



SENATE
SB No. 4

'19 JUL -1 A9:42

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INTRODUCED BY SENATOR VICENTE C. SOTTO III

**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.


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

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

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

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

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

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

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

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

30 Region IV-A: One (1) Division each for the Local
31 Government Units of Batangas, Cavite, Laguna, Lucena
32 City, Quezon, Rizal;

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

1 Region XIII: One (1) Division each for the Local
2 Government Units of Agusan del Norte, Agusan del Sur,
3 Butuan City, Dinagat Islands, Surigao del Norte, Surigao
4 del Sur;

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

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

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

21 The concurrence of two (2) Justices of a division shall be necessary for
22 the pronouncement of a decision or final resolution for cases or matter
23 heard by the division, which shall be reached in consultation before the
24 writing of the opinion by any concurring member of the division.

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

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

32 b. All violations of Republic Act No. 9165, otherwise known as
33 "The Comprehensive Dangerous Drugs Act of 2002" ("The Act")

1 made by a Public Officer whether he be the principal accused,
2 an accomplice or merely an accessory. All cases in the
3 Sandiganbayan with respect to public officials violating the Act
4 must now be transferred to the appropriate DDC. If the Public
5 Officer violated the provisions of the Act while also violating
6 other laws such as Republic Act No. 3019, as amended
7 otherwise known as the Anti-Graft Corrupt Practices Act,
8 Republic Act No. 1379, and Chapter II, Section 2, Title VII of the
9 Revised Penal Code, the DDC shall still have jurisdiction to
10 prosecute him under those other laws, provided it will not
11 violate his right against Double Jeopardy under the
12 Constitution.

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

16 "Government" includes the National Government, and any of its
17 subdivisions, agencies or instrumentalities, including
18 government-owned or controlled corporations and their
19 subsidiaries.

20 c. The DDC shall have primary jurisdiction over the search and
21 seizure of any object or person to be done by appropriate law
22 enforcement agencies with respect to violations of the Act. Each
23 Justice of a DDC division shall have the power to issue search
24 warrants and warrants of arrest primarily for violations of the
25 Act, but he can also exercise the inherent powers of a Court of
26 Justice to issue search warrants and warrants of arrest for any
27 other case only in extremely urgent cases such as the complete
28 absence of Regional Trial Court judges or Municipal Trial Court
29 judges in area.

30 Conversely, only in extremely urgent cases and for compelling
31 reasons such as the complete absence and unavailability of
32 DDC Justices, the other Courts of Justice may issue search

1 warrants and warrants of arrest with respect to violations of the
2 Act.

3 The SC in consultation with the appropriate law enforcement
4 agencies shall promulgate the rules with respect to search and
5 seizure in cases cognizable by the DDC. In the meantime, the
6 applicable laws and rules will apply, except if inconsistent with
7 this Act.

8 Section 21 of the Act with respect to Custody and Disposition of
9 Confiscated, Seized, and/or Surrendered Dangerous Drugs,
10 Plant Sources of Dangerous Drugs, Controlled Precursors and
11 Essential Chemicals, Instruments/Paraphernalia and/ or
12 Laboratory Equipment is hereby amended such that all mention
13 of "the Court" in that section, shall mean and pertain to the
14 Dangerous Drugs Court (DDC).

15 d. The Dangerous Drugs Court shall have exclusive original
16 jurisdiction over petitions for the issuance of the writs of
17 mandamus, prohibition, certiorari, habeas corpus injunction,
18 amparo, habeas data and other ancillary writs and processes in
19 aid of its jurisdiction. Provided, that the jurisdiction over these
20 petitions shall not be exclusive of the Supreme Court.

21 e. The Drugs Court may impose the Death Penalty only in
22 accordance with the Act 'in appropriate cases, notwithstanding
23 RA 9346, otherwise known as "An Act title Imposition of Death
24 Penalty in the Philippines". In case the penalty imposed is death
25 in accordance with the Act, review by the Supreme Court shall
26 be automatic, whether or not the accused filed an appeal. "The
27 Supreme Court shall be consulted about this provision before it
28 becomes final.

29 SECTION 5. **Prosecution Team.** - The provisions of any law or rule to
30 the contrary notwithstanding, the direction and control of the prosecution of
31 cases mentioned in Section 4 hereof, shall be exercised by one (1) Chief
32 Dangerous Drugs Division Prosecutor for each DDC division, who shall be
33 assisted by two (2) Deputy Chief Dangerous Drugs Division Prosecutors per

1 DDC division and two (2) Senior Assistant Dangerous Drugs Division
2 Prosecutors who shall all be appointed by the President of the Philippines.

3 The Chief Dangerous Drugs Division Prosecutors shall have the same
4 qualifications, rank, category, salary, emoluments and other privileges, be
5 subject to the same inhibitions and disqualifications, and enjoy the same
6 retirements and other benefits as those provided for under existing laws for
7 Regional Prosecutors.

8 The Deputy Chief Dangerous Drugs Division Prosecutors shall have
9 the same qualifications, rank, category, salary, emoluments and other
10 privileges, be subject to the same inhibitions and disqualifications, and
11 enjoy the same retirements and other benefits as those provided for under
12 existing laws for Deputy Regional Prosecutors.

13 Dangerous Drugs Division Prosecutors shall have the same
14 qualifications, rank, category, salary, emoluments and other privileges, be
15 subject to the same inhibitions and disqualifications, and enjoy the same
16 retirements and other benefits as those provided for under existing laws for
17 Senior Assistant Regional Prosecutors.

18 The Chief Dangerous Drugs Division Prosecutors, the Deputy Chief
19 Dangerous Drugs Division Prosecutors and the Dangerous Drugs Division
20 Prosecutors shall have exclusive authority to conduct preliminary
21 investigations of all complaints filed with the Dangerous Drugs Court, to file
22 information and conduct the prosecution of all cases; Provided, that the
23 Secretary of Justice may designate any lawyer in the government service as
24 Dangerous Drugs Division Prosecutor or special counsel to assist the Chief
25 Dangerous Drugs Division Prosecutors in conducting preliminary
26 investigations and prosecuting cases before the Dangerous Drugs Court.

27 The Chief Dangerous Drugs Division Prosecutors, the Deputy Chief
28 Dangerous Drugs Division Prosecutors and the Dangerous Drugs Division
29 Prosecutors collectively, "the Dangerous Drugs Prosecutors" mentioned in
30 the preceding paragraph shall have the authority to administer oaths, to
31 issue subpoena and subpoena duces tecum, summon and compel witnesses
32 to appear and testify under oath before them and to bring books, documents
33 or other things under their control and to secure the attendance or presence

1 of any absent or recalcitrant witness through application before the DDC
2 division or any Justice thereof, or before any inferior or superior court
3 having jurisdiction of the place where the witness or evidence may be found.

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

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

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

14 When the preliminary investigation is conducted by a Dangerous
15 Drugs Prosecutor and probable cause is established, the corresponding
16 information shall be filed in court within twenty-four (24) hours from the
17 termination of the investigation. If the preliminary investigation is conducted
18 by a judge and a probable cause is found to exist, the corresponding
19 information shall be filed by the proper prosecutor within forty-eight (48)
20 hours from the date of receipt of the records of the case.

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

25 SECTION 7. **Form, Finality and Enforcement of Decisions.** - All
26 decisions and final orders determining the merits of a case or finally
27 disposing of the action or proceedings of the DDC shall contain complete
28 findings of the facts and the law on which they are based, on all issues
29 properly raised before it and necessary in deciding the case. A motion for
30 reconsideration of any final order or decision may be filed within fifteen (15)
31 days from promulgation or notice of the final order or judgment, and such
32 motion for reconsideration shall be decided within thirty (30) days from
33 submission thereon. Decisions and final orders of the DDC shall be

1 appealable to the Supreme Court by petition for review on certiorari raising
2 pure questions of law in accordance with Rule 45 of the Rules of Court.
3 Whenever, in any case decided by the DDC, the penalty of life imprisonment,
4 reclusion perpetua or higher is imposed, the decision shall be appealable to
5 the Supreme Court in the manner prescribed in the Rules of Court. The
6 Supreme Court shall be consulted with respect to this provision. Judgments
7 and Orders of the DDC shall be executed and enforced in the manner
8 provided by law.

9 The Justices of the DDC shall each certify on their applications for
10 leave, and upon salary vouchers presented by them for payment, or upon
11 the payrolls under which their salaries are paid, that all proceedings,
12 petitions and motions which have been submitted to the Court for
13 determination or decision for a period required by the law or the
14 Constitution, as the case may be, have been determined or decided by the
15 Court on or before the date of making the certificate, and no leave shall be
16 granted and no salary shall be paid without such certificate.

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

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

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

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

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

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

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

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

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

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

Approved,