

RA 9165 Comprehensive Dangerous Drugs Act of 2002

It is the policy of the State : to safeguard the integrity of its territory & the well-being of its citizenry, particularly the youth, from the harmful effects of dangerous drugs on their physical & mental well-being, and 2. to defend the same against acts or omissions detrimental to their development and preservation

Unlawful Acts and Penalties

Section 4. Importation of Dangerous Drugs &/or Controlled Precursors & Essential Chemicals. **Offenders: Penalty:**

1. Importer Life to Death + P500k-P10M
2. Importer Death + P10M using Diplomatic Passport
3. Financier, Organizer, Death + P10M Manager of Importation
4. Protector/Coddler 12y1d to 20y + P100k to P500k

Section 5. Sale, Trading, Administration, Dispensation, Delivery, Distribution & Transportation of Dangerous Drugs &/or Controlled Precursors & Essential Chemicals Elements:

Identity of the buyer and the seller, the object, and the consideration

Delivery of the thing sold and the payment thereof

Maximum Penalty Imposed on :

- Committed within 100m from a school
- Use of minors or mentally incapacitated persons as runners, couriers & messengers, or in any other capacity
- If the victim is a minor or mentally incapacitated
- Dangerous drug is the proximate cause of death of victim
- Organizer, Manages the unlawful acts, financier

Protector/Coddler - 12y1d to 20y + P100k to P500k

Sec 6. Maintenance of a Den, Dive or Resort Den, Dive or Resort - A place where any dangerous drug and/or controlled precursor and essential chemical is administered , delivered , stored for illegal purposes , distributed , sold or used in any form .

- Maintenance of a Den, Dive or Resort Maintenance – Life to death + P500k – P10M fine
- Caters to minor clients – Death + P10M fine
- Financier - Death + P10M fine
- Protector/Coddler - 12 years 1 day – 20 years + P100k - P500k fine
- Client dies – Death + P1M - P15M fine

* den/dive/resort shall be confiscated in favor of government

Section 7. Employees and Visitors of a Den, Dive or Resort

Imprisonment: 12y 1d - 20y + Fine: P100k - P500k

(a) Any employee of a den, dive or resort, who is aware of the nature of the place as such; and (b) Any person who, not being included in the provisions of the next preceding paragraph, is aware of the nature of the place as such and shall knowingly visit the same

Sec. 11 Possession of Dangerous Drugs (See Sec. 13)

Life Imprisonment to Death and Fine P500k - P10M

Any person, who, unless authorized by law, shall possess * any dangerous drug in the following quantities, regardless of the degree of purity:

Elements:

Person is in possession which is identified to be a prohibited drug

Such possession is not authorized by law

Person freely & consciously possessed the said prohibited drug

- 1) 10 grams or more of opium;
- (2) 10 grams or more of morphine;
- (3) 10 grams or more of heroin;
- (4) 10 grams or more of cocaine or cocaine hydrochloride;
- (5) 50 grams or more of methamphetamine hydrochloride or "shabu";
- (6) 10 grams or more of marijuana resin or marijuana resin oil;
- (7) 500 grams or more of marijuana; and
- (8) 10 grams or more of other dangerous drugs such as, but not limited to, methylenedioxymethamphetamine (MDA) or "ecstasy", paramethoxyamphetamine (PMA), trimethoxyamphetamine (TMA), lysergic acid diethylamine (LSD), gamma hydroxyamphetamine (GHB), and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements, as determined and promulgated by the Board in accordance to Section 93, Article XI of this Act. Unlawful Acts and Penalties

Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous Drugs . (See Sec. 14)

Imprisonment: 6 months & 1 day – 4 years Fine: P10k - P50k

Any person, who, unless authorized by law, shall possess or have under his/her control any equipment, instrument, apparatus and other paraphernalia fit or intended for smoking, consuming, administering, injecting, ingesting, or introducing any dangerous drug into the body : xxx The possession of such xxx shall be prima facie evidence that the possessor has smoked, consumed, administered to himself/herself, injected, ingested or used a dangerous drug and shall be presumed to have violated Section 15 of this Act.

Section 15. Use of Dangerous Drugs

A person apprehended or arrested, who is found to be positive for use of any dangerous drug, after a confirmatory test, shall be imposed a penalty of a minimum of 6 months REHABILITATION in a government center for the first offense

If apprehended using any dangerous drug for the second time , he/she shall suffer the penalty of Imprisonment 6 years & 1 day to 12 years + Fine P50k to P200k

Provided, That this Section shall not be applicable where the person tested is also found to have in his/her possession such quantity of any dangerous drug provided for under Section 11 of this Act, in which case the provisions stated therein shall apply.

Sec 16. Cultivation or Culture of Plants Classified as Dangerous Drugs or are Sources Thereof

Life Imprisonment to Death + Fine of P500k to P10M

Any person, who shall plant , cultivate or culture marijuana, opium poppy or any other plant regardless of quantity, which is or may hereafter be classified as a dangerous drug or as a source from which any dangerous drug may be manufactured or derived

Any person, who organizes, manages or acts as a " financier " of any of the illegal activities prescribed in this Section = Death + Fine of P10M Any person, who acts as a " protector/coddler " of any violator of the provisions under this Section = Imprisonment of 12 years & 1 day - 20 years Fine of P100k to P500k

Other Unlawful Acts

Sec 17. Maintenance and Keeping of Original Records of Transactions on Dangerous Drugs and/or Controlled Precursors and Essential Chemicals

Sec 18 . Unnecessary Prescription of Dangerous Drugs

Sec 19. Unlawful Prescription of Dangerous Drugs

Sec 37 . Issuance of False or Fraudulent Drug Test Results

Sec 26. Attempt or Conspiracy. Any attempt or conspiracy to commit the following unlawful acts shall be penalized by the same penalty prescribed for the commission of the same : (a) Importation; (b) Sale, trading, administration, dispensation, delivery, distribution and transportation; (c) Maintenance of a den, dive or resort where any dangerous drug is used in any form; (d) Manufacture of any dangerous drug and/or controlled precursor and essential chemical; and (e) Cultivation or culture of plants which are sources of dangerous drugs.

Other Unlawful Acts

Sec 27. Public Officer or Employee is criminally liable for Misappropriation , Misapplication or Failure to Account for the Confiscated, Seized and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment Including the Proceeds or Properties Obtained from the Unlawful Act Committed

Any elective local or national official found: To have benefited from the proceeds of the trafficking of dangerous drugs, or To have received any financial or material contributions or donations from natural or juridical persons found guilty of trafficking dangerous drugs Shall be removed from office and perpetually disqualified from holding any elective or appointive positions in the government , its divisions, subdivisions, and intermediaries, including GOCCs

Sec 29. Criminal Liability for Planting of Evidence.

Any person who is found guilty of "planting" any dangerous drug and/or controlled precursor and essential chemical, regardless of quantity and purity, shall suffer the penalty of DEATH .

The willful act by any person of maliciously and surreptitiously inserting, placing, adding or attaching directly or indirectly, through any overt or covert act, whatever quantity of any dangerous drug and/or controlled precursor and essential chemical in the person,

house, effects or in the immediate vicinity of an innocent individual for the purpose of implicating, incriminating or imputing the commission of any violation of this Act.

Sec 91. Responsibility and Liability of Law Enforcement Agencies and other Government Officials and Employees in Testifying as Prosecution Witnesses in Dangerous Drugs Cases ... who, after due notice, fails or refuses intentionally or negligently, to appear as a witness for the prosecution in any proceedings, involving violations of this Act, without any valid reason Imprisonment of 12y & 1d - 20y + Fine of P500k in addition to the administrative liability he/she may be meted out by his/her immediate superior and/or appropriate body.

The immediate superior of the member of the law enforcement agency or any other government employee mentioned in the preceding paragraph, if despite due notice to them and to the witness concerned, the former does not exert reasonable effort to present the latter to the court

Imprisonment of 2m & 1d to 6y + Fine of P10k to P50k in addition, perpetual absolute disqualification from public office

The member of the law enforcement agency ... shall not be transferred or re-assigned to any other government office located in another territorial jurisdiction during the pendency of the case in court . However, the concerned member of the law enforcement agency or government employee may be transferred or re-assigned for compelling reasons:

Provided , That immediate superior shall notify the court where the case is pending of the order to transfer or re-assign, within 24 hours from its approval ; Should immediate superior fail to notify the court of such order to transfer or re-assign:

Imprisonment of 2m & 1d to 6y Fine of P10k to P50k in addition, perpetual absolute disqualification from public office

Section 92. Delay & Bungling in Prosecution of Drug Cases

Any government officer or employee tasked with the prosecution of drug-related cases under this act, who, through patent laxity, inexcusable neglect, unreasonable delay or deliberately causes the unsuccessful prosecution and/or dismissal of the said drug cases:

Imprisonment 12y & 1d to 20y- without prejudice to his/her prosecution under the pertinent provisions of the Revised Penal Code.