

'14 MAY -7 AM :03

SENATE
S. B. 2213

RECEIVED BY: *jin*

Introduced by Senator Poe

**AN ACT
TO FURTHER STRENGTHEN THE ANTI-DRUG CAMPAIGN OF THE
GOVERNMENT, AMENDING FOR THE PURPOSE SECTION 21 OF REPUBLIC ACT
NO. 9165, OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS
ACT OF 2002"**

Explanatory Note

Drug trafficking is a menace to the Philippines. It jeopardizes the well-being of the country in multifarious ways. It is an economic and social burden which may cause the gradual decay and eventual destruction of Philippine society.

Drug trafficking has significant economic costs. On one hand, budgetary allocations for the Philippine Drug Enforcement Agency (PDEA) reached a total of Php 2,664,221,000 for the years 2011 to 2014. On the other hand, the Dangerous Drugs Board received a total of Php 379,585,000 in the same span of time. These amounts are miniscule as compared to the massive problem of drug addiction afflicting the country. Illegal drugs also have costs on the micro and macroeconomic level from health care, productivity, crime, incarceration and drug enforcement.

Drug trafficking also has incalculable social costs. It imperils the cohesiveness of the foundation of Philippine society, the Filipino family. This is because illegal drugs bring shame and disgust towards families of drug abusers. This social stigma, in turn, has been the cause of unbearable and irreversible tension within these families.

Against these backdrop this legislation is submitted. It tightens the anti-drug campaign of the government. The legislation is highlighted by the following provisions:

1. The apprehending team of the government anti-drug agency shall conduct a physical inventory of seized items including dangerous drugs, controlled precursors and essential chemicals, laboratory equipment utilized and paraphernalia used in illegal substance use, manufacturing or production. And that the physical inventory shall be conducted at the place where the search warrant is served or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless arrest.
2. The destruction of dangerous drugs and other illegal substances must be witnessed by a combined number of representatives of the anti-drug agencies, National Prosecution Service, elected public official, or media.

For the Filipino youth and for the generations and generations of young citizens who should be accorded protection from the peril of drug addiction, early recognition of this policy measure is earnestly requested.

Grace Poe
GRACE POE

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

SECTION 1. Section 21 of Republic Act No. 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002", is hereby amended to read as follows:

"SEC. 21. Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment. – The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

"(1) The apprehending team having initial custody and control of the **DANGEROUS** drugs, **CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS,** **INSTRUMENTS/PARAPHERNALIA** **AND/OR LABORATORY EQUIPMENT** shall, immediately after seizure and confiscation, [physically inventory] **CONDUCT A PHYSICAL INVENTORY OF THE SEIZED ITEMS** and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, [a representative from the media and the Department of Justice (DOJ), and any elected public official] **WITH AN ELECTED PUBLIC OFFICIAL AND A REPRESENTATIVE OF THE NATIONAL PROSECUTION SERVICE OR THE MEDIA** who shall be required to sign the copies of the inventory and be given a copy thereof [;]: **PROVIDED, THAT THE PHYSICAL INVENTORY AND PHOTOGRAPH SHALL BE CONDUCTED AT THE PLACE WHERE THE SEARCH WARRANT IS SERVED; OR AT THE NEAREST POLICE STATION OR AT THE NEAREST OFFICE OF THE APPREHENDING OFFICER/TEAM, WHICHEVER IS PRACTICABLE, IN CASE OF WARRANTLESS SEIZURES; PROVIDED, FINALLY, THAT NONCOMPLIANCE OF THESE REQUIREMENTS UNDER JUSTIFIABLE GROUNDS, AS LONG AS THE INTEGRITY AND THE EVIDENTIARY VALUE OF THE SEIZED ITEMS ARE PROPERLY PRESERVED BY THE APPREHENDING OFFICER/TEAM, SHALL NOT**

RENDER VOID AND INVALID SUCH SEIZURES AND CUSTODY OVER SAID ITEMS.

“x x x

“(3) A certification of the forensic laboratory examination results, which shall be done [under oath] by the forensic laboratory examiner, shall be issued [within twenty-four (24) hours] **IMMEDIATELY** [after] **UPON** the receipt of the subject item/s: Provided, That when the volume of dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals does not allow the completion of testing within the time frame, a partial laboratory examination report shall be provisionally issued stating therein the quantities of dangerous drugs still to be examined by the forensic laboratory: Provided, however, That a final certification shall be issued [on the completed forensic laboratory examination on the same within the next twenty-four (24) hours] **IMMEDIATELY UPON COMPLETION OF THE SAID EXAMINATION AND CERTIFICATION;**

“x x x.”

SEC. 2. Separability Clause. – If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 3. Repealing Clause. – All laws, presidential decrees or issuances, executive orders, letters of instruction, administrative orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, modified or amended accordingly.

SEC. 4. Effectivity. – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved,