

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **3406**

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Introduced by Rep. Robert Ace S. Barbers, 2nd District Surigao del Norte

EXPLANATORY NOTE

The alarming trend of drug dependence in our country has transcended across generations. In a 2015 nationwide survey, current drug users/dependents are approximately 1.8 million ranging from ages 10 to 69. Lifetime users or those who have taken drugs at least once in their lifetime are approximately 4.8 million. More alarming is the persistent increase of drug users/dependents over the past decades and the proliferation of drug trafficking and corresponding increase of supply circulating the country. Pres. Rodrigo Duterte estimates the number of drug users, pushers and/or traffickers nowadays as 3.6 million. The survey reveals that an average of approximately 16,138 kilos of various dangerous drugs valued at around P55.8 Billion are consumed every year. This horrible reality strongly suggests that the drug menace will completely destroy our society in the future. Although the government is not remiss of its duty to protect the citizens against drugs, its efforts have not been able to put a nail on the head to stop it. The trend continues to threaten the survival of our society.

It is imperative that drastic effort should be taken. To ensure success, pertinent legal infrastructures should be revisited, improved and made effective by putting in place more teeth for our law enforcers, prosecutors and judges to fight illegal drug trafficking. This is possible by relaxing some constitutional and legal limitations. It will enhance effectiveness in preventing or reducing supply of illegal drugs, in apprehending, prosecuting and ensuring conviction of illegal drug traffickers and their protectors, coddlers and/or financiers.

One of the constitutional and legal limitations is embodied in Republic Act 4200, commonly known as the Anti-Wire Tapping law. It prohibits and penalizes wire tapping and similar acts. It further provides that any communication or information obtained in violation of this law is inadmissible in evidence in any judicial, quasi-judicial, legislative or administrative hearing or investigation. While the prohibition is founded by constitutional right to privacy, this right is not absolute. It accommodates exception when national security or public safety is at stake, such as treason, espionage, provoking war and disloyalty in case of war, piracy, munity in the high seas, rebellion, sedition, kidnapping and violations of Commonwealth Act No. 616, punishing espionage and other offenses against national security.

It is not far-fetch to state that the Anti-Wire Tapping law may be relaxed to exempt acts involving drug-related crimes. As in the existing enumerated exceptions, the magnitude of illegal drug crime poses actual and imminent danger to the security, safety and survival of our country. In fact, drug problem has been formally declared a threat to national security. Moreover, it is an open book that the identity, character and activities of real big-time drug lords, financiers, coddlers and protectors are hard if not impossible to establish owing to the complexity of their network and the magnitude of their illegal operation. Without the aid of any devise to intercept or record any communication pertaining to their illegal activities, it is difficult if not impossible to apprehend, prosecute and pin them down in court by material and relevant evidence. Under the prevailing circumstances, therefore, the constitutional right to privacy implemented by RA 4200 should be relaxed to exempt drug-related offenses, under the same conditions provided for in the Anti-Wire Tapping law.

Early passage of this bill is earnestly sought.

REP. ROBERT ACE S. BARBERS



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House Bill No. **3406**

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**AN ACT EXEMPTING DRUG TRAFFICKING AND OTHER DRUG-RELATED OFFENSES
FROM THE PROHIBITION IN REPUBLIC ACT NO. 4200
OR THE ANTI-WIRE TAPPING LAW**

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

SECTION 1. The exceptions from the application of RA 4200 commonly known as the Anti-Wire Tapping Law that are stated in first paragraph of Section 3 shall be emended to include certain violations of RA 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002". The first paragraph of Section 3 in RA 4200 shall be amended to state as follows:

" Sec. 3. Nothing contained in this Act, however, shall render it unlawful or punishable for any peace officer, who is authorized by any written order of the Court, to execute any of the acts declared to be unlawful in the two preceding Sections in cases involving the crimes of treason, espionage, provoking war and disloyalty in case of war, piracy, mutiny in the high seas, rebellion, conspiracy and proposal to commit rebellion, inciting to rebellion, sedition, conspiracy to commit sedition, inciting to sedition, kidnapping as defined by the Revised Penal Code, [and] violations of Commonwealth Act No. 616, punishing espionage and other offenses against national security, AND DANGEROUS DRUGS TRAFFICKING IN VIOLATION OF SECTIONS 4, 5, 6, 8, 9, 10, 11, 12, 13, 14 AND 16 OF RA 9165 OTHERWISE KNOWN AS THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002: Provided That such written order shall only be issued or granted upon written application and examination under oath or affirmation of the applicant and the witnesses he may produce and a showing: (1) that there are reasonable to believe that any of the offenses of rebellion, conspiracy to commit sedition, and inciting to sedition, such authority shall be granted only upon prior proof that a rebellion or acts of sedition, as the case may be, have actually been or are being committed; (2) that there are reasonable grounds to believe that evidence will be obtained essential to the conviction of any person for, or to the solution of, or to the prevention of, any such crimes; and (3) that there are no other means readily available for obtaining such evidence."

SECTION 2. The fourth paragraph of Section 3 is likewise emended to state that the word "court" mentioned in the provisions of Section 3 of RA 4200 shall refer to the Regional Trial Court in the National Capital Judicial Region or Metro Manila, or any Regional Trial Court within whose territorial jurisdiction the acts for which authority is applied for are to be executed. The provisions of the fourth paragraph of Section 3 of RA 4200 shall be amended to state as follows:

" The court referred to in this Sec. shall be understood to mean ANY REGIONAL TRIAL COURT IN THE NATIONAL CAPITAL JUDICIAL REGION (METRO MANILA), OR ANY REGIONAL TRIAL COURT within whose territorial jurisdiction the acts for which authority is applied for are to be executed."

SECTION 3. This Act shall take effect after fifteen (15) days from publication in the Official Gazette and in at least two (2) newspapers of general circulation.

Approved,