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SENATE
S. B. 2139

RECEIVED BY: *ji*

Introduced by Senator Poe

**AN ACT
AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NO. 4200, OTHERWISE
KNOWN AS AN ACT TO PROHIBIT AND PENALIZE WIRETAPPING AND OTHER
RELATED VIOLATIONS OF THE PRIVACY OF COMMUNICATION, AND FOR
OTHER PURPOSES**

EXPLANATORY NOTE

Our vision of the Philippines as a drug-free country is far from arms reach.

In a Nationwide Survey made by the Dangerous Drug Board in 2012, there are roughly 1.7 million Filipinos engaged in illicit-drug abuse. Such a figure takes in vast and grave implications on our society: crime, health and infectious diseases, education, and the overall psychological welfare of our Filipino people. Moreover, mortality rates due to illicit-drug abuse have been steadily on the rise.

The influence of illicit-drug abuse entraps both adult and, more importantly, youth alike. Globally, studies indicate that there is an alarming trend with regard to illicit-drug use among the youth, with the latter experiencing a steep increase in terms of illicit drug abuse. Moreover, the trend reflects that the youth's perceived risk of drugs, such as cocaine and marijuana, is beginning to decline. This impacts on our society as a whole down to the smallest family unit. We should not ignore this reality any longer. The youth, who personify the very ambition and promise of our nation, cannot remain vulnerable to the harmful effects of illicit drugs while its contents practically lay available on the streets unrestrained.

Thus, in continuous deliberation with legal experts and members of the academe, balancing the relevance of this legislation with its implications in the fundamental principle of due process, this bill seeks to provide greater and significant assistance to our law enforcement agencies for the implementation of Republic Act 9165 or the Dangerous Drugs Act.

In view of the foregoing, an immediate discussion on the matter and eventually, the passage of a measure in this concern is earnestly sought.


GRACE POE

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

SECTION 1. Section 3 of Republic Act 4200 is hereby amended to read as follows:

"Nothing contained in this Act, however, shall render it unlawful or punishable for any peace officer, **AND LAW ENFORCER**, who is authorized by a 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, inciting to sedition, kidnapping as defined by the Revised Penal Code, **VIOLATIONS OF REPUBLIC ACT 9165, OTHERWISE KNOWN AS THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002**, and violations of Commonwealth Act No. 616, punishing espionage and other offenses against national security: Provided, that such written order shall only be issued or granted upon written application and the examination under oath or affirmation of the applicant and the witnesses he may produce and a showing: (1) that there are reasonable grounds to believe that any of the crimes enumerated hereinabove has been committed or is being committed or is about to be committed: Provided, however, that in cases involving the offenses of rebellion, conspiracy and proposal to commit rebellion, inciting to rebellion, sedition, 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. All laws inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SECTION 3. This Act shall take effect upon fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,