

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

House Bill No. 371



Introduced by Representative Richard I. Gomez, DPA

EXPLANATORY NOTE

In the 19th Congress, this representation had the honor of spearheading the technical working group (TWG) in which 12 house bills with proposed amendments to Republic Act No. 9165 or the Dangerous Drugs Act of 2002, were thoroughly presented, discussed, deliberated and resolved among concerned members of the House of Representatives and representatives of various government agencies including the Dangerous Drugs Board, Philippine Drug Enforcement Agency, the Philippine National Police, the Department of Justice and others.

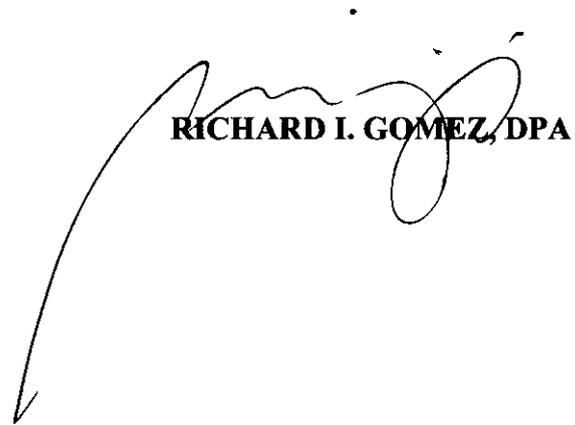
The overarching direction of this consolidated bill is to strengthen RA 9165's drug prevention in the country by adding provisions that would enhance law enforcement. The following are some of the salient points of this consolidated amendments bill:

- Inclusion of exportation of dangerous drugs in the roster of prohibited acts
- Addition of more context to the definition of "protector/coddler" for all prohibited acts, to include use of influence, power or position to prevent arrest, prosecution or conviction of violators
- Inclusion of provisions when violating entity is a juridical entity
- Reduction of quantities of illegal drugs and analogues considered as "possession"
- Stricter provisions on the use of a den, dive or resort in the conduct of illegal drug activities, especially in the identification of its financier, owner, operator and coddler/protector
- Provision for the proper disposal of confiscated items, within 48 hours of seizure
- Addition of the imposition of higher penalty for alien offenders of RA 9165
- Addition of provision of immunity to whistleblowers
- Mandating LGUs to allocate at least 1% of its budget for Anti-Drug Abuse Councils and supporting offices

To date, drug abuse and the drug trade continue to weigh down the country's socio-economic development. It is therefore imperative that our drug laws be amended to facilitate better

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implementation and effectiveness.

In view of the foregoing, I humbly call for the swift passing of this bill.



RICHARD I. GOMEZ, DPA

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HOUSE BILL NO. 371

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AN ACT
STRENGTHENING DRUG PREVENTION AND CONTROL, AMENDING FOR THE
PURPOSE REPUBLIC ACT NO. 9165, AS AMENDED, OTHERWISE KNOWN AS THE
“COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002”

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

SECTION 1. Section 3 of Republic Act No. 9165, as amended, is hereby amended to read as follows:

“SEC. 3. *Definitions.* – As used in this Act, the following terms shall mean:

“(a) x x x
 x x x
“(c) x x x

“(C-1) **ANALOGUES CHEMICAL SUBSTANCE DEPENDENCE.** – A
CONDITION OF MENTAL AND/OR MENTAL AND PHYSICAL
DEPENDENCE ON ANY CONTROLLED PRECURSOR AND ESSENTIAL
CHEMICAL OR VOLATILE SUBSTANCE, WHETHER ORGANIC OR
MANUFACTURED, THAT AFFECTS THE CENTRAL NERVOUS
SYSTEM, CHARACTERIZED BY THE PERIODIC OR CONSTANTLY
REPEATED CONSUMPTION OF THIS SUBSTANCE AND WHOSE
EFFECTS VARY DEPENDING UPON THE KIND OF CONTROLLED
PRECURSOR AND ESSENTIAL CHEMICAL TAKEN BY THE
DEPENDENT OR USER.

“x x x

“(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, **AND SUBSTANCES WHICH SHALL BE**
HEREINAFTER ADDED TO THE LIST OF CONTROLLED
PRECURSORS AND ESSENTIAL CHEMICALS, PURSUANT TO
SECTION 93 OF THIS ACT OR ANY DERIVATIVE, MIXTURE, OR

PREPARATION CONTAINING SUCH CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS OR ARE SOURCED THEREFROM WHICH ARE PRESUMED TO FALL WITHIN THE AMBIT THEREOF.

x x x
“(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, **AND SUBSTANCES WHICH SHALL BE HEREINAFTER ADDED TO THE LIST OF DANGEROUS DRUGS, PURSUANT TO SECTION 93 OF THIS ACT OR ANY DERIVATIVE, MIXTURE, AND PREPARATION CONTAINING SUCH DANGEROUS DRUGS OR ARE SOURCED THEREFROM WHICH ARE PRESUMED TO FALL WITHIN THE AMBIT THEREOF.**

“x x x

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

“x x x

“(dd) x x x

“(DD-2) *PROPERTY.* – ANY SITE, STRUCTURE, PART OF A STRUCTURE, OR THE GROUND SURROUNDING A STRUCTURE INCLUDING SINGLE-FAMILY RESIDENCE, OUTBUILDING, GARAGE, UNIT OR MULTIPLEX, CONDOMINIUM, APARTMENT BUILDING, WAREHOUSE, HOTEL, MOTEL, BOAT, MOTOR VEHICLE, TRAILER, MANUFACTURED HOUSING, SHOP, OR BOOTH AND OTHER SIMILAR STRUCTURES.

“(ee) *Protector/Coddler.* – Any person who knowingly and willfully consents to the unlawful acts provided for in this Act and uses his/her influence, power or position in shielding, harboring, screening or facilitating the escape of any person he/she knows, or **ANY PERSON WHO** has reasonable grounds to believe or suspect **THAT AN INDIVIDUAL** has violated the provisions of this Act, **AND HE/SHE USES HIS/HER INFLUENCE, POWER OR POSITION** in order to prevent the arrest, prosecution **OR** conviction of the violator.

“x x x

“(kk) x x x

“(LL) *WASTE.* – ANY REFUSE, GARBAGE, OR OTHER DISCARDED MATERIAL, EITHER SOLID OR LIQUID.”

“(MM) *SURRENDERER* – ANY INDIVIDUAL WHO IS CLAIMING TO BE A PERSON WHO USES DRUGS AND/OR A DRUG DEALER OR PUSHER WHO SURRENDERS TO ANY OFFICER/S OR MEMBER/S OF EITHER THE PHILIPPINE DRUG ENFORCEMENT AGENCY (PDEA), NATIONAL

BUREAU OF INVESTIGATION (NBI), OR THE PHILIPPINE NATIONAL POLICE (PNP)."

SEC. 2. Section 4 of the same Act is hereby amended to read as follows:

"SEC. 4. *Importation AND/OR EXPORTATION of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.* – The penalty of life imprisonment to death and a 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, unless authorized by law, shall import or bring into **OR EXPORT FROM** the Philippines any dangerous drug, regardless of the quantity and purity involved, including any and all species of opium poppy or any part thereof or substances derived therefrom even for floral, decorative and culinary purposes.

"FOR PURPOSES OF THIS SECTION, AN IMPORTATION OR EXPORTATION IS AUTHORIZED WHEN COVERED BY A LICENSE AND PERMIT, WHENEVER APPLICABLE, ISSUED BY THE REGULATORY AGENCY CONCERNED PURSUANT TO THE RELEVANT REGULATION ISSUED BY THE DANGEROUS DRUGS BOARD."

"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 import **AND/OR EXPORT** any controlled precursor and essential chemical.

"The maximum penalty provided for under this Section shall be imposed upon any person, who, unless authorized under this Act, shall import or bring into **OR EXPORT FROM** the Philippines any dangerous drug and/or controlled precursor and essential chemical through the use of a diplomatic passport, diplomatic facilities or any other means involving his/her official status intended to facilitate the unlawful entry of the same. In addition, the diplomatic passport shall be confiscated and cancelled.

"ANY PERSON WHO IS FOUND TO HAVE IN HIS/HER POSSESSION OR UNDER HIS/HER DIRECT OR INDIRECT CONTROL ANY PURCHASE ORDER, MEMORANDUM RECEIPT, DELIVERY RECEIPT, BILL OF LADING, OR ANY SIMILAR DOCUMENT CONTAINING INFORMATION RELATED TO OR IN CONNECTION WITH IMPORTATION OR EXPORTATION TO OR FROM THE PHILIPPINES DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS IS, UNTIL PROVEN OTHERWISE, PRESUMED TO HAVE IMPORTED OR EXPORTED THE DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS THAT ARE THE SUBJECT MATTER OF SUCH DOCUMENT OR WRITING.

"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.

“A PERSON IS PRESUMED TO BE A FINANCIER IF HE/SHE CAUSES THE PAYMENT, RAISES, PROVIDES OR SUPPLIES MONEY FOR OR UNDERWRITES THE IMPORTATION OR EXPORTATION OF DANGEROUS DRUGS OR CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS. ANY EVIDENCE SHOWING DELIVERY OR TRANSFER OF MONEY, OR DRAWING OR ISSUANCE OF A CHECK, MONETARY INSTRUMENT OR DOCUMENT TO THE ACCOUNT, CUSTODY OR CONTROL OF A PERSON OR ENTITY KNOWN TO BE CONNECTED WITH OR WORKING FOR AN IMPORTER OR EXPORTER OF DANGEROUS DRUGS OR CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS, UNLESS PROVEN OTHERWISE, IS *PRIMA FACIE* PROOF OF THE CONSENT TO OR KNOWLEDGE OF THE SENDER, TRANSFEROR OR ISSUER OF THE FINANCING OF THE ILLEGAL IMPORTATION OR EXPORTATION OF SUCH DANGEROUS DRUGS, CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS. THIS PRESUMPTION MAY BE OVERTURNED UPON PRESENTATION OF PROOF THAT THE IMPORTATION OR EXPORTATION IS AUTHORIZED OR VALID.

“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.

“A PERSON IS PRESUMED A PROTECTOR OR CODDLER OF A PERSON WHO IMPORTS OR EXPORTS DANGEROUS DRUGS, CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS TO BE USED IN THE PREPARATION FOR SUCH DANGEROUS DRUGS, IF HE/SHE KNOWS THE IMPORTER OR EXPORTER OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS, AND HE/SHE USES HIS/HER INFLUENCE, POWER OR POSITION TO SHIELD, HARBOR, SCREEN OR FACILITATE THE ESCAPE OF SAID IMPORTER OR EXPORTER. A PERSON IS LIKEWISE PRESUMED A PROTECTOR OR CODDLER IF HE/SHE HAS KNOWLEDGE OF OR HAS REASONABLE GROUND TO BELIEVE THAT THE VIOLATOR IS AN IMPORTER OR EXPORTER OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS, AND HE/SHE USES HIS INFLUENCE, POWER OR POSITION IN PREVENTING THE ARREST, PROSECUTION OR CONVICTION OF THE IMPORTER OR EXPORTER.

“UNLESS PROVEN OTHERWISE, A PERSON WHO SHIELDS, HARBORS, SCREENS OR FACILITATES THE ESCAPE OF, OR PREVENTS THE ARREST, PROSECUTION, OR CONVICTION OF THE IMPORTER OR EXPORTER IS PRESUMED TO HAVE KNOWLEDGE OF, OR HAS WILLFULLY CONSENTED TO, THE ILLEGAL IMPORTATION OR EXPORTATION AND THAT HE/SHE HAS USED HIS/HER INFLUENCE, POWER OR POSITION. EXCEPT WHEN IT IS DONE BY ANY MEMBER OF THE IMPORTER’S OR EXPORTER’S IMMEDIATE FAMILY OR HIS/HER LEGAL COUNSEL. A PERSON WHO INTERCEDES AND/OR REPRESENTS THE SAID IMPORTER OR EXPORTER IS, UNLESS PROVEN

OTHERWISE, PRESUMED TO HAVE SHIELDED, HARBORED, SCREENED OR FACILITATED THE ESCAPE OF OR PREVENTED THE ARREST, PROSECUTION OR CONVICTION OF THE IMPORTER OR EXPORTER.”

SEC. 3. Section 5 of the same Act is hereby amended to read as follows:

“SEC. 5. Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors OR Essential Chemicals. – The penalty of life imprisonment to death and a 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, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.

“X	x	x

“UNLESS PROVEN OTHERWISE, ANY PERSON FOUND OR IS PRESENT WITHIN THE IMMEDIATE VICINITY OF THE AREA OF SALE, TRADING, MARKETING, DISPENSATION, DELIVERY OR DISTRIBUTION, IS PRESUMED TO HAVE BEEN INVOLVED IN THE SALE, TRADE OR DISTRIBUTION OF DANGEROUS DRUGS, CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS.

“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.

“A PERSON IS PRESUMED A FINANCIER IF HE/SHE CAUSES THE PAYMENT, RAISES OR PROVIDES OR SUPPLIES MONEY FOR, OR UNDERWRITES THE SALE, TRADING OR DISTRIBUTION OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS. ANY EVIDENCE SHOWING DELIVERY OR TRANSFER OF MONEY, OR THE DRAWING, ISSUANCE OR TRANSFERRING OF ISSUANCE OF A CHECK, MONETARY INSTRUMENT, INVESTMENT OR PROPERTY TO THE ACCOUNT, CUSTODY OR CONTROL OF A PERSON OR ENTITY CONNECTED WITH OR WORKING FOR A SELLER, TRADER OR DISTRIBUTOR OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS IS, UNLESS PROVEN OTHERWISE, A PRIMA FACIE PROOF OF KNOWLEDGE BY THE SENDER, TRANSFERROR OR ISSUER OF THE FINANCING OF AN UNLAWFUL ACT OR ACTIVITY.

“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.

“A PERSON IS PRESUMED A PROTECTOR OR CODDLER IF HE/SHE KNOWS THE SELLER, TRADER, DISTRIBUTOR OR VIOLATOR OF THIS SECTION AND HE/SHE USES HIS/HER INFLUENCE, POWER OR POSITION IN SHIELDING, HARBORING, SCREENING OR FACILITATING THE ESCAPE OF SAID VIOLATOR. A PERSON IS LIKEWISE PRESUMED A PROTECTOR OR CODDLER IF HE/SHE HAS KNOWLEDGE OF OR HAS REASONABLE GROUND TO BELIEVE OR TO SUSPECT THAT THE VIOLATOR IS A SELLER, TRADER, OR DISTRIBUTOR OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS, AND HE/SHE USES HIS/HER INFLUENCE, POWER OR POSITION IN PREVENTING THE ARREST, PROSECUTION OR CONVICTION OF THE VIOLATOR.

“A PERSON WHO SHIELDS, HARBORS, SCREENS OR FACILITATES THE ESCAPE OF, OR PREVENTS THE ARREST, PROSECUTION OR CONVICTION OF THE SELLER, TRADER, DISTRIBUTOR OR VIOLATOR OF THIS SECTION IS, UNLESS PROVEN OTHERWISE, PRESUMED TO HAVE KNOWLEDGE OF OR WILLFULLY CONSENTED TO, THE ILLEGAL SELLING, TRADING OR DISTRIBUTION AND HAS USED HIS/HER INFLUENCE, POWER OR POSITION IN DOING SO. EXCEPT WHEN IT IS DONE BY ANY MEMBER OR MEMBERS OF THE VIOLATOR’S IMMEDIATE FAMILY OR THEIR LEGAL COUNSEL. A PERSON WHO INTERCEDES AND/OR REPRESENTS THE SAID VIOLATOR IS, UNLESS PROVEN OTHERWISE, PRESUMED TO HAVE SHIELDED, HARBORED, SCREENED OR FACILITATED THE ESCAPE OF, OR PREVENTED THE ARREST, PROSECUTION OR CONVICTION OF THE VIOLATOR.”

SEC. 4. Section 6 of the same Act is hereby amended to read as follows:

“SEC. 6. *Maintenance of a Den, Dive or Resort.* – The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person or group of persons, **NATURAL AND JURIDICAL who shall maintain a den, dive or resort **AS DEFINED UNDER THIS ACT.****

“x x x
 “x x x
 “x x x

“If such den, dive or resort is owned by a third person, the same shall be confiscated and escheated in favor of the government: *PROVIDED, THAT IN CASE THE OWNER OF SUCH PROPERTY IS A PARTNERSHIP, CORPORATION, ASSOCIATION OR ANY JURIDICAL ENTITY, THE PARTNER, PRESIDENT, DIRECTOR, MANAGER TRUSTEE, ESTATE ADMINISTRATOR, OR OFFICER WHO CONSENTS TO OR TOLERATES SUCH VIOLATION SHALL BE CRIMINALLY LIABLE AS CO-PRINCIPAL: Provided, FURTHER,* That the criminal complaint shall specifically allege that such place is intentionally used in the furtherance of the crime: *Provided, FURTHERMORE,* That the prosecution shall prove such intent on the part of the owner, **PARTNER, PRESIDENT, DIRECTOR, MANAGER, TRUSTEE, ESTATE ADMINISTRATOR OR OFFICER OF THE JURIDICAL ENTITY to**

use the property for such purpose: *Provided, finally,* That the owner, **PARTNER, PRESIDENT, DIRECTOR, MANAGER, TRUSTEE, ESTATE ADMINISTRATOR OR OFFICER OF THE JURIDICAL ENTITY** shall be included as an accused in the criminal complaint.

“FOR THE PURPOSE OF THIS SECTION, THE FOLLOWING ARE PRESUMED:

“(A) ANY DEN, DIVE, RESORT IS PRESUMED INTENTIONALLY USED FOR THE PURPOSE OF SELLING OR USING DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS EVEN ON ONE OCCASION ONLY;

“(B) A PERSON IS PRESUMED AN OPERATOR, MAINTAINER OR ADMINISTRATOR OF A DEN, DIVE OR RESORT IF HE/SHE HAS ACTUAL OR CONSTRUCTIVE CONTROL AND MANAGEMENT OF SUCH PREMISES; AND

“(C) IF ANY PARAPHERNALIA OR INSTRUMENT SUITABLE OR FIT FOR THE USE OR ADMINISTRATION OF ANY DANGEROUS DRUG IS FOUND IN A DEN, DIVE OR RESORT, IT IS PRESUMED THAT THE PREMISES ARE USED FOR THE PURPOSE OF THE ADMINISTRATION, SMOKING OR CONSUMPTION OF A DANGEROUS DRUG BY A HUMAN BEING AND THAT THE OPERATOR, MAINTAINER OR ADMINISTRATOR PERMITS SAID PREMISES TO BE USED FOR SUCH PURPOSE.

“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.

“A PERSON IS PRESUMED A FINANCIER OF A DEN, DIVE OR RESORT IF HE/SHE CAUSES THE PAYMENT, RAISES, PROVIDES OR SUPPLIES MONEY FOR OR UNDERWRITES THE OPERATION AND MAINTENANCE THEREOF. ANY EVIDENCE SHOWING THE DELIVERY OR TRANSFER OF MONEY, OR DRAWING OR ISSUANCE OF A CHECK, MONETARY INSTRUMENT, INVESTMENT OR PROPERTY TO THE ACCOUNT, CUSTODY OR CONTROL OF THE OPERATOR, MANAGER OR MAINTAINER OF A DEN, DIVE OR RESORT IS, UNLESS PROVEN OTHERWISE, A *PRIMA FACIE* PROOF OF THE KNOWLEDGE OF FINANCING THE OPERATION AND MAINTENANCE THEREOF BY THE SENDER, TRANSFEROR, OR ISSUER.

“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.

“A PERSON IS PRESUMED A PROTECTOR OR CODDLER IF HE/SHE KNOWS THE OPERATOR, MAINTAINER, ADMINISTRATOR OR MANAGER OF THE DEN, DIVE OR RESORT AND HE/SHE USES HIS/HER

INFLUENCE, POWER OR POSITION IN SHIELDING, HARBORING, SCREENING OR FACILITATING THE ESCAPE OF THE VIOLATOR. A PERSON IS LIKEWISE PRESUMED A PROTECTOR OR CODDLER IF HE/SHE HAS KNOWLEDGE OF OR HAS REASONABLE GROUND TO BELIEVE OR TO SUSPECT THAT THE SAID OPERATOR, MAINTAINER, ADMINISTRATOR OR MANAGER ACTUALLY OPERATES, MAINTAINS, ADMINISTERS OR MANAGES A DEN, DIVE OR RESORT AND HE/SHE USES HIS/HER INFLUENCE, POWER OR POSITION IN PREVENTING THE ARREST, PROSECUTION OR CONVICTION OF THE VIOLATOR.

“UNLESS PROVEN OTHERWISE, A PERSON WHO SHIELDS, HARBORS, SCREENS OR FACILITATES THE ESCAPE OF, OR PREVENTS THE ARREST, PROSECUTION OR CONVICTION OF, AN OPERATOR, MAINTAINER, ADMINISTRATOR OR MANAGER OF A DEN, DIVE OR RESORT IS PRESUMED TO HAVE KNOWLEDGE OF, OR HAVE WILLFULLY CONSENTED TO THE OPERATION, AND MAINTENANCE OF A DEN, DIVE OR RESORT AND HE/SHE USES HIS/HER INFLUENCE, POWER OR POSITION IN DOING THE SAME. EXCEPT WHEN IT IS DONE BY ANY MEMBER OR MEMBERS OF THE IMMEDIATE FAMILY OF THE OPERATOR, MAINTAINER, ADMINISTRATOR OR MANAGER OR THEIR LEGAL COUNSEL. A PERSON WHO INTERCEDES AND/OR REPRESENTS THE VIOLATOR IS, UNLESS PROVEN OTHERWISE, PRESUMED TO HAVE SHIELDED, HARBORED, SCREENED OR FACILITATED THE ESCAPE OF OR PREVENTED THE ARREST, PROSECUTION OR CONVICTION OF SAID OPERATOR, MAINTAINER, ADMINISTRATOR OR MANAGER.”

SEC. 5. Section 8 of the same Act is hereby amended to read as follows:

“SEC. 8. *Manufacture of Dangerous Drugs and/or Controlled Precursors OR Essential Chemicals.* – The penalty of life imprisonment to death and a 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.

“x x x

“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 **OR CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS.** It shall be considered an aggravating circumstance if the clandestine laboratory is undertaken or established under the following circumstances:

- (a) x x x
- x x x
- (e) x x x

“ANY PERSON FOUND OR IS PRESENT WITHIN THE PREMISES OF A CLANDESTINE LABORATORY OR THE PLACE WHERE DANGEROUS DRUGS ARE MANUFACTURED, PRODUCED, PREPARED, COMPOUNDED, PROCESSED, PACKED OR RE-PACKED IS, UNLESS PROVEN OTHERWISE, PRESUMED INVOLVED IN OR HAS

PARTICIPATED IN MANUFACTURING OR PRODUCING DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS.

“ANY EQUIPMENT, APPARATUS, PARAPHERNALIA SUITABLE FOR THE USE, MANUFACTURE OR PRODUCTION OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS FOUND IN A CLANDESTINE LABORATORY, OR IN ANY OTHER PLACE OR PROPERTY, SHALL BE PRESUMED *PRIMA FACIE* PROOF THAT SAID LABORATORY, PLACE OR PROPERTY IS USED FOR THE PURPOSE OF MANUFACTURE OR PRODUCTION OF ANY DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS, AND THAT THE PERSON WHO HAS THE ACTUAL OR CONSTRUCTIVE CONTROL OR MANAGEMENT THEREOF PERMITS SUCH PROPERTY TO BE USED FOR THE PURPOSE.

“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.

“A PERSON IS PRESUMED A FINANCIER IF HE/SHE CAUSES THE PAYMENT, RAISES, PROVIDES OR SUPPLIES THE MONEY FOR, OR UNDERWRITES THE MANUFACTURE, PRODUCTION, PREPARATION, COMPOUNDING OR PROCESSING OF DANGEROUS DRUG AND CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS. ANY EVIDENCE SHOWING DELIVERY OR TRANSFER OF MONEY, OR DRAWING OR ISSUANCE OF A CHECK, NEGOTIABLE OR NON-NEGOTIABLE INSTRUMENT OR DOCUMENT TO THE ACCOUNT OR CUSTODY OF A PERSON OR ENTITY KNOWN TO BE CONNECTED WITH OR WORKING FOR, A MANUFACTURER, PRODUCER OR PROCESSOR OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS IS, UNLESS PROVEN OTHERWISE, A *PRIMA FACIE* PROOF OF THE CONSENT OR KNOWLEDGE OF FINANCING THE VIOLATOR’S UNLAWFUL ACTIVITIES BY THE SENDER, TRANSFEROR OR ISSUER.

“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.

“A PERSON IS PRESUMED A PROTECTOR OR CODDLER IF HE/SHE KNOWS THE MANUFACTURER, PRODUCER OR PROCESSOR OF ANY DANGEROUS DRUG AND/OR CONTROLLED PRECURSOR OR ESSENTIAL CHEMICAL, AND HE/SHE USES HIS/HER INFLUENCE, POWER OR POSITION TO SHIELD, HARBOR, SCREEN OR FACILITATE THE ESCAPE OF SAID MANUFACTURER, PRODUCER OR PROCESSOR. A PERSON IS LIKEWISE PRESUMED A PROTECTOR OR CODDLER IF HE/SHE HAS KNOWLEDGE OF OR HAS REASONABLE GROUND TO BELIEVE THAT ONE IS A MANUFACTURER, PRODUCER OR

PROCESSOR OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS, AND HE/SHE USES HIS/HER INFLUENCE, POWER OR POSITION IN PREVENTING THE ARREST, PROSECUTION OR CONVICTION OF THE MANUFACTURER, PRODUCER OR PROCESSOR.

“THE OFFENDER SHALL BE HELD LIABLE TO PAY THE COST OF THE CLEAN UP OF THE CLANDESTINE LABORATORY ON THE PROPERTY.

“IN ANY SALE OR LEASE OF PROPERTY, IT IS THE DUTY OF THE OWNER OF RECORD OR HIS/HER AUTHORIZED REPRESENTATIVE TO DISCLOSE ACTUAL KNOWLEDGE OF PRIOR USE OF THE PROPERTY AS A CLANDESTINE LABORATORY TO THE BUYER OR LESSEE. THE LESSOR MUST INCLUDE IN THE LEASE CONTRACT A STIPULATION THAT THE PROPERTY BEING LEASED WILL NOT BE USED FOR THE ILLICIT MANUFACTURE OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS IN VIOLATION OF THIS ACT.”

SEC. 6. Section 10 of the same Act is hereby amended to read as follows:

“SEC. 10. *Manufacture [or], Delivery, OR POSSESSION of LABORATORY Equipment, Instrument, Apparatus, and Other Paraphernalia for THE ILLICIT MANUFACTURE OF Dangerous Drugs and/or Controlled Precursors OR Essential Chemicals.* - 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 shall deliver, possess with intent to deliver, or manufacture with intent to deliver LABORATORY equipment, INCLUDING REACTION VESSEL, ENCAPSULATING MACHINES, TABLETING MACHINES, ROTARY EVAPORATORS, LABORATORY EQUIPMENT WITH A CAPACITY FOR LARGE VOLUME PRODUCTION SUCH AS ROUND BOTTOM FLASKS OF TWENTY-FIVE (25) LITRES OR ABOVE AND RELATED CONDENSERS, SEPARATING FUNNELS AND HEATING APPARATUS, instrument, apparatus and other paraphernalia for dangerous drugs AND/OR CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS, knowing, or under circumstances where one reasonably should know, that THESE will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain or conceal any dangerous drug and/or controlled precursor and essential chemical in violation of this Act.

The penalty of imprisonment ranging from six (6) months and one (1) day to four (4) years and a fine ranging from Ten thousand pesos (P10,000.00) to Fifty thousand pesos (P50,000.00) shall be imposed if it will be used to inject, ingest, inhale or otherwise introduce into the human body a dangerous drug in violation of this Act.

The maximum penalty provided for under this Section shall be imposed upon any person, who uses a minor or a mentally incapacitated individual to deliver such equipment, instrument, apparatus and other paraphernalia for dangerous drugs."

SEC. 7. Section 11 of the same Act is hereby amended to read as follows:

"SEC. 11. *Possession of Dangerous Drugs OR ITS ANALOGUES.* – The penalty of life imprisonment to death and a 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, 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;

x x x

"(8) x x x

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

"(1) x x x

x x x

"(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 dangerous drugs are **TWO GRAMS OR MORE BUT less than 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, methylenedioxyamphetamine (MDMA) or "ecstasy", paramethoxyamphetamine (PMA), trimethoxyamphetamine (TMA), lysergic acid diethylamine (LSD), gamma hydroxybutyrate (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; or **FIFTY (50) GRAMS OR MORE BUT less than three hundred (300) grams** of marijuana.

"(4) IMPRISONMENT OF 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), IF THE QUANTITIES OF DANGEROUS DRUGS ARE LESS THAN TWO (2) GRAMS OF OPIUM, MORPHINE, HEROIN, COCAINE OR COCAINE HYDROCHLORIDE, MARIJUANA RESIN OR MARIJUANA RESIN OIL, METHAMPHETAMINE HYDROCHLORIDE OR "SHABU" OR OTHER DANGEROUS DRUGS, INCLUDING MDMA OR "ECSTASY," PMA, TMA, LSD, GHB, GAMMA BUTYROLACTONE (GBL), AND THOSE SIMILARLY DESIGNED OR NEWLY INTRODUCED DRUGS AND THEIR DERIVATIVES, WITHOUT HAVING ANY THERAPEUTIC REQUIREMENT, OR LESS THAN FIFTY (50) GRAMS OF MARIJUANA.

"FOR THE PURPOSE OF THIS SECTION, THE FOLLOWING ARE PRESUMED:

"(A) DANGEROUS DRUGS FOUND TO BE CONCEALED IN AN ENCLOSED PRIVATE PROPERTY SHALL BE PRESUMED, UNTIL THE CONTRARY IS PROVEN, THAT THE SAID DRUGS ARE IN THE

POSSESSION OF AND/OR CONCEALED WITH THE KNOWLEDGE OF THE PERSON WHO HAS ACTUAL CONTROL THEREOF;

“(B) DANGEROUS DRUGS FOUND CONCEALED IN ANY COMPARTMENT THAT IS SPECIALLY CONSTRUCTED FOR THE PURPOSE ON ANY BUILDING, REAL PROPERTY, VEHICLE, VESSEL OR ANY KIND OF TRANSPORTATION OR PERSONAL PROPERTY; SHALL, UNTIL THE CONTRARY IS PROVEN, BE PRESUMED TO HAVE BEEN POSSESSED AND/OR CONCEALED WITH THE KNOWLEDGE OF THE OCCUPANT, ADMINISTRATOR, OWNER OR PERSON IN-CHARGE OF THE PROPERTY;

“(C) SUBJECT TO THE PROVISIONS OF SECTION 5 OF THIS ACT, ANY PERSON FOUND IN POSSESSION OF ANY DANGEROUS DRUG IN THE FOLLOWING QUANTITY OR WEIGHT, REGARDLESS OF PURITY, IS PRESUMED TO HAVE BEEN ENGAGED IN SELLING, TRADING, DISPENSATION, ADMINISTRATION, DELIVERY, DISTRIBUTION AND/OR TRANSPORTATION OF DANGEROUS DRUGS:

“(1) 200 GRAMS OR MORE OF SHABU, COCAINE, COCAINE HYDROCHLORIDE, OPIUM, HEROINE, MORPHINE, MARIJUANA RESIN OR MARIJUANA RESIN OIL, OR OTHER DANGEROUS DRUGS SUCH AS MDMA OR “ECSTASY,” PMA, TMA, LSD, GHB, AND THOSE SIMILARLY DESIGNED OR NEWLY INTRODUCED DANGEROUS DRUGS AND THEIR DERIVATIVES WHICH INCLUDE ANALOGUES; AND

“(2) 500 GRAMS OR MORE OF MARIJUANA.”

SEC. 8. A new section denominated as Section 11-A is hereby inserted after Section 11 of the same Act, to read as follows:

“SEC. 11-A. POSSESSION OF CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS. – 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 (P 100,000.00) TO FIVE HUNDRED THOUSAND PESOS (P500,000.00) SHALL BE IMPOSED UPON ANY PERSON, WHO, UNLESS AUTHORIZED BY LAW, SHALL POSSESS OR HAS UNDER HIS/HER CONTROL CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, KNOWING, OR UNDER CIRCUMSTANCES WHERE ONE REASONABLY KNOWS THAT THESE MAY BE USED FOR ADMINISTRATION, MANUFACTURE, SALE, TRADING, TRANSPORTATION, DISTRIBUTION, EXPORTATION AND DIVERSION.

“THE MAXIMUM PENALTY PROVIDED FOR UNDER THIS SECTION SHALL BE IMPOSED UPON ANY PERSON WHO ORGANIZES, MANAGES OR ACTS AS FINANCIER OF THE ILLEGAL ACTIVITY PROVIDED IN THIS SECTION.”

“FOR PURPOSES OF THIS SECTION, AN IMPORTATION OR EXPORTATION IS AUTHORIZED WHEN COVERED BY A LICENSE AND PERMIT, WHENEVER APPLICABLE, ISSUED BY THE PHILIPPINE DRUG ENFORCEMENT AGENCY PURSUANT TO THE RELEVANT REGULATION ISSUED BY THE DANGEROUS DRUGS BOARD.”

SEC. 9. Section 12 of the same Act is hereby amended to read as follows:

“SEC. 12. *Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous Drugs.* – x x x

“The possession of such equipment, instrument, apparatus and other paraphernalia fit or intended for any of the purposes enumerated in the preceding paragraph shall be *prima facie* evidence that the possessor has smoked, consumed, administered to himself/herself, injected, ingested or used a dangerous drug and shall be presumed to have violated Section 15 of this Act, **UNLESS HE/SHE VOLUNTARILY SUBMITS TO A DRUG TEST TO BE CONDUCTED IN A GOVERNMENT FORENSIC LABORATORY OR DOH ACCREDITED HOSPITALS, CLINICS OR DRUG TESTING LABORATORY FOR THIS PURPOSE, WITHIN TWENTY-FOUR (24) HOURS FROM APPREHENSION, AND THE RESULT THEREOF IS NEGATIVE. IF THE RESULT OF HIS/HER DRUG TEST IS POSITIVE, THE PROVISIONS OF SECTION 15 OF THIS ACT SHALL APPLY.”**

“IF THE EQUIPMENT, INSTRUMENT, APPARATUS, AND OTHER PARAPHERNALIA IS FOUND TO BE FIT FOR USE OR HAS BEEN USED IN THE ILLICIT MANUFACTURE OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS, THE PENALTY SHALL BE FROM FOUR (4) YEARS AND ONE (1) DAY IMPRISONMENT TO TWELVE (12) YEARS IMPRISONMENT.”

SEC. 10. Section 15 of the same Act is hereby amended to read as follows:

“SEC. 15. *Use of Dangerous Drugs AND CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS.* – A person apprehended or arrested, who is found to be positive for use of any dangerous drug, **OR CONTROLLED PRECURSOR AND ESSENTIAL CHEMICAL, after a confirmatory test **AND FOUND TO BE WITH SEVERE DEPENDENCE AFTER THE CONDUCT OF DRUG DEPENDENCY EXAMINATION SHALL BE ORDERED TO UNDERGO A MINIMUM OF SIX MONTHS REHABILITATION IN A GOVERNMENT CENTER FOR THE FIRST OFFENCE PROVIDED, THAT A CONVICTED PERSON WITH MODERATE DRUG AND/OR CHEMICAL DEPENDENCY MAY BE PLACED UNDER A FACILITY BASED OUT-PATIENT PROGRAM UNDER THE CARE OF DOH- ACCREDITED PROVIDERS WHILE THOSE FOUND WITH MILD DEPENDENCIES SHALL BE REFERRED TO COMMUNITY-BASED DRUG REHABILITATION (CBDR) PROGRAMS UNDER THE TRAINED CBDR IMPLEMENTORS OF THE LOCAL GOVERNMENT UNIT, SUBJECT TO THE PROVISION OF ARTICLE 8 OF THIS ACT OR A DEPENDENCY EXAMINATION**, shall be imposed a penalty of a minimum of six (6) months **TO EIGHTEEN (18) MONTHS IN-PATIENT TREATMENT AND AFTER CARE****

rehabilitation PROGRAM TO BE DETERMINED BY A PHYSICIAN WHICH SHALL START AFTER THE RELEASE OF THE DRUG DEPENDENT FROM THE REHABILITATION CENTER in a government center for the first offense, subject to the provisions of Article VIII of this Act. **IF FOUND TO BE NOT A DRUG DEPENDENT, HE/SHE SHALL SUFFER THE PENALTY OF IMPRISONMENT RANGING FROM SIX (6) MONTHS 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).** If apprehended using any dangerous drug OR CONTROLLED PRECURSOR AND ESSENTIAL CHEMICAL 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): *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 drugs OR OF ANY CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS IN WHICH CASE THE PROVISION OF SECTION 25 OF THIS ACT AND OTHER PENAL PROVISIONS PROVIDED HEREIN SHALL APPLY.”

ANY PERSON APPREHENDED UNDER THIS ACT SHALL BE SUBJECTED TO DRUG TEST TO DETERMINE WHETHER OR NOT HE IS A DRUG DEPENDENT AND ITS EXTENT. THE ARRESTING OFFICER SHALL INFORM THE SUSPECT ORALLY AND IN WRITING ABOUT THE PRESUMPTION IF HE/SHE DOES NOT PROMPTLY AND VOLUNTARILY SUBMIT TO A DRUG TEST. THIS PRESUMPTION, HOWEVER, SHALL BE OVERTURNED BY A NEGATIVE RESULT OF THE TEST TO BE CONDUCTED BY ANY HOSPITAL, DOCTOR OR MEDICAL PRACTITIONER UNDER THE SUPERVISION OF, OR ACCREDITED BY, THE DEPARTMENT OF HEALTH FOR THIS PURPOSE, IN THE PRESENCE OF SAID PERSON’S REPRESENTATIVE AND HIS/HER COUNSEL OF CHOICE OR ANY LAWYER AVAILABLE IF HE HAS NO COUNSEL OF CHOICE.

“POSSESSION OF ANY INSTRUMENT, APPARATUS OR PARAPHERNALIA FIT OR INTENDED FOR ANY OF THE PURPOSES ENUMERATED IN SECTION 12 OF THIS ACT BY ANY PERSON SUSPECTED OR APPREHENDED FOR USING DANGEROUS DRUGS SHALL BE A *PRIMA FACIE* EVIDENCE THAT THE POSSESSOR HAS SMOKED, CONSUMED, ADMINISTERED TO HIMSELF/HERSELF, INJECTED, INGESTED OR USED A DANGEROUS DRUG.”

“ANY PERSON WHO TESTED POSITIVE FOR USE OF DANGEROUS DRUGS PURSUANT TO THE TESTING CONDUCTED UNDER SECTION 36 SHALL BE MADE TO UNDERGO THE FOREGOING PROCEDURES”

SEC. 11. Section 16 of the same Act is hereby amended to read as follows:

“SEC. 16. *Cultivation or Culture of Plants Classified as Dangerous Drugs or are Sources Thereof.* – x x x

“The land or portions thereof and/or greenhouses on which any of said plants is cultivated or cultured shall be confiscated and escheated in favor of the State, unless the owner thereof can prove lack of knowledge of such cultivation or culture despite the exercise of due diligence on his/her part. If the land involved is part of the public domain, the maximum penalty provided for under this Section shall be imposed upon the offender **THE LAND OR PORTIONS THEREOF AND/OR GREENHOUSES ON WHICH ANY OF SAID PLANTS IS CULTIVATED OR CULTURED SHALL BE CONFISCATED AND FORFEITED.**

“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.

“A PERSON IS PRESUMED A FINANCIER OF THE VIOLATOR OF THIS SECTION IF HE/SHE CAUSES THE PAYMENT, RAISES, PROVIDES OR SUPPLIES THE MONEY FOR OR UNDERWRITES THE PLANTING, MAINTENANCE AND OPERATION OF ANY PLANTATION, FARM OR PLACE OF CULTIVATION OR CULTURE OF ANY PLANT CLASSIFIED AS DANGEROUS DRUGS OR SOURCE THEREOF. ANY EVIDENCE SHOWING THE DELIVERY OR TRANSFER OF MONEY, OR DRAWING OR ISSUANCE OF A CHECK, MONETARY INSTRUMENT OR INVESTMENT TO THE ACCOUNT, CONTROL OR CUSTODY OF A PERSON OR ENTITY KNOWN TO BE, CONNECTED WITH OR WORKING FOR, THE VIOLATOR OF THIS SECTION IS, UNLESS PROVEN OTHERWISE, A *PRIMA FACIE* PROOF THAT THE SENDER, TRANSFEROR OR ISSUER IS FINANCING THE VIOLATOR’S ILLEGAL ACTIVITIES.

“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.

“A PERSON IS PRESUMED A CODDLER OR PROTECTOR IF HE/SHE KNOWS THE CULTIVATOR, PRODUCER OR VIOLATOR OF THIS SECTION AND HE/SHE USES HIS/HER INFLUENCE, POWER OR POSITION IN PREVENTING THE COLLECTION OF EVIDENCE WITHOUT ANY JUSTIFIABLE REASON OR GROUNDS, SHIELDING, HARBORING, SCREENING OR FACILITATING THE ESCAPE OF SAID VIOLATOR. A PERSON IS LIKEWISE PRESUMED A PROTECTOR OR CODDLER IF HE/SHE HAS KNOWLEDGE OF OR HAS REASONABLE GROUND TO BELIEVE THAT ONE IS A CULTIVATOR, PLANTER, PRODUCER OF PLANTS CLASSIFIED AS DANGEROUS DRUGS OR SOURCE THEREOF, AND HE/SHE USES HIS/HER INFLUENCE, POWER OR POSITION IN PREVENTING THE ARREST, PROSECUTION OR CONVICTION OF SUCH CULTIVATOR, PLANTER OR PRODUCER.

“ANY ACT OF THE PROTECTOR OR CODDLER OF SHIELDING, HARBORING, SCREENING OR FACILITATING THE ESCAPE OF, OR IN PREVENTING THE ARREST, PROSECUTION OR CONVICTION OF THE VIOLATOR OF THIS SECTION IS, UNLESS PROVEN OTHERWISE, *PRIMA*

FACIE PROOF THAT THE PROTECTOR OR CODDLER HAS KNOWLEDGE OF, OR CONSENTED TO, THE CULTIVATION OR PRODUCTION OF PLANTS CLASSIFIED AS DANGEROUS DRUGS OR SOURCE THEREOF, AND HE/SHE IS PRESUMED FURTHER TO HAVE USED HIS/HER INFLUENCE, POWER OR POSITION IN DOING THE SAME. EXCEPT WHEN IT IS DONE BY ANY MEMBER OF THE VIOLATOR'S IMMEDIATE FAMILY OR HIS/HER LEGAL COUNSEL, ANY PERSON WHO INTERCEDES AND/OR REPRESENTS THE SAID VIOLATOR IS, UNLESS PROVEN OTHERWISE, PRESUMED TO HAVE SHIELDED, HARBORED, SCREENED OR FACILITATED THE ESCAPE OF OR PREVENTED THE ARREST, PROSECUTION OR CONVICTION OF THE VIOLATOR."

SEC. 12. Section 20 of the same Act is hereby amended to read as follows:

"SEC. 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. - x x

x

"x x x

*"During the pendency of the case in the Regional Trial Court, no property, or income derived therefrom, which may be confiscated and forfeited, shall be disposed, alienated or transferred and the same shall be in *custodia legis* and no bond shall be admitted for the release of the same. **THE PROHIBITION PROVIDED HEREIN SHALL NOT APPLY TO ANY FIREARM, EXPLOSIVE OR WEAPON WHICH SHALL BE CONFISCATED, FORFEITED AND DISPOSED OF IMMEDIATELY BY THE COURT IN FAVOR OF THE GOVERNMENT, FOR THE USE OF ENFORCEMENT OF AGENCIES ENGAGED IN THE ENFORCEMENT OF THE PROVISIONS OF THIS ACT.***

"x x x"

SEC. 13. Section 21 of the same Act, is hereby further amended to read as follows:

"SEC. 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. - xxx

*"(1) The apprehending team having initial custody and control of the dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment shall, **WITHIN A REASONABLE TIME** after seizure and confiscation, conduct **MARKING AND** a physical inventory of the seized items and photograph the same **TOGETHER WITH A NEWSPAPER OR ANY PUBLICATION DATED ON THAT DAY, OR BY ANY MEANS OR MODE TO INDICATE THE DATE OF THE PHOTOGRAPH** 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, with an elected public official **OR a DULY DESIGNATED** representative of the National Prosecution Service who shall be required to sign the copies of the inventory and be given a copy thereof: *Provided*, That the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever*

is practicable, in case of warrantless seizures: *Provided, finally*, That noncompliance of these requirements under justifiable grounds, as long as the seized items are properly **PHOTOGRAPHED, RECORDED AND AUTHENTICATED** by the apprehending officer/team, shall not render void and invalid such seizures and custody over said items.

“THE APPREHENDING TEAM MENTIONED IN THE PRECEDING PARAGRAPH SHALL BE REQUIRED TO PROPERLY DOCUMENT THE ANTI-ILLEGAL DRUGS OPERATIONS, FROM THE BEGINNING UNTIL THE END, THROUGH THE USE OF A VALID AND LEGITIMATE TECHNOLOGY, INCLUDING WEARING BODY-WORN CAMERAS.

“WHERE A SEIZURE OF AN ILLICIT LABORATORY IS MADE, THE PDEA SHALL, WITHIN FORTY EIGHT (48) HOURS, DO THE PROPER DISPOSAL OF CHEMICALS WHICH ARE NOT LISTED AS CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, REMAINING UNIDENTIFIED LIQUID OR SOLID CHEMICALS IN UNLABELED CONTAINERS AND/OR IN OPENED CONTAINERS THAT MAY NOT BE RESEALED, AND WASTES, WHICH ARE NOT NEEDED AS EVIDENCE IN THE INVESTIGATION OR PROSECUTION OF THE CASE: *PROVIDED*, THAT SUCH ITEMS OF CHEMICALS AND WASTES SHALL BE SEPARATELY PHOTOGRAPHED, EXAMINED, RECORDED, AUTHENTICATED, AND INVENTORIED.

“MEMBERS OF THE MEDIA MAY BE INVITED TO THE JOIN/COVER ANTI-DRUG OPERATIONS OF THE GOVERNMENT FOR JOURNALISM PURPOSES ONLY. DETAILS AND FACTS ABOUT THE OPERATION SHOULD NOT BE USED AS CONDITION FOR THE REPORTER TO SIGN THE INVENTORY.

“(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 FORENSIC LABORATORY OF THE ARRESTING TEAM FOR THE EXAMINATION AND IDENTIFICATION OF THE SUBJECT SUBSTANCE;

“(3) A certification of the forensic laboratory examination results, which shall be done UNDER OATH by the forensic laboratory examiner INDICATING THEREIN THE KIND OF DANGEROUS DRUGS SEIZED, ITS CHEMICAL COMPOSITION IF POSSIBLE, VOLUME, WEIGHT, AND OTHER RELEVANT INFORMATION shall be issued immediately upon the receipt of the subject item/s: *Provided*, That when the volume of 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 immediately upon completion of the said examination and certification;

“(4) After the filing of the criminal case, the Court shall, within seventy-two (72) hours, conduct 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 representative or counsel, a representative from the media and the DOJ, civil society groups and any elected public official. **THE PROPERTY FROM WHERE THE CLANDESTINELY MANUFACTURED DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS WERE SEIZED SHALL BE CLEANED UP UNDER THE SUPERVISION OF THE BOARD, IN COOPERATION WITH THE DOH, DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND CONCERNED LOCAL GOVERNMENT UNITS.** The Board shall draw up guidelines on the manner of proper DISPOSAL and destruction of such item/s, **INCLUDING THE CLEAN UP OF THE CLANDESTINE LABORATORY**, which shall be borne by the offender. **IN THE CASE OF THE CLEAN UP OF THE CLANDESTINE LABORATORY, THE LESSOR OF THE PROPERTY OR OWNER ON RECORD SHALL ALSO BEAR THE COST, UNLESS THE LESSOR OF THE PROPERTY OR OWNER ON RECORD EACH PROVES LACK OF KNOWLEDGE OF SUCH CLANDESTINE MANUFACTURE: *Provided*, 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 item/s which, together with the **AUTHENTICATED PHOTOGRAPHS OF THE EVIDENCE** in the custody of the PDEA **AND THE FINAL CERTIFICATION OF THE FORENSIC LABORATORY EXAMINATION** shall be submitted to the court having jurisdiction over the case.

“(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 **IS UNABLE TO OBSERVE** 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;

IN ADDITION, REPRESENTATIVE SAMPLES MAY BE RETAINED BY THE PDEA FOR PURPOSES OF TRAININGS, ACADEMIC RESEARCH, DRUG PROFILING AND OTHER LAWFUL PURPOSES UPON APPROVAL OF THE COURT.

SEC. 14. Section 22 of the same Act is hereby amended to read as follows:

“**SEC. 22. *Grant of Compensation, Reward and Award.* – The Board shall recommend to the concerned government agency the grant of compensation, reward and award to any person providing information and to law enforcers participating in the operation, which results in the successful confiscation, seizure or surrender of dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals AND LABORATORY EQUIPMENT. THE COMPUTATION OF MONETARY REWARD SHALL BE BASED ON THE QUANTITATIVE AND QUALITATIVE EXAMINATIONS CONDUCTED BY THE FORENSIC LABORATORY EXAMINER WITHIN TWENTY-FOUR (24) HOURS AFTER RECEIPT OF SEIZED ITEMS.**”

SEC. 15. Section 25 is hereby amended to read as follows:

Section 25. *Aggravating Circumstances in the Commission of a Crime by an Offender Under the Dangerous Drugs Law* – Notwithstanding the provisions of any law to the contrary, a positive finding for the use of dangerous drugs shall be a **SPECIAL** aggravating circumstance in the commission of a crime by an offender **RESULTING TO THE IMPOSITION OF THE MAXIMUM PENALTY.**

IN ADDITION, THE MAXIMUM PENALTY SHALL ALSO BE IMPOSED IF ANY OF THE UNLAWFUL ACTS ABOVE ARE COMMITTED DURING AN EPIDEMIC, PANDEMIC OR CALAMITY, WHERE A STATE OF CALAMITY IS DECLARED BY THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES.”

SEC. 16. Section 26 of the same Act is hereby amended to read as follows:

“**SEC. 26. *Attempt or Conspiracy.*** – Any attempt or conspiracy to commit the following unlawful acts shall be penalized by the same penalty prescribed for the commission of the same as provided under this Act:

- “(a) x x x
- x x x
- “(e) x x x
- “(F) **CHEMICAL DIVERSION**
- “(G) **POSSESSION”**

SEC. 17. A new section denominated as Section 29-A is hereby inserted after Section 29 of the same Act, to read as follows:

“SEC. 29-A. *CRIMINAL LIABILITY ON USE OR IMPLEMENTATION OF SEARCH WARRANT ISSUED BASED ON PERJURIOUS, FALSIFIED DOCUMENTS OR PLANTING OF EVIDENCE.* – ANY PERSON WHO IS FOUND GUILTY OF WILLFULLY OR INTENTIONALLY USING OR IMPLEMENTING SEARCH WARRANT ISSUED BASED ON PERJURIOUS OR FALSIFIED DOCUMENTS AS DEFINED UNDER THE REVISED PENAL CODE, OR PLANTING OF EVIDENCE AS PENALIZED UNDER EXISTING LAWS SHALL SUFFER THE PENALTY AS PROVIDED FOR UNDER SEC. 29 OF THIS ACT.”

SEC. 18. Section 31 of the same act is hereby amended, to read as follows:

SEC. 30. *PENALTY IF OFFENDER IS AN ALIEN.* – IF THE VIOLATOR OF ANY OF THE PROVISIONS OF THIS ACT IS AN ALIEN, THE PENALTY TO BE IMPOSED SHALL BE THE PENALTY PRESCRIBED BY THE ALIEN’S NATIONAL LAW FOR THE ACT COMMITTED OR THE PENALTY PRESCRIBED BY THIS ACT, WHICHEVER IS HIGHER: PROVIDED, THAT IF THE ACT COMMITTED IS NOT PUNISHABLE IN THE ALIEN’S NATIONAL LAW, THEN THE PROVISIONS OF THIS ACT SHALL APPLY.

In addition to the penalties prescribed **FOR** the unlawful act committed, any alien who violates such provisions of this Act shall, after service of sentence, be deported immediately without further proceedings.

SEC. 19. Section 33 of the same Act is hereby amended to read as follows:

“SEC. 33. *Immunity from Prosecution and Punishment.* – Notwithstanding the provisions of Section 17, Rule 119 of the Revised Rules of Criminal Procedure and the provisions of Republic Act No. 6981 or the Witness Protection, Security and Benefit Act of 1991, any person who has violated Sections 7, **11(3), 11(4), 11-A, 12, 12-A, 14** and 15, Article II of this Act, who voluntarily gives information about any violation of Sections 4, 5, 6, 8, 10, 13 and 16, Article II of this Act as well as any violation of the offenses mentioned if committed by a drug syndicate, or any information leading to the whereabouts, identities and arrest of all or any of the members thereof; and who willingly testifies against such persons as described above, shall be exempted from prosecution or punishment for the offense with reference to which his/her information of testimony were given, and may plead or prove the giving of such information and testimony in bar of such prosecution: Provided, That the following conditions concur:

“x x x”

SEC. 20. A new section denominated as Section 33-A is hereby inserted after Section 33 of the same Act, to read as follows:

“SEC. 33-A. IMMUNITY FROM PROSECUTION UNDER OTHER CIRCUMSTANCES, MINIMUM PENALTY AND COMMUTATION OF SENTENCE. – ANY PERSON CHARGED FOR ANY OFFENSE UNDER THIS ACT AND WHO IS NOT QUALIFIED FOR IMMUNITY UNDER THE PRECEDING SECTION 33 MAY APPLY FOR IMMUNITY FROM PROSECUTION UNDER THIS SECTION IF HE/SHE IS WILLING TO REVEAL THE IDENTITY AND PARTICIPATION OF PERSONS INVOLVED FOR VIOLATION OF SECTIONS 4, 5, 6, 8, 10 AND 16 OF ARTICLE II OF THIS ACT, INCLUDING THE VIOLATOR’S FINANCIERS, PROTECTORS OR CODDLERS.

“THE GRANT OF THE APPLICATION FOR IMMUNITY IS CONDITIONED UPON THE ARREST AND PROSECUTION OF ANYONE, SOME OR ALL OF THE PERSONS HE/SHE NAMED OR IDENTIFIED, THE WILLINGNESS FROM HIS/HER PART TO TESTIFY AGAINST THE PERSON/S HE/SHE NAMED OR IDENTIFIED, HE/SHE DOES NOT APPEAR TO BE THE MOST GUILTY FOR THE OFFENSE TO WHICH HIS/HER INFORMATION OR TESTIMONY IS GIVEN, AND THE CONCURRENCE OF THE FOLLOWING:

“(A) THE INFORMATION AND TESTIMONY ARE NECESSARY FOR THE CONVICTION OF THE PERSONS HE/SHE NAMED OR IDENTIFIED;

“(B) SUCH INFORMATION AND TESTIMONY ARE NOT YET IN THE POSSESSION OF THE STATE;

“(C) SUCH INFORMATION AND TESTIMONY CAN BE CORROBORATED ON ITS MATERIAL POINTS;

“(D) THE INFORMANT OR WITNESS HAS NOT BEEN PREVIOUSLY CONVICTED OF A CRIME INVOLVING MORAL TURPITUDE, EXCEPT WHEN THERE IS NO OTHER DIRECT EVIDENCE

AVAILABLE FOR THE STATE OTHER THAN THE INFORMATION AND TESTIMONY OF SAID INFORMANT OR WITNESS; AND

“(E) THE INFORMANT OR WITNESS SHALL, WITHOUT DELAY, STRICTLY AND FAITHFULLY COMPLY WITH ANY CONDITION OR UNDERTAKING LAWFULLY IMPOSED BY THE STATE AS FURTHER CONSIDERATION FOR THE GRANT OF IMMUNITY FROM PROSECUTION AND PUNISHMENT.

“IF HE/SHE SATISFIES THE ABOVE CONDITIONS FOR THE GRANT OF IMMUNITY, THE APPLICANT MAY BE QUALIFIED FOR AND BE PLACED UNDER THE WITNESS PROTECTION PROGRAM.

“IF NONE OF THE PERSON/S HE/SHE NAMED OR IDENTIFIED HAS BEEN ARRESTED AND CHARGED, THE PROSECUTION OF THE CASE SHALL PROCEED, BUT THE COURT SHALL SUSPEND PROMULGATION OF JUDGMENT FOR A PERIOD NOT EXCEEDING SIX (6) MONTHS FROM THE DATE HIS/HER CASE IS SUBMITTED FOR DECISION. THE COURT, HOWEVER, IS BOUND TO RENDER JUDGMENT IF THE ACCUSED REQUESTS FOR EARLY DECISION.

“THE COURT SHALL RENDER A DECISION IF THE PERSON HE/SHE NAMED OR IDENTIFIED REMAINS AT-LARGE AFTER THE LAPSE OF THE ORIGINAL OR EXTENDED PERIOD. IF HE/SHE IS FOUND GUILTY, THE COURT SHALL IMPOSE ONLY THE MINIMUM PENALTY FOR THE OFFENSE CHARGED OR PROVEN. HOWEVER, HE/SHE MAY BE CALLED LATER AS WITNESS FOR THE PROSECUTION, WITH HIS/HER EXPRESS CONSENT, IN THE EVENT THAT ONE, SOME OR ALL THE PERSONS HE/SHE NAMED OR IDENTIFIED HAS OR HAVE BEEN APPREHENDED AND CHARGED IN COURT FOR VIOLATION OF SECTIONS 4, 5, 6, 8, 10 AND 16 OF THIS ACT. IF HE/SHE HAS TESTIFIED FOR THE PROSECUTION, HIS/HER SENTENCE MAY BE REDUCED, OR HE/SHE MAY BE CONSIDERED TO HAVE FULLY SERVED HIS/HER SENTENCE AND MAY BE RELEASED IMMEDIATELY, AT THE DISCRETION OF THE COURT.”

SEC. 21. Section 36 of the same Act is hereby amended to read as follows:

“SEC. 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 drug test. The drug testing shall employ, among others, testing methods **THAT SHALL DETERMINE THE PRESENCE OF CANNABIS, COCAINE, OPIATES, AMPHETAMINES, METHAMPHETAMINE, PHENCYCLIDINE AND OTHER DANGEROUS ILLEGAL DRUGS AS DETERMINED BY THE BOARD.** Drug test certificates issued by accredited drug testing centers shall be valid for a **THREE-MONTH** period from the date of issue which may be used for other purposes. The following shall be subjected to undergo drug testing:

“(a) x x x

x x x
“(g) x x x

“(H) **PROFESSIONAL AND NON-PROFESSIONAL ATHLETES. – ALL ATHLETES, PROFESSIONAL AND NON-PROFESSIONAL, IN ANY KIND OF SPORT, SHALL UNDERGO A MANDATORY DRUG TEST TWICE A YEAR. ANY ATHLETE FOUND POSITIVE FOR USE OF DANGEROUS DRUGS SHALL BE SUSPENDED SUBJECT TO FURTHER INVESTIGATION BY APPROPRIATE GOVERNMENT AGENCIES.**

 “x x x”

SEC. 22. Section 51 of the same Act is hereby amended to read as follows:

“**SEC. 51. *Local Government Units’ PROGRAMS AND Assistance.* – Local government units shall appropriate a substantial portion of **NOT LESS THAN ONE PERCENT (1%)** OF their respective annual budgets **IN SUPPORT OF WELL-FUNCTIONING ANTI-DRUG ABUSE COUNCILS (ADACS) AND ESTABLISHMENT OF ANTI-DRUG ABUSE OFFICES (ADAOS) AND PROGRAMS ON SUBSTANCE USE PREVENTION AND MANAGEMENT IN LOCAL HEALTH OFFICES.****

“**THE ADAC IS A MULTI-SECTOR COUNCIL COMPOSED OF LOCAL OFFICIALS AND REPRESENTATIVES OF VARIOUS COMMUNITY ORGANIZATIONS TASKED TO PLAN, IMPLEMENT, AND MONITOR ALL ANTI- ILLEGAL DRUG ABUSE PROGRAMS, PROJECTS AND ACTIVITIES IN THE LOCAL GOVERNMENT UNIT.**

“**THE ADAO SHALL PROVIDE TECHNICAL AND ADMINISTRATIVE SUPPORT SERVICES TO THE ADAC AND ACT AS ITS SECRETARIAT TO IMPLEMENT EFFECTIVELY THE PROVISIONS OF THIS SECTION. THE BOARD, WITH THE ASSISTANCE OF THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT (DILG), SHALL ISSUE THE NECESSARY GUIDELINES WITHIN NINETY (90) DAYS FROM APPROVAL OF THIS ACT.**”

SEC. 23. The Title of Article VIII and Sections 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 68, 72, 73, 74, 75 and 76 of the same Article are hereby amended by deleting the words “drug dependent” wherever they appear and replacing them with the words **DANGEROUS “DRUG OR CHEMICAL DEPENDENT.”**

SEC. 24. Section 76 (6) of the same Act is hereby amended to read as follows:

“**SEC. 76. The Duties and Responsibilities of the Department of Health (DOH) Under this Act.- The DOH shall:**

- (1) X x x
- (2) X x x
- (3) X x x
- (4) X x x
- (5) X x x

(6) DETERMINE REASONABLE FEES FOR DRUG DEPENDENCY EXAMINATIONS, OTHER MEDICAL AND LEGAL SERVICES PROVIDED TO THE PUBLIC IN RELATION TO THE IMPLEMENTATION OF THIS ACT.

SEC. 25. Section 78 of the same Act is hereby amended to read as follows:

“**SEC. 78. Composition of the Board.** – The Board shall be composed of **TWENTY (20)** members wherein three (3) of **WHOM** are permanent members, the other **FIFTEEN (15)** members shall be in an *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 field of dangerous drugs and 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 have the rank of undersecretary, one (1) shall serve for four (4) years and the other for 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.

“The other **FIFTEEN (15)** members who shall be *ex-officio* members of the Board are the following:

“(1) Secretary of the Department of Justice or his/her **AUTHORIZED** representative;

“(2) Secretary of the Department of Health or his/her **AUTHORIZED** representative;

“(3) Secretary of the Department of National Defense or his/her **AUTHORIZED** representative;

“(4) Secretary of the Department of Finance or his/her **AUTHORIZED** representative;

“(5) Secretary of the Department of Labor and Employment or his/her **AUTHORIZED** representative;

“(6) Secretary of the DILG or his/her **AUTHORIZED** representative;

“(7) Secretary of the Department of Social Welfare and Development or his/her **AUTHORIZED** representative;

“(8) Secretary of the Department of Foreign Affairs or his/her **AUTHORIZED** representative;

“(9) Secretary of the Department of Education or his/her **AUTHORIZED** representative;

“(10) Chairman of the Commission on Higher Education or his/her representative;

“(11) Chairman of the National Youth Commission **OR HIS/HER AUTHORIZED REPRESENTATIVE;**

“(12) Director General of the Philippine Drug Enforcement Agency **OR HIS/HER AUTHORIZED REPRESENTATIVE;**

“(13) **SECRETARY OF THE DEPARTMENT OF TRANSPORTATION OR HIS/HER AUTHORIZED REPRESENTATIVE;**

“(14) **SECRETARY OF THE DEPARTMENT OF BUDGET AND MANAGEMENT OR HIS/HER AUTHORIZED REPRESENTATIVE; AND**

“(15) EXECUTIVE DIRECTOR OF THE DANGEROUS DRUGS BOARD.

“EX-OFFICIO members of the Board, **EXCEPT THE EXECUTIVE DIRECTOR OF THE BOARD**, may designate their duly authorized and permanent representatives whose ranks shall in no case be lower than **ASSISTANT SECRETARY. THE EXECUTIVE DIRECTOR OF THE BOARD SHALL HAVE NO VOTING RIGHTS ON ISSUES BEFORE THE BOARD.**

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

“(a) The president of the Integrated Bar of the Philippines **OR HIS/HER AUTHORIZED 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 **EX-OFFICIO** consultants of the Board, and **MAY** attend all the meetings of the Board.

“THE BOARD MAY ENGAGE THE SERVICES OF CONSULTANTS WHO ARE PRESUMED EXPERTS IN DRUG ABUSE AND CONTROL POLICIES, STRATEGIES AND PROGRAMS, RESEARCH, AND INTERNATIONAL DRUG CONVENTIONS, SUBJECT TO THE PERTINENT BUDGETARY LAWS, RULES AND REGULATIONS ON COMPENSATION, HONORARIA AND ALLOWANCES.

“All members of the Board as well as its **EX-OFFICIO** consultants shall receive *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 consultant of the Board attends a meeting in behalf of the latter, such **PERMANENT** representatives shall be entitled to receive the *per diem*.”

SEC. 26. Section 79 of the same Act is hereby amended to read as follows:

“**SEC. 79. Meetings of the Board.** – The Board shall meet once a **MONTH** or as often as necessary at the **CALL** of the Chairman or any four (4) other members. The presence of **ELEVEN (11)** members shall constitute a quorum.”

SEC. 27. Section 80 of the same Act is hereby amended to read as follows:

“**SEC. 80. Secretariat of the Board.** – x x x

“x x x

“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.”

SEC. 28. Section 82 of the same Act is hereby amended to read as follows:

“SEC. 82. *Creation of the Philippine Drug Enforcement Agency (PDEA).*

— x x x

“The PDEA shall be headed by a Director General with the rank of Undersecretary, who shall be responsible for the general administration and management of the Agency. The Director General of the PDEA shall be appointed by the President of the Philippines and shall perform such other duties that may be assigned to him/her. He/she must possess **A POSTGRADUATE DEGREE, A CAREER EXECUTIVE SERVICE ELIGIBILITY, A CAREER EXECUTIVE SERVICE ELIGIBILITY AND** adequate knowledge, training and experience in the field of dangerous drugs, **CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS CONTROL**, and in any of the following fields: law enforcement, **CRIMINAL POLICING, LEGAL AND PROSECUTION, CRIMINOLOGY, AND INTELLIGENCE AND SECURITY ADMINISTRATION.**

“**IN THE PERFORMANCE OF DUTIES AND RESPONSIBILITIES**, the Director General of the PDEA shall be assisted [in the performance of his/her duties and responsibilities] by two (2) deputies director general with the rank of Assistant Secretary; one for Operations and the other one for Administration. The two (2) deputies director general shall likewise be appointed by the President of the Philippines upon recommendation **OF THE DIRECTOR GENERAL OF THE PDEA AND THE CONCURRENCE** of the Board. The two (2) deputies director general shall possess the same qualifications as those of the Director General of the PDEA. The Director General and the two (2) deputies director general shall receive the compensation and salaries as prescribed by law.

SEC. 29. Section 84 of the same Act is hereby amended to read as follows:

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

“(a) x x x

 x x x

“(f) x x x

“(g) **COORDINATE AND SUBMIT CONFIDENTIAL REPORTS WITH APPROPRIATE RECOMMENDATIONS TO THE ANTI-MONEY LAUNDERING COUNCIL (AMLC) FOR THE ISSUANCE OF A FREEZE ORDER, FOR THE INITIATION OF APPROPRIATE SEIZURE OR FORFEITURE PROCEEDING AND FOR THE INVESTIGATION, INSPECTION OR EXAMINATION OF ANY FINANCIAL TRANSACTION, INVESTMENT OR ASSET IN ANY BANK OR FINANCIAL INTERMEDIARY OF ANY PERSON SUSPECTED OR APPREHENDED FOR VIOLATING SECTIONS 4, 5, 6, 8, 9, 10, 12, 13, 14 AND 16 OF THIS ACT.**

THE CONFIDENTIAL REPORT OR RECOMMENDATION THAT IS BASED ON RELIABLE AND VERIFIED INTELLIGENCE INFORMATION SHALL CONTAIN THE NAME OR IDENTITY OF THE SUSPECT AND OTHER RELEVANT INFORMATION. IT SHALL RENDER THE PERSONAL AND RELATED TRANSACTIONS OF THE SUSPECT’S SUSPICIOUS TRANSACTIONS AS DEFINED UNDER SECTION 3(B-1) IN RELATION TO SECTION 4 OF REPUBLIC ACT NO. 9160, AS AMENDED, OTHERWISE KNOWN AS THE “ANTI-MONEY LAUNDERING ACT OF 2001.” IT SHALL

HAVE THE SAME EFFECT IN THE CASE OF A REPORT OR RECOMMENDATION MADE UPON ALL PERSONAL AND RELATED TRANSACTIONS OF A PERSON ARRESTED OR APPREHENDED.

“PROPER COORDINATION AND EXCHANGE OF INFORMATION WITH THE AMLC SHALL BE UNDERTAKEN TO SUBSTANTIATE CHARGES, STRENGTHEN THE CASE, AND/OR SUPPORT THE PROSECUTION AGAINST THE PERSON SUBJECT OF THE REPORT OR RECOMMENDATION;

“(h) x x x
“(i) x x x

“(I-1) SUBJECT TO THE PROVISIONS OF REPUBLIC ACT NO. 4200, ENTITLED, “AN ACT TO PROHIBIT AND PENALIZE WIRE TAPPING AND OTHER RELATED VIOLATIONS OF THE PRIVACY OF COMMUNICATION, AND FOR OTHER PURPOSES,” MONITOR ANY MESSAGE, COMMUNICATION OR CONVERSATION TRANSMITTED OR RECEIVED THROUGH WIRELESS OR DIGITAL TELECOMMUNICATION, ON-LINE, INTERNET, CYBER OR WHATEVER OTHER MEANS OF COMMUNICATION IF SAID MESSAGE, COMMUNICATION OR CONVERSATION IS CONSIDERED CONNECTED TO THE COMMISSION OF ANY OF THE UNLAWFUL ACTS OR ACTIVITIES PRESCRIBED IN THIS ACT OR TO AN ACT PREPARATORY TO, OR FOR THE PURPOSE OF COMMITTING SAID UNLAWFUL ACTS OR ACTIVITIES. FOR THIS PURPOSE, THE PDEA SHALL ORGANIZE A SPECIAL UNIT OR OFFICE UNDER ITS INTELLIGENCE AND INVESTIGATION SERVICES TO MONITOR, BY THE USE OF ELECTRONIC DEVICE, ALL ACTIVITIES OF ANY PERSON ENGAGED IN IMPORTATION, EXPORTATION, MANUFACTURE, PLANTATION, CULTIVATION, SELLING, PUSHING, TRADING, TRANSPORTATION OR DISTRIBUTION OF ILLEGAL DRUGS OR SIMILAR SUBSTANCES, AND THEIR FINANCIERS, PROTECTORS OR CODDLERS.

“SUBJECT TO THE PROVISIONS OF REPUBLIC ACT NO. 4200, ANY INFORMATION GATHERED OR OBTAINED IN THE COURSE OF VALID MONITORING MENTIONED IN THE PRECEDING PARAGRAPH, MAY BE USED IN EVIDENCE, WHETHER BEFORE OR AFTER THE SUBJECT PERSON IS CHARGED FOR VIOLATION OF THIS ACT.

“x x x
“(l) x x x
“(m) Establish and maintain close coordination, cooperation and linkages

with international drug control and administrative agencies and organizations, WITH DRUG SUPPLY REDUCTION AND CHEMICAL DIVERSION CONTROL FUNCTIONS AND PROGRAMS, and implement applicable provisions of international conventions and agreements related to dangerous drugs AND CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS to which the Philippines is a signatory;

“x x x

“(o) CONDUCT REGULATORY COMPLIANCE INSPECTION AND DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS DIVERSION CONTROL PROGRAM AND INVESTIGATION;

“x x x”

“(r) x x x

“(S) DEPUTIZE QUALIFIED PERSONNEL AND/OR UNITS OF OTHER DEPARTMENTS, BUREAUS, OFFICES, AGENCIES, OR LOCAL GOVERNMENT UNITS TO ASSIST IN A MORE RESOLUTE IMPLEMENTATION OF THIS ACT.”

SEC. 30. Section 85 of the same Act is hereby amended to read as follows:

“SEC. 85. *The PDEA Academy.* – Upon approval of the Board, the PDEA Academy shall be established either in Baguio or Tagaytay City, and in such other places as may be necessary. The PDEA Academy shall be responsible in the recruitment and training of all PDEA agents and personnel. The Board shall provide for the qualifications of its recruits who must be at least twenty-one (21) years old, of proven integrity and honesty and a Baccalaureate degree holder. UNTIL SUCH TIME THAT A FUNCTIONAL PDEA ACADEMY IS ESTABLISHED, PDEA IS AUTHORIZED TO CONDUCT ITS TRAINING IN ANY EXISTING TRAINING ACADEMY, INSTITUTION OR FACILITY OPERATED BY ANY DEPARTMENT, BUREAU, OFFICE, AGENCY OR INSTRUMENTALITY OF THE GOVERNMENT, SUBJECT TO PRIOR CONSULTATION WITH AND AGREEMENT OF THE PARTIES CONCERNED.

THE PDEA ACADEMY SHALL HAVE AN APPROPRIATION FOR ITS OPERATION AND PROGRAMS THAT SHALL BE REFLECTED IN THE ANNUAL BUDGET OF THE PDEA PROVIDED FOR IN THE GENERAL APPROPRIATIONS ACT.

“x x x”

SEC. 31. Section 86 of the same Act is hereby amended to read as follows:

“SEC. 86. *Transfer, Absorption, and Integration of All Operating Units on Illegal Drugs into the PDEA and Transitory Provisions.* – x x x

“x x x

THE HEADS OF THE PNP, NATIONAL BUREAU OF INVESTIGATION, BUREAU OF CUSTOMS, ARMED FORCES OF THE PHILIPPINES OR OTHER GOVERNMENT AGENCIES AND LOCAL GOVERNMENT UNITS PERFORMING LAW ENFORCEMENT FUNCTIONS OR MISSIONS ARE AUTHORIZED TO CONTINUE PLACEMENT OF THEIR PERSONNEL ON DETAIL SERVICE WITH PDEA UPON THE REQUEST OF THE DIRECTOR GENERAL OF PDEA FOR A PERIOD NOT EXCEEDING FIVE (5) YEARS: *PROVIDED*, THAT THE DETAIL SERVICE WITH PDEA SHALL BE CONSIDERED AS CAREER SERVICE CONNECTED: *PROVIDED, FURTHER*, THAT AUTHORIZATION FOR THE DETAIL SERVICE FROM OTHER AGENCIES TO PDEA SHALL CEASE WHEN PDEA IS ABLE TO RECRUIT A MINIMUM OF THREE THOUSAND (3,000) ORGANIC PDEA AGENTS: *PROVIDED, FINALLY*, THAT THE

PERSONNEL ON DETAIL SHALL BE GIVEN THE OPTION TO JOIN THE PDEA, SUBJECT TO PERTINENT LAWS, CIVIL SERVICE RULES AND REGULATIONS, AND THE QUALIFICATION REQUIREMENTS OF THE PDEA.

“x x x”

SEC. 32. Section 87 of the same Act is hereby amended to read as follows:

“SEC. 87. *Appropriations.* – x x x

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 Philippine Charity Sweepstakes Office (PCSO), are hereby constituted as a special account in the general fund for the implementation of this Act: *Provided*, That **EXCEPT AS OTHERWISE ALLOWED ELSEWHERE IN THIS ACT**, no amount shall be disbursed to cover operating expenses of the Board and other concerned agencies: **PROVIDED, FURTHER, THAT PDEA SHALL RETAIN THE TOTAL COLLECTION FOR DRUGS AND CHEMICAL FEES AND CHARGES TO FUND THE COMPLIANCE AND DIVERSION CONTROL PROGRAM, PDEA ACADEMY DEVELOPMENT PROGRAM, AND FORENSIC LABORATORY DEVELOPMENT PROGRAM OTHER THAN WHAT IS PROVIDED FOR IN THE GENERAL APPROPRIATIONS ACT:** *Provided FINALLY*, That at least fifty percent (50%) of all the funds, **EXCEPT FEES AND CHARGES COLLECTED BY PDEA**, shall be reserved for assistance to government-owned and/or operated rehabilitation centers.

“x x x”

SEC. 33. Section 92 of the same Act is hereby amended to read as follows:

“SEC. 92. *Delay and Bungling in the Prosecution of Drug Cases.* – Any government officer or employee tasked with the prosecution of drug-related cases under this Act, who, through patent laxity, inexcusable neglect, unreasonable delay, or **IN** deliberately **CAUSING** the unsuccessful prosecution and/or dismissal of the said drug cases, shall suffer the penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years without prejudice to his/her prosecution under the pertinent provisions of the Revised Penal Code.

UNLESS PROVEN OTHERWISE, A DECISION OF THE COURT ACQUITTING THE ACCUSED OR DISMISSING A CASE PROSECUTED UNDER THIS ACT BASED ON ANY OF THE FOLLOWING REASONS SUCH AS, FAILURE TO FORMALLY OFFER EVIDENCE, FILING OF WRONG INFORMATION, FAILURE TO PRESENT *CORPUS DELICTI*, IRREGULARITY/ILLEGALITY OF ARREST, SEARCH AND SEIZURE, FAILURE TO CONDUCT CONFIRMATORY TEST, FAILURE TO PROSECUTE FOR AN UNREASONABLE LENGTH OF TIME, INSUFFICIENCY OF EVIDENCE, FAILURE TO COMPLY WITH SEC. 21 OF THIS ACT, INCONSISTENT TESTIMONIES, QUASHAL OF INFORMATION OR SEARCH WARRANT, LACK OF PROBABLE CAUSE, DEMURRER TO EVIDENCE GRANTED BY THE COURT, AND NON-PRESENTATION OF VITAL WITNESSES, IS PRESUMED TO HAVE BEEN UNSUCCESSFULLY

PROSECUTED AND THE GOVERNMENT PROSECUTOR, LAW ENFORCER, OFFICER, EMPLOYEE OR CIVILIAN INVOLVED IN THE PROSECUTION THEREOF DELIBERATELY CAUSED THE UNSUCCESSFUL PROSECUTION AND/OR DISMISSAL OF THE SAID CASE.

“THE TRIAL COURT OR APPELLATE/REVIEWING COURT THAT RENDERS THE JUDGMENT OF ACQUITTAL OR ISSUES THE ORDER OF DISMISSAL SHALL FURNISH A COPY THEREOF TO THE APPROPRIATE GOVERNMENT AGENCIES, WHICH SHALL PROMPTLY CONDUCT APPROPRIATE ADMINISTRATIVE INVESTIGATION WITHIN A PERIOD OF FIVE (5) DAYS FROM RECEIPT THEREOF. THE INVESTIGATION SHALL, IF WARRANTED, INCLUDE THE IMPOSITION OF APPROPRIATE ADMINISTRATIVE SANCTION AND THE FILING OF PROPER CRIMINAL ACTION FOR THE VIOLATION OF THIS SECTION.”

SEC. 34. Section 93 of the same Act is hereby amended to read as follows:

“SEC. 93. *Reclassification, Addition or Removal of Any Drug AND CHEMICAL 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 lists of dangerous drugs AND CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS. THE BOARD MAY ONLY REMOVE FROM SUCH LISTS, ANY OF THE DANGEROUS DRUGS AND/OR CONTROLLED PRECURSOR AND ESSENTIAL CHEMICAL THAT IT HAD ADDED, BY REGULATION, WHICH IS NOT LISTED IN THE SCHEDULES UNDER INTERNATIONAL CONTROL SET BY THE 1961 SINGLE CONVENTION ON NARCOTIC DRUGS, AS AMENDED BY THE 1972 PROTOCOL, 1971 CONVENTION ON PSYCHOTROPIC SUBSTANCES AND 1988 CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES. THE BOARD SHALL ALSO HAVE THE POWER TO EXEMPT ANY DANGEROUS DRUG PREPARATION AND ANY DRUG OR CHEMICAL PREPARATION OR MIXTURE OR PRODUCTS CONTAINING CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS FROM ANY SPECIFIC PROVISION OF THE REGULATION UNDER THIS ACT: *PROVIDED*, THAT SUCH DANGEROUS DRUG PREPARATION OR ANY DRUG PREPARATION CONTAINING CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS IS REGISTERED WITH THE FOOD AND DRUG ADMINISTRATION AS A DRUG, AND PRODUCTS CONTAINING THE CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS ARE LEGITIMATELY TRADED AND SOLD COMMERCIALY. Proceedings to reclassify, add, or remove a drug, CHEMICAL or other substance, OR EXEMPT IT FROM ANY PRESCRIBED REGULATION may be initiated by the PDEA, the DOH, or by petition from any interested party, including the manufacturer of a drug, CHEMICAL OR OTHER SUBSTANCE, a medical society or association, a pharmacy association, A CHEMICAL ASSOCIATION, a public interest group concerned with drug OR CHEMICAL 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 CHEMICAL OR SUBSTANCE. The

PDEA also may begin an investigation of a drug, **CHEMICAL OR SUBSTANCE** 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. **ACCORDINGLY, PDEA SHALL HAVE THE POWER TO CONDUCT ADMINISTRATIVE INSPECTION OF THE PREMISES OF BUSINESSES, IMPORTERS AND OTHER INDIVIDUALS AND ENTITIES GRANTED LICENSE OR EXEMPTION.**

“The Board after notice and hearing shall consider the following factors with respect to each substance proposed to be reclassified, added or removed from control **OR EXEMPTED FROM ANY PRESCRIBED REGULATORY 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, **CHEMICAL** or other substance;
- “(d) **EVIDENCE AND** history [and] **OF** current pattern of abuse, **ILLICIT TRAFFIC AND DIVERSION OF SUCH SUBSTANCE;**
- “(e) The scope, duration, and significance of abuse, **ILLICIT TRAFFIC AND DIVERSION;**
- “(f) Risk to public health; [~~and~~]
- “(g) Whether the substance is an immediate precursor of a substance already controlled under this Act;
- “(H) **TOXICOLOGY, INCLUDING ADVERSE REACTIONS IN HUMANS;**
- “(I) **THERAPEUTIC OR INDUSTRIAL USE;**
- “(J) **WHETHER THE PREPARATION OR MIXTURE IS COMPOUNDED IN SUCH A WAY THAT IT PRESENTS NEGLIGIBLE OR NO RISK, IF ANY, OF ABUSE OR DIVERSION AND THE SUBSTANCE MAY NOT BE RECOVERED BY READILY APPLICABLE MEANS IN QUANTITY LIABLE TO ABUSE OR DIVERSION SO THAT THE PREPARATION OR MIXTURE DOES NOT GIVE RISE TO A PUBLIC HEALTH, SOCIAL OR LAW ENFORCEMENT PROBLEM;**
- “(K) **WHETHER THE DRUG OR GROUP OF DRUGS IS FORMULATED IN SUCH A WAY THAT IT MAY NOT BE EASILY USED IN THE ILLICIT PRODUCTION OF A DANGEROUS DRUG; AND**
- “(L) **WHETHER THE CONTROLLED PRECURSOR AND ESSENTIAL CHEMICAL MAY BE READILY RECOVERED FROM THE DRUG OR GROUPS OF DRUGS OR CHEMICAL MIXTURE OR END PRODUCT CONTAINING THE CHEMICAL.**

“The Board shall also take into account the obligations and commitments to 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 drug, **CHEMICAL OR SUBSTANCE OR EXEMPTION FROM ANY PRESCRIBED REGULATION** by publishing such notice in any newspaper of general circulation once a week for two (2) weeks **OR PROVIDING INTERESTED PARTIES WITH DUE NOTICES. THE BOARD SHALL LIKEWISE GIVE NOTICE TO THE**

GENERAL PUBLIC OF ITS DECISIONS BY PUBLISHING THE REGULATION IN ANY NEWSPAPER OF GENERAL CIRCULATION ONCE A WEEK FOR TWO (2) WEEKS.

“The effect of such reclassification, addition or removal FROM THE LISTS OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, OR EXEMPTION FROM ANY PRESCRIBED REGULATION shall be as follows:

“(a) In case a dangerous drug is reclassified as CONTROLLED precursors and essential chemicals, the penalties for the violations of this Act involving CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS shall, in case of conviction, be imposed in all pending criminal prosecutions;

“(b) In case a CONTROLLED precursor and essential chemical 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 CHEMICAL to the list of dangerous drugs OR CONTROLLED precursors and essential chemicals, 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 CHEMICAL from the list of dangerous drugs OR CONTROLLED precursors and essential chemicals, all persons convicted and/or detained for the use and/or possession of such a drug OR CHEMICAL shall be automatically released and all pending criminal prosecution involving such a drug under this Act shall forthwith be dismissed;

“(e) IN CASE OF EXEMPTION OF DRUG PREPARATIONS CONTAINING DANGEROUS DRUGS, OR CHEMICAL MIXTURE OR PREPARATION OF PRODUCT CONTAINING CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS FROM ANY SPECIFIC PROVISIONS OF IMPLEMENTING REGULATIONS, ALL PERSONS CONVICTED AND/OR DETAINED FOR VIOLATION OF THAT CORRESPONDING SPECIFIC REGULATION SHALL BE AUTOMATICALLY RELEASED AND ALL PENDING CRIMINAL PROSECUTION AND ADMINISTRATIVE PROCEEDINGS SHALL FORTHWITH BE DISMISSED; AND

“(F) THE BOARD SHALL, WITHIN FIVE (5) DAYS FROM THE DATE OF ITS PROMULGATION, SUBMIT TO CONGRESS A DETAILED RECLASSIFICATION, ADDITION, REMOVAL OF ANY DRUG, CHEMICAL OR OTHER SUBSTANCE FROM THE LISTS OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, AND EXEMPTIONS.”

SEC. 35. Section 101 of the same Act is hereby amended to read as follows:

“SEC. 101. AMENDATORY Clause. – Republic Act No. 7659, PRESIDENTIAL DECREE NO. 1619 AND OTHER LAWS INCONSISTENT WITH THIS ACT ARE hereby amended accordingly.”

SEC. 36. Separability Clause. – Should any provision of this Act or any part thereof be declared invalid, the other provisions, insofar as they are separable from the invalid one, shall remain in full force and effect.

SEC. 37. *Repealing Clause.* – All laws, orders, issuances, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly. **THE PROVISIONS OF THIS ACT SHALL NOT IN ANY WAY REPEAL REPUBLIC ACT NO. 9346, OR “AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES.**

SEC. 38. *Effectivity.* – This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in a newspaper of general circulation.

Approve.