

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

PRESIDENTIAL DECREE NO. 44, November 09, 1972

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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:

- 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."

- 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 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 indicate whether the full or partial period of his prior detention and of his confinement for treatment and rehabilitation shall be deducted from the period of the penalty imposed on him, taking into account his good behavior or misconduct while being detained or confined.

"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."

- Section 35 of the same Act is hereby amended to read as follows:

"SEC. 35. Creation and Composition of the Board.—There is hereby created a Dangerous Drugs Board which shall

be composed of six ex officio members, as follows:

- (a) the Secretary of Health or his representative;
- (b) the Secretary of Justice or his representative;
- (c) the Secretary of National Defense or his representative;
- (d) the Secretary of Education or his representative;
- (e) the Secretary of Finance or his representative; and
- (f) the Secretary of the Department of Social Welfare or his representative.

"The Secretary 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 fifty-pesos for their attendance at every meeting of the Board: Provided, that where the representative of an ex officio member 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 Secretary of Health, shall be valid, unless revoked by the Board at its next regular or special meeting.

"The Board shall appoint 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, psychology or social work. He shall receive a compensation of twenty thousand pesos per annum."

- Section 39 of the same Act is hereby amended to read as follows:

"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."

This Decree shall take effect immediately.

Done in the City of Manila, this 9th day of November, in the year of Our Lord, nineteen hundred and seventy-two.

(Sgd.) FERDINAND E. MARCOS
President
Republic of the Philippines

By the President:

(Sgd.) ALEJANDRO MELCHOR
Executive Secretary

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