



# LAWS AND REGULATIONS

## PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

*In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.*

### PHILIPPINES

Communicated by the Government of the Philippines

#### NOTE BY THE SECRETARIAT

- (a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.
- (b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

THE DANGEROUS DRUGS ACT OF 1972, 1/ REPUBLIC ACT NO. 6425  
AS AMENDED BY PRESIDENTIAL DECREES NOS. 44, 165, 1683, 1708 AND  
BATAS PAMBANSA BLG. 179 DATED 2 MARCH 1982 2/

1/ Note by the Secretariat : Since the publication of the Dangerous Drugs Act, 1972 (Republic Act No. 6425) as E/NL.1976/50, amendments to various sections of the Act have been published in E/NL.1980/35-37. The present complete text includes further amendments and is being reproduced in extenso to facilitate reference.

2/ Note by the Secretariat : The present document is a direct reproduction of the text received by the Secretariat.

## THE DANGEROUS DRUGS ACT OF 1972

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

SECTION 1. Short Title. — This Act shall be known and cited as the “The Dangerous Drugs Act of 1972.”

### ARTICLE I

#### Definition of Terms

SEC. 2. Definitions. — As used in this Act, the term:

- (a) “Administer” — refers to the act of introducing any dangerous drug into the body of any person, with or without his knowledge by injection, ingestion or other means or of committing any act of indispensable assistance to a person in administering a dangerous drug to himself;
- (b) “Board” — refers to the Dangerous Drugs Board created under Section 35, Article VIII of this Act;
- (c) “Centers” — refers to any of the treatment and rehabilitation centers for drug dependents referred to in Section 34, Article VII of this Act;
- (d) “Cultivate or Culture” — means the act of knowingly planting, growing, raising or permitting the planting, growing or raising of any plant which is the source of a prohibited drug;
- (e) “Dangerous Drugs” — refers to either:
  - (1) ‘Prohibited drug’, which includes opium and its active components and derivatives, such as heroin and morphine; coca leaf and its derivatives, principally cocaine; alpha and beta cocaine; hallucinogenic drugs, such as mescaline, lysergic acid diethylamide (LSD) and other substances producing similar effects; Indian hemp and its derivatives; all preparations made from any of the foregoing; and other drugs and chemical preparations, whether natural or synthetic, with the physiological effects of a narcotic or a hallucinogenic drug; or (As amended by B. P. 179 dated March 2, 1982)

(2) “Regulated drug”, which includes self-inducing sedatives, such as secobarbital, phenobarbital, pentobarbital, barbital, amobarbital and any other drug which contains a salt or a derivative of a salt of barbituric acid; any salt, isomer or salt of an isomer, of amphetamine, such as benzedrine or dexedrine, or any drug which produces a physiological action similar to amphetamine; and hypnotic drugs, such as methaqualone, nitrazepam or any other compound producing similar physiological effects; (As amended by PD No. 1683 dated March 14, 1980)

- (f) “Deliver” — refers to a person’s act of knowingly passing a dangerous drug to another personally or otherwise; and by any means, with or without consideration;
- (g) “Drug dependence” — means a state of psychic or physical dependence, or both, on a dangerous drug, arising in a person following administration or use of that drug on a periodic or continuous basis;
- (h) “Employee” of a prohibited drug den, dive or resort includes the caretaker, helper, watchman, lookout and other persons employed by the operator of a prohibited drug den, dive or resort where any prohibited drug is administered, delivered, distributed, sold or used, with or without compensation, in connection with the operation thereof;
- (i) “Indian Hemp” — otherwise known as ‘Marijuana’, embraces every kind, class, genus or specie of the plant *cannabis sativa L.*, including *cannabis americana*, *hashish*, *bhag*, *guaza*, *churrus* and *ganjab*, and embraces every kind, class and character thereof, whether dried or fresh and flowering, flowering or fruiting tops or any parts or portions of the plant, seeds thereof, and all its geographic varieties, whether as a reefer, resin, extract, tincture or in any form whatsoever; (As amended by B.P. 179 dated March 2, 1982)
- (j) “Manufacture” — means the production, preparation, compounding or processing of a dangerous drug either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, and shall include any packaging or repackaging

of such substance or labelling or relabelling of its container; except that such terms do not include the preparation, compounding, packaging, or labelling of a drug or other substance by a duly authorized practitioner as an incident to his administration or dispensing of such drug or substance in the course of his professional practice;

- (k) "Narcotic drug" — refers to any drug which produces insensibility, stupor, melancholy or dullness of mind with delusions and which may be habit-forming, and shall include opium, opium derivatives and synthetic opiates;
- (l) "Opium" — refers to the coagulated juice of the opium poppy (*papaver somniferum*) and embraces every kind, character and class of opium, whether crude, or prepared; the ashes or refuse of the same; narcotic preparations thereof or therefrom; morphine or any alkaloid of opium; preparations in which opium, morphine or any alkaloid of opium enters as an ingredient; opium poppy; opium seeds; opium poppy straw; and leaves or wrappings of opium leaves, whether prepared for use or not; (As amended by B.P. 179 dated March 2, 1982)
- (m) "Pusher" — refers to any person who sells, administers, delivers, or gives away to another, on any terms whatsoever, or distributes, dispatches in transit or transports any dangerous drug or who acts as a broker in any of such transactions, in violation of this Act;
- (n) "School" — includes any university, college, or institution of learning, regardless of the course or courses it offers;
- (o) "Sell" — means the act of giving a dangerous drug, whether for money or any other material consideration;
- (p) "Use" — refers to the act of injecting, intravenously or intramuscularly, or of consuming, either by chewing, smoking, sniffing, eating, swallowing, drinking, or otherwise introducing into the physiological system of the body, any of the dangerous drugs.
- (q) "Opium poppy" — means any part of the plant of the species *papaver somniferum* L., including the seeds thereof.

## ARTICLE II

### Prohibited Drugs

SEC. 3. Importation of Prohibited Drugs. The penalty of life imprisonment to death and a fine ranging from twenty to thirty thousand pesos shall be imposed upon any person who, unless authorized by law, shall import or bring into the Philippines any prohibited drug. (As amended by PD No. 1683 dated March 14, 1980)

SEC. 4. Sale, Administration, Delivery, Distribution and Transportation of Prohibited Drugs. — The penalty of life imprisonment to death and a fine ranging from twenty thousand to thirty thousand pesos shall be imposed upon any person who, unless authorized by law, shall sell, administer, deliver, give away to another, distribute, dispatch in transit or transport any prohibited drug, or shall act as a broker in any of such transactions. If the victim of the offense is a minor or should a prohibited drug involved in any offense under this Section be the proximate cause of the death of a victim thereof, the maximum penalty herein provided shall be imposed. (As amended by PD No. 1675 dated Feb. 17, 1980)

SEC. 5. Maintenance of a Den, Dive or Resort for Prohibited Drug Users. — The penalty of imprisonment ranging from twelve years and one day to twenty years and a fine ranging from twelve thousand to twenty thousand pesos shall be imposed upon any person or group of persons who shall maintain a den, dive or resort where any prohibited drug is used in any form.

The maximum of the penalty shall be imposed in every case where a prohibited drug is administered, delivered or sold to a minor who is allowed to use the same in such place.

Should a prohibited drug be the proximate cause of the death of a person using the same in such den, dive or resort, the penalty of life imprisonment to death and a fine ranging from twenty thousand to thirty thousand pesos shall be imposed on the maintainer.

SEC. 6. Employees and Visitors of Prohibited Drug Den. The penalty of imprisonment ranging from two years and one day to six years and a fine ranging from two thousand to six thousand pesos shall be imposed upon:

- (a) Any employee of a prohibited drug den, dive or resort; and
- (b) Any person who, not being included in the provisions of the next preceding paragraph, shall knowingly visit any prohibited drug, den, dive or resort.

SEC. 7. *Manufacture of Prohibited Drugs.* — The penalty of life imprisonment to death and a fine ranging from twenty thousand to thirty thousand pesos shall be imposed upon any person who, unless authorized by law, shall engage in the manufacture of any prohibited drug.

SEC. 8. *Possession or Use of Prohibited Drugs.* — The penalty of imprisonment ranging from twelve years and one day to twenty years and a fine ranging from twelve thousand to twenty thousand pesos shall be imposed upon any person who, unless authorized by law, shall possess or use any prohibited drug except Indian hemp in regard to which the next following paragraph shall apply.

The penalty of imprisonment ranging from six years and one day to twelve years and a fine ranging from six thousand to twelve thousand pesos shall be imposed upon any person who, unless authorized by law, shall possess or use Indian hemp. (As amended by B.P. 179, dated March 2, 1982)

SEC. 9. *Cultivation of Plants which are Sources of Prohibited Drugs.* — The penalty of imprisonment ranging from fourteen years and one day to life imprisonment and a fine ranging from fourteen thousand to thirty thousand pesos shall be imposed upon any person who shall plant, cultivate or culture on any medium Indian hemp, opium poppy (*papaver somniferum*) or any other plant which is or may hereafter be classified as a dangerous drug or from which any dangerous drug may be manufactured or derived.

The land or portions thereof and/or greenhouses on which any of said plants is cultivated or cultured shall be confiscated and escheated to the State, unless the owner thereof can prove that he did not know of such cultivation or culture despite the exercise of due diligence on his part.

If the land involved is part of the public domain, the maximum of the penalties herein provided shall be imposed upon the offender. (As amended by B.P. 179, dated March 2, 1982)

SEC. 10. *Records of Prescriptions, Sales, Purchases, Acquisitions and/or Deliveries of Prohibited Drugs.* — The penalty of imprisonment ranging from one year and one day to six years and a fine ranging from one thousand to six thousand pesos shall be imposed upon any pharmacist, physician, dentist, veterinarian, manufacturer, wholesaler, importer, distributor, dealer or retailer who violates or fails to comply with the provisions of Section 25 of this Act, if the violation or failure involves a prohibited drug.

The additional penalty of the revocation of his license to practice his profession, in case of a practitioner, or of his or its business license, in case of a manufacturer, seller, importer, distributor or dealer shall be imposed.

SEC. 11. *Unlawful Prescription of Prohibited Drugs.* — The penalty of imprisonment ranging from eight years and one day to twelve years and a fine ranging from eight thousand to twelve thousand pesos shall be imposed upon any person who, unless authorized by law, shall make or issue a prescription or any other writing purporting to be a prescription for any prohibited drug.

SEC. 12. *Unnecessary Prescription of Prohibited Drugs.* — The penalty of imprisonment ranging from four years and one day to twelve years and a fine ranging from four thousand to twelve thousand pesos and the additional penalty of the revocation of his license to practice shall be imposed upon any physician or dentist who shall prescribe any prohibited drug for any person whose physical or physiological condition does not require the use thereof.

SEC. 13. *Possession of Opium Pipe and Other Paraphernalia for Prohibited Drugs.* — The penalty of imprisonment ranging from six months and one day to four years and a fine ranging from six hundred to four thousand pesos shall be imposed upon any person who, unless authorized by law, shall

possess or have under his control any opium pipe, equipment, instrument, apparatus or other paraphernalia fit or intended for smoking, consuming, administering, injecting, ingesting or otherwise using opium or any other prohibited drug.

The possession of such opium pipe, equipment, instrument, apparatus or other paraphernalia fit or intended for any of the purposes enumerated in this Section shall be *prima facie* evidence that the possessor has smoked, consumed, administered to himself, injected, ingested or used a prohibited drug.

### ARTICLE III

#### Regulated Drugs

SEC. 14. *Importation of Regulated Drugs.* — The penalty of life imprisonment to death and a fine ranging from twenty to thirty thousand pesos shall be imposed upon any person who, unless authorized by law, shall import or bring any regulated drug into the Philippines. (As amended by PD No. 1683 dated March 14, 1980)

SEC. 14-A. *Manufacture of Regulated Drugs.* — The penalty of life imprisonment to death and a fine ranging from twenty to thirty thousand pesos shall be imposed upon any person who, unless authorized by law, shall engage in the manufacture of any regulated drug. (As amended by PD No. 1683 dated March 14, 1980)

SEC. 15. *Sale, Administration, Dispensation, Delivery, Transportation and Distribution of Regulated Drugs.* — The penalty of life imprisonment to death and a fine ranging from twenty thousand to thirty thousand pesos shall be imposed upon any person who, unless authorized by law, shall sell, dispense, deliver, transport or distribute any regulated drug. If the victim of the offense is a minor, or should a regulated drug involved in any offense under this Section be the proximate cause of the death of a victim thereof, the maximum penalty herein provided shall be imposed. (As amended by PD No. 1683 dated March 14, 1980)

SEC. 16. *Possession or Use of Regulated Drugs.* — The penalty of imprisonment ranging from six years and one day to twelve years and a fine ranging from six thousand to twelve thousand pesos shall be imposed upon any person who shall possess or use any regulated drug without the corresponding license or prescription. (As amended by B.P. 179, dated March 2, 1982)

SEC. 17. *Records of Prescriptions, Sales, Purchases, Acquisitions and/or Deliveries of Regulated Drugs.* — The penalty of imprisonment ranging from six months and one day to four years and a fine ranging from six hundred to four thousand pesos shall be imposed upon any pharmacist, physician, dentist, veterinarian, manufacturer, wholesaler, importer, distributor, dealer or retailer who violates or fails to comply with the provisions of Section 25 of this Act, if the violation or failure involves a regulated drug.

SEC. 18. *Unlawful Prescription of Regulated Drugs.* — The penalty of imprisonment ranging from four years and one day to eight years and a fine ranging from four thousand to eight thousand pesos shall be imposed upon any person who, unless authorized by law, shall make or issue a prescription for any regulated drug.

SEC. 19. *Unnecessary Prescription of Regulated Drugs.* — The penalty of imprisonment ranging from six months and one day to four years and a fine ranging from six hundred to four thousand pesos and the additional penalty of the revocation of his license to practice shall be imposed upon any physician or dentist who shall prescribe any regulated drug for any person whose physical or physiological condition does not require the use thereof.

### ARTICLE IV

#### Provisions of Common Application to Offenses Penalized under Articles II & III

SEC. 20. *Confiscation and Forfeiture of the Proceeds or Instruments of the Crime.* — Every penalty imposed for the unlawful importation, sale, administration, delivery, transportation or manufacture of dangerous drugs, the cultivation of

plants which are sources of dangerous drugs and the possession of any opium pipe and other paraphernalia for dangerous drugs shall carry with it the confiscation and forfeiture, in favor of the Government, of all the proceeds of the crime including but not limited to money and other assets obtained thereby and the instruments or tools with which it was committed, unless they are the property of a third person not liable for the offense, but those which are not of lawful commerce shall be ordered destroyed without delay. Dangerous drugs and plant-sources of such drugs as well as the proceeds or instruments of the crime so confiscated and forfeited in favor of the Government shall be turned over to the Board for proper disposal without delay.

Any apprehending or arresting officer who misappropriates or misapplies or fails to account for seized or confiscated dangerous drugs or plant-sources of dangerous drugs or proceeds or instruments of the crime as herein defined shall after conviction be sentenced to imprisonment ranging from eight years and one day to twelve years and a fine ranging from ten thousand to twenty thousand pesos in addition to absolute perpetual disqualification. (As amended by B.P. 179 dated March 2, 1982)

**SEC. 21. Attempt and Conspiracy.** — The same penalty prescribed by this Act for the commission of the offense shall be imposed in case of any attempt or conspiracy to commit the same in the following cases:

- a) importation of dangerous drugs;
- b) sale, administration, delivery, distribution and transportation of dangerous drugs;
- c) maintenance of a den, dive or resort for prohibited drug users;
- d) manufacture of dangerous drugs; and
- e) cultivation or culture of plants which are sources of prohibited drugs.

**SEC. 22. Additional Penalty if Offender is an Alien.** — In addition to the penalties therein prescribed, any alien who violates any of the provisions of Articles II and III of this Act shall be deported without further proceedings immediately after service of sentence.

**SEC. 23. Criminal Liability of Officers of Partnerships, Corporations, Associations and other Juridical Persons; Liability in Cases Where Vehicles, Vessels or Aircraft or Other Instruments are used to Commit a Crime.** — In case any violation of this Act is committed by a partnership, corporation, association or any juridical person, the partner, president, director or manager who consents to or knowingly tolerates such violation shall be held criminally liable as a co-principal.

The penalty provided for the offense under this Act shall be imposed upon the partner, president, director, manager, officer or stockholder who knowingly authorizes, tolerates or consents to the use of a vehicle, vessel, or aircraft as an instrument in the importation, sale, delivery, distribution or transportation of dangerous drugs, or to the use of their equipment, machines or other instruments in the manufacture of any dangerous drug, if such vehicle, vessel, aircraft, equipment or other instrument is owned by or under the control or supervision of the partnership, corporation, association or juridical entity to which they are affiliated.

**SEC. 24. Penalties for Government Officials and Employees and Officers and Members of Police Agencies and the Armed Forces.** — The maximum penalties provided for in Sections 3, 4, 5, 6, 8, 9, 11 and 12 of Article II and Sections 14, 15, 16 and 19 of Article III shall be imposed if those found guilty of any of the said offenses are government officials, employees or officers including members of police agencies and the armed forces, in addition to absolute perpetual disqualification. (As amended by B.P. 179, dated March 2, 1982)

**SEC. 24-A. Laboratory examination/test on apprehended users of dangerous drugs.** — Any person apprehended or arrested for violating the provisions of this Act shall, immediately upon his arrest/apprehension, be subjected to laboratory examination/test, if the apprehending/arresting officer has reasonable ground to believe that the person arrested/apprehended, on account of physical signs or symptoms or other visible or outward manifestation, is under the influence of dangerous drugs, and if found to be positive of such drugs, the results of the laboratory examination/test shall be prima facie evidence that such person has used dangerous

drugs. If found negative, the suspect shall immediately be released, unless there be other evidence indicative of such violation.

“For this purpose, the Dangerous Drugs Board shall establish, operate and maintain drug testing centers in each province and city in order to conduct the laboratory examinations/tests herein provided and appoint such technical and other personnel as may be necessary for the effective implementation of this provision. (Per B.P. 179 dated March 2, 1982)

**SEC. 25. Records Required of Pharmacists, Physicians, Veterinarians or Dentists Dispensing or Prescribing Dangerous Drugs, and of Importers, Manufacturers, Wholesalers, Distributors, Dealers and Retailers of Dangerous Drugs. —**

(a) Every pharmacist dealing in dangerous drugs shall maintain and keep an original record of sales, purchases, acquisitions and deliveries of dangerous drugs, indicating therein the license number and address of the pharmacists; the name, address and license of the manufacturer, importer or wholesaler from whom dangerous drugs have been purchased; the quantity and name of the dangerous drugs so purchased or acquired; the date of acquisition or purchase; the name, address and class A residence certificate number of the buyer; the serial number of the prescription and the name of the doctor, dentist, veterinarian or practitioner issuing the same; the quantity and name of the dangerous drug so sold or delivered; and the date of sale or delivery.

A certified true copy of such record covering a period of six calendar months, duly signed by the pharmacist or the owner of the drug store or pharmacy, shall be forwarded to the Board within fifteen days following the last day of every June and December of each year, copy furnished the city or municipal health officer concerned.

(b) A physician, dentist, veterinarian or practitioner authorized to prescribe any dangerous drug shall issue the prescription therefor in one original and two duplicate copies. The original, after the prescription has been filled, shall be retained by the pharmacist for a period of one year from the date of sale or delivery of such drug. One

copy shall be retained by the buyer or by the person to whom the drug is delivered until such drug is consumed, while the second copy shall be retained by the person issuing the prescription.

For purposes of this Act, all prescriptions issued by physicians, dentists, veterinarians or practitioners shall be made out on forms exclusively issued by and obtained from the Board. Such forms shall be made of a special kind of paper and shall be distributed in such quantities and contain such information and other data as the Board may, by rules and regulations, require. Such forms shall not be issued by the Board or any of its employees except to licensed physicians, dentists, veterinarians and practitioners in such quantities as the Board may authorize. In such emergency cases, however, as the Board may specify in the public interest, prescriptions need not be accomplished on such forms. The prescribing physician, dentist, veterinarian or practitioner shall, within three days after issuing such prescription, inform the Board of the same in writing. No prescription once issued may be refilled.

(c) All manufacturers, wholesalers, distributors, importers, dealers and retailers of dangerous drugs shall keep a record of all sales, purchases, acquisitions and deliveries of dangerous drugs, the names, addresses and licenses of the persons from whom the dangerous drugs were purchased or acquired or to whom the drugs were sold or delivered, the name and quantity of the drugs and the date of the transaction. (As amended by B.P. 179 dated March 2, 1982)

**SEC. 26. Penalty for a Person Importing Dangerous Drugs by Making Use of a Diplomatic Passport.** The penalty of life imprisonment and a fine of thirty thousand pesos shall be imposed upon any person who, unless authorized under this Act, shall import or bring into the Philippines any dangerous drug by making use of a diplomatic passport, diplomatic facilities or any other means involving his official status intended to facilitate the unlawful entry of dangerous drugs. In addition, the diplomatic passport shall be confiscated and cancelled.

SEC. 27. *Criminal Liability of Possessor or User of Dangerous Drugs During Social Gatherings.* — The maximum of the penalties provided for in Section 8, Article II and Section 16, Article III of this Act shall be imposed upon any person found possessing or using any dangerous drug during a party or at a social gathering or in a group of at least five persons possessing or using such drugs.

#### ARTICLE V Educational Measures

SEC. 28. *Heads, Supervisors and Teachers of Schools.* — For the purpose of enforcing the provisions of Articles II and III of this Act, all school heads, supervisors and teachers shall be deemed to be persons in authority and, as such, are hereby vested with the power to apprehend, arrest, or cause the apprehension or arrest of any person who shall violate any of the said provisions. They shall be considered as persons in authority if they are in the school or within its immediate vicinity, or beyond such immediate vicinity if they are in attendance at any school or class function in their official capacity as school heads, supervisors or teachers.

SEC. 29. *Dangerous Drugs as Part of School Curricula.* — Instruction on the adverse effects of dangerous drugs, including their legal, social and economic implications, shall be integrated into the existing curricula of all public and private schools, whether general, technical, vocational or agro-industrial.

The Secretary of Education shall promulgate such rules and regulations as may be necessary to carry out the provisions hereof, and, with the assistance of the Board, shall cause the publication and distribution of materials on dangerous drugs to students and the general public.

#### ARTICLE VI

##### Rehabilitative Confinement and Suspension of Sentence

SEC. 30. *Voluntary Submission of a Drug Dependent to Confinement, Treatment and Rehabilitation by the Dependent Himself or Through His Parent, Guardian or Relative.*

— If a drug dependent voluntarily submits himself for confinement, treatment and rehabilitation in a center and complies with such conditions therefor as the Board may by rules and regulations prescribe, he shall not be criminally liable for any violation of Section 8, Article II and Section 16, Article III of this Act.

The above exemption shall be extended to a minor who may be committed for treatment and rehabilitation in a center upon sworn petition of his parent, guardian or relative within the fourth civil degree of consanguinity or affinity, or of the Minister of Health or the Minister of Social Services and Development, in that order. Such petition may be filed with the regional trial court of the province or city where the minor resides and shall set forth therein his name and address and the facts relating to his dependency. The court shall set the petition for hearing and give the drug dependent concerned an opportunity to be heard. If, after such hearing, the facts so warrant in its judgment, the court shall order the drug dependent to be examined by two physicians accredited by the Board. If both physicians conclude, after examination, that the minor is not a drug dependent, the court shall enter an order discharging him. If either physician finds him to be a dependent, the court shall conduct a hearing and consider all relevant evidence which may be offered. If the court makes a finding of drug dependency, it shall issue an order for his commitment to a center designated by the court for treatment and rehabilitation under the supervision of the Board.

Upon certification of the center that he may be temporarily discharged from the center, the court shall order his release therefrom on condition that he shall report to the Board for after-care and follow-up treatment for a period not exceeding eighteen months under such terms and conditions as may be imposed by the Board. If at any time during the after-care and follow-up period the Board certifies to his complete rehabilitation, the court shall enter an order of final discharge. Should the Board find at any time during the after-care and follow-up period that he requires further treatment and rehabilitation in the center, it shall make a report to this effect to the court which shall thereupon order his recommitment to the center.



Should the drug dependent, having voluntarily submitted himself for confinement, treatment and rehabilitation in, or having been committed to a center upon petition of the proper party, escape therefrom, he may resubmit himself for confinement within one week from the date of his escape, or his parent, guardian or relative may, within the same period, surrender him for recommitment. If, however, the drug dependent does not resubmit himself for confinement or he is not surrendered for recommitment, as the case may be, the Board may apply with the court for the issuance of a recommitment order. Upon proof of previous commitment or of his voluntary submission to confinement, treatment and rehabilitation, the court shall issue an order for recommitment. If, subsequent to such recommitment, he should escape again, he shall no longer be exempt from criminal liability for use or possession of any dangerous drugs.

The judicial and medical records pertaining to any drug dependent's confinement or commitment under this Section shall be confidential and shall not be used against him for any purpose except to determine how many times he shall have voluntarily submitted himself to confinement, treatment and rehabilitation or been committed to a center. (As amended by B.P. 179 dated March 2, 1982)

**SEC. 31. Compulsory Submission of a Drug Dependent to Treatment and Rehabilitation.** — If a person charged with an offense is found by the fiscal or by the court, at any stage of the proceedings, to be a drug dependent, the fiscal or the court, as the case may be, shall suspend all further proceedings and transmit copies of the record of the case to the Board.

In the event the Board determines, after medical examination, that public interest requires that such drug dependent be committed to a center for treatment and rehabilitation, it shall file a petition for his commitment with the regional trial court of the province or city where he 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 commitment to a center for treatment and rehabilitation. The head of said center shall submit to the court every four months, or as often as the court may require, a written report on the progress of the treatment. If the dependent is rehabilitated, as certified by the center and the Board, he shall be returned to the court which committed him, for his discharge therefrom.

Thereafter, his prosecution for any offense punishable by law shall be instituted or shall continue, as the case may be. In case of conviction, the judgment shall, if the accused is certified by the treatment and rehabilitation center to have maintained good behavior, indicate that he shall be given full credit for the period he was confined in the center: *Provided, however*, That when the offense is for violation of Section 8 or Section 16 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 release therefrom after certification by the center and the Board that he is rehabilitated.

The period of prescription of the offense charged shall not run during the time that the respondent or the accused is under detention or confinement in a center. (As amended by B.P. 179, dated March 2, 1982)

**SEC. 32. Suspension of Sentence for First Offense of a Minor.** — If an accused under eighteen years of age at the time of the commission of the offense but not more than twenty-one years at the time when judgment should have been promulgated, who is found guilty of violating Section 8, Article II and Section 16, Article III of this Act, has not been previously convicted of violating any provision of this Act or of the Revised Penal Code or placed on probation as herein provided, the court may defer sentence and place him on probation under the supervision of the Board or its agents and under such conditions as the court may impose for a period ranging from six months to one year. If the accused violates any of the conditions of his probation, the court shall pronounce judgment of conviction and he shall serve sentence as in any other criminal case. If, however, he does not violate any condition of his probation, then upon the expiration of the designated period, the court shall discharge him and dismiss the proceedings.

If the court finds that such accused is a drug dependent, it shall commit him to a center for treatment and rehabilitation under the supervision of the Board. Upon certification by the center that he may be temporarily discharged from the center, the court shall order his release therefrom on condition that he shall report to the Board for after-care and follow-up for a period not exceeding eighteen months under such terms and conditions as may be imposed by the Board. If at any time during the after-care and follow-up period the Board certifies to his complete rehabilitation, the court shall enter an order discharging him. Should the Board find at any time during the after-care and follow-up that he requires further treatment and rehabilitation in the center, it shall make a report to this effect to the court which shall thereupon order his recommitment to the center.

A confidential record of the proceedings shall be kept by the Ministry of Justice and shall not be used for any other purpose than as a basis for determining whether or not a person accused under the provisions of this Act is a first offender.

Upon completion of the period of after-care and follow-up, the court shall enter an order to expunge all official records (other than the confidential record to be retained by the Ministry of Justice) relating to his case. Such an order, which shall be kept confidential shall restore the accused to his status prior to the case. He shall not be held thereafter, under any provision of law, to be guilty of perjury or of concealment or misrepresentation by reason of his failure to acknowledge the case or recite any fact related thereto in response to any inquiry made of him for any purpose.

In the case of minors under sixteen years of age at the time of the commission of any offense penalized under this Act, the provisions of Article 80 of the Revised Penal Code shall apply, without prejudice to the application of the provisions of this Section.

Should the parents or guardian refuse to cooperate with the Board, or in any manner, prevent or delay the after-care and follow-up of the child or ward, as the case may be, they may be cited for contempt of court. (As amended by B.P. 179 dated March 2, 1982)

SEC. 33. *Violation of Confidential Nature of Records.* — The penalty of imprisonment ranging from six months and one day to six years and a fine ranging from six hundred to six thousand pesos shall be imposed upon any person, who having official custody of, or access to the confidential records referred to in Section 30 and 32 of this Act, or anyone who, having gained possession of such records, whether lawfully or not, reveals their contents to any person other than those charged with the prosecution of offense under this Act or with its implementation.

## ARTICLE VII

### Treatment and Rehabilitation of Drug Dependents

SEC. 34. *Treatment and Rehabilitation Center for Drug Dependents.* — The existing Treatment and Rehabilitation Center for Drug Dependents at Tagaytay City shall continue to be operated and maintained by the National Bureau of Investigation under the supervision and funding of the Board. In addition thereto, the Board shall encourage and assist in the establishment, operation and maintenance of private centers. The Tagaytay center shall constitute the nucleus of such centers as may be created, authorized and/or accredited under this Act.

## ARTICLE VIII

### Dangerous Drugs Board

SEC. 35. *Creation and Composition of the Board.* — There is hereby created a Dangerous Drugs Board which shall be composed of seven *ex officio* members, as follows:

- (a) the Minister of Health or his representative;
- (b) the Minister of Justice or his representative;
- (c) the Minister of National Defense or his representative;
- (d) the Minister of Education and Culture or his representative;
- (e) the Minister of Finance or his representative;

- (f) the Minister of Social Services and Development or his representative;
- (g) the Minister of Local Government or his representative.

The Minister of Health shall be the Chairman of the Board.

The Director of the National Bureau of Investigation shall be the permanent consultant of the Board.

The Chairman and all members of the Board and the Director of the National Bureau of Investigation shall each receive a per diem of two hundred fifty pesos and the Board secretary a per diem of one hundred fifty pesos for their attendance at every meeting of the Board: *Provided*, That where the representative of an *ex-officio* member or the Director of the National Bureau of Investigation attends a meeting in behalf of the latter, such representative shall be entitled to receive the per diem.

The Board shall meet at the call of the chairman or of any two other members. The presence of four members shall constitute a *quorum*. In the absence of the chairman, a temporary presiding officer may be designated by the majority of the *quorum*.

The Board may constitute an executive committee, to be composed of any three members or their representatives or of any three ranking personnel of the Board, which shall have the duty of carrying into effect the policies and decisions of the Board and shall meet as often as necessary, at the discretion of its chairman to be designated by the Board.

When public interest so requires, the executive committee may act for and in behalf of the Board, and its decision if approved by the Minister of Health, shall be valid, unless revoked by the Board at its next regular or special meeting.

The Board shall recommend to the President the appointment of an executive director who shall be the administrative officer of the Board and shall perform such other duties as may be assigned to him by it. The executive director shall possess adequate training and experience in the field of dangerous drugs, or in law, medicine, criminology, psycho-

logy or social work. He shall receive a salary consistent with the rate of compensation attached to his position as a Career Executive Service Officer, (CESO II). (As amended by B.P. 179 dated March 2, 1982)

SEC. 36. *Powers and Duties of the Board.* — The Board shall:

(a) 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 dangerous drugs under its charge and custody, and prescribe administrative remedies or sanctions for the violation of such rules and regulations;

(b) Take charge and custody of all dangerous drugs seized, confiscated by or surrendered to any national, provincial or local law enforcement agency, if no longer needed for purposes of evidence in court;

(c) Develop educational programs based on factual information 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 dangerous drugs 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 law enforcement agencies in planning and conducting its educational campaign programs;

(d) Provide law enforcement officers, school authorities and personnel of centers with special training in dangerous drugs control;

(e) Conduct scientific, clinical, social, psychological, physical and biological researches on dangerous drugs;

(f) Draw up, in consultation and in coordination with the various agencies involved in drugs control, treatment and rehabilitation, both public and private, a national treatment and rehabilitation program for drug dependents; and call upon any department, office, bureau, institution or agency of the Government to render such assistance as it may require, or coordinate with it or with other such entities, to carry out such program as well as such other activities as it may undertake pursuant to the provisions of this Act;

(g) Receive all donations for the purpose of carrying out the objectives of this Act;

(h) Subject to the civil service law and the rules and regulations issued thereunder, appoint such technical, administrative and other personnel as may be necessary for the effective implementation of this Act;

(i) Receive, gather, collect and evaluate all information on the importation, exportation, production, manufacture, sale, stocks, seizures of and the estimated need for dangerous drugs, for which purpose the Board may require from any official, instrumentality or agency of the Government or any private persons or enterprises dealing in, or engaged in activities having to do with, dangerous drugs such data or information as it may need to implement this Act;

(j) Relay information regarding any violation of this Act to law enforcement agencies to effect the apprehension of offenders and the confiscation of dangerous drugs and transmit evidence to the proper court;

(k) Conduct eradication programs to destroy wild or illicit growth of plants from which dangerous drugs may be extracted;

(l) Authorize, pursuant to the provisions of this Act, the importation, distribution, manufacture, production, compounding, prescription, dispensing and sale of, and other lawful acts in connection with, dangerous drugs of such kind and quantity as it may deem necessary according to the medical and research needs of the country; and to determine the quantity/quantities to be imported, manufactured and held in stock at any given time by an authorized importer, manufacturer, distributor of dangerous drugs.

Every person or drug establishment authorized to import, distribute, manufacture, produce, compound, prescribe, dispense, and sell dangerous drugs shall register annually with the Board and pay such fees as the Board may by rules and regulations impose in respect to the registration and control of the importation, distribution, manufacture, production, compounding, prescription, dispensing and sale of dangerous drugs.

The Chairman of the Board shall, without prejudice to criminal proceedings, order the closure of a drug establishment or the suspension or revocation of its authority to deal

in dangerous drugs when, after investigation, it is found guilty of violating the provisions of this Act.

The additional penalty of revocation of his license to practice shall be recommended in the case of a practitioner who is owner, co-owner, lessee, or in the employ of the drug establishment, or who is a member, partner, president, director, or manager of a partnership, corporation, association, or any juridical entity owning and/or controlling the drug establishment, and who knowingly participates in, or consents to, tolerates, or abets, the commission of the violation.

The authority vested in the Food and Drug Administration under Presidential Decree No. 280 to order the closure, or suspension or revocation of the license and permit, of the drug establishment dealing in dangerous drugs for violation of Republic Act. No. 6425, as amended, is hereby revoked. (As amended by B.P. 179 dated March 2, 1982)

(m) Encourage, assist and accredit private centers, promulgating rules and regulations setting minimum standards for their accreditation to assure their competence, integrity and stability;

(n) Prescribe and promulgate rules and regulations governing the establishment of such centers as it may deem necessary, after conducting a feasibility study thereof;

(o) Provide, by rules and regulations, appropriate rewards to informers who are instrumental in the discovery and seizure of dangerous drugs and in the apprehension of violators of this Act, except marijuana plantations. (As amended by B.P. 179 dated March 2, 1982)

(p) Gather and prepare detailed statistics on the importation, exportation, manufacture, stocks, seizures of and estimated need for dangerous drugs 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 international commitments.

(q) Enter into arrangements with foreign agencies and instrumentalities for the effective prevention and control of drug dependency or abuse and the effective implementation of the provisions of this Act. (Per B.P. 179, dated March 2, 1982)

## ARTICLE IX

### Appropriation, Management of Funds and Annual Report

SEC. 37. *Appropriation.* — In order to carry out the objectives of this Act, the sum of twelve million pesos is hereby appropriated out of any funds in the National Treasury not otherwise appropriated from the effectivity of this Act until June 30, 1973. Thereafter, such sums as may be necessary to carry out the provisions of this Act shall be included in subsequent annual General Appropriations Acts.

All income derived from fines authorized in this Act and all unclaimed and forfeited sweepstakes prizes in the Philippine Charity Sweepstakes Office are hereby constituted as special funds for the implementation of this Act: Provided, that at least 50% of all funds from the latter source shall be reserved for assistance to accredited and deserving private rehabilitation centers: Provided, further, that all such fines and unclaimed and forfeited prizes shall be turned over to the Board by the Philippine Charity Sweepstakes Office within 30 days after they are collected or declared forfeited, as the case may be.

SEC. 38. *Management of Funds Under this Act, Annual Report by the Board.* — The Board shall manage the funds as it may deem proper for the attainment of the objectives of this Act. The Chairman of the Board shall submit to the President of the Philippines and to the presiding officers of both houses of Congress, within fifteen days from the opening of the regular session an annual report on the dangerous drugs situation in the country which shall include a detailed account of the programs and projects undertaken, statistics on crimes related to dangerous drugs, expenses incurred pursuant to the provisions of this Act, recommended remedial legislation, if needed, and such other relevant facts as it may deem proper to cite.

## ARTICLE X

### Jurisdiction Over Dangerous Drug Cases

SEC. 39. *Jurisdiction.* — The Court of First Instance, Circuit Criminal Court, and Juvenile and Domestic Relations Court shall have concurrent original jurisdiction over all cases involving offenses punishable under this Act: Provided, that in cities or provinces where there are Juvenile and Domestic Relations Courts, the said courts shall take exclusive cognizance of cases where the offenders are under sixteen years of age.

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

Where the preliminary investigation is conducted by a prosecuting officer and a *prima facie* case is established, the corresponding information shall be filed in court within twenty-four (24) hours from the termination of the investigation. If the preliminary investigation is conducted by a judge and a *prima facie* case is found to exist, the corresponding information shall be filed by the proper prosecuting officer within forty eight (48) hours from the date of receipt of the records of the case.

Trial of the cases under this section shall be finished by the court not later than ninety (90) days from the date of the filing of the information. Decision on said cases shall be rendered within a period of fifteen (15) days from the date of submission of the case. (As amended by Section 4 of Presidential Decree No. 44, dated November 9, 1972.)

SEC. 40. *Reclassification, Addition or Removal of Any Drug from the List of Dangerous Drugs.* — The Board shall give notice to the general public of the reclassification, addition to or removal from the list of any drug by publishing such notice in any newspaper of general circulation once a week for two consecutive weeks.

The effect of such reclassification, addition or removal shall be as follows:

(1) In case a prohibited drug is reclassified as regulated, the penalties for violations of this Act involving the latter

shall, in case of conviction, be imposed in all pending criminal prosecutions;

(2) In case a regulated drug is reclassified as prohibited, the penalties for violations of this Act involving regulated drugs shall, in case of conviction, be imposed in all pending criminal prosecutions;

(3) In case of the addition of a new drug to the list of dangerous drugs, 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; and

(4) In case of removal of a drug from the list of dangerous drugs, all pending criminal prosecutions involving such a drug under this Act shall forthwith be dismissed.

## ARTICLE XI

### Final Provisions

SEC. 41. *Separability Clause.* — If for any reason any section or provisions of this Act, or any portion thereof, or the application of such section, provision or portion thereof to any person, group or circumstance is declared invalid or unconstitutional, the remainder of this Act shall not be affected by such declaration.

SEC. 42. *Repealing Clause.* — Articles one hundred ninety, one hundred ninety-one, one hundred ninety-two, one hundred ninety-three and one hundred ninety-four of Act numbered 'thirty-eight hundred and fifteen, otherwise known as the Revised Penal Code, are hereby repealed; and the provisions of such other laws, executive or administrative orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

SEC. 43. *Effectivity.* — This act shall take effect upon its approval.

Approved, March 30, 1972.