

## [ REPUBLIC ACT NO. 6425, March 30, 1972 ]

### THE DANGEROUS DRUGS ACT OF 1972

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

SECTION 1. *Short Title.* — This Act shall be known and cited as "The Dangerous Drugs Act of 1972."

#### Article I

##### *Definition of Terms*

SEC. 2. *Definitions.* — As used in this Act, the term:

- a. "Administer" refers to the act of introducing any dangerous drug into the body of any person, with or without his knowledge, by injection, ingestion or other means or of committing any act of indispensable assistance to a person in administering a dangerous drug to himself;
- b. "Board" refers to the Dangerous Drugs Board created under Section 35, Article VIII of this Act;
- c. "Centers" refers to any of the treatment rehabilitation centers for drug dependents referred to in Section 34, Article VII of this Act;
- d. "Cultivate or culture" means the act of knowingly planting, growing, raising or permitting the planting, growing or raising of any plant which is the source of a prohibited drug;
- e. "Dangerous" drugs refer to either:
  1. "Prohibited drug," which includes opium and its active components and derivatives, such as heroin and morphine; coca leaf and its derivatives, principally cocaine; alpha and beta eucaine; hallucinogenic drugs, such as mescaline, *lysergic acid diethylamide* (LSD) and other substances producing similar effects; Indian hemp and its derivatives; all preparations made from any of the foregoing; and other drugs, whether natural or synthetic, with the physiological effects of a narcotic drug; or
  2. "Regulated drug," which includes self-inducing sedatives, such as secobarbital, phenobarbital, pento-barbital, barbital, amobarbital and any other drug which contains a salt or a derivative of a salt of barbituric acid; any salt, isomer or salt of an isomer, of amphetamine, such as benzedrine or dexedrine, or any drug which produces a physiological action similar to amphetamine; and hypnotic drugs, such as methaqualone or any other compound producing similar physiological effects;
- f. "Deliver" refers to a person's act of knowingly passing a dangerous drug to another, personally or otherwise, and by any means, with or without consideration;
- g. "Drug dependence" means a state of psychic or physical dependence, or both, on a dangerous drug, arising in a person following administration or use of that drug on a periodic or continuous basis;
- h. "Employee" of a prohibited drug den, dive or resort includes the caretaker, helper, watchman, lookout and other persons employed by the operator of a prohibited drug den, dive or resort where any prohibited drug is administered delivered distributed, sold or used, with or without compensation in connection with the operation thereof;
- i. "Indian hemp" otherwise known as "Marijuana," embraces every kind and class of the plant *cannabis sativa L.* from which the resin has not been extracted, including *cannabis americana*, *hashish*, *bhang*, *guaza*, *churrus* and *ganjah*, and embraces every kind, class and character of Indian hemp, whether dried or fresh, flowering or fruiting tops of the pistillate plant, and all its

- geographic varieties, whether as a reefer, resin, extract, tincture or in any form whatsoever;
- j. "Manufacture" means the production, preparation, compounding or processing of a dangerous drug either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, and shall include any packaging or repackaging of such substance or labeling or relabeling of its container; except that such term does not include the preparation, compounding, packaging, or labeling of a drug; or other substance by a duly authorized practitioner as an incident to his administration or dispensing of such drug or substance in the course of his professional practice;
  - k. "Narcotic drug" refers to any drug which produces insensibility, stupor, melancholy or dullness of mind with delusions and which may be habit-forming, and shall include opium, opium derivatives and synthetic opiates;
  - l. "Opium" refers to the coagulated juice of the opium poppy (*papaver somniferum*) and embraces every kind and class of opium, whether crude or prepared; the ashes or refuse of the same; narcotic preparations thereof or therefrom; morphine or any alkaloid of opium; preparations in which opium, morphine or any alkaloid of opium enters as an ingredient; opium poppy straw; and leaves or wrappings of opium leaves, whether prepared for use or not;
  - m. "Pusher" refers to any person who sells, administers, delivers, or gives away to another, on any terms whatsoever, or distributes, dispatches in transit or transports any dangerous drug or who acts as a broker in any of such transactions, in violation of this Act;
  - n. "School" includes any university, college, or institution of learning, regardless of the course or courses it offers j
  - o. "Sell" means the act of giving a dangerous drug, whether for money or any other material consideration;
  - p. "Use" refers to the act of injecting, intravenously or intramuscularly, or of consuming, either by chewing, smoking, sniffing, eating, swallowing, drinking, or otherwise introducing into the physiological system of the body, any of the dangerous drugs.

## Article II

### *Prohibited Drugs*

SEC. 3. *Importation of Prohibited Drugs.* — The penalty of imprisonment ranging from fourteen years and one day to life imprisonment and a fine ranging from fourteen thousand to thirty thousand pesos shall be imposed upon any person who, unless authorized by law, shall import or bring into the Philippines any prohibited drug.

SEC. 4. *Sale, Administration, Delivery, Distribution and Transportation of Prohibited Drugs.* — The penalty of imprisonment ranging from twelve years and one day to twenty years and a fine ranging from twelve thousand to twenty thousand pesos shall be imposed upon any person who, unless authorized by law, shall sell, administer, deliver, give away to another, distribute, dispatch in transit or transport any prohibited drug, or shall act as a broker in any of such transactions. In case of a practitioner, the additional penalty of the revocation of his license to practice his profession shall be imposed. If the victim of the offense is a minor, the maximum of the penalty shall be imposed.

Should a prohibited drug involved in any offense under this Section be the proximate cause of the death of a victim thereof, the penalty of life imprisonment to death and a fine ranging from twenty thousand to thirty thousand pesos shall be imposed upon the pusher.

SEC. 5. *Maintenance of a Den, Dive or Resort for Prohibited Drug Users.* — The penalty of imprisonment ranging from twelve years and one day to twenty years and a fine ranging from twelve thousand to twenty thousand pesos shall be imposed upon any person or group of persons who shall maintain a den, dive or resort where any prohibited drug is used in any form.

The maximum of the penalty shall be imposed in every case where a prohibited drug is administered, delivered or sold to a minor who is allowed to use the same in such place.

Should a prohibited drug be the proximate cause of the death of a person using the same in such den,

dive or resort, the penalty of life imprisonment to death and a fine ranging from twenty thousand to thirty thousand pesos shall be imposed on the maintainer.

SEC. 6. *Employees and Visitors of Prohibited Drug Den.* — The penalty of imprisonment ranging from two years and one day to six years and a fine ranging from two thousand to six thousand pesos shall be imposed upon:

- a. Any employee of a prohibited drug den, dive or resort; and
- b. Any person who, not being included in the provisions of the next preceding paragraph, shall knowingly visit any prohibited drug den, dive or resort.

SEC. 7. *Manufacture of Prohibited Drugs.* — The penalty of life imprisonment to death and a fine ranging from twenty thousand to thirty thousand pesos shall be imposed upon any person who, unless authorized by law, shall engage in the manufacture of any prohibited drug.

SEC. 8. *Possession or Use of Prohibited Drugs.* — The penalty of imprisonment ranging from six years and one day to twelve years and a fine ranging from six thousand to twelve thousand pesos shall be imposed upon any person who, unless authorized by law, shall possess or use any prohibited drug, except Indian hemp as to which the next following paragraph shall apply.

The penalty of imprisonment ranging from six months and one day to six years and a fine ranging from six hundred to six thousand pesos shall be imposed upon any person who, unless authorized by law, shall possess or use Indian hemp.

SEC. 9. *Cultivation of Plants Which are Sources of Prohibited Drugs.* — The penalty of imprisonment ranging from fourteen years and one day to life imprisonment and a fine ranging from fourteen thousand to thirty thousand pesos shall be imposed upon any person who shall cultivate or culture Indian hemp, opium poppy (*papaver somniferum*) and other plants from which any prohibited drug may be manufactured.

The land on which any of said plants is cultivated or cultured shall be confiscated and escheated to the State, unless the owner thereof can prove that he did not know of such cultivation or culture despite the exercise of due diligence on his part.

SEC. 10. *Records of Prescription, Sales, Purchases, Acquisitions and/or Deliveries of Prohibited Drugs.* — The penalty of imprisonment ranging from one year and one day to six years and a fine ranging from one thousand to six thousand pesos shall be imposed upon any pharmacist, physician, dentist, veterinarian, manufacturer, wholesaler, importer, distributor, dealer or retailer who violates or fails to comply with the provisions of Section 25 of this Act, if the violation or failure involves a prohibited drug.

The additional penalty of the revocation of his license to practice his profession, in case of a practitioner, or of his or its business license, in case of s manufacturer, seller, importer, distributor or dealer, shall be imposed.

SEC. 11. *Unlawful Prescription of Prohibited Drugs.* — The penalty of imprisonment ranging from eight years and one day to twelve years and a fine ranging from eight thousand to twelve thousand pesos shall be imposed upon any person who, unless authorized by law, shall make or issue a prescription or any other writing purporting to be a prescription for any prohibited drug.

SEC. 12. *Unnecessary Prescription of Prohibited Drugs.* — The penalty of imprisonment ranging from four years and one day to twelve years and a fine ranging from four thousand to twelve thousand pesos and the additional penalty of the revocation of his license to practice shall be imposed upon any physician or dentist who shall prescribe any prohibited drug for any person whose physical or physiological condition does not require the use thereof.

SEC. 13. *Possession of Opium Pipe and Other Paraphernalia for Prohibited Drugs.* — The penalty of imprisonment ranging from six months and one day to four years and a fine ranging from six

hundred to four thousand pesos shall be imposed upon any person who, unless authorized by law, shall possess or have under his control any opium pipe, equipment, instrument, apparatus or other paraphernalia fit or intended for smoking, consuming, administering, injecting, ingesting or otherwise using opium or any other prohibited drug.

The possession of such opium pipe, equipment, instrument, apparatus or other paraphernalia fit or intended for any of the purposes enumerated in this Section shall be prima facie evidence that the possessor has smoked, consumed, administered to himself, injected, ingested or used a prohibited drug.

### **Article III**

#### *Regulated Drugs*

SEC. 14. *Importation of Regulated Drugs.* — The penalty of imprisonment ranging from six years and one day to twelve years and a fine ranging from six thousand to twelve thousand pesos shall be imposed upon any person who, unless authorized by law, shall import or bring any regulated drug into the Philippines.

SEC. 15. *Sale, Administration, Dispensation, Delivery, Transportation and Distribution of Regulated Drugs.* — The penalty of imprisonment ranging from six years and one day to twelve years and a fine ranging from six thousand to twelve thousand pesos shall be imposed upon any person who, unless authorized by law, shall sell, dispense, deliver, transport or distribute any regulated drug. In case of a practitioner, the maximum of the penalty herein prescribed and the additional penalty of the revocation of his license to practice his profession shall be imposed.

SEC. 16. *Possession or Use of Regulated Drugs.* — The penalty of imprisonment ranging from six months and one day to four years and a fine ranging from six hundred to four thousand pesos shall be imposed upon any person who shall possess or use any regulated drug without the corresponding license or prescription.

SEC. 17. *Records of Prescriptions, Sales, Purchases, Acquisitions and/or Deliveries of Regulated Drugs.* — The penalty of imprisonment ranging from six months and one day to four years and a fine ranging from six hundred to four thousand pesos shall be imposed upon any pharmacist, physician, dentist, veterinarian, manufacturer, wholesaler, importer, distributor, dealer or retailer who violates or fails to comply with the provisions of Section 25 of this Act, if the violation or failure involves a regulated drug.

SEC. 18. *Unlawful Prescription of Regulated Drugs.* — The penalty of imprisonment ranging from four years and one day to eight years and a fine ranging from four thousand to eight thousand pesos shall be imposed upon any person who, unless authorized by law, shall make or issue a prescription for any regulated drug.

SEC. 19. *Unnecessary Prescription of Regulated Drugs.* — The penalty of imprisonment ranging from six months and one day to four years and a fine ranging from six hundred to four thousand pesos and the additional penalty of the revocation of his license to practice shall be imposed upon any physician or dentist who shall prescribe any regulated drug for any person whose physical or physiological condition does not require the use thereof.

### **Article IV**

#### **Provisions of Common Application to Offenses Penalized under Articles II and III**

SEC. 20. *Confiscation and Forfeiture of the Proceeds or Instruments of the Crime.* — Every penalty imposed for the unlawful importation, sale, administration, delivery, transportation or manufacture of dangerous drugs, the cultivation of plants which are sources of prohibited drugs and the possession of any opium pipe and other paraphernalia for prohibited drugs shall carry with it the confiscation and forfeiture, in favor of the Government, of the proceeds of the crime and the

instruments or tools with which it was committed, unless they are the property of a third person not liable for the offense, but these which are not of lawful commerce shall be ordered destroyed. Dangerous drugs and plant-sources of prohibited drugs so confiscated and forfeited in favor of the Government shall be turned over to the Board for safe keeping and proper disposal.

SEC 21. *Attempt and Conspiracy*. — The same penalty prescribed by this Act for the commission of the offense shall be imposed in case of any attempt or conspiracy to commit the same in the following cases:

- a. importation of dangerous drugs;
- b. sale, administration, delivery, distribution and transportation of dangerous drugs;
- c. maintenance of a den, dive or resort for prohibited drug users;
- d. manufacture of dangerous drugs; and
- e. cultivation or culture of plants which are sources of prohibited drugs.

SEC 22. *Additional Penalty if Offender is an Alien*. — In addition to the penalties therein prescribed any alien who violates any of the provisions of Articles II and III of this Act shall be deported without further proceedings immediately after service of sentence.

SEC 23. *Criminal Liability of Officers of Partnerships, Corporations, Associations and other Juridical Persons; Liability in Cases Where Vehicles, Vessels or Aircraft or Other Instruments are used to Commit a Crime*. — In case any violation of this Act is committed by a partnership, corporation, association or any juridical person, the partner, president, director or manager who consents to or knowingly tolerates such violation shall be held criminally liable as a co-principal.

The penalty provided for the offense under this Act shall be imposed upon the partner, president, director, manager, officer or stockholder who knowingly authorizes, tolerates or consents to the use of a vehicle, vessel, or aircraft as an instrument in the importation, sale, delivery, distribution or transportation of dangerous drugs, or to the use of their equipment, machines or other instruments in the manufacture of any dangerous drug, if such vehicle, vessel, aircraft, equipment or other instrument is owned by or under the control or supervision of the partnership, corporation, association or juridical entity to which they are affiliated.

SEC. 24. *Penalty for Government Officials and Employees and Officers and Members of Police Agencies and the Armed Forces*. — The maximum penalties provided for in Sections 3, 4, 5, 6, 8, 9, 11 and 12 of Article II and Sections 14, 15, 16 and 19 of Article III shall be imposed if those found guilty of any of the said offenses are government officials, employees or officers, including members of police agencies and the armed forces.

SEC. 25. *Records Required of Pharmacists, Physicians, Veterinarians or Dentists Dispensing or Prescribing Dangerous Drugs, and of Importers, Manufacturers, Wholesalers, Distributors, Dealers and Retailers of Dangerous Drugs*. —

- a. Every pharmacist dealing in dangerous drugs shall maintain and keep an original record of sales, purchases, acquisitions and deliveries of dangerous drugs, indicating therein the license number and address of the pharmacist; the name, address and license of the manufacturer, importer or wholesaler from whom dangerous drugs have been purchased; the quantity and name of the dangerous drugs so purchased or acquired; the date of acquisition or purchase; the name, address and class A residence certificate number of the buyer; the serial number of the prescription and the name of the doctor, dentist, veterinarian or practitioner issuing the same; the quantity and name of the dangerous drug so sold or delivered; and the date of sale or delivery.

A certified true copy of such record covering a period of three calendar months, duly signed by the pharmacist or the owner of the drug store or pharmacy, shall be forwarded to the city or municipal health officer within fifteen days following the last day of every quarter of each year.

The city or municipal health officer shall forward such records to the Board within fifteen (15) days from receipt thereof.

- b. A physician, dentist, veterinarian or practitioner authorized to prescribe any dangerous drug shall issue the prescription therefor in one original and two duplicate copies. The original, after the prescription has been filled, shall be retained by the pharmacist for a period of one year from the date of sale or delivery of such drug. One copy shall be retained by the buyer or by the person to whom the drug is delivered until such drug is consumed, while the second copy shall be retained by the person issuing the prescription.

For purposes of this Act, all prescriptions issued by physicians, dentists, veterinarians or practitioners shall be made out on forms exclusively issued by and obtained from the Board. Such forms shall be made of a special kind of paper and shall be distributed in such quantities and contain such information and other data as the Board may, by rules and regulations, require. Such forms shall not be issued by the Board or any of its employees except to licensed physicians, dentists, veterinarians and practitioners in such quantities as the Board may authorize. In such emergency cases, however, as the Board may specify in the public interest, prescriptions need not be accomplished on such forms. The prescribing physician, dentist, veterinarian or practitioner shall, within three days after issuing such prescription, inform the Board of the same in writing. No prescription once issued may be refilled.

- c. All manufacturers, wholesalers, distributors, importers, dealers and retailers of dangerous drugs shall keep a record of all sales, purchases, acquisitions and deliveries of dangerous drugs, the names, addresses and licenses of the persons from whom the dangerous drugs were purchased or acquired or to whom such drugs were sold or delivered, the name and quantity of the drugs and the date of the transaction.

SEC. 26. *Penalty for a Person Importing Dangerous Drugs by Making Use of a Diplomatic Passport.* — The penalty of life imprisonment and a fine of thirty thousand pesos shall be imposed upon any person who, unless authorized under this Act, shall import or bring into the Philippines any dangerous drug by making use of a diplomatic passport, diplomatic facilities or any other means involving his official status intended to facilitate the unlawful entry of dangerous drugs. In addition, the diplomatic passport shall be confiscated and cancelled.

SEC. 27. *Criminal Liability of Possessor or User of Dangerous Drugs During Social Gatherings.* — The maximum of the penalties provided for in Section 8, Article II and Section 16, Article III of this Act shall be imposed upon any person found possessing or using any dangerous drug during a party or at a social gathering or in a group of at least five persons possessing or using such drugs.

## **Article V**

### *Educational Measures*

SEC. 28. *Heads, Supervisors and Teachers of Schools.* — For the purpose of enforcing the provisions of Articles II and III of this Act, all school heads, supervisors and teachers shall be deemed to be persons in authority and, as such, are hereby vested with the power to apprehend, arrest, or cause the apprehension or arrest of any person who shall violate any of the said provisions. They shall be considered as persons in authority if they are in the School or within its immediate vicinity, or beyond such immediate vicinity if they are in attendance at any school or class function in their official capacity as school heads, supervisors or teachers.

Any teacher or school employee who discovers or finds that any person in the school or within its immediate vicinity is violating any provision of Articles II and III of this Act shall have the duty to report the violation to the school head or supervisor who shall, in turn, report the matter to the proper authorities. Failure to report in either case shall, after due hearing, constitute sufficient cause for disciplinary action.

SEC. 29. *Dangerous Drugs as Part of School Curricula.* — Instruction on the adverse effects of

dangerous drugs including their legal, social and economic implications, shall' be integrated into the existing curricula of all public and private schools, whether general, technical, vocational or agro-industrial.

The Secretary of Education shall promulgate such rules and regulations as may be necessary to carry out the provisions hereof and, with the assistance of the Board, shall cause the publication and distribution of materials on dangerous drugs to students and the general public.

## Article VI

### *Rehabilitative Confinement and Suspension of Sentence*

SEC. 30. *Voluntary Submission of a Drug Dependent to Confinement, Treatment and Rehabilitation by the Dependent Himself or Through His Parent; Guardian or Relative.* — If a drug dependent voluntarily submits himself for confinement, treatment and rehabilitation in a center and complies with such conditions therefore as the Board may, by rules and regulations, prescribe, he shall not be criminally liable for any violation of Section 8, Article II and Section 16, Article III of this Act.

The above exemption shall be extended to a minor who be committed for treatment and rehabilitation in a government center upon sworn petition of his parent, guardian or relative within the fourth civil degree of consanguinity or affinity, in that order. Such petition may be filed with the Court of First Instance of the province or city where the minor resides and shall set forth therein his name and address and the facts relating to his dependency. The court shall set the petition for hearing and give the drug dependent concerned an opportunity to be heard. If, after such hearing, the facts so warrant in its judgment, the court shall order the drug dependent to be examined by two physicians accredited by the Board. If both physicians conclude, after examination, that the minor is not a drug dependent, the court shall enter an order discharging him. If either physician finds him to be a dependent, the court shall conduct a hearing and consider all relevant evidence which may be offered. If the court makes a finding of drug dependency it shall issue an order for his commitment to a center designated by the court for treatment and rehabilitation under the supervision of the Board.

When, in the opinion of the person committed or of his parent, guardian or relative, or of the Board, such person is rehabilitated, any of the above parties may file a sworn petition for his release with the Court of First Instance which ordered the commitment. If, after due hearing, the court finds the petition to be well-founded, it shall forthwith order the release of the person so committed.

Should the drug dependent, having voluntarily submitted himself to confinement, treatment and rehabilitation in, or having been committed to a center upon petition of the proper party, escape therefrom, he may re-submit himself for confinement within one week from the date of his escape, or his parent, guardian or relative may, within the same period, surrender him for recommitment. If, however, the drug dependent does not re-submit himself for confinement or he is not surrendered for recommitment, as the case may be, the Board may file a sworn petition for his recommitment. Upon proof of previous commitment or of his voluntary submission to confinement, treatment and rehabilitation, the court shall issue an order for recommitment. If, subsequent to such recommitment, he should escape again, he shall no longer be exempt from criminal liability for use or possession of any dangerous drug.

The judicial and medical records pertaining to any drug dependent's confinement or commitment under this Section shall be confidential and shall not be used against him for any purpose except to determine how many times he shall have voluntarily submitted himself to confinement, treatment and rehabilitation or been committed or recommitted to a center.

SEC. 31, *Compulsory Submission of a Drug Dependent to Treatment and Rehabilitation After Arrest.* — If a person charged with an offense is found by the fiscal or by the court, at any stage of the proceedings, to be a drug dependent, the fiscal or the court., as the case may be, shall suspend all further proceedings and transmit copies of the record of the case to the Board.

In the event the Board determines, after medical examination, that public interest requires that such drug dependent be committed to a government center for treatment and rehabilitation, it shall file petition for his commitment with the Court of First Instance of the province or city where he resides. The court shall take judicial notice of the prior proceedings in the case and shall proceed to hear the petition. If the court finds him to be a drug dependent, it shall order his commitment to a government center for treatment and rehabilitation. The head of said center shall submit to the court every four months, or as often as the court may require, a written report on the progress of the treatment. If the dependent is rehabilitated, as certified by the center and the Board, he shall be returned to the court which committed him, for his discharge therefrom.

Thereafter, his prosecution for any offense punishable by law shall be instituted or shall continue, as the case may be. In case of conviction, the full period of his prior detention and of his confinement for treatment and rehabilitation shall be deducted from the period of the penalty imposed on him and he shall serve sentence only for the remainder thereof.

SEC. 32. *Suspension of Sentence for First Offense of a Minor.* — If an accused less than twenty-one years of age who is found guilty of violating Section 8, Article II and Section 16, Article III of this Act has not been previously convicted of violating any provision of this Act or of the Revised Penal Code or placed on probation as herein provided, the court may defer sentence and place him on probation under the supervision of the Board or its agents and under such conditions as the court may impose for a period ranging from six months to one year. If the accused violates any of the conditions of his probation, the court shall pronounce judgment of conviction and he shall serve sentence as in any other criminal case. If, however, he does not violate any condition of his probation, then upon the expiration of the designated period, the court shall discharge him and dismiss the proceedings.

If the court finds that such accused is a drug dependent, it shall commit him to a center for treatment and rehabilitation under the supervision of the Board. Upon certification of his rehabilitation by the Board, the court shall enter an order discharging him.

A confidential record of the proceedings shall be kept by the Department of Justice and shall not be used for any other purpose except as a record to be used in determining whether or not a person accused under the provisions of this Act is a first offender.

Upon dismissal of the proceedings against him, the court shall enter an order to expunge all official records (other than the confidential record to be retained by the Department of Justice) relating to his case. Such an order, which shall be kept confidential, shall restore the accused to his status prior to the case. He shall not be held thereafter, under any provision of law, to be guilty of perjury or of concealment or misrepresentation by reason of his failure to acknowledge the case or recite any fact related thereto in response to any inquiry made of him for any purpose.

In the case of minors under sixteen years of age at the time of the commission of any offense penalized under this Act, the provisions of Article 80 of the Revised Penal Code shall apply, without prejudice to the application of the provisions of this Section.

SEC. 33. *Violation of Confidential Nature of Record.* — The penalty of imprisonment ranging from six months and one day to six years and a fine ranging from six hundred to six thousand pesos shall be imposed upon any person who, having official custody of, or access to the confidential records referred to in Sections 30 and 32 of this Act, or anyone who, having gained possession of such records, whether lawfully or not, reveals their contents to any person other than those charged with the prosecution of offenses under this Act or with its implementation.

## **Article VII**

### *Treatment and Rehabilitation of Drug Dependents*

SEC. 34. *Treatment and Rehabilitation Center for, Drug Dependents.* — The existing Treatment and Rehabilitation Center for Drug Dependents at Tagaytay City shall continue to be operated and



maintained by the National Bureau of Investigation under the supervision and funding of the Board. In addition thereto, the Board shall encourage and assist in the establishment, operation and maintenance of private centers. The Tagaytay center shall constitute the nucleus of such centers as may be created, authorized and/or accredited under this Act.

## Article VIII

### *Dangerous Drugs Board*

SEC. 35. *Creation and Composition of the Board.* — There is hereby created a Dangerous Drugs Board which shall be composed of nine members. Three members who shall possess adequate training and experience in the field of dangerous drugs or in law, medicine, criminology, psychology or social work, shall be appointed by the President of the Philippines with the consent of the Commission on Appointments. The President shall designate a chairman from among the three appointive members who shall serve for six years. Of the two other members, one shall serve for four years and the other for two years. Thereafter, the persons appointed to succeed such members shall hold office for a term of six years and until their successors shall have been duly appointed and qualified. The remaining six shall be *ex-officio members*, as follows:

- a. the Secretary of Justice or his representative;
- b. the Secretary of National Defense or his representative;
- c. the Secretary of Health or his representative;
- d. the Secretary of Education or his representative;
- e. the Secretary of Finance or his representative; and
- f. the Secretary of the Department of Social Welfare or his representative.

The Director of the National Bureau of Investigation shall be the permanent consultant of the Board.

The chairman shall receive a compensation of twenty-four thousand pesos per annum. The two other members who are appointed by the President of the Philippines shall each receive a compensation of eighteen thousand pesos per annum.

The Board shall meet at the call of the chairman or of the two other members appointed by the President of the Philippines. The presence of five members shall constitute a quorum.

The Board may constitute an executive committee, to be composed of the chairman and two other members, which shall have the duty of carrying into effect the policies and decisions of the Board and shall meet as often as necessary, at the discretion of the chairman,

When public interest so requires, the executive committee may act for and in behalf of the Board, and its decisions shall be valid unless revoked by the Board at its next regular or special meeting.

The Chief of the Narcotics Section of the National Bureau of Investigation shall be the *ex-officio* executive director of the Board. He shall be the administrative officer of the Board and shall perform such other duties as may be assigned to him by it.

SEC. 36. *Powers and Duties of the Board.* — The Board shall:

- a. Promulgate such rules and regulations as may be necessary to carry out the purposes of this Act, including the manner of safekeeping, disposition, burning or condemnation of dangerous drugs under its charge and custody, and prescribe administrative remedies or sanctions for the violation of such rules and regulations;
- b. Take charge and custody of all dangerous drugs seized, confiscated by or surrendered to any national provincial or local law enforcement agency, if no longer needed for purposes of evidence in court;
- c. Develop educational programs based on factual information and disseminate the same to the general public, for which purpose the Board shall endeavor to make the general public aware of the hazards of dangerous drugs by providing, among others, literature, films, displays or

- advertisements, and by coordinating with all institutions of learning as well as with all national and local law enforcement agencies in planning and conducting its educational campaign programs;
- d. Provide law enforcement officers, school authorities and personnel of centers with special training in dangerous drugs control;
  - e. Conduct scientific, clinical, social, psychological, physical and biological researches on dangerous drugs;
  - f. Draw up, in consultation and in coordination with the various agencies involved in drugs control, treatment and rehabilitation, both public and private a national treatment and rehabilitation program for drug dependents; and call upon any department, office, bureau, institution or agency of the Government to render such assistance as it may require, or coordinate with it or with other such entities to carry out such program as well as such other activities as it may undertake pursuant to the provisions of this Act;
  - g. Receive all donations for the purpose of carrying out the objectives of this Act;
  - h. Subject to the civil service law and the rules and regulations issued thereunder, appoint such technical, administrative and other personnel as may be necessary for the effective implementation of this Act;
  - i. Receive, gather, collate and evaluate all information on the importation, exportation, production, manufacture, sale, stocks, seizures of and the estimated need for dangerous drugs, for which purpose the Board may require from any official, instrumentality or agency of the Government or any private persons or enterprises dealing in, or engaged in activities having to do with dangerous drugs such data or information as it may need to implement this Act;
  - j. Relay information regarding any violation of this Act to law enforcement agencies to effect the apprehension of offenders and the confiscation of dangerous drugs and transmit evidence to the proper court;
  - k. Conduct eradication programs to destroy wild or illicit growth of plants from which dangerous drugs may be extracted;
  - l. Authorize, pursuant to the provisions of this Act, the importation, distribution, prescription, dispensing and sale of, and other lawful acts in connection with, dangerous drugs of such kind and quantity as it may deem necessary according to the medical and research needs of the country, which authorization shall be required by the Commissioner of Internal Revenue as a basis for the issuance of licenses and permits for such purposes in accordance with Republic Act No. 953;
  - m. Encourage, assist and accredit private centers, promulgating rules and regulations setting minimum standards for their accreditation to assure their competence, integrity and stability;
  - n. Prescribe and promulgate rules and regulations governing the establishment of such centers as it may deem necessary, after conducting a feasibility study thereof;
  - o. Provide appropriate rewards to informers who are instrumental in the discovery and seizure of dangerous drugs and in the apprehension of violators of this Act;
  - p. Gather and prepare detailed statistics on the importation, exportation, manufacture, stocks, seizures of and estimated need for dangerous drugs and such other statistical data on said drugs as may be periodically required by the United Nations Narcotics Drug Commission, the World Health Organization and other international organizations in consonance with international commitments.

## **Article IX**

### *Appropriation, Management of Funds and Annual Report*

SEC. 37. *Appropriation.* — In order to carry out the objectives of this Act, the sum of twelve million pesos is hereby appropriated out of any funds in the National Treasury not otherwise appropriated from the effectivity of this Act until June 30, 1973. Thereafter, such sums as may be necessary to carry out the provisions of this Act shall be included in subsequent annual General Appropriations Acts.

All income derived from fines authorized in this Act and all unclaimed and forfeited sweepstakes prizes in the Philippine Charity Sweepstakes Office are hereby constituted as special funds for the implementation of this Act: *Provided*, That at least 50% of all funds from the latter source shall be

reserved for assistance to accredited and deserving private rehabilitation centers: "*Provided, further,* That all such fines and unclaimed and forfeited prizes shall be turned over to the Board by the Philippine Charitv Sweepstakes Office within 30 days after they are collected or declared forfeited, as the case may be.

SEC. 38. *Management of Funds Under this Act; Annual Report by the Board.*-The Board shall manage the funds as it may deem proper for the attainment of the objectives of this Act. The chairman of the Board shall submit to the President of the Philippines and to the presiding officers of both houses of Congress, within fifteen days from the opening of the regular session, an annual report on the dangerous drugs situation in the country which shall include a detailed account of the programs and projects undertaken, statistics on crimes related to dangerous drugs, expenses incurred pursuant to the provisions of this Act, recommended remedial legislation, if needed, and such other relevant facts as it may deem proper to cite.

## Article X

### *Jurisdiction Over Dangerous Drug Cases*

SEC. 39. Jurisdiction of the Circuit Criminal Court. — The Circuit Criminal Court shall have exclusive original jurisdiction over all cases involving offenses punishable under this Act.

The preliminary investigation of cases filed under this Act shall be resolved within a period of seven (7) days from the date of termination of the preliminary investigation. Where a prima facie case is established, the corresponding information shall be filed in court within twenty-four (24) hours. Decision on said cases shall be rendered within a period of fifteen (15) days from the date of submission of the case.

SEC. 40. *Reclassification, Addition or Removal of Any Drug from the List of Dangerous Drugs.* — The Board shall give notice to the general public of the re-classification, addition to or removal from the list of any drug by publishing such notice in any newspaper of general circulation once a week for two consecutive weeks.

The effect of such reclassification, addition or removal shall be as follows:

1. In case a prohibited drug is reclassified as regulated, the penalties for violations of this Act involving the latter shall, in case of conviction, be imposed in all pending criminal prosecutions;
2. In case a regulated drug is reclassified as prohibited, the penalties for violations of this Act involving regulated drugs shall, in care of conviction, be imposed in all pending criminal prosecutions;
3. In case of the addition of a new drug to the list of dangerous drugs, no criminal liability involving the same under this Act shall arise until after the lapse of fifteen (15) days from the last publication of such notice; and
4. In case of removal of a drug from the list of dangerous drugs, all pending criminal prosecutions involving such a drug under this Act shall forthwith be dismissed

## Article XI

### *Final Provisions*

SEC. 41. *Separability Clause.* — If for any reason any section or provision of this Act, or any portion thereof, or the application of such section, provision or portion thereof to any person, group or circumstance .is declared invalid or unconstitutional, the remainder of this Act shall not be affected by such declaration.

SEC. 42. *Repealing Clause.* — Articles one hundred ninety, one hundred ninety-one, one hundred ninety-two, one hundred ninety-three and one hundred ninety-four of Act Numbered Thirty-eight hundred and fifteen, other-wise known as the Revised Penal Code, are hereby repealed; and the

provisions of such other laws, executive or administrative orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

SEC. 43. *Effectivity* — This Act shall take effect upon .its approval.

Approved, March 30, 1972.

This Act, which is a consolidation of S. No. 543 and H. No. 658, was finally passed by the Senate and the House of Representatives on March 15, 1972, respectively.