

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

OFFICE

10 JUL -5 11:30

SENATE

S.B. No. 112

RECEIVED

INTRODUCED BY SEN. GREGORIO B. HONASAN II

EXPLANATORY NOTE

The enactment of RA 9165, otherwise known as the *Comprehensive Dangerous Drugs Act of 2002*, envisioned an urgent attainment of a drug-free Philippines. Mindful of the pernicious effects that these dangerous drugs create in our society, Section 2 thereof demands that the government pursue an intensive and unrelenting campaign against the trafficking and use of dangerous drugs and other similar substances.

Eight years after the passage of the aforesaid law, our country's drive against illegal drugs still remains critical in order to effectively safeguard the well being of our people. Indeed, after zealous efforts to effectively enforce the said law, the government has made great strides in curbing the prevailing drug problems in our society—the intensified operations of the government have neutralized a number of large-scale drug syndicates, dismantled prominent drug dens and laboratories, and facilitated the arrest of drug pushers, financiers, and cultivators.

While notable accomplishments were made through this law, there is still a compelling need to amend the statute in order to address certain shortcomings in some of its provisions that, if left unchecked, may hamper the State's continuous drive to eradicate drug problems in the country. Furthermore, there is a need to fine-tune the law in order to strengthen its enforcement and accommodate new drug-related problems that have since emerged, which may not have been contemplated and penalized by the present statute.

This Senate Bill covers relevant amendments such as the inclusion of exportation of dangerous drugs as a prohibited act; the graduation of penalty commensurate to the quantity of drugs seized; the inclusion of a plea-bargaining provision; the grant of wire-tapping and other electronic surveillance techniques subject to certain substantial and procedural limitations; and such other important amendments—that will enable the enforcement of the national drug abuse prevention and control strategy more administratively feasible and effective.

In view of the foregoing, I urge my colleagues to support the immediate approval of this measure.



GREGORIO B. HONASAN II
Senator

SENATE

10 JUL -5 P 1:30

S.B. No. 112

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Introduced by Sen. Gregorio B. Honasan II

**AN ACT
TO FURTHER STRENGTHEN THE ANTI-DRUG CAMPAIGN OF THE GOVERNMENT
AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF RA 9165 ENTITLED
"AN ACT INSTITUTING THE COMPREHENSIVE DRUGS ACT OF 2002, REPEALING
REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS
ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER
PURPOSES"**

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

Section 1. Section 3, Article 1, of Republic Act No. 9165, otherwise known as the
Comprehensive Dangerous Drugs Act of 2002, hereinafter referred to as "the Act", is
hereby amended to read as follows:

"Section 3. Definitions. As used in this Act, the following terms shall mean:

(h) Controlled Precursors and Essential Chemicals.—Include those listed in Tables I
and II of the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and
Psychotropic Substances as enumerated in the attached annex, which is an integral
part of this Act, **AS WELL AS THOSE CLASSIFIED AS SUCH BY THE BOARD.**

(j) Dangerous Drugs.—Include those listed in the Schedules annexed to the 1961 Single
Convention on Narcotic Drugs, as amended by the 1972 Protocol, and in the Schedules
annexed to the 1971 [Single] Convention on Psychotropic Substances as enumerated in
the attached annex which is an integral part of this Act, **AS WELL AS THOSE
CLASSIFIED AS SUCH BY THE BOARD.**

(r) [Illegal] DRUG Trafficking.—The illegal cultivation, culture, delivery, administration,
dispensation, manufacture, sale, trading, transportation, distribution, importation,
exportation, DIVERSION and possession of any dangerous drug and /or controlled
precursor and essential chemical.

(ff) Pusher. — Any person who sells, trades, **EXPORTS**, administers, dispenses, delivers
or gives away to another, on any terms whatsoever, or distributes, dispatches in transit
or transports dangerous drugs or who acts as a broker in any of such transactions, in
violation of this Act.

**(GG) DOH ACCREDITED PHYSICIAN. - A PHYSICIAN WITH BACKGROUND AND
EXPERIENCE ON PSYCHOLOGICAL / BEHAVIORAL MEDICINE WHOSE
APPLICATION HAS BEEN APPROVED AND DULY AUTHORIZED BY THE DOH TO
CONDUCT DRUG DEPENDENCY EXAMINATION AND TREATMENT ON PERSONS
BELIEVED TO BE USING DANGEROUS DRUGS.**

(HH) DRUG DEPENDENCY EXAMINATION. - A PROCEDURE CONDUCTED BY A DOH-ACCREDITED PHYSICIAN TO EVALUATE THE EXTENT OF DRUG ABUSE OF A PERSON AND TO DETERMINE WHETHER OR NOT HE/SHE IS A DRUG DEPENDENT, WHICH INCLUDES HISTORY TAKING, INTAKE INTERVIEW, DETERMINING OF THE CRITERIA FOR DRUG DEPENDENCY, MENTAL AND PHYSICAL STATUS, AND THE DETECTION OF DANGEROUS DRUGS IN BODY SPECIMENS THROUGH LABORATORY PROCEDURES.

(II) RANDOM DRUG TEST. - A TEST PERFORMED ON A SPECIMEN COLLECTED FROM A PERSON WHO IS SELECTED FROM A GROUP OF INDIVIDUALS HAVING THE SAME PROBABILITY OF SELECTION.

(JJ) REHABILITATIVE SURVEILLANCE. - INTENSIVE SUPERVISION AND MONITORING OF A CLIENT UNDERGOING OUTPATIENT TREATMENT, PROBATION, SUSPENDED SENTENCE AND /OR AFTERCARE PROGRAMS TO DETERMINE HIS/HER COMPLIANCE OF A DRUG FREE STATE, HIS/HER SOCIAL RESPONSIBILITIES AND HIS/ HER RETURN AS A PRODUCTIVE MEMBER OF THE SOCIETY."

[(gg)] (KK) School. - x x x

[(hh)] (LL) Screening Test. - x x x

[(ii)] (MM) Sell. - x x x

[(jj)] (NN) Trading. - x x x

[(kk)] (OO) Use. - x x x

Sec 2. Section 5, Article 2 of the Act is hereby amended to read as follows:

Section 5. Sale, Trading, **EXPORTATION**, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.—The penalty of life imprisonment and fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who **BRING OUT OF THE COUNTRY**, administer, dispense, deliver, give away to another, distribute dispatch in transit or transport any dangerous drug, including any and all species of opium poppy, **IN THE FOLLOWING QUANTITIES**, regardless of [the quantity and] purity [involved], or shall act as a broker in any of such transactions [.]:

1.) ~~FIVE (5) GRAMS OR MORE OF METHAMPHETAMINE HYDROCHLORIDE OR "SHABU", "MARIJUANA" RESIN, "MARIJUANA" RESIN OIL, OR ANY DANGEROUS DRUG; OR~~
2.) FIFTY (50) GRAMS OR MORE OF CANNABIS OR "MARIJUANA", OPIUM PLANT OR ANY PART THEREOF, OR OTHER PLANT SOURCE OF DANGEROUS DRUGS.

IF THE QUANTITY INVOLVED IS LESS THAN THE FOREGOING QUANTITIES, THE PENALTIES SHALL BE GRADUATED AS FOLLOWS:

1.) LIFE IMPRISONMENT AND FINE RANGING ~~FROM FOUR HUNDRED THOUSAND PESOS (P400,000.00) TO FIVE HUDNRED THOUSAND PESOS (P500,000.00) IF THE QUANTITY IS THREE-(3) GRAMS OR MORE BUT LESS THAN FIVE (5) GRAMS~~ METHAMPHETAMINE ~~HYDROGHLORIDE~~ OR "SHABU", " MARIJUANA" RESIN, "MARIJUANA" RESIN OIL, OR ANY DANGEROUS DRUG; OR THIRTY (30) GRAMS OR MORE BUT LESS THAN FIFTY (50) GRAMS OF CANNABIS OR "MARIJUANA", OPIUM PLANT OR

ANY PART THEREOF, OR OTHER PLANT SOURCE OF DANGEROUS DRUGS;

2.) IMPRISONMENT OF TWENTY (20) YEARS AND ONE (1) DAY TO LIFE IMPRISONMENT AND FINE RANGING FROM THREE HUNDRED THOUSAND PESOS (P300,000.00) TO FOUR HUNDRED THOUSAND PESOS (P400,000.00) IF THE QUANTITY IS ONE (1) GRAM OR MORE BUT LESS THAN THREE (3) GRAMS OR METHAMPHETAMINE HYDROCHLORIDE OR "SHABU", "MARIJUANA" RESIN, "MARIJUANA" RESIN OR OIL, OR ANY DANGEROUS DRUG; OR TEN (10) GRAMS OR MORE BUT LESS THAN THIRTY (30) GRAMS OF CANNABIS OR "MARIJUANA". OPIUM PLANT OR ANY PART THEREOF, OR OTHER PLANT SOURCE OF DANGEROUS DRUGS;
3. IMPRISONMENT OF TWELVE (12) YEARS AND ONE (1) DAY TO TWENTY (20) YEARS AND FINE RANGING FROM TWO HUNDRED THOUSAND PESOS (P200,000.00) TO THREE HUNDRED THOUSAND PESOS (300,000.00) IF THE QUANTITY IS LESS THAN ONE (1) GRAM OF METHAMPHETAMINE HYDROCHLORIDE OR "SHABU", MARIJUANA" RESIN, "MARIJUANA" RESIN OIL, OR ANY DANGEROUS DRUGS; OR LESS THAN TEN (10) GRAMS OF CANNABIS OR "MARIJUANA", OPIUM PLANT OR ANY PART THEROF, OR OTHER PLANT SOURCE OF DANGEROUS DRUGS;.

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, **BRING OUT OF THE COUNTRY**, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any controlled precursor and essential chemical, or shall act as a broker in such transactions.

X X X

Sec 3. Section 8, Article 2 of the Act is hereby amended to read as follows:

Section 8. Manufacture of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.—The penalty of life imprisonment and fine ranging Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall engage in the manufacture of any dangerous drug.

The penalty or imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law, shall manufacture any controlled precursor and essential chemical.

The presence of any controlled precursor and essential chemical or laboratory equipment in the clandestine laboratory is a prima facie proof of manufacture of any dangerous drug. It shall be considered an aggravating circumstance if the clandestine laboratory is undertaken or established under the following circumstances:

- (a) Any phase of the manufacturing process was conducted in the presence of with the help of minor/s;
- (b) Any phase or manufacturing process was established or undertaken within one hundred (100) meters of a residential, business, church or school premises;

- (c) Any clandestine laboratory was secured or protected with booby traps;
- (d) Any clandestine laboratory was concealed with legitimate business operations; or
- (e) Any employment of a practitioner, chemical engineer, public official or foreigner.

The maximum penalty provided for under this Section shall be imposed upon any person, who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this Section.

The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from one hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any violator of the provisions under this Section.

THE PENALTY OF IMPRISONMENT RANGING FROM SIX (6) MONTHS AND ONE (1) DAY TO SIX (6) YEARS AND A FINE RANGING FROM ONE HUNDRED THOUSAND PESOS (P100,000.00) TO TWO HUNDRED THOUSAND PESOS (P200,000.00) SHALL BE IMPOSED UPON AN OWNER OR LESSOR OF A BUILDING, WAREHOUSE OR ANY EDIFICE, OR IN THEIR ABSENCE, THEIR DULY AUTHORIZED REPRESENTATIVE(S), WHO LEASES THE PROPERTY TO ANY PERSON BUT OMITTS TO ASCERTAIN, CHECK AND CONFIRM THAT IT IS ACTUALLY USED FOR A LAWFUL PURPOSE, AND WHICH PROPERTY IS FOUND ACTUALLY UTILIZED AS CLANDESTINE LABORATORY OR USED IN THE MANUFACTURE OR STORAGE OF DANGEROUS DRUGS, CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS.

IF THE PROPERTY SUBJECT OF THE LEASE IS GOVERNMENT OWNED, IN ADDITION TO PERPETUAL ABSOLUTE DISQUALIFICATION FROM ANY PUBLIC OFFICE, THE GOVERNMENT OFFICIALS AND EMPLOYEES, WHO OMIT TO OBSERVE AND DISCHARGE THE LEGAL OBLIGATION REQUIRED IN THE PRECEEDING PARAGRAPH SHALL BE LIABLE TO THE PENALTY IMPOSED HEREIN.

IF THE PROPERTY SUBJECT OF THE LEASE IS OWNED BY A PARTNERSHIP, CORPORATION, ASSOCIATION, OR ANY JUDICIAL ENTITY, THE PERSON LIABLE TO THE PENALTY PRESCRIBED IN THE FIRST PARAGRAPH OF THIS SECTION IS THE PARTNER, PRESIDENT, DIRECTOR, MANAGER, TRUSTEE, ESTATE ADMINISTRATOR, OR IN THEIR ABSENCE, THEIR DULY AUTHORIZED REPRESENTATIVE(S).

FOR PURPOSES OF THIS SECTION, THE PERSON TO BE HELD LIABLE IN THE PRECEEDING THREE (3) PARAGRAPHS OF THIS SECTION SHALL BE PRIMA FACIE CONSIDERED AS HAVING GIVEN THEIR CONSENT TO THE ILLEGAL USE OF THE LEASED PROPERTY WHEN THEY FAIL TO VISIT AND INSPECT THE LEASE PROPERTY AT LEAST ONCE EVERY GIVEN QUARTER, PROVIDED THAT IN NO CASE SHALL THE VISITATION BE LESS THAN FOUR (4) TIMES IN A YEAR.

THE VISITATION SHALL BE EVIDENCED BY AN AFFIDAVIT TO BE EXECUTED, WITHIN FIFTEEN (15) DAYS FROM DATE OF VISITATION AND INSPECTION, BY THE PRIVATE INDIVIDUAL, CONCERNED GOVERNMENT OFFICIAL OR EMPLOYEE, OR CONCERNED OFFICER OF THE PARTNERSHIP, CORPORATION, ASSOCIATION, OR ANY JURIDICAL ENTITY THAT OWNS THE PROPERTY SUBJECT OF THE LEASE. THE AFFIDAVIT SHALL CATEGORICALLY STATE THE FOLLOWING: (1) THE DATE WHEN THE INSPECTION OF THE PREMISES WAS MADE; (2) THE DETAILS OF THINGS SEEN AND OBSERVED DURING THE INSPECTION, AND (3) THE FACT THAT THE LEASED PREMISES IS NOT BEING USED FOR ANY UNLAWFUL PURPOSE, IF SUCH IS THE CASE, IT SHALL BE

SUBMITTED TO THE ADMINISTRATIVE [to be created by the local government unit], PURSUANT TO THE PROVISIONS OF SECTION 52 (1) HEREOF, WITHIN FIFTEEN (15) WORKING DAYS FROM THE EXECUTION OF SUCH AFFIDAVIT.

IN ADDITION, A COPY OF THE LEASE CONTRACT SHALL ALSO BE FILED WITH THE SAID ADMINISTRATIVE BOARD WITHIN FIFTEEN (15) DAYS FROM EXECUTION OF SAID CONTRACT. THE FAILURE TO COMPLY WITH THE MANDATORY REPORTORIAL REQUIREMENT SHALL ALSO CONSTITUTE A PRIMA FACIE PRESUMPTION THAT NO SUCH VISITATION WAS CONDUCTED ON THE LEASED PREMISES FOR THE DURATION OF THE COVERED PERIOD.

Sec 4. Section 9, Article 2 of the Act is hereby amended to read as follows:

Section 9. [Illegal] Chemical Diversion of Controlled Precursors and Essential Chemicals.—The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law, shall [illegally] divert any controlled precursor and essential chemical.

Sec 5. Section 11, Article 2 of the Act is hereby amended to read as follows:

Section 11. Possession of Dangerous Drugs.—The penalty of life imprisonment and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (10,000,000.00) shall be imposed upon any person, who unless authorized by law, shall possess any dangerous drug in the following quantities, regardless of [the degree of] purity thereof:

- [(1) 10 grams or more of opium;
- (2) 10 grams or more of morphine;
- (3) 10 grams or more of heroin;
- (4) 10 grams or more of cocaine or cocaine hydrochloride;
- (5) 50 grams or more of methamphetamine hydrochloride or "shabu";
- (6) 10 grams or more of marijuana resin or marijuana resin oil;
- (7) 500 grams or more of marijuana; and
- (8) 10 grams or more of other dangerous drugs such as, but not limited to, methylenedioxymethamphetamine (MDA) or "ecstasy", paramethoxyamphetamine (PMA), trimethoxyamphetamine (TMA), lysergic acid diethylamine (LSD), gamma hydroxyamphetamine (GBH), and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements, as determined and promulgated by the Board in accordance to Section 93, Article XI of this Act.]

- (1) TEN (10) GRAMS OR MORE OF METHAMPHETAMINE HYDROCHLORIDE OR "SHABU", "MARIJUANA" RESIN, "MARIJUANA" RESIN OIL OR OTHER DANGEROUS DRUGS; OR**
- (2) ONE HUNDRED (100) GRAMS OR MORE OF CANNABIS OR "MARIJUANA", OPIUM PLANT OR ANY PART THEREOF, OR OTHER PLANT SOURCE OF DANGEROUS DRUGS;**

Otherwise, if the quantity involved is less than the foregoing quantities, the penalties shall be graduated as follows:

- (1) Life imprisonment and a fine ranging from Four hundred thousand pesos (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the quantity of methamphetamine hydrochloride or "shabu" is [ten (10)] FIVE (5) grams or more but less than [fifty (50)] TEN (10) grams; OR FIFTY (50) GRAMS OR**

MORE BUT LESS THAN ONE HUNDRED (100) GRAMS OF CANNABIS OR "MARIJUANA", OPIUM PLANT OR ANY PART THEREOF, OR OTHER PLANT SOURCE OF DANGEROUS DRUGS;

- (2) Imprisonment of twenty (20) years and one (1) day to life imprisonment and a fine ranging from Four hundred thousand pesos (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the quantities of **METHAMPHETAMINE HYDROCHLORIDE OR "SHABU", "MARIJUANA" RESIN, "MARIJUANA" RESIN OIL, OR OTHER** dangerous drugs are [five (5)] **ONE (1) gram[s]** or more but less than [ten (10)] **FIVE (5) grams** [of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or "shabu", or other dangerous drugs such as, but not limited to MDMA or "ecstasy", PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements]; [three hundred (300)] **TEN (10) grams** or more but less than [five hundred (500)] **FIFTY (50) grams** of **CANNABIS OR "MARIJUANA", OPIUM PLANT OR ANY PART THEROF, OR OTHER PLANT SOURCE OF DANGEROUS DRUGS;** [marijuana; and]

- (3) Imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three hundred thousand pesos (P300,000.00) to Four hundred thousand pesos (P400,000.00), if the quantities of **METHAMPHETAMINE HYDROCHLORIDE OR "SHABU", MARIJUANA" RESIN, "MARIJUANA" RESIN OIL, OR OTHER** dangerous drugs are **ONE-HALF (1/2) GRAM OF MORE BUT** less than [five (5)] **ONE (1) gram[s]** [or opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or "shabu", or other dangerous drugs such as, but not limited to, MDMA or "ecstasy", PMA, TMA, LSD, GHB, and those similarly designed or newly introduce drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements]; or **FIVE (5) GRAMS OR MORE BUT** less than [three hundred (300)] **TEN (10) grams** of **PART THEREOF, OR OTHER PLANT SOURCE OF DANGEROUS DRUGS;** [marijuana.]

- (4) **IMPRISONMENT OF SIX (6) YEARS AND ONE (1) DAY TO TWELVE (12) YEARS AND A FINE RANGING FROM TWO HUNDRED THOUSAND PESOS (P200,000.00) TO THREE HUNDRED THOUSAND PESOS (P300,000.00), IF THE QUANTITIES OF METHAMPHETAMINE HYDROCHLORIDE OR "SHABU", CANNABIS OR "MARIJUANA" RESIN, "MARIJUANA" RESIN OIL, OR OTHER DANGEROUS DRUGS ARE ONE-FOURTH (1/4) GRAM OR MORE BUT LESS THAN ONE-HALF (1/2) GRAM; OR TWO AND ONE-HALF (2 ½) GRAMS OR MORE BUT LESS THAN FIVE (5) GRAMS OF CANNABIS OR "MARIJUANA" OPIUM PLANT OR ANY PART THEREOF, OR OTHER PLANT SOURCE OF DANGEROUS DRUGS; AND**

- (5) **IMPRISONMENT OF FOUR (4) YEARS AND ONE (1) DAY TO SIX (6) YEARS AND FINE RANGING FROM ONE HUNDRED THOUSAND PESOS (P100,000.00) TO TWO HUNDRED THOUSAND PESOS (P200,00.00), IF THE QUANTITIES OF METHAMPHETAMINE HYDROCHLORIDE OR "SHABU", CANNABIS OR "MARIJUANA" RESIN, "MARIJUANA" RESIN OIL, OR OTHER DANGEROUS DRUGS ARE LESS THAN ONE-FOUTH (1/4) GRAM; OR LESS THAN TWO AND ONE-HALF (2 ½) GRAMS OF CANNABIS OR "MARIJUANA", OPIUM PLANT OR ANY PART THEREOF, OR OTHER PLANT SOURCE OF DANGEROUS DRUGS.**

Sec 6. Section 13, Article 2 of the Act is hereby amended to read as follows:

Section 13. Possession of Dangerous Drugs During Parties, Social Gatherings or Meetings.- Any person found possessing any dangerous drugs during a party, or at a social gathering or meeting, or in the proximate company of at least two (2) persons, shall suffer the maximum penalties **CORRESPONDING TO THE QUANTITY POSSESSED** provided for in Section 11 of this Act [, regardless of the quantity and purity of such dangerous drugs].

Sec 7. Section 15, Article 2 of the Act is hereby amended to read as follows:

Section 15. Use of Dangerous Drugs. A person [apprehended or] arrested **OR SHOWING OVER SIGNS OF DRUG USE**, who, **UNLESS AUTHORIZED BY LAW, SHALL USE ANY DANGEROUS DRUG AND** is found to be positive **THEREOF**, [for use of any dangerous drug] after a confirmatory test, shall be imposed a penalty of a minimum of six (6) months rehabilitation in a government center for the first offense, ~~IF FOUND TO BE A DRUG DEPENDENT AFTER A DRUG DEPENDENCY EXAMINATION,~~ subject to the provisions of Article VIII of this Act. **HOWEVER, IF FOUND NOT TO BE A DRUG DEPENDENT, HE/SHE SHALL UNDERGO COMMUNITY SERVICE AND COUNSELLING FOR A PERIOD OF NOT LESS THAN SIX (6) MONTHS.** If apprehended **FOR** using any dangerous drug for the second time, he/she shall suffer the penalty of imprisonment ranging from ~~[six (6) years and one (1) day to twelve (12) years and a fine ranging from Fifty thousand pesos (P50,000.00) to Two hundred thousand pesos (P200,000.00)]~~ **SIX (6) MONTHS AND ONE (1) DAY TO SIX (6) YEARS AND FINE OF TWENTY THOUSAND PESOS (P20,000).** **IF APPREHENDED FOR THE THIRD AND SUBSEQUENT TIMES, HE/SHE SHALL SUFFER THE PENALTY OF IMPRISONMENT RANGING FROM SIX (6) YEARS AND ONE (1) DAY TO TWELVE (12) YEARS AND A FINE OF FIFTY THOUSAND PESOS (P50,000);** Provided, That this Section shall not be applicable where the person tested is also found to have in his/her possession such quantity of any dangerous drug provided for under Section 11 of this Act, in which case the provisions stated therein shall apply:

Sec 8. Section 17, Article 2 of the Act is hereby amended to read as follows:

Section 17. ~~**VIOLATION OR FAILURE TO COMPLY WITH THE**~~ Maintenance and Keeping of Original Records of Transactions on Dangerous Drugs and/or Controlled Precursors and Essential Chemicals. - The penalty of imprisonment ranging from one (1) year and one (1) day to six (6) years and a fine ranging from Ten thousand pesos (P10,000.00) to Fifty thousand pesos (P50,000.00) shall be imposed upon any practitioner, manufacturer, wholesaler, importer, distributor, dealer or retailer who violates or fails to comply with the maintenance and keeping of the original records of transactions on any dangerous drug and/or controlled precursor and essential chemical in accordance with Section 40 of this Act.

Sec 9. Section 20, Article 2 of the Act is hereby amended to read as follows:

Section 20. Confiscation and Forfeiture of the Proceeds or Instruments of the Unlawful Act, Including the Properties or Proceeds Derived from the Illegal Trafficking of Dangerous Drugs and/or Precursors and Essential Chemicals.—~~Every penalty imposed for the unlawful importation, sale, trading,~~ **EXPORTATION**, administration, dispensation, delivery, distribution, transportation or manufacture, **OR POSSESSION** of any dangerous drugs and/or controlled precursors and essential chemicals, **MAINTENANCE OF DEN, DIVE OR RESORT**, the cultivation or culture of plants which are sources of dangerous drugs, ~~**DIVERSION OF CONTROLLED PRECURSORS AND ESSETNIAL CHEMICALS,**~~ [and] the possession of any equipment, instrument, apparatus and other paraphernalia for dangerous drugs including other laboratory equipment ~~**AND THE ATTEMPT OR CONSPIRACY TO COMMIT THE UNLAWFUL**~~

ACTS ENUMERATED IN SECTION 26 HEREOF, shall carry with it the confiscation and forfeiture, in favour of the government, of all the proceeds and properties derived therefrom, including, but not limited to, money and other assets obtained thereby, and the instruments or tools with which the particular unlawful act was committed, unless they are the property of a third person not liable for the unlawful act, but those which are not of lawful commerce shall be ordered destroyed without delay pursuant to the provisions of Section 21 of this Act.

[During the pendency] **UPON THE FILING** of the case in the Regional Trial Court, no property, or income derived therefrom which may be confiscated and forfeited, shall be disposed OF, alienated or transferred and the same shall be place in custodia legis and no bond shall be admitted for the release of the same.

After conviction in the Regional Trial Court in the appropriate criminal case filed, the Court shall immediately schedule a hearing for the confiscation and forfeiture of [all the proceeds of the offense and] all assets and properties of the accused either owned or held by him or in the name of some other persons if the same shall be found to be manifestly out of proportion to his/her lawful income: Provided, however, That if the forfeited property is a vehicle, the same shall be auctioned off not later than five (5) days upon order of confiscation or forfeiture.

The proceeds of any sale or disposition of any property confiscated or forfeited under this Section shall be used to pay all proper expenses incurred in the proceedings for the confiscation, forfeiture, custody and maintenance of the property pending disposition, as well as expenses for publication and court costs. The proceeds in excess of the above expenses shall accrue to the Board to be used in its campaign against illegal drugs.

IN CASE OF FLAGRANTE DELICTO, THE COURT OF APPEALS, THROUGH AN EX PARTE PETITION FILED BY THE PDEA, SHALL ISSUE A FREEZE ORDER ON ANY PERSONAL AND/OR REAL PROPERTY OF A PERSON ARRESTED FOR THE COMMISSION OF ANY UNLAWFUL ACT MENTIONED IN THIS SECTION WHICH ARE PROCEEDS OR USED IN OR IN ANY WAY CONNECTED WITH OR RELATED TO THE COMMISSION THEROF. THE SAID FREEZE ORDER SHALL PROHIBIT THE WITHDRAWAL OF DEPOSITS, ENCASHMENT OR ANY CHECK OR OTHER MONETARY INSTRUMENT, OR ANY FORM OF CONVEYANCE OR TRANSFER OF SAID PERSONAL AND / OR REAL PROPERTY FOR A PERIOD OF TWENTY (20) DAYS UNLESS EXTENDED BY THE COURT.

UPON THE FILING OF THE CRIMINAL CASE IN THE REGIONAL TRIAL COURT, THE AFOREMENTIONED PERSONAL AND REAL PROPERTIES SHALL BE PLACED UNDER CUSTODIA LEGIS AND NO BOND SHALL BE ADMITTED FOR THE RELEASE OF THE SAME.

Sec 10. Section 21, Article 2 of the Act is hereby amended to read as follows:-----

Section 21. Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment.—The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and / or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

- (1) The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or

counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof;

- (2) Within twenty-four (24) hours upon confiscation/seizure of dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and / or laboratory equipment, the same shall be submitted to the PDEA Forensic Laboratory **OR A GOVERNMENT-OWNED FORENSIC LABORATORY DULY ACCREDITED BY PDEA** for a [qualitative and] quantitative examination;
- (3) A certification of the forensic laboratory examination results, which shall be done under oath by the forensic laboratory examiner, shall be issued within twenty-four (24) hours after the receipt of the subject item/s: Provided, That when the volume of the dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals does not allow the completion of testing within the time frame, a partial laboratory examination report shall be provisionally issued stating therein the quantities of dangerous drugs still to be examined by the forensic laboratory: Provided, however, That a final certification shall be issued on the completed forensic laboratory examination on the same within the next twenty-four (24) hours;
- (4) **A) UPON RECEIPT OF THE FINAL CERTIFICATION OF THE FORENSIC LABORATORY EXAMINATION, THE PDEA MAY FILE A PETITION FOR THE DESTRUCTION OF THE CONFISCATED, SEIZED AND/OR SURRENDERED DANGEROUS DRUGS, PLANT SOURCES OF DANGEROUS DRUGS, AND CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS WITH THE REGIONAL TRIAL COURT, IF NOT COVERED BY A SEARCH WARRANT, PRESIDED BY THE EXECUTIVE JUDGE OF THE PROVINCE OR CITY WHERE THE CONFISCATION, SEIZURE AND/OR SURRENDER TOOK PLACE. IF THE CONFISCATION, SEIZURE AND/OR SURRENDER IS BY VIRTUE OF A SEARCH WARRANT, THE APPROPRIATE MOTION SHALL BE FILED WITH THE COURT WHICH ISSUED THE SAID SEARCH WARRANT. IN BOTH INSTANCES, THE PETITION OR MOTION SHALL BE FILED WITH THE PRIOR WRITTEN CONSENT OF THE PROVINCIAL OR CITY PROSECUTOR WHICH SHALL BE INDICATED IN THE PLEADING. THE TRIAL COURT WHERE THE CRIMINAL CASE IS SUBSEQUENTLY FILED SHALL TAKE JUDICIAL NOTICE OF THE PROCEEDINGS THEROF.**

[(4)] B) [After the filing of the criminal case, the] THE Court WHERE THE AFOREMENTIONED PETITION OR MOTION IS FILED OR, IF NEITHER IS FILED, THE COURT WHERE THE CRIMINAL CASE IS FILED shall, within seventy-two (72) hours UPON THE FILING OF THE PETITION, MOTION OR CRIMINAL CASE, AS THE CASE MAY BE, conducted an ocular inspection of the confiscated, seized and/or surrendered dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals, including the instruments/ paraphernalia and/or laboratory equipment, and through the PDEA shall within twenty-four (24) hours thereafter proceed with the destruction or burning of the same, in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, **A MEMBER OF THE APPREHENDING TEAM, a representative from the media and the DOJ, civil society groups and any elected public official. The Board shall draw up the guidelines on the manner of proper disposition and destruction of such item/s which shall be borne by the offender: Provided, That those items/s of lawful commerce, as determined by the Board, shall be donated, used or recycled for legitimate purposes:**

Provided, further, That a representative sample, duly weighed and recorded is retained;

- (5) The Board shall then issue a sworn certification as to the fact of destruction or burning of the subject items/s which, together with the representative sample/s in the custody of the PDEA, shall be submitted to the court having Jurisdiction over the case. In all instances, the representative sample/s shall be kept to a minimum quantity as determined by the Board;
- (6) The alleged offender or his/her representative or counsel, shall be allowed to personally observe all of the above proceedings and his/her presence shall not constitute an admission of guilt. In case the said offender or accused refuses or fails to appoint a representative after due notice in writing to the accused or his/her counsel within seventy-two (72) hours before the actual burning or destruction of the evidence in question, the Secretary of Justice shall appoint a member of the public attorney's office to represent the former;
- (7) After the promulgation and judgment in the criminal case wherein the representative sample/s was presented as evidence in court, the trial prosecutor shall inform the Board of the final termination of the case and, in turn, shall request the court for leave to turn over the said representative sample/s to the PDEA for proper disposition and destruction within twenty-four (24) hours from receipt of the same; and
- (8) Transitory Provision: a) Within twenty-four (24) hours from the effectivity of this Act, dangerous drugs defined herein which are presently in possession of law enforcement agencies shall, with leave of court, be burned or destroyed, in the presence of representatives of the Court, DOJ, Department of Health (DOH) and the accused/ and or his/her counsel, and, b) Pending the organization of the PDEA, the custody, disposition, and burning or destruction of seized/ surrendered dangerous drugs provided under this Section shall be implemented by the DOH.

Sec 11. Section 23, Article 2 of the Act is hereby amended to read as follows:

[Section 23. Plea-Bargaining Provision. Any person charged under any provision of this act regardless of the imposable penalty shall not be allowed to avail of the provision on plea-bargaining.]

SECTION 23. PLEA-BARGAINING PROVISION. – SUBJECT TO THE PROVISION OF SECTION 2, RULE 116 OF THE REVISED RULES OF CRIMINAL PROCEDURE, THE PROVISION ON PLEA BARGAINING MAY BE ALLOWED TO ANY PERSON WHO HAS VIOLATED SEC. 4, 5, 6, 7, 8, 9, 10,13, AND 16 ARTICLE II OF THIS ACT PROVIDED SUCH PERSON VOLUNTARY GIVES INFORMATION ABOUT ANY VIOLATION OF THE OFFENSES MENTIONED ABOVE AS WELL AS THE SAME OFFENSES IF COMMITTED BY A DRUG SYNDICATE OR ANY INFORMATION LEADING TO THE WHEREABOUTS, IDENTITIES AND ARREST OF ALL OR ANY OF THE MEMBERS THEREOF.

Sec 12. Section 24, Article 2 of the Act is hereby amended to read as follows:

[Section 24. Non-Applicability of the Probation Law for Drug Traffickers and Pushers.- Any person convicted for drug trafficking or pushing under this Act, regardless of the penalty imposed by the Court, cannot avail of the privilege granted by the Probation Law or Presidential Decree No. 968, as amended.]

Section 13. Section 26, Article II of this act is hereby amended to read as follows:

Section 26. *Attempt or Conspiracy* –

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SECTION 26-A. SUBJECT TO THE CONDITIONS AND PROCEDURES PROVIDED FOR IN REPUBLIC ACT 4200, OTHERWISE KNOWN AS ANTI WIRE-TAPPING LAW, ANY LAW ENFORCEMENT OFFICER MAY CONDUCT WIRE-TAPPING ACTIVITIES, ELECTRONIC SURVEILLANCE, CONSENSUAL MONITORING AND OTHER MODERN COVERT INVESTIGATIVE TECHNIQUES TO OBTAIN RELEVANT INFORMATION AND RECORD ANY COMMUNICATION OR SPOKEN WORD, IN CASE OF ANY ATTEMPT, CONSPIRACY TO COMMIT, OR COMMISSION OF ANY OF THE UNLAWFUL ACTS MENTIONED IN THE IMMEDIATELY PRECEDING SECTION.

Sec 14. Section 27, Article 2 of the Act is hereby amended to read as follows:

Section 27. Criminal Liability of a Public Officer or Employee for Misappropriation, Misapplication or Failure to Account for the Confiscated, Seized and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment Including the Proceeds or Properties Obtained from the Unlawful Act Committed. - The penalty of life imprisonment and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00), in addition to absolute perpetual disqualification from any public office, shall be imposed upon any public officer or employee who misappropriates, misapplies or fails to account for confiscated, seized or surrendered dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment including the proceeds or properties obtained from the unlawful acts as provided for in this Act.

[Any elective local or national official found to have benefited from the proceeds of the trafficking of dangerous drugs as prescribed in this Act, or have received any financial or material contributions or donations from natural or juridical persons found guilty of trafficking dangerous drugs as prescribed in this Act, shall be removed from office and perpetually disqualified from holding any elective or appointive positions in the government, its divisions, subdivisions, and intermediaries, including government-owned or controlled corporations.]

Sec 15. Section 28, Article 2 of the Act is hereby amended to read as follows:

Section 28. Criminal Liability of Government Officials and Employees.—The maximum penalties of the unlawful acts provide for in this Act shall be imposed, in addition to absolute perpetual disqualification from any public office, if those found guilty of such unlawful acts are government official and employees.

ANY ELECTIVE OR APPOINTIVE LOCAL OR NATIONAL OFFICIAL OR EMPLOYEE, FOUND TO HAVE KNOWINGLY BENEFITED FROM THE PROCEEDS OF DRUG TRAFFICKING AS PRESCRIBED IN THIS ACT; SHALL BE IMPOSED THE PENALTY OF TWELVE (12) YEARS AND ONE (1) DAY TO TWENTY (20) YEARS AND A FINE RANGING FROM ONE HUNDRED THOUSAND PESOS (P100,000.00) TO FIVE HUNDRED THOUSAND PESOS (P500,000.00) AND PERPETUALLY DISQUALIFIED FROM HOLDING ANY ELECTIVE OR APPOINTIVE POSITIONS IN THE GOVERNMENT, ITS DIVISIONS, SUBDIVISIONS, AND INTERMEDIARIES, INCLUDING GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS.

Sec 16. Section 36, Article 3 of the Act is hereby amended to read as follows:

Section 36. Authorized Drug Testing.—Authorized drug testing shall be done by any government forensic laboratories or by any of the drug testing laboratories accredited and monitored by the DOH to safeguard the quality of test results. The DOH shall take steps in setting the price of the drug test with DOH accredited drug testing centers to further reduce the cost of such test. The drug testing shall employ, among others, two (2) testing methods, the screening test which will determine the positive result as well as the type of the drug used and the confirmatory test which will confirm a positive drug test. Drug test certificates issued by accredited drug testing centers shall be valid for a one-year period from the date of issue which may be used for other purposes. The following shall be subjected to undergo drug testing:

(a) Applicants for driver's license. - No driver's license shall be issued or renewed to any person unless he/she presents a certification that he/she has undergone a mandatory drug test and indicating thereon that he/she is free from the use of dangerous drugs;

(b) Applicants for firearm's license and for permit to carry firearms outside of residence.—All applicants for firearm's license and permit to carry firearms outside of residence shall undergo a mandatory drug test to ensure that they are free from the use of dangerous drugs: Provided, That all persons who by the nature of their profession carry firearms shall undergo drug testing;

(c) Students of secondary and tertiary schools.—Students of secondary and tertiary schools shall, pursuant to the related rules and regulations as contained in the school's student handbook and with notice to the parents, undergo a random drug testing: Provided, That all drug testing expenses whether in public or private schools under this Section will be borne by the government;

(d) Officers and employees of public and private offices.—Officers and employees of public and private offices, whether domestic or overseas, shall be subjected to undergo a random drug test as contained in the company's work rules and regulations, which shall be borne by the employer, for purposes of reducing the risk in the workplace. Any officer or employee found positive for use of dangerous drugs shall be dealt with administratively which shall be a ground for suspension or termination, subject to the provisions of Article 282 of the Labor Code and pertinent provisions of the Civil Service Law, **WITHOUT PREJUDICE TO ANY SANCTIONS THAT MAY BE PROVIDED FOR IN THE DRUG-FREE WORKPLACE POLICY OF THE PUBLIC OR PRIVATE OFFICE PURSUANT TO SECTION 47 OF THIS ACT;**

(e) Officers and members of the military, police and other law enforcement agencies.—Officers and members of the military, police and other law enforcement agencies shall undergo an annual mandatory drug test;

[(f) All persons charged before the prosecutor's office with a criminal offense having an impossible penalty of imprisonment of not less than six (6) years and one (1) day shall have to undergo a mandatory drug test; and

(g) All candidates for public office whether appointed or elected both in the national or local government shall undergo a mandatory drug test.]

In addition to the above stated penalties in this Section, those found to be positive for dangerous drugs use shall be subject to the provisions of Section 15 of this Act.

Sec 17. Section 44, Article 4 of the Act is hereby amended to read as follows:

Section 44. Heads, Supervisors, and Teachers of Schools.—For the purpose of enforcing the provisions of Article II of this Act, all school heads, supervisors and teachers shall be deemed persons in authority and, as such, are hereby empowered to apprehend, arrest or cause the apprehension or arrest of any person who shall violate any of the said provisions, pursuant to Section 5, Rule 113 of the Rules of Court. They shall be deemed persons in authority if they are in the school or within its immediate vicinity, or even beyond such immediate vicinity if they are in attendance at any school or class function in their official capacity as school heads, supervisors, and teachers.

Any teacher or school employee, who discovers or finds that any person in the school or within its immediate vicinity is liable for violating any of said provisions, shall have the duty to report the same to the school head or immediate superior who shall, in turn, report the matter to the proper authorities.

Failure to do so in either case, within a reasonable period from the time of discovery of the violation shall, after due hearing, constitute sufficient cause for disciplinary action by the school authorities.

APPROPRIATE PROTECTION OF THE CONCERNED SCHOOL OFFICIALS SHALL BE PUT IN PLACE TO ENSURE PERSONAL SECURITY AND PEACE OF MIND AMONG THEM, SUCH AS FREE LEGAL ASSISTANCE, POLICE PROTECTION AND ANY OTHER ASSISTANCE AS MAY BE DEEMED NECESSARY.

Sec 18. Section 47, Article 5 of the Act is hereby amended to read as follows:

Section 47. Drug-Free Workplace.—It is deemed a policy of the State to promote drug-free workplaces **IN BOTH THE PRIVATE**, using a tripartite approach, **AND PUBLIC SECTORS**. With the assistance of the Board, the Department of Labor and Employment (DOLE) shall develop, promote and implement a national drug [abuse] prevention program in the workplace to be adopted by private companies with ten (10) or more employees. Such program shall include the mandatory drafting and adoption of company policies against drug use in the workplace in close consultation and coordination with the DOLE, labor and employer organizations, human resource development managers and other such private sector organizations.

THE BOARD SHALL DEVELOP, PROMOTE AND IMPLEMENT A NATIONAL DRUG PREVENTION PROGRAM IN GOVERNMENT WORKPLACES INCLUDING GOVERNMENT OWNED AND CONTROLLED CORPORATIONS AND LOCAL GOVERNMENT UNITS.

Sec 19. Section 49, Article 6 of the Act is hereby amended to read as follows:

Section 49. Labor Organizations and the Private Sector.—All labor unions, federations, associations, or organizations [in cooperation with the] **AND THEIR** respective [private sector partners] **EMPLOYERS** shall include in their collective bargaining or any similar agreements, joint continuing programs and information campaigns for the laborers similar to the programs provided under Section 47 of this Act with the end in view of achieving a drug free workplace.

Sec 20. Section 52, Article 7 of the Act is hereby amended to read as follows:

Section 52. Abatement of Drug-Related Public Nuisance. —Any place or premises which have been used on two or more occasions as the site of the unlawful sale, [or] delivery **OR USE** of dangerous drugs, **OR AS A CLANDESTINE LABORATORY, OR AS A STORAGE PLACE FOR DANGEROUS DRUGS, CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS** may be declared to be a public nuisance, and such nuisance may be abated, pursuant to the following procedures:

- (1) Any city or municipality [may] **SHALL**, by ordinance, create an administrative board to hear complaints regarding the nuisance;
- (2) any employee, officer, or resident of the city or municipality may bring a complaint before the Board after giving not less than three (3) days written notice of such complaint to the owner of the place or premises at his/her last known address; and
- (3) after hearing in which the Board may consider any evidence, including evidence of the general reputation of the place or premises, and at which the owner of the premises shall have an opportunity to present evidence in his/her defense, the Board may declare the place or premises to be a public nuisance.

Sec 21. Section 54, Article 8 of the Act is hereby amended to read as follows:

Section 54. Voluntary Submission of a Drug Dependent to Confinement, Treatment and Rehabilitation.—A drug dependent [or any person who violates Section 15 of this Act] may be himself/herself or through his/her parent, spouse, guardian or relative within the fourth degree of consanguinity or affinity, [apply to the Board or its duly recognized representative, for treatment and rehabilitation of the drug dependency] **FILE A VERIFIED APPLICATION TO THE BOARD, OR ITS DULY AUTHORIZED REPRESENTATIVE, FOR VOLUNTARY CONFINEMENT FOR TREATMENT AND REHABILITATION.** [Upon such application, the Board shall bring forth the matter to the Court which shall order that the applicant be examined for drug dependency] **UPON RECEIPT OR THE VERIFIED APPLICATION, THE BOARD, OR ITS DULY AUTHORIZED REPRESENTATIVE, SHALL ORDER THAT THE APPLICANT OR THE PERSON IN WHOSE BEHALF THE APPLICATION IS FILED BE EXAMINED FOR DRUG DEPENDENCY BY A DOH- ACCREDITED PHYSICIAN. UPON ISSUANCE OF A CERTIFICATION BY THE EXAMINING PHYSICIAN THAT THE APPLICANT OR THE PERSON IN WHOSE BEHALF THE APPLICATION IS FILED IS A DRUG DEPENDENT AND HIS/HER CONFINEMENT IN A TREATMENT AND REHABILITATION CENTER IS RECOMMENDED, THE BOARD OR ITS DULY AUTHORIZED REPRESENTATIVE, SHALL FILE A PETITION WITH THE APPROPRIATE COURT FOR THE CONFINEMENT OF THE SAID DRUG DEPENDENT FOR TREATMENT AND REHABILITATION. IF THE EXAMINING PHYSICIAN RECOMMENDS THE IMMEDIATE CONFINEMENT OF THE DRUG DEPENDENT, THE BOARD, OR ITS DULY AUTHORIZED REPRESENTATIVE, SHALL ORDER HIS/HER TEMPORARY CONFINEMENT IN A GOVERNMENT OR PRIVATE TREATMENT AND REHABILITATION CENTER, AT THE OPTION OF THE APPLICANT AND AT HIS/HER EXPENSE, PENDING THE ISSUANCE OF THE COMMITMENT ORDER OF THE COURT. THE TEMPORARY CONFINEMENT OF THE DRUG DEPENDENT SHALL NOT EXCEED FIFTEEN (15) DAYS AND ITS SHALL BE DULY ALLEGED IN THE PETITION OF THE BOARD TO FILED WITH THE COURT.**

ANY OPPOSITION TO THE TEMPORARY CONFINEMENT OF A DRUG DEPENDENT SHALL BE IN WRITING AND VERIFIED, IT SHALL STATE THE GROUNDS FOR THE OPPOSITION AND SHALL BE FILED WITH THE OFFICE OF THE EXECUTIVE DIRECTOR OF THE BOARD. UPON RECEIPT OF THE OPPOSITION, THE EXECUTIVE DIRECTOR SHALL ACT WITH ALL REASONABLE DILIGENCE AND TAKE ALL MEASURES NECESSARY TO RESOLVE THE OPPOSITION. THE TEMPORARY CONFINEMENT SHALL STAY, UNLESS THE OPPOSITION CLEARLY SHOWS THAT THE CONTINUED CONFINEMENT OF THE DRUG DEPENDENT IS DETRIMENTAL TO HIS/HER PHYSICAL AND MENTAL

WELL-BEING AND THAT HE/SHE DOES NOT POSE A DANGER TO HIMSELF/HERSELF, HIS/HER FAMILY OR THE COMMUNITY.

UPON THE PETITION OF THE BOARD, THE COURT SHALL ORDER THAT THE APPLICANT BE EXAMINED FOR DRUG DEPENDENCY OR SHALL TAKE COGNIZANCE OF THE CERTIFICATION OF THE EXAMINING PHYSICIAN MENTIONED IN THE IMMEDIATELY PRECEDING PARAGRAPH. If the examination by a DOH-accredited physician results in the issuance of a certification that the applicant is a drug dependent, he/she shall be ordered by the Court to undergo treatment and rehabilitation in a Center designated by the Board for a period of not less than six (6) months: Provided, That a drug dependent may be placed under the care of a DOH-accredited physician where there is no Center near or accessible to the residence of the drug dependent or where said drug dependent is below eighteen (18) years of age and is a first-time offender and non-confinement in a Center will not pose a serious danger to his/her family or the community.

Confinement in a Center for treatment and rehabilitation shall not exceed one (1) year, after which time the Court, as well as the Board, shall be apprised by the head of the treatment and rehabilitation center of the status of said drug dependent and determine whether further confinement will be for the welfare of the drug dependent and his/her family or the community.

Sec 22. Section 55, Article 8 of the Act is hereby amended to read as follows:

Section 55. Exemption from the Criminal Liability Under the Voluntary Submission Program. A drug dependent under the voluntary submission program, who is finally discharged from confinement, shall be exempt from the criminal liability under Section 15 of this act subject to the following conditions:

(1) He/she has complied with the rules and regulations of the center, the applicable rules and regulations of the Board, including the after-care and follow-up program for [at least eighteen (18) months] **A PERIOD OF TIME TO BE DETERMINED BY THE ATTENDING DOH-ACCREDITED PHYSICIAN, BUT NOT EXCEEDING EIGHTEEN (18) MONTHS**, following temporary discharge from confinement in the Center or, in the case of a dependent placed under the care of the DOH-accredited physician, the after-care program and follow up schedule formulated by the DSWD and approved by the Board: Provided, That capability-building of local government social workers shall be undertaken by the DSWD;

[(2) He/she has never been charged or convicted of any offense punishable under this Act, the Dangerous Drugs Act of 1972 or Republic Act No. 6425, as amended; the Revised Penal Code, as amended; or any special penal laws;]

(2) HE /SHE HAS NEVER BEEN CHARGED OR CONVICTED UNDER SECTION 15 OF THIS ACT;

(3) He/she has no record of escape from a Center: Provided, That had he/she escaped, he/she surrendered by himself/herself or through his/her parent, spouse, guardian or relative within the fourth degree of consanguinity or affinity, within one (1) week from the date of the said escape; and

[(4) He/she poses no serious danger to himself/herself, his/her family or the community by his/her exemption from criminal liability.]

(4) HE/SHE HAS NOT BEEN PREVIOUSLY COMMITTED TO A CENTER OR TO THE CARE OF A DOH-ACCREDITED PHYSICIAN.

Sec 23. Section 56, Article 8 of the Act is hereby amended to read as follows:

Section 56. Temporary Release From the Center; After-Care and Follow-Up Treatment Under the Voluntary Submission Program.—Upon certification of the Center that the drug dependent within the voluntary submission program may be temporarily released, the Court shall order his/her release on condition that said drug dependent shall report to the DOH for after-care and follow-up treatment, including urine testing, for a period **TO BE DETERMINED BY THE ATTENDING DOH ACCREDITED PHYSICIAN, BUT** not exceeding eighteen (18) months, under such terms and conditions that the Court may impose.

If during the period of after-care and follow-up, the drug dependent is certified to be rehabilitated, he/she may be discharged by the Court, subject to the provisions of Section 55 of this Act, without prejudice to the outcome of any pending case filed in court.

However, should the DOH find that during the initial after-care and follow up program [of eighteen (18) months], the drug dependent requires further treatment and rehabilitation in the Center, he/she shall be recommitted to the Center for confinement. Thereafter, he/she may again be certified for temporary release and ordered released for another after-care and follow-up program pursuant to this Section.

Sec 24. Section 61, Article 8 of the Act is hereby amended to read as follows:

Section 61. Compulsory Confinement of a Drug Dependent Who Refuses to Apply Under the Voluntary Submission Program.—Notwithstanding any law, rule and regulation to the contrary, any person determined and found to be dependent on dangerous drugs shall, upon petition by the Board or any of its authorized representative, be confined for treatment and rehabilitation in any Center duly designated or accredited for the purpose.

A petition for the confinement of a person alleged to be dependent on dangerous drugs to a Center may be filed by any person authorized by the Board with the Regional Trial Court of the province or city where such person is found.

After the petition is filed, the court, by an order, shall immediately fix a date for the hearing, and a copy of such order shall be served on the person alleged to be dependent on dangerous drugs, and to the one having charge of him.

If after such hearing and the facts so warrant, the court shall order the drug dependent to be examined by two (2) [physician accredited by the Board.] **DOH-ACCREDITED PHYSICIAN.** If both physicians conclude that the respondent is not a drug dependent, the court shall order his/her discharge. If either physician finds him to be dependent, the court shall conduct a hearing and consider all relevant evidence which may be offered. If the court finds him a drug dependent, it shall issue an order for hi/her commitment to a treatment and rehabilitation center under the supervision of the DOH. In any event, the order of discharge or order of confinement or commitment shall be issued not later than fifteen (15) days from the filing of the appropriate petition.

CONFINEMENT IN A CENTER FOR TREATMENT AND REHABILITATION SHALL NOT BE LESS THAN SIX (6) MONTHS BUT NOT TO EXCEED ONE (1) YEAR, AFTER WHICH TIME THE COURT, AS WELL AS THE BOARD, SHALL BE APPRAISED BY THE HEAD OF THE TREATMENT AND REHABILITATION CENTER OF THE STATUS OF THE DRUG DEPENDENT AND DETERMINE WHETHER FURTHER CONFINEMENT WILL BE FOR THE WELFARE OF THE SAID, DRUG DEPENDENT AND HIS/HER FAMILY OR THE COMMUNITY.

UPON CERTIFICATION OF THE CENTER THAT HE/SHE MAY TEMPORARILY BE DISCHARGED FROM THE SAID CENTER, THE COURT SHALL ORDER HIS/HER RELEASE ON CONDITION THAT HE/SHE SHALL REPORT TO THE BOARD, THROUGH THE DOH, FOR AFTER-CARE AND FOLLOW-UP TREATMENT FOR A PERIOD [not exceeding eighteen (18) months] TO BE DETERMINED BY THE ATTENDING DOH ACCREDITED PHYSICIAN BUT IN NO CASE SHALL EXCEED EIGHTEEN (18) MONTHS UNDER SUCH TERMS AND CONDITIONS AS MAY BE IMPOSED BY THE BOARD.

IF AT ANYTIME DURING THE AFTER-CARE AND FOLLOW-UP PERIOD, THE BOARD CERTIFIES TO HIS/HER COMPLETE REHABILITATION, THE COURT SHALL ORDER HIS/HER FINAL DISCHARGE FROM CONFINEMENT. SHOULD THE BOARD THROUGH THE DOH FIND AT ANYTIME DURING THE AFTER CARE AND FOLLOW-UP PERIOD THAT HE/SHE REQUIRES FURTHER TREATMENT AND REHABILITATION, IT SHALL REPORT TO THE COURT, WHICH SHALL ORDER HIS/HER RECOMMITMENT TO THE CENTER.

SHOULD THE DRUG DEPENDENT UNDER COMPULSORY CONFINEMENT ESCAPE FROM THE CENTER, HE/SHE MAY RESUBMIT HIMSELF/HERSELF FOR CONFINEMENT WITHIN ONE (1) WEEK FROM THE DATE OF HIS/HER ESCAPE; OR HIS/HER PARENT, SPOUSE, GUARDIAN OR RELATIVE WITHIN THE FOURTH DEGREE OF CONSAGUINITY OR AFFINITY MAY, WITHIN THE SAME PERIOD, SURRENDER HIM FOR RECOMMITMENT. IF, HOWEVER, THE DRUG DEPENDENT DOES NOT RESUBMIT HIMSELF/HERSELF FOR CONFINEMENT OR HE/SHE IS NOT SURRENDERED FOR RECOMMITMENT, THE BOARD MAY APPLY WITH THE COURT FOR THE ISSUANCE OF THE RECOMMITMENT ORDER. UPON PROOF OF PREVIOUS COMMITMENT, THE COURT SHALL ISSUE AN ORDER FOR RECOMMITMENT, HE/SHE SHOULD ESCAPE AGAIN, HE/SHE SHALL NO LONGER BE EXEMPT FROM CRIMINAL LIABILITY FOR USE OF ANY DANGEROUS DRUG.

A DRUG DEPENDENT COMMITTED UNDER THIS PARTICULAR SECTION WHO IS FINALLY DISCHARGED FROM CONFINEMENT SHALL BE EXEMPT FROM CRIMINAL LIABILITY UNDER SECTION 15 OF THIS ACT, SUBJECT TO THE CONDITIONS PROVIDED FOR IN SECTION 55 OF THIS ACT AND WITHOUT PREJUDICE TO THE OUTCOME OF ANY PENDING CASE FILED IN COURT. ON THE OTHER HAND, A DRUG DEPENDENT WHO IS NOT REHABILITATED AFTER A SECOND COMMITMENT TO THE CENTER SHALL, UPON CONVICTION BY THE APPROPRIATE COURT, SUFFER THE SAME PENALTIES PROVIDED FOR UNDER SECTION 15 OF THIS ACT WITHOUT PREJUDICE TO THE OUTCOME OF ANY PENDING CASE FILED IN COURT.

Sec 25. Section 62, Article 8 of the Act is hereby amended to read as follows:

Section 62. Compulsory Submission of a Drug Dependent Charged with an Offense to Treatment and Rehabilitation to Treatment and Rehabilitation.

--If a [person who is charged with an offense where the imposable penalty is imprisonment of less that six (6) years and one (1) day, and is found by] **RESPONDENT OR ACCUSED IN A CRIMINAL CASE WHO APPEARS TO BE A DRUG DEPENDENT** TO the prosecutor or the court, at any stage of the proceedings, [to be a drug dependent,] the prosecutor or the court, as the case may be, shall suspend all futher proceedings and transmit copies of the record of the case to the Board **FOR DRUG DEPENDENCY EXAMINATION.**

[In the event the Board determines, after medical examination,] **IF FOUND TO BE A DRUG DEPENDENT AND** that public interest requires that such drug dependent be committed to a center for treatment and rehabilitation, (it) **THE BOARD** shall file a petition for his/her commitment with the regional trial court of the province or city where

he/she is being investigated [or tried]: Provided, That where a criminal case is pending in court, such petition shall be filed in the said court. The court shall take judicial notice of the prior proceedings in the case and shall proceed to hear the petition. If the court finds him to be a drug dependent, it shall order his/her commitment to a Center, **RECOMMENDED BY THE BOARD**, for treatment and rehabilitation **FOR NOT MORE THAN SIX (6) MONTHS. PROVIDED, THAT IF THE DEPENDENT IS A DETENTION PRISONER, HE/SHE SHALL BE COMMITTED IN A CENTER OPERATED AND MAINTAINED BY THE PROVINCIAL JAIL OR THE BUREAU OF JAIL MANAGEMENT AND PENELOGY WHERE HE/SHE IS BEING DETAINED, TO BE DETERMINED BY THE BOARD.** The head of said Center shall submit to the court AND TO THE BOARD [every four (4) months, or as often as the court may require,] a MONTHLY written report on the progress of the treatment. [If the dependent is rehabilitated, as certified by the center and the Board, he/she shall be returned to the court, which committed him, for his/her discharge therefrom.] **THE CENTER, WITH PRIOR NOTICE TO THE BOARD, SHALL RETURN THE DEPENDENT TO THE COURT WHICH COMMITTED HIM/HER UPON HIS/HER REHABILITATION OR AFTER THE LAPSE OF THE SAID PERIOD OF SIX (6) MONTHS IF NOT REHABILITATED, WITH A CERTIFICATION WHETHER THE DEPENDENT IS REHABILITATED OR NOT. THE COURT SHALL THEN ORDER HIS/HER DISCHARGE FROM CONFINEMENT IN THE CENTER.**

Thereafter, his/her prosecution for any offense punishable by law shall be instituted or shall continue, as the case may be. In case conviction, the judgment shall, if the accused is certified by the treatment and rehabilitation center to have maintained good behavior, indicate that he/she shall be given full credit for the period he/she was confined in the Center; Provided, however, That when the offense is for violation of Section 15 of this Act and the accused is not a recidivist, the penalty thereof shall be deemed to have been served in the Center upon his/her release therefrom after certification by the Center [and the Board] that he/she is rehabilitated.

Sec 26. Section 63, Article 8 of the Act is hereby amended to read as follows:

Section 63. Prescription of the Offense Charged Against a Drug Dependent Under the Compulsory Submission Program.—The period of prescription of the offense charged against a drug dependent under the compulsory submission program shall not run during the time that the drug dependent is under confinement in a Center of otherwise under the treatment and rehabilitation program approved by the Board.

[Upon certification of the Center that he/she may temporarily be discharged from the said Center, the court shall order his/her release on condition that he/she shall report to the Board through the DOH for after-care and follow-up treatment for a period not exceeding eighteen (180 months under such terms and conditions as may be imposed by the Board.)

[If at anytime during the after-care and follow-up period, the Board certifies to his/her complete rehabilitation, the court shall order his/her final discharge from confinement and order for the immediate resumption of the trial of the case for which he/she is originally charged. Should the Board through the DOH find at anytime during the after-care and follow up period that he/she requires further treatment and rehabilitation, it shall report to the court, which shall order his/her recommitment to the Center.]

[Should the drug dependent, having been committed to a Center upon petition by the Board upon petition by the Board escape therefrom, he/she may resubmit himself/herself for confinement within one (1) week from the date of his/her escape; or his/her parent, spouse, guardian or relative within the fourth degree of consanguinity or affinity may, within the same period, surrender him fro recommitment. If, however, the drug dependent does not resubmit himself/herself for confinement or he/she is not

surrendered for recommitment, the Board may apply with the court for the issuance of the recommitment order. Upon proof of previous commitment, the court shall issue an order for recommitment. If, subsequent to such recommitment, he/she should escape again, he/she shall no longer be exempt from criminal liability for use of any dangerous drug.]

[A drug dependent committed under this particular Section who is finally discharged from confinement shall be exempt from criminal liability under Section 15 of this Act, without prejudice to the outcome of any pending case filed in court. On the other hand, a drug dependent who is not rehabilitated after a second commitment to the Center shall, upon conviction by the appropriate court, suffer the same penalties provided for under Section 15 of this Act again without prejudice to the outcome of any pending case filed in court.]

Sec 27. Section 66, Article 8 of the Act is hereby amended to read as follows:

Section 66. ~~Suspension of Sentence of a First-Time Minor Offender.—~~An accused who is over fifteen (15) years **BUT LESS THAN EIGHTEEN (18) YEARS** of age at the time of the commission of [the] **ANY** offense mentioned in [Section 11 of] this Act **EXCEPT SECTION 15**, [but not more than eighteen (18) years of age at the time when judgment should have been promulgated after having been found guilty of said offense,] may be given the benefits of a suspended sentence (,). [subject to the following conditions:

- (a) He/she has not been previously convicted of violating any provision of this Act, or of the Dangerous Drug Act of 1972, as amended; or of the Revised Penal Code; or of any special penal laws;
- (b) He/she has not been previously committed to a Center or to the care of a DOH-accredited physician; and
- (c) The Board favourably recommends that his/her sentence be suspended.]

While under suspended sentence, he/she shall be under the supervision and rehabilitative surveillance of the Board, under such conditions that the court may impose for a period ranging from six (6) months to eighteen (18) months.

Upon recommendation of the Board, the court may commit the accused under suspended sentence to a Center, or to the care of a DOH-accredited physician for at least six (6) months, with after-care and follow-up program for not more than eighteen (18) months.

[In the case of minors under fifteen (15) years of age at the time of the commission of any offense penalized under this Act, Article 192 of Presidential Decree No. 603, otherwise known as the Child and Youth Welfare Code, as amended by Presidential Decree No. 1179 shall apply, without prejudice to the application of the provisions of this Section.]

Sec 28. Section 68, Article 8 of the Act is hereby amended to read as follows:

Section 68. Privilege of Suspended Sentence to be Availed of Only Once by a First-Time Minor Offender.—the privilege of suspended sentence shall be availed of only once by an accused drug dependent who is a first-time offender over fifteen (15) years **BUT NOT MORE THAN EIGHTEEN (18) YEARS** of age at the time of the commission of the [violation of Section 15] **OFFENSE PUNISHABLE UNDER** [of] this Act, [, but not more than eighteen (18) years of age at the time when judgment should have been promulgated.]

Sec 29. Section 77, Article 9 of the Act is hereby amended to read as follows:

Section 77. The Dangerous Drugs Board.—The Board shall be the policy making and strategy formulating body in the planning and formulation of policies and programs on drug prevention and control. It shall develop and adopt a comprehensive, integrated, unified and balanced national drug [abuse] prevention and control strategy, **AND OVERSEE THE IMPLEMENTATION THEREOF.** It shall be under the Office of the President.

Sec 30. Section 78, Article 9 of the Act is hereby amended to read as follows:

Section 78. Composition of the Board.—The Board shall be composed of [seventeen (17)] **TWENTY (20)** members wherein three (3) of which are permanent members, the other [twelve (12)] **FIFTEEN (15)** members shall be in a ex officio capacity and the two (2) shall be regular members.

The three (3) permanent members, who shall possess at least seven-year training and experience in the filed of dangerous drugs and in any of the following fields: in law, medicine, criminology, psychology or social work, shall be appointed by the President of the Philippines. The President shall designate a Chairman, who shall have the rank of a secretary from among the three (3) permanent members who shall serve for six (6) years. Of the two (2) other members, who shall both have the rank of undersecretary, one (1) serve for four (4) years and the other two (2) years. Thereafter, the persons appointed to succeed such members shall hold office for a term of six (6) years and until their successors shall have been duly appointed and qualified. **FROM THE TWO (2) OTHER PERMANENT MEMBERS, THE PRESIDENT SHALL DESIGNATE THE VICE CHAIRMAN AND EXECUTIVE DIRECTOR OF THE BOARD.**....

THE CHAIRMAN SHALL BE THE CHIEF ADVISER OF THE PRESIDENT ON DRUG MATTERS AND SHALL EXERCISE ADMINSTRATIVE SUPERVISION OVER THE PHILIPPINE DURG ENFORCEMENT AGENCY AND OTHER NATIONAL DRUG ENFORCEMENT UNITS.

The other [twelve (12)] **FIFTEEN (15)** members who shall be ex officio members of the Board are the following:

- (1) Secretary of the Department of Justice [or is/her representative];
- (2) Secretary of the Department of Health [or hi/her representative];
- (3) Secretary of the Department of National Defense [or his/her representative];
- (4) Secretary of the Department of Finance [or his/her representativt];
- (5) Secretary of the Department of Labor and Employment [or his/her representative];
- (6) Secretary of the Department of the Interior and Lcoal Government [or his/her representative];
- (7) Secretary of the Department of Social Welfare and Development [or his/her representative];
- (8) Secretary of the Department of Foreign Affairs [or his/her representative];
- (9) Secretary of the Department of Education [or his/her representative];
- (10) **SECRETARY OF THE DEPARTMENT OF AGRICULTURE;**
- (11) **SECRETARY OF THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATION;**
- (12) **SECRETARY OF THE DEPARTMENT OF BUDGET AND MANAGEMENT**
- (13) Chairman of the Commission on Higher Education [or his/her representative];
- (14) Chairman of the National Youth Commission; and
- (15) Director General of the Philippine Drug Enforcement Agency;

Cabinet secretaries who are members of the Board may designate their duly authorized and permanent representatives whose ranks shall in no case be lower than [undersecretary] **ASSISTANT SECRETARY**.

The two (2) regular members shall be as follows:

- (a) The president of the Integrated Bar of the Philippines **OR HIS/HER REPRESENTATIVE**; and
- (b) The chairman or president of a non-government organization involved in dangerous drug campaign to be appointed by the President of the Philippines.

The Director of the NBI and the Chief of the PNP shall be the permanent consultants of the Board, and shall attend all the meetings of the Board. **THEY MAY DESIGNATE THEIR DULY AUTHORIZED AND PERMANENT REPRESENTATIVES WHOSE RANKS SHALL IN NO CASE BE LOWER THAN SERVICE DIRECTOR.**

THE BOARD SHALL CONSTITUTE AN EXECUTIVE COMMITTEE, TO BE COMPOSED OF THE CHAIRMAN, THE VICE-CHAIRMAN, THE EXECUTIVE DIRECTOR OF THE BOARD, THE DIRECTOR GENERAL OF THE PDEA, AND THE CHAIRPERSONS OF THE STANDING COMMITTEES OF THE BOARD, WHICH MAY ACT FOR AND IN BEHALF OF THE BOARD AND SHALL MEET AS OFTEN AS NECESSARY UPON THE CALL OF THE CHAIRMAN, OR IN HIS ABSENCE OR INCAPACITY, BY THE VICE-CHAIRMAN WHO IS SUCH AN EVENT SHALL PRESIDE OVER THE MEETING OF THE EXECUTIVE COMMITTEE.

All members of the Board as well as its permanent consultants shall receive a per diem for every meeting actually attended subject to the pertinent budgetary laws, rules and regulations on compensation, honoraria and allowances: Provided, That where the representative of an ex officio member or of the permanent consultant of the Board attends a meeting in behalf of the latter, such representative shall be entitled to receive the per diem.

Sec 31. Section 79, Article 9 of the Act is hereby amended to read as follows:

Section 79. Meetings of the Board.—The Board shall meet once a [week] **MONTH** or as often as necessary at the discretion of the Chairman or at the call of nay four (4) other members. The presence of [nine (9)] **ELEVEN (11)** members shall constitute a quorum.

Sec 32. Section 80, Article 9 of the Act is hereby amended to read as follows:

Section 80. Secretariat of the Board. The Board shall recommend to the President of the Philippines the appointment of an Executive Director, with the rank of an undersecretary, who shall be the Secretary of the Board and administrative officer of its secretariat, and shall perform such other duties that may be assigned to him/her. He/she must possess adequate knowledge, training and experience in the field of dangerous drugs, and in any of the following fields: law enforcement, law, medicine, criminology, psychology or social work.

Two deputies executive director, for administration and operations, with the ranks assistant secretary, shall be appointed by the President upon recommendation of the Board, they shall possess the same qualifications as those of the executive director. They shall receive a salary corresponding to their position as prescribed by the Salary Standardization Law as a Career Service Officer.

The existing secretariat of the Board shall be under the administrative control and supervision of the Executive Director. It shall be composed of the following **SERVICES**, namely: Policy Studies, Research and Statistics; Preventive Education, Training and

Information; Legal Affairs; and the Administrative and Financial Management **AND SUCH OTHER SERVICES THAT THE BOARD MAY DEEM NECESSARY TO CREATE.**

Sec 33. Section 81, Article 9 of the Act is hereby amended to read as follows:

Section 81. Powers and Duties of the Board.

(a) Formulate, develop and establish a comprehensive, integrated, unified and balanced national drug use prevention and control strategy;

(b) Promulgate such rules and regulations as may be necessary to carry out the purposes of this Act, including the manner of safekeeping, disposition, burning or condemnation of any dangerous drug and/or controlled precursor and essential chemical under its charge and custody, and prescribe administrative remedies or sanctions for the violations of such rules and regulations;

(c) Conduct policy studies, program monitoring and evaluations and other researches on drug prevention, control and enforcement;

(d) Initiate, conduct and support scientific, clinical, social, psychological, physical and biological researches on dangerous drugs and dangerous drugs prevention and control measures;

(e) Develop an educational program and information drive on the hazards and prevention of illegal use of any dangerous drug and/or controlled precursor and essential chemical based on factual data, and disseminate the same to the general public, for which purpose the Board shall endeavor to make the general public aware of the hazards of any dangerous drugs and/or controlled precursor and essential chemical by providing among others, literature, films, displays or advertisements and by coordinating with all institutions of learning as well as with all national and local enforcement agencies in planning and conducting its educational campaign programs to be implemented by the appropriate government agencies;

(f) Conduct continuing seminars for, and consultations with, and provide information materials to judges and prosecutors in coordination with the Office of the Court Administrator, in the case of judges, and the DOJ, in the case of prosecutors, which aim to provide them with the current developments and programs of the Board pertinent to its campaign against dangerous drugs and its scientific researches on dangerous drugs, its prevention and control measures;

(g) Design special trainings in order to provide law enforcement officers, members of the judiciary, and prosecutors, school authorities and personnel of centers with knowledge and know-how in dangerous drugs and/or controlled precursors and essential chemicals control in coordination with the Supreme Court to meet the objectives of the national drug control programs;

(h) Design and develop, in consultation and coordination with the DOH, DSWD and other agencies involved in drugs control, treatment and rehabilitation, both public and private, a national treatment and rehabilitation program for drug dependents including a standard aftercare and community service program for recovering drug dependents;

(i) Design and develop, jointly with the DOLE and in consultation with labor and employer groups as well as non-government organizations a drug abuse prevention program in the workplace that would include a provision for employee assistance programs for emotionally-stressed employees;

(j) Initiate and authorize closure proceedings against non-accredited and/or substandard rehabilitation centers based on verified reports of human rights violations, subhuman conditions, inadequate medical training and assistance and excessive fees for implementation by the PDEA;

(k) Prescribe and promulgate rules and regulations governing the establishment of such centers, networks and laboratories as deemed necessary after conducting a feasibility study in coordination with the DOH and other government agencies;

(l) Receive, gather, collect and evaluate all information on the importation, exportation, production, manufacture, sale, stocks, seizures of and the estimated need for any dangerous drug and/or controlled precursor and essential chemical, for which purpose the Board may require from any official, instrumentality or agency of the government or any private person or enterprise dealing in, or engaged in activities having to do with any dangerous drug and/or controlled precursors and essential chemicals such data or information as it may need to implement this Act;

(m) Gather and prepare detailed statistics on the importation, exportation, manufacture, stocks, seizures of and estimates need for any dangerous drug and/or controlled precursors and essential chemicals and such other statistical data on said drugs as may be periodically required by the United Nations Narcotics Drug Commission, the World Health Organization and other international organizations in consonance with the country's international commitments;

(n) Develop and maintain international networking coordination with international drug control agencies and organizations, and implement the provisions of international conventions and agreements thereon which have been adopted and approved by the Congress of the Philippines;

(o) Require all government and private hospitals, clinics, doctors, dentists and other practitioners to submit a report to it, in coordination with the PDEA, about all dangerous drugs and/or controlled precursors and essential chemicals-related cases to which they have attended for statistics and research purposes;

(p) Receive in trust legacies, gifts and donations of real and personal properties of all kinds, to administer and dispose the same when necessary for the benefit of government and private rehabilitation centers subject to limitations, directions and instructions from the donors, if any;

(q) Issue guidelines as to the approval or disapproval of applications for voluntary treatment, rehabilitation or confinement, wherein it shall issue the necessary guidelines, rules and regulations pertaining to the application and its enforcement;

(r) Formulate guidelines, in coordination with other government agencies, the importation, distribution, production, manufacture, compounding, prescription, dispensing and sale of, and other lawful acts in connection with any dangerous drug, controlled precursors and essential chemicals and other similar or analogous substances of such kind and in such quantity as it may deem necessary according to the medical and research needs or requirements of the country including diet pills containing ephedrine and other addictive chemicals and determine the quantity and/or quality of dangerous drugs and controlled precursors and essential chemicals to be imported, manufactured and held in stock at any given time by authorized importer, manufacturer or distributor of such drugs;

(s) Develop the utilization of a controlled delivery scheme in addressing the transshipment of dangerous drugs into and out of the country to neutralize transnational crime syndicates involved in illegal trafficking of any dangerous drugs and/or controlled precursors and essential chemicals;

(t) Recommend the revocation of the professional license of any practitioner who is an owner, co-owner, lessee, or in the employ of the drug establishment, or manager of a partnership, corporation, association, or any juridical entity owning and/or controlling such drug establishment, and who knowingly participates in, or consents to, tolerates, or abets the commission of the act of violations as indicated in the preceding paragraph, all without prejudice to the criminal prosecution of the person responsible for the said violation;

(u) Appoint such technical, administrative and other personnel as may be necessary for the effective implementation of this Act, subject to the Civil Service Law and its rules and regulations;

(v) Establish a regular and continuing consultation with concerned government agencies and medical professional organizations to determine if balance exists in policies, procedures, rules and regulations on dangerous drugs and to provide recommendations on how the lawful use of dangerous drugs can be improved and facilitated; and

(w) Submit an annual and periodic reports to the President, the Congress of the Philippines and the Senate and House of Representatives committees concerned as may be required from time to time, and perform such other functions as may be authorized or required under existing laws and as directed by the President himself/herself or as recommended by the congressional committees concerned.

X) ENLIST THE ASSISTANCE OF ANY DEPARTMENT, BUREAU, OFFICE, AGENCY OR INSTRUMENTALITY OF THE GOVERNMENT, INCLUDING GOVERNMENT-OWNED AND /OR—CONTROLLED CORPORATIONS, WHICH MAY INCLUDE THE USE OF THEIR RESPECTIVE PERSONNEL, FACILITIES, AND RESOURCES, IN THE FORMULATION, DEVELOPMENT, ESTABLISHMENT AND IMPLEMENTATION OF A COMPREHENSIVE, INTEGRATED, UNIFIED AND BALANCED NATIONAL DRUG PREVENTION AND CONTROL STRATEGY.

Y) ENGAGE THE SERVICES OF CONSULTANTS WHO ARE PROVEN EXPERTS IN DRUG ABUSE PREVENTION AND CONTROL POLICIES, STRATEGIES AND PROGRAMS, AND INTERNATIONAL DRUG CONVENTIONS, SUBJECT TO THE PERTINENT BUDGETARY LAWS, RULES AND REGULATIONS ON COMPENSATION, HONORARIA AND ALLOWANCES.

Z) ESTABLISH AND MAINTAIN FIELD OFFICES IT MAY DEEM NECESSARY FOR THE EFFECTIVE IMPLEMENTATION OF THE NATIONAL DRUG PREVENTION AND CONTROL STRATEGY.

Sec 34. Section 87, Article 10 of the Act is hereby amended to read as follows:

Section 87. Appropriations.—The amount necessary for the operation of the Board and the PDEA shall be charged against the current year's appropriations of the Board, the National Drug Law Enforcement and Prevention Coordinating Center, the Narcotics Group of the PNP, the Narcotics Division of the NBI and other drug abuse units of the different law enforcement agencies integrated into the PDEA in order to carry out the provisions of this Act.

Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

All receipts derived from fines, fees and other income authorized and imposed in this Act, including ten percent (10%) of all unclaimed and forfeited sweepstakes and lotto prizes but not less than twelve million pesos (P12,000,000.00) per year from the Philippines Charity Sweepstakes Office (PCSO), are hereby constituted as a special account in the general fund for the implementation of this Act: Provided, That no amount shall be disbursed to cover the operating expenses of the Board and other concerned agencies. [; Provided, further, That at least fifty percent (50%) of all the funds shall be reserved for assistance to government-owned and/or operated rehabilitation centers.]

The fines shall be remitted to the Board by the court imposing such fines within thirty (30) days from the finality of its decisions or orders. The unclaimed and forfeited prizes shall be turned over to the Board by the PCSO within thirty (30) days after these are collected and declared forfeited.

A portion of the funds generated by the Philippines Amusement and Gaming Corporation (PAGCOR) in the amount of Five million pesos (P5,000,000.00) a month shall be set aside for the purpose of establishing adequate drug rehabilitation centers in the country and also for the maintenance and operations of such centers: Provided, That the said amount shall be taken from the fifty percent (50%) share of the National Government in the income of PAGCOR: Provided, further, That the said amount shall automatically be remitted by PAGCOR to the Board, the amount shall, in turn, be disbursed by the Dangerous Drugs Board, subject to the rules and regulations of the Commission on Audit (COA).

The fund may be augmented by grants, donations, and endowment from various sources, domestic or foreign, for purposes related to their functions, subject to the existing guidelines set by the government.

Sec 35. Section 93, Article 11 of the Act is hereby amended to read as follows:

Section 93. Reclassification, Addition or Removal of Any Drug from the List of Dangerous Drugs **OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS.**—The Board shall have the power to reclassify, add to or remove from the list of dangerous drugs **OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS ANY DANGEROUS DRUG, OR OTHER SUBSTANCE OR CHEMICAL.** Proceedings to reclassify, add, or remove a drug or other substance **OR CHEMICAL** may be initiated, **MOTU PROPIO BY THE BOARD, OR** by the PDEA, the DOH, or by petition from any interested party, including the manufacturer of a drug, **OR OTHER SUBSTANCE OR CHEMICAL,** a medical society or association, a pharmacy association, a public interest group concerned with drug abuse, a national or local government agency, or an individual citizen. When a petition is received by the Board, it shall immediately begin its own investigation of the drug, **OR OTHER SUBSTANCE OR CHEMICAL.** The **BOARD OR PDEA** also may begin an investigation of a drug, **OR OTHER SUBSTANCE OR CHEMICAL** at any time based upon the information received from law enforcement laboratories, national and local law enforcement and regulatory agencies, or other sources of information.

The Board after notice and hearing shall consider the following factors with respect to each **DRUG, OR OTHER substance OR CHEMICAL** proposed to be reclassified, added or removed from control:

- (a) Its actual or relative potential for abuse;
- (b) Scientific evidence of its pharmacological effect if known

- (c) The state of current scientific knowledge regarding the drug or other substance **OR CHEMICAL**;
- (d) Its history and current pattern of abuse **AND DIVERSION**;
- (e) The scope, duration, and significance of abuse **AND DIVERSION**;
- (f) Risk to public health; and
- (g) Whether the substance **OR CHEMICAL** is an immediate precursor of a substance already controlled under this Act.

The Board shall also take into account the obligations and commitments to be international treaties, conventions and agreements to which the Philippines is a signatory.

The [Dangerous Drugs] Board shall give notice to the general public of the public hearing of the reclassification, addition to or removal from the list of any, **OR OTHER SUBSTANCE OR CHEMICAL** by publishing such notice in any newspaper of general circulation once a week for two (2) weeks.

~~THE BOARD MAY EXEMPT A SUBSTANCE, PREPARATION OR MIXTURE CONTAINING ANY DANGEROUS DRUG OR CONTROLLED PRECURSOR AND ESSENTIAL CHEMICAL FROM REGULATORY CONTROL PURSUANT TO THIS ACT SUBJECT TO SUCH CONDITIONS AS DETERMINED BY THE BOARD THROUGH A REGULATION TO THIS EFFECT.~~

The effect of such reclassification, addition [or], removal, **OR EXEMPTION** shall be as follows:

- (a) In case a dangerous drug is reclassified as precursors and essential chemicals, the penalties for the violations of this Act involving, [the two latter categories of drugs] **CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS** shall, in case of conviction, be imposed in all pending criminal prosecutions;
- (b) In case a precursors and essential chemicals is reclassified as dangerous drug, the penalties for violations of the Act involving **CONTROLLED** precursors and essential chemicals shall, in case of conviction, be imposed in all pending criminal prosecutions;
- (c) In case of the addition of a new drug, **OR OTHER SUBSTANCE OR CHEMICAL** to the list of dangerous drugs [and] **OR CONTROLLED** precursors and essential chemical, no criminal liability involving the same under this Act shall arise until after the lapse of fifteen (15) days from the last publication of such notice;
- (d) In case of removal of a drug, **OR OTHER SUBSTANCE OR CHEMICAL** from the list of dangerous drugs [and] **OR CONTROLLED** precursors and essential chemicals, all persons convicted and/or detained [for the use and /or possession of such a drug] **INVOLVING THE SAME** shall be automatically released and all pending criminal prosecution [involving such a drug] under this Act shall forthwith be dismissed; [and]
- (e) **IN CASE OF EXEMPTION OF A SUBSTANCE, PREPARATION OR MIXTURE CONTAINING ANY DANGEROUS DRUG OR CONTROLLED PRECURSOR AND ESSENTIAL CHEMICAL FROM REGULATORY CONTROL, ALL PERSONS CONVICTED AND/OR DETAINED INVOLVING THE SAME SHALL BE AUTOMATICALLY RELEASED AND ALL PENDING CRIMINAL PROSECUTION UNDER THIS ACT SHALL FORTHWITH BE DISMISSED; AND**

[(e)] (f) The Board shall, within five (5) days from the date of its promulgation submit to Congress a detailed reclassification, addition, or removal of any drug, **OR OTHER**

SUBSTANCE OR CHEMICAL from the list of dangerous drugs OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, OR EXEMPTION OF A SUBSTANCE, PREPARATION OR MIXTURE CONTAINING ANY DANGEROUS DRUG OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICAL.

Sec 36. Section 94, Article 12 of the Act is hereby amended to read as follows:

Section 94. Implementing Rules and Regulations.—The present Board in consultation with the DOH, DILG, DOJ, DepEd, DSWD, DOLE, PNP, NBI, PAGCOR, and the PCSO and all other concerned government agencies shall promulgate within sixty (60) days the Implementing Rules and Regulations that shall be necessary to implement the provisions of this Act.

THE BOARD SHALL PROMULGATE THE NECESSARY AMENDMENTS TO THE ABOVEMENTIONED IMPLEMENTING RULES AND REGULATIONS AND SHALL LIKEWISE PROMULGATE THE IMPLEMENTING RULES AND REGULATIONS COVERING ANY AMENDMENTS TO ANY PROVISION OF THIS ACT.

Sec 37. *Separability Clause.* - If for any reason, any provision of this Act is declared unconstitutional or invalid, the other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 38. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,