


SEVENTEENTH CONGRESS OF THE REPUBLIC }
OF THE PHILIPPINES }
First Regular Session }



SENATE
Office of the Secretary

16 AUG 15 25:46

SENATE
Senate Bill No. 1025

BY: 

Introduced by **SENATOR LACSON**

**AN ACT AUTHORIZING THE EXAMINATION OF BANK DEPOSITS,
ACCOUNTS AND RECORDS OF PUSHERS, MANUFACTURERS,
CULTIVATORS, IMPORTERS AND FINANCIERS OF DANGEROUS
DRUGS AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9165
AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Over the past few months after President Rodrigo Roa Duterte assumed office, the public has become witness to the administration's unrelenting war against illegal drugs.

As of 15 August 2016, police measures have yielded positive results, which account to a total of 576,176 drug pushers and users who surrendered, while operatives have already arrested 8,623 suspects and neutralized 612 drug personalities from legitimate police operations.

Hence, it is only but fitting for the legislature to be pro-active and to take this opportunity to further strengthen Republic Act 9165 otherwise known as the "Comprehensive Dangerous Drugs of 2002".

Experiences of the past tell us that our country's high regard to the secrecy of bank deposits results to law enforcers' limited authority in terms of confiscation and forfeiture of money or proceeds of the sale or trade of illegal drugs.

Thus, in order to further strengthen the government's drive against the drug menace, this representation seeks to amend RA 9165 to allow, by way of exception to RA 1405, the examination of bank accounts, deposits and records of pushers, manufacturers, cultivators, importers and financiers of dangerous drugs in keeping with our obligation under Article 5 (2) of *the United Nations Convention*

Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance (Vienna Convention) to empower the Courts or other competent authorities to order that bank, financial or commercial records be made available or be seized. In fact, it cannot be made more emphatic by expressly stating that “*A Party shall not decline to act under the provisions of this paragraph on the ground of bank secrecy.*”

In view thereof, the early passage of this bill is earnestly recommended.


PANFILO M. LACSON
Senator

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**AN ACT AUTHORIZING THE EXAMINATION OF BANK DEPOSITS,
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DRUGS AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9165
AND FOR OTHER PURPOSES**

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

1 **SECTION 1.** Republic Act No. 9165, otherwise known as the
2 Comprehensive Dangerous Drugs Act of 2002, is hereby amended by inserting
3 Sections 26-A to 26-R, as follows:

4 **“SEC. 26-A. JUDICIAL AUTHORIZATION REQUIRED TO**
5 **EXAMINE BANK DEPOSITS, ACCOUNTS, AND RECORDS. -**
6 **THE PROVISIONS OF REPUBLIC ACT NO. 1405 AS**
7 **AMENDED, TO THE CONTRARY NOTWITHSTANDING, THE**
8 **PDEA DIRECTOR GENERAL, THE CHIEF OF PNP OR THE**
9 **NBI DIRECTOR MAY AUTHORIZE IN TEAMS OF THE PDEA,**
10 **PNP, OR NBI OPERATIVES RESPECTIVELY, TO SUBMIT**
11 **EX-PARTE APPLICATIONS FOR THE ISSUANCE OF**
12 **WRITTEN ORDERS FROM THE SPECIAL DIVISIONS OF**
13 **THE COURT OF APPEALS TO ALLOW THE (A)**
14 **EXAMINATION, OR CAUSE THE EXAMINATION OF, THE**
15 **DEPOSITS, PLACEMENTS, TRUST ACCOUNTS, ASSETS AND**
16 **RECORDS IN A BANK OR FINANCIAL INSTITUTION; AND**
17 **(B) GATHERING OR CAUSE THE GATHERING OF ANY**
18 **RELEVANT INFORMATION ABOUT SUCH DEPOSITS,**
19 **PLACEMENTS, TRUST ACCOUNTS, ASSETS, AND RECORDS**
20 **FROM A BANK OR FINANCIAL INSTITUTION OF ANY**
21 **PERSON AGAINST WHOM THE EXISTENCE OF PROBABLE**
22 **CAUSE IS ESTABLISHED TO HAVE VIOLATED SEC. 4, SEC.**
23 **5, SEC. 8 OR SEC. 16 OF THIS ACT. THE BANK OR**
24 **FINANCIAL INSTITUTION CONCERNED, SHALL NOT**
25 **REFUSE TO ALLOW SUCH EXAMINATION OR TO PROVIDE**
26 **THE DESIRED INFORMATION, WHEN SO, ORDERED BY**
27 **AND SERVED WITH THE WRITTEN ORDER OF THE COURT**

1 OF APPEALS.”

2 “SEC. 26-B. *APPLICATION TO EXAMINE BANK*
3 *DEPOSITS, ACCOUNTS, AND RECORDS.* - THE WRITTEN
4 ORDER OF THE COURT OF APPEALS AUTHORIZING THE
5 EXAMINATION OF BANK DEPOSITS, PLACEMENTS, TRUST
6 ACCOUNTS, ASSETS, AND RECORDS OF A PERSON
7 CHARGED WITH OR SUSPECTED OF VIOLATING ANY OF
8 THE CRIMES UNDER SEC. 4, SEC. 5, SEC. 8 OR SEC. 16 OF
9 THIS ACT SHALL ONLY BE GRANTED BY THE
10 AUTHORIZING DIVISION OF THE COURT OF APPEALS
11 UPON AN EX PARTE APPLICATION TO THAT EFFECT OF
12 TEAMS OF THE PDEA, PNP, OR NBI OPERATIVES DULY
13 AUTHORIZED IN WRITING BY THE PDEA DIRECTOR
14 GENERAL, THE CHIEF OF PNP OR THE NBI DIRECTOR TO
15 FILE SUCH EX PARTE APPLICATION, AND UPON
16 EXAMINATION UNDER OATH OR AFFIRMATION OF THE
17 APPLICANT AND, THE WITNESSES HE MAY PRODUCE TO
18 ESTABLISH THE FACTS THAT WILL JUSTIFY THE NEED
19 AND URGENCY OF EXAMINING AND FREEZING THE BANK
20 DEPOSITS, PLACEMENTS, TRUST ACCOUNTS, ASSETS,
21 AND RECORDS OF THE PERSON CHARGED WITH OR
22 SUSPECTED OF VIOLATING SEC. 4, SEC. 5, SEC. 8 OR SEC.
23 16 OF THIS ACT.”

24 “SEC. 26-C. *CLASSIFICATION AND CONTENTS OF THE*
25 *COURT ORDER AUTHORIZING THE EXAMINATION OF BANK*
26 *DEPOSITS, ACCOUNTS, AND RECORDS.* - THE WRITTEN
27 ORDER GRANTED BY THE AUTHORIZING DIVISION OF
28 THE COURT OF APPEALS, AS WELL AS ITS ORDER, IF
29 ANY, TO EXTEND OR RENEW THE SAME, THE ORIGINAL
30 EX PARTE APPLICATION OF THE APPLICANT AND THE
31 WRITTEN AUTHORIZATIONS OF THE PDEA DIRECTOR
32 GENERAL, THE CHIEF OF PNP OR THE NBI DIRECTOR,
33 SHALL BE DEEMED AND ARE HEREBY DECLARED AS
34 CLASSIFIED INFORMATION: PROVIDED, THAT THE
35 PERSON WHOSE BANK DEPOSITS, PLACEMENTS, TRUST
36 ACCOUNTS, ASSETS, AND RECORDS HAVE BEEN
37 EXAMINED, FROZEN, SEQUESTERED AND SEIZED BY LAW
38 ENFORCEMENT AUTHORITIES HAS THE RIGHT TO BE
39 INFORMED OF THE ACTS DONE BY THE
40 AFOREMENTIONED AUTHORITIES IN THE PREMISES OR
41 TO CHALLENGE, IF HE OR SHE INTENDS TO DO SO, THE
42 LEGALITY OF THE INTERFERENCE. THE WRITTEN
43 ORDER OF THE AUTHORIZING DIVISION OF THE COURT
44 OF APPEALS SHALL SPECIFY: (A) THE IDENTIFY OF THE
45 SAID PERSON CHARGED WITH OR SUSPECTED
46 VIOLATING SEC. 4, SEC. 5, SEC. 8 OR SEC. 16 OF THIS ACT
47 WHOSE DEPOSITS, PLACEMENTS, TRUST ACCOUNTS,
48 ASSETS, AND RECORDS ARE TO BE EXAMINED OR THE

1 INFORMATION TO BE GATHERED; (B) THE IDENTITY OF
2 THE BANK OR FINANCIAL INSTITUTION WHERE SUCH
3 DEPOSITS, PLACEMENTS, TRUST ACCOUNTS, ASSETS,
4 AND RECORDS ARE HELD AND MAINTAINED; (C) THE
5 IDENTITY OF THE PERSONS WHO WILL CONDUCT THE
6 SAID EXAMINATION AND THE GATHERING OF THE
7 DESIRED INFORMATION; AND, (D) THE LENGTH OF TIME
8 THE AUTHORIZATION SHALL BE CARRIED OUT.”

9 “SEC. 26-D. *EFFECTIVE PERIOD OF COURT*
10 *AUTHORIZATION TO EXAMINE AND OBTAIN INFORMATION*
11 *ON BANK DEPOSITS, ACCOUNTS, AND RECORDS.* - THE
12 AUTHORIZATION ISSUED OR GRANTED BY THE
13 AUTHORIZING DIVISION OF THE COURT OF APPEALS TO
14 EXAMINE OR CAUSE THE EXAMINATION OF AND TO
15 FREEZE BANK DEPOSITS, PLACEMENTS, TRUST
16 ACCOUNTS, ASSETS, AND RECORDS, OR TO GATHER
17 INFORMATION ABOUT THE SAME, SHALL BE EFFECTIVE
18 FOR THE LENGTH OF TIME SPECIFIED IN THE WRITTEN
19 ORDER OF THE AUTHORIZING DIVISION OF THE COURT
20 OF APPEALS, WHICH SHALL NOT EXCEED A PERIOD OF
21 THIRTY (30) DAYS FROM THE DATE OF RECEIPT OF THE
22 WRITTEN ORDER OF THE AUTHORIZING DIVISION OF
23 THE COURT OF APPEALS BY THE APPLICANT.

24 THE AUTHORIZING DIVISION OF THE COURT OF
25 APPEALS MAY EXTEND OR RENEW THE SAID
26 AUTHORIZATION FOR ANOTHER PERIOD, WHICH SHALL
27 NOT EXCEED THIRTY (30) DAYS RENEWABLE TO
28 ANOTHER THIRTY (30) DAYS FROM THE EXPIRATION OF
29 THE ORIGINAL PERIOD: PROVIDED, THAT THE
30 AUTHORIZING DIVISION OF THE COURT OF APPEALS IS
31 SATISFIED THAT SUCH EXTENSION OR RENEWAL IS IN
32 THE PUBLIC INTEREST: AND, PROVIDED, FURTHER, THAT
33 THE APPLICATION FOR EXTENSION OR RENEWAL,
34 WHICH MUST BE FILED BY THE ORIGINAL APPLICANT,
35 HAS BEEN DULY AUTHORIZED IN WRITING BY THE THE
36 PDEA DIRECTOR GENERAL, THE CHIEF OF PNP OR THE
37 NBI DIRECTOR.

38 IN CASE OF DEATH OF THE ORIGINAL APPLICANT
39 OR IN CASE HE IS PHYSICALLY DISABLED TO FILE THE
40 APPLICATION FOR EXTENSION OR RENEWAL, THE ONE
41 NEXT IN RANK TO THE ORIGINAL APPLICANT AMONG
42 THE MEMBERS OF THE TEAM NAMED IN THE ORIGINAL
43 WRITTEN ORDER OF THE AUTHORIZING DIVISION OF
44 THE COURT OF APPEALS SHALL FILE THE APPLICATION
45 FOR EXTENSION OR RENEWAL.”

46 “SEC. 26-E. *CUSTODY OF BANK DATA AND*
47 *INFORMATION OBTAINED AFTER EXAMINATION OF*

1 **DEPOSITS, PLACEMENTS, TRUST ACCOUNTS, ASSETS AND**
2 **RECORDS. - ALL INFORMATION, DATA, EXCERPTS,**
3 **SUMMARIES, NOTES, MEMORANDA, WORKING SHEETS,**
4 **REPORTS, AND OTHER DOCUMENTS OBTAINED FROM**
5 **THE EXAMINATION OF THE BANK DEPOSITS,**
6 **PLACEMENTS, TRUST ACCOUNTS, ASSETS AND RECORDS**
7 **OF A PERSON CHARGED WITH OR SUSPECTED OF**
8 **VIOLATING SEC. 4, SEC. 5, SEC. 8 OR SEC. 16 OF THIS ACT**
9 **SHALL, WITHIN FORTY-EIGHT (48) HOURS AFTER THE**
10 **EXPIRATION OF THE PERIOD FIXED IN THE WRITTEN**
11 **ORDER OF THE AUTHORIZING DIVISION OF THE COURT**
12 **OF APPEALS OR WITHIN FORTY-EIGHT (48) HOURS**
13 **AFTER THE EXPIRATION OF THE EXTENSION OR**
14 **RENEWAL GRANTED BY THE AUTHORIZING DIVISION OF**
15 **THE COURT OF APPEALS, BE DEPOSITED WITH THE**
16 **AUTHORIZING DIVISION OF THE COURT OF APPEALS IN**
17 **A SEALED ENVELOPE OR SEALED PACKAGE, AS THE**
18 **CASE MAY BE, AND SHALL BE ACCOMPANIED BY A JOINT**
19 **AFFIDAVIT OF THE APPLICANT AND THE PERSONS WHO**
20 **ACTUALLY CONDUCTED THE EXAMINATION OF SAID**
21 **BANK DEPOSITS, PLACEMENTS, TRUST ACCOUNTS,**
22 **ASSETS AND RECORDS.”**

23 **“SEC. 26-F. CONTENTS OF JOINT AFFIDAVIT. - THE**
24 **JOINT AFFIDAVIT SHALL STATE: (A) THE IDENTIFYING**
25 **MARKS, NUMBERS, OR SYMBOLS OF THE DEPOSITS,**
26 **PLACEMENTS, TRUST ACCOUNTS, ASSETS, AND RECORDS**
27 **EXAMINED; (B) THE IDENTITY AND ADDRESS OF THE**
28 **BANK OR FINANCIAL INSTITUTION WHERE SUCH**
29 **DEPOSITS, PLACEMENTS, TRUST ACCOUNTS, ASSETS,**
30 **AND RECORDS ARE HELD AND MAINTAINED; (C) THE**
31 **NUMBER OF BANK DEPOSITS, PLACEMENTS, TRUST**
32 **ACCOUNTS, ASSETS, AND RECORDS DISCOVERED,**
33 **EXAMINED, AND FROZEN; (D) THE OUTSTANDING**
34 **BALANCES OF EACH OF SUCH DEPOSITS, PLACEMENTS,**
35 **TRUST ACCOUNTS, ASSETS; (E) ALL INFORMATION,**
36 **DATA, EXCERPTS, SUMMARIES, NOTES, MEMORANDA,**
37 **WORKING SHEETS, REPORTS, DOCUMENTS, RECORDS**
38 **EXAMINED AND PLACED IN THE SEALED ENVELOPE OR**
39 **SEALED PACKAGE DEPOSITED WITH THE AUTHORIZING**
40 **DIVISION OF THE COURT OF APPEALS; (F) THE DATE OF**
41 **THE ORIGINAL WRITTEN AUTHORIZATION GRANTED BY**
42 **THE PDEA DIRECTOR GENERAL, THE CHIEF OF PNP OR**
43 **THE NBI DIRECTOR TO THE APPLICANT TO FILE THE EX**
44 **PARTE APPLICATION TO CONDUCT THE EXAMINATION**
45 **OF THE SAID BANK DEPOSITS, PLACEMENTS, TRUST**
46 **ACCOUNTS, ASSETS AND RECORDS, AS WELL AS THE**
47 **DATE OF ANY EXTENSION OR RENEWAL OF THE**
48 **ORIGINAL WRITTEN AUTHORIZATION GRANTED BY THE**

1 **AUTHORIZING DIVISION OF THE COURT OF APPEALS;**
2 **AND (G) THAT THE ITEMS ENUMERATED WERE ALL**
3 **THAT WERE FOUND IN THE BANK OR FINANCIAL**
4 **INSTITUTION EXAMINED AT THE TIME OF THE**
5 **COMPLETION OF THE EXAMINATION.**

6 **THE JOINT AFFIDAVIT SHALL ALSO CERTIFY**
7 **UNDER OATH THAT NO DUPLICATES OR COPIES OF THE**
8 **INFORMATION, DATA, EXCERPTS, SUMMARIES, NOTES,**
9 **MEMORANDA, WORKING SHEETS, REPORTS, AND**
10 **DOCUMENTS ACQUIRED FROM THE EXAMINATION OF**
11 **THE BANK DEPOSITS, PLACEMENTS, TRUST ACCOUNTS,**
12 **ASSETS AND RECORDS HAVE BEEN MADE, OR, IF MADE,**
13 **THAT ALL SUCH DUPLICATES AND COPIES ARE PLACED**
14 **IN THE SEALED ENVELOPE OR SEALED PACKAGE**
15 **DEPOSITED WITH THE AUTHORIZING DIVISION OF THE**
16 **COURT OF APPEALS.**

17 **IT SHALL BE UNLAWFUL FOR ANY PERSON, POLICE**
18 **OFFICER OR CUSTODIAN OF THE BANK DATA AND**
19 **INFORMATION OBTAINED AFTER EXAMINATION OF**
20 **DEPOSITS, PLACEMENTS, TRUST ACCOUNTS, ASSETS AND**
21 **RECORDS TO COPY, TO REMOVE, DELETE, EXPUNGE,**
22 **INCINERATE, SHRED OR DESTROY IN ANY MANNER THE**
23 **ITEMS ENUMERATED ABOVE IN WHOLE OR IN PART**
24 **UNDER ANY PRETEXT WHATSOEVER.**

25 **ANY PERSON WHO COPIES, REMOVES, DELETES,**
26 **EXPUNGES, INCINERATES, SHREDS OR DESTROYS THE**
27 **ITEMS ENUMERATED ABOVE SHALL SUFFER A PENALTY**
28 **OF NOT LESS THAN SIX YEARS AND ONE DAY TO TWELVE**
29 **(12) YEARS OF IMPRISONMENT."**

30 **"SEC. 26-G. DISPOSITION OF BANK MATERIALS. - THE**
31 **SEALED ENVELOPE OR SEALED PACKAGE AND THE**
32 **CONTENTS THEREOF, WHICH ARE DEPOSITED WITH THE**
33 **AUTHORIZING DIVISION OF THE COURT OF APPEALS,**
34 **SHALL BE DEEMED AND ARE HEREBY DECLARED**
35 **CLASSIFIED INFORMATION AND THE SEALED ENVELOPE**
36 **OR SEALED PACKAGE SHALL NOT BE OPENED AND ITS**
37 **CONTENTS SHALL NOT BE DIVULGED, REVEALED, READ,**
38 **OR USED AS EVIDENCE UNLESS AUTHORIZED IN A**
39 **WRITTEN ORDER OF THE AUTHORIZING DIVISION OF**
40 **THE COURT OF APPEALS, WHICH WRITTEN ORDER**
41 **SHALL BE GRANTED ONLY UPON A WRITTEN**
42 **APPLICATION OF THE DEPARTMENT OF JUSTICE, THE**
43 **PDEA DIRECTOR GENERAL, THE CHIEF OF PNP OR THE**
44 **NBI DIRECTOR FILED BEFORE THE AUTHORIZING**
45 **DIVISION OF THE COURT OF APPEALS WITH NOTICE IN**
46 **WRITING TO THE PARTY CONCERNED NOT LATER THAN**
47 **THREE DAYS BEFORE THE SCHEDULED OPENING, TO**

1 OPEN, REVEAL, DIVULGE, AND USE THE CONTENTS OF
2 THE SEALED ENVELOPE OR SEALED PACKAGE AS
3 EVIDENCE.

4 ANY PERSON, LAW ENFORCEMENT OFFICIAL OR
5 JUDICIAL AUTHORITY WHO VIOLATES HIS DUTY TO
6 NOTIFY IN WRITING AS DEFINED ABOVE SHALL SUFFER
7 THE PENALTY OF SIX YEARS AND ONE DAY TO EIGHT
8 YEARS OF IMPRISONMENT.”

9 “SEC. 26-H. *APPLICATION TO OPEN DEPOSITED BANK*
10 *MATERIALS.* - THE WRITTEN APPLICATION, WITH NOTICE
11 IN WRITING TO THE PARTY CONCERNED NOT LATER
12 THAN THREE DAYS OF THE SCHEDULED OPENING, TO
13 OPEN THE SEALED ENVELOPE OR SEALED PACKAGE
14 SHALL CLEARLY STATE THE PURPOSE AND REASON: (A)
15 FOR OPENING THE SEALED ENVELOPE OR SEALED
16 PACKAGE; (B) FOR REVEALING AND DISCLOSING ITS
17 CLASSIFIED CONTENTS; AND, (C) FOR USING THE
18 CLASSIFIED INFORMATION, DATA, EXCERPTS,
19 SUMMARIES, NOTES, MEMORANDA, WORKING SHEETS,
20 REPORTS, AND DOCUMENTS AS EVIDENCE.”

21 “SEC. 26-I. *EVIDENTIARY VALUE OF DEPOSITED BANK*
22 *MATERIALS.* - ANY INFORMATION, DATA, EXCERPTS,
23 SUMMARIES, NOTES, MEMORANDA, WORK SHEETS,
24 REPORTS, OR DOCUMENTS ACQUIRED FROM THE
25 EXAMINATION OF THE BANK DEPOSITS, PLACEMENTS,
26 TRUST ACCOUNTS, ASSETS AND RECORDS GATHERED
27 AND OBTAINED SHALL NOT BE USED IN THE
28 PROSECUTION OF ANY OTHER OFFENSE OR FELONY
29 OTHER THAN TO PROSECUTE VIOLATIONS SEC. 4, SEC. 5,
30 SEC. 8 OR SEC. 16 OF THIS ACT. “

31 “SEC. 26-J. *PENALTY FOR UNAUTHORIZED OR*
32 *MALICIOUS EXAMINATION OF A BANK OR A FINANCIAL*
33 *INSTITUTION.* - ANY PERSON WHO EXAMINES THE
34 DEPOSITS, PLACEMENTS, TRUST ACCOUNTS, ASSETS, OR
35 RECORDS IN A BANK OR FINANCIAL INSTITUTION OF A
36 PERSON CHARGED WITH OR SUSPECTED OF VIOLATING
37 SEC. 4, SEC. 5, SEC. 8 OR SEC. 16 OF THIS ACT WITHOUT
38 BEING AUTHORIZED TO DO SO BY THE COURT OF
39 APPEALS, SHALL BE GUILTY OF AN OFFENSE AND SHALL
40 SUFFER THE PENALTY OF TEN (10) YEARS AND ONE DAY
41 TO TWELVE (12) YEARS OF IMPRISONMENT.

42 IN ADDITION TO THE LIABILITY ATTACHING TO
43 THE OFFENDER FOR THE COMMISSION OF ANY OTHER
44 OFFENSE, THE PENALTY OF TEN (10) YEARS AND ONE
45 DAY TO TWELVE (12) YEARS OF IMPRISONMENT SHALL
46 BE IMPOSED UPON ANY PERSON, WHO MALICIOUSLY

1 OBTAINED AN AUTHORITY FROM THE COURT OF
2 APPEALS TO EXAMINE THE DEPOSITS, PLACEMENTS,
3 TRUST ACCOUNTS, ASSETS, OR RECORDS IN A BANK OR
4 FINANCIAL INSTITUTION OF A PERSON CHARGED WITH
5 OR SUSPECTED OF VIOLATING SEC. 4, SEC. 5, SEC. 8 OR
6 SEC. 16 OF THIS ACT : PROVIDED, THAT
7 NOTWITHSTANDING SECTION 26-G OF THIS ACT, THE
8 PARTY AGGRIEVED BY SUCH AUTHORIZATION SHALL
9 UPON MOTION DULY FILED BE ALLOWED ACCESS TO
10 THE SEALED ENVELOPE OR SEALED PACKAGE AND THE
11 CONTENTS THEREOF AS EVIDENCE FOR THE
12 PROSECUTION OF ANY PERSON WHO MALICIOUSLY
13 PROCURED SAID AUTHORIZATION.”

14 “SEC. 26-K. *PENALTY OF BANK OFFICIALS AND*
15 *EMPLOYEES DEFYING A COURT AUTHORIZATION.* - AN
16 EMPLOYEE, OFFICIAL, OR A MEMBER OF THE BOARD OF
17 DIRECTORS OF A BANK OR FINANCIAL INSTITUTION,
18 WHO REFUSES TO ALLOW THE EXAMINATION OF THE
19 DEPOSITS, PLACEMENTS, TRUST ACCOUNTS, ASSETS,
20 AND RECORDS OF A PERSON CHARGED WITH OR
21 SUSPECTED OF VIOLATING SEC. 4, SEC. 5, SEC. 8 OR SEC.
22 16 OF THIS ACT WHEN DULY SERVED WITH THE
23 WRITTEN ORDER OF THE AUTHORIZING DIVISION OF
24 THE COURT OF APPEALS, SHALL BE GUILTY OF AN
25 OFFENSE AND SHALL SUFFER THE PENALTY OF TEN (10)
26 YEARS AND ONE DAY TO TWELVE (12) YEARS OF
27 IMPRISONMENT.”

28 “SEC. 26-L. *PENALTY FOR FALSE OR UNTRUTHFUL*
29 *STATEMENT OR MISREPRESENTATION OF MATERIAL FACT*
30 *IN JOINT AFFIDAVITS.* - ANY FALSE OR UNTRUTHFUL
31 STATEMENT OR MISREPRESENTATION OF MATERIAL
32 FACT IN THE JOINT AFFIDAVIT REQUIRED IN SECTION
33 26-F CONSTITUTE A CRIMINAL OFFENSE AND THE
34 AFFIANTS SHALL SUFFER INDIVIDUALLY THE PENALTY
35 OF TEN (10) YEARS AND ONE DAY TO TWELVE (12) YEARS
36 OF IMPRISONMENT.”

37 “SEC. 26-M. *SEIZURE AND SEQUESTRATION.* - THE
38 DEPOSITS AND THEIR OUTSTANDING BALANCES,
39 PLACEMENTS, TRUST ACCOUNTS, ASSETS, AND RECORDS
40 IN ANY BANK OR FINANCIAL INSTITUTION, MONEYS,
41 BUSINESSES, TRANSPORTATION AND COMMUNICATION
42 EQUIPMENT, SUPPLIES AND OTHER IMPLEMENTS, AND
43 PROPERTY OF WHATEVER KIND AND NATURE
44 BELONGING TO ANY PERSON SUSPECTED OF OR
45 CHARGED BEFORE A COMPETENT REGIONAL TRIAL
46 COURT FOR VIOLATION OF SEC. 4, SEC. 5, SEC. 8 OR SEC.
47 16 OF THIS ACT SHALL BE SEIZED, SEQUESTERED, AND

1 FROZEN IN ORDER TO PREVENT THEIR USE, TRANSFER,
2 OR CONVEYANCE FOR PURPOSES THAT ARE INJURIOUS
3 TO THE INTEREST OF THE STATE.

4 THE ACCUSED OR A PERSON SUSPECTED MAY
5 WITHDRAW SUCH SUMS AS MAY BE REASONABLY
6 NEEDED BY THE MONTHLY NEEDS OF HIS FAMILY
7 INCLUDING THE SERVICES OF HIS OR HER COUNSEL AND
8 HIS OR HER FAMILY'S MEDICAL NEEDS UPON APPROVAL
9 OF THE COURT.

10 ANY PERSON WHO UNJUSTIFIABLY REFUSES TO
11 FOLLOW THE ORDER OF THE PROPER DIVISION OF THE
12 COURT OF APPEALS TO ALLOW THE PERSON ACCUSED
13 OF VIOLATING SEC. 4, SEC. 5, SEC. 8 OR SEC. 16 OF THIS
14 ACT TO WITHDRAW SUCH SUMS FROM SEQUESTERED OR
15 FROZEN DEPOSITS, PLACEMENTS, TRUST ACCOUNTS,
16 ASSETS AND RECORDS AS MAY BE NECESSARY FOR THE
17 REGULAR SUSTENANCE OF HIS/HER FAMILY OR TO USE
18 ANY OF HIS/HER PROPERTY THAT HAS BEEN SEIZED,
19 SEQUESTERED OR FROZEN FOR LEGITIMATE PURPOSES
20 WHILE HIS/HER CASE IS PENDING SHALL SUFFER THE
21 PENALTY OF TEN (10) YEARS AND ONE DAY TO TWELVE
22 (12) YEARS OF IMPRISONMENT."

23 "SEC. 26-N. *NATURE OF SEIZED. SEQUESTERED AND*
24 *FROZEN BANK DEPOSITS, PLACEMENTS, TRUST ACCOUNTS,*
25 *ASSETS AND RECORDS. - THE SEIZED, SEQUESTERED AND*
26 *FROZEN BANK DEPOSITS, PLACEMENTS, TRUST*
27 *ACCOUNTS, ASSETS AND RECORDS BELONGING TO A*
28 *PERSON SUSPECTED OF OR CHARGED WITH VIOLATION*
29 *OF SEC. 4, SEC. 5, SEC. 8 OR SEC. 16 OF THIS ACT SHALL BE*
30 *DEEMED AS PROPERTY HELD IN TRUST BY THE BANK OR*
31 *FINANCIAL INSTITUTION FOR SUCH PERSON AND THE*
32 *GOVERNMENT DURING THE PENDENCY OF THE*
33 *INVESTIGATION OF THE PERSON SUSPECTED OF OR*
34 *DURING THE PENDENCY OF THE TRIAL OF THE PERSON*
35 *CHARGED WITH ANY OF THE SAID CRIMES, AS THE CASE*
36 *MAY BE AND THEIR USE OR DISPOSITION WHILE THE*
37 *CASE IS PENDING SHALL BE SUBJECT TO THE APPROVAL*
38 *OF THE COURT BEFORE WHICH THE CASE OR CASES ARE*
39 *PENDING."*

40 "SEC. 26-O. *DISPOSITION OF THE SEIZED,*
41 *SEQUESTERED AND FROZEN BANK DEPOSITS,*
42 *PLACEMENTS, TRUST ACCOUNTS, ASSETS AND RECORD. - IF*
43 *THE PERSON SUSPECTED OF OR CHARGED WITH*
44 *VIOLATION OF SEC. 4, SEC. 5, SEC. 8 OR SEC. 16 OF THIS*
45 *ACT IS FOUND, AFTER HIS INVESTIGATION, TO BE*
46 *INNOCENT BY THE INVESTIGATING BODY, OR IS*
47 *ACQUITTED, AFTER HIS ARRAIGNMENT OR HIS CASE IS*

1 DISMISSED BEFORE HIS ARRAIGNMENT BY A
2 COMPETENT COURT, THE SEIZURE, SEQUESTRATION
3 AND FREEZING OF HIS BANK DEPOSITS, PLACEMENTS,
4 TRUST ACCOUNTS, ASSETS AND RECORDS SHALL
5 FORTHWITH BE DEEMED LIFTED BY THE
6 INVESTIGATING BODY OR BY THE COMPETENT COURT,
7 AS THE CASE MAY BE, AND HIS BANK DEPOSITS,
8 PLACEMENTS, TRUST ACCOUNTS, ASSETS AND RECORDS
9 SHALL BE DEEMED RELEASED FROM SUCH SEIZURE,
10 SEQUESTRATION AND FREEZING, AND SHALL BE
11 RESTORED TO HIM WITHOUT ANY DELAY BY THE BANK
12 OR FINANCIAL INSTITUTION CONCERNED WITHOUT ANY
13 FURTHER ACTION ON HIS PART. THE FILING OF ANY
14 APPEAL ON MOTION FOR RECONSIDERATION SHALL
15 NOT STAY THE RELEASE OF SAID FUNDS FROM SEIZURE,
16 SEQUESTRATION AND FREEZING.

17 IF THE PERSON CHARGED WITH VIOLATION OF
18 SEC. 4, SEC. 5, SEC. 8 OR SEC. 16 OF THIS ACT IS
19 CONVICTED BY A FINAL JUDGMENT OF A COMPETENT
20 TRIAL COURT, HIS SEIZED, SEQUESTERED AND FROZEN
21 BANK DEPOSITS, PLACEMENTS, TRUST ACCOUNTS,
22 ASSETS AND RECORDS SHALL BE AUTOMATICALLY
23 FORFEITED IN FAVOR OF THE GOVERNMENT.”

24 “SEC. 26-P. *PENALTY FOR UNJUSTIFIED REFUSAL TO*
25 *RESTORE OR DELAY IN RESTORING SEIZED, SEQUESTERED*
26 *AND FROZEN BANK DEPOSITS, PLACEMENTS, TRUST*
27 *ACCOUNTS, ASSETS AND RECORDS. - ANY PERSON WHO*
28 *UNJUSTIFIABLY REFUSES TO RESTORE OR DELAYS THE*
29 *RESTORATION OF SEIZED, SEQUESTERED AND FROZEN*
30 *BANK DEPOSITS, PLACEMENTS, TRUST ACCOUNTS,*
31 *ASSETS AND RECORDS OF A PERSON SUSPECTED OF OR*
32 *CHARGED WITH VIOLATION OF SEC. 4, SEC. 5, SEC. 8 OR*
33 *SEC. 16 OF THIS ACT AFTER SUCH SUSPECTED PERSON*
34 *HAS BEEN FOUND INNOCENT BY THE INVESTIGATING*
35 *BODY OR AFTER THE CASE AGAINST SUCH CHARGED*
36 *PERSON HAS BEEN DISMISSED OR AFTER HE IS*
37 *ACQUITTED BY A COMPETENT COURT SHALL SUFFER*
38 *THE PENALTY OF TEN (10) YEARS AND ONE DAY TO*
39 *TWELVE (12) YEARS OF IMPRISONMENT.”*

40 “SEC. 26-Q. *PENALTY FOR THE LOSS, MISUSE,*
41 *DIVERSION OR DISSIPATION OF SEIZED, SEQUESTERED*
42 *AND FROZEN BANK DEPOSITS, PLACEMENTS, TRUST*
43 *ACCOUNTS, ASSETS AND RECORDS. - ANY PERSON WHO IS*
44 *RESPONSIBLE FOR THE LOSS, MISUSE, DIVERSION, OR*
45 *DISSIPATION OF THE WHOLE OR ANY PART OF THE*
46 *SEIZED, SEQUESTERED AND FROZEN BANK DEPOSITS,*
47 *PLACEMENTS, TRUST ACCOUNTS, ASSETS AND RECORDS*

1 OF A PERSON SUSPECTED OF OR CHARGED WITH
2 VIOLATION OF SEC. 4, SEC. 5, SEC. 8 OR SEC. 16 OF THIS
3 ACT SHALL SUFFER THE PENALTY OF TEN (10) YEARS
4 AND ONE DAY TO TWELVE (12) YEARS OF
5 IMPRISONMENT.”

6 “SEC. 26-R. *DESIGNATION OF SPECIAL DIVISIONS OF*
7 *THE COURT OF APPEALS. THE DANGEROUS DRUGS BOARD*
8 *SHALL REQUEST THE SUPREME COURT TO DESIGNATE*
9 *AT LEAST ONE SPECIAL DIVISION OF THE COURT OF*
10 *APPEALS EACH FOR LUZON, VISAYAS AND MINDANAO TO*
11 *IMPLEMENT SECTIONS 26-A TO 26-Q OF THIS ACT.”*

12
13 SECTION 2 . *Separability Clause.* If any provision of this Act shall be
14 declared invalid or unconstitutional, the remaining part or provisions not otherwise
15 affected shall remain in force.

16 SECTION 3. *Repealing Clause.* Any law, decree, ordinance,
17 administrative circulars not consistent with any provision of this Act is hereby
18 amended, repealed or modified accordingly.

19 SECTION 4 . *Effectivity Clause.* This Act shall take effect fifteen (15)
20 days after its complete publication in the Official Gazette or in at least two (2)
21 newspapers of general circulation.

22 *Approved,*