

AN ACT AMENDING SECTIONS TWENTY-TWO, TWENTY-SIX, THIRTY-ONE AND THIRTY-TWO OF ACT NUMBERED SEVENTEEN HUNDRED AND SIXTY-ONE, REFERRED TO AS "THE OPIUM ACT," BY PROVIDING FOR THE ...

Act No. 1910, May 19, 1909

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By authority of the United States, be it enacted by the Philippine Legislature, that:

SECTION 1. Section twenty-two of Act Numbered Seventeen hundred and sixty-one, entitled "An Act gradually to restrict and regulate the sale and use of opium pending the ultimate prohibition of the importation of opium into the Philippine Islands in whatever form except for medicinal purposes as provided by the Act of Congress approved March third, nineteen hundred and five, and prohibiting any person from having the possession of opium, cocaine, or alpha or beta cocaine in any of their several forms, or any derivative or preparation of any of such drugs or substances, except for medicinal purposes, and to repeal Act Numbered Fourteen hundred and sixty-one. and for other purposes," is hereby amended to read as follows;

"SEC. 22. Any person claiming such seized property shall file his claim claiming such seized property shall file claim thereto as prescribed in the notice provided for in the preceding section, and shall deposit with the Collector of Internal Revenue to the Government of the Philippine Islands in the sum of five hundred pesos, duly approved by said Collector of Internal Revenue, and conditioned that the claimant will pay all costs and expenses of forfeiture and sale of the property in case forfeiture and sale thereof are adjudged. On the filing of such a bond the Collector of Internal Revenue shall proceed against such seized property in the same manner as is prescribed by Act Numbered Eleven hundred and eighty-nine, as amended, for the forfeiture and sale of property seized thereunder. If no person claims such seized property, or if the claimant does not give such a bond, such seized property shall be considered abandoned, and shall be disposed of as any public property."

SEC. 2. Section twenty-six of said Act is hereby amended to read as follows:

"SEC. 26. Taxes, fines, and all other moneys collected by virtue of any of the provisions of this Act. shall be covered into the Insular Treasury and shall constitute a special fund to be devoted solely to the following purposes:

"First. The carrying out of the provisions of this Act and the provisions of paragraph eight of section eleven of the Act of Congress approved March third, nineteen hundred and five, entitled "An Act to revise and amend the tariff laws of the Philippine Islands, and for other purposes:

"Second. The payment of the reasonable expenses, in some reputable hospital, of those desiring to be cured of the opium habit;

"Third. The payment of salaries of Filipinos who have been appointed Insular teachers;

"Fourth. The construction of schoolhouses and school buildings in the various municipalities of the Islands : Provided, That twenty-five per centum of all fines imposed by reason of violations of this Act shall be paid to the person who furnished the original evidence, properly substantiated, which led to the detection of the offense and the imposition of the fine. The name of the informer shall be specified in the judgment of the court

when a conviction is had in a court: Provided, That in all cases in which no fine is imposed but where the sentence is one for imprisonment or deportation, or when compromise is effected as provided in section twenty-five hereof, there shall be paid to the informer an amount approved by the Secretary of Finance and Justice, not exceeding one thousand pesos in any one case. The fund hereby provided is hereby appropriated for the purposes of this section "and shall be expended therefor on the approval of the Governor-General."

SEC. 3. Section thirty-one of the said Act Numbered Seventeen hundred and sixty-one, is hereby amended to read as follows:

"SEC. 31. Any unauthorized person owning, carrying, holding, having, controlling, having possession of, or knowingly having on his premises, any opium, cocaine, alpha or beta cocaine, or any derivative or preparation of such drugs or substances, on and after March first, nineteen hundred and eight, shall be punished by a fine not exceeding ten thousand pesos, nor less than three hundred pesos, or by imprisonment for not exceeding five years, nor less than three months, or by both such fine and imprisonment, in the discretion of the court: Provided, however, That in the case of the commission of a second offense under the provisions of this section, any person so convicted, if other than a citizen of the United States or a citizen of the Philippine Islands, may, by order of the court, be deported."

SEC. 4. Section thirty-two of the said Act is hereby amended to read as follows:

"SEC. 32. On and after March first, nineteen hundred and eight, it shall be unlawful for any person in the Philippine Islands to inhale, smoke, chew, swallow, inject, or otherwise use or permit to be used in or on his body any opium, except for medicinal purposes, and then only upon prescription of a duly licensed and practicing physician.

"Any person violating any of the provisions of this section shall be punished by a fine not exceeding ten thousand pesos nor less than three hundred pesos, or by imprisonment for not exceeding five years, nor less than three months, or by both such fine and imprisonment in the discretion of the court: Provided, however, That in the case of the commission of a second offense under the provisions of this section, any person so convicted, if other than a citizen of the United States or a citizen of the Philippine Islands, may, by order of this court, be deported."

SEC. 5. The amendments made by sections three and four of this Act in sections thirty-one and thirty-two of Act Numbered Seventeen hundred and sixty-one shall not affect offenses committed prior to the passage of this Act, and as to such offenses said sections as enacted by Act Numbered Seventeen hundred and sixty-one shall remain in full force and effect.

SEC. 6. Section twenty-seven of the said Act Numbered Seventeen hundred and sixty-one is hereby repealed.

SEC. 7. This Act shall take effect on its passage.

Enacted, May 19, 1909.

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