMS, AND PROJECTS OF THE AGENCY IN THEIR RESPECTIVE AREAS.

SECTION 4. Section 84 of same Act is hereby amended to read as follows:

Section 84. Powers and Duties of the PDEA. –

(a) X X X

(b) X X X

(c) Administer oath, issue subpoena and subpoena *duces tecum*, AND TAKE TESTIMONY IN ANY INVESTIGATION OR INQUIRY, EXAMINE AND HAVE ACCESS TO BANK ACCOUNTS AND RECORDS RELATIVE TO ANY VIOLATION OF THIS ACT. FAILURE TO COMPLY WITH SUBPOENA AND SUBPOENA DUCES TECUM SHALL AUTHORIZE THE FILING OF A CASE FOR INDIRECT CONTEMPT, UNDER THE RULES OF COURT, WITH THE REGIONAL TRIAL COURT;

(d) X X X

X X X

(r) X X X

(s) ESTABLISH A NATIONWIDE CASE MONITORING SYSTEM OF ALL DRUG CASES FILED BEFORE THE PROSECUTION OFFICES AND REGIONAL TRIAL COURTS;

(t) COLLECT FEES AND CHARGES FOR PDEA LICENSES, PERMITS, AND ACCREDITATION AS TRUST RECEIPTS; AND RETAIN AND USE THE SAME FOR ITS OPERATION; AND

(u) ESTABLISHMENT OF COUNTRY ANTI-DRUG ATTACHÉ POSTS ABROAD.

SEC. 4. Separability Clause. - If for any reason any provision of this Act or portion hereof shall be declared unconstitutional, such declaration shall not invalidate the other parts which shall remain in full force and effect.

SEC. 5. Repealing Clause. – All laws, presidential decrees, executive orders, rules and regulations, and other issuances or part thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 6. Effectivity. – This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved,