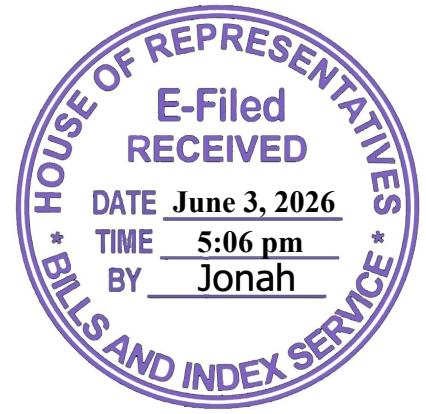


1 Republic of the Philippines
2 **HOUSE OF REPRESENTATIVES**
3 Batasan Hills, Quezon City
4

5
6 **TWENTIETH CONGRESS**
7 First Regular Session
8

9
10 **HOUSE BILL No. 9746**
11



12 -----
13 Introduced by
14 **ACT Teachers Party-List Rep. ANTONIO L. TINIO,**
15 **Gabriela Women's Party Rep. SARAH JANE I. ELAGO,**
16 **and KABATAAN Party-List Rep. RENEE LOUISE M. CO**
17 -----

18
19 **AN ACT**
20 **EXEMPTING JOURNALISTS FROM ACTING AS ANTI-DRUG**
21 **OPERATIONS WITNESSES AND AMENDING REPUBLIC ACT 10640,**
22 **ENTITLED "AN ACT TO FURTHER STRENGTHEN THE ANTI-**
23 **DRUG CAMPAIGN OF THE GOVERNMENT," AMENDING FOR THE**
24 **PURPOSE SECTION 21 OF REPUBLIC ACT 9165, OTHERWISE KNOWN**
25 **AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002"**
26

27
28 **EXPLANATORY NOTE**
29

30 In the past years, the Philippine National Police has increased its reliance on
31 journalists to act as witnesses to the inventory of contraband and other items seized
32 during anti-drug operations. This practice, however, has always been met with
33 resistance by both individual journalists and media groups from all over the country.
34

35 The practice was first made a legal requirement under Section 21 (1) of Republic
36 Act 9165, or the *Comprehensive Dangerous Drugs Act of 2002*, which mandates:
37

38 The apprehending team having initial custody and control of the drugs
39 shall, immediately after seizure and confiscation, physically inventory
40 and photograph the same in the presence of the accused or the person/s
41 from whom such items were confiscated and/or seized, or his/her
42 representative or counsel, *a representative from the media* and the
43 Department of Justice (DOJ), and any elected public official who shall be
44 required to sign the copies of the inventory and be given a copy thereof...
45

46 Although this provision has since been amended by Republic Act 10640 (July
47 15, 2014) and media witnesses were made merely optional, journalists throughout the
48 country report that law enforcement units continue to require them to sign on as

1 witnesses, often as a condition for being allowed to cover anti-drug operations. Worse,
2 there are reports that they are made to sign even if they did not actually witness the
3 operation or the inventory of seized items.

4
5 Journalists who decline find their sources or the normal channels of information
6 no longer accessible.

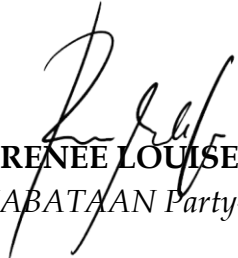
7
8 Aside from the obvious coercion and attempts to control information of vital
9 interest to the public, the media's opposition to this practice also stems from the fact
10 that it unnecessarily places journalists at risk of retaliation from crime syndicates, on
11 the one hand, and exposes them to prosecution for perjury and other offenses in the
12 event of irregularities in the conduct of anti-drug operations, on the other.

13
14 To end this dangerous and unfair practice, it is imperative that this Congress, in
15 the exercise of its mandate to take every conceivable step to protect journalists from
16 harm as well as to help ensure that their reportage remain objective and factual, pass in
17 the most expeditious manner an amendment to laws that engender such situations.

18
19 For these reasons, the passage of this Bill is most urgently sought.


REP. ANTONIO L. TINIO
ACT Teachers Party-list


REP. SARAH JANE I. ELAGO
Gabriela Women's Party


REP. RENEE LOUISE M. CO
KABATAAN Party-list

1 Republic of the Philippines
2 **HOUSE OF REPRESENTATIVES**
3 Batasan Hills, Quezon City
4

5
6 **TWENTIETH CONGRESS**
7 First Regular Session
8

9
10 **HOUSE BILL No. 9746**
11

12 -----
13 Introduced by
14 **ACT Teachers Party-List Rep. ANTONIO L. TINIO,**
15 **Gabriela Women’s Party Rep. SARAH JANE I. ELAGO,**
16 **and KABATAAN Party-List Rep. RENEE LOUISE M. CO**
17 -----

18
19 **AN ACT**
20 **EXEMPTING JOURNALISTS FROM ACTING AS ANTI-DRUG**
21 **OPERATIONS WITNESSES AND AMENDING REPUBLIC ACT 10640,**
22 **ENTITLED “AN ACT TO FURTHER STRENGTHEN THE ANTI-**
23 **DRUG CAMPAIGN OF THE GOVERNMENT,” AMENDING FOR THE**
24 **PURPOSE SECTION 21 OF REPUBLIC ACT 9165, OTHERWISE KNOWN**
25 ***AS THE “COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002”***
26

27
28 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
29 *assembled:*
30

31 **SECTION 1. *Short Title.*** – This Act shall be known as the “***Journalists’ Exemption***
32 ***Law.***”
33

34 **SEC. 2. *Declaration of Policy.*** – It is hereby declared the policy of the State to ensure
35 media safety and help journalists and media workers in their desire for objective and
36 factual reporting in the government’s anti-drug campaign.
37

38 Towards this end, in the interest of media freedom and safety, objective
39 reportage, and media freedom and democracy, the Congress finds compelling the
40 demand that journalists are exempt from acting as police witnesses in the inventory of
41 contraband and other items seized during anti-drug operations.
42

43 **SEC. 3.** Section 1. Section 21 of Republic Act 9165, otherwise known as the
44 “*Comprehensive Dangerous Drugs Act of 2002*” as amended by Republic Act 10640,
45 is hereby further amended to read as follows:

1 **SEC. 21. Custody and Disposition of Confiscated, Seized, and/or**
2 **Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs,**
3 **Controlled Precursors and Essential Chemicals,**
4 **Instruments/Paraphernalia and/or Laboratory Equipment. – x x x**
5

6 (1) The apprehending team having initial custody and control of the
7 dangerous drugs, controlled precursors and essential chemicals,
8 instruments/paraphernalia and/or laboratory equipment shall,
9 immediately after seizure and confiscation, conduct a physical inventory
10 of the seized items and photograph the same in the presence of the accused
11 or the person/s from whom such items were confiscated and/or seized, or
12 his/her representative or counsel, with an elected public official and a
13 representative of the National Prosecution Service [or the media] who
14 shall be required to sign the copies of the inventory and be given a copy
15 thereof: *Provided*, That the physical inventory and photograph shall be
16 conducted at the place where the search warrant is served; or at the nearest
17 police station or at the nearest office of the apprehending officer/team,
18 whichever is practicable, in case of warrantless seizures: *Provided*,
19 *finally*, That noncompliance of these requirements under justifiable
20 grounds, as long as the integrity and the evidentiary value of the seized
21 items are properly preserved by the apprehending officer/team, shall not
22 render void and invalid such seizures and custody over said items.

23
24 **SEC 4. Penalties.** – Any person violating the right of journalists to exemption from
25 under this Act shall be liable for grave coercion under Article 286 of the Revised Penal
26 Code, without prejudice to administrative, civil, and other liabilities.

27
28 **SEC. 5. Implementing Rules and Regulations (IRR).** – To implement effectively the
29 provisions of Section 21, the Philippine Drug Enforcement Agency (PDEA) shall issue
30 the necessary guidelines on the IRR for the purpose in consultation with the Department
31 of Justice (DOJ) and relevant sectors to curb increasing drug cases.

32
33 **SEC. 6. Separability Clause.** – If any provision or part hereof is held invalid or
34 unconstitutional, the remainder of the law or the provision not otherwise affected shall
35 remain valid and subsisting.

36
37 **SEC. 7. Repealing Clause.** – All laws, presidential decrees or issuances, executive
38 orders, letters of instruction, administrative orders, rules and regulations contrary to or
39 inconsistent with the provisions of this Act are hereby repealed, modified or amended
40 accordingly.

41
42 **SEC. 8. Effectivity.** – This Act shall take effect fifteen (15) days after its complete
43 publication in at least two (2) newspapers of general circulation.

44
45
46 *Approved*