

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

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Senate

Office of the Secretary

22 AUG 18 P5:13

**SENATE**  
S. No. 1216

RECEIVED BY:

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**Introduced by SENATOR RAMON BONG REVILLA, JR.**

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**AN ACT**  
**EXPANDING THE JURISDICTION OF THE PHILIPPINE DRUG**  
**ENFORCEMENT AGENCY, DEFINING THE PROSECUTORIAL POWERS**  
**PROVIDED THERETO, AND AMENDING FOR THE PURPOSE REPUBLIC ACT**  
**NO. 9165, OTHERWISE KNOWN AS THE COMPREHENSIVE DANGEROUS**  
**DRUGS ACT OF 2002, AS AMENDED**

**EXPLANATORY NOTE**

In recent years, drug-related cases have clogged the dockets of Philippine courts. Data from the National Prosecution Office of the Department of Justice would reveal that in 2017 the number of drug cases filed in court reached more than 70,700. This alarming number is aggravated by all those other cases which the government failed to prosecute by reason of mismanagement or the lack or insufficiency of material resources to do so as well as allegations of graft and corruption in the conduct of investigations. What's even worst is that the prosecution success rate for drug cases remains the lowest as compared to prosecution of index crimes.

As the public's confidence in the justice system plays a vital role in maintaining a democratic State, it is of paramount importance that drug-related offenses be prosecuted to its conclusion, lest we allow the country to be under the claws of narco-politics. The protection of the general welfare of the people necessitates the prevention and eradication of the proliferation of dangerous drugs which can only be achieved through an effective machinery of prosecuting and bringing to justice these drug-related offenders. However, by reason of the backlog

of cases and numerous complaints being filed with prosecutors, there results a delay in the administration of justice. Hence, the need of a specialized prosecuting arm for drug-related offenses.

For the purpose of carrying out its duties and powers, Section 83 of Republic Act 9165, otherwise known as the Dangerous Drugs Act of 2002, gave the Philippine Drug Enforcement Agency (PDEA) legal and prosecution services. Since the prosecution of drug-related offenses is already within the mandate of the PDEA, what is left to be done is to define the scope of its legal and prosecutorial powers, which this bill amending R.A. 9165 intends to do.

Providing for a machinery to quickly dispose of cases involving violations of the R.A. 9165 shall not only result in the immediate prosecution of the said offenses and the unclogging of court dockets but will most definitely redound to the benefit of the general welfare of the people and will restore the public's trust and confidence in our justice system.

By contrast, since Section 16 of the 1987 Constitution also provides that "All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.," any person accused of violating R.A. 9165 shall be benefitted to this end by reason of the speedy administration of justice, thus striking a balance between protection of private rights and those of the general public.

Passage of this bill is therefore earnestly sought.

  
**RAMON BONG REVILLA, JR.**

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**Introduced by SENATOR RAMON BONG REVILLA, JR.**

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**AN ACT**  
**EXPANDING THE JURISDICTION OF THE PHILIPPINE DRUG ENFORCEMENT**  
**AGENCY, DEFINING THE PROSECUTORIAL POWERS PROVIDED THERETO,**  
**AND AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9165, OTHERWISE**  
**KNOWN AS THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, AS**  
**AMENDED**

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

1 Section 1. Section 82 of R.A. 9165, otherwise known as the Comprehensive  
2 Drugs Act of 2002, is hereby amended to read as follows:

3 Sec. 82. *Creation of the Philippine Drug Enforcement*  
4 *Agency (PDEA).* – To carry out the provisions of this Act, the  
5 PDEA, which serves as the implementing arm of the Board, shall  
6 be responsible for the efficient and effective law enforcement of  
7 all the provisions on any dangerous drug and/or controlled  
8 precursor and essential chemical as provided in this Act.

9 The PDEA shall be headed by a Director General with the rank of  
10 Undersecretary, who shall be responsible for the general  
11 administration and management of the Agency. The Director  
12 General of the PDEA shall be appointed by the President of the  
13 Philippines and shall perform such other duties that may be  
14 assigned to him/her. He/she must **BE A MEMBER OF THE**  
15 **PHILIPPINE BAR AND MUST HAVE ENGAGED IN THE**

1           **PRACTICE OF LAW FOR AT LEAST TEN (10) YEARS, AND**  
2           **MUST** possess adequate knowledge, training and experience in  
3           the field of dangerous drugs, and in any of the following fields:  
4           law enforcement, [law,] medicine, criminology, psychology or  
5           social work.

6           The Director General of the PDEA shall be assisted in the  
7           performance of his/her duties and responsibilities by two (2)  
8           deputy director generals with the rank of Assistant Secretary; one  
9           for Operations and the other one for Administration. The two (2)  
10          deputy director generals shall likewise be appointed by the  
11          President of the Philippines upon recommendation of the Board.  
12          The two (2) deputy director generals shall possess the same  
13          qualifications as those of the Director General of the PDEA. The  
14          Director General and the two (2) deputy director generals shall  
15          receive the compensation and salaries as prescribed by law.

16          **A SPECIAL PROSECUTOR'S OFFICE SHALL BE CREATED**  
17          **WHICH SHALL BE UNDER THE CONTROL AND**  
18          **SUPERVISION OF THE PDEA. THE SPECIAL**  
19          **PROSECUTOR'S OFFICE OF THE PDEA SHALL HAVE**  
20          **EXCLUSIVE JURISDICTION OVER CASES INVOLVING**  
21          **VIOLATIONS OF THIS ACT WHICH ARE NON-BAILABLE.**  
22          **FOR THIS PURPOSE, SPECIAL PROSECUTORS SHALL**  
23          **ALSO BE APPOINTED BY THE PRESIDENT OF**  
24          **PHILIPPINES UPON RECOMMENDATION BY THE BOARD.**  
25          **THE SPECIAL PROSECUTORS MUST BE A MEMBER OF THE**  
26          **PHILIPPINE BAR AND MUST HAVE ENGAGED IN THE**  
27          **PRACTICE OF LAW FOR AT LEAST FIVE (5) YEARS.**

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31          Sec. 2. Section 84 (h) of R.A. 9165 is also amended to read as follows:

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*Sec. 84. Powers and Duties of the PDEA.* – The PDEA shall:

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(h) Prepare for prosecution or cause the filing of appropriate criminal and civil cases for violation of all laws on dangerous drugs, controlled precursors and essential chemicals, and other similar controlled substances, and assist, support and coordinate with other government agencies for the proper and effective prosecution of the same, **PROVIDED, THAT THE PDEA SPECIAL PROSECUTORS OFFICE SHALL HAVE EXCLUSIVE JURISDICTION TO CONDUCT PRELIMINARY INVESTIGATION AND PROSECUTE VIOLATIONS OF THIS ACT IN CASES INVOLVING OFFENSES WHICH ARE NOT BAILABLE;**

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Sec. 3. Section 90 of R.A. 9165 is likewise amended to read as follows:

Sec. 90. The Supreme Court shall designate special courts from among the existing Regional Trial Courts in each judicial region to exclusively try and hear cases involving violations of this Act. The number of courts designated in each judicial region shall be based on the population and the number of cases pending in their respective jurisdiction.

The DOJ shall designate special prosecutors to exclusively handle cases involving violations of this Act. **IN CASES FALLING WITHIN THE EXCLUSIVE JURISDICTION OF THE PDEA SPECIAL PROSECUTORS, IT SHALL EXERCISE THE SAME POWERS AND FUNCTIONS AS THOSE OR AS MAY HEREINAFTER BE PROVIDED BY LAW, RULES AND REGULATIONS TO PUBLIC PROSECUTORS IN THE**

1                   **CONDUCT OF INVESTIGATIONS AND PROSECUTION OF**  
2                   **OFFENSES WHICH ARE NON-BAILABLE.**

3                   The preliminary investigation of cases filed under this Act shall be  
4                   terminated within a period of thirty (30) days from the date of  
5                   their filing.

6                   When the preliminary investigation is conducted by a public  
7                   prosecutor **OVER CASES WITHIN ITS JURISDICTION** and a  
8                   probable cause is established, the corresponding information shall  
9                   be filed in court within twenty-four (24) hours from the  
10                  termination of the investigation. **WHEN THE PRELIMINARY**  
11                  **INVESTIGATION IS CONDUCTED BY THE PDEA SPECIAL**  
12                  **PROSECUTORS OVER OFFENSES WITHIN THEIR**  
13                  **EXCLUSIVE JURISDICTION AND A PROBABLE CAUSE IS**  
14                  **ESTABLISHED, IT SHALL FILE AN INFORMATION IN**  
15                  **COURT WITHIN THE SAME PERIOD AS PROVIDED FOR**  
16                  **PUBLIC PROSECUTORS.** [If the preliminary investigation is  
17                  conducted by a judge and a probable cause is found to exist, the  
18                  corresponding information shall be filed by the proper prosecutor  
19                  within forty-eight (48) hours from the date of receipt of the  
20                  records of the case.]

21                  **MOTIONS FOR RECONSIDERATION OF RESOLUTIONS BY**  
22                  **THE PDEA SPECIAL PROSECUTOR SHALL BE WITHIN THE**  
23                  **EXCLUSIVE JURISDICTION OF THE DIRECTOR GENERAL**  
24                  **OF THE PDEA, WHICH SHALL BE FILED WITHIN A NON-**  
25                  **EXTENDIBLE PERIOD OF FIFTEEN (15) DAYS FROM THE**  
26                  **RECEIPT OF SUCH RESOLUTION. SUCH MOTION FOR**  
27                  **RECONSIDERATION MAY BE ENTERTAINED ONLY ON THE**  
28                  **FOLLOWING GROUNDS:**

1 (A) IF THERE IS *PRIMA FACIE* EVIDENCE OF ABUSE OF  
2 DISCRETION ON THE PART OF THE SPECIAL  
3 PROSECUTOR;

4 (B) IF THE RESOLUTION WAS RENDERED THROUGH  
5 FRAUD OR COERCION, INCLUDING GRAFT AND  
6 CORRUPTION;

7 (C) IF MADE PURELY ON QUESTIONS OF LAW;

8 (D) IF SERIOUS ERRORS IN THE FINDINGS OF PROBABLE  
9 CAUSE ARE RAISED WHICH WOULD CAUSE GRAVE OR  
10 IRREPARABLE DAMAGE OR INJURY TO THE  
11 ACCUSED/RESPONDENT.

12 THE MOTION FOR RECONSIDERATION SHALL BE  
13 RESOLVED BY THE DIRECTOR GENERAL OF PDEA NOT  
14 LATER THAN THIRTY (30) DAYS AFTER THE FILING OF  
15 THE LAST PLEADING ALLOWED BY LAW OR THE RULES.

16 MOTIONS FOR RECONSIDERATION FROM THE  
17 RESOLUTION OF THE DIRECTOR GENERAL OF THE PDEA  
18 MAY LIKEWISE BE FILED WITH THE DOJ SECRETARY  
19 WITHIN A NON-EXTENDIBLE PERIOD OF FIFTEEN (15)  
20 DAYS, WHICH MUST BE RESOLVED NOT LATER THAN  
21 THIRTY (30) DAYS FROM ITS FILING.

22 Trial of the case under this Section shall be finished by the court  
23 not later than sixty (60) days from the date of the filing of the  
24 information. Decision on said cases shall be rendered within a  
25 period of fifteen (15) days from the date of submission of the  
26 case for resolution.

27 *Sec. 4. Separability Clause.* – If for any reason any section or provision of this  
28 Act, or any portion thereof, or the application of such section, provision or portion  
29 thereof to any person, group or circumstance is declared invalid or unconstitutional, the  
30 remainder of this Act shall not be affected by such declaration and shall remain in force  
31 and effect.

1            *Sec. 5. Repealing Clause.* – All laws, decrees, orders, issuances, rules and  
2 regulations or parts thereof inconsistent with the provisions of this Act are hereby  
3 repealed, amended, or modified accordingly.

4            *Sec. 6. Effectivity.* – This Act shall take effect fifteen (15) days after its  
5 publication in the *Official Gazette* or in a newspaper of general circulation.

*Approved,*