


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

23 MAY 18 P3:50

SENATE
S. No. 2217

REC'D _____


Introduced by Senator Robinhood Padilla

AN ACT
AMENDING SECTIONS 27 AND 28 OF REPUBLIC ACT NO. 9165 OTHERWISE KNOWN AS THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, AS AMENDED, THEREBY IMPOSING THE DEATH PENALTY WHEN THE OFFENSE IS COMMITTED BY AN OFFICER OR MEMBER OF THE ARMED FORCES OF THE PHILIPPINES, THE PHILIPPINE NATIONAL POLICE, OR ANY OTHER UNIFORMED OR LAW ENFORCEMENT AGENCY, OR AN ELECTIVE OFFICIAL, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The fundamental law of the land provides that Congress, in the exercise of its legislative powers, may reimpose the death penalty for crimes that are considered "heinous for being grievous, odious and hateful offenses and which, by reason of their inherent or manifest wickedness, viciousness, atrocity and perversity are repugnant and outrageous to the common standards and norms of decency and morality in a just, civilized and ordered society."

The reported prevalence of the illegal drug problem has persisted through the years, shedding light on the pronouncement of then President Rodrigo Roa-Duterte in 2016 that the country has turned into a "narco-state". It has since become the worst crisis the Duterte Administration has to address.

This menace has spread through and through. In fact, in just the first two weeks of 2023, about P70 million worth of illegal drugs were seized. Early this year, the Philippine National Police (PNP) called for the top officials of the institution to purge its ranks of ties to the illicit drug trade. Hundreds of police generals and colonels

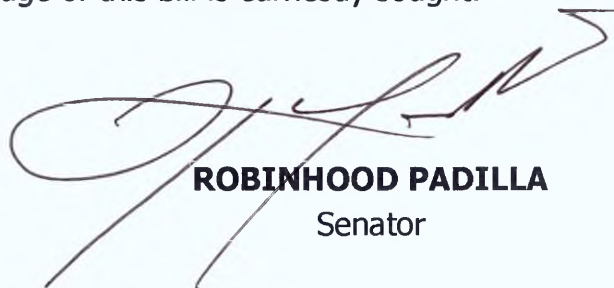
have since voluntarily vacated their posts following this radical approach to cleanse the police ranks.

The alarming surge of illegal drug cases involving our law enforcers and public officials has brought our nation into a state of insecurity. It spoils the reputation of the public institutions mandated to "serve and protect" and to be the "protector of the people". Thus, the seriousness of the drug problem has reached the very core of our law enforcement.

It is the duty of the government to guarantee the safety of the people, and hence, protect society from the ills of illegal drugs. The present law has demonstrated its futility to deter offenses relating to drugs. Our law's leniency has brought us to this sorry state of affairs where law enforcers are now unafraid to be involved in illegal drugs. The situation is dire which requires our government to respond with a staunch and decisive measure: the law must be changed.

It is an incontrovertible truth that the illegal drug trade and prevalence become so entrenched and systematic that its rot sets in the very core of our public institutions. To reinstate the rule of law and rebuild the trust of the Filipino people, we must reimpose the death penalty as a strong deterrent to grave offenders from the Armed Forces of the Philippines, the Philippine National Police, any uniformed or law enforcement agency, or an elective official who are entrusted with the public power by the people.

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



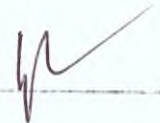
ROBINHOOD PADILLA
Senator



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

1 Section 1. Section 27 of Republic Act No. 9165 otherwise known as the
2 "Comprehensive Dangerous Drugs Act of 2002," as amended, is hereby amended to
3 read as follows:

4 Section 27. *Criminal Liability of a Public Officer or*
5 *Employee for Misappropriation, Misapplication or Failure to*
6 *Account for the Confiscated, Seized and/or Surrendered*
7 *Dangerous Drugs, Plant Sources of Dangerous Drugs,*
8 *Controlled Precursors and Essential Chemicals,*
9 *Instruments/Paraphernalia and/or Laboratory Equipment*
10 *Including the Proceeds or Properties Obtained from the*
11 *Unlawful Act Committed.* — The penalty of life imprisonment
12 to death and a fine ranging from Five hundred thousand pesos
13 (P500,000.00) to Ten million pesos (P10,000,000.00), in

1 addition to absolute perpetual disqualification from any public
2 office, shall be imposed upon any public officer or employee
3 who misappropriates, misapplies or fails to account for
4 confiscated, seized or surrendered dangerous drugs, plant
5 sources of dangerous drugs, controlled precursors and
6 essential chemicals, instruments/paraphernalia and/or
7 laboratory equipment including the proceeds or properties
8 obtained from the unlawful acts as provided for in this Act [-]:
9 **PROVIDED, THAT, THE DEATH PENALTY SHALL BE**
10 **IMPOSED WHEN THE OFFENDER IS AN OFFICER OR**
11 **MEMBER OF THE ARMED FORCES OF THE**
12 **PHILIPPINES, PHILIPPINE NATIONAL POLICE OR**
13 **ANY OTHER UNIFORMED OR LAW ENFORCEMENT**
14 **AGENCY.**

15 Any elective local or national official found to have
16 benefited from the proceeds of the trafficking of dangerous
17 drugs as prescribed in this Act, or have received any financial
18 or material contributions or donations from natural or juridical
19 persons found guilty of trafficking dangerous drugs as
20 prescribed in this Act, shall **SUFFER THE PENALTY OF**
21 **DEATH WITHOUT PREJUDICE TO [be] remo[ved]AL** from
22 office and perpetually disqualified from holding any elective
23 or appointive positions in the government, its divisions,
24 subdivisions, and intermediaries, including government-
25 owned or-controlled corporations.

26 *Sec. 2. Declaration of Heinous Crime and Imposition of Death Penalty.* — It is
27 hereby declared as a heinous crime when the offense is committed by an officer or
28 member of the Armed Forces of the Philippines, Philippine National Police or other law
29 enforcement agencies as provided by Section 27.

30 *Sec. 3. Suspension of the execution of the death sentence.* — The death
31 sentence shall not be inflicted upon a woman while she is pregnant or within one (1)
32 year after delivery, or upon any person over seventy (70) years of age. In this last

1 case, the death sentence shall be commuted to forty (40) years imprisonment with
2 the accessory penalties provided under the Revised Penal Code.

3 *Sec. 4. Separability Clause.* — If any portion or provision of this Act is declared
4 unconstitutional, the remainder of this Act or any provisions not affected thereby shall
5 remain in force and effect.

6 *Sec. 5. Repealing Clause.* — Republic Act No. 9346 is hereby amended
7 accordingly in so far as the prohibition of death penalty on crimes as specified in this
8 Act. Any law, presidential decree or issuance, executive order, letter of instruction,
9 rule or regulation inconsistent with the provisions of this Act is hereby repealed or
10 modified accordingly.

11 *Sec. 6. Effectivity Clause.* — This Act shall take effect after fifteen (15) days
12 following its complete publication in the Official Gazette or a newspaper of general
13 circulation.

Approved,