

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

HOUSE OF REPRESENTATIVES

Introduced by Representative Maximo B. Rodriguez, Jr.

House Bill No. **2568**

EXPLANATORY NOTE

This bill was originally introduced as House Bill No. 4510 during the 15th Congress where it was approved by the Committee on Dangerous Drugs. It was approved on 2nd reading and 3rd readings by the House of Representatives and was transmitted to the Senate where it was not acted upon. It was again re-filed during the 16th Congress where it was approved by the same Committee.

Last June 24, 2006, Republic Act 9346 was enacted into law thereby prohibiting the imposition of death penalty in the Philippines. While the rationale for passing the law was very clear and noble, there are some sectors of society who believe that this law is not just and equitable because while foreigners may not be executed in the Philippines for drug trafficking, Filipinos who commit the same are executed in other jurisdictions.

One argument against RA 9346 is made in context of drug related crimes. Many foreign nationals are now emboldened to establish their drug factories in the Philippines because once convicted, they only suffer life imprisonment as opposed to the penalties that they may suffer in their countries which is in some cases death (i.e. China).

There have been constant reports of foreign nationals, including Chinese nationals, being caught selling drugs and operating drug dens and laboratories in the Philippines. And once caught and convicted, the penalty that our local courts may impose is only life imprisonment. This is a sad, or even unfair situation because when Filipinos are caught drug trafficking abroad, they may be imposed the death penalty, as seen in the most recent execution of the three Filipinos in China, namely Elizabeth Batain, 38, Sally Ordinario-Villanueva, 32, and Ramon Credo, 42.

And just last July 3, 2013, a 35-year-old Filipina was executed despite pleas from the Philippine government. She was caught last January 25, 2011 with 6.198 kilos of heroin in her luggage at the Hangzhou International Airport and was sentenced to death in 2011.

While there is no reason to question the laws of foreign countries, we must however, ensure that our countrymen do not suffer the short end of the stick. As such, there is a need to amend our laws to ensure that foreign nationals caught violating our laws on drugs be also convicted of the harshest penalties that their national law imposes.

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



MAXIMO B. RODRIGUEZ, JR.

HOUSE OF REPRESENTATIVES

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AN ACT

ADOPTING THE HIGHER PRESCRIBED PENALTY, INCLUDING DEATH, OF THE NATIONAL LAW OF AN ALIEN FOUND GUILTY OF TRAFFICKING DANGEROUS DRUGS AND OTHER SIMILAR SUBSTANCES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9165, 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:

SECTION 1. Section 31 of Republic Act No. 9165 is hereby amended to read as follows:

"SEC. 31. [Additional] Penalty if Offender is an Alien. – IF THE VIOLATOR OF ANY OF THE PROVISIONS OF THIS ACT IS AN ALIEN, THE PENALTY TO BE IMPOSED SHALL BE THE PENALTY PRESCRIBED BY THE ALIEN'S NATIONAL LAW FOR THE ACT COMMITTED OR THE PENALTY PRESCRIBED BY THIS ACT, WHICHEVER IS HIGHER: PROVIDED, THAT IF THE ACT COMMITTED IS NOT PUNISHABLE IN THE ALIEN'S NATIONAL LAW, THEN THE PROVISIONS OF THIS ACT SHALL APPLY.

"WHERE THE DEATH PENALTY IS NOT IMPOSED BY THE NATIONAL LAW OF THE OFFENDER, [I]n addition to the penalties prescribed [in] FOR the unlawful act committed, any alien who violates such provisions of this Act shall, after service of sentence, be deported immediately without further proceedings[, unless the penalty is death].

"THE PENALTY OF DEATH, IF APPLICABLE, SHALL BE IMPOSED DESPITE THE PROHIBITION OF THE IMPOSITION OF THE DEATH PENALTY IN THE PHILIPPINES."

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

Approved,