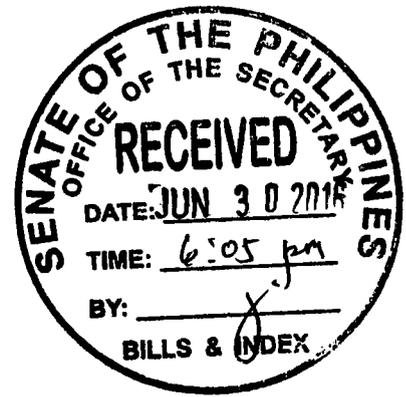


SEVENTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session



SENATE

S.B. NO. 185

INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

**AN ACT TO IMPOSE THE DEATH PENALTY AND INCREASED PENALTIES ON
CERTAIN HEINOUS CRIMES INVOLVING DANGEROUS DRUGS, AMENDING
FOR THAT PURPOSE OTHER SPECIAL PENAL LAWS, AND FOR OTHER
PURPOSES**

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

EXPLANATORY NOTE:

The drug trafficking and drug abuse menace in the Philippines has grown into an emergency situation that now requires immediate and decisive action.

It is reported that presently there are millions of drug abusers in the country, including a significant portion of the younger sectors of the population. The problem therefore affects not only the level of productivity of the current working sector, but also impacts upon the future of the nation as it leads to other problems. It forfeits the dreams of those who fall into drug abuse, and it unfairly discounts the meaningful lives of hapless victims of the users' violence and distorted views.

The Government's means and capabilities to address the problem faces new challenges with the reported increase in the popularity of "shabu" and "party drugs" that resulted in higher street prices for these dangerous drugs. Personalities of drug groups from an increasing number of countries in East Asia, Africa, and North America are finding a safer haven in Philippine shores where they may be finding weaker laws and law enforcement.

The problem may have become so lucrative that there is increasing news of the involvement of law enforcers not only as protectors or coddlers, but as gang enforcers or even masterminds. And this weakening of one of the pillars of law that was intended to fight the war against drug trafficking unfortunately helped the monster to regenerate its tentacles into a burgeoning number of Philippine barangays. Families are destroyed, thousands of barangays are mired in consequent violence and more crime, and the moral fiber of society is challenged.

Parallel to the urgent need to especially educate young people to the dangers of drug use, and the equally important need to help those already addicted to escape their distressing

situation, the legislature must step up with an enactment that will provide certainty of punishment and more severe penalties to the traffickers, as well as a clear application of heavier consequences to law enforcers who protect and coddle the violators.

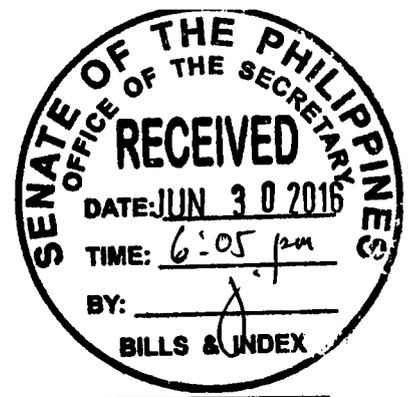
Procedurally, the present bill is being filed separate from similarly intended bills for other kinds of crimes in order to move the bill forward with focus and unburdened by more lengthy consideration of other crimes. This will allow for a timely opportunity to stop the nation's growing problem over crimes related to the trafficking and abuse of dangerous drugs.

The State must be clear in its intention to deter dangerous drug crimes, and toll the warning bell that the country will now fight back to regain the good of its people and the meaning of its future.

In view of the foregoing, approval of this bill is earnestly sought

A handwritten signature in black ink, appearing to read 'Emmanuel D. Pacquiao', written over a large, stylized circular scribble.

EMMANUEL D. PACQUIAO



SENATE
S.B. NO. 185

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**AN ACT TO IMPOSE THE DEATH PENALTY AND INCREASED PENALTIES ON
CERTAIN HEINOUS CRIMES INVOLVING DANGEROUS DRUGS, AMENDING
FOR THAT PURPOSE OTHER SPECIAL PENAL LAWS, AND FOR OTHER
PURPOSES**

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

1 **WHEREAS**, the Constitution, specifically Article III, Section 19 paragraph (1)
2 thereof, states “Excessive fines shall not be imposed nor cruel, degrading or inhuman
3 punishment inflicted. Neither shall death penalty be imposed, unless, for compelling reasons
4 involving heinous crimes, the Congress hereafter provides for it. . .”;

5
6 **WHEREAS**, the dangerous drugs crimes punishable by death under this Act are
7 heinous for being grievous, odious and hateful offenses and which, by reason of their inherent
8 or manifest wickedness, viciousness, atrocity and perversity are repugnant and outrageous to
9 the common standards and norms of decency and morality in a just, civilized and ordered
10 society;

11
12 **WHEREAS**, due to the alarming upsurge of such crimes which has resulted not only
13 in the loss of human lives and wanton destruction of property but also affected the nation’s
14 efforts towards sustainable economic development and prosperity while at the same time has
15 undermined the people’s faith in the Government and the latter’s ability to maintain peace
16 and order in the country;

17
18 **WHEREAS**, the Congress, in the justice, public order and the rule of law, and the
19 need to rationalize and harmonize the penal sanctions for heinous crimes, finds compelling
20 reasons to impose the death penalty for said crimes;

21
22 Now, therefore,

23
24
25 **Section 1. Declaration of Policy.** – It is hereby declared the policy of the State to
26 foster and ensure not only obedience to its authority, but also to adopt such measures as
27 would effectively promote the maintenance of peace and order, the protection of life, liberty
28 and property, and the promotion of the general welfare which are essential for the enjoyment
29 by all the people of the blessings of democracy in a just and humane society;

30

1 **Section 2.** Section 4 of Article II of Republic Act No. 9165, as amended, known as
2 the Comprehensive Dangerous Drugs Act 2002, is hereby amended to read as follows:

3
4 “Sec. 4. Importation of Dangerous Drugs and/or Controlled Precursors
5 and Essential Chemicals. – The penalty of life imprisonment to death and a
6 fine ranging from (Five hundred thousand pesos [P500,000.00]) **ONE**
7 **MILLION PESOS (P1,000,000.00)** to Ten million pesos (P10,000,000.00)
8 shall be imposed upon any person who, unless authorized by law, shall import
9 or bring into the Philippines, **OR FORCE, INTIMIDATE, DIRECT,**
10 **INSTRUCT OR OTHERWISE CAUSE ANOTHER PERSON TO**
11 **BRING INTO THE PHILIPPINES,** any dangerous drug, regardless of the
12 quantity and purity involved, including any and all species of opium poppy or
13 any part thereof or substances derived therefrom even for floral, decorative
14 and culinary purposes.

15
16 The penalty of imprisonment ranging from twelve (12) years and one
17 (1) day to twenty (20) years and a fine ranging from (One hundred thousand
18 pesos [P100,000.00]) **FIVE HUNDRED THOUSAND PESOS**
19 **(P500,000.00)** to (Five hundred thousand pesos [P500,000.00]) **ONE**
20 **MILLION PESOS (P1,000,000.00)** shall be imposed upon any person, who,
21 unless authorized by law, shall import or bring into the Philippines, **OR**
22 **FORCE, INTIMIDATE, DIRECT, INSTRUCT OR OTHERWISE**
23 **CAUSE ANOTHER PERSON TO BRING INTO THE PHILIPPINES,**
24 any controlled precursor and essential chemical.

25
26 The maximum penalty provided for under this Section shall be
27 imposed upon any person, who, unless authorized under this Act, shall import
28 or bring into the Philippines any dangerous drug and/or controlled precursor
29 and essential chemical through the use of a diplomatic passport, diplomatic
30 facilities or any other means involving his/her official status intended to
31 facilitate the unlawful entry of the same. In addition, the diplomatic passport
32 shall be confiscated and canceled.

33
34 The maximum penalty provided for under this Section shall be
35 imposed upon any person, who organizes, manages or acts as a financier”” of
36 any of the illegal activities prescribed in this Section.

37
38 The penalty of (twelve [12] years and one [1] day to twenty [20] years
39 of imprisonment) **LIFE IMPRISONMENT TO DEATH** and a fine ranging
40 from (One hundred thousand pesos [P100,000.00]) **FIVE HUNDRED**
41 **THOUSAND PESOS (P500,000.00)** to (Five hundred thousand pesos
42 [P500,000.00]) **ONE MILLION PESOS (P1,000,000.00)** shall be imposed
43 upon any person who acts as a “protector/coddler” of any violator of the
44 provisions under this Section.”

45
46 **Section 3.** Section 5 of Article II of Republic Act No. 9165, as amended, known as
47 the Comprehensive Dangerous Drugs Act 2002, is hereby amended to read as follows:

48 “Sec. 5. Sale, Trading, Administration, Dispensation, Delivery,
49 Distribution and Transportation of Dangerous Drugs and/or Controlled
50

1 Precursors and Essential Chemicals. – The penalty of life imprisonment to
2 death and a fine ranging from (Five hundred thousand pesos (P500,000.00))
3 **ONE MILLION PESOS (P1,000,000.00)** to Ten million pesos
4 (P10,000,000.00) shall be imposed upon any person who, unless authorized by
5 law, shall sell, trade, administer, dispense, deliver, give away to another,
6 distribute, dispatch in transit or transport any dangerous drug, including any
7 and all species of opium poppy regardless of the quantity and purity involved,
8 or shall act as a broker in any of such transactions.
9

10 The penalty of imprisonment ranging from twelve (12) years and one
11 (1) day to twenty (20) years and a fine ranging from (One hundred thousand
12 pesos [P100,000.00]) **FIVE HUNDRED THOUSAND PESOS**
13 **(P500,000.00)** to (Five hundred thousand pesos [P500,000.00]) **ONE**
14 **MILLION PESOS (P1,000,000.00)** shall be imposed upon any person who,
15 unless authorized by law, shall sell, trade, administer, dispense, deliver, give
16 away to another, distribute, dispatch in transit or transport any controlled
17 precursor and essential chemical, or shall act as a broker in such transactions.
18

19 If the sale, trading, administration, dispensation, delivery, distribution
20 or transportation of any dangerous drug and/or controlled precursor and
21 essential chemical transpires within one hundred (100) meters from (the) A
22 school, the maximum penalty shall be imposed in every case.
23

24 For drug pushers who use minors or mentally incapacitated individuals
25 as runners, couriers and messengers, or in any other capacity directly
26 connected to the dangerous drugs and/or controlled precursors and essential
27 chemical trade, the maximum penalty shall be imposed in every case.
28

29 If the victim of the offense is a minor or a mentally incapacitated
30 individual, or should a dangerous drug and/or controlled precursor and
31 essential chemical involved in any offense herein provided be the proximate
32 cause of death of a victim thereof, the maximum penalty provided for under
33 this Section shall be imposed.
34

35 The maximum penalty provided for under this Section shall be
36 imposed upon any person who organizes, manages or acts as a “financier” of
37 any of the illegal activities prescribed in this Section.
38

39 The penalty of (twelve [12] years and one [1] day to twenty [20] years
40 of imprisonment) **LIFE IMPRISONMENT TO DEATH** and a fine ranging
41 from (One hundred thousand pesos [P100,000.00]) **FIVE HUNDRED**
42 **THOUSAND PESOS (P500,000.00)** to (Five hundred thousand pesos
43 (P500,000.00)) **ONE MILLION PESOS (P1,000,000.00)** shall be imposed
44 upon any person who acts as a “protector/coddler” of any violator of the
45 provisions under this Section.
46

47 **Section 4.** Section 6 of Article II of Republic Act No. 9165, as amended, known as
48 the Comprehensive Dangerous Drugs Act 2002, is hereby amended to read as follows:
49

1 “Sec. 6. Maintenance of a Den, Dive or Resort. – The penalty of life
2 imprisonment to death and a fine ranging from (Five hundred thousand pesos
3 (P500,000.00) **ONE MILLION PESOS (P1,000,000.00)** to Ten million
4 pesos (P10,000,000.00) shall be imposed upon any person or group of persons
5 who shall maintain a den, dive or resort where any dangerous drug is used,
6 given away or sold in any form.
7

8 The penalty of imprisonment ranging from twelve (12) years and one
9 (1) day to twenty (20) years and a fine ranging from (One hundred thousand
10 pesos [P100,000.00]) **FIVE HUNDRED THOUSAND PESOS**
11 **(P500,000.00)** to (Five hundred thousand pesos [P500,000.00]) **ONE**
12 **MILLION PESOS (P1,000,000.00)** shall be imposed upon any person or
13 group of persons who shall maintain a den, dive, or resort where any
14 controlled precursor and essential chemical is used, given away or sold in any
15 form.
16

17 The maximum penalty provided for under this Section shall be
18 imposed in every case where any dangerous drug is administered, delivered,
19 given away or sold to a minor who is allowed to use the same in such a place.
20

21 Should any dangerous drug be the proximate cause of the death of a
22 person using the same in such den, dive or resort, the penalty of death and a
23 fine ranging from (One million pesos [P1,000,000.00]) **FIVE MILLION**
24 **PESOS (P5,000,000.00)** to Fifteen million pesos (P15,000,000.00) shall be
25 imposed on the maintainer, owner and/or operator.
26

27 If such den, dive or resort is owned by a third person, the same shall be
28 confiscated and escheated in favor of the government; *Provided*, That the
29 criminal complaint shall specifically allege that such place is intentionally
30 used in the furtherance of the crime; *Provided*, further, That the prosecution
31 shall prove such intent on the part of the owner to use the property for such
32 purpose; *Provided*, finally, That the owner shall be included as an accused in
33 the criminal complaint.
34

35 The maximum penalty provided for under this Section shall be
36 imposed upon any person who organizes, manages or acts as a “financier” of
37 any of the illegal activities prescribed in this Section.
38

39 The penalty of (twelve [12] years and one [1] day to twenty [20] years
40 of imprisonment) **LIFE IMPRISONMENT TO DEATH** and a fine ranging
41 from (One hundred thousand pesos [P100,000.00]) **FIVE HUNDRED**
42 **THOUSAND PESOS (P500,000.00)** to (Five hundred thousand pesos
43 (P500,000.00)) **ONE MILLION PESOS (P1,000,000.00)** shall be imposed
44 upon any person who acts as a “protector/coddler” of any violator of the
45 provisions under this Section.
46

47 **Section 5.** Section 8 of Article II of Republic Act No. 9165, as amended, known as
48 the Comprehensive Dangerous Drugs Act 2002, is hereby amended to read as follows:
49

1 “Sec. 8. Manufacture of Dangerous Drugs and/or Controlled
2 Precursors and Essential Chemicals. – The penalty of life imprisonment to
3 death and a fine ranging from (Five hundred thousand pesos [P500,000.00])
4 **ONE MILLION PESOS (P1,000,000.00)** to Ten million pesos
5 (P10,000,000.00) shall be imposed upon any person who, unless authorized by
6 law, shall engage in the manufacture of any dangerous drug.
7
8

9 The penalty of imprisonment ranging from twelve (12) years and one
10 (1) day to twenty (20) years and a fine ranging from (One hundred thousand
11 pesos [P100,000.00]) **FIVE HUNDRED THOUSAND PESOS**
12 **(P500,000.00)** to (Five hundred thousand pesos [P500,000.00]) **ONE**
13 **MILLION PESOS (P1,000,000.00)** shall be imposed upon any person, who,
14 unless authorized by law, shall manufacture any controlled precursor and
15 essential chemical.
16

17 The presence of any controlled precursor and essential chemical or
18 laboratory equipment in the clandestine laboratory is a *prima facie* proof of
19 manufacture of any dangerous drug. It shall be considered an aggravating
20 circumstance if the clandestine laboratory is undertaken or established under
21 the following circumstances:
22

- 23 (a) Any phase of the manufacturing process was conducted in the
24 presence or with the help of minor/s;
25 (b) Any phase of the manufacturing process was established or
26 undertaken within one hundred (100) meters of a residential,
27 business, church or school premises;
28 (c) Any clandestine laboratory was secured or protected with booby
29 traps;
30 (d) Any clandestine laboratory was concealed with legitimate business
31 operations; or
32 (e) Any employment of a practitioner, chemical engineer, public
33 official or foreigner.
34

35 The maximum penalty provided for under this Section shall be
36 imposed upon any person who organizes, manages or acts as a “financier” of
37 any of the illegal activities prescribed in this Section.
38

39 The penalty of (twelve [12] years and one [1] day to twenty [20] years
40 of imprisonment) **LIFE IMPRISONMENT TO DEATH** and a fine ranging
41 from (One hundred thousand pesos [P100,000.00]) **FIVE HUNDRED**
42 **THOUSAND PESOS (P500,000.00)** to (Five hundred thousand pesos
43 [P500,000.00]) **ONE MILLION PESOS (P1,000,000.00)** shall be imposed
44 upon any person who acts as a “protector/coddler” of any violator of the
45 provisions under this Section.
46

47 **Section 6.** Section 11 of Article II of Republic Act No. 9165, as amended, known as
48 the Comprehensive Dangerous Drugs Act 2002, is hereby amended to read as follows:
49

1 "Sec. 11. Possession of Dangerous Drugs. – The penalty of life
2 imprisonment to death and a fine ranging from (Five hundred thousand pesos
3 [P500,000.00]) **ONE MILLION PESOS (P1,000,000.00)** to Ten million
4 pesos (P10,000,000.00) shall be imposed upon any person who, unless
5 authorized by law, shall possess any dangerous drug in the following
6 quantities, regardless of the degree of purity thereof:
7

- 8 ([1] 10 grams or more of opium;
9 [2] 10 grams or more of morphine;
10 [3] 10 grams or more of heroin;
11 [4] 10 grams or more of cocaine or cocaine hydrochloride;
12 [5] 50 grams or more of methamphetamine hydrochloride or "shabu";
13 [6] 10 grams or more of marijuana resin or marijuana resin oil;
14 [7] 500 grams or more of marijuana; and
15 [8] 10 grams or more of other dangerous drugs such as, but not
16 limited to, methylenedioxymethamphetamine (MDMA) or "ecstasy",
17 paramethoxyamphetamine (PMA), trimethoxyamphetamine (TMA),
18 lysergic acid diethylamine (LSD), gamma hydroxyamphetamine
19 (GHB), and those similarly designed or newly introduced drugs and
20 their derivatives, without having any therapeutic value or if the
21 quantity possessed is far beyond therapeutic requirements, as
22 determined and promulgated by the Board in accordance to Section 93,
23 Article XI of this Act.)
24

25 **(1) 500 GRAMS OR MORE OF MARIJUANA, OR**

26
27 **(2) 10 GRAMS OR MORE OF OPIUM, MORPHINE, HEROIN,**
28 **COCAINE OR COCAINE HYDROCHLORIDE,**
29 **METHAMPETAMINE HYDROCHLORIDE OR "SHABU",**
30 **MARIJUANA RESIN OR MARIJUANA RESIN OIL, OR**
31 **OTHER DANGEROUS DRUGS SUCH AS, BUT NOT**
32 **LIMITED TO, METHYLENEDIOXYMETHAMPETAMINE**
33 **(MDMA) OR "ECSTASY",**
34 **PARAMETHOXYAMPHETAMINE (PMA),**
35 **TRIMETHOXYAMPHETAMINE (TMA), LYSERGIC ACID**
36 **DIETHYLAMINE (LSD), GAMMA**
37 **HYDROXYAMPHETAMINE (GHB), AND THOSE**
38 **SIMILARLY DESIGNED OR NEWLY INTRODUCED**
39 **DRUGS AND THEIR DERIVATIVES, WITHOUT HAVING**
40 **ANY THERAPEUTIC VALUE OR IF THE QUANTITY**
41 **POSSESSED IS FAR BEYOND THERAPEUTIC**
42 **REQUIREMENTS, AS DETERMINED AND**
43 **PROMULGATED BY THE BOARD IN ACCORDANCE TO**
44 **SECTION 93, ARTICLE XI OF THIS ACT, OR 10 GRAMS**
45 **OR MORE OF ANY COMBINATION THEREOF.**

46
47 Otherwise, if the quantity involved is less than the foregoing quantities,
48 the penalties shall be graduated as follows:
49

1 ([1] Life imprisonment and a fine ranging from Four hundred thousand
2 pesos (P400,000.00) to Five hundred thousand pesos (P500,000.00), if
3 the quantity of methamphetamine hydrochloride or "shabu" is ten (10)
4 grams or more but less than fifty (50) grams;

5
6 [2] Imprisonment of twenty (20) years and one (1) day to life
7 imprisonment and a fine ranging from Four hundred thousand pesos
8 (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the
9 quantities of dangerous drugs are five (5) grams or more but less than
10 ten (10) grams of opium, morphine, heroin, cocaine or cocaine
11 hydrochloride, marijuana resin or marijuana resin oil,
12 methamphetamine hydrochloride or "shabu", or other dangerous drugs
13 such as, but not limited to, MDMA or "ecstasy", PMA, TMA, LSD,
14 GHB, and those similarly designed or newly introduced drugs and their
15 derivatives, without having any therapeutic value or if the quantity
16 possessed is far beyond therapeutic requirements; or three hundred
17 (300) grams or more but less than five (hundred) 500) grams of
18 marijuana; and

19
20 [3] Imprisonment of twelve (12) years and one (1) day to twenty (20)
21 years and a fine ranging from Three hundred thousand pesos
22 (P300,000.00) to Four hundred thousand pesos (P400,000.00), if the
23 quantities of dangerous drugs are less than five (5) grams of opium,
24 morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or
25 marijuana resin oil, methamphetamine hydrochloride or "shabu", or
26 other dangerous drugs such as, but not limited to, MDMA or "ecstasy",
27 PMA, TMA, LSD, GHB, and those similarly designed or newly
28 introduced drugs and their derivatives, without having any therapeutic
29 value or if the quantity possessed is far beyond therapeutic
30 requirements; or less than three hundred (300) grams of marijuana.)

31
32 **(1) LIFE IMPRISONMENT AND A FINE RANGING FROM**
33 **FIVE HUNDRED THOUSAND PESOS (P500,000.00) TO**
34 **ONE MILLION PESOS (P1,000,000.00), IF THE**
35 **QUANTITIES OF DANGEROUS DRUGS ARE FIVE (5)**
36 **GRAMS OR MORE BUT LESS THAN TEN (10) GRAMS OF**
37 **OPIUM, MORPHINE, HEROIN, COCAINE OR COCAINE**
38 **HYDROCHLORIDE, MARIJUANA RESIN OR**
39 **MARIJUANA RESIN OIL, METHAMPETAMINE**
40 **HYDROCHLORIDE OR "SHABU", OR OTHER**
41 **DANGEROUS DRUGS SUCH AS, BUT NOT LIMITED TO,**
42 **METHYLENEDIOXYMETHAMPETAMINE (MDMA) OR**
43 **ECSTASY", PMA, TMA, LSD, GHB, AND THOSE**
44 **SIMILARLY DESIGNED OR NEWLY INTRODUCED**
45 **DRUGS AND THEIR DERIVATIVES, WITHOUT HAVING**
46 **ANY THERAPEUTIC VALUE OR IF THE QUANTITY**
47 **POSSESSED IS FAR BEYOND THERAPEUTIC**
48 **REQUIREMENTS, OR THREE HUNDRED (300) GRAMS**
49 **OR MORE BUT LESS THAN FIVE HUNDRED (500)**
50 **GRAMS OF MARIJUANA, AND**

1
2 **(2) IMPRISONMENT OF TWENTY (20) YEARS AND ONE (1)**
3 **DAY TO LIFE IMPRISONMENT AND A FINE RANGING**
4 **FROM FOUR HUNDRED THOUSAND PESOS (P400,000.00)**
5 **TO FIVE HUNDRED THOUSAND PESOS (P500,000.00), IF**
6 **THE QUANTITIES OF DANGEROUS DRUGS ARE LESS**
7 **THAN FIVE (5) GRAMS OF OPIUM, MORPHINE,**
8 **HEROIN, COCAINE OR COCAINE HYDROCHLORIDE,**
9 **MARIJUANA RESIN OR MARIJUANA RESIN OIL,**
10 **METHAMPETAMINE HYDROCHLORIDE OR "SHABU",**
11 **OR OTHER DANGEROUS DRUGS SUCH AS, BUT NOT**
12 **LIMITED TO, METHYLENEDIOXY-METHAMPETAMINE**
13 **(MDMA) OR ECSTASY", PMA, TMA, LSD, GHB, AND**
14 **THOSE SIMILARLY DESIGNED OR NEWLY**
15 **INTRODUCED DRUGS AND THEIR DERIVATIVES,**
16 **WITHOUT HAVING ANY THERAPEUTIC VALUE OR IF**
17 **THE QUANTITY POSSESSED IS FAR BEYOND**
18 **THERAPEUTIC REQUIREMENTS, OR LESS THAN**
19 **THREE HUNDRED (300) GRAMS OF MARIJUANA.**
20
21

22 **Section 7.** Section 16 of Article II of Republic Act No. 9165, as amended, known as
23 the Comprehensive Dangerous Drugs Act 2002, is hereby amended to read as follows:
24

25 "Sec. 16. Cultivation or Culture of Plants Classified as Dangerous
26 Drugs or are Sources Thereof. – The penalty of life imprisonment to death and
27 a fine ranging from (Five hundred thousand pesos [P500,000.00]) **ONE**
28 **MILLION PESOS (P1,000,000.00)** to Ten million pesos (P10,000,000.00)
29 shall be imposed upon any person who shall plant, cultivate or culture
30 marijuana, opium poppy or any other plant regardless of quantity, which is or
31 may hereafter be classified as a dangerous drug or as a source from which any
32 dangerous drug may be manufactured or derived; Provided, That in the case of
33 medical laboratories and medical research centers which cultivate or culture
34 marijuana, opium poppy and other plants, or materials of such dangerous
35 drugs for medical experiments and research purposes, or for the creation of
36 new types of medicine, the Board shall prescribe the necessary implementing
37 guidelines for the proper cultivation, culture, handling, experimentation and
38 disposal of such plants and materials.
39

40 The land or portions thereof and/or greenhouses on which any of said
41 plants is cultivated or cultured shall be confiscated and escheated in favor of
42 the State, unless the owner thereof can prove lack of knowledge of such
43 cultivation or culture despite the exercise of due diligence on his/her part. If
44 the land involved is part of the public domain, the maximum penalty provided
45 for under this Section shall be imposed upon the offender.
46

47 The maximum penalty provided for under this Section shall be
48 imposed upon any person who organizes, manages or acts as a "financier" of
49 any of the illegal activities prescribed in this Section.
50

1 The penalty of (twelve [12] years and one [1] day to twenty [20] years
2 of imprisonment) **LIFE IMPRISONMENT TO DEATH** and a fine ranging
3 from (One hundred thousand pesos [P100,000.00]) **FIVE HUNDRED**
4 **THOUSAND PESOS (P500,000.00)** to (Five hundred thousand pesos
5 (P500,000.00]) **ONE MILLION PESOS (P1,000,000.00)** shall be imposed
6 upon any person who acts as a "protector/coddler" of any violator of the
7 provisions under this Section.

8
9 **Section 8.** Republic Act No. 9346 is hereby repealed or amended insofar as it
10 prohibits the imposition of death penalty for the crimes provided in this Act. All other laws,
11 presidential decrees and issuances, executive orders, rules and regulations or parts thereof
12 inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

13
14 **Section 9.** If, for any reason or reasons, any part of the provision of this Act shall be
15 held to be unconstitutional or invalid, other parts or provisions hereof which are not affected
16 thereby shall continue to be in full force and effect.

17
18 **Section 10.** This Act shall take effect fifteen (15) days after its publication in two (2)
19 national newspapers of general circulation. The publication shall not be later than seven (7)
20 days after the approval hereof.

21
22 Approved,
23