

Office of the Secretary

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

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SENATE
S.B. No. 492

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 imposed¹.

Our laws allow plea bargaining for violation of all criminal laws including heinous crimes except for violation of any provisions of the

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

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" 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

OFFICE OF THE CLERK
SENATE

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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
5 allowed to avail of the provision on plea-bargaining.] **PLEA BARGAINING**
6 **MAY BE ALLOWED ONLY IN ANY OF THE FOLLOWING ACTS**
7 **PUNISHABLE 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;**

- 1 (2) FOR POSSESSION OF DANGEROUS DRUGS IF THE QUANTITIES
2 OF DANGEROUS DRUGS ARE LESS THAN FIVE (5) GRAMS OF
3 OPIUM, MORPHINE, HEROIN, COCAINE OR COCAINE
4 HYDROCHLORIDE, MARIJUANA RESIN OR MARIJUANA RESIN
5 OIL, METHAMPHETAMINE HYDROCHLORIDE OR "SHABU", OR
6 OTHER DANGEROUS DRUGS SUCH AS, BUT NOT LIMITED TO,
7 MDMA OR "ECSTASY", PMA, TMA, LSD, GHB, AND THOSE
8 SIMILARLY DESIGNED OR NEWLY INTRODUCED DRUGS AND
9 THEIR DERIVATIVES, WITHOUT HAVING ANY THERAPEUTIC
10 VALUE OR IF THE QUANTITY POSSESSED IS FAR BEYOND
11 THERAPEUTIC REQUIREMENTS; OR LESS THAN THREE
12 HUNDRED (300) GRAMS OF MARIJUANA;
- 13 (3) FOR POSSESSION OF EQUIPMENT, INSTRUMENT, APPARATUS
14 AND OTHER PARAPHERNALIA FOR DANGEROUS DRUGS.
15 *PROVIDED*, THAT IT CAN BE PROVED THAT SAID POSSESSION
16 IS FOR HIS/HER PERSONAL USE WHICH IS IN A REASONABLE
17 QUANTITY AS DETERMINED BY THE COURT;
- 18 (4) FOR POSSESSION OF DANGEROUS DRUGS DURING PARTIES,
19 SOCIAL GATHERINGS OR MEETINGS, OR IN THE PROXIMATE
20 COMPANY OF AT LEAST TWO (2) PERSONS. *PROVIDED*, THAT
21 THE QUANTITIES OF DANGEROUS DRUGS ARE LESS THAN
22 FIVE (5) GRAMS OF OPIUM, MORPHINE, HEROIN, COCAINE OR
23 COCAINE HYDROCHLORIDE, MARIJUANA RESIN OR
24 MARIJUANA RESIN OIL, METHAMPHETAMINE
25 HYDROCHLORIDE OR "SHABU", OR OTHER DANGEROUS
26 DRUGS SUCH AS, BUT NOT LIMITED TO, MDMA OR "ECSTASY",
27 PMA, TMA, LSD, GHB, AND THOSE SIMILARLY DESIGNED OR
28 NEWLY INTRODUCED DRUGS AND THEIR DERIVATIVES,
29 WITHOUT HAVING ANY THERAPEUTIC VALUE OR IF THE
30 QUANTITY POSSESSED IS FAR BEYOND THERAPEUTIC

1 REQUIREMENTS; OR LESS THAN THREE HUNDRED (300)
2 GRAMS OF MARIJUANA; AND
3 (5) FOR POSSESSION OF EQUIPMENT, INSTRUMENT, APPARATUS
4 AND OTHER PARAPHERNALIA FOR DANGEROUS DRUGS
5 DURING PARTIES, SOCIAL GATHERINGS OR MEETINGS, OR IN
6 THE PROXIMATE COMPANY OF AT LEAST TWO (2) PERSONS.
7 PROVIDED, THAT IT CAN BE PROVED THAT SAID POSSESSION
8 IS FOR HIS/HER PERSONAL USE WHICH IS IN A REASONABLE
9 QUANTITY AS DETERMINED BY THE COURT.

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

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

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

19 *Approved,*