

Republic of the Philippines
HOUSE OF REPRESENTATIVES

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3261



Introduced by **HONORABLE WES T. GATCHALIAN**

AN ACT
REIMPOSING THE DEATH PENALTY AND INCREASING PENALTIES FOR
CRIMES INVOLVING DANGEROUS DRUGS, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 9165, AS AMENDED, OTHERWISE KNOWN AS THE
"COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002"

EXPLANATORY NOTE

On June 24, 2006, then President Gloria Macapagal-Arroyo signed into law R.A. No. 9346 prohibiting the imposition of death penalty and repealed all other laws insofar as they impose the same penalty. Nevertheless, Section 19(1) of the fundamental law of the land, the 1987 Constitution, provides that *death penalty shall not be imposed, unless for compelling reasons involving heinous crimes and the Congress shall provide for it.*

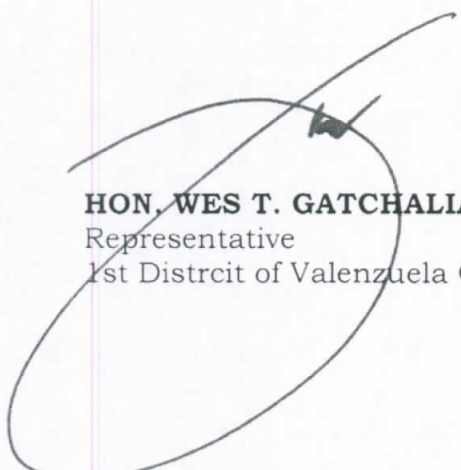
The prevalence rate of drug addicts increased from 1.3 million or 1.8 percent of the population in 2012 to 1.7 million or 2.3 percent. Recognizing the destructive effects of illegal drug use and trafficking – from within the household to aggravating criminality in the country – the current administration declared “war on drugs,” and has since implemented more aggressive measures to implement the Comprehensive Dangerous Drugs Acts of 2002 (CDDA).

CDDA recognizes users and possessors of illegal drugs as victims while the drug traffickers and pushers as predators through the imposition of more severe penalties for the latter. However, these predators – including politicians and even policemen who are supposed to be in the frontline in enforcing the law – seem to be unfazed with what is currently provided. For one, media emphasizes the effects of the war on drugs only on small-time perpetrators.

This bill imposes death penalty for those convicted for proliferating dangerous drug trafficking, including but not limited to: sale, trade, administration, dispensation, delivery, distribution and transportation. It also increases the penalties and fines for other acts such as importation and manufacturing. Another innovation of this bill is the increased quantity of dangerous drug required to be possessed, to avoid the problem of planting evidence on innocent citizens.

It is high time to rattle these undaunted traffickers down from their ivory towers. It is incumbent to re-impose the death penalty on these powerful people who believe they are above the law. It is also incumbent to recalibrate the existing CDDA in order to address its lapses, tune in with the on-going war on drugs, and provide a more rational standard to avoid abuses.

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



HON. WES T. GATCHALIAN
Representative
1st District of Valenzuela City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3261

Introduced by Honorable Wes Gatchalian

AN ACT
REIMPOSING THE DEATH PENALTY AND INCREASING PENALTIES FOR
CRIMES INVOLVING DANGEROUS DRUGS, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 9165, AS AMENDED, 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:*

1 **SECTION 1.** Section 4, Article II of Republic Act 9165, as amended,
2 otherwise known as the "*Comprehensive Dangerous Drugs Act of 2002*," is hereby
3 amended to read as follows:

4 "SEC. 4. *Importation of Dangerous Drugs and/or Controlled*
5 *Precursors and Essential Chemicals.* - The penalty of [life imprisonment
6 to] death [and a fine ranging from Five hundred thousand pesos
7 (P500,000.00) to Ten million pesos (P10,000,000.00)] shall be imposed
8 upon any person, who, unless authorized by law, shall import or bring
9 into the Philippines any dangerous drug, [regardless of the quantity
10 and purity involved,] **IN THE QUANTITY PRESCRIBED UNDER**

11 **SECTION 11 HEREOF**, including any and all species of opium poppy

1 or any part thereof or substances derived therefrom even for floral,
2 decorative and culinary purposes.

3 The penalty of **LIFE** imprisonment [ranging from twelve (12)
4 years and one (1) day to twenty (20) years] and a fine ranging from
5 [One] **FIVE** hundred thousand pesos ([P100,000.00] **P500,000.00**) to
6 [Five hundred thousand] **TEN MILLION** pesos ([P10,000,000.00]
7 **P10,000,000.00**) shall be imposed upon any person, who, unless
8 authorized by law, shall import **OR BRING INTO THE PHILIPPINES**
9 any [controlled precursor and essential chemical] **DANGEROUS**
10 **DRUGS LESS THAN THE QUANTITY SPECIFIED IN THE**
11 **PRECEDING PARAGRAPH, INCLUDING ANY AND ALL SPECIES OF**
12 **OPIUM POPPY OR ANY PART THEREOF OR SUBSTANCES DERIVED**
13 **THEREFROM EVEN FOR FLORAL, DECORATIVE AND CULINARY**
14 **PURPOSES.**

15 **THE PENALTY OF IMPRISONMENT RANGING FROM TWELVE**
16 **(12) YEARS AND ONE (1) DAY TO TWENTY (20) YEARS AND A FINE**
17 **RANGING FROM ONE HUNDRED THOUSAND PESOS (P100,000.00)**
18 **TO FIVE HUNDRED THOUSAND PESOS (P500,000.00) SHALL BE**
19 **IMPOSED UPON ANY PERSON, WHO, UNLESS AUTHORIZED BY**
20 **LAW, SHALL IMPORT ANY CONTROLLED PRECURSOR AND**
21 **ESSENTIAL CHEMICAL.**

22
23 The maximum penalty provided for under this Section shall be
24 imposed upon any person, who, unless authorized under this Act, shall
25 import or bring into the Philippines any dangerous drug and/or
26 controlled precursor and essential chemical through the use of a
27 diplomatic passport, diplomatic facilities or any other means involving
28

his/her official status intended to facilitate the unlawful entry of the same. In addition, the diplomatic passport shall be confiscated and cancelled.

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 and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any violator of the provisions under this Section."

SEC. 2. Section 5 of the same Act is hereby amended to read as follows:

Section 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) 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] **IN THE QUANTITY PRESCRIBED UNDER SECTION 11 HEREOF**, 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

1 thousand pesos (P100,000.00)] to **FIVE HUNDRED THOUSAND PESOS**
2 **(P500,000.00) TO TEN MILLION PESOS (P10,000,000.00)** shall be
3 imposed upon any person, who, unless authorized by law, shall sell,
4 trade, administer, dispense, deliver, give away to another, distribute,
5 dispatch in transit or transport any controlled precursor and essential
6 chemical, **IN LESS THAN THE QUANTITY SPECIFIED IN THE**
7 **PRECEDING PARAGRAPH,** or shall act as a broker in such
8 transactions.

9 If the sale, trading, administration, dispensation, delivery,
10 distribution or transportation of any dangerous drug and/or controlled
11 precursor and essential chemical transpires within one hundred (100)
12 meters from the school, the [maximum] penalty **OF LIFE**
13 **IMPRISONMENT** shall be imposed in every case.

14 xxx xxx xxx"

15 **SEC. 3.** Section 6 of the same Act is hereby amended to read as follows:

16 "Section 6. Maintenance of a Den, Dive or Resort. - The penalty
17 of [life imprisonment to] **DEATH** and a fine ranging from Five hundred
18 thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00)
19 shall be imposed upon any person or group of persons who shall
20 maintain a den, dive or resort where any dangerous drug **IN THE**
21 **QUANTITIES PRESCRIBED UNDER SECTION 11 HEREOF** is used or
22 sold in any form.

23 The penalty of [imprisonment ranging from twelve (12) years and
24 one (1) day to twenty (20) years] **LIFE IMPRISONMENT** and a fine
25 ranging from One hundred thousand pesos (P100,000.00) to Five

1 hundred thousand pesos (P500,000.00) shall be imposed upon any
2 person or group of persons who shall maintain a den, dive, or resort
3 where any controlled precursor and essential chemical is used or sold
4 in any form **IN LESS THAN THE QUANTITY SPECIFIED IN THE**
5 **PRECEDING PARAGRAPH.**

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

10 Should any dangerous drug be the proximate cause of the death
11 of a person using the same in such den, dive or resort, the penalty of
12 death and a fine ranging from One million (P1,000,000.00) to Fifteen
13 million pesos (P15,000,000.00) shall be imposed on the maintainer,
14 owner and/or operator.

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

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

1 The penalty twelve (12) years and one (1) day to twenty (20) years
2 of imprisonment and a fine ranging from One hundred thousand pesos
3 (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be
4 imposed upon any person, who acts as a "protector/coddler" of any
5 violator of the provisions under this Section."

6 **SEC. 4.** Section 8 of the same Act is likewise amended to read as
7 follows:

8 "SEC. 8. *Manufacture of Dangerous Drugs and/or Controlled*
9 *Precursors and Essential Chemicals.* - The penalty of [life imprisonment
10 to] death [and a fine ranging from Five hundred thousand pesos
11 (P500,000.00) to Ten million pesos (P10,000,000.00)] shall be imposed
12 upon any person, who, unless authorized by law, shall engage in the
13 manufacture of any dangerous drug **REGARDLESS OF THE QUANTITY**
14 **AND PURITY OF THE DRUGS INVOLVED.**

15 The penalty of imprisonment ranging from twelve (12) years and
16 one (1) day to twenty (20) years and a fine ranging from One hundred
17 thousand pesos (P100,000.00) to [Five hundred thousand] **TEN**
18 **MILLION PESOS (P10,000,000.00)** shall be imposed upon any person,
19 who, unless authorized by law, shall manufacture any controlled
20 precursor and essential chemical.

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

1 (a) Any phase of the manufacturing process was conducted in the
2 presence or with the help of minor/s;

3 (b) Any phase or manufacturing process was established or
4 undertaken within one hundred (100) meters of a residential, business,
5 church or school premises;

6 c) Any clandestine laboratory was secured or protected with
7 booby traps;

8 (d) Any clandestine laboratory was concealed with legitimate
9 business operations; or

10 (e) Any employment of a practitioner, chemical engineer, public
11 official or foreigner.

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

15 The penalty of twelve (12) years and one (1) day to twenty (20)
16 years of imprisonment and a fine ranging from One hundred thousand
17 pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00)
18 shall be imposed upon any person, who acts as a "protector/coddler" of
19 any violator of the provisions under this Section."

20 **SEC. 5.** Section 11 of the same Act is hereby amended to read as follows:

21
22 "SEC. 11. *Possession of Dangerous Drugs.* - The penalty of [life
23 imprisonment to] death [and a fine ranging from Five hundred

1 thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00)]
2 shall be imposed upon any person, who, unless authorized by law, shall
3 possess any dangerous drug in the following quantities, regardless of the
4 degree of purity thereof:

- 5 (1) [10] **200** grams or more of opium;
- 6 (2) [10] **200** grams or more of morphine;
- 7 (3) [10] **200** grams or more of heroin;
- 8 (4) [10] **200** grams or more of cocaine or cocaine hydrochloride;
- 9 (5) [50] **1000** grams or more of methamphetamine hydrochloride
10 or "shabu";
- 11 (6) [10] **200** grams or more of marijuana resin or marijuana resin
12 oil;
- 13 (7) [500] **10000** grams or more of marijuana; and
- 14 (8) [10] **200** grams or more of other dangerous drugs such as, but
15 not limited to, methylenedioxymethamphetamine (MDA) or "ecstasy",
16 paramethoxyamphetamine (PMA), trimethoxyamphetamine (TMA),
17 lysergic acid diethylamine (LSD), gamma hydroxyamphetamine (GHB),
18 and those similarly designed or newly introduced drugs and their
19 derivatives, without having any therapeutic value or if the quantity
20 possessed is far beyond therapeutic requirements, as determined and
21 promulgated by the Board in accordance to Section 93, Article XI of this
22 Act.

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

- 25 (1) Life imprisonment and a fine ranging from [Four] **FIVE**
26 hundred thousand pesos ([P40,000.00] **P500,000.00**) to [Five hundred

thousand pesos] **TEN MILLION PESOS (P10,000,000.00)**, if the quantity of methamphetamine hydrochloride or "shabu" is [ten (10)] **MORE THAN FIVE HUNDRED (500)** grams but **LESS THAN** [fifty (50)] **ONE THOUSAND (1000)** 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 quantit[ies]Y of [dangerous drugs] [are] **IS** [five (5)] **MORE THAN ONE HUNDRED (100)** grams but **LESS THAN** [ten (10)] **FIVE HUNDRED (500)** grams of [opium, morphine, heroin, cocaine or cocain 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 quantit[ies]Y of [dangerous drugs are less than five (5) grams of opium, morophine, heroin, cocaine or cocain 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

1 introduced drugs and their derivatives, without having any therapeutic
2 value or if the quantity possessed is far beyond therapeutic
3 requirements; or] **IS** less than [three hundred (300) grams of
4 marijuana.] **ONE HUNDRED (100) grams;**

5 **(4). IMPRISONMENT OF TWENTY (20) YEARS AND ONE (1)**
6 **DAY TO LIFE IMPRISONMENT AND A FINE RANGING FROM FOUR**
7 **HUNDRED THOUSAND PESOS (P400,000.00) TO FIVE HUNDRED**
8 **THOUSAND PESOS (P500,000.00), IF THE QUANTITIES OF**
9 **DANGEROUS DRUGS ARE MORE THAN ONE HUNDRED (100)**
10 **GRAMS BUT LESS THAN TWO HUNDRED (200) GRAMS OF OPIUM,**
11 **MORPHINE, HEROIN, COCAINE OR COCAINE HYDROCHLORIDE,**
12 **MARIJUANA RESIN OR MARIJUANA RESIN OIL, OR OTHER**
13 **DANGEROUS DRUGS SUCH AS, BUT NOT LIMITED TO, MDMA OR**
14 **"ECSTASY", PMA, TMA, LSD, GHB, AND THOSE SIMILARLY**
15 **DESIGNED OR NEWLY INTRODUCED DRUGS AND THEIR**
16 **DERIVATIVES, WITHOUT HAVING ANY THERAPEUTIC VALUE OR**
17 **IF THE QUANTITY POSSESSED IS FAR BEYOND THERAPEUTIC**
18 **REQUIREMENTS; OR MORE THAN FIVE THOUSAND (5000) GRAMS**
19 **BUT LESS THAN TEN THOUSAND (10000) GRAMS OF MARIJUANA;**

20 **(5) IMPRISONMENT OF TWELVE (12) YEARS AND ONE (1)**
21 **DAY TO TWENTY (20) YEARS AND A FINE RANGING FROM THREE**
22 **HUNDRED THOUSAND PESOS (P300,000.00) TO FOUR HUNDRED**
23 **THOUSAND PESOS (P400,000.00), IF THE QUANTITIES OF**
24 **DANGEROUS DRUGS ARE LESS THAN ONE HUNDRED (100) GRAMS**
25 **OF OPIUM, MORPHINE, HEROIN, COCAINE OR COCAINE**
26 **HYDROCHLORIDE, MARIJUANA RESIN OR MARIJUANA RESIN OIL,**

1 OR OTHER DANGEROUS DRUGS SUCH AS, BUT NOT LIMITED TO,
2 MDMA OR "ECSTASY", PMA, TMA, LSD, GHB, AND THOSE
3 SIMILARLY DESIGNED OR NEWLY INTRODUCED DRUGS AND
4 THEIR DERIVATIVES, WITHOUT HAVING ANY THERAPEUTIC
5 VALUE OR IF THE QUANTITY POSSESSED IS FAR BEYOND
6 THERAPEUTIC REQUIREMENTS; OR LESS THAN FIVE THOUSAND
7 (5000) GRAMS OF MARIJUANA."

8 **SEC. 6.** Section 28 of the same Act is hereby amended to read as follows:

9 "SEC. 28. *Criminal Liability of Government Officials and*
10 *Employees.* – The [maximum] penalt[ies]Y of [the unlawful acts] **DEATH**
11 [provided for in this Act] shall be imposed, [in addition to absolute
12 perpetual disqualification from any public office], if those found guilty [of
13 such] **FOR** unlawful [acts] **POSSESSION OF THE AMOUNTS**
14 **PRESCRIBED UNDER SECTION 11 OF THIS ACT** are government
15 officials and employees.

16 **SEC. 7. *Death by Lethal Injection.*** – The penalty of death imposed under
17 the sections abovementioned shall be carried out through lethal injection. Republic
18 Act No. 8177 otherwise known as the "*Act Designating Death by Lethal Injection*" is
19 thus hereby revived and activated.

20 **SEC. 8. *Implementing Rules and Regulations.*** – Within thirty (30) days
21 from the approval of this Act, the Secretary of Justice shall promulgate the
22 necessary rules and regulations for the effective implementation of this Act.

23 **SEC. 9. *Separability Clause.*** – If any provision or part of this Act is
24 declared invalid or unconstitutional, the remaining part or provisions not affected
25 shall remain in full force and effect.

1 **SEC. 10. *Repealing Clause.*** – Republic Act No. 9346 is hereby repealed or
2 amended insofar as it prohibits the imposition of death penalty for the crimes
3 provided in this Act. All other laws, rules, regulations, orders, circulars, and other
4 issuances or parts thereof, which are inconsistent with the provisions of this Act
5 are hereby repealed, amended or modified accordingly.

6 **SEC. 11. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
7 publication in a newspaper of general circulation.

Approved,