

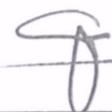
EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



SENATE

'19 JUL -2 P1:54

S.B. NO. 189

RECEIVED BY: 

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INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

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AN ACT  
IMPOSING DEATH PENALTY AND INCREASED PENALTIES ON CERTAIN  
HEINOUS CRIMES WHICH INVOLVES MANUFACTURING AND  
TRAFFICKING OF DANGEROUS DRUGS, AMENDING FOR THE PURPOSE  
OTHER SPECIAL PENAL LAWS, AND FOR OTHER PURPOSES.

EXPLANATORY NOTE

The future of our nation is in peril due to the extent of drug use instigating heinous crimes. This is despite the country's efforts on drug supply and demand reduction programs.

The Philippines remains a regional transit and destination point for illicit drug trafficking, particularly for methamphetamine and its precursors from China. "Shabu" (*the local street name of methamphetamine hydrochloride*) and marijuana rank respectively as the first and second most widely consumed drugs in the Philippines. Nonetheless, drug trafficking remained a highly lucrative illicit business with limited risks due to systemic poverty, ineffective criminal justice institutions, outdated drug control laws, poorly controlled maritime borders, and public corruption. (*US Department of State, 2019, International Narcotics Strategy Report*)

Based on reports, shabu packages are found floating off Philippine waters which proves that notorious international drug cartels have penetrated the country.

Authorities continue to conduct operations against international drug syndicates and local players. As drug cartels continue in their covert distribution, a significant volume of illegal drugs are passed around on street level. An estimate of 4.7 million individuals are still involved in either the use or trafficking of drugs. It can not be measured how many are recidivists or new users

Stringent government response is needed through an aggressive policy. Countermeasures should be upgraded against this social menace. The war against illegal drugs is not yet won.

Procedurally, the present bill is filed separate from similarly intended bills for other kinds of crimes to move the bill forward with focus and unburdened by lengthy consideration of other crimes. This will allow a timely opportunity to stop the nation's growing problem over crimes of this nature.

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

A stylized, handwritten signature in black ink, consisting of several overlapping loops and curves, positioned above the printed name.

**EMMANUEL B. PACQUIAO**

SENATE

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PENAL LAWS, AND FOR OTHER PURPOSES

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

1 **Section 1.** Declaration of Policy. – It is hereby declared the policy of the State to foster  
2 and ensure not only obedience to its authority, but also to adopt such measures as would  
3 effectively promote the maintenance of peace and order, the protection of life, liberty and  
4 property, and the promotion of the general welfare which are essential for the enjoyment by  
5 all the people of the blessings of democracy in a just and humane society;  
6

7 **Section 2.** Sections 4 of Article II of Republic Act No. 9165, as amended, known as the  
8 Comprehensive Dangerous Drugs Act 2002, is hereby amended to read as follows:  
9

10 “Sec. 4. Importation of Dangerous Drugs and/or Controlled Precursors  
11 and Essential Chemicals. – The penalty of life imprisonment to death and a  
12 fine ranging from One million pesos (P1,000,000.00) to Ten million pesos  
13 (P10,000,000.00) shall be imposed upon any person who, unless authorized by  
14 law, shall import or bring into the Philippines, or force, intimidate, direct,  
15 instruct or otherwise cause another person to bring into the Philippines, any  
16 dangerous drug, regardless of the quantity and purity involved, including any  
17 and all species of opium poppy or any part thereof or substances derived  
18 therefrom even for floral, decorative and culinary purposes.  
19

20 The penalty of imprisonment ranging from twelve (12) years and one  
21 (1) day to twenty (20) years and a fine ranging from Five hundred thousand  
22 pesos (P500,000.00) to One million pesos (P1,000,000.00) shall be imposed  
23 upon any person, who, unless authorized by law, shall import or bring into the  
24 Philippines, or force, intimidate, direct, instruct or otherwise cause another  
25 person to bring into the Philippines, any controlled precursor and essential  
26 chemical.  
27

28 The maximum penalty provided for under this Section shall be  
29 imposed upon any person, who, unless authorized under this Act, shall import  
30 or bring into the Philippines any dangerous drug and/or controlled precursor

1 and essential chemical through the use of a diplomatic passport, diplomatic  
2 facilities or any other means involving his/her official status intended to  
3 facilitate the unlawful entry of the same. In addition, the diplomatic passport  
4 shall be confiscated and canceled.

5  
6 The maximum penalty provided for under this Section shall be  
7 imposed upon any person, who organizes, manages or acts as a financier of  
8 any of the illegal activities prescribed in this Section.

9  
10 The penalty of life imprisonment to death and a fine ranging from Five  
11 hundred thousand pesos (P500,000.00) to One million pesos (P1,000,000.00)  
12 shall be imposed upon any person who acts as a "protector/coddler" of any  
13 violator of the provisions under this Section.

14  
15 **Section 3.** Sections 5 of Article II of Republic Act No. 9165, as amended, known as the  
16 Comprehensive Dangerous Drugs Act 2002, is hereby amended to read as follows:

17  
18 "Sec. 5. Sale, Trading, Administration, Dispensation, Delivery, Distribution  
19 and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential  
20 Chemicals. – The penalty of life imprisonment to death and a fine ranging from One  
21 million pesos (P1,000,000.00) to Ten million pesos (P10,000,000.00) shall be  
22 imposed upon any person who, unless authorized by law, shall sell, trade, administer,  
23 dispense, deliver, give away to another, distribute, dispatch in transit or transport any  
24 dangerous drug, including any and all species of opium poppy regardless of the  
25 quantity and purity involved, or shall act as a broker in any of such transactions.

26  
27 The penalty of imprisonment ranging from twelve (12) years and one (1) day  
28 to twenty (20) years and a fine ranging from Five hundred thousand pesos  
29 (P500,000.00) to One million pesos (P1,000,000.00) shall be imposed upon any  
30 person who, unless authorized by law, shall sell, trade, administer, dispense, deliver,  
31 give away to another, distribute, dispatch in transit or transport any controlled  
32 precursor and essential chemical, or shall act as a broker in such transactions.

33  
34 If the sale, trading, administration, dispensation, delivery, distribution or  
35 transportation of any dangerous drug and/or controlled precursor and essential  
36 chemical transpires within one hundred (100) meters from a school, the maximum  
37 penalty shall be imposed in every case.

38  
39 For drug pushers who use minors or mentally incapacitated individuals as  
40 runners, couriers and messengers, or in any other capacity directly connected to the  
41 dangerous drugs and/or controlled precursors and essential chemical trade, the  
42 maximum penalty shall be imposed in every case.

43  
44 If the victim of the offense is a minor or a mentally incapacitated individual,  
45 or should a dangerous drug and/or controlled precursor and essential chemical  
46 involved in any offense herein provided be the proximate cause of death of a victim  
47 thereof, the maximum penalty provided for under this Section shall be imposed.

1 The maximum penalty provided for under this Section shall be imposed upon  
2 any person who organizes, manages or acts as a “financier ”of any of the illegal  
3 activities prescribed in this Section.  
4

5 The penalty of life imprisonment to death and a fine ranging from Five  
6 hundred thousand pesos (₱500,000.00) to One million pesos (₱1,000,000.00) shall be  
7 imposed upon any person who acts as a “protector/coddler” of any violator of the  
8 provisions under this Section.  
9

10 **Section 4.** Sections 6 of Article II of Republic Act No. 9165, as amended, known as the  
11 Comprehensive Dangerous Drugs Act 2002, is hereby amended to read as follows:  
12

13 “Sec. 6. Maintenance of a Den, Dive or Resort. – The penalty of life  
14 imprisonment to death and a fine ranging from One million pesos  
15 (₱1,000,000.00) to Ten million pesos (₱10,000,000.00) shall be imposed upon  
16 any person or group of persons who shall maintain a den, dive or resort where  
17 any dangerous drug is used, given away or sold in any form.  
18

19 The penalty of imprisonment ranging from twelve (12) years and one  
20 (1) day to twenty (20) years and a fine ranging from Five hundred thousand  
21 pesos (₱500,000.00) to One million pesos (₱1,000,000.00) shall be imposed  
22 upon any person or group of persons who shall maintain a den, dive, or resort  
23 where any controlled precursor and essential chemical is used, given away or  
24 sold in any form.  
25

26 The maximum penalty provided for under this Section shall be  
27 imposed in every case where any dangerous drug is administered, delivered,  
28 given away or sold to a minor who is allowed to use the same in such a place.  
29

30 Should any dangerous drug be the proximate cause of the death of a  
31 person using the same in such den, dive or resort, the penalty of death and a  
32 fine ranging from Five million pesos (₱5,000,000.00) to Fifteen million pesos  
33 (₱15,000,000.00) shall be imposed on the maintainer, owner and/or operator.  
34

35 If such den, dive or resort is owned by a third person, the same shall be  
36 confiscated and escheated in favor of the government; Provided, That the  
37 criminal complaint shall specifically allege that such place is intentionally  
38 used in the furtherance of the crime; Provided, further, That the prosecution  
39 shall prove such intent on the part of the owner to use the property for such  
40 purpose; Provided, finally, That the owner shall be included as an accused in  
41 the criminal complaint.  
42

43 The maximum penalty provided for under this Section shall be  
44 imposed upon any person who organizes, manages or acts as a “financier” of  
45 any of the illegal activities prescribed in this Section.  
46

47 The penalty of life imprisonment to death and a fine ranging from Five  
48 hundred thousand pesos (₱500,000.00) to One million pesos (₱1,000,000.00)  
49 shall be imposed upon any person who acts as a “protector/coddler” of any  
50 violator of the provisions under this Section.

1 **Section 5.** Sections 8 of Article II of Republic Act No. 9165, as amended, known as the  
2 Comprehensive Dangerous Drugs Act 2002, is hereby amended to read as follows:

3  
4 “Sec. 8. Manufacture of Dangerous Drugs and/or Controlled  
5 Precursors and Essential Chemicals. – The penalty of life imprisonment to  
6 death and a fine ranging from One million pesos (₱1,000,000.00) to Ten  
7 million pesos (₱10,000,000.00) shall be imposed upon any person who, unless  
8 authorized by law, shall engage in the manufacture of any dangerous drug.

9  
10 The penalty of imprisonment ranging from twelve (12) years and one  
11 (1) day to twenty (20) years and a fine ranging from Five hundred thousand  
12 pesos (₱500,000.00) to One million pesos (₱1,000,000.00) shall be imposed  
13 upon any person, who, unless authorized by law, shall manufacture any  
14 controlled precursor and essential chemical.

15  
16 The presence of any controlled precursor and essential chemical or  
17 laboratory equipment in the clandestine laboratory is a prima facie proof of  
18 manufacture of any dangerous drug. It shall be considered an aggravating  
19 circumstance if the clandestine laboratory is undertaken or established under  
20 the following circumstances:

21  
22 (a) Any phase of the manufacturing process was conducted in the  
23 presence or with the help of minor/s;

24 (b) Any phase of the manufacturing process was established or  
25 undertaken within one hundred (100) meters of a residential, business, church  
26 or school premises;

27 (c) Any clandestine laboratory was secured or protected with  
28 booby traps;

29 (d) Any clandestine laboratory was concealed with legitimate  
30 business operations; or

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

33  
34 The maximum penalty provided for under this Section shall be  
35 imposed upon any person who organizes, manages or acts as a “financier” of  
36 any of the illegal activities prescribed in this Section.

37  
38 The penalty of life imprisonment to death and a fine ranging from Five  
39 hundred thousand pesos (₱500,000.00) to One million pesos (₱1,000,000.00)  
40 shall be imposed upon any person who acts as a “protector/coddler” of any  
41 violator of the provisions under this Section.

42  
43 **Section 6.** Sections 11 of Article II of Republic Act No. 9165, as amended, known as the  
44 Comprehensive Dangerous Drugs Act 2002, is hereby amended to read as follows:

45  
46 “Sec. 11. Possession of Dangerous Drugs. – The penalty of life  
47 imprisonment to death and a fine ranging from One million pesos  
48 (₱1,000,000.00) to Ten million pesos (₱10,000,000.00) shall be imposed upon  
49 any person who, unless authorized by law, shall possess any dangerous drug in  
50 the following quantities, regardless of the degree of purity thereof:

1  
2 (1) 500 grams or more of marijuana, or  
3

4 (2) 10 grams or more of opium, morphine, heroin, cocaine or  
5 cocaine hydrochloride, methamphetamine hydrochloride or "shabu",  
6 marijuana resin or marijuana resin oil, or other dangerous drugs such as, but  
7 not limited to, methylenedioxymethamphetamine (MDMA) or ecstasy",  
8 paramethoxyamphetamine (PMA), trimethoxyamphetamine (TMA), lysergic  
9 acid diethylamine (LSD), gamma hydroxyamphetamine (GHB), and those  
10 similarly designed or newly introduced drugs and their derivatives, without  
11 having any therapeutic value or if the quantity possessed is far beyond  
12 therapeutic requirements, as determined and promulgated by the Board in  
13 accordance to Section 93, Article XI of this Act, or 10 grams or more of any  
14 combination thereof.  
15

16 Otherwise, if the quantity involved is less than the foregoing quantities,  
17 the penalties shall be graduated as follows:  
18

19 (1) Life imprisonment and a fine ranging from Five hundred  
20 thousand pesos (P500,000.00) to One million pesos (P1,000,000.00), if  
21 the quantities of dangerous drugs are five (5) grams or more but less  
22 than ten (10) grams of opium, morphine, heroin, cocaine or cocaine  
23 hydrochloride, marijuana resin or marijuana resin oil,  
24 methamphetamine hydrochloride or "shabu", or other dangerous drugs  
25 such as, but not limited to, methylenedioxymethamphetamine  
26 (MDMA) or ecstasy", PMA, TMA, LSD, GHB, and those similarly  
27 designed or newly introduced drugs and their derivatives, without  
28 having any therapeutic value or if the quantity possessed is far beyond  
29 therapeutic requirements, or three hundred (300) grams or more but  
30 less than five hundred (500) grams of marijuana, and  
31

32 (2) Imprisonment of twenty (20) years and one (1) day to life  
33 imprisonment and a fine ranging from Four hundred thousand pesos  
34 (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the  
35 quantities of dangerous drugs are less than five (5) grams of opium,  
36 morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or  
37 marijuana resin oil, methamphetamine hydrochloride or "shabu", or  
38 other dangerous drugs such as, but not limited to,  
39 methylenedioxymethamphetamine (MDMA) or ecstasy", PMA, TMA,  
40 LSD, GHB, and those similarly designed or newly introduced drugs  
41 and their derivatives, without having any therapeutic value or if the  
42 quantity possessed is far beyond therapeutic requirements, or less than  
43 three hundred (300) grams of marijuana.  
44

45 **Section 7.** Sections 16 of Article II of Republic Act No. 9165, as amended, known as the  
46 Comprehensive Dangerous Drugs Act 2002, is hereby amended to read as follows:  
47

48 "Sec. 16. Cultivation or Culture of Plants Classified as Dangerous  
49 Drugs or are Sources Thereof. – The penalty of life imprisonment to death and  
50 a fine ranging from One million pesos (P1,000,000.00) to Ten million pesos

1 (P10,000,000.00) shall be imposed upon any person who shall plant, cultivate  
2 or culture marijuana, opium poppy or any other plant regardless of quantity,  
3 which is or may hereafter be classified as a dangerous drug or as a source from  
4 which any dangerous drug may be manufactured or derived; Provided, That in  
5 the case of medical laboratories and medical research centers which cultivate  
6 or culture marijuana, opium poppy and other plants, or materials of such  
7 dangerous drugs for medical experiments and research purposes, or for the  
8 creation of new types of medicine, the Board shall prescribe the necessary  
9 implementing guidelines for the proper cultivation, culture, handling,  
10 experimentation and disposal of such plants and materials.  
11

12 The land or portions thereof and/or greenhouses on which any of said  
13 plants is cultivated or cultured shall be confiscated and escheated in favor of  
14 the State, unless the owner thereof can prove lack of knowledge of such  
15 cultivation or culture despite the exercise of due diligence on his/her part. If  
16 the land involved is part of the public domain, the maximum penalty provided  
17 for under this Section shall be imposed upon the offender.  
18

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

23 The penalty of life imprisonment to death and a fine ranging from Five  
24 hundred thousand pesos (P500,000.00) to One million pesos (P1,000,000.00)  
25 shall be imposed upon any person who acts as a "protector/coddler" of any  
26 violator of the provisions under this Section.  
27

28 **Section 8.** Republic Act No. 9346 is hereby repealed. All other laws, presidential decrees  
29 and issuances, executive orders, rules and regulations or parts thereof inconsistent with the  
30 provisions of this Act are hereby repealed or modified accordingly.  
31

32 **Section 9.** If, for any reason or reasons, any part of the provision of this Act shall be held to  
33 be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby  
34 shall continue to be in full force and effect.  
35

36 **Section 10.** This Act shall take effect fifteen (15) days after its publication in two (2) national  
37 newspapers of general circulation. The publication shall not be later than seven (7) days after  
38 the approval hereof.  
39  
40  
41

42 *Approved,*