



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

'17 MAY -2 P3:30

**S E N A T E  
S.B. No. 1429**

RECEIVED BY: \_\_\_\_\_

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

**AN ACT AMENDING SECTION 23 OF REPUBLIC ACT NO. 9165,  
OTHERWISE KNOWN AS THE COMPREHENSIVE DANGEROUS DRUGS  
ACT OF 2002, ALLOWING PLEA BARGAINING IN CERTAIN CASES**

**EXPLANATORY NOTE**

Our constitutional right to the equal protection of the law is guaranteed under Section 1, Article III of the 1987 Constitution that states: No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

The equal protection clause provides that all persons or things similarly situated should be treated alike, both as to the rights conferred and responsibilities imposed<sup>1</sup>.

Our laws allow plea bargaining for violation of all criminal laws including heinous crimes except for violation of any provisions of the Dangerous Drugs Act of 2002. This lone exception to exercise plea bargaining is not sustained by any real and substantial distinction between a drug offender and other criminals.

The purpose of this measure is to allow plea bargaining in violation of the Dangerous Drugs Act of 2002, specifically for small time or low level drug users and for personal possession of illegal drugs.

In aiming for a drug-free nation, an immense part of the drug eradication campaign implicates these so-called "small time" or "low-level"

<sup>1</sup> Antonio Nachura, *Outline/Reviewer in Political Law* (Manila: VJ Graphic Arts, Inc., 2015), 139.

drug users and those in possession of illegal drugs for their personal consumption. The unparalleled number of small time drug cases pending in courts causes burden to the country's criminal justice system as regards to costs and efficiency in the speedy disposition of cases.

Plea bargaining in these "small time" or "low-level" drug cases will result in the prompt and final disposition of cases that in effect will declog the court dockets and our jails. More importantly, the prompt disposition of cases will facilitate the timely rehabilitation of the accused and their eventual reintegration to the society and the working force.

Hence, in the interest of justice and for the mutual benefit of the State and the accused, the passage of this bill is earnestly sought.



**VICENTE C. SOTTO III**

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

'17 MAY -2 P3:30

SENATE  
S.B. No. 1429

RECEIVED BY: 

---

INTRODUCED BY SENATOR VICENTE C. SOTTO III

---

**AN ACT**  
**AMENDING SECTION 23 OF REPUBLIC ACT NO. 9165, OTHERWISE**  
**KNOWN AS THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002,**  
**ALLOWING PLEA-BARGAINING IN CERTAIN CASES**

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

1 SECTION 1. Section 23 of Republic Act 9165 is hereby amended to  
2 read as follows:

3 "SECTION 23. Plea-Bargaining Provision- [Any person charged under any  
4 provision of this Act regardless of the imposable penalty shall not be allowed  
5 to avail of the provision on plea-bargaining.] **PLEA BARGAINING MAY BE**  
6 **ALLOWED ONLY IN ANY OF THE FOLLOWING ACTS PUNISHABLE**  
7 **UNDER REPUBLIC ACT 9165:**

8 (1) **FOR A PERSON WHO IS FOUND TO BE POSITIVE FOR USE OF**  
9 **ANY DANGEROUS DRUG FOR A SECOND TIME, AFTER A**  
10 **CONFIRMATORY TEST;**

11 (2) **FOR POSSESSION OF DANGEROUS DRUGS IF THE QUANTITIES**  
12 **OF DANGEROUS DRUGS ARE LESS THAN FIVE (5) GRAMS OF**  
13 **OPIUM, MORPHINE, HEROIN, COCAINE OR COCAINE**  
14 **HYDROCHLORIDE, MARIJUANA RESIN OR MARIJUANA RESIN**  
15 **OIL, METHAMPHETAMINE HYDROCHLORIDE OR "SHABU", OR**  
16 **OTHER DANGEROUS DRUGS SUCH AS, BUT NOT LIMITED TO,**  
17 **MDMA OR "ECSTASY", PMA, TMA, LSD, GHB, AND THOSE**  
18 **SIMILARLY DESIGNED OR NEWLY INTRODUCED DRUGS AND**

1 THEIR DERIVATIVES, WITHOUT HAVING ANY THERAPEUTIC  
2 VALUE OR IF THE QUANTITY POSSESSED IS FAR BEYOND  
3 THERAPEUTIC REQUIREMENTS; OR LESS THAN THREE  
4 HUNDRED (300) GRAMS OF MARIJUANA;

5 (3) FOR POSSESSION OF EQUIPMENT, INSTRUMENT, APPARATUS  
6 AND OTHER PARAPHERNALIA FOR DANGEROUS DRUGS.  
7 PROVIDED, THAT IT CAN BE PROVED THAT SAID POSSESSION IS  
8 FOR HIS/HER PERSONAL USE WHICH IS IN A REASONABLE  
9 QUANTITY AS DETERMINED BY THE COURT;

10 (4) FOR POSSESSION OF DANGEROUS DRUGS DURING PARTIES,  
11 SOCIAL GATHERINGS OR MEETINGS, OR IN THE PROXIMATE  
12 COMPANY OF AT LEAST TWO (2) PERSONS. PROVIDED, THAT  
13 THE QUANTITIES OF DANGEROUS DRUGS ARE LESS THAN FIVE  
14 (5) GRAMS OF OPIUM, MORPHINE, HEROIN, COCAINE OR  
15 COCAINE HYDROCHLORIDE, MARIJUANA RESIN OR MARIJUANA  
16 RESIN OIL, METHAMPHETAMINE HYDROCHLORIDE OR "SHABU",  
17 OR OTHER DANGEROUS DRUGS SUCH AS, BUT NOT LIMITED TO,  
18 MDMA OR "ECSTASY", PMA, TMA, LSD, GHB, AND THOSE  
19 SIMILARLY DESIGNED OR NEWLY INTRODUCED DRUGS AND  
20 THEIR DERIVATIVES, WITHOUT HAVING ANY THERAPEUTIC  
21 VALUE OR IF THE QUANTITY POSSESSED IS FAR BEYOND  
22 THERAPEUTIC REQUIREMENTS; OR LESS THAN THREE  
23 HUNDRED (300) GRAMS OF MARIJUANA; AND

24 (5) FOR POSSESSION OF EQUIPMENT, INSTRUMENT, APPARATUS  
25 AND OTHER PARAPHERNALIA FOR DANGEROUS DRUGS DURING  
26 PARTIES, SOCIAL GATHERINGS OR MEETINGS, OR IN THE  
27 PROXIMATE COMPANY OF AT LEAST TWO (2) PERSONS.  
28 PROVIDED, THAT IT CAN BE PROVED THAT SAID POSSESSION IS  
29 FOR HIS/HER PERSONAL USE WHICH IS IN A REASONABLE  
30 QUANTITY AS DETERMINED BY THE COURT.

31 SECTION 2. *Separability Clause*.- If any part of this Act is declared  
32 unconstitutional or invalid such parts or provisions thereof not so declared  
33 shall remain valid and subsisting.

1           SECTION 3. **Repealing Clause.**- All laws, decrees, executive orders,  
2   issuances or regulations inconsistent with the provisions of this Act shall  
3   hereby revised or amend accordingly.

4           SECTION 4. **Effectivity Clause.**- This Act shall take effect fifteen (15)  
5   days after its publication in at least two (2) newspaper of general circulation.

6           *Approved,*