

[PRESIDENTIAL DECREE NO. 44, November 09, 1972]

AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972

WHEREAS, drug addiction is a grave and pernicious evil which not only complicates the peace and order problem of our country but also erodes the physical strength as well as the moral well-being of our people;

WHEREAS, in order to curb the incidence of drug addiction, the Congress of the Philippines enacted Republic Act No. 6425, otherwise known as the Dangerous Drugs Act of 1972;

WHEREAS, after the approval of the Act on March 30, 1972, certain defects and deficiencies in it have been discovered which have hampered the full and expeditious implementation of its provisions;

WHEREAS, in order that the desired aims and objectives of the Dangerous Drugs Acts can be effectively and satisfactorily attained, it is imperative that the said law be modified so as to cure its defects and supply its deficiencies;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers in me vested by the Constitution as Commander-in-Chief of all the Armed Forces of the Philippines, and pursuant to Proclamation No. 1081, dated September 21, 1972, and General Order No. 1, dated September 22, 1972, do hereby order and decree that Republic Act No. 6425, otherwise known as the Dangerous Drugs Act of 1972, be amended as it is hereby amended, to wit:

1. Section 30 of Republic Act No. 6425 is hereby amended to read as follows:

"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 Director of Health or the Secretary of the Department of Social Welfare, in that order. Such petition may be filed with the Court of First Instance, Juvenile and Domestic Relations Court or Circuit Criminal 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: *Provided*, that any of said courts shall have jurisdiction to act on the petition regardless of the age of the minor. 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.

"When, in the opinion of the person committed or of his parent, guardian or relative, or of the Board, such person is rehabilitated, any of the above parties may file a sworn petition for his release with the court which ordered the commitment. If, after due hearing, the court finds the petition to be well-founded, it shall forthwith order the release of the person so committed.

"Should the drug dependent, having voluntarily submitted himself to 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 file a sworn petition for his recommitment. 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 drug. "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."

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

"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 Court of First Instance, Juvenile and Domestic Relations Court, or Circuit Criminal Court of the province or city where he is being investigated or tried: *Provided*, that any of said courts may take cognizance of such petition regardless of the age of the drug dependent: *Provided, further*, 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