


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



Senate
Office of the Secretary

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SENATE

S.B. No. 1225

Introduced by SEN. WIN GATCHALIAN

**AN ACT PENALIZING LESSORS OF PROPERTIES USED AS LABORATORIES
AND DRUG WAREHOUSES, AMENDING FOR THE PURPOSE SECTION 8 OF
REPUBLIC ACT NO. 9165 OTHERWISE KNOWN AS THE COMPREHENSIVE
DANGEROUS DRUG ACT OF 2002**

EXPLANATORY NOTE

The war against drugs requires that government exhaust all the means at its disposal to decisively eliminate this social menace.

This bill is another weapon in the government's arsenal in the anti-drug campaign. It seeks to place the onus on the property owner or lessor to ensure that his property and premises are not utilized as a clandestine laboratory for the manufacture or storage of dangerous drugs or chemicals used as raw materials for these banned substances.

The public is well aware that drug manufacturing takes place in the most unlikely of places. Shabu, for instance, has been manufactured surreptitiously in the foothills of Mt. Arayat in Pampanga and right under the noses of unsuspecting homeowners in the gated exclusive villages of Muntinlupa.

With the passage of this bill, it is expected that owners will be more circumspect in leasing their properties because of the liability they will face under the law and drug manufacturing activities are abated under the circumstances postulated under this initiative.

Support for the passage and approval of this legislation is earnestly sought.



WIN GATCHALIAN

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**AN ACT PENALIZING LESSORS OF PROPERTIES USED AS LABORATORIES
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DANGEROUS DRUG ACT OF 2002**

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

1 SECTION 1. **Declaration of Policy.** It shall be the policy of the State to
2 shield and safeguard the citizenry, especially the youth from the menace and
3 scourge of dangerous drugs and, to defend the same against acts or omissions
4 detrimental to their physical and mental well-being. The State shall avail of all
5 necessary measures to combat this social menace and eradicate it from
6 proliferating in our society. Toward this end, the State seeks to penalize owners
7 and lessors of houses, buildings and warehouses that serve as laboratories and
8 locations for the manufacture of dangerous drugs.

9 SEC. 2. Section 8 of Republic Act No. 9165, otherwise known as the
10 Comprehensive Dangerous Drugs Act of 2002, is hereby amended to read as
11 follows:

12 SEC. 8. **Manufacture of Dangerous Drugs and/or Controlled**
13 **Precursors and Essential Chemicals.-** The penalty of life
14 imprisonment to death and a fine ranging from Five hundred
15 thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00)

1 shall be imposed upon any person, who unless authorized by law,
2 shall engage in the manufacture of any dangerous drug.

3 The penalty of imprisonment ranging from twelve (12) years
4 and one (1) day to twenty (20) years and a fine ranging from one
5 hundred thousand pesos (100,000.00) to five hundred thousand
6 pesos (500,000.00) shall be imposed upon any person, who unless
7 authorized by law, shall manufacture any controlled precursor and
8 essential chemical.

9 The presence of any controlled precursor and essential
10 chemical or laboratory equipment in the clandestine laboratory is a
11 prima facie proof of manufacture of any dangerous drug. It shall be
12 considered an aggravating circumstance if the clandestine laboratory
13 is undertaken or established under the following circumstances:

14 (a) x x x

15 (b) x x x

16 (c) x x x

17 (d) x x x

18 (e) x x x

19 THE PENALTY OF IMPRISONMENT RANGING FROM TWELVE
20 YEARS AND ONE (1) DAY TO TWENTY YEARS AND A FINE RANGING
21 FROM ONE HUNDRED THOUSAND PESOS (P100,000.00) TO FIVE
22 HUNDRED THOUSAND PESOS (P500,000.00) SHALL BE IMPOSED
23 UPON AN OWNER, LESSOR OR ANY PERSON HAVING THE
24 AUTHORITY TO LEASE A HOUSE, BUILDING, WAREHOUSE, OR ANY
25 EDIFICE, INCLUDING ITS PREMISES, IF IT IS UTILIZED AS A
26 LABORATORY FOR THE MANUFACTURE OF DANGEROUS DRUGS,
27 CONTROLLED PRECURSORS OR ESSENTIAL CHEMICALS OR AS A
28 STORAGE FACILITY OF THE SAME.

29 THE MAXIMUM PENALTY SHALL BE IMPOSED UPON THE
30 OWNER, LESSOR OR PERSON HAVING THE AUTHORITY TO LEASE
31 THE PROPERTY IF THERE WAS PRIOR KNOWLEDGE THAT THE
32 PROPERTY AND ITS PREMISES WILL BE UTILIZED FOR THE
33 MANUFACTURE OR STORAGE OF DANGEROUS DRUGS, ITS

1 CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, OR
2 WHEN UPON INSPECTION, THE ILLEGAL ACTIVITY WAS
3 DISCOVERED, BUT NOT ANYONE OF THE AFOREMENTIONED
4 PERSONS HAS FAILED TO REPORT THE SAME TO THE PROPER
5 AUTHORITIES.

6 IF THE PROPERTY SUBJECT OF THE LEASE IS
7 GOVERNMENT OWNED, IN ADDITION TO ABSOLUTE PERPETUAL
8 DISQUALIFICATION FROM ANY PUBLIC OFFICE, THE
9 GOVERNMENT OFFICIALS OR EMPLOYEES WHO OMIT TO
10 OBSERVE THE REQUIREMENT OF DILIGENT INSPECTION
11 MANDATED BY THIS ACT SHALL BE LIABLE TO THE MAXIMUM
12 PENALTY IMPOSED THEREIN.

13 IF THE PROPERTY SUBJECT OF LEASE IS OWNED BY A
14 PARTNERSHIP, CORPORATION, ASSOCIATION OR ANY JURIDICAL
15 ENTITY, THE PERSON LIABLE TO THE PENALTY PRESCRIBED IN
16 THIS SECTION IS THE PARTNER, PRESIDENT, DIRECTOR,
17 MANAGER, TRUSTEE, ESTATE EXECUTOR OR ADMINISTRATOR,
18 OR THEIR DULY AUTHORIZED REPRESENTATIVE.

19 FOR PURPOSES OF THIS SECTION, CONTRACTS OF LEASE
20 SHALL INCORPORATE EXPRESSLY THE RIGHT OF THE LESSOR TO
21 INSPECT THE PROPERTY, WITH DUE REGARD TO ARTICLE 1654,
22 PARAGRAPH (3) OF THE CIVIL CODE OF THE PHILIPPINES. THE
23 OWNER, LESSOR OR ANY PERSON HAVING THE AUTHORITY TO
24 LEASE A HOUSE, BUILDING, WAREHOUSE, OR ANY EDIFICE,
25 INCLUDING ITS PREMISES SHALL BE CONSIDERED PRIMA FACIE
26 LIABLE AS HAVING GIVEN THEIR CONSENT TO THE ILLEGAL
27 ACTIVITY WHEN THEY FAIL TO INSPECT THE PREMISES AS
28 REQUIRED IN THE SUCCEEDING PARAGRAPH.

29 THE INSPECTIONS SHALL BE EVIDENCED BY AN AFFIDAVIT
30 TO BE EXECUTED, WITHIN FIVE (5) DAYS FROM DATE OF VISIT
31 AND SHALL CATEGORICALLY STATE THE FOLLOWING: (1) THE
32 DATE WHEN THE INSPECTION OF THE PREMISES WAS MADE, (2)
33 THE CONDITION OF THE PREMISES OR DETAILS OBSERVED
34 DURING THE INSPECTION, AND (3) THE FACT THAT THE LEASED

1 PREMISES IS NOT BEING USED FOR ANY UNLAWFUL PURPOSE, IF
2 SUCH IS THE CASE. THE INSPECTION REQUIREMENT SHALL BE
3 CONDUCTED AT LEAST ONCE EVERY GIVEN QUARTER, PROVIDED
4 THAT IN NO CASE SHALL THE VISITATION BE LESS THAN FOUR
5 TIMES IN A YEAR. THE AFFIDAVITS SHALL BE ATTACHED TO THE
6 LEASE CONTRACT.

7 SEC. 3. **Separability Clause.** – If any part, section or provision of this Act
8 be is declared invalid or unconstitutional, the other parts thereof, not affected
9 thereby shall remain in full force and effect.

10 SEC. 4. **Repealing Clause.** – All laws, acts, presidential decrees, executive
11 orders, administrative orders, rules and regulations, or parts thereof, inconsistent
12 with or contrary to the provisions of this act are hereby amended, modified or
13 repealed accordingly.

14 SEC. 5. **Effectivity.** – This Act shall take effect fifteen (15) days after its
15 publication in the *Official Gazette* and/or in at least two (2) national newspapers of
16 general circulation.

Approved,