



SEVENTEENTH CONGRESS OF THE |
REPUBLIC OF THE PHILIPPINES |
First Regular Session |

17 JAN 16 P6:17

RECEIVED BY: _____

SENATE

S. B. No. 1294

Introduced by SEN. WIN GATCHALIAN

AN ACT
REIMPOSING THE DEATH PENALTY AND INCREASING PENALTIES FOR
CRIMES INVOLVING DANGEROUS DRUGS, AMENDING FOR THE PURPOSE
CERTAIN PROVISIONS OF REPUBLIC ACT NO. 9165, AS AMENDED,
OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF
2002"

EXPLANATORY NOTE

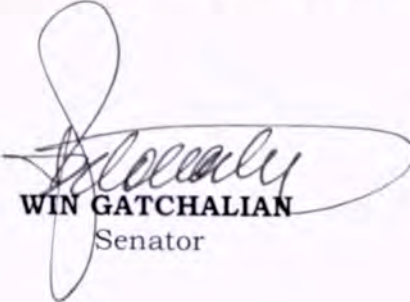
The scourge of illegal drugs continues to plague our country. The number of drug dependents has continued to rise even with the enactment of the Comprehensive Dangerous Drugs Act of 2002. According to the Dangerous Drugs Board, more than 4.74 million persons in the country, or 6.1 percent of the population aged 10-69, have used illegal drugs at least once in their lifetime. What is more alarming is the increase in prevalence rate to 2.3 percent – representing 1.76 million individuals – from 1.8 percent or 1.3 million drug addicts in 2012.

Statistics now show evidentiary proof of the dependence and proclivity of our countrymen to drugs. The repugnancy of this trade by the sheer number and stature of those involved is chilling. Our resources are limited in fighting the entry of drug supplies from backdoor entry points, and these limitations are further exacerbated by blatant corruption among the ranks of police enforcement personnel tagged as protectors of the trade. The proliferation of illegal drugs has become even more widespread and ingrained in niches of the youth, in the echelons of the rich, and among our powerful politicians.

Before the faith of our people in government is completely eroded, and the trust in its ability to maintain peace and order is totally undermined, it is incumbent that we re-impose the death penalty upon the powerful people at the top who bring in and distribute large amounts of illegal drugs – those who enrich

themselves with blatant disregard to the disastrous consequences of the growing drug trade, happy to corrupt the most essential fibres of Philippine society for their disgusting personal gain.

This bill provides a quantitative standard in serving out the penalty of death only to those people responsible for the distribution of illegal drugs in the amounts specified in the provision hereunder. These people peddle, induce and corrupt the innocence of our young and prey upon the weak to abuse their bodies. Let us show these debased souls that they should be made liable to the consequences of their acts by paying the ultimate price.



WIN GATCHALIAN
Senator



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OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF
2002"

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

1 **SECTION 1.** Section 4, Article II of Republic Act 9165, as amended,
2 otherwise known as the "*Comprehensive Dangerous Drugs Act of 2002*," is hereby
3 amended to read as follows:

4 "SEC. 4. *Importation of Dangerous Drugs and/or Controlled Precursors*
5 *and Essential Chemicals.* - The penalty of [life imprisonment to] death
6 [and a fine ranging from Five hundred thousand pesos (P500,000.00) to
7 Ten million pesos (P10,000,000.00)] shall be imposed upon any person,
8 who, unless authorized by law, shall import or bring into the
9 Philippines any dangerous drug, [regardless of the quantity and purity
10 involved,] **IN THE QUANTITY PRESCRIBED UNDER SECTION 11**
11 **HEREOF**, including any and all species of opium poppy or any part
12 thereof or substances derived therefrom even for floral, decorative and
13 culinary purposes.

1 The penalty of **LIFE** imprisonment [ranging from twelve (12)
2 years and one (1) day to twenty (20) years] and a fine ranging from
3 [One] **FIVE** hundred thousand pesos ([P100,000.00] **P500,000.00**) to
4 [Five hundred thousand] **TEN MILLION** pesos ([P10,000,000.00]
5 **P10,000,000.00**) shall be imposed upon any person, who, unless
6 authorized by law, shall import **OR BRING INTO THE PHILIPPINES**
7 any [controlled precursor and essential chemical] **DANGEROUS**
8 **DRUGS LESS THAN THE QUANTITY SPECIFIED IN THE**
9 **PRECEDING PARAGRAPH, INCLUDING ANY AND ALL SPECIES OF**
10 **OPIUM POPPY OR ANY PART THEREOF OR SUBSTANCES DERIVED**
11 **THEREFROM EVEN FOR FLORAL, DECORATIVE AND CULINARY**
12 **PURPOSES.**

13
14 **THE PENALTY OF IMPRISONMENT RANGING FROM TWELVE**
15 **(12) YEARS AND ONE (1) DAY TO TWENTY (20) YEARS AND A FINE**
16 **RANGING FROM ONE HUNDRED THOUSAND PESOS (P100,000.00)**
17 **TO FIVE HUNDRED THOUSAND PESOS (P500,000.00) SHALL BE**
18 **IMPOSED UPON ANY PERSON, WHO, UNLESS AUTHORIZED BY**
19 **LAW, SHALL IMPORT ANY CONTROLLED PRECURSOR AND**
20 **ESSENTIAL CHEMICAL.**

21
22 The maximum penalty provided for under this Section shall be
23 imposed upon any person, who, unless authorized under this Act, shall
24 import or bring into the Philippines any dangerous drug and/or
25 controlled precursor and essential chemical through the use of a
26 diplomatic passport, diplomatic facilities or any other means involving
27 his/her official status intended to facilitate the unlawful entry of the

1 same. In addition, the diplomatic passport shall be confiscated and
2 cancelled.

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

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

11 **SEC. 2.** Section 5 of the same Act is hereby amended to read as follows:

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

23 The penalty of imprisonment ranging from twelve (12) years and
24 one (1) day to twenty (20) years and a fine ranging from [One hundred
25 thousand pesos (P100,000.00)] to **FIVE HUNDRED THOUSAND PESOS**

1 (P500,000.00) TO TEN MILLION PESOS (P10,000,000.00) shall be
2 imposed upon any person, who, unless authorized by law, shall sell,
3 trade, administer, dispense, deliver, give away to another, distribute,
4 dispatch in transit or transport any controlled precursor and essential
5 chemical, **IN LESS THAN THE QUANTITY SPECIFIED IN THE**
6 **PRECEDING PARAGRAPH**, or shall act as a broker in such
7 transactions.

8 If the sale, trading, administration, dispensation, delivery,
9 distribution or transportation of any dangerous drug and/or controlled
10 precursor and essential chemical transpires within one hundred (100)
11 meters from the school, the [maximum] penalty **OF LIFE**
12 **IMPRISONMENT** shall be imposed in every case.

13 xxx xxx xxx”

14 **SEC. 3.** Section 6 of the same Act is hereby amended to read as follows:

15 “Section 6. Maintenance of a Den, Dive or Resort. - The penalty
16 of [life imprisonment to] **DEATH** and a fine ranging from Five hundred
17 thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00)
18 shall be imposed upon any person or group of persons who shall
19 maintain a den, dive or resort where any dangerous drug **IN THE**
20 **QUANTITIES PRESCRIBED UNDER SECTION 11 HEREOF** is used or
21 sold in any form.

22 The penalty of [imprisonment ranging from twelve (12) years and
23 one (1) day to twenty (20) years] **LIFE IMPRISONMENT** and a fine
24 ranging from One hundred thousand pesos (P100,000.00) to Five
25 hundred thousand pesos (P500,000.00) shall be imposed upon any

1 person or group of persons who shall maintain a den, dive, or resort
2 where any controlled precursor and essential chemical is used or sold
3 in any form **IN LESS THAN THE QUANTITY SPECIFIED IN THE**
4 **PRECEDING PARAGRAPH.**

5 The maximum penalty provided for under this Section shall be
6 imposed in every case where any dangerous drug is administered,
7 delivered or sold to a minor who is allowed to use the same in such a
8 place.

9 Should any dangerous drug be the proximate cause of the death
10 of a person using the same in such den, dive or resort, the penalty of
11 death and a fine ranging from One million (P1,000,000.00) to Fifteen
12 million pesos (P15,000,000.00) shall be imposed on the maintainer,
13 owner and/or operator.

14 If such den, dive or resort is owned by a third person, the same
15 shall be confiscated and escheated in favor of the government:
16 Provided, That the criminal complaint shall specifically allege that such
17 place is intentionally used in the furtherance of the crime: Provided,
18 further, That the prosecution shall prove such intent on the part of the
19 owner to use the property for such purpose: Provided, finally, That the
20 owner shall be included as an accused in the criminal complaint.

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

24 The penalty twelve (12) years and one (1) day to twenty (20) years
25 of imprisonment and a fine ranging from One hundred thousand pesos

1 (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be
2 imposed upon any person, who acts as a "protector/coddler" of any
3 violator of the provisions under this Section."

4 **SEC. 4.** Section 8 of the same Act is likewise amended to read as
5 follows:

6 "SEC. 8. *Manufacture of Dangerous Drugs and/or Controlled*
7 *Precursors and Essential Chemicals.* - The penalty of [life imprisonment
8 to] death [and a fine ranging from Five hundred thousand pesos
9 (P500,000.00) to Ten million pesos (P10,000,000.00)] shall be imposed
10 upon any person, who, unless authorized by law, shall engage in the
11 manufacture of any dangerous drug **REGARDLESS OF THE QUANTITY**
12 **AND PURITY OF THE DRUGS INVOLVED.**

13 The penalty of imprisonment ranging from twelve (12) years and
14 one (1) day to twenty (20) years and a fine ranging from One hundred
15 thousand pesos (P100,000.00) to [Five hundred thousand] **TEN**
16 **MILLION PESOS (P10,000,000.00)** shall be imposed upon any person,
17 who, unless authorized by law, shall manufacture any controlled
18 precursor and essential chemical.

19 The presence of any controlled precursor and essential chemical
20 or laboratory equipment in the clandestine laboratory is a *prima facie*
21 proof of manufacture of any dangerous drug. It shall be considered an
22 aggravating circumstance if the clandestine laboratory is undertaken or
23 established under the following circumstances:

24 (a) Any phase of the manufacturing process was conducted in the
25 presence or with the help of minor/s;

1 (b) Any phase or manufacturing process was established or
2 undertaken within one hundred (100) meters of a residential, business,
3 church or school premises;

4 c) Any clandestine laboratory was secured or protected with
5 booby traps;

6 (d) Any clandestine laboratory was concealed with legitimate
7 business operations; or

8 (e) Any employment of a practitioner, chemical engineer, public
9 official or foreigner.

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

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

18 **SEC. 5.** Section 11 of the same Act is hereby amended to read as follows:

19 "SEC. 11. *Possession of Dangerous Drugs.* - The penalty of [life
20 imprisonment to] death [and a fine ranging from Five hundred
21 thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00)]
22 shall be imposed upon any person, who, unless authorized by law, shall
23 possess any dangerous drug in the following quantities, regardless of the
24 degree of purity thereof:

- 1 (1) [10] **200** grams or more of opium;
- 2 (2) [10] **200** grams or more of morphine;
- 3 (3) [10] **200** grams or more of heroin;
- 4 (4) [10] **200** grams or more of cocaine or cocaine hydrochloride;
- 5 (5) [50] **1000** grams or more of methamphetamine hydrochloride
6 or "shabu";
- 7 (6) [10] **200** grams or more of marijuana resin or marijuana resin
8 oil;
- 9 (7) [500] **10000** grams or more of marijuana; and
- 10 (8) [10] **200** grams or more of other dangerous drugs such as, but
11 not limited to, methylenedioxymethamphetamine (MDA) or "ecstasy",
12 paramethoxyamphetamine (PMA), trimethoxyamphetamine (TMA),
13 lysergic acid diethylamine (LSD), gamma hydroxyamphetamine (GHB),
14 and those similarly designed or newly introduced drugs and their
15 derivatives, without having any therapeutic value or if the quantity
16 possessed is far beyond therapeutic requirements, as determined and
17 promulgated by the Board in accordance to Section 93, Article XI of this
18 Act.

19 Otherwise, if the quantity involved is less than the foregoing
20 quantities, the penalties shall be graduated as follows:

- 21 (1) Life imprisonment and a fine ranging from [Four] **FIVE**
22 hundred thousand pesos ([P40,000.00] **P500,000.00**) to [Five hundred
23 thousand pesos] **TEN MILLION PESOS (P10,000,000.00)**, if the
24 quantity of methamphetamine hydrochloride or "shabu" is [ten (10)]
25 **MORE THAN FIVE HUNDRED (500)** grams but **LESS THAN [fifty (50)]**
26 **ONE THOUSAND (1000)** grams;

1 (2) Imprisonment of twenty (20) years and one (1) day to life
2 imprisonment and a fine ranging from Four hundred thousand pesos
3 (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the
4 quantit[ies]Y of [dangerous drugs] [are] **IS** [five (5)] **MORE THAN ONE**
5 **HUNDRED (100)** grams but **LESS THAN** [ten (10)] **FIVE HUNDRED**
6 **(500)** grams of [opium, morphine, heroin, cocaine or cocain
7 hydrochloride, marijuana resin or marijuana resin oil,] ;
8 methamphetamine hydrochloride or "shabu" [or other dangerous drugs
9 such as, but not limited to MDMA or "ecstasy", PMA, TMA, LSD, GHB,
10 and those similarly designed or newly introduced drugs and their
11 derivatives, without having any therapeutic value or if the quantity
12 possessed is far beyond therapeutic requirements; or three hundred
13 (300) grams or more but less than five hundred (500) grams of
14 marijuana]; and

15 (3) Imprisonment of twelve (12) years and one (1) day to twenty
16 (20) years and a fine ranging from Three hundred thousand pesos
17 (P300,000.00) to Four hundred thousand pesos (P400,000.00), if the
18 quantit[ies]Y of [dangerous drugs are less than five (5) grams of opium,
19 morophine, heroin, cocaine or cocain hydrochloride, marijuana resin or
20 marijuana resin oil] methamphetamine hydrochloride or "shabu", [or
21 other dangerous drugs such as, but not limited to, MDMA or "ecstasy",
22 PMA, TMA, LSD, GHB, and those similarly designed or newly
23 introduced drugs and their derivatives, without having any therapeutic
24 value or if the quantity possessed is far beyond therapeutic
25 requirements; or] **IS** less than [three hundred (300) grams of
26 marijuana.] **ONE HUNDRED (100)** grams;

1 (4). IMPRISONMENT OF TWENTY (20) YEARS AND ONE (1)
2 DAY TO LIFE IMPRISONMENT AND A FINE RANGING FROM FOUR
3 HUNDRED THOUSAND PESOS (P400,000.00) TO FIVE HUNDRED
4 THOUSAND PESOS (P500,000.00), IF THE QUANTITIES OF
5 DANGEROUS DRUGS ARE MORE THAN ONE HUNDRED (100)
6 GRAMS BUT LESS THAN TWO HUNDRED (200) GRAMS OF OPIUM,
7 MORPHINE, HEROIN, COCAINE OR COCAINE HYDROCHLORIDE,
8 MARIJUANA RESIN OR MARIJUANA RESIN OIL, OR OTHER
9 DANGEROUS DRUGS SUCH AS, BUT NOT LIMITED TO, MDMA OR
10 "ECSTASY", PMA, TMA, LSD, GHB, AND THOSE SIMILARLY
11 DESIGNED OR NEWLY INTRODUCED DRUGS AND THEIR
12 DERIVATIVES, WITHOUT HAVING ANY THERAPEUTIC VALUE OR
13 IF THE QUANTITY POSSESSED IS FAR BEYOND THERAPEUTIC
14 REQUIREMENTS; OR MORE THAN FIVE THOUSAND (5000) GRAMS
15 BUT LESS THAN TEN THOUSAND (10000) GRAMS OF MARIJUANA;

16 (5) IMPRISONMENT OF TWELVE (12) YEARS AND ONE (1)
17 DAY TO TWENTY (20) YEARS AND A FINE RANGING FROM THREE
18 HUNDRED THOUSAND PESOS (P300,000.00) TO FOUR HUNDRED
19 THOUSAND PESOS (P400,000.00), IF THE QUANTITIES OF
20 DANGEROUS DRUGS ARE LESS THAN ONE HUNDRED (100) GRAMS
21 OF OPIUM, MORPHINE, HEROIN, COCAINE OR COCAINE
22 HYDROCHLORIDE, MARIJUANA RESIN OR MARIJUANA RESIN OIL,
23 OR OTHER DANGEROUS DRUGS SUCH AS, BUT NOT LIMITED TO,
24 MDMA OR "ECSTASY", PMA, TMA, LSD, GHB, AND THOSE
25 SIMILARLY DESIGNED OR NEWLY INTRODUCED DRUGS AND
26 THEIR DERIVATIVES, WITHOUT HAVING ANY THERAPEUTIC
27 VALUE OR IF THE QUANTITY POSSESSED IS FAR BEYOND

1 **THERAPEUTIC REQUIREMENTS; OR LESS THAN FIVE THOUSAND**
2 **(5000) GRAMS OF MARIJUANA.”**

3 **SEC. 6.** Section 28 of the same Act is hereby amended to read as follows:

4 “SEC. 28. *Criminal Liability of Government Officials and*
5 *Employees.* – The [maximum] penal[ies]Y of [the unlawful acts] **DEATH**
6 [provided for in this Act] shall be imposed, [in addition to absolute
7 perpetual disqualification from any public office], if those found guilty [of
8 such] **FOR** unlawful [acts] **POSSESSION OF THE AMOUNTS**
9 **PRESCRIBED UNDER SECTION 11 OF THIS ACT** are government
10 officials and employees.

11 **SEC. 7. *Death by Lethal Injection.*** – The penalty of death imposed under
12 the sections abovementioned shall be carried out through lethal injection. Republic
13 Act No. 8177 otherwise known as the “*Act Designating Death by Lethal Injection*” is
14 thus hereby revived and activated.

15 **SEC. 8. *Implementing Rules and Regulations.*** – Within thirty (30) days
16 from the approval of this Act, the Secretary of Justice shall promulgate the
17 necessary rules and regulations for the effective implementation of this Act.

18 **SEC. 9. *Separability Clause.*** – If any provision or part of this Act is
19 declared invalid or unconstitutional, the remaining part or provisions not affected
20 shall remain in full force and effect.

21 **SEC. 10. *Repealing Clause.*** – Republic Act No. 9346 is hereby repealed or
22 amended insofar as it prohibits the imposition of death penalty for the crimes
23 provided in this Act. All other laws, rules, regulations, orders, circulars, and other

1 issuances or parts thereof, which are inconsistent with the provisions of this Act
2 are hereby repealed, amended or modified accordingly.

3 **SEC. 11. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
4 publication in a newspaper of general circulation.

Approved,