



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

OCA CIRCULAR NO. 232-2017

TO : ALL REGIONAL TRIAL COURT JUDGES

**RE : ADMISSIBILITY OF PARTIES' STIPULATIONS ON
FORENSIC LABORATORY REPORTS IN DRUGS CASES**

Pursuant to the implementation of the Revised Guidelines for Continuous Trial of Criminal Cases effective 1 September 2017, in A.M. 15-06-10-SC, and in view of the reported limited number of forensic chemists who are able to testify in drug-related cases filed in the different courts nationwide, all Regional Trial Court (RTC) judges are hereby directed to admit as admissible in evidence the stipulations entered into by the parties relative to the "certification or chemistry report of the forensic laboratory examination results,"¹ in lieu of the oral testimony of the forensic chemists in court.

The Court, in several cases, has held that "non-presentation of the forensic chemist in illegal drug cases is an insufficient cause for acquittal."² The "report of an official forensic chemist regarding a recovered prohibited drug enjoys the presumption of regularity in its preparation."³ This is in line with the pronouncement of the Court that, "witnesses need not be summoned to testify on matters of public record."⁴ Restating Section 44 of

¹ Republic Act No. 9165 (2002), as amended by 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"* (2013), Sec. 21 (3).

² *People vs. Sultan*, G.R. No. 187737, 5 July 2010; *People vs. Quebral*, G.R. No. 185379, 27 November 2009, citing *People vs. Cervantes*, G.R. No. 181474, 17 March 2009, *People vs. Bandang*, G.R. No. 151314, 3 June 2004.

³ *People vs. Bandang*, G.R. No. 151314, 3 June 2004 citing *People vs. Uy*, G.R. No. 128046, 7 March 2000.

⁴ *In Re: Production of Court Records and Documents and the Attendance of Court officials and employees as witnesses under the subpoenas of February 10, 2012 and the various letters for the Impeachment Prosecution*

Rule 130,⁵ "entries in official records may be presented without the necessity of presenting in court the officer or person who made the entries."⁶ This is because "[n]ecessity consists in the inconvenience and difficulty of requiring the official's attendance as a witness to testify to the innumerable transactions in the course of his duty."⁷

Following the consistent decisions of the Court, stipulations of the forensic chemist "regarding the custody of the seized drug during the interim – from the time it was turned over to the laboratory up to its presentation in court,"⁸ as well as the stipulations of the parties as to the existence and due authentication of the following documents, shall be deemed as admissible in evidence:

1. Chemistry Report or Certification by the Forensic Laboratory Examiner;
2. Letter-Request from the Investigative Unit or requesting party;
3. Specimen stated in the Chemistry Report *vis-á-vis* the subpoena *duces tecum*; and
4. Chain of Custody Form.

For your information and guidance.

11 December 2017


JOSE MIDAS P. MARQUEZ
Court Administrator

Panel dated January 19 and 25, 2012, 14 February 2012.

⁵ RULES OF COURT, Rule 130, Sec. 44.

⁶ *In Re: Production of Court Records, supra note 4.*

⁷ *Id.*

⁸ *People vs. Dahil*, G.R. No. 212196, 12 January 2015 citing *People vs. Gutierrez*, G.R. No. 179213, 3 September 2009.