

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'22 JUL -7 P5 :03

SENATE
Senate Bill No. 198

RECEIVED BY: _____



INTRODUCED BY SENATOR RONALD "BATO" DELA ROSA

AN ACT
DEFINING LARGE-SCALE ILLEGAL TRAFFICKING OF DANGEROUS DRUGS,
AND CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, IMPOSING
THE DEATH PENALTY, AMENDING FOR THE PURPOSE REPUBLIC ACT NO.
9346 ENTITLED "THE ACT PROHIBITING THE IMPOSITION OF DEATH
PENALTY IN THE PHILIPPINES" AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Republic Act 7659, otherwise known as "An Act to Impose the Death Penalty on Certain Heinous Crimes, amending for the Purpose the Revised Penal Laws, As Amended, Other Special Laws, and for Other Purposes" was approved on December 13, 1993. Under this law, particularly under its second whereas clause, crimes punishable by death are those that are "heinous for being grievous, odious and hateful offenses and which, by reason of their inherent or manifest wickedness, viciousness, atrocity and perversity are repugnant and outrageous to the common standards and norms of decency and morality in a just, civilized and ordered society."

As we continue to promote such civilized and orderly society, the more we maintain our position and campaign against drug trafficking. It has always been a serious offense and it is but unfortunate that it has now become a national crisis. According to the United Nations Office on Drugs and Crime in its 2009 UN World Drug Report, the Philippines is number five in the world in seizures of crystal methamphetamine or shabu and still one of the major sources in East and South-east Asia and Oceania.

The report even stated that the manufacturing is done in laboratories of industrial scale. They are found and conducting business in the Philippines, operated by transnational organized crime and foreign nationals as chemists. Similarly, a report from the firm Pacific Strategies & Assessments, describes the Philippines as a “transshipment point” and a “key producer of synthetic drugs for all of Asia.”

Unimaginable damage to our youth and society was in our horizon, hadn't it been for Former President Rodrigo Roa Duterte relentless fight against drug menace. As of 30 April 2022, Philippine Drug Enforcement Authority has seized a total of P89.29 billion worth of narcotics across the country since the start of the Duterte administration's crackdown on illegal drugs in mid-2016.

Local authorities have destroyed 8,177.79 kilograms of shabu, 4,226.08 kilograms of marijuana, 21.93 kilograms of ecstasy, 534.20 kilograms of cocaine, and 3,483.67 kilograms of other dangerous drugs. Likewise, around 14,646 high-value targets have been arrested while 331,694 individuals involved in illegal drugs have been arrested.

Our war against drugs continue to gain traction. In order to sustain the efforts of the previous administration and hamper the growth of foreign syndicates, the proposed legislation treats large-scale trafficking of illegal drugs as being wicked and dreadful. By imposing a harsher penalty to those engaged in large-scale trafficking, supply of illegal drugs in the country will continue to decline.

This bill aims to revive and impose death penalty for those fearless foreigners and citizens of this country who will be found guilty of large-scale illegal trafficking of illegal drugs. This will also address the illicit drug trafficking prevailing in the region.

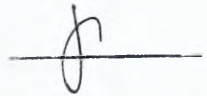
In light of the foregoing, approval of this bill is earnestly sought.


RONALD "BATO" DELA ROSA

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

1 Section 1. *Short Title.* – This Act shall be known as "Death Penalty for Large-
2 scale Illegal Drug Trafficking".

3 Sec. 2. *Declaration of Policy.* – It is the policy of the State to safeguard the
4 integrity of its territory and the well-being of its citizenry from the harmful effects of
5 dangerous drugs on their physical and mental well-being, and to defend the same
6 against acts or omissions detrimental to their development and preservation.

7 Toward this end, the State shall pursue an intensive and unrelenting campaign
8 against the trafficking of dangerous drugs and other similar substances through the
9 imposition of the capital punishment.

10 Sec. 3. *Definition of Terms.* – As used in this Act, the term:

11 (a) Culture refers to any act of knowingly planting, growing, raising, or
12 permitting the planting, growing or raising of any plant which is the source
13 of a dangerous drug;

- 1 (b) Dangerous Drugs refers to those listed in the Schedules annexed to the
2 1961 Single Convention on Narcotic Drugs, as amended by the 1972
3 Protocol, and in the Schedules annexed to the 1971 Single Convention on
4 Psychotropic Substances as enumerated in the attached annex which is an
5 integral part of Republic Act No. 9165, as amended;
- 6 (c) Controlled Precursors and Essential Chemicals refers to those listed in
7 Tables I and II of the 1988 UN Convention Against Illicit Traffic in Narcotic
8 Drugs and Psychotropic Substances as enumerated in the attached annex,
9 which is an integral part of Republic Act No. 9165, as amended;
- 10 (d) Deliver refers to any act of knowingly passing a dangerous drug to another,
11 personally or otherwise, and by any means, with or without consideration;
- 12 (e) Manufacture refers to the production, preparation, compounding or
13 processing of any dangerous drug and/or controlled precursor and essential
14 chemical, either directly or indirectly or by extraction from substances of
15 natural origin, or independently by means of chemical synthesis or by a
16 combination of extraction and chemical synthesis, and shall include any
17 packaging or repackaging of such substances, design or configuration of its
18 form, or labeling or relabeling of its container; except that such terms do
19 not include the preparation, compounding, packaging or labeling of a drug
20 or other substances by a duly authorized practitioner as an incident to
21 his/her administration or dispensation of such drug or substance in the
22 course of his/her professional practice including research, teaching and
23 chemical analysis of dangerous drugs or such substances that are not
24 intended for sale or for any other purpose;
- 25 (f) Sell refers to any act of giving away any dangerous drug and/or controlled
26 precursor and essential chemical whether for money or any other
27 consideration; and
- 28 (g) Trading refers to transactions involving the illegal trafficking of dangerous
29 drugs and/or controlled precursors and essential chemicals using electronic
30 devices such as, but not limited to, text messages, e- mail, mobile or
31 landlines, two-way radios, internet, instant messengers and chat rooms or

1 acting as a broker in any of such transactions whether for money or any
2 other consideration in violation of this Act.

3 *Sec. 3. Large-Scale Illegal Trafficking.* – Large-scale illegal trafficking is
4 committed by any person who illegally cultivates, cultures, delivers, manufactures,
5 sells, trades, transports, distributes, imports, exports and possesses any dangerous
6 drug and/or controlled precursor and essential chemical involving quantity of not less
7 than five kilos (5 kls) or more, unless authorized by law. Any person who commits
8 large-scale illegal trafficking as defined herein shall suffer the penalty of death.

9 *Sec. 4. Cases where death penalty shall not be imposed; Automatic Review of*
10 *the Death Penalty Cases.* – The death penalty shall not be imposed when the guilty
11 person is below eighteen (18) years of age at the time of the commission of the crime
12 or is more than seventy (70) years of age or when upon appeal or automatic review
13 of the case by the Supreme Court, the required majority vote is not obtained for the
14 imposition of the death penalty, in which cases the penalty shall be life imprisonment.

15 In all cases where the death penalty is imposed by the trial court, the records
16 shall be forwarded to the Supreme Court for automatic review and judgment by the
17 Court *en banc*, within twenty (20) days but not earlier than fifteen (15) days after
18 promulgation of the judgment or notice of denial of any motion for new trial or
19 reconsideration. The transcript shall also be forwarded within ten (10) days from the
20 filing thereof by the stenographic reporter.

21 *Sec. 5. Republic Act No. 8177 entitled, An Act Designating Death by Lethal*
22 *Injection as the Method of Carrying Out Capital Punishment, Amending for the Purpose*
23 *Article 81 of the Revised Penal Code, as amended by Section 24 of Republic Act No.*
24 *7659”, is hereby revived.*

25 *Sec. 6. Implementing Rules.* – Within sixty (60) days, from the effectivity of
26 this Act, the Department of Justice, in coordination with the Department of Health,
27 Bureau of Corrections, the Philippine National Police and the Philippine Drug
28 Enforcement Agency (PDEA) shall promulgate the rules to implement the provisions
29 of this Act.

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2 *Sec. 7. Separability Clause.* – If any portion or provision of this Act is declared
3 unconstitutional, the remainder of this Act or any provisions not affected thereby shall
4 remain in force and effect.

5

6 *Sec. 8. Repealing Clause.* – Republic Act No. 9346 and Republic Act No. 9165
7 is hereby amended accordingly in so far as the prohibition of death penalty on crimes
8 as specified herein.

9

10 Any law, presidential decree or issuance, executive order, letter of instruction,
11 rule or regulation inconsistent with the provisions of this Act is hereby repealed or
12 modified accordingly.

13

14 *Sec. 9. Effectivity.* – This Act shall take effect fifteen (15) days following its
15 complete publication in a newspaper of general circulation.

Approved,