

Republic of the Philippines
HOUSE OF REPRESENTATIVES

Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3237

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INTRODUCED BY: HONORABLE ROGELIO D. PACQUIAO

EXPLANATORY NOTE

The drug trafficking and drug abuse menace in the Philippines has grown into an emergency situation that now requires immediate and decisive action.

It is reported that presently there are millions of drug abusers in the country, including a significant portion of the younger sectors of the population. The problem therefore affects not only the level of productivity of the current working sector, but also impacts upon the future of the nation as it leads to other problems. It forfeits the dreams of those who fall into drug abuse, and it unfairly discounts the meaningful lives of hapless victims of the users' violence and distorted views.

The Government's means and capabilities to address the problem faces new challenges with the reported increase in the popularity of "*shabu*" and "party drugs" that resulted in higher street prices for these dangerous drugs. Personalities of drug groups from an increasing number of countries in East Asia, Africa, and North America are finding a safer haven in Philippine shores where they may be finding weaker laws and law enforcement.

The problem may have become so lucrative that there is increasing news of the involvement of law enforcers not only as protectors or coddlers, but as gang enforcers or even masterminds. And this weakening of one of the pillars of law that was intended to fight the war against drug trafficking unfortunately helped the monster to regenerate its tentacles into a burgeoning number of Philippine barangays. Families are destroyed, thousands of barangays are mired in consequent violence and more crime, and the moral fiber of society is challenged.

Parallel to the urgent need to especially educate young people to the dangers of drug use, and the equally important need to help those already addicted to escape their distressing situation, the legislature must step up with an enactment that will provide certainty of punishment and more severe penalties to the traffickers, as well as a clear application of heavier consequences to law enforcers who protect and coddle the violators.

Procedurally, the present bill is being filed separate from similarly intended bills for other kinds of crimes in order to move the bill forward with focus and unburdened by more lengthy consideration of other crimes. This will allow for a timely opportunity to stop the nation's growing problem over crimes related to the trafficking and abuse of dangerous drugs.

The State must be clear in its intention to deter dangerous drug crimes, and toll the warning bell that the country will now fight back to regain the good of its people and the meaning of its future.

In view of the foregoing, approval of this bill is earnestly sought



ROGELIO D. PACQUIAO
Representative
Lone District, Province of Sarangani

Republic of the Philippines
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Quezon City, Metro Manila

SEVENTEENTH CONGRESS
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HOUSE BILL NO. **3237**

Introduced by: **HONORABLE ROGELIO D. PACQUIAO**

“AN ACT TO IMPOSE THE DEATH PENALTY AND INCREASED PENALTIES ON CERTAIN HEINOUS CRIMES INVOLVING DANGEROUS DRUGS, AMENDING FOR THAT PURPOSE OTHER SPECIAL PENAL LAWS, AND FOR OTHER PURPOSES”

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

WHEREAS, the Constitution, specifically Article III, Section 19 paragraph (1) thereof, states “Excessive fines shall not be imposed nor cruel, degrading or inhuman punishment inflicted. Neither shall death penalty be imposed, unless, for compelling reasons involving heinous crimes, the Congress hereafter provides for it. . .”;

WHEREAS, the dangerous drugs crimes punishable by death under this Act are heinous for being grievous, odious and hateful offenses and which, by reason of their inherent or manifest wickedness, viciousness, atrocity and perversity are repugnant and outrageous to the common standards and norms of decency and morality in a just, civilized and ordered society;

WHEREAS, due to the alarming upsurge of such crimes which has resulted not only in the loss of human lives and wanton destruction of property but also affected the nation’s efforts towards sustainable economic development and prosperity while at the same time has undermined the people’s faith in the Government and the latter’s ability to maintain peace and order in the country;

WHEREAS, the Congress, in the justice, public order and the rule of law, and the need to rationalize and harmonize the penal sanctions for heinous crimes, finds compelling reasons to impose the death penalty for said crimes;

Now, therefore,

Section 1. Declaration of Policy. – It is hereby declared the policy of the State to foster and ensure not only obedience to its authority, but also to adopt such measures as would effectively promote the maintenance of peace and order, the protection of life, liberty and property, and the promotion of the general welfare which are essential for the enjoyment by all the people of the blessings of democracy in a just and humane society;

Section 2. Section 4 of Article II of Republic Act No. 9165, as amended, known as the Comprehensive Dangerous Drugs Act 2002, is hereby amended to read as follows:

“Sec. 4. Importation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals. – The penalty of life imprisonment to death and a fine ranging from (Five hundred thousand pesos [P500,000.00]) **ONE MILLION PESOS (P1,000,000.00)** to Ten million pesos (P10,000,000.00) shall be imposed upon any person who, unless authorized by law, shall import or bring into the Philippines, **OR FORCE, INTIMIDATE, DIRECT, INSTRUCT OR OTHERWISE CAUSE ANOTHER PERSON TO BRING INTO THE PHILIPPINES**, any dangerous drug, regardless of the quantity and purity involved, including any and all species of opium poppy or any part thereof or substances derived therefrom even for floral, decorative and culinary purposes.

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from (One hundred thousand pesos [P100,000.00]) **FIVE HUNDRED THOUSAND PESOS (P500,000.00)** to (Five hundred thousand pesos [P500,000.00]) **ONE MILLION PESOS (P1,000,000.00)** shall be imposed upon any person, who, unless authorized by law, shall import or bring into the Philippines, **OR FORCE, INTIMIDATE, DIRECT, INSTRUCT OR OTHERWISE CAUSE ANOTHER PERSON TO BRING INTO THE PHILIPPINES**, any controlled precursor and essential chemical.

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

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

The penalty of (twelve [12] years and one [1] day to twenty [20] years of imprisonment) **LIFE IMPRISONMENT TO DEATH** and a fine ranging from (One hundred thousand pesos [P100,000.00]) **FIVE HUNDRED THOUSAND PESOS (P500,000.00)** to (Five hundred thousand pesos [P500,000.00]) **ONE MILLION PESOS (P1,000,000.00)** shall be imposed upon any person who acts as a “protector/coddler” of any violator of the provisions under this Section.”

Section 3. Section 5 of Article II of Republic Act No. 9165, as amended, known as the Comprehensive Dangerous Drugs Act 2002, is hereby amended to read as follows:

“Sec. 5. Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals. – The penalty of life imprisonment to death and a fine ranging from (Five hundred thousand pesos [P500,000.00]) **ONE MILLION PESOS (P1,000,000.00)** to Ten million pesos (P10,000,000.00) shall be imposed upon any person who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from (One hundred thousand pesos [P100,000.00]) **FIVE HUNDRED THOUSAND PESOS (P500,000.00)** to (Five hundred thousand pesos [P500,000.00]) **ONE MILLION PESOS (P1,000,000.00)** shall be imposed upon any person who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any controlled precursor and essential chemical, or shall act as a broker in such transactions.

If the sale, trading, administration, dispensation, delivery, distribution or transportation of any dangerous drug and/or controlled precursor and essential chemical transpires within one hundred (100) meters from (the) A school, the maximum penalty shall be imposed in every case.

For drug pushers who use minors or mentally incapacitated individuals as runners, couriers and messengers, or in any other capacity directly connected to the dangerous drugs and/or controlled precursors and essential chemical trade, the maximum penalty shall be imposed in every case.

If the victim of the offense is a minor or a mentally incapacitated individual, or should a dangerous drug and/or controlled precursor and essential chemical involved in any offense herein provided be the proximate cause of death of a victim thereof, the maximum penalty provided for under this Section shall be imposed.

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

The penalty of (twelve [12] years and one [1] day to twenty [20] years of imprisonment) **LIFE IMPRISONMENT TO DEATH** and a fine ranging from (One hundred thousand pesos [P100,000.00]) **FIVE HUNDRED THOUSAND PESOS (P500,000.00)** to (Five hundred thousand pesos [P500,000.00]) **ONE MILLION PESOS (P1,000,000.00)** shall be imposed upon any person who acts as a “protector/coddler” of any violator of the provisions under this Section.

([1] Life imprisonment and a fine ranging from Four hundred thousand pesos (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the quantity of methamphetamine hydrochloride or "shabu" is ten (10) grams or more but less than fifty (50) grams;

[2] Imprisonment of twenty (20) years and one (1) day to life imprisonment and a fine ranging from Four hundred thousand pesos (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the quantities of dangerous drugs are five (5) grams or more but less than ten (10) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or "shabu", or other dangerous drugs such as, but not limited to, MDMA or "ecstasy", PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or three hundred (300) grams or more but less than five (hundred) 500) grams of marijuana; and

[3] Imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three hundred thousand pesos (P300,000.00) to Four hundred thousand pesos (P400,000.00), if the quantities of dangerous drugs are less than five (5) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or "shabu", or other dangerous drugs such as, but not limited to, MDMA or "ecstasy", PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or less than three hundred (300) grams of marijuana.)

(1) LIFE IMPRISONMENT AND A FINE RANGING FROM FIVE HUNDRED THOUSAND PESOS (P500,000.00) TO ONE MILLION PESOS (P1,000,000.00), IF THE QUANTITIES OF DANGEROUS DRUGS ARE FIVE (5) GRAMS OR MORE BUT LESS THAN TEN (10) GRAMS OF OPIUM, MORPHINE, HEROIN, COCAINE OR COCAINE HYDROCHLORIDE, MARIJUANA RESIN OR MARIJUANA RESIN OIL, METHAMPHETAMINE HYDROCHLORIDE OR "SHABU", OR OTHER DANGEROUS DRUGS SUCH AS, BUT NOT LIMITED TO, METHYLENEDIOXYMETHAMPHETAMINE (MDMA) OR ECSTASY", PMA, TMA, LSD, GHB, AND THOSE SIMILARLY DESIGNED OR NEWLY INTRODUCED DRUGS AND THEIR DERIVATIVES, WITHOUT HAVING ANY THERAPEUTIC VALUE OR IF THE QUANTITY POSSESSED IS FAR BEYOND THERAPEUTIC REQUIREMENTS, OR THREE HUNDRED (300) GRAMS OR MORE BUT LESS THAN FIVE HUNDRED (500) GRAMS OF MARIJUANA, AND

Section 5. Section 8 of Article II of Republic Act No. 9165, as amended, known as the Comprehensive Dangerous Drugs Act 2002, is hereby amended to read as follows:

“Sec. 8. Manufacture of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals. – The penalty of life imprisonment to death and a fine ranging from (Five hundred thousand pesos [P500,000.00]) **ONE MILLION PESOS (P1,000,000.00)** to Ten million pesos (P10,000,000.00) shall be imposed upon any person who, unless authorized by law, shall engage in the manufacture of any dangerous drug.

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from (One hundred thousand pesos [P100,000.00]) **FIVE HUNDRED THOUSAND PESOS (P500,000.00)** to (Five hundred thousand pesos [P500,000.00]) **ONE MILLION PESOS (P1,000,000.00)** shall be imposed upon any person, who, unless authorized by law, shall manufacture any controlled precursor and essential chemical.

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

- (a) Any phase of the manufacturing process was conducted in the presence or with the help of minor/s;
- (b) Any phase of the manufacturing process was established or undertaken within one hundred (100) meters of a residential, business, church or school premises;
- (c) Any clandestine laboratory was secured or protected with booby traps;
- (d) Any clandestine laboratory was concealed with legitimate business operations; or
- (e) Any employment of a practitioner, chemical engineer, public official or foreigner.

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

The penalty of (twelve [12] years and one [1] day to twenty [20] years of imprisonment) **LIFE IMPRISONMENT TO DEATH** and a fine ranging from (One hundred thousand pesos [P100,000.00]) **FIVE HUNDRED THOUSAND PESOS (P500,000.00)** to (Five hundred thousand pesos [P500,000.00]) **ONE MILLION PESOS (P1,000,000.00)** shall be imposed upon any person who acts as a “protector/coddler” of any violator of the provisions under this Section.

Section 6. Section 11 of Article II of Republic Act No. 9165, as amended, known as the Comprehensive Dangerous Drugs Act 2002, is hereby amended to read as follows:

Section 4. Section 6 of Article II of Republic Act No. 9165, as amended, known as the Comprehensive Dangerous Drugs Act 2002, is hereby amended to read as follows:

“Sec. 6. Maintenance of a Den, Dive or Resort. – The penalty of life imprisonment to death and a fine ranging from (Five hundred thousand pesos [P500,000.00]) **ONE MILLION PESOS (P1,000,000.00)** to Ten million pesos (P10,000,000.00) shall be imposed upon any person or group of persons who shall maintain a den, dive or resort where any dangerous drug is used, given away or sold in any form.

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from (One hundred thousand pesos [P100,000.00]) **FIVE HUNDRED THOUSAND PESOS (P500,000.00)** to (Five hundred thousand pesos [P500,000.00]) **ONE MILLION PESOS (P1,000,000.00)** shall be imposed upon any person or group of persons who shall maintain a den, dive, or resort where any controlled precursor and essential chemical is used, given away or sold in any form.

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

Should any dangerous drug be the proximate cause of the death of a person using the same in such den, dive or resort, the penalty of death and a fine ranging from (One million pesos [P1,000,000.00]) **FIVE MILLION PESOS (P5,000,000.00)** to Fifteen million pesos (P15,000,000.00) shall be imposed on the maintainer, owner and/or operator.

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

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

The penalty of (twelve [12] years and one [1] day to twenty [20] years of imprisonment) **LIFE IMPRISONMENT TO DEATH** and a fine ranging from (One hundred thousand pesos [P100,000.00]) **FIVE HUNDRED THOUSAND PESOS (P500,000.00)** to (Five hundred thousand pesos [P500,000.00]) **ONE MILLION PESOS (P1,000,000.00)** shall be imposed upon any person who acts as a “protector/coddler” of any violator of the provisions under this Section.

"Sec. 11. Possession of Dangerous Drugs. – The penalty of life imprisonment to death and a fine ranging from (Five hundred thousand pesos [P500,000.00]) **ONE MILLION PESOS (P1,000,000.00)** to Ten million pesos (P10,000,000.00) shall be imposed upon any person who, unless authorized by law, shall possess any dangerous drug in the following quantities, regardless of the degree of purity thereof:

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

(1) 500 GRAMS OR MORE OF MARIJUANA, OR

(2) 10 GRAMS OR MORE OF OPIUM, MORPHINE, HEROIN, COCAINE OR COCAINE HYDROCHLORIDE, METHAMPETAMINE HYDROCHLORIDE OR "SHABU", MARIJUANA RESIN OR MARIJUANA RESIN OIL, OR OTHER DANGEROUS DRUGS SUCH AS, BUT NOT LIMITED TO, METHYLENEDIOXYMETHAMPETAMINE (MDMA) OR "ECSTASY", PARAMETHOXYAMPHETAMINE (PMA), TRIMETHOXYAMPHETAMINE (TMA), LYSERGIC ACID DIETHYLAMINE (LSD), GAMMA HYDROXYAMPHETAMINE (GHB), AND THOSE SIMILARLY DESIGNED OR NEWLY INTRODUCED DRUGS AND THEIR DERIVATIVES, WITHOUT HAVING ANY THERAPEUTIC VALUE OR IF THE QUANTITY POSSESSED IS FAR BEYOND THERAPEUTIC REQUIREMENTS, AS DETERMINED AND PROMULGATED BY THE BOARD IN ACCORDANCE TO SECTION 93, ARTICLE XI OF THIS ACT, OR 10 GRAMS OR MORE OF ANY COMBINATION THEREOF.

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

(2) IMPRISONMENT OF TWENTY (20) YEARS AND ONE (1) DAY TO LIFE IMPRISONMENT AND A FINE RANGING FROM FOUR HUNDRED THOUSAND PESOS (P400,000.00) TO FIVE HUNDRED THOUSAND PESOS (P500,000.00), IF THE QUANTITIES OF DANGEROUS DRUGS ARE LESS THAN FIVE (5) GRAMS OF OPIUM, MORPHINE, HEROIN, COCAINE OR COCAINE HYDROCHLORIDE, MARIJUANA RESIN OR MARIJUANA RESIN OIL, METHAMPETAMINE HYDROCHLORIDE OR "SHABU", OR OTHER DANGEROUS DRUGS SUCH AS, BUT NOT LIMITED TO, METHYLENEDIOXY-METHAMPETAMINE (MDMA) OR ECSTASY", PMA, TMA, LSD, GHB, AND THOSE SIMILARLY DESIGNED OR NEWLY INTRODUCED DRUGS AND THEIR DERIVATIVES, WITHOUT HAVING ANY THERAPEUTIC VALUE OR IF THE QUANTITY POSSESSED IS FAR BEYOND THERAPEUTIC REQUIREMENTS, OR LESS THAN THREE HUNDRED (300) GRAMS OF MARIJUANA.

Section 7. Section 16 of Article II of Republic Act No. 9165, as amended, known as the Comprehensive Dangerous Drugs Act 2002, is hereby amended to read as follows:

"Sec. 16. Cultivation or Culture of Plants Classified as Dangerous Drugs or are Sources Thereof. – The penalty of life imprisonment to death and a fine ranging from (Five hundred thousand pesos [P500,000.00]) **ONE MILLION PESOS (P1,000,000.00)** to Ten million pesos (P10,000,000.00) shall be imposed upon any person who shall plant, cultivate or culture marijuana, opium poppy or any other plant regardless of quantity, which is or may hereafter be classified as a dangerous drug or as a source from which any dangerous drug may be manufactured or derived; Provided, That in the case of medical laboratories and medical research centers which cultivate or culture marijuana, opium poppy and other plants, or materials of such dangerous drugs for medical experiments and research purposes, or for the creation of new types of medicine, the Board shall prescribe the necessary implementing guidelines for the proper cultivation, culture, handling, experimentation and disposal of such plants and materials.

The land or portions thereof and/or greenhouses on which any of said plants is cultivated or cultured shall be confiscated and escheated in favor of the State, unless the owner thereof can prove lack of knowledge of such cultivation or culture despite the exercise of due diligence on his/her part. If the land involved is part of the public domain, the maximum penalty provided for under this Section shall be imposed upon the offender.

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

The penalty of (twelve [12] years and one [1] day to twenty [20] years of imprisonment) **LIFE IMPRISONMENT TO DEATH** and a fine ranging from (One hundred thousand pesos [P100,000.00]) **FIVE HUNDRED THOUSAND PESOS (P500,000.00)** to (Five hundred thousand pesos (P500,000.00)) **ONE MILLION PESOS (P1,000,000.00)** shall be imposed upon any person who acts as a "protector/coddler" of any violator of the provisions under this Section.

Section 8. Republic Act No. 9346 is hereby repealed or amended insofar as it prohibits the imposition of death penalty for the crimes provided in this Act. All other laws, presidential decrees and issuances, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 9. If, for any reason or reasons, any part of the provision of this Act shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 10. This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation. The publication shall not be later than seven (7) days after the approval hereof.

Approved,


ROGELIO D. PACQUIAO
Representative
Lone District, Province of Sarangani