



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

OCA CIRCULAR NO. 51-2003

TO: ALL JUDGES OF THE REGIONAL TRIAL COURT

**SUBJECT: CUSTODY AND DISPOSITION OF SEIZED
DANGEROUS DRUGS AND CONTROLLED
CHEMICALS**

In view of the problems involving loss of dangerous drugs and controlled chemicals while the same are in the custody of lower courts during trial, the attention of trial court judges is hereby called to the pertinent provisions of Dangerous Drugs Board Regulation No. 01, dated 18 October 2002. Said regulation was issued pursuant to Section 21, Article II of the Implementing Rules and Regulations of RA 9165 and Section 81(b), Article IX of the same statute.

Section 5(a) of the aforementioned regulation provides that "Designated dangerous drugs custodian and controlled chemical custodian shall have respective control over safekeeping of substances in the storage vaults/cabinets/areas."

Section 6 of the same regulation provides for the procedure relative to the early destruction of seized dangerous drugs and controlled chemicals. It reads:

"Section 6. Early disposal of seized dangerous drugs and controlled chemicals.

a. After the filing of the criminal case, the court shall, within seventy-two hours, conduct an ocular inspection of the confiscated, seized, and/or surrendered dangerous drugs, plants sources of dangerous drugs, and controlled chemicals, including the instruments/paraphernalia and/or laboratory equipment.

b. Within twenty-four hours after the court inspection, the court through the Philippine Drug Enforcement Agency (PDEA) shall proceed with the destruction or burning or disposal of subject items.

c. Prior to its destruction, representative samples shall be taken and duly weighed and recorded by the

forensic laboratory, which conducted the examination of the seized drugs or controlled chemicals for presentation as evidence in court. XXX

XXX

k. The alleged offender or his/her representative or counsel shall be allowed to personally observe all the above proceedings. In case said offender refuses or fails to appoint a representative after due notice in writing to the accused or his/her counsel within seventy-two (72) hours before the actual burning or destruction of the evidence in question, the Secretary of Justice shall appoint a member of the public attorney's office to represent the former.

l. The Board, through the Director General of PDEA or Regional Director of PDEA, as the case may be, shall issue a sworn certification as to the fact of destruction or burning of the subject items, which together with the representative sample(s) in the custody of PDEA, shall be submitted to the court having jurisdiction over the case.

XXX

n. After the promulgation and judgment in the criminal case wherein the representative samples were presented as evidence in court, the trial prosecutor shall inform the Board of the final termination of the case and, in turn, shall request the court for leave to turn over the said representative samples to the PDEA for proper disposition and destruction within twenty-four (24) hours after receipt of the same.

XXX"

For your information and strict compliance.

15 May 2003.


PRESBITERO J. VELASCO, JR.
Court Administrator