

DOJ ADVISORY ON ILLEGAL DRUG COURIERS

1. “CARRY AT YOUR OWN RISK”

Drug trafficking is illegal and a drug courier is a criminal. Any Filipino who travels abroad and who possesses, carries or transports illegal drugs is guilty of a crime and is exposed to all the legal risks and punishment.

In the same way that the Philippines expects aliens and/or visitors in the country to strictly follow and observe Philippine laws, Filipinos are expected to do the same in foreign lands without any expectation of special treatment, moreso when committing a serious crime.

Moreover, Filipinos who act as drug couriers give a bad name to the entire Filipino nation, a cradle of heroes. Regardless of economic circumstances, our sense of justice and pride can prevail over short-sighted monetary considerations in the face of personal harm.

While the government will always prioritize the protection of Filipinos in conflict with foreign laws, there are clear limits to the level of help that can be extended to criminals.

2. KNOWLEDGE IS IMMATERIAL AND INTENT IS NOT A REQUIREMENT IN DRUG TRAFFICKING.

It is not a valid legal defense that the possessor or carrier of a package did not know that it contains illegal drugs or that he had no intention to commit a crime. A crime involving illegal drugs is in the nature of a *malum prohibitum* and mere possession is punishable. For Filipinos traveling abroad, the criteria is even more stringent given that immigration and customs checks both in and outside the country are required.

Whatever you carry is presumed to be yours.

3. BE VIGILANT OF THE *MODUS OPERANDI* OF DRUG COURIER SYNDICATES.

International drug syndicates may recruit you as a “drug mule”. These offers should never be accepted. Do not be tempted of the monies offered at the potential loss of lives – the couriers' and the users'.

Innocent-looking luggage or wrapped gifts or packages for emergencies are an obvious operation. Job recruitment that requires the bringing of stuff is another method.

Always be on guard when dealing with strangers even at last minute check-in who request help for overweight check-in luggage for payment of the charges and a premium.

Always have your carry-on baggage with you and in sight.

For friends and relatives, insist on inspecting any packages given by them even if they are newly bought from a store or inside original packaging.

The best course of action is to refuse to carry any package that you have not personally packed or checked. This is the only way to save your life.

Be warned that it is an indication of an illegal activity if huge sums of money or generous terms are involved for a simple task of carrying a package. Even offers of marriage can be covers for the drug trade. If a reward is too good to be true, it is probably not legitimate.

4. IN THE UNFORTUNATE EVENT OF ARREST OR DETENTION FOR DRUG TRAFFICKING, HAVE PRESENCE OF MIND AND DO NOT RESIST ARREST.

Resisting arrest may only lead to undesirable consequences. Be observant and take note of the details of the arrest or detention including time and places, apprehending officers and the manner of arrest

5. ASSERT YOUR LEGAL RIGHTS, INQUIRE ON THE LEGAL REMEDIES AND REQUEST FOR CONSULAR ASSISTANCE.

At the first opportune time, ask for the legal rights or remedies available to you and invoke them. This is to ensure that you are adequately protected. Even criminals do not lose their human rights.

The right to counsel is available to detained persons in many jurisdictions. If you are not allowed to have a lawyer at that stage, firmly but respectfully ask at what point during the process can you be assisted by counsel. Abuse during detention can be prevented if your interrogators realize that you are aware of your rights.

Even if the right to counsel is not available in some jurisdictions, it is a universal rule that foreign nationals, especially those being accused of crimes, can freely communicate with their home country's embassy or consulate. To this end, everyone is advised to know the contact details of the nearest Philippine embassy or consulate and the means to contact them.

6. PRESUMPTION OF INNOCENCE WILL ALWAYS APPLY.

As long as you have not been sentenced by a competent court, you are presumed innocent. As a detainee, you cannot be subjected to any punishment. You cannot be subjected to torture. You cannot be forced to make a confession or coerced to sign a confession prepared by others. Any information extracted from you against your will cannot be admissible in court. Immediately relay to Philippine officials, your counsel or your relatives any maltreatment that you have experienced while in detention.

Being cooperative with the authorities can help apprehend the syndicates. While in detention, be truthful in narrating the circumstances that led to your arrest as a suspected drug courier. The capture of the culprits may or may not help your case but will prevent future incidents.

7. THE LAWS OF THE COUNTRY OF ARREST APPLY.

What you can legally do in one country can be illegal in another. What you can lawfully possess in one country may become prohibited once you cross an international border. Always remember that how a court will treat your case will be based on the laws of the country where you were apprehended. The penalty imposable will vary. In some countries, drug trafficking can be punishable by death.

8. IF SENTENCED, THE GOVERNMENT CAN ONLY BE OF LIMITED ASSISTANCE.

The government cannot interfere in the internal affairs of other countries like the trial of criminals in their jurisdiction. The best that the government can do for you is to assist in protecting your rights and arranging your legal defense. Outside of this, the government cannot insist that you be given a different treatment than that which the laws of other countries provide.

If sentenced, the government can appeal to political officials to grant you pardon but there is no guarantee that it will be honored. It weakens the country's foreign policy when national interest has to take a back seat to individual wrongdoing and it also affects the good name of the Philippines and all its citizens.

9. "BLOOD MONEY" CANNOT BE PAID TO ERASE THE LIABILITY OF A PERSON CONVICTED OF A CRIME INVOLVING ILLEGAL DRUGS.

There are stories that Filipinos are granted pardon by paying "blood money". This is not true in illegal drugs cases. The payment of "blood money" (or *diyaf* in Islamic law) is available only in cases of murder and physical injury. Therefore, whatever penalty imposed on a convicted "drug mule" will have to be executed even with the offer to pay "blood money".

10. TAKE FULL RESPONSIBILITY FOR YOUR ACTIONS.

The best defense against a criminal case is a clean conscience. If you are innocent, the best that you and the government can hope is that the criminal justice system will work in your favor, as it should. If you are guilty, you should remember to take full responsibility for your actions and their consequences.

Bottom line is: Do not commit the crime of illegal drug trafficking.

This Advisory is issued by the DOJ in line with its thrust to take a pro-active stance and dynamic approach in criminal justice concerns. Filipinos should be aware of the nature and *modus operandi* of drug courier syndicates and know that crime does not pay in any jurisdiction.

All are enjoined to disseminate and faithfully observe this Advisory.