



**SENATE**

\*19 JUL 24 P3:33

S. No. 753

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Introduced by SEN. SHERWIN T. GATCHALIAN

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**AN ACT**

**REIMPOSING THE DEATH PENALTY AND INCREASING PENALTIES  
FOR CRIMES INVOLVING DANGEROUS DRUGS, AMENDING FOR THE  
PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 9165, AS  
AMENDED, OTHERWISE KNOWN AS THE "COMPREHENSIVE  
DANGEROUS DRUGS ACT OF 2002"**

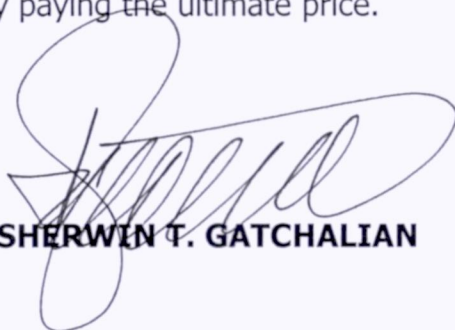
**EXPLANATORY NOTE**

The scourge of illegal drugs continues to plague our country. The number of drug dependents has continued to rise even with the enactment of the Comprehensive Dangerous Drugs Act of 2002. According to the Dangerous Drugs Board, more than 4.74 million persons in the country, or 6.1 percent of the population aged 10-69, have used illegal drugs at least once in their lifetime. What is more alarming is the increase in prevalence rate to 2.3 percent – representing 1.76 million individuals – from 1.8 percent or 1.3 million drug addicts in 2012.

Statistics now show evidentiary proof of the dependence and proclivity of our countrymen to drugs. The repugnancy of this trade by the sheer number and stature of those involved is chilling. Our resources are limited in fighting the entry of drug supplies from backdoor entry points, and these limitations are further exacerbated by blatant corruption among the ranks of police enforcement personnel tagged as protectors of the trade. The proliferation of illegal drugs has become even more widespread and ingrained in niches of the youth, in the echelons of the rich, and among our powerful politicians.

Before the faith of our people in government is completely eroded, and the trust in its ability to maintain peace and order is totally undermined, it is incumbent that we re-impose the death penalty upon the powerful people at the top who bring in and distribute large amounts of illegal drugs – those who enrich themselves with blatant disregard to the disastrous consequences of the growing drug trade, happy to corrupt the most essential fibers of Philippine society for their disgusting personal gain.

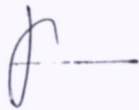
This bill provides a quantitative standard in serving out the penalty of death only to those people responsible for the distribution of illegal drugs in the amounts specified in the provision hereunder. These people peddle, induce and corrupt the innocence of our young and prey upon the weak to abuse their bodies. Let us show these debased souls that they should be made liable to the consequences of their acts by paying the ultimate price.



**SHERWIN T. GATCHALIAN**

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**AN ACT**  
**REIMPOSING THE DEATH PENALTY AND INCREASING PENALTIES**  
**FOR CRIMES INVOLVING DANGEROUS DRUGS, AMENDING FOR THE**  
**PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 9165, AS**  
**AMENDED, OTHERWISE KNOWN AS THE "COMPREHENSIVE**  
**DANGEROUS DRUGS ACT OF 2002"**

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

1       **SEC. 1.** Section 4, Article II of Republic Act 9165, as amended,  
2 otherwise known as the "*Comprehensive Dangerous Drugs Act of 2002*," is  
3 hereby amended to read as follows:

4               "**SEC. 4. *Importation of Dangerous Drugs and/or Controlled***  
5       *Precursors and Essential Chemicals.* - The penalty of [life  
6 imprisonment to] death [and a fine ranging from Five hundred  
7 thousand pesos (P500,000.00) to Ten million pesos



1 (P10,000,000.00)] shall be imposed upon any person, who,  
2 unless authorized by law, shall import or bring into the Philippines  
3 any dangerous drug, [regardless of the quantity and purity  
4 involved,] **IN THE QUANTITY PRESCRIBED UNDER**  
5 **SECTION 11 HEREOF**, including any and all species of opium  
6 poppy or any part thereof or substances derived therefrom even  
7 for floral, decorative and culinary purposes.

8 The penalty of **LIFE** imprisonment [ranging from twelve  
9 (12) years and one (1) day to twenty (20) years] and a fine  
10 ranging from [One] **FIVE** hundred thousand pesos  
11 ([P100,000.00] **P500,000.00**) to [Five hundred thousand] **TEN**  
12 **MILLION** pesos ([P10,000,000.00] **P10,000,000.00**) shall be  
13 imposed upon any person, who, unless authorized by law, shall  
14 import **OR BRING INTO THE PHILIPPINES** any [controlled  
15 precursor and essential chemical] **DANGEROUS DRUGS LESS**  
16 **THAN THE QUANTITY SPECIFIED IN THE PRECEDING**  
17 **PARAGRAPH, INCLUDING ANY AND ALL SPECIES OF**  
18 **OPIUM POPPY OR ANY PART THEREOF OR SUBSTANCES**  
19 **DERIVED THEREFROM EVEN FOR FLORAL, DECORATIVE**  
20 **AND CULINARY PURPOSES.**

21 **THE PENALTY OF IMPRISONMENT RANGING FROM**  
22 **TWELVE (12) YEARS AND ONE (1) DAY TO TWENTY (20)**  
23 **YEARS AND A FINE RANGING FROM ONE HUNDRED**  
24 **THOUSAND PESOS (P100,000.00) TO FIVE HUNDRED**  
25

1       **THOUSAND PESOS (P500,000.00) SHALL BE IMPOSED**  
2       **UPON ANY PERSON, WHO, UNLESS AUTHORIZED BY LAW,**  
3       **SHALL IMPORT ANY CONTROLLED PRECURSOR AND**  
4       **ESSENTIAL CHEMICAL.**

5               The maximum penalty provided for under this Section shall  
6               be imposed upon any person, who, unless authorized under this  
7               Act, shall import or bring into the Philippines any dangerous drug  
8               and/or controlled precursor and essential chemical through the  
9               use of a diplomatic passport, diplomatic facilities or any other  
10              means involving his/her official status intended to facilitate the  
11              unlawful entry of the same. In addition, the diplomatic passport  
12              shall be confiscated and cancelled.

13             The maximum penalty provided for under this Section shall  
14             be imposed upon any person, who organizes, manages or acts as  
15             a "financier" of any of the illegal activities prescribed in this  
16             Section.  
17

18             The penalty of twelve (12) years and one (1) day to twenty  
19             (20) years of imprisonment and a fine ranging from One hundred  
20             thousand pesos (P100,000.00) to Five hundred thousand pesos  
21             (P500,000.00) shall be imposed upon any person, who acts as a  
22             "protector/coddler" of any violator of the provisions under this  
23             Section."

1       **SEC. 2.** Section 5 of the same Act is hereby amended to read as  
2 follows:

3               Section 5. *Sale, Trading, Administration, Dispensation,*  
4 *Delivery, Distribution and Transportation of Dangerous Drugs*  
5 *and/or Controlled Precursors and Essential Chemicals.* – The  
6 penalty of [life imprisonment to] **DEATH** [and a fine ranging  
7 from Five hundred thousand pesos (P500,000.00) to Ten million  
8 pesos (P10,000,000.00)] shall be imposed upon any person, who,  
9 unless authorized by law, shall sell, trade, administer, dispense,  
10 deliver, give away to another, distribute dispatch in transit or  
11 transport any dangerous drug, including any and all species of  
12 opium poppy, [regardless of the quantity and purity involved] **IN**  
13 **THE QUANTITY PRESCRIBED UNDER SECTION 11**  
14 **HEREOF**, or shall act as a broker in any of such transactions.

15               The penalty of imprisonment ranging from twelve (12)  
16 years and one (1) day to twenty (20) years and a fine ranging  
17 from [One hundred thousand pesos (P100,000.00)] to **FIVE**  
18 **HUNDRED THOUSAND PESOS (P500,000.00) TO TEN**  
19 **MILLION PESOS (P10,000,000.00)** shall be imposed upon  
20 any person, who, unless authorized by law, shall sell, trade,  
21 administer, dispense, deliver, give away to another, distribute,  
22 dispatch in transit or transport any controlled precursor and  
23 essential chemical, **IN LESS THAN THE QUANTITY**



(P500,000.00), if the quantit[ies]Y of [dangerous drugs] [are]  
**IS [five (5)] MORE THAN ONE HUNDRED (100) grams but**  
**LESS THAN [ten (10)] FIVE HUNDRED (500) grams of**  
[opium, morphine, heroin, cocaine or cocain hydrochloride,  
marijuana resin or marijuana resin oil,] ; methamphetamine  
hydrochloride or "shabu" [or other dangerous drugs such as, but  
not limited to MDMA or "ecstasy", PMA, TMA, LSD, GHB, and  
those similarly designed or newly introduced drugs and their  
derivatives, without having any therapeutic value or if the  
quantity possessed is far beyond therapeutic requirements; or  
three hundred (300) grams or more but less than five hundred  
(500) grams of marijuana]; and

(3) Imprisonment of twelve (12) years and one (1) day to  
twenty (20) years and a fine ranging from Three hundred  
thousand pesos (P300,000.00) to Four hundred thousand pesos  
(P400,000.00), if the quantit[ies]Y of [dangerous drugs are less  
than five (5) grams of opium, morophine, heroin, cocaine or  
cocain hydrochloride, marijuana resin or marijuana resin oil]  
methamphetamine hydrochloride or "shabu", [or other dangerous  
drugs such as, but not limited to, MDMA or "ecstasy", PMA, TMA,  
LSD, GHB, and those similarly designed or newly introduced drugs  
and their derivatives, without having any therapeutic value or if  
the quantity possessed is far beyond therapeutic requirements;

1 or] **IS** less than [three hundred (300) grams of marijuana.] **ONE**  
2 **HUNDRED (100)** grams;

3 (4). **IMPRISONMENT OF TWENTY (20) YEARS AND**  
4 **ONE (1) DAY TO LIFE IMPRISONMENT AND A FINE**  
5 **RANGING FROM FOUR HUNDRED THOUSAND PESOS**  
6 **(P400,000.00) TO FIVE HUNDRED THOUSAND PESOS**  
7 **(P500,000.00), IF THE QUANTITIES OF DANGEROUS**  
8 **DRUGS ARE MORE THAN ONE HUNDRED (100) GRAMS**  
9 **BUT LESS THAN TWO HUNDRED (200) GRAMS OF OPIUM,**  
10 **MORPHINE, HEROIN, COCAINE OR COCAINE**  
11 **HYDROCHLORIDE, MARIJUANA RESIN OR MARIJUANA**  
12 **RESIN OIL, OR OTHER DANGEROUS DRUGS SUCH AS, BUT**  
13 **NOT LIMITED TO, MDMA OR "ECSTASY", PMA, TMA, LSD,**  
14 **GHB, AND THOSE SIMILARLY DESIGNED OR NEWLY**  
15 **INTRODUCED DRUGS AND THEIR DERIVATIVES,**  
16 **WITHOUT HAVING ANY THERAPEUTIC VALUE OR IF THE**  
17 **QUANTITY POSSESSED IS FAR BEYOND THERAPEUTIC**  
18 **REQUIREMENTS; OR MORE THAN FIVE THOUSAND (5000)**  
19 **GRAMS BUT LESS THAN TEN THOUSAND (10000) GRAMS**  
20 **OF MARIJUANA;**

21 (5) **IMPRISONMENT OF TWELVE (12) YEARS AND**  
22 **ONE (1) DAY TO TWENTY (20) YEARS AND A FINE**  
23 **RANGING FROM THREE HUNDRED THOUSAND PESOS**



(P300,000.00) TO FOUR HUNDRED THOUSAND PESOS (P400,000.00), IF THE QUANTITIES OF DANGEROUS DRUGS ARE LESS THAN ONE HUNDRED (100) GRAMS OF OPIUM, MORPHINE, HEROIN, COCAINE OR COCAINE HYDROCHLORIDE, MARIJUANA RESIN OR MARIJUANA RESIN OIL, OR OTHER DANGEROUS DRUGS SUCH AS, BUT NOT LIMITED TO, MDMA OR "ECSTASY", PMA, TMA, LSD, GHB, AND THOSE SIMILARLY DESIGNED OR NEWLY INTRODUCED DRUGS AND THEIR DERIVATIVES, WITHOUT HAVING ANY THERAPEUTIC VALUE OR IF THE QUANTITY POSSESSED IS FAR BEYOND THERAPEUTIC REQUIREMENTS; OR LESS THAN FIVE THOUSAND (5000) GRAMS OF MARIJUANA."

**SEC. 6.** Section 28 of the same Act is hereby amended to read as follows:

"SEC. 28. *Criminal Liability of Government Officials and Employees.* – The [maximum] penalt[ies]Y of [the unlawful acts] **DEATH** [provided for in this Act] shall be imposed, [in addition to absolute perpetual disqualification from any public office], if those found guilty [of such] **FOR** unlawful [acts] **POSSESSION OF THE AMOUNTS PRESCRIBED UNDER SECTION 11 OF THIS ACT** are government officials and employees.

1           **SEC. 7. *Death by Lethal Injection.*** – The penalty of death imposed  
2 under the sections abovementioned shall be carried out through lethal  
3 injection. Republic Act No. 8177 otherwise known as the "*Act Designating*  
4 *Death by Lethal Injection*" is thus hereby revived and activated.

5           **SEC. 8. *Implementing Rules and Regulations.*** – Within thirty (30)  
6 days from the approval of this Act, the Secretary of Justice shall promulgate  
7 the necessary rules and regulations for the effective implementation of this  
8 Act.

9           **SEC. 9. *Separability Clause.*** – If any provision or part of this Act is  
10 declared invalid or unconstitutional, the remaining part or provisions not  
11 affected shall remain in full force and effect.

12           **SEC. 10. *Repealing Clause.*** – Republic Act No. 9346 is hereby  
13 repealed or amended insofar as it prohibits the imposition of death penalty for  
14 the crimes provided in this Act. All other laws, rules, regulations, orders,  
15 circulars, and other issuances or parts thereof, which are inconsistent with the  
16 provisions of this Act are hereby repealed, amended or modified accordingly.

17           **SEC. 11. *Effectivity.*** – This Act shall take effect fifteen (15) days  
18 after its publication in a newspaper of general circulation.

Approved,