

AN ACT RESTRICTING THE USE OF OPIUM AND REPEALING ACT NUMBERED SEVENTEEN HUNDRED AND SIXTY-ONE.

Act No. 2381, February 28, 1914

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

SECTION 1. "Prohibited drug" and "opium," as herein used, shall be understood in the sense defined in section one hundred and thirty-five of the Internal Revenue Law of Nineteen hundred and fourteen.

SEC. 2. Except as provided in section one hundred and thirty-six of the Internal Revenue Law of Nineteen hundred and fourteen, no person shall own, prepare, or administer any prohibited drug, or have the same in his possession or subject to his control, or knowingly transport or permit the same to be in or on his premises; and save upon the prescription of a duly licensed and practicing physician, veterinarian, or dentist, no person shall inhale, snuff, chew, swallow, inject, or otherwise take or use any such drug in or on his body or permit the same to be used upon him by another. Nor shall any person keep, maintain, or conduct any dive or resort where opium is smoked or otherwise used contrary to law. The violation of any provision hereof Penalty, shall be punished by a fine of not less than three hundred nor more than ten thousand pesos and imprisonment not less than three months nor more than five years, and in case of recidivism incident to the commission of a second or subsequent offense under the provisions of this section, the delinquent may be deported if not a citizen of the United States or of the Philippine Islands.

SEC. 3. Any person who shall serve as guard or lookout for a dive or resort where opium is smoked or otherwise I've or resort-used contrary to law or who shall knowingly visit any such dive or resort shall, if not punishable under the provisions of the next preceding section hereof, be punished by a fine of not less than one hundred pesos nor more than three hundred pesos and imprisonment for not less than one month nor more than six months.

SEC. 4. Any person who shall unlawfully import or bring importation, any prohibited drug into the Philippine Islands, or assist in so doing, shall be punished by imprisonment for a period of not less than two nor more than five years, and by a fine of not less than three hundred pesos nor more than ten thousand pesos. In case of the commission of a second or subsequent offense under this section, the delinquent may be deported if not a citizen of the United States or of the Philippine Islands.

SEC. 5. Any person who shall unlawfully sell or deliver Sale and delivery, any prohibited drug to another person shall be punished by imprisonment for not less than one year nor more than five years, and by a fine of not less than three hundred pesos nor more than ten thousand pesos. In case of the commission of a second or subsequent offense under this section, the delinquent may be deported if not a citizen of the United States or of the Philippine Islands.

SEC. 6. The possession or custody of any opium pipe or to other apparatus designed for smoking, injecting, or administering opium in any manner is unlawful, except when in the hands or under the control of a person authorized by law to have and use opium.

Any person having unlawful possession or custody of any such pipe or apparatus shall be punished by a fine not

exceeding five hundred pesos and imprisonment for a period not exceeding one year.

SEC. 7. When unlawfully used, or found on, about, or in drugs the possession of any person not authorized to have control and disposition of the same, or when found secreted or abandoned, all prohibited drugs and all instruments, apparatus, and articles especially designed for their use, shall be forfeited to the Government and shall be at once seized.

Articles so seized shall be turned over to the Collector of Internal Revenue to be dealt with by him according to law.

SEC. 8. The unlawful possession of any opium pipe, or other instrument for using any prohibited drug in or on the human body, shall be deemed prima facie evidence that the person having such possession of the same has, contrary to the provisions of section two hereof, unlawfully used in or upon his body the prohibited drug for the use of which the apparatus or instrument in question was designed.

SEC. 9. When any physician or dentist prescribes opium for a patient whose physical condition does not require its use, his license to practice medicine or dentistry, as the case may be, shall be revoked by the Board of Medical or Dental Examiners, after due notice and hearing; and upon conviction he shall be punished by a fine of not less than three hundred nor more than ten thousand pesos, or by imprisonment for a period of not less than six months nor more than five years, or by both, in the discretion of the court.

SEC. 10. Fines and other moneys collected by virtue of the provisions of this Act shall be covered into the Insular Treasury to the credit of the general fund of the Insular Government. There is hereby constituted a permanent annual appropriation of such amount as may be necessary to pay rewards to informers under the following conditions:

Fifteen 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, there shall be paid to the informer an amount approved by the Secretary of Commerce and Police, not exceeding one thousand pesos in any one case.

SEC. 11. The Chief of Constabulary shall exercise supervision over the enforcement of this Act, without prejudice to the full exercise of the powers and duties in reference thereto incumbent upon other branches of the Government service; and with the approval of the Secretary of Commerce and Police, said Chief may compromise any case arising under the provisions of this Act, and this either before or after the commencement of legal proceedings therein but not after judgment pronounced.

SEC. 12. Act Numbered Seventeen hundred and sixty- one and Acts amendatory thereof, and all other laws and parts of laws in conflict herewith, including subdivision (v) of section thirty-nine of Act Numbered Eighty-two, and subdivision (ff) of section seventeen of Act Numbered One hundred and eighty-three, are hereby repealed. The repeal herein effected shall not operate to destroy any existing liability resulting from the violation of any provision hereby abrogated nor in any wise to affect any criminal prosecution already instituted or to be instituted thereon.

SEC. 13. This Act shall take effect on the first of July, nineteen hundred and fourteen.

Enacted, February 28, 1914.

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