



SENATE

'19 JUL 24 P3:33

S. No. 753

REC. 11

Introduced by SEN. SHERWIN T. 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"**

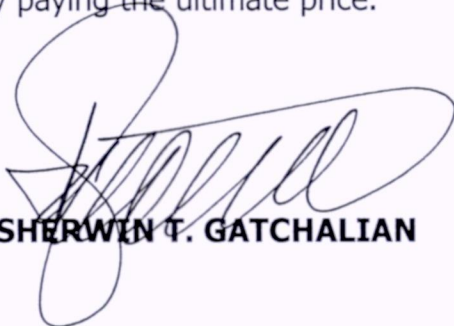
EXPLANATORY NOTE

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 fibers 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.



SHERWIN T. GATCHALIAN



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

4 "SEC. 4. *Importation of Dangerous Drugs and/or Controlled*
5 *Precursors and Essential Chemicals.* - The penalty of [life
6 imprisonment to] death [and a fine ranging from Five hundred
7 thousand pesos (P500,000.00) to Ten million pesos

1 (P10,000,000.00)] shall be imposed upon any person, who,
2 unless authorized by law, shall import or bring into the Philippines
3 any dangerous drug, [regardless of the quantity and purity
4 involved,] **IN THE QUANTITY PRESCRIBED UNDER**
5 **SECTION 11 HEREOF**, including any and all species of opium
6 poppy or any part thereof or substances derived therefrom even
7 for floral, decorative and culinary purposes.

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

21 **THE PENALTY OF IMPRISONMENT RANGING FROM**
22 **TWELVE (12) YEARS AND ONE (1) DAY TO TWENTY (20)**
23 **YEARS AND A FINE RANGING FROM ONE HUNDRED**
24 **THOUSAND PESOS (P100,000.00) TO FIVE HUNDRED**
25

1 **THOUSAND PESOS (P500,000.00) SHALL BE IMPOSED**
2 **UPON ANY PERSON, WHO, UNLESS AUTHORIZED BY LAW,**
3 **SHALL IMPORT ANY CONTROLLED PRECURSOR AND**
4 **ESSENTIAL CHEMICAL.**

5 The maximum penalty provided for under this Section shall
6 be imposed upon any person, who, unless authorized under this
7 Act, shall import or bring into the Philippines any dangerous drug
8 and/or controlled precursor and essential chemical through the
9 use of a diplomatic passport, diplomatic facilities or any other
10 means involving his/her official status intended to facilitate the
11 unlawful entry of the same. In addition, the diplomatic passport
12 shall be confiscated and cancelled.

13 The maximum penalty provided for under this Section shall
14 be imposed upon any person, who organizes, manages or acts as
15 a "financier" of any of the illegal activities prescribed in this
16 Section.
17

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

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

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

15 The penalty of imprisonment ranging from twelve (12)
16 years and one (1) day to twenty (20) years and a fine ranging
17 from [One hundred thousand pesos (P100,000.00)] to **FIVE**
18 **HUNDRED THOUSAND PESOS (P500,000.00) TO TEN**
19 **MILLION PESOS (P10,000,000.00)** shall be imposed upon
20 any person, who, unless authorized by law, shall sell, trade,
21 administer, dispense, deliver, give away to another, distribute,
22 dispatch in transit or transport any controlled precursor and
23 essential chemical, **IN LESS THAN THE QUANTITY**

1 **SPECIFIED IN THE PRECEDING PARAGRAPH**, or shall act as
2 a broker in such transactions.

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

8 xxx xxx xxx"

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

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

18 The penalty of **[imprisonment ranging from twelve (12)**
19 **years and one (1) day to twenty (20) years] LIFE**
20 **IMPRISONMENT** and a fine ranging from One hundred
21 thousand pesos (P100,000.00) to Five hundred thousand pesos
22 (P500,000.00) shall be imposed upon any person or group of
23 persons who shall maintain a den, dive, or resort where any

1 controlled precursor and essential chemical is used or sold in any
2 form **IN LESS THAN THE QUANTITY SPECIFIED IN THE**
3 **PRECEDING PARAGRAPH.**

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

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

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

21 The maximum penalty provided for under this Section shall
22 be imposed upon any person who organizes, manages or acts as

1 a "financier" of any of the illegal activities prescribed in this
2 Section.

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

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

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

19 The penalty of imprisonment ranging from twelve (12)
20 years and one (1) day to twenty (20) years and a fine ranging
21 from One hundred thousand pesos (P100,000.00) to [Five hundred
22 thousand] **TEN MILLION PESOS (P10,000,000.00)** shall be

1 imposed upon any person, who, unless authorized by law, shall
2 manufacture any controlled precursor and essential chemical.

3 The presence of any controlled precursor and essential
4 chemical or laboratory equipment in the clandestine laboratory is a
5 *prima facie* proof of manufacture of any dangerous drug. It shall
6 be considered an aggravating circumstance if the clandestine
7 laboratory is undertaken or established under the following
8 circumstances:

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

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

14 c) Any clandestine laboratory was secured or protected with
15 booby traps;

16 (d) Any clandestine laboratory was concealed with
17 legitimate business operations; or

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

20 The maximum penalty provided for under this Section shall
21 be imposed upon any person, who organizes, manages or acts as

1 a "financier" of any of the illegal activities prescribed in this
2 Section.

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

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

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

- 17 (1) [10] **200** grams or more of opium;
- 18 (2) [10] **200** grams or more of morphine;
- 19 (3) [10] **200** grams or more of heroin;
- 20 (4) [10] **200** grams or more of cocaine or cocaine
21 hydrochloride;
- 22 (5) [50] **1000** grams or more of methamphetamine
23 hydrochloride or "shabu";

1 (6) [10] **200** grams or more of marijuana resin or marijuana
2 resin oil;

3 (7) [500] **10000** grams or more of marijuana; and

4 (8) [10] **200** grams or more of other dangerous drugs such
5 as, but not limited to, methylenedioxyamphetamine (MDA) or
6 "ecstasy", paramethoxyamphetamine (PMA),
7 trimethoxyamphetamine (TMA), lysergic acid diethylamine (LSD),
8 gamma hydroxyamphetamine (GHB), and those similarly designed
9 or newly introduced drugs and their derivatives, without having any
10 therapeutic value or if the quantity possessed is far beyond
11 therapeutic requirements, as determined and promulgated by the
12 Board in accordance to Section 93, Article XI of this Act.

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

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

22 (2) Imprisonment of twenty (20) years and one (1) day to
23 life imprisonment and a fine ranging from Four hundred thousand
24 pesos (P400,000.00) to Five hundred thousand pesos

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

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

1 or] **IS** less than [three hundred (300) grams of marijuana.] **ONE**
2 **HUNDRED (100)** grams;

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

21 (5) **IMPRISONMENT OF TWELVE (12) YEARS AND**
22 **ONE (1) DAY TO TWENTY (20) YEARS AND A FINE**
23 **RANGING FROM THREE HUNDRED THOUSAND PESOS**

1 (P300,000.00) TO FOUR HUNDRED THOUSAND PESOS
2 (P400,000.00), IF THE QUANTITIES OF DANGEROUS
3 DRUGS ARE LESS THAN ONE HUNDRED (100) GRAMS OF
4 OPIUM, MORPHINE, HEROIN, COCAINE OR COCAINE
5 HYDROCHLORIDE, MARIJUANA RESIN OR MARIJUANA
6 RESIN OIL, OR OTHER DANGEROUS DRUGS SUCH AS, BUT
7 NOT LIMITED TO, MDMA OR "ECSTASY", PMA, TMA, LSD,
8 GHB, AND THOSE SIMILARLY DESIGNED OR NEWLY
9 INTRODUCED DRUGS AND THEIR DERIVATIVES,
10 WITHOUT HAVING ANY THERAPEUTIC VALUE OR IF THE
11 QUANTITY POSSESSED IS FAR BEYOND THERAPEUTIC
12 REQUIREMENTS; OR LESS THAN FIVE THOUSAND (5000)
13 GRAMS OF MARIJUANA."

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

16 "SEC. 28. *Criminal Liability of Government Officials and*
17 *Employees.* – The [maximum] penalt[ies]Y of [the unlawful acts]
18 **DEATH** [provided for in this Act] shall be imposed, [in addition to
19 absolute perpetual disqualification from any public office], if those
20 found guilty [of such] **FOR** unlawful [acts] **POSSESSION OF**
21 **THE AMOUNTS PRESCRIBED UNDER SECTION 11 OF THIS**
22 **ACT** are government officials and employees.

1 **SEC. 7. *Death by Lethal Injection.*** – The penalty of death imposed
2 under the sections abovementioned shall be carried out through lethal
3 injection. Republic Act No. 8177 otherwise known as the "*Act Designating*
4 *Death by Lethal Injection*" is thus hereby revived and activated.

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

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

12 **SEC. 10. *Repealing Clause.*** – Republic Act No. 9346 is hereby
13 repealed or amended insofar as it prohibits the imposition of death penalty for
14 the crimes provided in this Act. All other laws, rules, regulations, orders,
15 circulars, and other issuances or parts thereof, which are inconsistent with the
16 provisions of this Act are hereby repealed, amended or modified accordingly.

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

Approved,