

# Republic of the Philippines Supreme Court Office of the Court Administrator Manila

## OCA CIRCULAR NO. 104-2019

TO

ALL JUDGES AND CLERKS OF COURT OF

THE SECOND LEVEL COURTS

SUBJECT:

COURT EN BANC RESOLUTION DATED 4

JUNE 2019 IN A.M. NO. 18-03-16-SC (RE: ADOPTION OF PLEA BARGAINING

FRAMEWORK IN DRUG CASES)

For the information, guidance and strict compliance of all concerned, appended herein as Annex "A" is the Resolution dated 4 June 2019 of the Honorable Court *En Banc* in **A.M. No. 18-03-16-SC** (Re: Adoption of Plea Bargaining Framework in Drug Cases).

Any prior circular from the Office of the Court Administrator on this matter which is contrary to the foregoing is hereby superseded.

05 July 2019

JOSE MIDAS P. MARQUEZ

Court Administrator

MBC/FFE/07-02-2019/enbancresodtd06-04-2019.doc



# Republic of the Philippines Supreme Court Manila

#### EN BANC

### NOTICE

#### Sirs/Mesdames:

Please take notice that the Court en banc issued a Resolution dated June 4, 2019, which reads as follows:

"A.M. No. 18-03-16-SC (Re: Adoption of Ptea Bargaining Framework in Drug Cases). - On August 15, 2017, an En Banc Decision in G.R. No. 226679 — Salvador Estipona, Jr. v. Hon. Frank E. Lobrigo was rendered whereby Section 23 of Republic Act (R.A.) No. 9165, or the Comprehensive Dangerous Drugs Act of 2002, as amended, was declared unconstitutional for being contrary to the rule-making authority of the Supreme Court under Section 5(b), Article VIII of the 1987 Constitution. On April 10, 2018, the Court issued a Resolution ordering the adoption of the Plea Bargaining Framework in Drug Cases.

Meanwhile, Department Circular No. 027 dated June 26, 2018 of the Department of Justice (*Re*: Amended Guidelines on Plea Bargaining for Republic Act No. 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002") similarly allows plea bargaining and provides for an acceptable plea bargain under Sections 7 and 13, R.A. No. 9165, thus:

Offense Charged in Information			Acc	eptable F	lea Bargaiı	n .
Section	Penalty	13° .	Section	j.;	Penalty	Š.
Section 7. Employees	12 yrs and 1 day t	to 20	Section 12. Pos	session	6 months	and 1 day to
or Visitors of a Den,	yrs and Fine	from	of Equ	ipment,	4 years,	and a Fine
Dive or Resort (Only			Apparatus and	Other	ranging fr	om ₽10k to
if the accused is			Paraphernalia		₽50k	
charged as a visitor of			Dangerous Dru	gs	*	. "
the drug den)			OR			
		K-,	Sec. 15. U	se of	6 months	Rehab (18
* *			Dangerous Dru	gs	offense	e
***					_	100
		1 (f			6 years a	nd 1 day to
					12 years,	and a Fine
		1.1			Ranging f	rom ₽50k to
		1,1			₽200k	(for 2nd
# W	· 1.				offense)	

Section 13.	Maximum Penalties	Section 11, par. 3.	12 yrs and 1 day to 20
Possession of			yrs, and a Fine from
Dangerous Drugs		Dangerous Drugs.	₽300k to P400k
During Parties, Social			
Gatherings or			
Meetings			
(Plea bargaining is		(Plea bargaining is	
allowed from Section		allowed where the	
13 of R.A. 9165 to		quantity of "shabu,"	
Section 11, paragraph		opium, morphine,	
3 of the same statute		heroin, cocaine, et al.,	
where the quantity of		is less than 5 grams	
the drugs involved is		and marijuana is less	
less than 5 grams (in		than 300 grams. If the	
cases of "shabu,"		quantity of dangerous	
opium, cocaine, etc.)		drugs involved	
and less than 300		exceeds the above	
grams of marijuana. If		quantities, no plea	
the quantity of		bargaining is allowed.)	
dangerous drugs			
involved exceeds the			
above amounts, plea			
bargaining is			
prohibited.)			

On April 24, 2019, the Philippine Judges Association (*PJA*), through its President, Hon. Judge Felix P. Reyes, wrote the Court requesting for the inclusion of Section 7 (*Employees and Visitors of a Den, Dive or Resort*) and Section 13 (*Possession of Dangerous Drugs During Parties, Social Gatherings or Meetings*) of R.A. No. 9165 to the Plea Bargaining Framework in Drug Cases dated April 10, 2018. With the inclusion of the said provisions to the plea bargaining framework, the PJA expects to reduce court docket by an additional 5-10% more of drug cases and also 5-10% more on jail decongestion.

On May 15, 2019, Associate Justice Diosdado M. Peralta met with the Officers of the PJA, namely: Hon. Felix P. Reyes, Hon. Maria Paz R. Reyes-Yson, Hon. Divina Gracia L. Peliño and Hon. Racquelen A. Vasquez, and Court Administrator Jose Midas P. Marquez, to discuss and review the Suggested Plea Bargaining Framework of the PJA:

	Offense Charge	ed	Acceptable l	Plea Bargain	Remarks
Section	Penalty	Quantity	Section	Penalty	
Section	Maximum	.01 gram to	Section 12.	6 mos and 1	In all
13.	penalties	4.99 grams	Possession of	day to [4	instances, whether
Possession	provided		Equipment,	years] and fine	or not the
of	under		Instrument,	from ₽10k to	maximum period
Dangerous	Section 11		Apparatus and	₽50k	of the penalty
Drugs	regardless		Other		imposed is
During	of quantity		Paraphernalia	N.B.: The	already served,
Parties,	or purity		for Dangerous	court is given	drug dependency
Social			Drugs	the discretion	test shall be
Gatherings				to impose a	required. If
or	76.5 0	1.5 % (3)		minimum	accused admits

		<del></del>			
Meetings				period and a	drug use, or
				maximum	denies it but is
50					1000
				period to be	found positive
= 2	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			taken from the	after drug
	100			range of the	1
					dependency test,
	1 S. For			penalty	he/she shall
700	1			provided by	undergo treatment
				law. A straight	and rehabilitation
				penalty within	for a period of not
(9)	the state of		grad Carlotta	the range of 6	less than 6
h				months and 1	months. Said
	9.5			Tel. 126 116 11	
	4.5	100		day to 1 year	period shall be
				may likewise	credited to his/her
120	The second of the	1.00		be imposed.	penalty and the
Ĭ				oe imposeu.	
5			ie.		period of his/her
			and the second		after - care and
		- an - 2		I to the second	follow-up
97					The state of the s
			.C 1	The second second	program if
				La tradition of the Control of the C	penalty is still
		1000			unserved. If
42			194		accused is found
19	The state of the	11.0			
					negative for drug
*	1 - 1 - 2 1		The second		use/dependency,
6.0				1	he/she will be
	2.00		7		The state of the s
E,					released on time
a ** s		Attended to	The state of		served, otherwise,
					he will serve his
				100	I
- V					sentence in jail
	1.5				minus the
3					counselling
					period at
* -					The state of the s
	n the same of				rehabilitation
1					
					center. However,
a					
10 E					if accused applies
					if accused applies for probation in
					if accused applies for probation in offenses
e a					if accused applies for probation in offenses
					if accused applies for probation in offenses punishable under
					if accused applies for probation in offenses punishable under R.A. No. 9165,
					if accused applies for probation in offenses punishable under R.A. No. 9165, other than for
5 8 5 4					if accused applies for probation in offenses punishable under R.A. No. 9165, other than for illegal drug
					if accused applies for probation in offenses punishable under R.A. No. 9165, other than for
					if accused applies for probation in offenses punishable under R.A. No. 9165, other than for illegal drug trafficking or
					if accused applies for probation in offenses punishable under R.A. No. 9165, other than for illegal drug trafficking or pushing under
					if accused applies for probation in offenses punishable under R.A. No. 9165, other than for illegal drug trafficking or pushing under Section 5 in
					if accused applies for probation in offenses punishable under R.A. No. 9165, other than for illegal drug trafficking or pushing under
					if accused applies for probation in offenses punishable under R.A. No. 9165, other than for illegal drug trafficking or pushing under Section 5 in relation to Sec. 24
					if accused applies for probation in offenses punishable under R.A. No. 9165, other than for illegal drug trafficking or pushing under Section 5 in relation to Sec. 24 thereof, then the
					if accused applies for probation in offenses punishable under R.A. No. 9165, other than for illegal drug trafficking or pushing under Section 5 in relation to Sec. 24 thereof, then the law on probation
					if accused applies for probation in offenses punishable under R.A. No. 9165, other than for illegal drug trafficking or pushing under Section 5 in relation to Sec. 24 thereof, then the
		5 grams to	Section 11,	12 years and 1	if accused applies for probation in offenses punishable under R.A. No. 9165, other than for illegal drug trafficking or pushing under Section 5 in relation to Sec. 24 thereof, then the law on probation
		5 grams to 9.99 grams	Section 11, par. 3.		if accused applies for probation in offenses punishable under R.A. No. 9165, other than for illegal drug trafficking or pushing under Section 5 in relation to Sec. 24 thereof, then the law on probation
			par. 3.	day to 20 years	if accused applies for probation in offenses punishable under R.A. No. 9165, other than for illegal drug trafficking or pushing under Section 5 in relation to Sec. 24 thereof, then the law on probation
			par. 3. <i>Possession of</i>	day to 20 years and a fine	if accused applies for probation in offenses punishable under R.A. No. 9165, other than for illegal drug trafficking or pushing under Section 5 in relation to Sec. 24 thereof, then the law on probation
			par. 3. Possession of Dangerous	day to 20 years and a fine ranging from	if accused applies for probation in offenses punishable under R.A. No. 9165, other than for illegal drug trafficking or pushing under Section 5 in relation to Sec. 24 thereof, then the law on probation
			par. 3. <i>Possession of</i>	day to 20 years and a fine ranging from \$\mathbb{P}\$300,000 to	if accused applies for probation in offenses punishable under R.A. No. 9165, other than for illegal drug trafficking or pushing under Section 5 in relation to Sec. 24 thereof, then the law on probation
			par. 3. Possession of Dangerous	day to 20 years and a fine ranging from	if accused applies for probation in offenses punishable under R.A. No. 9165, other than for illegal drug trafficking or pushing under Section 5 in relation to Sec. 24 thereof, then the law on probation
			par. 3. Possession of Dangerous	day to 20 years and a fine ranging from \$\mathbb{P}\$300,000 to	if accused applies for probation in offenses punishable under R.A. No. 9165, other than for illegal drug trafficking or pushing under Section 5 in relation to Sec. 24 thereof, then the law on probation
			par. 3. Possession of Dangerous	day to 20 years and a fine ranging from \$\mathbb{P}\$300,000 to \$\mathbb{P}\$400,000	if accused applies for probation in offenses punishable under R.A. No. 9165, other than for illegal drug trafficking or pushing under Section 5 in relation to Sec. 24 thereof, then the law on probation
			par. 3. Possession of Dangerous	day to 20 years and a fine ranging from \$\mathbb{P}\$300,000 to \$\mathbb{P}\$400,000	if accused applies for probation in offenses punishable under R.A. No. 9165, other than for illegal drug trafficking or pushing under Section 5 in relation to Sec. 24 thereof, then the law on probation
			par. 3. Possession of Dangerous	day to 20 years and a fine ranging from \$\mathbb{P}\$300,000 to \$\mathbb{P}\$400,000 N.B.: The Court is given	if accused applies for probation in offenses punishable under R.A. No. 9165, other than for illegal drug trafficking or pushing under Section 5 in relation to Sec. 24 thereof, then the law on probation
			par. 3. Possession of Dangerous	day to 20 years and a fine ranging from \$\mathbb{P}\$300,000 to \$\mathbb{P}\$400,000	if accused applies for probation in offenses punishable under R.A. No. 9165, other than for illegal drug trafficking or pushing under Section 5 in relation to Sec. 24 thereof, then the law on probation
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			par. 3. Possession of Dangerous	day to 20 years and a fine ranging from \$\mathbb{P}300,000\$ to \$\mathbb{P}400,000\$  N.B.: The Court is given the discretion to impose a	if accused applies for probation in offenses punishable under R.A. No. 9165, other than for illegal drug trafficking or pushing under Section 5 in relation to Sec. 24 thereof, then the law on probation
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Other Paraphernalia for Dangerous Drugs  N.B.: The court is given the discretion to impose a minimum period and a minimum denies it but period to be taken from the range of the penalty provided by law. A straight penalty within the range of 6 months and 1 day to 1 year may likewise be imposed.  300 grams Section 11, 12 years and 1 after - care	all ether the
Depart   Department   Departm	ether
Description	ether
10 grams and above   10 gram to 299 grams (marijuana)   299 grams (marijuana	ether
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300 grams Section 11, 12 years and 1 after - care	
to 499 par. 3. day to 20 follow-up	una
grams   Possession of years, and a program	if
(marijuana) Dangerous fine ranging penalty is	still
Drugs from \$\text{P}300,000 \text{ unserved.}	If
to \$\textstyle 400,000. accused is for	und.
negative for	drug
N.B.: The use/dependen	y,
Court is given he/she will	be
the discretion released on	
to impose a served, other	
minimum he will serve	
period and a sentence in	
maximum minus	the
period to be counselling	-4
taken from the period range of the rehabilitation	at
range of the rehabilitation penalty center. How	
provided by if accused ap	Ver
law. for probation	
500 grams No plea offenses	olies
and above bargaining punishable u	olies
	olies
other than	olies
illegal	olies in nder
trafficking	olies in nder 165,
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Section 5	nder 165, for drug or
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Section 7.  Employees and 1 day to 20 years and 1 day to 20 years and a far and a fine from the fine from 19.500,000.  Presort Proposes and Proper and to 1 day to 20 years and a fine from 10,000 from Proper and Proper an		T	Γ			
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Employees and 1 day to 20 years and a fine from 20 to 20 years and a fine from 10 to						11.
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As of April 30, 2019, about Two Hundred Forty-Five Thousand Four Hundred Forty-Two (245,442) drug cases were filed nationwide, per records of the Office of the Court Administrator, Court Management Office. About Five Thousand Nine Hundred Seventy-Five (5,975) of such cases are for violation of Section 13, R.A. 9165, and around Two Thousand Seven Hundred Forty-Three (2,743) cases are for violation of Section 7, R.A. 9165, or a total of about Eight Thousand Seven Hundred Eighteen (8,718) drug cases.

NOW THEREFORE, the Supreme Court hereby orders the amendment of the Plea Bargaining Framework in Drug Cases, as follows:

2 53	Offense Charge	d	Acceptable P	lea Bargain	Remarks
Section	Penalty	Quantity	Section	Penalty	
Section 13. Possession of Dangerous Drugs During Parties, Social Gatherings or Meetings	Maximum penalties	.01 gram to 4.99 grams	Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous Drugs	6 months and 1 day to 4 years, and a fine from \$\mathbb{P}10,000\$ to \$\mathbb{P}50,000\$.  N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by law. A straight penalty within the range of 6 months and 1 day to 1 year may likewise be imposed.	or not the maximum period of the penalty imposed is already served, drug dependency test shall be required. It accused admits drug use, or denies it but is found positive after drug dependency test he/she shall undergo treatment and rehabilitation for a period of not less than 6 months.

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8		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument,	and 1 day to 4 years, and a fine from	instances, whether or not the maximum period of
8		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus	and 1 day to 4 years, and a fine from ₱10,000 to	instances, whether or not the maximum period of the penalty
6		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus and Other	and 1 day to 4 years, and a fine from	instances, whether or not the maximum period of the penalty
6		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus	and 1 day to 4 years, and a fine from ₱10,000 to	instances, whether or not the maximum period of the penalty imposed is already
6		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia	and 1 day to 4 years, and a fine from ₱10,000 to ₱50,000.	instances, whether or not the maximum period of the penalty imposed is already served, drug
6		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous	and 1 day to 4 years, and a fine from ₱10,000 to ₱50,000.	instances, whether or not the maximum period of the penalty imposed is already served, drug dependency test
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6		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous	and 1 day to 4 years, and a fine from ₱10,000 to ₱50,000.  N.B.: The court is given the	instances, whether or not the maximum period of the penalty imposed is already served, drug dependency test shall be required. If accused admits
6		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous	and 1 day to 4 years, and a fine from ₱10,000 to ₱50,000.  N.B.: The court is given the discretion to	instances, whether or not the maximum period of the penalty imposed is already served, drug dependency test shall be required. If accused admits drug use, or denies
		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous	and 1 day to 4 years, and a fine from ₱10,000 to ₱50,000.  N.B.: The court is given the discretion to	instances, whether or not the maximum period of the penalty imposed is already served, drug dependency test shall be required. If accused admits
		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous	and 1 day to 4 years, and a fine from ₱10,000 to ₱50,000.  N.B.: The court is given the discretion to impose a	instances, whether or not the maximum period of the penalty imposed is already served, drug dependency test shall be required. If accused admits drug use, or denies it but is found
		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous	and 1 day to 4 years, and a fine from ₱10,000 to ₱50,000.  N.B.: The court is given the discretion to impose a minimum	instances, whether or not the maximum period of the penalty imposed is already served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug
		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous	and 1 day to 4 years, and a fine from ₱10,000 to ₱50,000.  N.B.: The court is given the discretion to impose a minimum period and a	instances, whether or not the maximum period of the penalty imposed is already served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test,
		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous	and 1 day to 4 years, and a fine from ₱10,000 to ₱50,000.  N.B.: The court is given the discretion to impose a minimum period and a maximum	instances, whether or not the maximum period of the penalty imposed is already served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall
		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous	and 1 day to 4 years, and a fine from ₱10,000 to ₱50,000.  N.B.: The court is given the discretion to impose a minimum period and a maximum period to be	instances, whether or not the maximum period of the penalty imposed is already served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment
		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous	and 1 day to 4 years, and a fine from ₱10,000 to ₱50,000.  N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from	instances, whether or not the maximum period of the penalty imposed is already served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation
		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous	and 1 day to 4 years, and a fine from ₱10,000 to ₱50,000.  N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of	instances, whether or not the maximum period of the penalty imposed is already served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not
		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous	and 1 day to 4 years, and a fine from ₱10,000 to ₱50,000.  N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from	instances, whether or not the maximum period of the penalty imposed is already served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not
		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous	and 1 day to 4 years, and a fine from ₱10,000 to ₱50,000.  N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty	instances, whether or not the maximum period of the penalty imposed is already served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months.
		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous	and 1 day to 4 years, and a fine from ₱10,000 to ₱50,000.  N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by	instances, whether or not the maximum period of the penalty imposed is already served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be
		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous	and 1 day to 4 years, and a fine from ₱10,000 to ₱50,000.  N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by law. A	instances, whether or not the maximum period of the penalty imposed is already served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be credited to his/her
		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous	and 1 day to 4 years, and a fine from ₱10,000 to ₱50,000.  N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by law. A straight	instances, whether or not the maximum period of the penalty imposed is already served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be credited to his/her penalty and the
		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous	and 1 day to 4 years, and a fine from ₱10,000 to ₱50,000.  N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by law. A straight penalty	instances, whether or not the maximum period of the penalty imposed is already served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be credited to his/her penalty and the period of his/her
		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous	and 1 day to 4 years, and a fine from ₱10,000 to ₱50,000.  N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by law. A straight	instances, whether or not the maximum period of the penalty imposed is already served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be credited to his/her penalty and the
		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous	and 1 day to 4 years, and a fine from ₱10,000 to ₱50,000.  N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by law. A straight penalty	instances, whether or not the maximum period of the penalty imposed is already served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be credited to his/her penalty and the period of his/her after - care and
		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous	and 1 day to 4 years, and a fine from ₱10,000 to ₱50,000.  N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by law. A straight penalty within the range of 6	instances, whether or not the maximum period of the penalty imposed is already served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be credited to his/her penalty and the period of his/her after - care and follow-up program
		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous	and 1 day to 4 years, and a fine from ₱10,000 to ₱50,000.  N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by law. A straight penalty within the range of 6 months and	instances, whether or not the maximum period of the penalty imposed is already served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be credited to his/her penalty and the period of his/her after - care and follow-up program if penalty is still
		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous	and 1 day to 4 years, and a fine from ₱10,000 to ₱50,000.  N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by law. A straight penalty within the range of 6 months and 1 day to 1	instances, whether or not the maximum period of the penalty imposed is already served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be credited to his/her penalty and the period of his/her after - care and follow-up program if penalty is still unserved. If
		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous	and 1 day to 4 years, and a fine from ₱10,000 to ₱50,000.  N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by law. A straight penalty within the range of 6 months and 1 day to 1 year may	instances, whether or not the maximum period of the penalty imposed is already served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be credited to his/her penalty and the period of his/her after - care and follow-up program if penalty is still unserved. If accused is found
		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous	and 1 day to 4 years, and a fine from ₱10,000 to ₱50,000.  N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by law. A straight penalty within the range of 6 months and 1 day to 1 year may likewise be	instances, whether or not the maximum period of the penalty imposed is already served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be credited to his/her penalty and the period of his/her after - care and follow-up program if penalty is still unserved. If accused is found negative for drug
		.01 gram to 299 grams	allowed Section 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous	and 1 day to 4 years, and a fine from ₱10,000 to ₱50,000.  N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by law. A straight penalty within the range of 6 months and 1 day to 1 year may	instances, whether or not the maximum period of the penalty imposed is already served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be credited to his/her penalty and the period of his/her after - care and follow-up program if penalty is still unserved. If accused is found

	T	1	T	T	
	1	200			he/she will be
		300 grams	Section 11,		
		to 499	par. 3.	1 day to 20	A 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	and the state of t	grams	Possession of	years and a	
- A		(marijuana)	Dangerous	fine ranging	
			Drugs	from	minus the
* *				₽300,000 to	0 1
				₽400,000.	at rehabilitation
					center. However, if
				N.B.: The	accused applies for
			100	Court is	probation in
				given the	offenses punishable
		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		discretion to	under R.A. No.
84				impose a	9165, other than for
				minimum	illegal drug
				period and a	trafficking or
				maximum	pushing under
				period to be	Section 5 in
				taken from	The state of the s
	- 12.45			the range of	
				the penalty	
8 12 12 12 12 12 12 12 12 12 12 12 12 12				provided by	shall apply.
		500 grams	No1	law.	-
		and above	No plea		
			bargaining		
Section 7.	12 years and	(marijuana)	allowed		
Employees	1 day to 20		Section 12.	6 months	In all
and	years and a		Possession of	and 1 day to	The residence of the control of the
Visitors of	fine ranging		Equipment,	4 years, and	or not the
a Den,	from		Instrument,	a fine from	maximum period of
Dive or	₽100,000 to		Apparatus	₱10,000 to	the penalty
10,000,000,000,000,000,000,000,000,000,			and Other	<b>₱</b> 50,000.	imposed is already
Resort	₽500,000.		Paraphernalia		served, drug
10,000,000,000,000,000,000,000,000,000,			Paraphernalia for Dangerous	<i>N.B.</i> : The	served, drug dependency test
10,000,000,000,000,000,000,000,000,000,			Paraphernalia	N.B.: The court is	served, drug dependency test shall be required. If
10,000,000,000,000,000,000,000,000,000,			Paraphernalia for Dangerous Drugs	N.B.: The court is given the	served, drug dependency test shall be required. If accused admits
10,000,000,000,000,000,000,000,000,000,			Paraphernalia for Dangerous Drugs N.B.: Plea	N.B.: The court is given the discretion to	served, drug dependency test shall be required. If accused admits drug use, or denies
10,000,000,000,000,000,000,000,000,000,			Paraphernalia for Dangerous Drugs  N.B.: Plea bargaining is	N.B.: The court is given the discretion to impose a	served, drug dependency test shall be required. If accused admits drug use, or denies it but is found
10,000,000,000,000,000,000,000,000,000,			Paraphernalia for Dangerous Drugs  N.B.: Plea bargaining is allowed only	N.B.: The court is given the discretion to impose a minimum	served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug
10,000,000,000,000,000,000,000,000,000,			Paraphernalia for Dangerous Drugs  N.B.: Plea bargaining is allowed only if the person	N.B.: The court is given the discretion to impose a minimum period and a	served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test,
10,000,000,000,000,000,000,000,000,000,			Paraphernalia for Dangerous Drugs  N.B.: Plea bargaining is allowed only if the person is charged	N.B.: The court is given the discretion to impose a minimum period and a maximum	served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall
10,000,000,000,000,000,000,000,000,000,			Paraphernalia for Dangerous Drugs  N.B.: Plea bargaining is allowed only if the person is charged solely under	N.B.: The court is given the discretion to impose a minimum period and a maximum period to be	served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment
10,000,000,000,000,000,000,000,000,000,			Paraphernalia for Dangerous Drugs  N.B.: Plea bargaining is allowed only if the person is charged solely under Section 7, and	N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from	served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation
10,000,000,000,000,000,000,000,000,000,			Paraphernalia for Dangerous Drugs  N.B.: Plea bargaining is allowed only if the person is charged solely under Section 7, and there is no	N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of	served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not
10,000,000,000,000,000,000,000,000,000,			Paraphernalia for Dangerous Drugs  N.B.: Plea bargaining is allowed only if the person is charged solely under Section 7, and there is no other person/s	N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty	served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months.
10,000,000,000,000,000,000,000,000,000,			Paraphernalia for Dangerous Drugs  N.B.: Plea bargaining is allowed only if the person is charged solely under Section 7, and there is no other person/s charged with	N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by	served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be
10,000,000,000,000,000,000,000,000,000,			Paraphernalia for Dangerous Drugs  N.B.: Plea bargaining is allowed only if the person is charged solely under Section 7, and there is no other person/s charged with violation of	N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by law. A	served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be credited to his/her
10 (10 to 10			Paraphernalia for Dangerous Drugs  N.B.: Plea bargaining is allowed only if the person is charged solely under Section 7, and there is no other person/s charged with violation of Section 6.	N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by law. A straight	served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be credited to his/her penalty and the
10,000,000,000,000,000,000,000,000,000,			Paraphernalia for Dangerous Drugs  N.B.: Plea bargaining is allowed only if the person is charged solely under Section 7, and there is no other person/s charged with violation of Section 6. Maintenance	N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by law. A straight penalty	served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be credited to his/her penalty and the period of his/her
10,000,000,000,000,000,000,000,000,000,			Paraphernalia for Dangerous Drugs  N.B.: Plea bargaining is allowed only if the person is charged solely under Section 7, and there is no other person/s charged with violation of Section 6. Maintenance of a Den, Dive	N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by law. A straight penalty within the	served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be credited to his/her penalty and the period of his/her after - care and
10,000,000,000,000,000,000,000,000,000,			Paraphernalia for Dangerous Drugs  N.B.: Plea bargaining is allowed only if the person is charged solely under Section 7, and there is no other person/s charged with violation of Section 6. Maintenance	N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by law. A straight penalty within the range of 6	served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be credited to his/her penalty and the period of his/her after - care and follow-up program
10,000,000,000,000,000,000,000,000,000,			Paraphernalia for Dangerous Drugs  N.B.: Plea bargaining is allowed only if the person is charged solely under Section 7, and there is no other person/s charged with violation of Section 6. Maintenance of a Den, Dive	N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by law. A straight penalty within the range of 6 months and	served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be credited to his/her penalty and the period of his/her after - care and follow-up program if penalty is still
10,000,000,000,000,000,000,000,000,000,			Paraphernalia for Dangerous Drugs  N.B.: Plea bargaining is allowed only if the person is charged solely under Section 7, and there is no other person/s charged with violation of Section 6. Maintenance of a Den, Dive	N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by law. A straight penalty within the range of 6 months and 1 day to 1	served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be credited to his/her penalty and the period of his/her after - care and follow-up program if penalty is still unserved. If
10,000,000,000,000,000,000,000,000,000,			Paraphernalia for Dangerous Drugs  N.B.: Plea bargaining is allowed only if the person is charged solely under Section 7, and there is no other person/s charged with violation of Section 6. Maintenance of a Den, Dive	N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by law. A straight penalty within the range of 6 months and 1 day to 1 year may	served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be credited to his/her penalty and the period of his/her after - care and follow-up program if penalty is still unserved. If accused is found
10,000,000,000,000,000,000,000,000,000,			Paraphernalia for Dangerous Drugs  N.B.: Plea bargaining is allowed only if the person is charged solely under Section 7, and there is no other person/s charged with violation of Section 6. Maintenance of a Den, Dive	N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by law. A straight penalty within the range of 6 months and 1 day to 1 year may likewise be	served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be credited to his/her penalty and the period of his/her after - care and follow-up program if penalty is still unserved. If accused is found negative for drug
10,000,000,000,000,000,000,000,000,000,			Paraphernalia for Dangerous Drugs  N.B.: Plea bargaining is allowed only if the person is charged solely under Section 7, and there is no other person/s charged with violation of Section 6. Maintenance of a Den, Dive	N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by law. A straight penalty within the range of 6 months and 1 day to 1 year may	served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be credited to his/her penalty and the period of his/her after - care and follow-up program if penalty is still unserved. If accused is found negative for drug use/dependency,
10,000,000,000,000,000,000,000,000,000,			Paraphernalia for Dangerous Drugs  N.B.: Plea bargaining is allowed only if the person is charged solely under Section 7, and there is no other person/s charged with violation of Section 6. Maintenance of a Den, Dive	N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by law. A straight penalty within the range of 6 months and 1 day to 1 year may likewise be	served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be credited to his/her penalty and the period of his/her after - care and follow-up program if penalty is still unserved. If accused is found negative for drug use/dependency, he/she will be
10,000,000,000,000,000,000,000,000,000,			Paraphernalia for Dangerous Drugs  N.B.: Plea bargaining is allowed only if the person is charged solely under Section 7, and there is no other person/s charged with violation of Section 6. Maintenance of a Den, Dive	N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by law. A straight penalty within the range of 6 months and 1 day to 1 year may likewise be	served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be credited to his/her penalty and the period of his/her after - care and follow-up program if penalty is still unserved. If accused is found negative for drug use/dependency, he/she will be released on time
10,000,000,000,000,000,000,000,000,000,			Paraphernalia for Dangerous Drugs  N.B.: Plea bargaining is allowed only if the person is charged solely under Section 7, and there is no other person/s charged with violation of Section 6. Maintenance of a Den, Dive	N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by law. A straight penalty within the range of 6 months and 1 day to 1 year may likewise be	served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be credited to his/her penalty and the period of his/her after - care and follow-up program if penalty is still unserved. If accused is found negative for drug use/dependency, he/she will be released on time served, otherwise,
10,000,000,000,000,000,000,000,000,000,			Paraphernalia for Dangerous Drugs  N.B.: Plea bargaining is allowed only if the person is charged solely under Section 7, and there is no other person/s charged with violation of Section 6. Maintenance of a Den, Dive	N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by law. A straight penalty within the range of 6 months and 1 day to 1 year may likewise be	served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be credited to his/her penalty and the period of his/her after - care and follow-up program if penalty is still unserved. If accused is found negative for drug use/dependency, he/she will be released on time served, otherwise, he will serve his
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10,000,000,000,000,000,000,000,000,000,			Paraphernalia for Dangerous Drugs  N.B.: Plea bargaining is allowed only if the person is charged solely under Section 7, and there is no other person/s charged with violation of Section 6. Maintenance of a Den, Dive	N.B.: The court is given the discretion to impose a minimum period and a maximum period to be taken from the range of the penalty provided by law. A straight penalty within the range of 6 months and 1 day to 1 year may likewise be	served, drug dependency test shall be required. If accused admits drug use, or denies it but is found positive after drug dependency test, he/she shall undergo treatment and rehabilitation for a period of not less than 6 months. Said period shall be credited to his/her penalty and the period of his/her after - care and follow-up program if penalty is still unserved. If accused is found negative for drug use/dependency, he/she will be released on time served, otherwise, he will serve his

			at rehabilitation
			center. However, if
			accused applies for
20		P. 14. 14.	probation in
			offenses punishable
	English Contract		under R.A. No.
			9165, other than for
66			illegal drug
190			trafficking or
			pushing under
			Section 5 in
			relation to Sec. 24
			thereof, then the
20			law on probation shall apply.
			shan appry.

The Office of the Court Administrator is **DIRECTED** to **ISSUE** a Circular for dissemination to all concerned." Caguioa and Carandang, JJ., on official leave. (adv103)

Very truly yours,

EDGAR O. ARICHETA Clerk of Court and Court HON. DIOSDADO M. PERALTA (x) Associate Justice Supreme Court

Court Administrator

\*HON. JOSE MIDAS P. MARQUEZ (x)

Deputy Court Administrators

HON. RAUL B. VILLANUEVA (x)

HON. JENNY LIND R. ALDECOA-DELORINO (x)

HON. LEO T. MADRAZO (x)

Assistant Court Administrators

HON. LILIAN BARRIBAL-CO (x)

HON. MARIA REGINA ADORACION

FILOMENA M. IGNACIO (x)

Supreme Court

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President, Philippine Judges Association
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\*For circularization