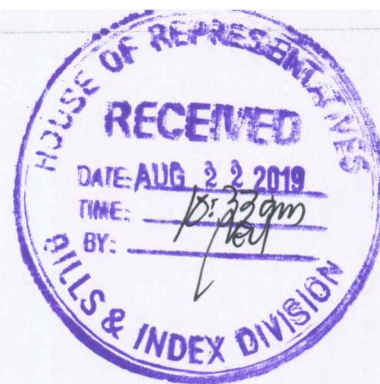


EIGHTEENTH CONGRESS )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez*

House Bill No. 4104

EXPLANATORY NOTE

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" was enacted into law last July 2014. With this, the Dangerous Drugs Act was further amended. One of these amendments was in connection with Section 21 of the Dangerous Drugs Act in connection with the inventory and documentation of the operation wherein members of the media who accompany raids are being required to sign the inventory of confiscated items and at times being called on to testify as witnesses during the hearings for these drug cases.

This requirement put media personnel at greater risks because they are made to become parties to the case as witnesses. The National Union of Journalists of the Philippines (NUJP) has already issued a resolution asking the government not to require the media as a witness on its anti-drug operations.

The NUJP further stressed that "the presence of media members in raids and apprehensions against illegal drugs should be limited to coverage for journalism purposes" and that "Even if a witness from media in the inventory and documentation of confiscated drugs and paraphernalia in raids and apprehensions is not mandatory, they are still tapped as a witness in anti-drug operations".

In view of the foregoing, immediate approval of this measure is earnestly requested.

  
RUFUS B. RODRIGUEZ



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

HOUSE OF REPRESENTATIVES

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*Introduced by Representative Rufus B. Rodriguez*

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House Bill No. **4104**

AN ACT

FURTHER AMENDING SECTION 21 OF REPUBLIC ACT NO. 9165, AS AMENDED BY REPUBLIC ACT 10640 OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002", AND FOR OTHER PURPOSES

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

SECTION 1. Section 21 of Republic Act No. 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. 21. 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.

MEMBERS OF THE MEDIA SHALL BE INVITED TO JOIN/COVER ANTI-DRUG OPERATIONS OF THE GOVERNMENT FOR JOURNALISM PURPOSES ONLY. THEY

SHALL NOT BE REQUIRED, , COERCED OR INTIMIDATED TO SIGN THE INVENTORY OF SEIZED ITEMS, NOR SHALL THEY BE CALLED AS WITNESSES IN ANY COURT PROCEEDING IN RELATION TO THE ANTI-DRUG OPERATIONS THEY COVERED. MERE MENTION OF THE REPORTER'S NAME DURING THE HEARING SHOULD NOT BE A GROUND FOR THE COURT TO SUBPOENA SAID REPORTER.

DETAILS AND FACTS ABOUT THE OPERATION SHOULD NOT BE USED AS CONDITION FOR THE REPORTER TO SIGN THE INVENTORY.

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SEC. 2. 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 (DO J) and relevant sectors to curb increasing drug cases.

SEC. 3. 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. 4. 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. 5. Effectivity. – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved,