

EIGHTEENTH CONGRESS OF THE }  
REPUBLIC OF THE PHILIPPINES }  
*First Regular Session* }

Office of the Secretary  
Senate of the Philippines

S E N A T E  
SB No. 4

19 JUL -1 A9:42

RECEIVED

INTRODUCED BY SENATOR VICENTE C. SOTTO III

---

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

EXPLANATORY NOTE

In the country's continued crusade against dangerous drugs, RA 9165 or the Dangerous Drugs Act of 2002 was enacted, Article XI of which provides for designation of special courts from among the existing Regional Trial Courts in each judicial region to exclusively try and hear cases involving violations of the Act.

Since the effectivity of the Act, the number of Dangerous Drugs cases filed, and prosecutions for violations of its provisions have been steadily on the rise, clogging the dockets of these specially designated Regional Trial Courts. A number of these cases have remained pending for a long time. The speedy administration of justice has been greatly prejudiced, impairing not only the resolution of these Dangerous Drugs cases, but other equally important cases and matters pending in the specially designated Regional Trial Courts.

There is now therefore an imperative need to create Special Collegiate Dangerous Drugs Courts to sit in each geographical region of the Philippines. This bill is intended to create such Courts. These Special

Collegiate Dangerous Drugs Courts shall have exclusive and original jurisdiction to try and hear violations of RA 9165 or the Dangerous Drugs Act.

It is hoped that the creation of these Special Collegiate Drugs Courts will not only help ease and unclog the dockets of the courts but more importantly, give more teeth to the continued fight against the menace of dangerous drugs plaguing the country.



VICENTE C. SOTTO III

EIGHTEENTH CONGRESS OF THE }  
REPUBLIC OF THE PHILIPPINES }  
*First Regular Session* }

19 JUL 1 A9:42  
RECEIVED  
OFFICE OF THE SECRETARY

S E N A T E  
SB No. 4

19 JUL 1 A9:42

INTRODUCED BY SENATOR VICENTE C. SOTTO III

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:*

1 SECTION 1. **Court; Justices; Qualifications; Salary; Tenure.** -  
2 There is hereby created a Dangerous Drugs Court (DDC) which shall be of  
3 the same level as the Sandiganbayan and the Court of Appeal, possessing all  
4 the inherent powers of a Court of Justice, and shall consist of Eighteen (18)  
5 Executive Justices each for NCR, Region I, Region II, Region III, Region IV-  
6 A, Region IV-B, Region V, Region VI, Region VII, Region VIII, Region IX,  
7 Region X, Region XI, Region XII, Region XIII, CAR and ARMM, respectively,  
8 and 402 Associate Justices. The President of the Philippines shall have the  
9 power to appoint the Executive Justices and the Associate Justices. The  
10 Executive Justices shall be so designated in his appointment, and the  
11 Associate Justices shall have precedence according to the date of their  
12 respective appointments, or when the appointments of two (2) or more of  
13 them shall bear the same date, according to the order in which their  
14 appointments were issued by the President. They shall have the same  
15 qualifications, rank, category, salary, emoluments and other privileges, be  
16 subject to the same inhibitions and disqualifications, and enjoy the same  
17 retirements and other benefits as those provided for under existing laws for  
18 Associate Justices of the Court of Appeals,

1        Whenever the salaries of the Presiding Justice and the Associate  
2 Justices of the Court of Appeals are increased, such increases in salaries  
3 shall be deemed correspondingly extended to and enjoyed by the Executive  
4 Justices and Associate Justices of the DDC.

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

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

15       NCR: Two (2) divisions each for the Local Government  
16 Units of Caloocan City, Las Pinas City, Makati City,  
17 Malabon City, Mandaluyong City, Manila, Marikina City,  
18 Muntinlupa City, Navotas City, Parañaque City, Pasay  
19 City, Pasig City, Pateros, Quezon City, San Juan City,  
20 Taguig City, Valenzuela City;

21       Region I: One (1) Division each for each for the Local  
22 Government Units of Dagupan City, Ilocos Norte, Ilocos  
23 Sur, La Union, Pangasinan;

24       Region II: One (1) Division each the Local Government  
25 Units of Batanes, Cagayan, Isabela, Nueva Vizcaya,  
26 Quirino, Santiago City;

27       Region III: One (1) Division each for the Local Government  
28 Units of Angeles City, Aurora, Bataan, Bulacan, Nueva  
29 Ecija, Olongapo City, Pampanga, Tarlac, Zambales;

30       Region IV-A: One (1) Division each for the Local  
31 Government Units of Batangas, Cavite, Laguna, Lucena  
32 City, Quezon, Rizal;

Region IV-B: One (1) Division each for the Local Government Units of Marinduque, Occidental, Mindoro, Oriental Mindoro, Palawan, Puerto Princesa City, Romblon;

Region V: One (1) Division each for the Local Government Units of Albay, Camarines Norte, Camarines Sur, Catanduanes, Masbate, Naga City, Sorsogon;

Region VI: One (1) Division each for the Local Government Units of Aldan, Antique, Bacolod City, Capiz, Guimaras, Iloilo, Iloilo City, Negros Occidental;

Region VII: One (1) Division each for the Local Government Units of Bohol, Cebu Province, Lapu-Lapu City, Mandaue City, Negros Oriental, Siquijor;

Two (2) divisions for Cebu City;

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;

Region IX: One (1) Division each for the Local Government Units of Isabela City, Zamboanga City, Zamboanga del Norte, Zamboanga del Sur, Zamboanga Sibugay;

Region X: One (1) Division each for the Local Government Units of Bukidnon, Camiguin, Iligan City, Lanao del Norte, Misamis Occidental, Misamis Oriental;

Two (2) Divisions for Cagayan de Oro City;

Region XI: One (1) Division each for the Local Government Units of Compostela Valley, Davao del Norte, Davao del Sur, Davao Oriental;

Two (2) Divisions for Davao City;

Region XII: One (1) Division each for the Local Government Units of Cotabato, Cotabato City, General Santos City, Sarangani, South Cotabato, Sultan Kudarat;

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;

CAR: One (1) Division each for the Local Government Units of Abra, Apayao, Baguio City, Benguet, Ifugao, Kalinga, Mountain Province;

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")

1 made by a Public Officer whether he be the principal accused,  
2 an accomplice or merely an accessory. All cases in the  
3 Sandiganbayan with respect to public officials violating the Act  
4 must now be transferred to the appropriate DDC. If the Public  
5 Officer violated the provisions of the Act while also violating  
6 other laws such as Republic Act No. 3019, as amended  
7 otherwise known as the Anti-Graft Corrupt Practices Act,  
8 Republic Act No. 1379, and Chapter II, Section 2, Title VII of the  
9 Revised Penal Code, the DDC shall still have jurisdiction to  
10 prosecute him under those other laws, provided it will not  
11 violate his right against Double Jeopardy under the  
12 Constitution.

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

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

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

30 Conversely, only in extremely urgent cases and for compelling  
31 reasons such as the complete absence and unavailability of  
32 DDC Justices, the other Courts of Justice may issue search

1           warrants and warrants of arrest with respect to violations of the  
2           Act.

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

8           Section 21 of the Act with respect to Custody and Disposition of  
9           Confiscated, Seized, and/or Surrendered Dangerous Drugs,  
10          Plant Sources of Dangerous Drugs, Controlled Precursors and  
11          Essential Chemicals, Instruments/Paraphernalia and/ or  
12          Laboratory Equipment is hereby amended such that all mention  
13          of "the Court" in that section, shall mean and pertain to the  
14          Dangerous Drugs Court (DDC).

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

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

29          SECTION 5. **Prosecution Team.** - The provisions of any law or rule to  
30          the contrary notwithstanding, the direction and control of the prosecution of  
31          cases mentioned in Section 4 hereof, shall be exercised by one (1) Chief  
32          Dangerous Drugs Division Prosecutor for each DDC division, who shall be  
33          assisted by two (2) Deputy Chief Dangerous Drugs Division Prosecutors per

1 DDC division and two (2) Senior Assistant Dangerous Drugs Division  
2 Prosecutors who shall all be appointed by the President of the Philippines.

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

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

13 Dangerous Drugs Division Prosecutors shall have the same  
14 qualifications, rank, category, salary, emoluments and other privileges, be  
15 subject to the same inhibitions and disqualifications, and enjoy the same  
16 retirements and other benefits as those provided for under existing laws for  
17 Senior Assistant Regional Prosecutors.

18 The Chief Dangerous Drugs Division Prosecutors, the Deputy Chief  
19 Dangerous Drugs Division Prosecutors and the Dangerous Drugs Division  
20 Prosecutors shall have exclusive authority to conduct preliminary  
21 investigations of all complaints filed with the Dangerous Drugs Court, to file  
22 information and conduct the prosecution of all cases; Provided, that the  
23 Secretary of Justice may designate any lawyer in the government service as  
24 Dangerous Drugs Division Prosecutor or special counsel to assist the Chief  
25 Dangerous Drugs Division Prosecutors in conducting preliminary  
26 investigations and prosecuting cases before the Dangerous Drugs Court.

27 The Chief Dangerous Drugs Division Prosecutors, the Deputy Chief  
28 Dangerous Drugs Division Prosecutors and the Dangerous Drugs Division  
29 Prosecutors collectively, "the Dangerous Drugs Prosecutors" mentioned in  
30 the preceding paragraph shall have the authority to administer oaths, to  
31 issue subpoena and subpoena duces tecum, summon and compel witnesses  
32 to appear and testify under oath before them and to bring books, documents  
33 or other things under their control and to secure the attendance or presence

1 of any absent or recalcitrant witness through application before the DDC  
2 division or any Justice thereof, or before any inferior or superior court  
3 having jurisdiction of the place where the witness or evidence may be found.

4 The Chief Dangerous Drugs Division Prosecutors and his assistants  
5 shall be directly under the control of the Secretary of Justice.

6 In cases where the offender is a Public Officer, the Ombudsman and  
7 the Dangerous Drugs Prosecutors shall have concurrent jurisdiction except  
8 if the law or the Constitution vests exclusive jurisdiction in the  
9 Ombudsman. All mention of "prosecutors" in the provisions of the Act shall  
10 pertain to the Dangerous Drugs Prosecutors as provided herein.

11 SECTION 6. **Preliminary Investigation; Trial.** - The preliminary  
12 investigation of cases filed under the Act shall be terminated within a period  
13 of thirty (30) days from the date of their filing.

14 When the preliminary investigation is conducted by a Dangerous  
15 Drugs Prosecutor and probable cause is established, the corresponding  
16 information shall be filed in court within twenty-four (24) hours from the  
17 termination of the investigation. If the preliminary investigation is conducted  
18 by a judge and a probable cause is found to exist, the corresponding  
19 information shall be filed by the proper prosecutor within forty-eight (48)  
20 hours from the date of receipt of the records of the case.

21 Trial of the case under Section 4 and Section 5 shall be finished by  
22 the DDC not later than Sixty (60) days from the date of the filing of the  
23 information. Decision on said cases shall be rendered within a period of  
24 fifteen (15) days from the date of Submission of the case for resolution.

25 SECTION 7. **Form, Finality and Enforcement of Decisions.** - All  
26 decisions and final orders determining the merits of a case or finally  
27 disposing of the action or proceedings of the DDC shall contain complete  
28 findings of the facts and the law on which they are based, on all issues  
29 properly raised before it and necessary in deciding the case. A motion for  
30 reconsideration of any final order or decision may be filed within fifteen (15)  
31 days from promulgation or notice of the final order or judgment, and such  
32 motion for reconsideration shall be decided within thirty (30) days from  
33 submission thereon. Decisions and final orders of the DDC shall be

1 appealable to the Supreme Court by petition for review on certiorari raising  
2 pure questions of law in accordance with Rule 45 of the Rules of Court.  
3 Whenever, in any case decided by the DDC, the penalty of life imprisonment,  
4 reclusion perpetua or higher is imposed, the decision shall be appealable to  
5 the Supreme Court in the manner prescribed in the Rules of Court. The  
6 Supreme Court shall be consulted with respect to this provision. Judgments  
7 and Orders of the DDC shall be executed and enforced in the manner  
8 provided by law.

9       The Justices of the DDC shall each certify on their applications for  
10 leave, and upon salary vouchers presented by them for payment, or upon  
11 the payrolls under which their salaries are paid, that all proceedings,  
12 petitions and motions which have been submitted to the Court for  
13 determination or decision for a period required by the law or the  
14 Constitution, as the case may be, have been determined or decided by the  
15 Court on or before the date of making the certificate, and no leave shall be  
16 granted and no salary shall be paid without such certificate.

17       SECTION 8. ***Rules of Procedure.*** - The Rules of Court promulgated  
18 by the Supreme Court shall apply to all cases and proceedings filed with the  
19 DDC in the meantime. The Supreme Court shall promulgate special rules of  
20 procedure which shall be applicable to the DDC within 30 days from the  
21 effectivity of this Act.

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

27       SECTION 9. ***Administrative Personnel.*** - Upon recommendation of  
28 the DDC, the Supreme Court may designate, from among the officers and  
29 employees under it, or appoint the personnel necessary for the DDC;  
30 Provided, however, that those merely designated shall not receive additional  
31 compensation, except per diems, traveling and necessary expenses in  
32 accordance with existing laws and rules.

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

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

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

16       SECTION 11. **Transfer of Cases.** - All cases cognizable by the DDC as  
17 herein provided, being heard in other courts, except those already submitted  
18 for decision/resolution, shall be transferred to the DDC.

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

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

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

*Approved,*