


SIXTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session



Senate
Office of the Secretary

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SENATE
S. No. 1375

RECEIVED BY: 

INTRODUCED BY SENATOR JINGGOY EJERCITO ESTRADA

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



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S. No. 1375

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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

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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:
30

- 31 1. Drug traffickers belonging to the category Level III and above as defined by
32 the Philippine Drug Enforcement Agency (PDEA);

1
2 2. Public officials charged with violations of Comprehensive Dangerous Drugs
3 Act belonging to the rank of:

- 4
5 a) Police Superintendent and above;
- 6
7 b) Municipal and city chiefs of police, provincial director, district director,
8 regional director, group directors and above irrespective of police rank;
- 9
10 c) Lieutenant Colonel or Navy Commander and above of the Armed
11 Forces of the Philippines;
- 12
13 d) Prosecutors and judges and other members of the Judiciary of all
14 levels;
- 15
16 e) Elected officials from the position of municipal councillors and above;
- 17
18 f) Civil service officials from salary grade level 24; and
- 19
20 g) All public officials irrespective of rank, whether in the Dangerous Drugs
21 Board (DDB), PDEA, AFP, PNP, or other law enforcement and other
22 government agencies, including local governments, whose principal
23 duty is to enforce the Comprehensive Dangerous Drugs Act.

24
25
26 **SEC. 5. Powers and Functions** - The OSPDD shall have the following powers:

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28 1. To investigate, initiate court action, or in any manner proceed against any
29 person, corporation or firm which may be or is involved in the dangerous drug
30 trade;
- 31
32 2. To represent the Government in the Supreme Court and the Court of Appeals
33 in all criminal cases on dangerous drugs and drug-related proceedings
34 pursuant to Section 4 of this Act;
- 35
36 3. To coordinate and exchange information with the PDEA, Philippine National
37 Police, Dangerous Drugs Board, the National Bureau of Investigation, and the
38 Armed Forces of the Philippines on dangerous drugs trade;
- 39
40
41 4. To apply from a proper court for a temporary restraining order effective for
42 sixty (60) days without notice or opportunity for a hearing before, during, or
43 after the filing of the information directing the defendant or any person acting
44 on his behalf to desist from disposing and to preserve the availability of the
45 property for forfeiture upon due demonstration that there is probable cause to
46 believe that the property will be subject to forfeiture and the provision of
47 notice will jeopardize the availability of the property for forfeiture;
- 48
49 5. To seize, upon the judgment of conviction by the court, all properties so
50 ordered forfeited; *Provided that*, the judgment of forfeiture in the original case
51 shall be without prejudice to the right of the government to initiate further
52 forfeiture proceedings on properties of the accused which may later be
53 discovered as part of the proceeds of the commission of the crime;
- 54

- 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;
- 12
- 13 9. To promulgate such rules and regulations as may be necessary to carry out
14 the purposes of this Act;
- 15
- 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
- 19
- 20 11. Perform such other functions as may be provided by law.
- 21
- 22

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.

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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.

38
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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47 **SEC. 8. *Funding.*** – The amount of Two Hundred Million Pesos (Php
48 200,000,000.00) shall be included in the General Appropriations Act of the year
49 following its enactment into law and thereafter.

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52 **SEC. 9. *Separability Clause.*** – If any part or provision of this Act is held invalid
53 or unconstitutional, the other parts or provisions hereof shall remain valid and effective.
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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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6 **SEC. 11. Effectivity** – This Act shall take effect upon its publication in at least
7 two (2) national newspapers of general circulation.
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12 *Approved,*
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