

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Seventeenth Congress
First Regular Session

HOUSE OF REPRESENTATIVES
H.B. No. **5938**



Introduced by Representative H. Harry L. Roque Jr.

EXPLANATORY NOTE

The Constitution, Article 2, Section 5 provides:

The maintenance of peace and order, the protection of life, liberty and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

Our people are more concerned about illegal drugs and crimes associated with such use than any other current social problem. Illegal drug use is harmful and wrong. Illegal drug use can kill the individuals involved or cause the individuals to hurt or kill others, and such use strips the individuals of their moral sense and with it, everything in life that is important and worthwhile.

The purpose of this bill is to reduce the supply of drugs by stopping illegal drugs from entering the Philippines.*

H. HARRY L. ROQUE JR.

* This bill was originally re-filed by Senator Miriam Defensor Santiago during the Sixteenth Congress, First Regular Session.

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AN ACT

1 SECURING THE PHILIPPINE'S BORDERS TO MAKE MORE EFFECTIVE THE
2 PROHIBITION AGAINST THE ENTRY OF ILLEGAL DRUGS INTO THE COUNTRY

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

3 SECTION 1. *Short Title.* – This Act shall be known as the “Drug-Free Philippines
4 Act.”

5 SECTION 2. *Increased Resources for Interdiction.* –

6 (A) *Customs.* – In addition to other amounts appropriated for the Bureau of
7 Customs for a fiscal year, there is authorized to be appropriated Fifteen Million Pesos
8 (P15,000,000.00) for each of the three (3) succeeding fiscal years following the passage of
9 this Act to be used to monitor border ports of entry to stop the flow of illegal drugs into the
10 Philippines, of which not less than 20 percent of such funds shall be used to provide
11 assistance to local law enforcement entities.

12 (B) *Coast Guard.* – In addition to other amounts appropriated for the Philippine
13 Coast Guard for a fiscal year, there is authorized to be appropriated, Ten Million Pesos
14 (P10,000,000.00) for each of the three (3) succeeding fiscal years following the passage of
15 this Act to be used to expand activities to stop the flow of illegal drugs into the Philippines.

1 (C) *Department of National Defense.* – In addition to other amounts appropriated
2 for the Department of National Defense for a fiscal year, there is authorized to be
3 appropriated, Thirty Million Pesos (P30,000,000.00) for each of the three (3) succeeding
4 fiscal years following the passage of this Act to be used to expand activities to stop the flow
5 of illegal drugs into the Philippines, of which not less than 20 percent (20%) of such funds
6 shall be used to provide assistance to local law enforcement entities.

7 SECTION 3. *Felony Punishment for Violence Committed Along Philippine Border.* –
8 Violence while eluding inspection or during violation of arrival, reporting, entry or clearance
9 requirements—

10 (A) *In General.* – Whoever attempts to commit or commits a crime of violence
11 during and in relation to—

12 (1) Attempting to elude or elude customs, immigration, or agriculture
13 inspection or failing to stop at the command of an officer of customs,
14 immigration or animal and plant and health inspection services; or

15 (2) An intentional violation of arrival, reporting, entry, or clearance
16 requirements, as set forth in appropriate laws;

17 shall be fined under this Act or imprisoned for not more than five (5) years, or both, except
18 that if bodily injury results, the maximum term of imprisonment is ten (10) years, and if death
19 results, the offender may be imprisoned for any term of years or for life, in accordance with
20 the pertinent provisions of the Revised Penal Code and other special laws.

21 (B) *Conspiracy.* – If two (2) or more persons conspire to commit an offense under
22 subsection (A), and 1 or more of such persons do any act to effect the object of the
23 conspiracy, each shall be punishable as a principal.

1 SECTION 4. *Border Patrol Pursuit Policy.* – A Philippine Coast Guard may not
2 cease pursuit of an alien who the agent suspects has unlawfully entered the Philippines, or an
3 individual whom the agent suspects has unlawfully imported a narcotic into the Philippines,
4 until local law enforcement authorities are in pursuit of the alien or individual and have the
5 alien or individual in their visual range.

6 SECTION 5. *Separability Clause.* – If any provision or part thereof is held invalid or
7 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
8 valid and subsisting.

9 SECTION 6. *Repealing Clause.* – Any law, presidential decree or issuance, executive
10 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent
11 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

12 SECTION 7. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
13 publication in at least two (2) newspapers of general circulation.

Approved,