

Republic of the Philippines
HOUSE OF REPRESENTATIVES
QUEZON CITY

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **128**



Introduced by

HON. GUS S. TAMBUNTING

EXPLANATORY NOTE

The addiction to illegal drugs has been a continuous battle of all citizens. Illegal drugs destroy the physical and mental state of our citizens. In our dedication to fight the evil of illegal drugs, the Comprehensive Dangerous Drugs Act of R.A. No. 9165 was made into law. In spite of the presence of R.A. No. 9165, congested court dockets prevent the speedy resolution of drug-related cases. As the saying goes, "justice delayed is justice denied."

This measure is being filed in order to respond to the need of speedily disposing these cases through a specialized court. By reason of its limited jurisdiction, the congestion in a court will be resolved as well as efficient conviction or acquittal will be assured. In particular, this house bill seeks for the creation of a Special Collegiate Dangerous Drugs Court in each geographical region having exclusive and original jurisdiction to try and hear cases related to RA 9165.

The election of President Rodrigo Duterte, who won on a platform which included a war on illegal drugs, is a call from our people to take the fight against illegal drugs seriously. President Duterte has made his stance clear, and the passage of this bill will definitely support his campaign. This measure had been filed during the Fifteenth Congress. During the Sixteenth Congress, it was again filed by the Hon. Vicente "Tito" Sotto III in the Senate and by this representation in the House of Representative. Let us now show the Filipino people that we are serious in this fight against illegal drugs by passing it into law during the Seventeenth Congress.


GUS S. TAMBUNTING

2nd District, Parañaque City

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AN ACT CREATING A SPECIAL COURT TO BE KNOWN AS THE "DANGEROUS DRUGS COURT" AND FOR OTHER PURPOSES.

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

Section 1. Court; Justices ; Qualifications; Salary; Tenure - There is hereby created a Dangerous Drugs Court (DDC) which shall be of the same level as the Sandiganbayan and the Court of Appeals, possessing all the inherent powers of a Court of Justice , and shall consist of Eighteen (18) Executive Judges each for NCR, Region I, Region II, Region III Region IV-A, Region IV-B, Region V, Region VI, Region VII, Region VIII, Region IX, Region X, Region XI, Region XII, CAR, and ARMM, respectively, and 402 Associate Justices.

The President of the Philippines shall have the power to appoint the Executive Justice and the Associate Justices.

The Executive Justices shall be so designated in his appointment, and the Associate Justices shall have precedence according to the date of their respective appointments, or when the appointment of two (2) or more of them shall bear the same date, according to the order in which their appointments were issued by the President. They shall have the same qualifications, rank, category, salary, emoluments, and other privileges, be subject to the same inhibitions and disqualifications, and enjoy the same retirements and benefits as those provided for under existing laws for Associate Justices of the Court of Appeals. Whenever the salaries of the Presiding Justice and the Associate justices of the Court of Appeals are increased, such increases in salaries shall be deemed correspondingly extended to and enjoyed by the Executive Judges and Associate Justices of the DDC.

The Executive Justices and Associate Justices shall hold office during good behavior, until they reach the age of seventy (70), or become incapacitated to discharge the duties of their office, unless sooner removed for the same causes and in the same manner provided by law for members of the judiciary of equivalent rank.

Section 2. Divisions - The Dangerous Drugs Court shall exercise its powers, functions, and duties, through ONE HUNDRED FORTY (140) divisions, each division composed of three (3) Justices. The divisions shall have their respective seats for Dangerous Drugs Cases coming from the following Regions:

- a) NCR: Two (2) divisions each for the Local Government Units of Caloocan City, Las Pinas City, Makati City, Malabon City, Mandaluyong City, Manila, Marikina City, Muntinlupa City, Navotas City, Paraiiaque City, Pasay City, Pasig City, Pateros, Quezon City, San Juan City, Taguig City, Valenzuela City;
- b) Region I: One (1) Division each for each for the Local Government Units of Dagupan City, Ilocos Norte, Ilocos Sur, La Union, Pangasinan;
- c) Region II: One (1) Division each the Local Government Units of Batanes, Cagayan, Isabela, Nueva Vizcaya, Quirino, Santiago City;
- d) Region III: One (1) Division each for the Local Government Units of Angeles City, Aurora, Bataan, Bulacan, Nueva Ecija, Olongapo City, Pam pang a, Tarlac, Zambales;
- e) Region IV-A: One (1) Division each for the Local Government Units of Batangas, Cavite, Laguna, Lucena City, Quezon, Rizal;
- f) Region IV-B: One (1) Division each for the Local Government Units of Marinduque, Occidental, Mindoro, Oriental Mindoro, Palawan, Puerto Princesa City, Romblon;
- g) Region V: One (1) Division each for the Local Government Units of Albay, Caintarines Norte, Camarines Sur, Catanduanes, Masbate, Naga City, Sorsogon;
- h) Region VI: One (1) Division each for the Local Government Units of Aldan, Antique, Bacolod City, Capiz, Guimaras, Iloilo, Iloilo City, Negros Occidental;
- i) Region VII: One (1) Division each for the Local Government Units of Bohol, Cebu Province, Lapu-Lapu City, Mandaue City, Negros Oriental, Siquijor;
- j) Two (2) divisions for Cebu City;
- k) Region VIII: One (1) Division each for the Local Government Units of Biliran, Eastern Samar, Leyte, Northern Samar, Ormoc City, Samar, Southern Leyte, Tacloban City;
- l) Region IX: One (1) Division each for the Local Government Units of Isabela City, Zamboanga City, Zamboanga del Norte, Zamboanga del Sur, Zamboanga Sibugay;
- m) Region X: One (1) Division each for the Local Government Units of Bukidnon, Camiguin, Iligan City, Lanao del Norte, Misamis Occidental, Misamis Oriental;
- n) Two (2) Divisions for Cagayan de Oro City;
- o) Region XI: One (1) Division each for the Local Government Units of Compostela Valley, Davao del Norte, Davao del Sur, Davao Oriental;
- p) Two (2) Divisions for Davao City;

- q) Region XII: One (1) Division each for the Local Government Units of Cotabato, Cotabato City, General Santos City, Sarangani, South Cotabato, Sultan Kudarat;
- r) Region XIII: One (1) Division each for the Local Government Units of Agusan del Norte, Agusan del Sur, Butuan City, Dinagat Islands, Surigao del Norte, Surigao del Sur;
- s) CAR: One (1) Division each for the Local Government Units of Abra, Apayao, Baguio City, Benguet, Ifugao, Kalinga, Mountain Province;
- t) ARMM: One (1) Division each for the Local Government Units of Basilan (excluding Isabela City), Lanao del Sur, Maguindanao, Sulu, Tawi-Tawi;

Section 3. Quorum; Vacancy; Decisions/Resolutions - Three Justices shall constitute a quorum for sessions in the divisions: Provided, That when the required quorum for a particular division cannot be had due to the legal disqualification or temporary disability of a Justice or of a vacancy occurring therein, the Executive Justice of the Region where the affected division belongs may designate any Associate Justice of the Dangerous Drugs Court, to be determined by strict rotation on the basis of the reverse order of precedence, to sit as a special member of said affected division with all the rights and prerogatives of a regular member of said division in the trial and determination of a case or cases assigned thereto.

The concurrence of two (2) Justices of a division shall be necessary for the pronouncement of a decision or final resolution for cases or matter heard by the division, which shall be reached in consultation before the writing of the opinion by any concurring member of the division.

Section 4. Jurisdiction - The Dangerous Drugs Court (DDC) shall exercise original jurisdiction on all cases involving:

- a. All violations of Republic Act No. 9165, otherwise known as "The Comprehensive Dangerous Drugs Act of 2002" ("The Act"), including violations of the Act made by minors. Minor offenders of the Act shall be prosecuted in accordance with the Act, existing laws and Supreme Court rules.
- b. All violations of Republic Act No. 9165, otherwise known as "The Comprehensive Dangerous Drugs Act of 2002" ("The Act") made by a Public Officer whether he be the principal accused, an accomplice or merely an accessory. All cases in the Sandiganbayan with respect to public officials violating the Act must now be transferred to the Appropriate DDC. If the Public Officer violated the provisions of the Act while also violating other laws such as Republic Act No. 3019, as amended otherwise known as the Anti-Graft Corrupt Practices Act, Republic Act No. 1379, and Chapter II, Section 2, Title VII of the Revised Penal Code, the DDC

shall still have jurisdiction to prosecute him under those other laws, provided it will not violate his right against Double Jeopardy under the Constitution.

A "public officer" shall mean any person; holding any public office in the Government of the Republic of the Philippines whether by virtue of an appointment, election or contract.

"Government" includes the National Government, and any of its subdivisions, agencies or instrumentalities, including government-owned or controlled corporations and their subsidiaries.

- c. The DDC shall have primary jurisdiction over the search and seizure of any object or person to be done by appropriate law enforcement agencies with respect to violations of the Act. Each Justice of a DDC division shall have the power to issue search warrants and warrants of arrest primarily for violations of the Act, but he can also exercise the inherent powers of a Court of Justice to issue search warrants and warrants of arrest for any other case only in extremely urgent cases such as the complete absence of Regional Trial Court judges or Municipal Trial Court judges in area.

Conversely, only in extremely urgent cases and for compelling reasons such as the complete absence and unavailability of DDC Justices, the other Courts of Justice may issue search warrants and warrants of arrest with respect to violations of the Act.

The SC in consultation with the appropriate law enforcement agencies shall promulgate the rules with respect to search and seizure in cases cognizable by the DDC. In the meantime, the applicable laws and rules will apply, except if inconsistent with this Act.

Section 21 of the Act with respect to 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 is hereby amended such that all mention of "the Court" in that section, shall mean and pertain to the Dangerous Drugs Court (DDC).

- d. The Dangerous Drugs Court shall have exclusive original jurisdiction over petitions for the issuance of the writs of mandamus, prohibition, certiorari, habeas corpus injunction, amparo, habeas data and other ancillary writs and processes in aid of its jurisdiction. Provided, that the jurisdiction over these petitions shall not be exclusive of the Supreme Court.
- e. The Drugs Court may

impose the Death Penalty only in accordance with the Act 'in appropriate cases, notwithstanding RA 9346 otherwise known as "An Act title Imposition of Death Penalty in the Philippines". In case the penalty imposed is death in accordance with the Act, review by the Supreme Court shall be automatic, whether or not the accused filed an appeal. 'The Supreme Court shall be consulted about this provision before it becomes final.

Section 5. Prosecution Team - The provisions of any law or rule to the contrary notwithstanding, the direction and control of the prosecution of cases mentioned in Section 4 hereof, shall be exercised by one (1) Chief Dangerous Drugs Division Prosecutor for each DDC division, who shall be assisted by two (2) Deputy Chief Dangerous Drugs Division Prosecutors per DDC division and two (2) Senior Assistant Dangerous Drugs Division Prosecutors who shall all be appointed by the President of the Philippines.

The Chief-Dangerous Drugs Division Prosecutors shall have the have the same qualifications, rank, category, salary, emoluments and other privileges, be subject to the same inhibitions and disqualifications, and enjoy the same retirements and other benefits as those provided for under existing laws for Regional Prosecutors.

The Deputy Chief Dangerous Drugs Division Prosecutors shall have the have the same qualifications, rank, category, salary, emoluments and other privileges, be subject to the same inhibitions and disqualifications, and enjoy the same retirements and other benefits as those provided for under existing laws for Deputy Regional Prosecutors.

Dangerous Drugs Division Prosecutors shall have the have the same qualifications, rank, category, salary, emoluments and other privileges, be subject to the same inhibitions and disqualifications, and enjoy the same retirements and other benefits as those provided for under existing laws for Senior Assistant Regional Prosecutors The Chief Dangerous Drugs Division Prosecutors, the Deputy Chief Dangerous Drugs Division Prosecutors and the Dangerous Drugs Division Prosecutors shall have exclusive authority to conduct preliminary investigations of all complaints filed with the Dangerous Drugs Court, to file information and conduct the prosecution of all cases; Provided, that the Secretary of Justice may designate any lawyer in the government service as Dangerous Drugs Division Prosecutor or special counsel to assist the Chief Dangerous Drugs Division Prosecutors in conducting preliminary investigations and prosecuting cases before the Dangerous Drugs Court.

The Chief Dangerous Drugs Division Prosecutors, the Deputy Chief Dangerous Drugs Division Prosecutors and the Dangerous Drugs Division Prosecutors collectively, "the Dangerous Drugs Prosecutors" mentioned in the preceding paragraph shall have the authority to administer oaths, to issue subpoena and subpoena duces tecum, summon and compel witnesses to appear and testify under oath before them and to bring books, documents or

other things under their control and to secure the attendance or presence of any absent or recalcitrant witness through application before the DDC division or any Justice thereof, or before any inferior or superior court having jurisdiction of the place where the witness or evidence may be found.

The Chief Dangerous Drugs Division Prosecutors and his assistants shall be directly under the control of the Secretary of Justice. In cases where the offender is a Public Officer, the Ombudsman and the Dangerous Drugs Prosecutors shall have concurrent jurisdiction except if the law or the Constitution vests exclusive jurisdiction in the Ombudsman. All mention of "prosecutors" in the provisions of the Act shall pertain to the Dangerous Drugs Prosecutor's as provided herein.

Section 6. Preliminary Investigation; Trial - The preliminary investigation of cases filed under the Act shall be terminated within a period of thirty (30) days from the date of their filing. When the preliminary investigation is conducted by a Dangerous Drugs Prosecutor and . probable cause is established, the corresponding information shall be filed in court within twenty-four (24) hours from the termination of the investigation. If the preliminary investigation is conducted by a judge and a probable cause is found to exist, the corresponding information shall be filed by the proper prosecutor within forty-eight (48) hours from the date of receipt of the records of the case.

Trial of the case under Section 4 and Section 5 shall be finished by the DOC not later than Sixty (60) days from the date of the filing of the information.

Decision on said cases shall be rendered within a period of fifteen (15) days from the date of Submission of the case for resolution.

Section 7. Form, Finality and Enforcement of Decisions - All decisions and final orders determining the merits of a case or finally disposing of the action or proceedings of the DOC shall contain complete findings of the facts and the law on which they are based, on all issues properly raised before it and necessary in deciding the case. A motion for reconsideration of any final order or decision may be filed within fifteen (15) days from promulgation or notice of the final order or judgment, and such motion for reconsideration shall be decided within thirty (30) days from submission thereon. Decisions and final orders of the DOC shall be appealable to the Supreme Court by petition for review on certiorari raising pure questions of law in accordance with Rule 45 of the Rules of Court. Whenever, in any case decided by the DOC, the penalty of life imprisonment, *reclusion perpetua* or higher is imposed, the decision shall be appealable to the Supreme Court in the manner prescribed in the Rules of Court. The Supreme Court shall be consulted with respect to this provision.

Judgments and Orders of the DOC shall be executed and enforced in the manner provided by law. The Justices of the DOC shall each certify on their applications for leave, and upon salary vouchers presented by them for payment, or upon the payrolls under which their salaries are paid, that all proceedings, petitions and motions which have been submitted to the Court for determination or decision for a period required by the law or the Constitution, as the case may be, have been determined or decided by the Court on or before the date of making the certificate, and no leave shall be granted and no salary shall be paid without such certificate.

Section 8. Rules of Procedure - The Rules of Court promulgated by the Supreme Court shall apply to all cases and proceedings filed with the DOC in the meantime. The Supreme Court shall promulgate special rules of procedure which shall be applicable to the DOC within 30 days from the effectivity of this Act.

The DOC shall have no power to promulgate its own rules of procedure, except to adopt internal rules governing the allotment of cases among the divisions, the rotation of Justices among them, and other matters relating to the internal operations of the court which shall be enforced until repealed or modified by the Supreme Court.

Section 9. Administrative Personnel - Upon recommendation of the DOC, the Supreme Court may designate, from among the officers and employees under it, or appoint. The personnel necessary for the DOC, Provided, however, that those merely designated shall not receive additional compensation, except per diems, traveling and necessary expenses in accordance with existing laws and rules.

The Supreme Court shall appoint one (1) Clerk of Court for each of the DOC division. The Clerks of Court so appointed shall have the have the same qualifications, rank, category, salary, emoluments and other privileges, be subject to the same inhibitions and disqualifications, and enjoy the same retirements and other benefits as those provided for under existing laws for Executive Clerks of Court of the Sandiganbayan.

All subordinate employees of the DOC and all divisions thereof shall be governed by the provisions of the Civil Service Law; Provided, that the DOC division concerned, may, by resolution unanimously voted upon by three (3) of its Justices, remove any of them for cause.

Section 10. Security - In view of the sensitive nature of the functions and powers to be exercised by the DDC, its divisions and Justices, and personnel, as well as the Dangerous Drugs prosecutors, the PDEA, PNP, NBI and the AFP all in coordination, are hereby directed to post 24-hour security personnel for each division of the DOC.

Section 11. Transfer of cases - All cases cognizable by the DOC as herein provided, being heard in other courts, except those already submitted for decision/resolution shall be transferred to the DOC.

Section 12. Funding - There is hereby immediately appropriated out of any funds in the National Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act and thereafter to be included in the general appropriation act: The appropriations for the DOC shall be automatically released in accordance with a schedule submitted by the DOC.

Section 13. Repealing Clause - Any provision of law, order, rule or regulation inconsistent with the provisions of this Act is hereby repealed or modified accordingly.

Section 14. Effectivity Clause - This Act shall take effect fifteen (15) days after the completion of its publication in at least two (2) national newspapers of general circulation.

Approved,