



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

OCA CIRCULAR NO. 77-2015

TO : ALL REGIONAL TRIAL COURT JUDGES

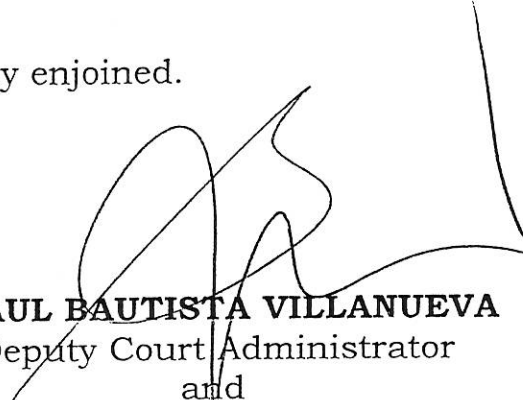
SUBJECT : APPLICATION OF REPUBLIC ACT NO. 10640

The attention of this Court has been called to the significance of the so-called "Sotto Amendment to the Anti-Drug Law", or otherwise known as **Republic Act No. 10640** (*An Act to Further Strengthen the Anti-Drug Campaign of the Government, Amending for the Purpose Section 21 of Republic Act No. 9165, Otherwise Known as the "Comprehensive Dangerous Drugs Act of 2002"*) which took effect on 23 July 2014.

In view of the foregoing, all concerned are hereby **REMINDED** to **COMPLY** with the above-quoted law, appended herein as "Annex A", for the purpose of ensuring that all those involved in the proper apprehension of the drug violators will avail of the full benefits of the law.

Strict compliance is hereby enjoined.

April 23, 2015


RAUL BAUTISTA VILLANUEVA
Deputy Court Administrator
and
Officer-in-Charge
Office of the Court Administrator

ANNEX "A"

H. No. 2285
S. No. 2273

Republic of the Philippines
Congress of the Philippines
Metro Manila
Sixteenth Congress
First Regular Session

Begun and held in Metro Manila, on Monday, the twenty-second day of July, two thousand thirteen.

[REPUBLIC ACT NO. 10640]

AN ACT TO FURTHER STRENGTHEN THE ANTI-DRUG CAMPAIGN OF THE GOVERNMENT, AMENDING FOR THE PURPOSE SECTION 21 OF 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:

SECTION 1. Section 21 of Republic Act No. 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002", is hereby amended to read as follows:

"SEC. 21. Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment. – The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

"(1) The apprehending team having initial custody and control of the dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment shall, immediately after seizure and confiscation, conduct a physical inventory of the seized items and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, with an elected public official and a representative of the National Prosecution Service or the media who shall be required to sign the copies of the inventory and be given a copy thereof: *Provided*, That the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures: *Provided, finally*, That noncompliance of these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures and custody over said items.

"x x x .

"(3) A certification of the forensic laboratory examination results, which shall be done by the forensic laboratory examiner, shall be issued immediately upon the receipt of the subject item/s: *Provided*, That when the volume of dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals does not allow the completion of testing within the time frame, a partial laboratory examination report shall be provisionally issued stating therein the quantities of dangerous drugs still to be examined by the forensic laboratory: *Provided, however*, That a final certification shall be issued immediately upon completion of the said examination and certification;

"x x x."

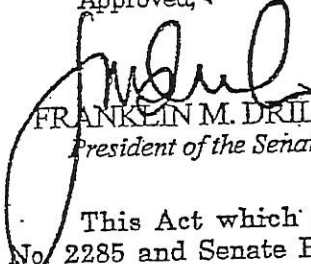
SEC. 2. *Implementing Rules and Regulations (IRR).* - To implement effectively the provisions of Section 21, the Philippine Drug Enforcement Agency (PDEA) shall issue the necessary guidelines on the IRR for the purpose in consultation with the Department of Justice (DOJ) and relevant sectors to curb increasing drug cases.

SEC. 3. *Separability Clause.* - If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 4. *Repealing Clause.* - All laws, presidential decrees or issuances, executive orders, letters of instruction, administrative orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, modified or amended accordingly.

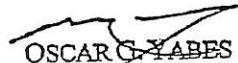
SEC. 5. *Effectivity.* - This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

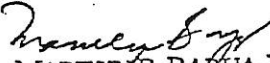
Approved,


FRANKLIN M. DRILON
President of the Senate



FELICIANO BELMONTE JR.
Speaker of the House of Representatives

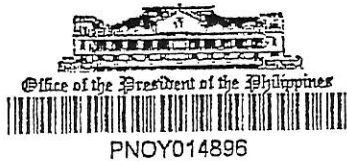
This Act which is a consolidation of House Bill No. 2285 and Senate Bill No. 2273 was finally passed by the House of Representatives and the Senate on June 9, 2014.


OSCAR C. YABES
Secretary of the Senate


MARILYN B. BARUA-YAP
Secretary General House of Representatives

Approved: JUL 15 2014


BENIGNO S. AQUINO III
President of the Philippines



CERTIFIED COPY:


MARIANITO M. DIMAANDAL
DIRECTOR IV
MALACANANG RECORDS OFFICE

7-18-2014