



HOUSE OF REPRESENTATIVES

H. No. 7814

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BY REPRESENTATIVES BARBERS, YAP (V.), BIAZON, MARIÑO, GARBIN, CO (E.), CULLAMAT, RODRIGUEZ, CABOCHAN, VILLAFUERTE, TAMBUNTING, PADUANO, PEÑA, AGABAS, SY-ALVARADO, CABATBAT, ORTEGA, ECLEO, BRAVO, CABREDO, MANGUDADATU, JALOSJOS, LUSOTAN, NIETO, SINSUAT, BUSTOS, REVILLA, SIAO, BABASA, BARONDA, SAVELLANO, ARENAS, TUTOR, PLAZA, BAUTISTA-BANDIGAN, COLLANTES AND KHO (E.), PER COMMITTEE REPORT NO. 550

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1           **AN ACT STRENGTHENING DRUG PREVENTION AND CONTROL, AMENDING**  
2           **FOR THE PURPOSE REPUBLIC ACT NO. 9165, AS AMENDED, OTHERWISE**  
3           **KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002"**  
4

5           *Be it enacted by Senate and House of Representatives of the Philippines in Congress assembled:*  
6

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

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

10                   "(a)    x        x        x

11                                x        x        x

12                   "(c)    x        x        x

13  
14  
15                   **"(C-1) CHEMICAL SUBSTANCE DEPENDENCE. – A CONDITION**  
16                   **OF MENTAL AND/OR MENTAL AND PHYSICAL DEPENDENCE ON**  
17                   **ANY CONTROLLED PRECURSOR AND ESSENTIAL CHEMICAL OR**  
18                   **VOLATILE SUBSTANCE, WHETHER ORGANIC OR**  
19                   **MANUFACTURED, THAT AFFECTS THE CENTRAL NERVOUS**  
20                   **SYSTEM, CHARACTERIZED BY THE PERIODIC OR CONSTANTLY**  
21                   **REPEATED CONSUMPTION OF THIS SUBSTANCE AND WHOSE**  
22                   **EFFECTS VARY DEPENDING UPON THE KIND OF CONTROLLED**

1 **PRECURSOR AND ESSENTIAL CHEMICAL TAKEN BY THE**  
2 **DEPENDENT OR USER.**

3 "x x x

4  
5 "(h) *Controlled Precursors and Essential Chemicals.* – Include those  
6 listed in Tables I and II of the 1988 UN Convention Against Illicit Traffic in  
7 Narcotic Drugs and Psychotropic Substances as enumerated in the attached  
8 annex, which is an integral part of this Act[-], **AND SUBSTANCES WHICH**  
9 **SHALL BE HEREINAFTER ADDED TO THE LIST OF CONTROLLED**  
10 **PRECURSORS AND ESSENTIAL CHEMICALS, PURSUANT TO**  
11 **SECTION 93 OF THIS ACT OR ANY DERIVATIVE, MIXTURE, OR**  
12 **PREPARATION CONTAINING SUCH CONTROLLED PRECURSORS**  
13 **AND ESSENTIAL CHEMICALS OR ARE SOURCED THEREFROM**  
14 **WHICH ARE PRESUMED TO FALL WITHIN THE AMBIT**  
15 **THEREOF.**

16 x x x

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

27 "x x x

28  
29 "(r) *Illegal Trafficking.* – The illegal cultivation, culture, delivery,  
30 administration, dispensation, manufacture, sale, trading, transportation,  
31 distribution, importation, exportation, **CHEMICAL DIVERSION,** and  
32 possession of any dangerous drug and/or controlled precursor and essential  
33 chemical.

34 "x x x

35 "(dd) x x x

36  
37 **"(DD-2) PROPERTY.** – **ANY SITE, STRUCTURE, PART OF A**  
38 **STRUCTURE, OR THE GROUND SURROUNDING A STRUCTURE**  
39 **INCLUDING SINGLE-FAMILY RESIDENCE, OUTBUILDING,**  
40 **GARAGE, UNIT OR MULTIPLEX, CONDOMINIUM, APARTMENT**  
41 **BUILDING, WAREHOUSE, HOTEL, MOTEL, BOAT, MOTOR**  
42 **VEHICLE, TRAILER, MANUFACTURED HOUSING, SHOP, OR**  
43 **BOOTH AND OTHER SIMILAR STRUCTURES.**

44  
45 "(ee) *Protector/Coddler.* – Any person who knowingly and willfully  
46 consents to the unlawful acts provided for in this Act and uses his/her influence,  
47 power or position in shielding, harboring, screening or facilitating the escape of  
48 any person he/she knows, or **ANY PERSON WHO** has reasonable grounds to  
49 believe or suspect[,] **THAT AN INDIVIDUAL** has violated the provisions of  
50 this Act, **AND HE/SHE USES HIS/HER INFLUENCE, POWER OR**  
51 **POSITION** in order to prevent the arrest, prosecution [and] **OR** conviction of  
52 the violator.

1 "x x x

2 "(kk) x x x

3  
4 **"(LL) WASTE. - ANY REFUSE, GARBAGE, OR OTHER**  
5 **DISCARDED MATERIAL, EITHER SOLID OR LIQUID."**

6  
7 **"(MM) SURRENDERER - ANY INDIVIDUAL WHO IS CLAIMING TO**  
8 **BE A PERSON WHO USES DRUGS AND/OR A DRUG DEALER OR**  
9 **PUSHER WHO SURRENDERS TO ANY OFFICER/S OR MEMBER/S**  
10 **OF EITHER THE PHILIPPINE DRUG ENFORCEMENT AGENCY**  
11 **(PDEA), NATIONAL BUREAU OF INVESTIGATION (NBI), OR THE**  
12 **PHILIPPINE NATIONAL POLICE (PNP)."**

13  
14  
15 **SEC. 2.** Section 4 of the same Act is hereby amended to read as follows:

16  
17 **"SEC. 4. *Importation AND/OR EXPORTATION of Dangerous***  
18 ***Drugs and/or Controlled Precursors and Essential Chemicals.* - The penalty of life**  
19 **imprisonment to death and a fine ranging from Five hundred thousand pesos**  
20 **(P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any**  
21 **person, who, unless authorized by law, shall import or bring into OR EXPORT**  
22 **FROM the Philippines any dangerous drug, regardless of the quantity and purity**  
23 **involved, including any and all species of opium poppy or any part thereof or**  
24 **substances derived therefrom even for floral, decorative and culinary purposes.**

25  
26 **"The penalty of imprisonment ranging from twelve (12) years and one (1)**  
27 **day to twenty (20) years and a fine ranging from One hundred thousand pesos**  
28 **(P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon**  
29 **any person, who, unless authorized by law, shall import AND/OR EXPORT any**  
30 **controlled precursor and essential chemical.**

31  
32 **"The maximum penalty provided for under this Section shall be imposed**  
33 **upon any person, who, unless authorized under this Act, shall import or bring into**  
34 **OR EXPORT FROM the Philippines any dangerous drug and/or controlled**  
35 **precursor and essential chemical through the use of a diplomatic passport,**  
36 **diplomatic facilities or any other means involving his/her official status intended to**  
37 **facilitate the unlawful entry of the same. In addition, the diplomatic passport shall**  
38 **be confiscated and cancelled.**

39  
40 **"ANY PERSON WHO IS FOUND TO HAVE IN HIS/HER**  
41 **POSSESSION OR UNDER HIS/HER DIRECT OR INDIRECT CONTROL**  
42 **ANY PURCHASE ORDER, MEMORANDUM RECEIPT, DELIVERY**  
43 **RECEIPT, BILL OF LADING, OR ANY SIMILAR DOCUMENT**  
44 **CONTAINING INFORMATION RELATED TO OR IN CONNECTION**  
45 **WITH IMPORTATION OR EXPORTATION TO OR FROM THE**  
46 **PHILIPPINES DANGEROUS DRUGS AND/OR CONTROLLED**  
47 **PRECURSORS AND ESSENTIAL CHEMICALS IS, UNTIL PROVEN**  
48 **OTHERWISE, PRESUMED TO HAVE IMPORTED OR EXPORTED THE**  
49 **DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND**  
50 **ESSENTIAL CHEMICALS THAT ARE THE SUBJECT MATTER OF**  
51 **SUCH DOCUMENT OR WRITING.**

1           “The maximum penalty provided for under this Section shall be imposed  
2 upon any person, who organizes, manages or acts as a "financier" of any of the illegal  
3 activities prescribed in this Section.  
4

5           **“A PERSON IS PRESUMED TO BE A FINANCIER IF HE/SHE  
6 CAUSES THE PAYMENT, RAISES, PROVIDES OR SUPPLIES MONEY  
7 FOR OR UNDERWRITES THE IMPORTATION OR EXPORTATION OF  
8 DANGEROUS DRUGS OR CONTROLLED PRECURSORS AND  
9 ESSENTIAL CHEMICALS. ANY EVIDENCE SHOWING DELIVERY OR  
10 TRANSFER OF MONEY, OR DRAWING OR ISSUANCE OF A CHECK,  
11 MONETARY INSTRUMENT OR DOCUMENT TO THE ACCOUNT,  
12 CUSTODY OR CONTROL OF A PERSON OR ENTITY KNOWN TO BE  
13 CONNECTED WITH OR WORKING FOR AN IMPORTER OR  
14 EXPORTER OF DANGEROUS DRUGS OR CONTROLLED PRECURSORS  
15 AND ESSENTIAL CHEMICALS, UNLESS PROVEN OTHERWISE, IS  
16 *PRIMA FACIE* PROOF OF THE CONSENT TO OR KNOWLEDGE OF THE  
17 SENDER, TRANSFEROR OR ISSUER OF THE FINANCING OF THE  
18 ILLEGAL IMPORTATION OR EXPORTATION OF SUCH DANGEROUS  
19 DRUGS, CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS.  
20 THIS PRESUMPTION MAY BE OVERTURNED UPON PRESENTATION  
21 OF PROOF THAT THE IMPORTATION OR EXPORTATION IS  
22 AUTHORIZED OR VALID.  
23**

24           “The penalty of twelve (12) years and one (1) day to twenty (20) years of  
25 imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00)  
26 to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person,  
27 who acts as a protector/coddler" of any violator of the provisions under this Section.  
28

29           **“A PERSON IS PRESUMED A PROTECTOR OR CODDLER OF A  
30 PERSON WHO IMPORTS OR EXPORTS DANGEROUS DRUGS,  
31 CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS TO BE  
32 USED IN THE PREPARATION FOR SUCH DANGEROUS DRUGS, IF  
33 HE/SHE KNOWS THE IMPORTER OR EXPORTER OF DANGEROUS  
34 DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL  
35 CHEMICALS, AND HE/SHE USES HIS/HER INFLUENCE, POWER OR  
36 POSITION TO SHIELD, HARBOR, SCREEN OR FACILITATE THE  
37 ESCAPE OF SAID IMPORTER OR EXPORTER. A PERSON IS LIKEWISE  
38 PRESUMED A PROTECTOR OR CODDLER IF HE/SHE HAS  
39 KNOWLEDGE OF OR HAS REASONABLE GROUND TO BELIEVE THAT  
40 THE VIOLATOR IS AN IMPORTER OR EXPORTER OF DANGEROUS  
41 DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL  
42 CHEMICALS, AND HE/SHE USES HIS INFLUENCE, POWER OR  
43 POSITION IN PREVENTING THE ARREST, PROSECUTION OR  
44 CONVICTION OF THE IMPORTER OR EXPORTER.  
45**

46           **“UNLESS PROVEN OTHERWISE, A PERSON WHO SHIELDS,  
47 HARBORS, SCREENS OR FACILITATES THE ESCAPE OF, OR  
48 PREVENTS THE ARREST, PROSECUTION, OR CONVICTION OF THE  
49 IMPORTER OR EXPORTER IS PRESUMED TO HAVE KNOWLEDGE  
50 OF, OR HAS WILLFULLY CONSENTED TO, THE ILLEGAL  
51 IMPORTATION OR EXPORTATION AND THAT HE/SHE HAS USED  
52 HIS/HER INFLUENCE, POWER OR POSITION. EXCEPT WHEN IT IS**

1 **DONE BY ANY MEMBER OF THE IMPORTER'S OR EXPORTER'S**  
2 **IMMEDIATE FAMILY OR HIS/HER LEGAL COUNSEL. A PERSON WHO**  
3 **INTERCEDES AND/OR REPRESENTS THE SAID IMPORTER OR**  
4 **EXPORTER IS, UNLESS PROVEN OTHERWISE, PRESUMED TO HAVE**  
5 **SHIELDED, HARBORED, SCREENED OR FACILITATED THE ESCAPE**  
6 **OF OR PREVENTED THE ARREST, PROSECUTION OR CONVICTION**  
7 **OF THE IMPORTER OR EXPORTER."**

8  
9 **SEC. 3.** Section 5 of the same Act is hereby amended to read as follows:

10  
11 **"SEC. 5.** *Sale, Trading, Administration, Dispensation, Delivery,*  
12 *Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors*  
13 *and Essential Chemicals.* – The penalty of life imprisonment to death and a fine  
14 ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos  
15 (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law,  
16 shall sell, trade, administer, dispense, deliver, give away to another, distribute,  
17 dispatch in transit or transport any dangerous drug, including any and all species of  
18 opium poppy regardless of the quantity and purity involved, or shall act as a broker  
19 in any of such transactions.

20 "X X X

21 "X X X

22 "X X X

23 "X X X

24  
25 **"UNLESS PROVEN OTHERWISE, ANY PERSON FOUND OR IS**  
26 **PRESENT WITHIN THE IMMEDIATE VICINITY OF THE AREA OF**  
27 **SALE, TRADING, MARKETING, DISPENSATION, DELIVERY OR**  
28 **DISTRIBUTION, IS PRESUMED TO HAVE BEEN INVOLVED IN THE**  
29 **SALE, TRADE OR DISTRIBUTION OF DANGEROUS DRUGS,**  
30 **CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS.**

31  
32 **"ANY PERSON FOUND IN POSSESSION OF DANGEROUS DRUGS**  
33 **IN THE FOLLOWING QUANTITY OR WEIGHT, REGARDLESS OF**  
34 **PURITY, IS PRESUMED TO HAVE BEEN ENGAGED IN SELLING,**  
35 **TRADING, DISPENSATION, DELIVERY, OR DISTRIBUTION OF**  
36 **DANGEROUS DRUGS:**

37  
38 **"(1) 50 GRAMS OR MORE OF SHABU, COCAINE, COCAINE**  
39 **HYDROCHLORIDE, OPIUM, HEROINE, MORPHINE, MARIJUANA**  
40 **RESIN OR MARIJUANA RESIN OIL, OR OTHER DANGEROUS DRUGS**  
41 **SUCH AS METHYLENEDOXYMETAMPHETAMINE (MDMA) OR**  
42 **"ECSTASY," PARAMETHOXYAMPHETAMINE (PMA),**  
43 **TRIMETHOXYAMPHETAMINE (TMA), LYSERGIC ACIDE**  
44 **DIETHYLAMINE (LSD), GAMMA HYDROXYBUTYRATE (GHB), AND**  
45 **THOSE THAT ARE SIMILARLY DESIGNED OR ARE NEWLY**  
46 **INTRODUCED DRUGS AND THEIR DERIVATIVES;**

47  
48 **"(2) 200 GRAMS OR MORE OF MARIJUANA."**

1           “The maximum penalty provided for under this Section shall be imposed  
2 upon any person who organizes, manages or acts as a “financier” of any of the illegal  
3 activities prescribed in this Section.  
4

5           **“A PERSON IS PRESUMED A FINANCIER IF HE/SHE CAUSES  
6 THE PAYMENT, RAISES OR PROVIDES OR SUPPLIES MONEY FOR,  
7 OR UNDERWRITES THE SALE, TRADING OR DISTRIBUTION OF  
8 DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND  
9 ESSENTIAL CHEMICALS. ANY EVIDENCE SHOWING DELIVERY OR  
10 TRANSFER OF MONEY, OR THE DRAWING, ISSUANCE OR  
11 TRANSFERRING OF ISSUANCE OF A CHECK, MONETARY  
12 INSTRUMENT, INVESTMENT OR PROPERTY TO THE ACCOUNT,  
13 CUSTODY OR CONTROL OF A PERSON OR ENTITY CONNECTED  
14 WITH OR WORKING FOR A SELLER, TRADER OR DISTRIBUTOR OF  
15 DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND  
16 ESSENTIAL CHEMICALS IS, UNLESS PROVEN OTHERWISE, A *PRIMA*  
17 *FACIE* PROOF OF KNOWLEDGE BY THE SENDER, TRANSFERROR OR  
18 ISSUER OF THE FINANCING OF AN UNLAWFUL ACT OR ACTIVITY.  
19**

20           “The penalty of twelve (12) years and one (1) day to twenty (20) years of  
21 imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00)  
22 to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person,  
23 who acts as a “protector/coddler” of any violator of the provisions under this Section.  
24

25           **“A PERSON IS PRESUMED A PROTECTOR OR CODDLER IF  
26 HE/SHE KNOWS THE SELLER, TRADER, DISTRIBUTOR OR VIOLATOR  
27 OF THIS SECTION AND HE/SHE USES HIS/HER INFLUENCE, POWER OR  
28 POSITION IN SHIELDING, HARBORING, SCREENING OR  
29 FACILITATING THE ESCAPE OF SAID VIOLATOR. A PERSON IS  
30 LIKEWISE PRESUMED A PROTECTOR OR CODDLER IF HE/SHE HAS  
31 KNOWLEDGE OF OR HAS REASONABLE GROUND TO BELIEVE OR TO  
32 SUSPECT THAT THE VIOLATOR IS A SELLER, TRADER, OR  
33 DISTRIBUTOR OF DANGEROUS DRUGS AND/OR CONTROLLED  
34 PRECURSORS AND ESSENTIAL CHEMICALS, AND HE/SHE USES  
35 HIS/HER INFLUENCE, POWER OR POSITION IN PREVENTING THE  
36 ARREST, PROSECUTION OR CONVICTION OF THE VIOLATOR.  
37**

38           **“A PERSON WHO SHIELDS, HARBORS, SCREENS OR  
39 FACILITATES THE ESCAPE OF, OR PREVENTS THE ARREST,  
40 PROSECUTION OR CONVICTION OF THE SELLER, TRADER,  
41 DISTRIBUTOR OR VIOLATOR OF THIS SECTION IS, UNLESS PROVEN  
42 OTHERWISE, PRESUMED TO HAVE KNOWLEDGE OF OR WILLFULLY  
43 CONSENTED TO, THE ILLEGAL SELLING, TRADING OR  
44 DISTRIBUTION AND HAS USED HIS/HER INFLUENCE, POWER OR  
45 POSITION IN DOING SO. EXCEPT WHEN IT IS DONE BY ANY MEMBER  
46 OR MEMBERS OF THE VIOLATOR’S IMMEDIATE FAMILY OR THEIR  
47 LEGAL COUNSEL. A PERSON WHO INTERCEDES AND/OR  
48 REPRESENTS THE SAID VIOLATOR IS, UNLESS PROVEN OTHERWISE,  
49 PRESUMED TO HAVE SHIELDED, HARBORED, SCREENED OR  
50 FACILITATED THE ESCAPE OF, OR PREVENTED THE ARREST,  
51 PROSECUTION OR CONVICTION OF THE VIOLATOR.”**

1 SEC. 4. Section 6 of the same Act is hereby amended to read as follows:  
2

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

8 "x x x

9 "x x x

10 "x x x

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

27  
28 "FOR THE PURPOSE OF THIS SECTION, THE FOLLOWING ARE  
29 **PRESUMED:**

30  
31 "(A) ANY DEN, DIVE, RESORT IS PRESUMED  
32 INTENTIONALLY USED FOR THE PURPOSE OF SELLING OR USING  
33 DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND  
34 ESSENTIAL CHEMICALS EVEN ON ONE OCCASION ONLY;

35  
36 "(B) A PERSON IS PRESUMED AN OPERATOR, MAINTAINER  
37 OR ADMINISTRATOR OF A DEN, DIVE OR RESORT IF HE/SHE HAS  
38 ACTUAL OR CONSTRUCTIVE CONTROL AND MANAGEMENT OF  
39 SUCH PREMISES; AND

40  
41 "(C) IF ANY PARAPHERNALIA OR INSTRUMENT SUITABLE  
42 OR FIT FOR THE USE OR ADMINISTRATION OF ANY DANGEROUS  
43 DRUG IS FOUND IN A DEN, DIVE OR RESORT, IT IS PRESUMED THAT  
44 THE PREMISES ARE USED FOR THE PURPOSE OF THE  
45 ADMINISTRATION, SMOKING OR CONSUMPTION OF A DANGEROUS  
46 DRUG BY A HUMAN BEING AND THAT THE OPERATOR,  
47 MAINTAINER OR ADMINISTRATOR PERMITS SAID PREMISES TO BE  
48 USED FOR SUCH PURPOSE.

49  
50 "The maximum penalty provided for under this Section shall be imposed  
51 upon any person who organizes, manages or acts as a "financier" of any of the illegal  
52 activities prescribed in this Section.

1           **“A PERSON IS PRESUMED A FINANCIER OF A DEN, DIVE OR**  
2 **RESORT IF HE/SHE CAUSES THE PAYMENT, RAISES, PROVIDES OR**  
3 **SUPPLIES MONEY FOR OR UNDERWRITES THE OPERATION AND**  
4 **MAINTENANCE THEREOF. ANY EVIDENCE SHOWING THE**  
5 **DELIVERY OR TRANSFER OF MONEY, OR DRAWING OR ISSUANCE**  
6 **OF A CHECK, MONETARY INSTRUMENT, INVESTMENT OR**  
7 **PROPERTY TO THE ACCOUNT, CUSTODY OR CONTROL OF THE**  
8 **OPERATOR, MANAGER OR MAINTAINER OF A DEN, DIVE OR**  
9 **RESORT IS, UNLESS PROVEN OTHERWISE, A *PRIMA FACIE* PROOF**  
10 **OF THE KNOWLEDGE OF FINANCING THE OPERATION AND**  
11 **MAINTENANCE THEREOF BY THE SENDER, TRANSFEROR, OR**  
12 **ISSUER.**

13  
14           “The penalty of twelve (12) years and one (1) day to twenty (20) years of  
15 imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00)  
16 to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person,  
17 who acts as a "protector/coddler" of any violator of the provisions under this Section.  
18

19  
20           **“A PERSON IS PRESUMED A PROTECTOR OR CODDLER IF**  
21 **HE/SHE KNOWS THE OPERATOR, MAINTAINER, ADMINISTRATOR**  
22 **OR MANAGER OF THE DEN, DIVE OR RESORT AND HE/SHE USES**  
23 **HIS/HER INFLUENCE, POWER OR POSITION IN SHIELDING,**  
24 **HARBORING, SCREENING OR FACILITATING THE ESCAPE OF THE**  
25 **VIOLATOR. A PERSON IS LIKEWISE PRESUMED A PROTECTOR OR**  
26 **CODDLER IF HE/SHE HAS KNOWLEDGE OF OR HAS REASONABLE**  
27 **GROUND TO BELIEVE OR TO SUSPECT THAT THE SAID OPERATOR,**  
28 **MAINTAINER, ADMINISTRATOR OR MANAGER ACTUALLY**  
29 **OPERATES, MAINTAINS, ADMINISTERS OR MANAGES A DEN, DIVE**  
30 **OR RESORT AND HE/SHE USES HIS/HER INFLUENCE, POWER OR**  
31 **POSITION IN PREVENTING THE ARREST, PROSECUTION OR**  
32 **CONVICTION OF THE VIOLATOR.**

33  
34           **“UNLESS PROVEN OTHERWISE, A PERSON WHO SHIELDS,**  
35 **HARBORS, SCREENS OR FACILITATES THE ESCAPE OF, OR**  
36 **PREVENTS THE ARREST, PROSECUTION OR CONVICTION OF, AN**  
37 **OPERATOR, MAINTAINER, ADMINISTRATOR OR MANAGER OF A**  
38 **DEN, DIVE OR RESORT IS PRESUMED TO HAVE KNOWLEDGE OF, OR**  
39 **HAVE WILLFULLY CONSENTED TO THE OPERATION, AND**  
40 **MAINTENANCE OF A DEN, DIVE OR RESORT AND HE/SHE USES**  
41 **HIS/HER INFLUENCE, POWER OR POSITION IN DOING THE SAME.**  
42 **EXCEPT WHEN IT IS DONE BY ANY MEMBER OR MEMBERS OF THE**  
43 **IMMEDIATE FAMILY OF THE OPERATOR, MAINTAINER,**  
44 **ADMINISTRATOR OR MANAGER OR THEIR LEGAL COUNSEL. A**  
45 **PERSON WHO INTERCEDES AND/OR REPRESENTS THE VIOLATOR**  
46 **IS, UNLESS PROVEN OTHERWISE, PRESUMED TO HAVE SHIELDED,**  
47 **HARBORED, SCREENED OR FACILITATED THE ESCAPE OF OR**  
48 **PREVENTED THE ARREST, PROSECUTION OR CONVICTION OF SAID**  
49 **OPERATOR, MAINTAINER, ADMINISTRATOR OR MANAGER.”**

50  
51       **SEC. 5. Section 8 of the same Act is hereby amended to read as follows:**



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

6 "x x x

7  
8 "The presence of any controlled precursor and essential chemical or  
9 laboratory equipment in the clandestine laboratory is a *prima facie* proof of  
10 manufacture of any dangerous drug **OR CONTROLLED PRECURSORS AND**  
11 **ESSENTIAL CHEMICALS.** It shall be considered an aggravating circumstance  
12 if the clandestine laboratory is undertaken or established under the following  
13 circumstances:

14 (a) x x x

15 x x x

16 (e) x x x

17  
18 "ANY PERSON FOUND OR IS PRESENT WITHIN THE PREMISES  
19 OF A CLANDESTINE LABORATORY OR THE PLACE WHERE  
20 DANGEROUS DRUGS ARE MANUFACTURED, PRODUCED,  
21 PREPARED, COMPOUNDED, PROCESSED, PACKED OR RE-PACKED  
22 IS, UNLESS PROVEN OTHERWISE, PRESUMED INVOLVED IN OR HAS  
23 PARTICIPATED IN MANUFACTURING OR PRODUCING DANGEROUS  
24 DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL  
25 CHEMICALS.

26  
27 "ANY EQUIPMENT, APPARATUS, PARAPHERNALIA SUITABLE  
28 FOR THE USE, MANUFACTURE OR PRODUCTION OF DANGEROUS  
29 DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL  
30 CHEMICALS FOUND IN A CLANDESTINE LABORATORY, OR IN ANY  
31 OTHER PLACE OR PROPERTY, SHALL BE PRESUMED *PRIMA FACIE*  
32 PROOF THAT SAID LABORATORY, PLACE OR PROPERTY IS USED  
33 FOR THE PURPOSE OF MANUFACTURE OR PRODUCTION OF ANY  
34 DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND  
35 ESSENTIAL CHEMICALS, AND THAT THE PERSON WHO HAS THE  
36 ACTUAL OR CONSTRUCTIVE CONTROL OR MANAGEMENT  
37 THEREOF PERMITS SUCH PROPERTY TO BE USED FOR THE  
38 PURPOSE.

39  
40 "The maximum penalty provided for under this Section shall be imposed  
41 upon any person, who organizes, manages or acts as a "financier" of any of the  
42 illegal activities prescribed in this Section.

43  
44 "A PERSON IS PRESUMED A FINANCIER IF HE/SHE CAUSES  
45 THE PAYMENT, RAISES, PROVIDES OR SUPPLIES THE MONEY FOR,  
46 OR UNDERWRITES THE MANUFACTURE, PRODUCTION,  
47 PREPARATION, COMPOUNDING OR PROCESSING OF DANGEROUS  
48 DRUG AND CONTROLLED PRECURSORS AND ESSENTIAL  
49 CHEMICALS. ANY EVIDENCE SHOWING DELIVERY OR TRANSFER  
50 OF MONEY, OR DRAWING OR ISSUANCE OF A CHECK, NEGOTIABLE  
51 OR NON-NEGOTIABLE INSTRUMENT OR DOCUMENT TO THE

1 ACCOUNT OR CUSTODY OF A PERSON OR ENTITY KNOWN TO BE  
2 CONNECTED WITH OR WORKING FOR, A MANUFACTURER,  
3 PRODUCER OR PROCESSOR OF DANGEROUS DRUGS AND/OR  
4 CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS IS,  
5 UNLESS PROVEN OTHERWISE, A *PRIMA FACIE* PROOF OF THE  
6 CONSENT OR KNOWLEDGE OF FINANCING THE VIOLATOR'S  
7 UNLAWFUL ACTIVITIES BY THE SENDER, TRANSFERROR OR  
8 ISSUER.  
9

10 "The penalty of twelve (12) years and one (1) day to twenty (20) years of  
11 imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00)  
12 to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person,  
13 who acts as a "protector/coddler" of any violator of the provisions under this Section.  
14

15 "A PERSON IS PRESUMED A PROTECTOR OR CODDLER IF  
16 HE/SHE KNOWS THE MANUFACTURER, PRODUCER OR PROCESSOR  
17 OF ANY DANGEROUS DRUG AND/OR CONTROLLED PRECURSOR  
18 AND ESSENTIAL CHEMICAL, AND HE/SHE USES HIS/HER  
19 INFLUENCE, POWER OR POSITION TO SHIELD, HARBOR, SCREEN  
20 OR FACILITATE THE ESCAPE OF SAID MANUFACTURER,  
21 PRODUCER OR PROCESSOR. A PERSON IS LIKEWISE PRESUMED A  
22 PROTECTOR OR CODDLER IF HE/SHE HAS KNOWLEDGE OF OR HAS  
23 REASONABLE GROUND TO BELIEVE THAT ONE IS A  
24 MANUFACTURER, PRODUCER OR PROCESSOR OF DANGEROUS  
25 DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL  
26 CHEMICALS, AND HE/SHE USES HIS/HER INFLUENCE, POWER OR  
27 POSITION IN PREVENTING THE ARREST, PROSECUTION OR  
28 CONVICTION OF THE MANUFACTURER, PRODUCER OR  
29 PROCESSOR.  
30

31 "THE OFFENDER SHALL BE HELD LIABLE TO PAY THE COST  
32 OF THE CLEAN UP OF THE CLANDESTINE LABORATORY ON THE  
33 PROPERTY.  
34

35 "IN ANY SALE OR LEASE OF PROPERTY, IT IS THE DUTY OF  
36 THE OWNER OF RECORD OR HIS/HER AUTHORIZED  
37 REPRESENTATIVE TO DISCLOSE ACTUAL KNOWLEDGE OF PRIOR  
38 USE OF THE PROPERTY AS A CLANDESTINE LABORATORY TO THE  
39 BUYER OR LESSEE. THE LESSOR MUST INCLUDE IN THE LEASE  
40 CONTRACT A STIPULATION THAT THE PROPERTY BEING LEASED  
41 WILL NOT BE USED FOR THE ILLICIT MANUFACTURE OF  
42 DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND  
43 ESSENTIAL CHEMICALS IN VIOLATION OF THIS ACT."  
44

45 **SEC. 6.** A new section denominated as Section 8-A is hereby inserted after Section  
46 8 of the same Act, to read as follows:  
47

48 "**SEC. 8-A. NEGLIGENT OWNER OR LESSOR OF PROPERTY USED**  
49 **AS CLANDESTINE LABORATORY. – THE PENALTY OF IMPRISONMENT**  
50 **RANGING FROM SIX (6) YEARS AND ONE (1) DAY TO TWELVE (12)**  
51 **YEARS AND A FINE RANGING FROM FIVE HUNDRED THOUSAND**  
52 **PESOS (P500,000.00) TO ONE MILLION PESOS (P1,000,000.00) SHALL BE**

1 IMPOSED UPON THE OWNER OR LESSOR OF A BUILDING,  
2 WAREHOUSE, OR ANY PROPERTY, OR IN HIS/HER ABSENCE, THE  
3 DULY AUTHORIZED REPRESENTATIVE WHO LEASES THE  
4 PROPERTY TO ANY PERSON BUT OMITTS OR FAILS TO ASCERTAIN,  
5 CHECK AND CONFIRM THAT THE PROPERTY IS ACTUALLY USED  
6 FOR A LAWFUL PURPOSE, AND WHICH PROPERTY IS FOUND TO  
7 HAVE BEEN ACTUALLY UTILIZED AS CLANDESTINE LABORATORY  
8 OR USED IN THE MANUFACTURE OR STORAGE OF DANGEROUS  
9 DRUGS, CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS.  
10 THE MAXIMUM PENALTY SHALL BE IMPOSED UPON THE OWNER  
11 OR LESSOR, OR HIS/HER DULY AUTHORIZED REPRESENTATIVE  
12 WHO HAS DISCOVERED THE ILLEGAL ACTIVITY BUT FAILED TO  
13 REPORT THE SAME TO PROPER AUTHORITIES.  
14

15 "IF THE PROPERTY SUBJECT OF LEASE IS GOVERNMENT-  
16 OWNED, THE GOVERNMENT OFFICIALS AND EMPLOYEES WHO  
17 OMIT OR FAIL TO OBSERVE AND DISCHARGE THE LEGAL  
18 OBLIGATION REQUIRED IN THE PRECEDING PARAGRAPH SHALL  
19 SUFFER THE MAXIMUM PENALTY IN ADDITION TO ABSOLUTE  
20 PERPETUAL DISQUALIFICATION FROM ANY PUBLIC OFFICE.  
21

22 "IF THE PROPERTY SUBJECT OF LEASE IS OWNED BY A  
23 PARTNERSHIP, CORPORATION, ASSOCIATION, OR ANY JURIDICAL  
24 ENTITY, THE PERSON LIABLE TO THE PENALTY PRESCRIBED IN  
25 THE FIRST PARAGRAPH OF THIS SECTION IS THE CORPORATE OR  
26 ASSOCIATION PRESIDENT, CHIEF EXECUTIVE OFFICER, CHIEF  
27 OPERATING OFFICER OR MANAGER, OR ANY PARTNER IN A  
28 PARTNERSHIP, ANY MEMBER OF THE BOARD OF  
29 DIRECTORS/TRUSTEES OF ANY CORPORATION OR ASSOCIATION,  
30 ANY ESTATE EXECUTOR AND ADMINISTRATOR, OR ANY OF THEIR  
31 DULY AUTHORIZED REPRESENTATIVE.  
32

33 "FOR PURPOSES OF THIS SECTION, THE PERSONS LIABLE IN  
34 THE PRECEDING THREE (3) PARAGRAPHS HEREIN ARE, UNLESS  
35 PROVEN OTHERWISE, PRESUMED TO HAVE GIVEN THEIR CONSENT  
36 TO THE ILLEGAL USE OF THE LEASED PROPERTY IF THEY FAIL TO  
37 VISIT AND INSPECT THE LEASED PROPERTY AT LEAST ONCE  
38 EVERY QUARTER.  
39

40 "THE VISITATION SHALL BE EVIDENCED BY AN AFFIDAVIT  
41 TO BE EXECUTED WITHIN FIVE (5) DAYS FROM DATE OF  
42 VISITATION AND INSPECTION, BY THE PRIVATE INDIVIDUAL,  
43 CONCERNED GOVERNMENT OFFICIAL OR EMPLOYEE, OR  
44 CONCERNED OFFICER OF THE PARTNERSHIP, CORPORATION,  
45 ASSOCIATION, OR JURIDICAL ENTITY THAT OWNS THE PROPERTY  
46 SUBJECT OF THE LEASE AND CERTIFICATION FROM THE  
47 BARANGAY. THE AFFIDAVIT SHALL CATEGORICALLY STATE THE  
48 FOLLOWING: (A) THE DATE WHEN THE INSPECTION OF THE  
49 PROPERTY WAS MADE; (B) THE DETAILS OF THE THINGS SEEN AND  
50 OBSERVED DURING THE INSPECTION; AND (C) THE FACT THAT THE  
51 LEASED PREMISES ARE NOT BEING USED FOR ANY UNLAWFUL  
52 PURPOSE, IF SUCH IS THE CASE. IT SHALL BE SUBMITTED TO THE

1 ADMINISTRATIVE BOARD CREATED PURSUANT TO THE  
2 PROVISIONS OF PARAGRAPH 1, SECTION 52 OF THIS ACT WITHIN  
3 FIVE (5) WORKING DAYS FROM THE EXECUTION OF SAID  
4 AFFIDAVIT. IN ADDITION, A COPY OF THE LEASE CONTRACT AND  
5 THE SPECIAL POWER OF ATTORNEY OF THE AUTHORIZED  
6 REPRESENTATIVE, IF ANY, SHALL ALSO BE FILED WITH THE  
7 ADMINISTRATIVE BOARD AND THE CITY OR MUNICIPAL ASSESSOR  
8 WITHIN FIVE (5) DAYS FROM EXECUTION OF SAID CONTRACT.  
9

10 THE FAILURE TO COMPLY WITH THE FOREGOING  
11 MANDATORY REPORTORIAL REQUIREMENTS SHALL, UNLESS  
12 PROVEN OTHERWISE, BE PRESUMED THAT NO SUCH VISITATION  
13 WAS CONDUCTED ON THE LEASED PROPERTY FOR THE DURATION  
14 OF THE COVERED PERIOD.”  
15

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

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

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

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

44  
45 SEC. 8. Section 11 of the same Act is hereby amended to read as follows:  
46

47 “SEC. 11. *Possession of Dangerous Drugs.* – The penalty of life  
48 imprisonment to death and a fine ranging from Five hundred thousand pesos

1 (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any  
2 person, who, unless authorized by law, shall possess any dangerous drug in the  
3 following quantities, regardless of the degree of purity thereof:

4 “(1) 10 grams or more of opium;

5 X X X

6 “(8) X X X

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

9 “(1) X X X

10 X X X

11 “(3) X X X

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

26  
27 “FOR THE PURPOSE OF THIS SECTION, THE FOLLOWING ARE  
28 PRESUMED:

29  
30 “(A) DANGEROUS DRUGS FOUND TO BE CONCEALED IN AN  
31 ENCLOSED PRIVATE PROPERTY SHALL BE PRESUMED,  
32 UNTIL THE CONTRARY IS PROVEN, THAT THE SAID DRUGS  
33 ARE IN THE POSSESSION OF AND/OR CONCEALED WITH THE  
34 KNOWLEDGE OF THE PERSON WHO HAS ACTUAL CONTROL  
35 THEREOF;

36  
37 “(B) DANGEROUS DRUGS FOUND CONCEALED IN ANY  
38 COMPARTMENT THAT IS SPECIALLY CONSTRUCTED FOR  
39 THE PURPOSE ON ANY BUILDING, REAL PROPERTY,  
40 VEHICLE, VESSEL OR ANY KIND OF TRANSPORTATION OR  
41 PERSONAL PROPERTY, SHALL, UNTIL THE CONTRARY IS  
42 PROVEN, BE PRESUMED TO HAVE BEEN POSSESSED AND/OR  
43 CONCEALED WITH THE KNOWLEDGE OF THE OCCUPANT,  
44 ADMINISTRATOR, OWNER OR PERSON IN-CHARGE OF THE  
45 PROPERTY;

46  
47 “(C) SUBJECT TO THE PROVISIONS OF SECTION 5 OF THIS  
48 ACT, ANY PERSON FOUND IN POSSESSION OF ANY  
49 DANGEROUS DRUG IN THE FOLLOWING QUANTITY OR  
50 WEIGHT, REGARDLESS OF PURITY, IS PRESUMED TO HAVE  
51 BEEN ENGAGED IN SELLING, TRADING, DISPENSATION,

1                   **ADMINISTRATION, DELIVERY, DISTRIBUTION AND/OR**  
2                   **TRANSPORTATION OF DANGEROUS DRUGS:**

3  
4                   **“(1) 200 GRAMS OR MORE OF SHABU, COCAINE,**  
5                   **COCAINE HYDROCHLORIDE, OPIUM, HEROINE,**  
6                   **MORPHINE, MARIJUANA RESIN OR MARIJUANA RESIN**  
7                   **OIL, OR OTHER DANGEROUS DRUGS SUCH AS MDMA**  
8                   **OR “ECSTASY,” PMA, TMA, LSD, GHB, AND THOSE**  
9                   **SIMILARLY DESIGNED OR NEWLY INTRODUCED**  
10                   **DANGEROUS DRUGS AND THEIR DERIVATIVES WHICH**  
11                   **INCLUDE ANALOGUES; AND**  
12                   **“(2) 500 GRAMS OR MORE OF MARIJUANA.”**

13  
14                   **SEC. 9.**           A new section denominated as Section 11-A is hereby inserted after Section  
15 11 of the same Act, to read as follows:  
16

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

30  
31                   **“THE MAXIMUM PENALTY PROVIDED FOR UNDER THIS**  
32                   **SECTION SHALL BE IMPOSED UPON ANY PERSON WHO ORGANIZES,**  
33                   **MANAGES OR ACTS AS FINANCIER OF THE ILLEGAL ACTIVITY**  
34                   **PROVIDED IN THIS SECTION.”**

35  
36                   **SEC. 10.**           Section 12 of the same Act is hereby amended to read as follows:  
37

38                   **“SEC. 12.   *Possession of Equipment, Instrument, Apparatus and Other***  
39                   ***Paraphernalia for Dangerous Drugs.* –           x   x   x**

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

1  
2 SEC. 11. 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 drug during  
6 a party, or at a social gathering or meeting, or in the proximate company of at least  
7 two (2) persons, shall suffer the [maximum penalties provided for in Section 11 of  
8 this Act] **PENALTY OF LIFE IMPRISONMENT TO DEATH AND A FINE**  
9 **OF FIVE HUNDRED THOUSAND PESOS (P500,000.00) TO TEN MILLION**  
10 **PESOS (P10,000,000.00),** regardless of the quantity and purity of such dangerous  
11 drugs."  
12

13 SEC. 12. Section 15 of the same Act is hereby amended to read as follows:  
14

15 "SEC. 15. *Use of Dangerous Drugs AND CONTROLLED PRECURSORS*  
16 *AND ESSENTIAL CHEMICALS.* – A person apprehended or arrested, who is  
17 found to be positive for use of any dangerous drug **OR CONTROLLED**  
18 **PRECURSOR AND ESSENTIAL CHEMICAL AND A DRUG DEPENDENT,**  
19 after a confirmatory test[,] **AND A DEPENDENCY EXAMINATION,** shall be  
20 imposed a penalty of a minimum of six (6) months **TO EIGHTEEN (18)**  
21 **MONTHS IN-PATIENT TREATMENT AND AFTER CARE** rehabilitation  
22 **PROGRAM TO BE DETERMINED BY A PHYSICIAN WHICH SHALL**  
23 **START AFTER THE RELEASE OF THE DRUG DEPENDENT FROM THE**  
24 **REHABILITATION CENTER** in a government center for the first offense,  
25 subject to the provisions of Article VIII of this Act. **IF FOUND TO BE NOT A**  
26 **DRUG DEPENDENT, HE/SHE SHALL SUFFER THE PENALTY OF**  
27 **IMPRISONMENT RANGING FROM SIX (6) MONTHS AND ONE (1) DAY**  
28 **TO SIX (6) YEARS AND A FINE RANGING FROM TEN THOUSAND**  
29 **PESOS (P10,000.00) TO FIFTY THOUSAND PESOS (P50,000.00).** If  
30 apprehended using any dangerous drug **OR CONTROLLED PRECURSOR AND**  
31 **ESSENTIAL CHEMICAL** for the second time, he/she shall suffer the penalty of  
32 imprisonment ranging from six (6) years and one (1) day to twelve (12) years and a  
33 fine ranging from Fifty thousand pesos (P50,000.00) to Two hundred thousand  
34 pesos (P200,000.00): *Provided,* That this Section shall not be applicable where the  
35 person tested is also found to have in his/her possession such quantity of any  
36 dangerous drugs provided for under Section 11 **AND OF ANY CONTROLLED**  
37 **PRECURSORS AND ESSENTIAL CHEMICALS UNDER SECTION 11-A** of  
38 this Act, in which case the provisions stated therein shall apply.  
39

40 "ANY PERSON APPREHENDED UNDER THIS SECTION IS  
41 PRESUMED TO HAVE USED A DANGEROUS DRUG IF HE/SHE  
42 REFUSES TO SUBMIT TO A DRUG TEST WITHIN A PERIOD OF  
43 TWENTY-FOUR (24) HOURS FROM APPREHENSION. THE ARRESTING  
44 OFFICER SHALL INFORM THE SUSPECT ORALLY AND IN WRITING  
45 ABOUT THE PRESUMPTION IF HE/SHE DOES NOT PROMPTLY AND  
46 VOLUNTARILY SUBMIT TO A DRUG TEST. THIS PRESUMPTION,  
47 HOWEVER, SHALL BE OVERTURNED BY A NEGATIVE RESULT OF  
48 THE TEST TO BE CONDUCTED BY ANY HOSPITAL, DOCTOR OR  
49 MEDICAL PRACTITIONER UNDER THE SUPERVISION OF, OR  
50 ACCREDITED BY, THE DEPARTMENT OF HEALTH FOR THIS  
51 PURPOSE, IN THE PRESENCE OF SAID PERSON'S REPRESENTATIVE

1 AND HIS/HER COUNSEL OF CHOICE OR ANY LAWYER AVAILABLE  
2 IF HE HAS NO COUNSEL OF CHOICE.  
3

4 "POSSESSION OF ANY INSTRUMENT, APPARATUS OR  
5 PARAPHERNALIA FIT OR INTENDED FOR ANY OF THE PURPOSES  
6 ENUMERATED IN SECTION 12 OF THIS ACT BY ANY PERSON  
7 SUSPECTED OR APPREHENDED FOR USING DANGEROUS DRUGS  
8 SHALL BE A *PRIMA FACIE* EVIDENCE THAT THE POSSESSOR HAS  
9 SMOKED, CONSUMED, ADMINISTERED TO HIMSELF/HERSELF,  
10 INJECTED, INGESTED OR USED A DANGEROUS DRUG."  
11

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

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

17 "The land or portions thereof and/or greenhouses on which any of said plants  
18 is cultivated or cultured shall be confiscated and escheated in favor of the State,  
19 unless the owner thereof can prove lack of knowledge of such cultivation or culture  
20 despite the exercise of due diligence on his/her part. If the land involved is part of  
21 the public domain, the maximum penalty provided for under this Section shall be  
22 imposed upon the offender. **FOR ESCHEAT PURPOSES UNDER THIS ACT,**  
23 **THE SUPREME COURT SHALL PROMULGATE THE RULES OF**  
24 **PROCEDURE GOVERNING THE SAME.**  
25

26 "The maximum penalty provided for under this Section shall be imposed  
27 upon any person, who organizes, manages or acts as a "financier" of any of the illegal  
28 activities prescribed in this Section.  
29

30 "A PERSON IS PRESUMED A FINANCIER OF THE VIOLATOR OF  
31 THIS SECTION IF HE/SHE CAUSES THE PAYMENT, RAISES,  
32 PROVIDES OR SUPPLIES THE MONEY FOR OR UNDERWRITES THE  
33 PLANTING, MAINTENANCE AND OPERATION OF ANY PLANTATION,  
34 FARM OR PLACE OF CULTIVATION OR CULTURE OF ANY PLANT  
35 CLASSIFIED AS DANGEROUS DRUGS OR SOURCE THEREOF. ANY  
36 EVIDENCE SHOWING THE DELIVERY OR TRANSFER OF MONEY, OR  
37 DRAWING OR ISSUANCE OF A CHECK, MONETARY INSTRUMENT OR  
38 INVESTMENT TO THE ACCOUNT, CONTROL OR CUSTODY OF A  
39 PERSON OR ENTITY KNOWN TO BE, CONNECTED WITH OR  
40 WORKING FOR, THE VIOLATOR OF THIS SECTION IS, UNLESS  
41 PROVEN OTHERWISE, A *PRIMA FACIE* PROOF THAT THE SENDER,  
42 TRANSFEROR OR ISSUER IS FINANCING THE VIOLATOR'S ILLEGAL  
43 ACTIVITIES.  
44

45 "The penalty of twelve (12) years and one (1) day to twenty (20) years of  
46 imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00)  
47 to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person,  
48 who acts as a "protector/coddler" of any violator of the provisions under this Section.  
49

50 "A PERSON IS PRESUMED A CODDLER OR PROTECTOR IF  
51 HE/SHE KNOWS THE CULTIVATOR, PRODUCER OR VIOLATOR OF  
52 THIS SECTION AND HE/SHE USES HIS/HER INFLUENCE, POWER OR



1 POSITION IN PREVENTING THE COLLECTION OF EVIDENCE  
2 WITHOUT ANY JUSTIFIABLE REASON OR GROUNDS, SHIELDING,  
3 HARBORING, SCREENING OR FACILITATING THE ESCAPE OF SAID  
4 VIOLATOR. A PERSON IS LIKEWISE PRESUMED A PROTECTOR OR  
5 CODDLER IF HE/SHE HAS KNOWLEDGE OF OR HAS REASONABLE  
6 GROUND TO BELIEVE THAT ONE IS A CULTIVATOR, PLANTER,  
7 PRODUCER OF PLANTS CLASSIFIED AS DANGEROUS DRUGS OR  
8 SOURCE THEREOF, AND HE/SHE USES HIS/HER INFLUENCE, POWER  
9 OR POSITION IN PREVENTING THE ARREST, PROSECUTION OR  
10 CONVICTION OF SUCH CULTIVATOR, PLANTER OR PRODUCER.

11  
12 "ANY ACT OF THE PROTECTOR OR CODDLER OF SHIELDING,  
13 HARBORING, SCREENING OR FACILITATING THE ESCAPE OF, OR IN  
14 PREVENTING THE ARREST, PROSECUTION OR CONVICTION OF  
15 THE VIOLATOR OF THIS SECTION IS, UNLESS PROVEN OTHERWISE,  
16 *PRIMA FACIE* PROOF THAT THE PROTECTOR OR CODDLER HAS  
17 KNOWLEDGE OF, OR CONSENTED TO, THE CULTIVATION OR  
18 PRODUCTION OF PLANTS CLASSIFIED AS DANGEROUS DRUGS OR  
19 SOURCE THEREOF, AND HE/SHE IS PRESUMED FURTHER TO HAVE  
20 USED HIS/HER INFLUENCE, POWER OR POSITION IN DOING THE  
21 SAME. EXCEPT WHEN IT IS DONE BY ANY MEMBER OF THE  
22 VIOLATOR'S IMMEDIATE FAMILY OR HIS/HER LEGAL COUNSEL,  
23 ANY PERSON WHO INTERCEDES AND/OR REPRESENTS THE SAID  
24 VIOLATOR IS, UNLESS PROVEN OTHERWISE, PRESUMED TO HAVE  
25 SHIELDED, HARBORED, SCREENED OR FACILITATED THE ESCAPE  
26 OF OR PREVENTED THE ARREST, PROSECUTION OR CONVICTION  
27 OF THE VIOLATOR."

28  
29 SEC. 14. Section 20 of the same Act is hereby amended to read as follows:

30  
31 "SEC. 20. *Confiscation and Forfeiture of the Proceeds or Instruments*  
32 *of the Unlawful Act, Including the Properties or Proceeds Derived from the Illegal*  
33 *Trafficking of Dangerous Drugs and/or Precursors and Essential Chemicals. - x*

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

46 "x x x"  
47  
48 SEC. 15. Section 21 of the same Act, is hereby further amended to read as follows:

49 "SEC. 21. *Custody and Disposition of Confiscated, Seized, and/or Surrendered*  
50 *Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and*  
51 *Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment. - xxx*

1 “(1) The apprehending team having initial custody and control of the dangerous drugs,  
2 controlled precursors and essential chemicals, instruments/paraphernalia and/or  
3 laboratory equipment shall, immediately after seizure and confiscation, conduct a  
4 physical inventory of the seized items and photograph the same **TOGETHER WITH**  
5 **A NEWSPAPER OR ANY PUBLICATION DATED ON THAT DAY, OR BY**  
6 **ANY MEANS OR MODE TO INDICATE THE DATE OF THE**  
7 **PHOTOGRAPH** in the presence of the accused or the person/s from whom such items  
8 were confiscated and/or seized, or his/her representative or counsel, with an elected  
9 public official [and] **OR a DULY DESIGNATED** representative of the National  
10 Prosecution Service [or the media] who shall be required to sign the copies of the  
11 inventory and be given a copy thereof: *Provided*, That the physical inventory and  
12 photograph shall be conducted at the place where the search warrant is served; or at  
13 the nearest police station or at the nearest office of the apprehending officer/team,  
14 whichever is practicable, in case of warrantless seizures: *Provided, finally*, That  
15 noncompliance of these requirements under justifiable grounds, as long as the  
16 [~~integrity and the evidentiary value of the~~] seized items are properly  
17 **PHOTOGRAPHED, RECORDED AND AUTHENTICATED** [~~properly~~  
18 ~~preserved~~] by the apprehending officer/team, shall not render void and invalid such  
19 seizures and custody over said items.

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

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

36  
37 **“MEMBERS OF THE MEDIA MAY BE INVITED TO THE JOIN/COVER**  
38 **ANTI-DRUG OPERATIONS OF THE GOVERNMENT FOR JOURNALISM**  
39 **PURPOSES ONLY. DETAILS AND FACTS ABOUT THE OPERATION**  
40 **SHOULD NOT BE USED AS CONDITION FOR THE REPORTER TO SIGN**  
41 **THE INVENTORY.**

42  
43 **“(2) Within twenty-four (24) hours upon confiscation/seizure of dangerous drugs, plant**  
44 **sources of dangerous drugs, controlled precursors and essential chemicals, as well as**  
45 **instruments/paraphernalia and/or laboratory equipment, the same shall be submitted to**  
46 **[~~the PDEA Forensic Laboratory for a qualitative and quantitative examination~~]**  
47 **THE FORENSIC LABORATORY OF THE ARRESTING TEAM FOR THE**  
48 **EXAMINATION AND IDENTIFICATON OF THE SUBJECT SUBSTANCE;**

1 “ (3) A certification of the forensic laboratory examination results, which shall be done  
2 **UNDER OATH** by the forensic laboratory examiner **INDICATING THEREIN**  
3 **THE KIND OF DANGEROUS DRUGS SEIZED, ITS CHEMICAL**  
4 **COMPOSITION IF POSSIBLE, VOLUME, WEIGHT, AND OTHER**  
5 **RELEVANT INFORMATION** shall be issued immediately upon the receipt of the  
6 subject item/s: *Provided*, That when the volume of dangerous drugs, plant sources of  
7 dangerous drugs, and controlled precursors and essential chemicals does not allow the  
8 completion of testing within the time frame, a partial laboratory examination report  
9 shall be provisionally issued stating therein the quantities of dangerous drugs still to  
10 be examined by the forensic laboratory: *Provided, however*, That a final certification  
11 shall be issued immediately upon completion of the said examination and certification;

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

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

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

1 burning or destruction of the evidence in question, the Secretary of Justice shall  
2 appoint a member of the public attorney's office to represent the former;

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

9 "xxx";

10  
11 **SEC. 16.** Section 22 of the same Act is hereby amended to read as follows:

12  
13 "SEC. 22. *Grant of Compensation, Reward and Award.* – The Board  
14 shall recommend to the concerned government agency the grant of compensation,  
15 reward and award to any person providing information and to law enforcers  
16 participating in the operation, which results in the successful confiscation, seizure  
17 or surrender of dangerous drugs, plant sources of dangerous drugs, and controlled  
18 precursors and essential chemicals **AND LABORATORY EQUIPMENT. THE**  
19 **COMPUTATION OF MONETARY REWARD SHALL BE BASED ON THE**  
20 **QUANTITATIVE AND QUALITATIVE EXAMINATIONS CONDUCTED**  
21 **BY THE FORENSIC LABORATORY EXAMINER WITHIN TWENTY-**  
22 **FOUR (24) HOURS AFTER RECEIPT OF SEIZED ITEMS."**

23  
24 **SEC. 17.** A new section denominated as Section 25-A is hereby inserted after Section  
25 25 of the same Act, to read as follows:

26  
27 "SEC. 25-A. *AGGRAVATING CIRCUMSTANCE.* – **THE PENALTY**  
28 **OF ONE DEGREE HIGHER SHALL BE IMPOSED IF A PERSON**  
29 **VIOLATES SECTIONS 4, 5, 11, AND 15 OF THIS ACT AND THE SAME IS**  
30 **COMMITTED DURING AN EPIDEMIC OR PANDEMIC AS DECLARED**  
31 **BY THE PRESIDENT OF THE PHILIPPINES."**

32  
33  
34 **SEC. 18.** Section 26 of the same Act is hereby amended to read as follows:

35  
36 "SEC. 26. *Attempt or Conspiracy.* – Any attempt or conspiracy to  
37 commit the following unlawful acts shall be penalized by the same penalty  
38 prescribed for the commission of the same as provided under this Act:

39 "(a) x x x

40 x x x

41 "(e) x x x

42 "(F) **CHEMICAL DIVERSION**

43 "(G) **POSSESSION"**

44  
45 **SEC. 19.** Section 29 of the same Act is hereby amended to read as follows:

46  
47 "SEC. 29. *Criminal Liability for Planting of Evidence.* – Any person  
48 who is found guilty of "planting" any dangerous drug and/or controlled precursor  
49 and essential chemical, regardless of quantity and purity, shall suffer the penalty of  
50 death.

1 "A DEFENSE OF 'PLANTING EVIDENCE' INTERPOSED AND  
2 PLEADED BY ANY PERSON CHARGED FOR VIOLATION OF ANY OF  
3 THE UNLAWFUL ACTS PRESCRIBED IN THIS ACT IS PRESUMED TO  
4 BE A COMPLAINT AGAINST THE LAW ENFORCER/S OR PRIVATE  
5 INDIVIDUAL/S INVOLVED IN THE ARREST, SEARCH AND SEIZURE.  
6

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

24  
25 "ANY PERSON WHO IS CHARGED AND PROSECUTED FOR  
26 ALLEGEDLY PUTTING OR PLACING ANY DANGEROUS DRUG OR  
27 SIMILAR SUBSTANCE AND/OR PUTTING OR PLACING ANY DRUG  
28 EQUIPMENT, INSTRUMENT OR PARAPHERNALIA ON THE PERSON  
29 OR IMMEDIATE PREMISES OF ANY ACCUSED/SUSPECT, SHALL BE  
30 PRESUMED TO HAVE PUT, PLACED, OR PLANTED THE SAID  
31 EVIDENCE IF THE RULES OF PROCEDURE AND/OR ENGAGEMENT  
32 FOR THE ARREST, SEARCH AND SEIZURE HAVE NOT BEEN  
33 COMPLIED WITH."  
34

35 SEC. 20. A new section denominated as Section 29-A is hereby inserted after Section  
36 29 of the same Act, to read as follows:  
37

38 "SEC. 29-A. CRIMINAL LIABILITY ON USE OR  
39 IMPLEMENTATION OF SEARCH WARRANT ISSUED BASED ON  
40 PERJURIOUS, FALSIFIED DOCUMENTS OR PLANTED EVIDENCE. -  
41 ANY PERSON WHO IS FOUND GUILTY OF WILLFULLY OR  
42 INTENTIONALLY USING OR IMPLEMENTING SEARCH WARRANT  
43 ISSUED BASED ON PERJURIOUS OR FALSIFIED DOCUMENTS AS  
44 DEFINED UNDER THE REVISED PENAL CODE, OR PLANTED  
45 EVIDENCE AS DEFINED PENALIZED UNDER EXISTING LAWS SHALL  
46 SUFFER THE PENALTY AS PROVIDED FOR UNDER SEC. 29 OF THIS  
47 ACT."  
48

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

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

14           “x     x     x”

15  
16           SEC. 22. A new section denominated as Section 33-A is hereby inserted after Section 33 of  
17 the same Act, to read as follows:

18  
19           “SEC. 33-A. *IMMUNITY FROM PROSECUTION UNDER OTHER*  
20 *CIRCUMSTANCES, MINIMUM PENALTY AND COMMUTATION OF*  
21 *SENTENCE.* – ANY PERSON CHARGED FOR ANY OFFENSE UNDER  
22 THIS ACT AND WHO IS NOT QUALIFIED FOR IMMUNITY UNDER THE  
23 PRECEDING SECTION 33 MAY APPLY FOR IMMUNITY FROM  
24 PROSECUTION UNDER THIS SECTION IF HE/SHE IS WILLING TO  
25 REVEAL THE IDENTITY AND PARTICIPATION OF PERSONS  
26 INVOLVED FOR VIOLATION OF SECTIONS 4, 5, 6, 8, 10 AND 16 OF  
27 ARTICLE II OF THIS ACT, INCLUDING THE VIOLATOR’S  
28 FINANCIERS, PROTECTORS OR CODDLERS.

29  
30           “THE GRANT OF THE APPLICATION FOR IMMUNITY IS  
31 CONDITIONED UPON THE ARREST AND PROSECUTION OF ANYONE,  
32 SOME OR ALL OF THE PERSONS HE/SHE NAMED OR IDENTIFIED,  
33 THE WILLINGNESS FROM HIS/HER PART TO TESTIFY AGAINST THE  
34 PERSON/S HE/SHE NAMED OR IDENTIFIED, HE/SHE DOES NOT  
35 APPEAR TO BE THE MOST GUILTY FOR THE OFFENSE TO WHICH  
36 HIS/HER INFORMATION OR TESTIMONY IS GIVEN, AND THE  
37 CONCURRENCE OF THE FOLLOWING:

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

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

43           “(C) SUCH INFORMATION AND TESTIMONY CAN BE  
44 CORROBORATED ON ITS MATERIAL POINTS;

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

51           “(E) THE INFORMANT OR WITNESS SHALL, WITHOUT  
52 DELAY, STRICTLY AND FAITHFULLY COMPLY WITH ANY

1 **CONDITION OR UNDERTAKING LAWFULLY IMPOSED BY THE**  
2 **STATE AS FURTHER CONSIDERATION FOR THE GRANT OF**  
3 **IMMUNITY FROM PROSECUTION AND PUNISHMENT.**  
4

5 **"IF HE/SHE SATISFIES THE ABOVE CONDITIONS FOR THE**  
6 **GRANT OF IMMUNITY, THE APPLICANT MAY BE QUALIFIED FOR**  
7 **AND BE PLACED UNDER THE WITNESS PROTECTION PROGRAM.**  
8

9 **"IF NONE OF THE PERSON/S HE/SHE NAMED OR IDENTIFIED**  
10 **HAS BEEN ARRESTED AND CHARGED, THE PROSECUTION OF THE**  
11 **CASE SHALL PROCEED, BUT THE COURT SHALL SUSPEND**  
12 **PROMULGATION OF JUDGMENT FOR A PERIOD NOT EXCEEDING**  
13 **SIX (6) MONTHS FROM THE DATE HIS/HER CASE IS SUBMITTED FOR**  
14 **DECISION. THE COURT, HOWEVER, IS BOUND TO RENDER**  
15 **JUDGMENT IF THE ACCUSED REQUESTS FOR EARLY DECISION.**  
16

17 **"THE COURT SHALL RENDER A DECISION IF THE PERSON**  
18 **HE/SHE NAMED OR IDENTIFIED REMAINS AT-LARGE AFTER THE**  
19 **LAPSE OF THE ORIGINAL OR EXTENDED PERIOD. IF HE/SHE IS**  
20 **FOUND GUILTY, THE COURT SHALL IMPOSE ONLY THE MINIMUM**  
21 **PENALTY FOR THE OFFENSE CHARGED OR PROVEN. HOWEVER,**  
22 **HE/SHE MAY BE CALLED LATER AS WITNESS FOR THE**  
23 **PROSECUTION, WITH HIS/HER EXPRESS CONSENT, IN THE EVENT**  
24 **THAT ONE, SOME OR ALL THE PERSONS HE/SHE NAMED OR**  
25 **IDENTIFIED HAS OR HAVE BEEN APPREHENDED AND CHARGED IN**  
26 **COURT FOR VIOLATION OF SECTIONS 4, 5, 6, 8, 10 AND 16 OF THIS**  
27 **ACT. IF HE/SHE HAS TESTIFIED FOR THE PROSECUTION, HIS/HER**  
28 **SENTENCE MAY BE REDUCED, OR HE/SHE MAY BE CONSIDERED TO**  
29 **HAVE FULLY SERVED HIS/HER SENTENCE AND MAY BE RELEASED**  
30 **IMMEDIATELY, AT THE DISCRETION OF THE COURT."**  
31

32 **SEC. 23.** Section 36 of the same Act is hereby amended to read as follows:  
33

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

49 **"(a) X X X X X**  
50 **"(g) X X X X X**  
51

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

7           “x    x    x”

8  
9       **SEC. 24.**       Section 51 of the same Act is hereby amended to read as follows:

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

18  
19           **“THE ADAC IS A MULTI-SECTOR GROUP COMPOSED OF**  
20 **LOCAL OFFICIALS AND REPRESENTATIVES OF VARIOUS**  
21 **COMMUNITY ORGANIZATIONS TASKED TO PLAN, IMPLEMENT,**  
22 **AND MONITOR ALL ANTI-DRUG ABUSE PROBLEMS IN THE**  
23 **LOCAL GOVERNMENT UNIT.**

24  
25           **“THE ADAO SHALL PROVIDE TECHNICAL AND**  
26 **ADMINISTRATIVE SUPPORT SERVICES TO THE ADAC AND ACT**  
27 **AS ITS SECRETARIAT TO IMPLEMENT EFFECTIVELY THE**  
28 **PROVISIONS OF THIS SECTION. THE BOARD, WITH THE**  
29 **ASSISTANCE OF THE DEPARTMENT OF THE INTERIOR AND**  
30 **LOCAL GOVERNMENT (DILG), SHALL ISSUE THE NECESSARY**  
31 **GUIDELINES WITHIN NINETY (90) DAYS FROM APPROVAL OF**  
32 **THIS ACT.”**

33  
34       **SEC. 25.**       The Title of Article VIII and Sections 54, 55, 56, 57, 58, 59, 60, 61, 62, 63,  
35 64, 68, 72, 73, 74, 75 and 76 of the same Article are hereby amended by deleting the words “drug  
36 dependent” wherever they appear and replacing them with the words “**DRUG AND/OR**  
37 **CHEMICAL DEPENDENT.**”

38  
39       **SEC. 26.**       Section 78 of the same Act is hereby amended to read as follows:

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

44  
45           **“The three (3) permanent members, who shall possess at least seven-year**  
46 **training and experience in the field of dangerous drugs and any of the following**  
47 **fields: in law, medicine, criminology, psychology or social work, shall be appointed**  
48 **by the President of the Philippines. The President shall designate a Chairman, who**  
49 **shall have the rank of a secretary from among the three (3) permanent members who**  
50 **shall serve for six (6) years. Of the two (2) other members, who shall have the rank**  
51  
52



1 of undersecretary, one (1) shall serve for four (4) years and the other for two (2)  
2 years. Thereafter, the persons appointed to succeed such members shall hold office  
3 for a term of six (6) years and until their successors shall have been duly appointed  
4 and qualified.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51 **"THE BOARD MAY ENGAGE THE SERVICES OF CONSULTANTS**  
52 **WHO ARE PRESUMED EXPERTS IN DRUG ABUSE AND CONTROL**

1 **POLICIES, STRATEGIES AND PROGRAMS, RESEARCH, AND**  
2 **INTERNATIONAL DRUG CONVENTIONS, SUBJECT TO THE**  
3 **PERTINENT BUDGETARY LAWS, RULES AND REGULATIONS ON**  
4 **COMPENSATION, HONORARIA AND ALLOWANCES.**

5  
6 “All members of the Board as well as its [permanent] *EX-OFFICIO*  
7 consultants shall receive *per diem* for every meeting actually attended subject to the  
8 pertinent budgetary laws, rules and regulations on compensation, honoraria and  
9 allowances: *Provided*, That where the representative of an *ex-officio* member or of  
10 the [permanent] consultant of the Board attends a meeting in behalf of the latter,  
11 such **PERMANENT** representatives shall be entitled to receive the *per diem*.”  
12

13 **SEC. 27.** Section 79 of the same Act is hereby amended to read as follows:  
14

15 “SEC. 79. *Meetings of the Board.* – The Board shall meet once a [week]  
16 **MONTH** or as often as necessary at the [discretion] **CALL** of the Chairman or [at  
17 the call of] any four (4) other members. The presence of [nine (9)] **ELEVEN (11)**  
18 members shall constitute a quorum.”  
19

20 **SEC. 28.** Section 80 of the same Act is hereby amended to read as follows:  
21

22 “SEC. 80. *Secretariat of the Board.* – x x x  
23 “x x x  
24 “The existing secretariat of the Board shall be under the administrative  
25 control and supervision of the Executive Director. It shall be composed of the  
26 following [divisions] **SERVICES**, namely: Policy Studies, Research and Statistics;  
27 Preventive Education, Training and Information; Legal Affairs; and the  
28 Administrative and Financial Management.”  
29

30 **SEC. 29.** Section 82 of the same Act is hereby amended to read as follows:  
31

32 “SEC. 82. *Creation of the Philippine Drug Enforcement Agency*  
33 *(PDEA).* – x x x  
34

35 “The PDEA shall be headed by a Director General with the rank of  
36 Undersecretary, who shall be responsible for the general administration and  
37 management of the Agency. The Director General of the PDEA shall be appointed  
38 by the President of the Philippines and shall perform such other duties that may be  
39 assigned to him/her. He/she must possess **A POSTGRADUATE DEGREE, A**  
40 **CAREER EXECUTIVE SERVICE ELIGIBILITY, A CAREER**  
41 **EXECUTIVE SERVICE ELIGIBILITY AND** adequate knowledge, training and  
42 experience in the field of dangerous drugs, **CONTROLLED PRECURSORS**  
43 **AND ESSENTIAL CHEMICALS CONTROL**, and in any of the following fields:  
44 law enforcement, [law, medicine, criminology, psychology or social work]  
45 **CRIMINAL POLICING, LEGAL AND PROSECUTION, CRIMINOLOGY,**  
46 **AND INTELLIGENCE AND SECURITY ADMINISTRATION.**  
47

48 “**IN THE PERFORMANCE OF DUTIES AND RESPONSIBILITIES,**  
49 [T]he Director General of the PDEA shall be assisted [in the performance of his/her  
50 duties and responsibilities] by two (2) deputies director general with the rank of  
51 Assistant Secretary; one for Operations and the other one for Administration. The  
52 two (2) deputies director general shall likewise be appointed by the President of the

1 Philippines upon recommendation OF THE DIRECTOR GENERAL OF THE  
2 PDEA AND THE CONCURRENCE of the Board. The two (2) deputies director  
3 general shall possess the same qualifications as those of the Director General of the  
4 PDEA. The Director General and the two (2) deputies director general shall receive  
5 the compensation and salaries as prescribed by law.  
6

7 SEC. 30. Section 84 of the same Act is hereby amended to read as follows:  
8

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

10 "(a) x x x

11 " x x x

12 "(f) x x x

13 "(g) [Recommend to the DOJ the forfeiture of properties and other assets of  
14 persons and/or corporations found to be violating the provisions of this Act and in  
15 accordance with the pertinent provisions of the Anti-Money-Laundering Act of  
16 2001.] COORDINATE AND SUBMIT CONFIDENTIAL REPORTS WITH  
17 APPROPRIATE RECOMMENDATIONS TO THE ANTI-MONEY  
18 LAUNDERING COUNCIL (AMLC) FOR THE ISSUANCE OF A FREEZE  
19 ORDER, FOR THE INITIATION OF APPROPRIATE SEIZURE OR  
20 FORFEITURE PROCEEDING AND FOR THE INVESTIGATION,  
21 INSPECTION OR EXAMINATION OF ANY FINANCIAL TRANSACTION,  
22 INVESTMENT OR ASSET IN ANY BANK OR FINANCIAL  
23 INTERMEDIARY OF ANY PERSON SUSPECTED OR APPREHENDED  
24 FOR VIOLATING SECTIONS 4, 5, 6, 8, 9, 10, 12, 13, 14 AND 16 OF THIS  
25 ACT.  
26

27 THE CONFIDENTIAL REPORT OR RECOMMENDATION THAT  
28 IS BASED ON RELIABLE AND VERIFIED INTELLIGENCE  
29 INFORMATION SHALL CONTAIN THE NAME OR IDENTITY OF THE  
30 SUSPECT AND OTHER RELEVANT INFORMATION. IT SHALL  
31 RENDER THE PERSONAL AND RELATED TRANSACTIONS OF THE  
32 SUSPECT'S SUSPICIOUS TRANSACTIONS AS DEFINED UNDER  
33 SECTION 3(B-1) IN RELATION TO SECTION 4 OF REPUBLIC ACT NO.  
34 9160, AS AMENDED, OTHERWISE KNOWN AS THE "ANTI-MONEY  
35 LAUNDERING ACT OF 2001." IT SHALL HAVE THE SAME EFFECT IN  
36 THE CASE OF A REPORT OR RECOMMENDATION MADE UPON ALL  
37 PERSONAL AND RELATED TRANSACTIONS OF A PERSON ARRESTED  
38 OR APPREHENDED.  
39

40 "PROPER COORDINATION AND EXCHANGE OF  
41 INFORMATION WITH THE AMLC SHALL BE UNDERTAKEN TO  
42 SUBSTANTIATE CHARGES, STRENGTHEN THE CASE, AND/OR  
43 SUPPORT THE PROSECUTION AGAINST THE PERSON SUBJECT OF  
44 THE REPORT OR RECOMMENDATION;  
45

46 "(h) x x x

47 "(i) x x x

48  
49 "(I-1) SUBJECT TO THE PROVISIONS OF REPUBLIC ACT NO.  
50 4200, ENTITLED, "AN ACT TO PROHIBIT AND PENALIZE WIRE  
51 TAPPING AND OTHER RELATED VIOLATIONS OF THE PRIVACY OF  
52 COMMUNICATION, AND FOR OTHER PURPOSES," MONITOR ANY

1 MESSAGE, COMMUNICATION OR CONVERSATION TRANSMITTED  
2 OR RECEIVED THROUGH WIRELESS OR DIGITAL  
3 TELECOMMUNICATION, ON-LINE, INTERNET, CYBER OR  
4 WHATEVER OTHER MEANS OF COMMUNICATION IF SAID  
5 MESSAGE, COMMUNICATION OR CONVERSATION IS CONSIDERED  
6 CONNECTED TO THE COMMISSION OF ANY OF THE UNLAWFUL  
7 ACTS OR ACTIVITIES PRESCRIBED IN THIS ACT OR TO AN ACT  
8 PREPARATORY TO, OR FOR THE PURPOSE OF COMMITTING SAID  
9 UNLAWFUL ACTS OR ACTIVITIES. FOR THIS PURPOSE, THE PDEA  
10 SHALL ORGANIZE A SPECIAL UNIT OR OFFICE UNDER ITS  
11 INTELLIGENCE AND INVESTIGATION SERVICES TO MONITOR, BY  
12 THE USE OF ELECTRONIC DEVICE, ALL ACTIVITIES OF ANY  
13 PERSON ENGAGED IN IMPORTATION, EXPORTATION,  
14 MANUFACTURE, PLANTATION, CULTIVATION, SELLING, PUSHING,  
15 TRADING, TRANSPORTATION OR DISTRIBUTION OF ILLEGAL  
16 DRUGS OR SIMILAR SUBSTANCES, AND THEIR FINANCIERS,  
17 PROTECTORS OR CODDLERS.

18  
19 "SUBJECT TO THE PROVISIONS OF REPUBLIC ACT NO. 4200,  
20 ANY INFORMATION GATHERED OR OBTAINED IN THE COURSE OF  
21 VALID MONITORING MENTIONED IN THE PRECEDING  
22 PARAGRAPH, MAY BE USED IN EVIDENCE, WHETHER BEFORE OR  
23 AFTER THE SUBJECT PERSON IS CHARGED FOR VIOLATION OF  
24 THIS ACT.

25  
26 "x x x

27 "(l) x x x

28 "(m) Establish and maintain close coordination, cooperation and linkages  
29 with international drug control and administrative agencies and organizations,  
30 WITH DRUG SUPPLY REDUCTION AND CHEMICAL DIVERSION  
31 CONTROL FUNCTIONS AND PROGRAMS, and implement applicable  
32 provisions of international conventions and agreements related to dangerous drugs  
33 AND CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS to  
34 which the Philippines is a signatory;

35 "x x x

36 "(o) [Require all government and private hospitals, clinics, doctors, dentists  
37 and other practitioners to submit a report to it, in coordination with the Board, about  
38 all dangerous drugs and/or controlled precursors and essential chemicals which they  
39 have attended to for data and information purposes]. CONDUCT REGULATORY  
40 COMPLIANCE INSPECTION AND DANGEROUS DRUGS AND/OR  
41 CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS  
42 DIVERSION CONTROL PROGRAM AND INVESTIGATION;

43 "x x x"

44 "(r) x x x

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

49  
50 SEC. 31. Section 85 of the same Act is hereby amended to read as follows:

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

14 "x x x"

15  
16 **SEC. 32.** Section 86 of the same Act is hereby amended to read as follows:

17  
18 "SEC. 86. *Transfer, Absorption, and Integration of All Operating Units*  
19 *on Illegal Drugs into the PDEA and Transitory Provisions.* – x x x

20 "x x x"

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

38 "x x x"

39  
40 **SEC. 33.** Section 87 of the same Act is hereby amended to read as follows:

41  
42 "SEC. 87. *Appropriations.* – x x x

43 All receipts derived from fines, fees and other income authorized and imposed  
44 in this Act, including ten percent (10%) of all unclaimed and forfeited  
45 sweepstakes and lotto prizes but not less than twelve million pesos  
46 (P12, 000,000.00) per year from the Philippine Charity Sweepstakes Office (PCSO), are  
47 hereby constituted as a special account in the general fund for the implementation  
48 of this Act: *Provided,* That **EXCEPT AS OTHERWISE ALLOWED**  
49 **ELSEWHERE IN THIS ACT,** no amount shall be disbursed to cover operating  
50 expenses of the Board and other concerned agencies: **PROVIDED, FURTHER,**  
51 **THAT PDEA SHALL RETAIN THE TOTAL COLLECTION FOR DRUGS**  
52 **AND CHEMICAL FEES AND CHARGES TO FUND THE COMPLIANCE**

1 AND DIVERSION CONTROL PROGRAM, PDEA ACADEMY  
2 DEVELOPMENT PROGRAM, AND FORENSIC LABORATORY  
3 DEVELOPMENT PROGRAM OTHER THAN WHAT IS PROVIDED FOR IN  
4 THE GENERAL APPROPRIATIONS ACT: *Provided [further]* FINALLY, That at  
5 least fifty percent (50%) of all the funds, EXCEPT FEES AND CHARGES  
6 COLLECTED BY PDEA, shall be reserved for assistance to government-owned  
7 and/or operated rehabilitation centers.

8 "x x x"  
9

10 SEC. 34. Section 92 of the same Act is hereby amended to read as follows:  
11

12 "SEC. 92. *Delay and Bungling in the Prosecution of Drug Cases.* – Any  
13 government officer or employee tasked with the prosecution of drug-related cases  
14 under this Act, who, through patent laxity, inexcusable neglect, unreasonable delay,  
15 or IN deliberately [causes] CAUSING the unsuccessful prosecution and/or  
16 dismissal of the said drug cases, shall suffer the penalty of imprisonment ranging  
17 from twelve (12) years and one (1) day to twenty (20) years without prejudice to  
18 his/her prosecution under the pertinent provisions of the Revised Penal Code.  
19

20 UNLESS PROVEN OTHERWISE, A DECISION OF THE COURT  
21 ACQUITTING THE ACCUSED OR DISMISSING A CASE PROSECUTED  
22 UNDER THIS ACT BASED ON ANY OF THE FOLLOWING REASONS  
23 SUCH AS, FAILURE TO FORMALLY OFFER EVIDENCE, FILING OF  
24 WRONG INFORMATION, FAILURE TO PRESENT *CORPUS DELICTI*,  
25 IRREGULARITY/ILLEGALITY OF ARREST, SEACH AND SEIZURE,  
26 FAILURE TO CONDUCT CONFIRMATORY TEST, FAILURE TO  
27 PROSECUTE FOR AN UNREASONABLE LENGTH OF TIME,  
28 INSUFFICIENCY OF EVIDENCE, FAILURE TO COMPLY WITH SEC. 21  
29 OF THIS ACT, INCONSISTENT TESTIMONIES, QUASHAL OF  
30 INFORMATION OR SEARCH WARRANT, LACK OF PROBABLE CAUSE,  
31 DEMURRER TO EVIDENCE GRANTED BY THE COURT, AND NON-  
32 PRESENTATION OF VITAL WITNESSES, IS PRESUMED TO HAVE  
33 BEEN UNSUCCESSFULLY PROSECUTED AND THE GOVERNMENT  
34 PROSECUTOR, LAW ENFORCER, OFFICER OR EMPLOYEE  
35 INVOLVED IN THE PROSECUTION THEREOF DELIBERATELY  
36 CAUSED THE UNSUCCESSFUL PROSECUTION AND/OR DISMISSAL  
37 OF THE SAID CASE.  
38

39 "THE TRIAL COURT OR APPELLATE/REVIEWING COURT  
40 THAT RENDERS THE JUDGMENT OF ACQUITTAL OR ISSUES THE  
41 ORDER OF DISMISSAL SHALL FURNISH A COPY THEREOF TO THE  
42 CIVIL SERVICE COMMISSION AND TO THE OFFICE OF THE  
43 OMBUDSMAN, WHICH SHALL PROMPTLY CONDUCT APPROPRIATE  
44 ADMINISTRATIVE INVESTIGATION WITHIN A PERIOD OF FIVE (5)  
45 DAYS FROM RECEIPT THEREOF. THE INVESTIGATION SHALL, IF  
46 WARRANTED, INCLUDE THE IMPOSITION OF APPROPRIATE  
47 ADMINISTRATIVE SANCTION AND THE FILING OF PROPER  
48 CRIMINAL ACTION FOR THE VIOLATION OF THIS SECTION."  
49

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

1           “SEC. 93.    *Reclassification, Addition or Removal of Any Drug AND*  
2 *CHEMICAL from the List of Dangerous Drugs OR CONTROLLED*  
3 *PRECURSORS AND ESSENTIAL CHEMICALS.* – The Board shall have the  
4 power to reclassify, add to or remove from the lists of dangerous drugs AND  
5 **CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS. THE**  
6 **BOARD MAY ONLY REMOVE FROM SUCH LISTS, ANY OF THE**  
7 **DANGEROUS DRUGS AND/OR CONTROLLED PRECURSOR AND**  
8 **ESSENTIAL CHEMICAL THAT IT HAD ADDED, BY REGULATION, BUT**  
9 **NOT LISTED IN THE SCHEDULES UNDER INTERNATIONAL**  
10 **CONTROL SET BY THE 1961 SINGLE CONVENTION ON NARCOTIC**  
11 **DRUGS, AS AMENDED BY THE 1972 PROTOCOL, 1971 CONVENTION**  
12 **ON PSYCHOTROPIC SUBSTANCES AND 1988 CONVENTION AGAINST**  
13 **ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC**  
14 **SUBSTANCES. THE BOARD SHALL ALSO HAVE THE POWER TO**  
15 **EXEMPT ANY DANGEROUS DRUG PREPARATION AND ANY DRUG**  
16 **OR CHEMICAL PREPARATION OR MIXTURE OR PRODUCTS**  
17 **CONTAINING CONTROLLED PRECURSORS AND ESSENTIAL**  
18 **CHEMICALS FROM ANY SPECIFIC PROVISION OF THE**  
19 **REGULATION UNDER THIS ACT: PROVIDED, THAT SUCH**  
20 **DANGEROUS DRUG PREPARATION OR ANY DRUG PREPARATION**  
21 **CONTAINING CONTROLLED PRECURSORS AND ESSENTIAL**  
22 **CHEMICALS IS REGISTERED WITH THE FOOD AND DRUG**  
23 **ADMINISTRATION AS A DRUG, AND PRODUCTS CONTAINING THE**  
24 **CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS ARE**  
25 **LEGITIMATELY TRADED AND SOLD COMMERCIALY.** Proceedings to  
26 reclassify, add, or remove a drug, CHEMICAL or other substance, OR EXEMPT  
27 IT FROM ANY PRESCRIBED REGULATION may be initiated by the PDEA,  
28 the DOH, or by petition from any interested party, including the manufacturer of a  
29 drug, CHEMICAL OR OTHER SUBSTANCE, a medical society or association,  
30 a pharmacy association, A CHEMICAL ASSOCIATION, a public interest group  
31 concerned with drug OR CHEMICAL abuse, a national or local government  
32 agency, or an individual citizen. When a petition is received by the Board, it shall  
33 immediately begin its own investigation of the drug OR CHEMICAL OR  
34 SUBSTANCE. The PDEA also may begin an investigation of a drug, CHEMICAL  
35 OR SUBSTANCE at any time based upon the information received from law  
36 enforcement laboratories, national and local law enforcement and regulatory  
37 agencies, or other sources of information.

38  
39           “The Board after notice and hearing shall consider the following factors with  
40 respect to each substance proposed to be reclassified, added or removed from  
41 control OR EXEMPTED FROM ANY PRESCRIBED REGULATORY  
42 CONTROL:

- 43           “(a) Its actual or relative potential for abuse;  
44           “(b) Scientific evidence of its pharmacological effect if known;  
45           “(c) The state of current scientific knowledge regarding the drug,  
46 CHEMICAL or other substance;  
47           “(d) EVIDENCE AND history [and] OF current pattern of abuse,  
48 ILLICIT TRAFFIC AND DIVERSION OF SUCH SUBSTANCE;  
49           “(e) The scope, duration, and significance of abuse, ILLICIT TRAFFIC  
50 AND DIVERSION;  
51           “(f) Risk to public health; [and]

1           “(g) Whether the substance is an immediate precursor of a substance  
2 already controlled under this Act;

3           “(H) **TOXICOLOGY, INCLUDING ADVERSE REACTIONS IN**  
4 **HUMANS;**

5           “(I) **THERAPEUTIC OR INDUSTRIAL USE;**

6           “(J) **WHETHER THE PREPARATION OR MIXTURE IS**  
7 **COMPOUNDED IN SUCH A WAY THAT IT PRESENTS NEGLIGIBLE OR**  
8 **NO RISK, IF ANY, OF ABUSE OR DIVERSION AND THE SUBSTANCE**  
9 **MAY NOT BE RECOVERED BY READILY APPLICABLE MEANS IN**  
10 **QUANTITY LIABLE TO ABUSE OR DIVERSION SO THAT THE**  
11 **PREPARATION OR MIXTURE DOES NOT GIVE RISE TO A PUBLIC**  
12 **HEALTH, SOCIAL OR LAW ENFORCEMENT PROBLEM;**

13           “(K) **WHETHER THE DRUG OR GROUP OF DRUGS IS**  
14 **FORMULATED IN SUCH A WAY THAT IT MAY NOT BE EASILY USED**  
15 **IN THE ILLICIT PRODUCTION OF A DANGEROUS DRUG; AND**

16           “(L) **WHETHER THE CONTROLLED PRECURSOR AND**  
17 **ESSENTIAL CHEMICAL MAY BE READILY RECOVERED FROM THE**  
18 **DRUG OR GROUPS OF DRUGS OR CHEMICAL MIXTURE OR END**  
19 **PRODUCT CONTAINING THE CHEMICAL.**

20  
21           “The Board shall also take into account the obligations and commitments to  
22 international treaties, conventions and agreements to which the Philippines is a  
23 signatory.

24  
25           “The Dangerous Drugs Board shall give notice to the general public of the  
26 public hearing of the reclassification, addition to or removal from the list of any  
27 drug, **CHEMICAL OR SUBSTANCE OR EXEMPTION FROM ANY**  
28 **PRESCRIBED REGULATION** by publishing such notice in any newspaper of  
29 general circulation once a week for two (2) weeks **OR PROVIDING**  
30 **INTERESTED PARTIES WITH DUE NOTICES. THE BOARD SHALL**  
31 **LIKewise GIVE NOTICE TO THE GENERAL PUBLIC OF ITS**  
32 **DECISIONS BY PUBLISHING THE REGULATION IN ANY NEWSPAPER**  
33 **OF GENERAL CIRCULATION ONCE A WEEK FOR TWO (2) WEEKS.**

34  
35           “The effect of such reclassification, addition or removal **FROM THE**  
36 **LISTS OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS**  
37 **AND ESSENTIAL CHEMICALS, OR EXEMPTION FROM ANY**  
38 **PRESCRIBED REGULATION** shall be as follows:

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

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

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



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

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

18           “(f) **THE BOARD SHALL, WITHIN FIVE (5) DAYS FROM THE**  
19 **DATE OF ITS PROMULGATION, SUBMIT TO CONGRESS A DETAILED**  
20 **RECLASSIFICATION, ADDITION, REMOVAL OF ANY DRUG,**  
21 **CHEMICAL OR OTHER SUBSTANCE FROM THE LISTS OF**  
22 **DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND**  
23 **ESSENTIAL CHEMICALS, AND EXEMPTIONS.”**

24  
25           **SEC. 36.**       Section 101 of the same Act is hereby amended to read as follows:

26  
27           “**SEC. 101.**    [Amending] **AMENDATORY Clause.** – Republic Act No.  
28 **7659 AND PRESIDENTIAL DECREE NO. 1619 [is] ARE** hereby amended  
29 accordingly.”

30  
31           **SEC. 37.**       **Separability Clause.** – Should any provision of this Act or any part thereof  
32 be declared invalid, the other provisions, insofar as they are separable from the invalid one, shall  
33 remain in full force and effect.

34  
35           **SEC. 38.**       **Repealing Clause.** – All laws, orders, issuances, rules and regulations or  
36 parts thereof inconsistent with this Act are hereby repealed or modified accordingly. **THE**  
37 **PROVISIONS OF THIS ACT SHALL NOT IN ANY WAY REPEAL REPUBLIC ACT NO.**  
38 **9346, OR “AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE**  
39 **PHILIPPINES.**

40  
41           **SEC. 39.**       **Effectivity.** – This Act shall take effect fifteen (15) days after its publication  
42 in the *Official Gazette* or in a newspaper of general circulation.

Approved.