

SEVENTEENTH CONGRESS)
OF THE REPUBLIC OF THE PHILIPPINES)
First Regular Session

HOUSE OF REPRESENTATIVES

House Bill No. 860

HOUSE OF REPRESENTATIVES	
RECEIVED	
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REGISTRATION UNIT BILLS AND INDEX SERVICE	

Introduced by Representative Victor A. Yap

EXPLANATORY NOTE

Because of its geographic location, the Philippines has become a major hub for the drug in Southeast Asia. This has contributed to more incidents of Filipinos getting arrested in other countries for transporting or selling drugs.

Foreign syndicates and nationals have been emboldened to establish their drug factories in the Philippines because of the lack of the death penalty. At the start of 2015, Mexican national Horacio Hernandez Herrera, allegedly third in command of the infamous Sinaloa Cartel, was arrested here in the Philippines' capital, Manila, at the center of a 12 million Peso (\$255,000) drug bust. Herrera's arrest confirmed official reports that not only are Mexico's cartels vying for a piece of the country's rapidly growing drugs trade, but forming an alliance with Chinese syndicates to do so.

According to the Philippine Drug Enforcement Agency, Philippine authorities conducted 11,066 counternarcotic operations resulting in the arrest of 8,428 suspects and 9,844 cases filed during the first nine months of 2014. Reports show that the statistics for drug-related cases continue to grow in our Trial Courts with increasing numbers of foreign nationals being caught and prosecuted.

To stem the alarming trend and to inhibit the growth of foreign syndicates, it is necessary to impose the death penalty on foreign nationals found guilty of violating Republic Act 9165 otherwise known as the "Comprehensive Dangerous Drugs Act of 2002".

In view of the foregoing, immediate passage of this bill is earnestly requested.


VICTOR A. YAP
Representative, 2nd District of Tarlac

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AN ACT

ADOPTING THE HIGHER PRESCRIBED PENALTY, INCLUDING DEATH, OF THE NATIONAL LAW OF AN ALIEN FOUND GUILTY OF TRAFFICKING DANGEROUS DRUGS AND OTHER SIMILAR SUBSTANCES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002"

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. Section 31 of Republic Act No. 9165 is hereby amended to read as follows:

2 "SEC. 31. [Additional] Penalty if Offender is an Alien – IF THE
3 VIOLATOR OF ANY OF THE PROVISIONS OF THIS ACT IS
4 AN ALIEN, THE PENALTY TO BE IMPOSED SHALL BE
5 THE PENALTY PRESCRIBED BY THE ALIEN'S NATIONAL
6 LAW FOR THE ACT COMMITTED OR THE PENALTY
7 PRESCRIBED BY THIS ACT, WHICHEVER IS HIGHER:
8 PROVIDED, THAT IF THE ACT COMMITTED IS NOT
9 PUNISHABLE IN THE ALIEN'S NATIONAL LAW, THEN
10 THE PROVISIONS OF THIS ACT SHALL APPLY.

11 "WHERE THE DEATH PENALTY IS NOT IMPOSED
12 BY THE NATIONAL LAW OF THE OFFENDER, [I]in addition
13 to the penalties prescribed [in] FOR the unlawful act committed, any
14 alien who violates such provisions of this Act shall, after service of
15 sentence, be deported immediately without further proceedings [unless
16 the penalty is death].

17 "THE PENALTY OF DEATH, IF APPLICABLE, SHALL
18 BE IMPOSED DESPITE THE PROHIBITION OF THE
19 IMPOSITION OF THE DEATH PENALTY IN THE
20 PHILIPPINES."

21 SEC. 2. Effectivity – This Act shall take effect fifteen (15) days after its complete publication in at
22 least two (2) newspapers of general circulation.

23 Approved,