

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City



EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 2995

Introduced by
ACT Teachers Party-List Rep. FRANCE L. CASTRO,
BAYAN MUNA Party-List Rep. CARLOS ISAGANI T. ZARATE,
Rep. FERDINAND GAITE and Rep. EUFEMIA C. CULLAMAT,
GABRIELA Women's Party Rep. ARLENE D. BROSAS,
and KABATAAN Party-List Rep. SARAH JANE I. ELAGO

AN ACT
EXEMPTING JOURNALISTS FROM ACTING AS ANTI-DRUG OPERATIONS WITNESSES
AND AMENDING REPUBLIC ACT NO. 10640, ENTITLED "AN ACT TO FURTHER
STRENGTHEN THE ANTI-DRUG CAMPAIGN OF THE GOVERNMENT," AMENDING FOR
THE PURPOSE SECTION 21 OF REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE
"COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002"

EXPLANATORY NOTE

In the past three years, the Philippine National Police has increased its reliance on journalists to act as witnesses to the inventory of contraband and other items seized during anti-drug operations. This practice, however, has always been met with resistance by both individual journalists and media groups from all over the country.

The practice was first made a legal requirement under Section 21 (1) of Republic Act No. 9165, or the Comprehensive Dangerous Drugs Act of 2002, which mandated:

"The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were

confiscated and/or seized, or his/her representative or counsel, *a representative from the media* and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof..."

Although this provision has since been amended by Republic Act No. 10640, enacted on July 15, 2014, which made media witnesses optional, journalists throughout the country report that law enforcement units continue requiring them to sign on as witnesses, often as a condition for being allowed to cover anti-drug operations. Worse, there are reports that they are made to sign even if they did not actually witness the operation or the inventory of seized items.

Journalists who decline can find their sources or the normal channels of information no longer accessible.

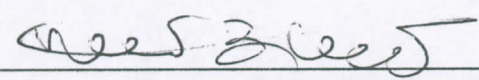
Aside from the obvious coercion and attempts to control information of vital interest to the public, the media's opposition to this practice also stems from the fact that it unnecessarily places journalists at risk of retaliation from crime syndicates, on the one hand, and exposes them to prosecution for perjury and other offenses in the event of irregularities in the conduct of anti-drug operations, on the other.

To end this dangerous and unfair practice, it is imperative that this Congress, in the exercise of its mandate to take every conceivable step to protect journalists from harm as well as to help ensure that their reportage remain objective and factual, pass in the most expeditious manner an amendment to laws that engender such situations.

For these reasons, the passage of this bill is most urgently sought.



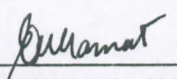
Rep. FRANCE L. CASTRO
ACT Teachers Party-List



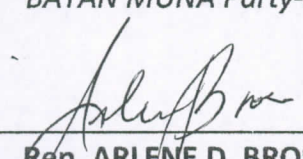
Rep. CARLOS ISAGANI T. ZARATE
BAYAN MUNA Party-List



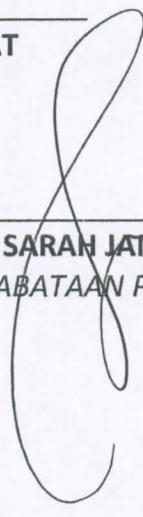
Rep. FERDINAND GAITE
BAYAN MUNA Party-List



Rep. EUFEMIA C. CULLAMAT
BAYAN MUNA Party-List



Rep. ARLENE D. BROSAS
GABRIELA Women's Party



Rep. SARAH JANE I. ELAGO
KABATAAN Party-List

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First Regular Session

2995
HOUSE BILL No. _____

Introduced by
ACT Teachers Party-List Rep. FRANCE L. CASTRO,
BAYAN MUNA Party-List Rep. CARLOS ISAGANI T. ZARATE,
Rep. FERDINAND GAITE and Rep. EUFEMIA C. CULLAMAT,
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AN ACT
EXEMPTING JOURNALISTS FROM ACTING AS ANTI-DRUG OPERATIONS WITNESSES
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STRENGTHEN THE ANTI-DRUG CAMPAIGN OF THE GOVERNMENT," AMENDING FOR
THE PURPOSE SECTION 21 OF REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE
"COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002"

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 as the "Journalists' Exemption Law."

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to ensure media safety and help journalists and media workers in their desire for objective and factual reporting in the government's anti-drug campaign.

Towards this end, in the interest of media freedom and safety, objective reportage, and media freedom and democracy, the Congress finds compelling the demand that journalists are exempt from acting as police witnesses in the inventory of contraband and other items seized during anti-drug operations.

SEC. 3. Section 1. Section 21 of Republic Act 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002" as amended by Republic Act 10640, is hereby further amended to read as follows:

"SEC. 1. *Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment.* – The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

"(1) The apprehending team having initial custody and control of the dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment shall, immediately after seizure and confiscation, conduct a physical inventory of the seized items and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, with an elected public official and a representative of the National Prosecution Service ~~[OR THE MEDIA]~~ who shall be required to sign the copies of the inventory and be given a copy thereof: *Provided*, That the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures: *Provided, finally*, That noncompliance of these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures and custody over said items."

SEC 4. ***Penalties.*** – Any person violating the right of journalists to exemption from under this Act shall be liable for grave coercion under Article 286 of the Revised Penal Code, without prejudice to administrative, civil, and other liabilities.

SEC. 5. ***Implementing Rules and Regulations (IRR).*** – To implement effectively the provisions of Section 21, the Philippine Drug Enforcement Agency (PDEA) shall issue the necessary guidelines on the IRR for the purpose in consultation with the Department of Justice (DOJ) and relevant sectors to curb increasing drug cases.

SEC. 6. ***Separability Clause.*** – If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 7. **Repealing Clause.** – All laws, presidential decrees or issuances, executive orders, letters of instruction, administrative orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, modified or amended accordingly.

SEC. 8. **Effectivity.** – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved,