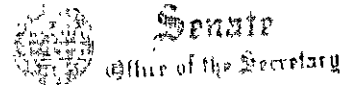
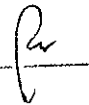


FIFTEENTH CONGRESS OF THE REPUBLIC  
OF THE PHILIPPINES  
Second Regular Session



'11 JUL 25 P 7:03

SENATE  
S. No. 2912

RECEIVED BY: 

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INTRODUCED BY SENATOR JINGGOY EJERCITO ESTRADA

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#### EXPLANATORY NOTE

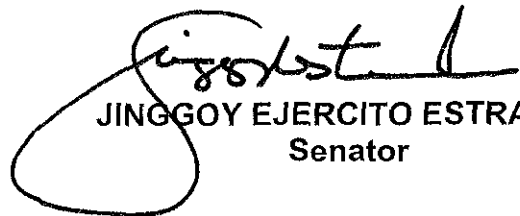
The trafficking of illegal drugs remained as one of the principal sources of criminal activities in the Philippines. There is a substantial increase in foreign organized criminal activities involving illegal drugs operating in our country from China, Hong Kong and Taiwan. This alarming situation is attributed to the lack of jurisdiction of our courts and low conviction rates for drug cases.

Based on the records of the Dangerous Drugs Board (DDB), 8% of drug cases are dismissed before going to trial, 7% result in conviction, 8% result in acquittal, and 76% remain unresolved.

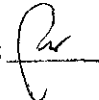
Despite serious efforts of the Philippine government to address these problems, the lack of law enforcement resources, the slow pace of judicial and investigative reforms, together with a lack of inter-agency cooperation continue to hamper government efforts to investigate and prosecute high echelons of drug trafficking organization operating in the country.

This bill seeks to address this problem by establishing an Office of the Special Prosecutor on Dangerous Drugs to speed up judicial processes in narcotic-related cases. It would have an exclusive jurisdiction over drug cases and be independent of political influence. It will handle the prosecution of all drug-lords and big-time traffickers as well as top government, police and military officials linked to drug corruption.

As such, the immediate passage of this bill is earnestly prayed for,

  
JINGGOY EJERCITO ESTRADA  
Senator

SENATE  
S. No. 2912

RECEIVED BY: 

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INTRODUCED BY SENATOR JINGGOY EJERCITO ESTRADA

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AN ACT  
ESTABLISHING THE OFFICE OF THE SPECIAL PROSECUTOR FOR DANGEROUS  
DRUGS AND FOR OTHER PURPOSES

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

1           **SECTION 1. Declaration of Policy** – It is the declared policy of the State to  
2 maintain peace and order, protect the life, liberty and property and promote the general  
3 welfare of all its people. Pursuant thereto, the State shall provide government with a  
4 principal law agency which shall be its chief prosecution arm for dangerous drugs and  
5 dangerous drugs trade.  
6

7  
8           **SEC. 2. Creation of the Office of the Special Prosecutor for Dangerous**  
9 **Drugs.** – There is hereby created an independent and autonomous Office of the Special  
10 Prosecutor for Dangerous Drugs attached to the Office of the President.  
11

12  
13           **SEC. 3. Organizational Structure.** – The Office of the Special Prosecutor for  
14 Dangerous Drugs, hereinafter cited as OSPDD, shall be headed by the Special  
15 Prosecutor for Dangerous Drugs, who shall be the chief prosecutor of the Government  
16 for dangerous drugs. The Special Prosecutor for Dangerous Drugs shall have the  
17 authority and responsibility for the exercise of the office's mandate and for the discharge  
18 of its duties and functions, and shall have supervision and control over the Office.  
19

20           The Special Prosecutor for Dangerous Drugs shall be assisted by twelve (12)  
21 Deputy Prosecutors for Dangerous Drugs, twenty-four (24) Assistant State Prosecutors  
22 for Dangerous Drugs and such number of administrative personnel as may be  
23 necessary to operate the Office.  
24

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26           **SEC. 4. Coverage** – The OSPDD shall be the chief prosecution arm of the  
27 Government for dangerous drugs, dangerous drugs trade, violations of Republic Act No.  
28 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2001, and shall  
29 cover the following:  
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- 31           1. Drug traffickers belonging to the category Level III and above as defined by  
32 the Philippine Drug Enforcement Agency (PDEA);

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2. Public officials charged with violations of Comprehensive Dangerous Drugs Act belonging to the rank of:
    - a) Police Superintendent and above;
    - b) Municipal and city chiefs of police, provincial director, district director, regional director, group directors and above irrespective of police rank;
    - c) Lieutenant Colonel or Navy Commander and above of the Armed Forces of the Philippines;
    - d) Prosecutors and judges and other members of the Judiciary of all levels;
    - e) Elected officials from the position of municipal councilors and above;
    - f) Civil service officials from salary grade level 24; and
    - g) All public officials irrespective of rank, whether in the Dangerous Drugs Board (DDB), PDEA, AFP, PNP, or other law enforcement and other government agencies, including local governments, whose principal duty is to enforce the Comprehensive Dangerous Drugs Act.

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**SEC. 5. Powers and Functions** - The OSPDD shall have the following powers:

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1. To investigate, initiate court action, or in any manner proceed against any person, corporation or firm which may be or is involved in the dangerous drug trade;
  2. To represent the Government in the Supreme Court and the Court of Appeals in all criminal cases on dangerous drugs and drug-related proceedings pursuant to Section 4 of this Act;
  3. To coordinate and exchange information with the PDEA, Philippine National Police, Dangerous Drugs Board, the National Bureau of Investigation, and the Armed Forces of the Philippines on dangerous drugs trade;
  4. To apply from a proper court for a temporary restraining order effective for sixty (60) days without notice or opportunity for a hearing before, during, or after the filing of the information directing the defendant or any person acting on his behalf to desist from disposing and to preserve the availability of the property for forfeiture upon due demonstration that there is probable cause to believe that the property will be subject to forfeiture and the provision of notice will jeopardize the availability of the property for forfeiture;
  5. To seize, upon the judgment of conviction by the court, all properties so ordered forfeited; *Provided that*, the judgment of forfeiture in the original case shall be without prejudice to the right of the government to initiate further forfeiture proceedings on properties of the accused which may later be discovered as part of the proceeds of the commission of the crime;

- 1           6. To administer oaths, and issue subpoenas requiring the attendance and  
2           testimony of witnesses and / or the production of such books, papers,  
3           contracts, records, statement of accounts, and other documents as may be  
4           material to the investigation conducted by the OSPDD;
- 5
- 6           7. To hold any person in direct or indirect contempt and impose appropriate  
7           penalties following the same procedures and penalties provided in the Rules  
8           of Court;
- 9
- 10          8. To seek and secure the assistance of any office, agency, or instrumentality of  
11          the government;
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- 13          9. To promulgate such rules and regulations as may be necessary to carry out  
14          the purposes of this Act;
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- 16          10. To represent the Republic of the Philippines in international drug litigation,  
17          negotiations, or conferences where the legal position of the Republic must be  
18          defended or presented; and
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- 20          11. Perform such other functions as may be provided by law.
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23           **SEC. 6. *Appointments.*** – The Special Prosecutor for Dangerous Drugs shall be  
24           appointed by the President and shall have the qualification for appointment, rank,  
25           prerogatives, and privileges of a Department Undersecretary. The Special Prosecutor  
26           for Dangerous Drugs must have no political affiliation nor any involvement, direct or  
27           indirect, in partisan politics.

28

29           The Deputy Prosecutors for Dangerous Drugs and other prosecutors for  
30           Dangerous Drugs shall be appointed by the President upon recommendation of the  
31           Special Prosecutor for Dangerous Drugs. The Deputy Prosecutors for Dangerous  
32           Drugs and prosecutors for Dangerous Drugs shall have the qualification for  
33           appointment, rank, prerogatives and privileges of a Chief State Prosecutor and  
34           Assistant Chief State Prosecutor.

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36           The administrative personnel in the Office of the Special State Prosecutor for  
37           Dangerous Drugs shall be appointed by the Special Prosecutor for Dangerous Drugs.

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39           **SEC. 7. *Term of Office; Ban on Elective Office .*** – The Special Prosecutor for  
40           Dangerous Drugs and the Deputy Prosecutors for Dangerous drugs shall serve for a  
41           fixed term of six (6) years. The Special Prosecutor for Dangerous Drugs, Deputy  
42           Prosecutors for Dangerous Drugs, and Prosecutors for Dangerous Drugs are banned  
43           from running for any elective position for one (1) years after his / her terms of office,  
44           completed or otherwise.

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48           **SEC. 8. *Funding.*** – The amount of Two Hundred Million Pesos (Php  
49           200,000,000.00) shall be included in the General Appropriations Act of the year  
50           following its enactment into law and thereafter.

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53           **SEC. 9. *Separability Clause.*** – If any part or provision of this Act is held invalid  
54           or unconstitutional, the other parts or provisions hereof shall remain valid and effective.

1           **SEC. 10. *Repealing Clause*** – All laws, decrees, executive orders, rules and  
2 regulations, ordinances, and other issuances, or parts thereof, which are inconsistent  
3 with this Act are hereby repealed or modified accordingly.  
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5           **SEC. 11. *Effectivity*** – This Act shall take effect upon its publication in at least  
6 two (2) national newspapers of general circulation.  
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13           *Approved,*