

15 JUN 30 12:42

**SEVENTEENTH CONGRESS OF THE }  
REPUBLIC OF THE PHILIPPINES }  
First Regular Session }**

OFFICE OF THE SECRETARY *J*

**S E N A T E  
SB No. 5**

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**INTRODUCED BY SENATOR VICENTE C. SOTTO III**

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**AN ACT  
CREATING A SPECIAL COURT TO BE KNOWN  
AS THE "DANGEROUS DRUGS COURT" AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

In the country's continued crusade against dangerous drugs, RA 9165 or the Dangerous Drugs Act of 2002 was enacted, Article XI of which provides for designation of special courts from among the existing Regional Trial Courts in each judicial region to exclusively try and hear cases involving violations of the Act.

Since the effectivity of the Act, the number of Dangerous Drugs cases filed, and prosecutions for violations of its provisions have been steadily on the rise, clogging the dockets of these specially designated Regional Trial Courts. A number of these cases have remained pending for a long time. The speedy administration of justice has been greatly prejudiced, impairing not only the resolution of these Dangerous Drugs cases, but other equally important cases and matters pending in the specially designated Regional Trial Courts.

There is now therefore an imperative need to create Special Collegiate Dangerous Drugs Courts to sit in each geographical region of the Philippines. This bill is intended to create such Courts. These Special

Collegiate Dangerous Drugs Courts shall have exclusive and original jurisdiction to try and hear violations of RA 9165 or the Dangerous Drugs Act.

It is hoped that the creation of these Special Collegiate Drugs Courts will not only help ease and unclog the dockets of the courts but more importantly, give more teeth to the continued fight against the menace of dangerous drugs plaguing the country.



**VICENTE C. SOTTO III**

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

1           **SECTION 1. Court; Justices; Qualifications; Salary; Tenure.** -  
2   There is hereby created a Dangerous Drugs Court (DDC) which shall be  
3   of the same level as the Sandiganbayan and the Court of Appeal,  
4   possessing all the inherent powers of a Court of Justice, and shall consist  
5   of Eighteen (18) Executive Justices each for NCR, Region I, Region II,  
6   Region III, Region IV-A, Region IV-B, Region V, Region VI, Region VII,  
7   Region VIII, Region IX, Region X, Region XI, Region XII, Region XIII, CAR  
8   and ARMM, respectively, and 402 Associate Justices. The President of  
9   the Philippines shall have the power to appoint the Executive Justices  
10   and the Associate Justices The Executive Justices shall be so designated  
11   in his appointment, and the Associate Justices shall have precedence  
12   according to the date of their respective appointments, or when the  
13   appointments of two (2) or more of them shall bear the same date,  
14   according to the order in which their appointments were issued by the  
15   President. They shall have the same qualifications, rank, category, salary,  
16   emoluments and other privileges, be subject to the same inhibitions and  
17   disqualifications, and enjoy the same retirements and other benefits as

1 those provided for under existing laws for Associate Justices of the Court  
2 of Appeals,

3 Whenever the salaries of the Presiding Justice and the Associate  
4 Justices of the Court of Appeals are increased, such increases in salaries  
5 shall be deemed correspondingly extended to and enjoyed by the  
6 Executive Justices and Associate Justices of the DDC.

7 The Executive Justices and Associate Justices shall hold office  
8 during good behavior, until they reach the age of seventy (70), or become  
9 incapacitated to discharge the duties of their office, unless sooner  
10 removed for the same causes and in the same manner provided by law  
11 for members of the judiciary of equivalent rank.

12 SECTION 2. **Divisions.** - The Dangerous Drugs Court shall  
13 exercise its powers, functions, and duties, through ONE HUNDRED  
14 FORTY (140) divisions, each division composed of three (3) Justices. The  
15 divisions shall have their respective seats for Dangerous Drugs Cases  
16 coming from the following Regions:

17 NCR: Two (2) divisions each for the Local Government  
18 Units of Caloocan City, Las Pinas City, Makati City,  
19 Malabon City, Mandaluyong City, Manila, Marikina  
20 City, Muntinlupa City, Navotas City, Paraiiaque City,  
21 Pasay City, Pasig City, Pateros, Quezon City, San Juan  
22 City, Taguig City, Valenzuela City;

23 Region I: One (1) Division each for each for the Local  
24 Government Units of Dagupan City, Ilocos Norte,  
25 Ilocos Sur, La Union, Pangasinan;

26 Region II: One (1) Division each the Local Government  
27 Units of Batanes, Cagayan, Isabela, Nueva Vizcaya,  
28 Quirino, Santiago City;

29 Region III: One (1) Division each for the Local  
30 Government Units of Angeles City, Aurora, Bataan,  
31 Bulacan, Nueva Ecija, Olongapo City, Pampanga,  
32 Tarlac, Zambales;

1           Region IV-A: One (1) Division each for the Local  
2           Government Units of Batangas, Cavite, Laguna,  
3           Lucena City, Quezon, Rizal;  
4           Region IV-B: One (1) Division each for the Local  
5           Government Units of Marinduque, Occidental,  
6           Mindoro, Oriental Mindoro, Palawan, Puerto Princesa  
7           City, Romblon;  
8           Region V: One (1) Division each for the Local  
9           Government Units of Albay, Camarines Norte,  
10          Camarines Sur, Catanduanes, Masbate, Naga City,  
11          Sorsogon;  
12          Region VI: One (1) Division each for the Local  
13          Government Units of Aldan, Antique, Bacolod City,  
14          Capiz, Guimaras, Iloilo, Iloilo City, Negros Occidental;  
15          Region VII: One (1) Division each for the Local  
16          Government Units of Bohol, Cebu Province, Lapu-Lapu  
17          City, Mandaue City, Negros Oriental, Siquijor;  
18          Two (2) divisions for Cebu City;  
19          Region VIII: One (1) Division each for the Local  
20          Government Units of Biliran, Eastern Samar, Leyte,  
21          Northern Samar, Ormoc City, Samar, Southern Leyte,  
22          Tacloban City;  
23          Region IX: One (1) Division each for the Local  
24          Government Units of Isabela City, Zamboanga City,  
25          Zamboanga del Norte, Zamboanga del Sur, Zamboanga  
26          Sibugay;  
27          Region X: One (1) Division each for the Local  
28          Government Units of Bukidnon, Camiguin, Iligan City,  
29          Lanao del Norte, Misamis Occidental, Misamis  
30          Oriental;  
31          Two (2) Divisions for Cagayan de Oro City;

1           Region XI: One (1) Division each for the Local  
2           Government Units of Compostela Valley, Davao del  
3           Norte, Davao del Sur, Davao Oriental;

4           Two (2) Divisions for Davao City;

5           Region XII: One (1) Division each for the Local  
6           Government Units of Cotabato, Cotabato City, General  
7           Santos City, Sarangani, South Cotabato, Sultan  
8           Kudarat;

9           Region XIII: One (1) Division each for the Local  
10          Government Units of Agusan del Norte, Agusan del  
11          Sur, Butuan City, Dinagat Islands, Surigao del Norte,  
12          Surigao del Sur;

13          CAR: One (1) Division each for the Local Government  
14          Units of Abra, Apayao, Baguio City, Benguet, Ifugao,  
15          Kalinga, Mountain Province;

16          ARMM: One (1) Division each for the Local Government  
17          Units of Basilan (excluding Isabela City), Lanao del  
18          Sur, Maguindanao, Sulu, Tawi-Tawi;

19           **SECTION 3. *Quorum; Vacancy; Decisions/Resolutions.*** - Three  
20          Justices shall constitute a quorum for sessions in the divisions: Provided,  
21          That when the required quorum for a particular division cannot be had  
22          due to the legal disqualification or temporary disability of a Justice or of  
23          a vacancy occurring therein, the Executive Justice of the Region where  
24          the affected division belongs may designate any Associate Justice of the  
25          Dangerous Drugs Court, to be determined by strict rotation on the basis  
26          of the reverse order of precedence, to sit as a special member of said  
27          affected division with all the rights and prerogatives of a regular member  
28          of said division in the trial and determination of a case or cases assigned  
29          thereto.

30           The concurrence of two (2) Justices of a division shall be necessary  
31          for the pronouncement of a decision or final resolution for cases or  
32          matter heard by the division, which shall be reached in consultation

1 before the writing of the opinion by any concurring member of the  
2 division.

3 SECTION 4. **Jurisdiction.** - The Dangerous Drugs Court (DDC)  
4 shall exercise original jurisdiction on all cases involving:

5 a. All violations of Republic Act No. 9165, otherwise known  
6 as "The Comprehensive Dangerous Drugs Act of 2002" ("The  
7 Act"), including violations of the Act made by minors. Minor  
8 offenders of the Act shall be prosecuted in accordance with  
9 the Act, existing laws and Supreme Court rules.

10 b. All violations of Republic Act No. 9165, otherwise known  
11 as "The Comprehensive Dangerous Drugs Act of 2002" ("The  
12 Act") made by a Public Officer whether he be the principal  
13 accused, an accomplice or merely an accessory. All cases in  
14 the Sandiganbayan with respect to public officials violating  
15 the Act must now be transferred to the appropriate DDC. If  
16 the Public Officer violated the provisions of the Act while also  
17 violating other laws such as Republic Act No. 3019, as  
18 amended otherwise known as the Anti-Graft Corrupt  
19 Practices Act, Republic Act No. 1379, and Chapter II, Section  
20 2, Title VII of the Revised Penal Code, the DDC shall still  
21 have jurisdiction to prosecute him under those other laws,  
22 provided it will not violate his right against Double Jeopardy  
23 under the Constitution.

24 A "public officer" shall mean any person; holding any public  
25 office in the Government of the Republic of the Philippines  
26 whether by virtue of an appointment, election or contract.

27 "Government" includes the National Government, and any of  
28 its subdivisions, agencies or instrumentalities, including  
29 government-owned or controlled corporations and their  
30 subsidiaries.

31 c. The DDC shall have primary jurisdiction over the search  
32 and seizure of any object or person to be done by appropriate  
33 law enforcement agencies with respect to violations of the

1 Act. Each Justice of a DDC division shall have the power to  
2 issue search warrants and warrants of arrest primarily for  
3 violations of the Act, but he can also exercise the inherent  
4 powers of a Court of Justice to issue search warrants and  
5 warrants of arrest for any other case only in extremely urgent  
6 cases such as the complete absence of Regional Trial Court  
7 judges or Municipal Trial Court judges in area.

8 Conversely, only in extremely urgent cases and for  
9 compelling reasons such as the complete absence and  
10 unavailability of DDC Justices, the other Courts of Justice  
11 may issue search warrants and warrants of arrest with  
12 respect to violations of the Act.

13 The SC in consultation with the appropriate law enforcement  
14 agencies shall promulgate the rules with respect to search  
15 and seizure in cases cognizable by the DDC. In the  
16 meantime, the applicable laws and rules will apply, except if  
17 inconsistent with this Act.

18 Section 21 of the Act with respect to Custody and Disposition  
19 of Confiscated, Seized, and/or Surrendered Dangerous  
20 Drugs, Plant Sources of Dangerous Drugs, Controlled  
21 Precursors and Essential Chemicals,  
22 Instruments/Paraphernalia and/ or Laboratory Equipment is  
23 hereby amended such that all mention of "the Court" in that  
24 section, shall mean and pertain to the Dangerous Drugs  
25 Court (DDC).

26 d. The Dangerous Drugs Court shall have exclusive original  
27 jurisdiction over petitions for the issuance of the writs of  
28 mandamus, prohibition, certiorari, habeas corpus  
29 injunction, amparo, habeas data and other ancillary writs  
30 and processes in aid of its jurisdiction. Provided, that the  
31 jurisdiction over these petitions shall not be exclusive of the  
32 Supreme Court.



1 e. The Drugs Court may impose the Death Penalty only in  
2 accordance with the Act 'in appropriate cases,  
3 notwithstanding RA 9346, otherwise known as "An Act title  
4 Imposition of Death Penalty in the Philippines". In case the  
5 penalty imposed is death in accordance with the Act, review  
6 by the Supreme Court shall be automatic, whether or not the  
7 accused filed an appeal. The Supreme Court shall be  
8 consulted about this provision before it becomes final.

9 SECTION 5. **Prosecution Team.** - The provisions of any law or rule  
10 to the contrary notwithstanding, the direction and control of the  
11 prosecution of cases mentioned in Section 4 hereof, shall be exercised by  
12 one (1) Chief Dangerous Drugs Division Prosecutor for each DDC  
13 division, who shall be assisted by two (2) Deputy Chief Dangerous Drugs  
14 Division Prosecutors per DDC division and two (2) Senior Assistant  
15 Dangerous Drugs Division Prosecutors who shall all be appointed by the  
16 President of the Philippines.

17 The Chief Dangerous Drugs Division Prosecutors shall have the  
18 same qualifications, rank, category, salary, emoluments and other  
19 privileges, be subject to the same inhibitions and disqualifications, and  
20 enjoy the same retirements and other benefits as those provided for  
21 under existing laws for Regional Prosecutors.

22 The Deputy Chief Dangerous Drugs Division Prosecutors shall have  
23 the same qualifications, rank, category, salary, emoluments and other  
24 privileges, be subject to the same inhibitions and disqualifications, and  
25 enjoy the same retirements and other benefits as those provided for  
26 under existing laws for Deputy Regional Prosecutors.

27 Dangerous Drugs Division Prosecutors shall have the same  
28 qualifications, rank, category, salary, emoluments and other privileges,  
29 be subject to the same inhibitions and disqualifications, and enjoy the  
30 same retirements and other benefits as those provided for under existing  
31 laws for Senior Assistant Regional Prosecutors.

32 The Chief Dangerous Drugs Division Prosecutors, the Deputy Chief  
33 Dangerous Drugs Division Prosecutors and the Dangerous Drugs

1 Division Prosecutors shall have exclusive authority to conduct  
2 preliminary investigations of all complaints filed with the Dangerous  
3 Drugs Court, to file information and conduct the prosecution of all cases;  
4 Provided, that the Secretary of Justice may designate any lawyer in the  
5 government service as Dangerous Drugs Division Prosecutor or special  
6 counsel to assist the Chief Dangerous Drugs Division Prosecutors in  
7 conducting preliminary investigations and prosecuting cases before the  
8 Dangerous Drugs Court.

9 The Chief Dangerous Drugs Division Prosecutors, the Deputy Chief  
10 Dangerous Drugs Division Prosecutors and the Dangerous Drugs  
11 Division Prosecutors collectively, "the Dangerous Drugs Prosecutors"  
12 mentioned in the preceding paragraph shall have the authority to  
13 administer oaths, to issue subpoena and subpoena duces tecum,  
14 summon and compel witnesses to appear and testify under oath before  
15 them and to bring books, documents or other things under their control  
16 and to secure the attendance or presence of any absent or recalcitrant  
17 witness through application before the DDC division or any Justice  
18 thereof, or before any inferior or superior court having jurisdiction of the  
19 place where the witness or evidence may be found.

20 The Chief Dangerous Drugs Division Prosecutors and his  
21 assistants shall be directly under the control of the Secretary of Justice.

22 In cases where the offender is a Public Officer, the Ombudsman  
23 and the Dangerous Drugs Prosecutors shall have concurrent jurisdiction  
24 except if the law or the Constitution vests exclusive jurisdiction in the  
25 Ombudsman. All mention of "prosecutors" in the provisions of the Act  
26 shall pertain to the Dangerous Drugs Prosecutors as provided herein.

27 SECTION 6. **Preliminary Investigation; Trial.** - The preliminary  
28 investigation of cases filed under the Act shall be terminated within a  
29 period of thirty (30) days from the date of their filing.

30 When the preliminary investigation is conducted by a Dangerous  
31 Drugs Prosecutor and probable cause is established, the corresponding  
32 information shall be filed in court within twenty-four (24) hours from the  
33 termination of the investigation. If the preliminary investigation is

1 conducted by a judge and a probable cause is found to exist, the  
2 corresponding information shall be filed by the proper prosecutor within  
3 forty-eight (48) hours from the date of receipt of the records of the case.

4 Trial of the case under Section 4 and Section 5 shall be finished by  
5 the DDC not later than Sixty (60) days from the date of the filing of the  
6 information. Decision on said cases shall be rendered within a period of  
7 fifteen (15) days from the date of Submission of the case for resolution.

8 **SECTION 7. *Form, Finality and Enforcement of Decisions.*** - All  
9 decisions and final orders determining the merits of a case or finally  
10 disposing of the action or proceedings of the DDC shall contain complete  
11 findings of the facts and the law on which they are based, on all issues  
12 properly raised before it and necessary in deciding the case. A motion for  
13 reconsideration of any final order or decision may be filed within fifteen  
14 (15) days from promulgation or notice of the final order or judgment, and  
15 such motion for reconsideration shall be decided within thirty (30) days  
16 from submission thereon. Decisions and final orders of the DDC shall be  
17 appealable to the Supreme Court by petition for review on certiorari  
18 raising pure questions of law in accordance with Rule 45 of the Rules of  
19 Court. Whenever, in any case decided by the DDC, the penalty of life  
20 imprisonment, reclusion perpetua or higher is imposed, the decision  
21 shall be appealable to the Supreme Court in the manner prescribed in  
22 the Rules of Court. The Supreme Court shall be consulted with respect to  
23 this provision. Judgments and Orders of the DDC shall be executed and  
24 enforced in the manner provided by law.

25 The Justices of the DDC shall each certify on their applications for  
26 leave, and upon salary vouchers presented by them for payment, or upon  
27 the payrolls under which their salaries are paid, that all proceedings,  
28 petitions and motions which have been submitted to the Court for  
29 determination or decision for a period required by the law or the  
30 Constitution, as the case may be, have been determined or decided by  
31 the Court on or before the date of making the certificate, and no leave  
32 shall be granted and no salary shall be paid without such certificate.

1           SECTION 8. **Rules of Procedure.** - The Rules of Court  
2 promulgated by the Supreme Court shall apply to all cases and  
3 proceedings filed with the DDC in the meantime. The Supreme Court  
4 shall promulgate special rules of procedure which shall be applicable to  
5 the DDC within 30 days from the effectivity of this Act.

6           The DDC shall have no power to promulgate its own rules of  
7 procedure, except to adopt internal rules governing the allotment of cases  
8 among the divisions, the rotation of Justices among them, and other  
9 matters relating to the internal operations of the court which shall be  
10 enforced until repealed or modified by the Supreme Court.

11           SECTION 9. **Administrative Personnel.** - Upon recommendation  
12 of the DDC, the Supreme Court may designate, from among the officers  
13 and employees under it, or appoint the personnel necessary for the DDC;  
14 Provided, however, that those merely designated shall not receive  
15 additional compensation, except per diems, traveling and necessary  
16 expenses in accordance with existing laws and rules.

17           The Supreme Court shall appoint one (1) Clerk of Court for each of  
18 the DDC division. The Clerks of Court so appointed shall have the same  
19 qualifications, rank, category, salary, emoluments and other privileges,  
20 be subject to the same inhibitions and disqualifications, and enjoy the  
21 same retirements and other benefits as those provided for under existing  
22 laws for Executive Clerks of Court of the Sandiganbayan.

23           All subordinate employees of the DDC and all divisions thereof  
24 shall be governed by the provisions of the Civil Service Law; Provided,  
25 that the DDC division concerned, may, by resolution unanimously voted  
26 upon by three (3) of its Justices, remove any of them for cause.

27           SECTION 10. **Security.** - In view of the sensitive nature of the  
28 functions and powers to be exercised by the DDC, its divisions and  
29 Justices, and personnel, as well as the Dangerous Drugs prosecutors,  
30 the PDEA, PNP, NBI and the AFP all in coordination, are hereby directed  
31 to post 24-hour security personnel for each division of the DDC.

1           SECTION 11. **Transfer of Cases.** - All cases cognizable by the  
2 DDC as herein provided, being heard in other courts, except those  
3 already submitted for decision/resolution, shall be transferred to the  
4 DDC.

5           SECTION 12. **Funding.** - There is hereby immediately appropriated  
6 out of any funds in the National Treasury not otherwise appropriated,  
7 such sums as may be necessary to carry out the provisions of this Act  
8 and thereafter to be included in the general appropriation act: The  
9 appropriations for the DDC shall be automatically released in accordance  
10 with a schedule submitted by the DDC.

11           SECTION 13. **Repealing Clause.** - Any provision of law, order, rule  
12 or regulation inconsistent with the provisions of this Act is hereby  
13 repealed or modified accordingly.

14           SECTION 14. **Effectivity Clause.** - This Act shall take effect fifteen  
15 (15) days after the completion of its publication in at least two (2)  
16 national newspapers of general circulation.

*Approved,*