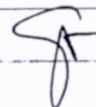


SENATE
S. No. 226

'19 JUL -4 A9 :24

Introduced by Senator Ronald "Bato" Dela Rosa

RECEIVED



AN ACT
TO IMPOSE THE DEATH PENALTY ON CERTAIN CRIMES PUNISHABLE
UNDER REPUBLIC ACT NO. 9165 OTHERWISE KNOWN AS THE
COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, AMENDING FOR THE
PURPOSE REPUBLIC ACT NO. 9346 OTHERWISE KNOWN AS THE ACT
PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES,
AND FOR OTHER PURPOSES

EXPLANATORY NOTE

According to the United Nations Office on Drugs and Crime in its 2009 UN World Drug Report, the Philippines is number five in the world in seizures of crystal methamphetamine or *shabu* and still one of the major source in East and South-east Asia and Oceania.¹ Furthermore, the report stated that the manufacturing is done in industrial-sized laboratories in the Philippines operated by transnational organized crime and foreign nationals as chemists. Similarly, a report from the firm Pacific Strategies & Assessments, describes the Philippines as a "transshipment point" and a "key producer of synthetic drugs for all of Asia."²

President Rodrigo Duterte himself divulged that Chinese drug trafficking organizations known as Triads, and the Mexico *Sinaloa* drug cartel, control the narcotics trade in the country.³

Based on the latest report of the Philippine National Police and the Philippine Drug Enforcement Agency, there are already 5,176 drug personalities died in anti-

¹ Wilson, Karl (15 March 2010). "Philippines poll 'hit by drugs trade'". *The National*. Retrieved 4 January 2014.

² Ibid.

³ <http://www.fsi.gov.ph/cooperation-with-china-on-the-philippines-war-on-drugs/>

drug operations, 170,689 arrested, Php25.9 billion worth of seized drugs and laboratory equipment and 301 dismantled drug dens and clandestine laboratories.⁴

To hamper the growth of foreign syndicates and to address the illicit drug trafficking prevailing in the region, the proposed legislation aims to revive and impose death penalty for those fearless foreigners and citizens of this country who will be found guilty of violating specific provisions of Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act of 2002.

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


RONALD "BATO" DELA ROSA

⁴ <https://news.abs-cbn.com/news/multimedia/infographic/03/01/19/in-numbers-duterte-administrations-drug-war>

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

- 1 Section 1. *Short Title.* – This Act shall be known as the "Death Penalty Law".
- 2 Sec. 2. *Declaration of Policy.* – It is a declared policy of the State to foster and
3 ensure not only obedience to its authority, but also to adopt such measures as would
4 effectively promote the maintenance of peace and order, the protection of life, liberty
5 and property, and the promotion of the general welfare which are essential for the
6 enjoyment by all the people of the blessings of democracy in a just and humane
7 society.
- 8 Sec. 3. The imposition of the penalty of death shall be prohibited except on the
9 following crimes under Republic Act No. 9165 otherwise known as the Comprehensive
10 Dangerous Drugs Act of 2002:
- 11 1. **"Section 4.** *Importation of Dangerous Drugs and/or Controlled Precursors*
12 *and Essential Chemicals.* - .The penalty of life imprisonment to death and a
13 ranging from Five hundred thousand pesos (P500,000.00) to Ten million
14 pesos (P10,000,000.00) shall be imposed upon any person, who, unless
15 authorized by law, shall import or bring into the Philippines any dangerous
16 drug, regardless of the quantity and purity involved, including any and all

1 species of opium poppy or any part thereof or substances derived therefrom
2 even for floral, decorative and culinary purposes.

3
4 xxx xxx xxx

5
6 The maximum penalty provided for under this Section shall be imposed
7 upon any person, who, unless authorized under this Act, shall import or
8 bring into the Philippines any dangerous drug and/or controlled precursor
9 and essential chemical through the use of a diplomatic passport, diplomatic
10 facilities or any other means involving his/her official status intended to
11 facilitate the unlawful entry of the same. In addition, the diplomatic passport
12 shall be confiscated and canceled.

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

16
17 xxx xxx xxx."

- 18
19 2. **"Section 8.** *Manufacture of Dangerous Drugs and/or Controlled Precursors*
20 *and Essential Chemicals.* - The penalty of life imprisonment to death and a
21 fine ranging Five hundred thousand pesos (P500,000.00) to Ten million
22 pesos (P10,000,000.00) shall be imposed upon any person, who, unless
23 authorized by law, shall engage in the manufacture of any dangerous drug.

24
25 xxx xxx xxx."

- 26
27 3. **"Section 16.** *Cultivation or Culture of Plants Classified as Dangerous Drugs*
28 *or are Sources Thereof.* - The penalty of life imprisonment to death and a
29 fine ranging from Five hundred thousand pesos (P500,000.00) to Ten
30 million pesos (P10,000,000.00) shall be imposed upon any person, who shall
31 plant, cultivate or culture marijuana, opium poppy or any other plant
32 regardless of quantity, which is or may hereafter be classified as a

1 dangerous drug or as a source from which any dangerous drug may be
2 manufactured or derived: *Provided*, That in the case of medical laboratories
3 and medical research centers which cultivate or culture marijuana, opium
4 poppy and other plants, or materials of such dangerous drugs for medical
5 experiments and research purposes, or for the creation of new types of
6 medicine, the Board shall prescribe the necessary implementing guidelines
7 for the proper cultivation, culture, handling, experimentation and disposal
8 of such plants and materials.

9
10 xxx xxx xxx

11
12 The maximum penalty provided for under this Section shall be imposed
13 upon any person, who organizes, manages or acts as a "financier" of any of
14 the illegal activities prescribed in this Section."

- 15
16 4. **"Section 28.** *Criminal Liability of Government Officials and Employees.* –
17 The maximum penalties of the unlawful acts provided for in this Act shall
18 be imposed, in addition to absolute perpetual disqualification from any
19 public office, if those found guilty of such unlawful acts are government
20 officials and employees."

21
22 *Sec. 6. Separability Clause.* – If any portion or provision of this Act is declared
23 unconstitutional, the remainder of this Act or any provisions not affected thereby shall
24 remain in force and effect.

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

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

30 *Sec. 8. Effectivity.* – This Act shall take effect fifteen (15) days following its
31 complete publication in a newspaper of general circulation.

Approved,