

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



**HOUSE OF REPRESENTATIVES**

House Bill No. 0368

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**Introduced by Representative VICTOR A. YAP**

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**EXPLANATORY NOTE**

Memorandum Circular No. 53 signed by President Rodrigo Duterte states: "The drug problem continues to degrade the moral fiber of society undermining the rule of law and has evolved as a national security problem."

According to the Philippine Drug Enforcement Agency (PDEA), foreign drug cartels are now the main source of processed narcotics after local syndicates have opted to repack and distribute illegal drugs, rather than putting up small and mega-sized laboratories of methamphetamine hydrochloride or shabu. PDEA said the porous border of the Philippines has allowed for the smuggling of illegal drugs. These drugs enter the country through the country's airports, seaports, and mail courier services, wherein they hide the drugs in the luggages and in the bodies of drug couriers.

In 2018, authorities have seized some P800 million worth of the cartel's drug shipments, mostly methamphetamine, in the airports of Manila and Pampanga province. In the same year, the PDEA have arrested 1,612 high-value target drug personalities—53 of which are foreign nationals and majority were Chinese—during high-impact operations nationwide.

To put an end to foreign drug smugglers operating in the Philippines, this bill seeks to impose death penalty on foreign nationals found guilty of violating Republic Act 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002. It is imperative that we prevent further involvement of foreign nationals which greatly contributes to the spread of illegal drug trade in the country.

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

**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]n 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,