

[BATAS PAMBANSA BLG. 179, March 02, 1982]

AN ACT FURTHER AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NUMBERED SIXTY-FOUR HUNDRED AND TWENTY-FIVE, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

Be it enacted by the Batasang Pambansa in session assembled:

SECTION 1. Subparagraph (1) of paragraphs (e) and paragraphs (i) and (1) of Section 2 of Republic Act Numbered Sixty-four hundred and twenty-five, otherwise known as the Dangerous Drugs Act of 1972, are hereby amended to read as follows:

"(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 eucaine; 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"

"(i) 'Indian hemp'—otherwise known as 'Marijuana', embraces every kind, class, genus or specie of the plant *cannabis sativa* L., including *cannabis americana*, *hashish*, *bhanga*, *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;"

"(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;"

SEC. 2. Section 2 of the same Act is further amended by adding a new paragraph thereto to read as follows:

"(q) 'Opium poppy'—means any part of the plant of the species *papaver somniferum* L., including the seeds thereof."

SEC. 3. Section 8, Article II of the same Act is hereby amended to read as follows:

"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."

SEC. 4. Section 9, Article II of the same Act is hereby amended to read as follows:

"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 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 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."

SEC. 5. Section 16, Article III of the same Act is hereby amended to read as follows:

"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 corresponding license or prescription."

SEC. 6. Section 20, Article IV of the same Act is hereby amended to read as follows:

"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 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."

SEC. 7. Section 24, Article IV of the same Act is hereby amended to read as follows:

"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."

SEC. 8. Article IV of the same Act is hereby amended by adding a new section between Sections 24 and 25 to be numbered as Section 24-A, which shall read as follows:

"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 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 Publish 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."

SEC. 9. Section 25, Article IV of the same Act is hereby amended to read as follows:

"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."

SEC. 10. The second paragraph of Section 28, Article V of the same Act is hereby repealed.

SEC. 11. Section 30, Article VI of the same Act is hereby further 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 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.