



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

OCA CIRCULAR NO. 216-2023

TO : ALL JUDGES OF COURTS HANDLING DRUGS CASES

SUBJECT: GUIDELINES IN THE MARKING, CONDUCT OF INVENTORY, AND TAKING OF PHOTOGRAPHS OF THE SEIZED DANGEROUS DRUGS (DECISION DATED 29 NOVEMBER 2022 IN G.R. NO. 250927, *MARIO NISPEROS y PADILLA vs. PEOPLE OF THE PHILIPPINES*)

For the information, guidance and strict observance of all courts handling Drugs Cases, appended hereto is the Decision dated 29 November 2022 of the Honorable Court *En Banc* in G.R. No. 250927 (*Mario Nisperos y Padilla vs. People of the Philippines*), penned by Associate Justice Ricardo R. Rosario, adopting the following guidelines in the marking, conduct of inventory, and taking of photographs of the seized dangerous drugs, in order to guide the bench, the bar, and the public, particularly law enforcement officers:

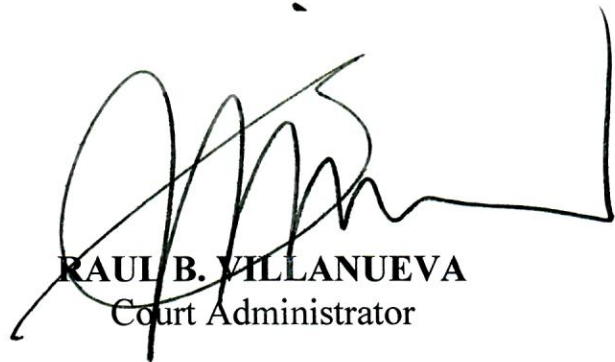
1. The marking of the seized dangerous drugs¹ must be done:
 - a. Immediately *upon* confiscation;
 - b. At the place of confiscation; and
 - c. In the presence of the offender (unless the offender eluded the arrest);
2. The conduct of inventory and taking of photographs of the seized dangerous drugs² must be done:
 - a. Immediately *after* seizure and confiscation;

¹ If after the effectivity of R.A. No. 10640 on August 7, 2014, to include controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment.

² If after the effectivity of R.A. No. 10640 on August 7, 2014, to include controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment.

- b. 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; and
 - c. Also, in the presence of the insulating witnesses, as follows:
 - i. if the seizure occurred during the effectivity of R.A. No. 9165, or from July 4, 2002³ until August 6, 2014, the presence of three (3) witnesses, namely, an elected public official; a Department of Justice (DOJ) representative; and a media representative;
 - ii. if the seizure occurred after the effectivity of R.A. No. 10640, or from August 7, 2014⁴ onward, the presence of two (2) witnesses, namely, an elected public official; and a National Prosecution Service representative *or* a media representative.
3. In case of any deviation from the foregoing, the prosecution must positively acknowledge the same and prove (1) justifiable ground/s for non-compliance and (2) the proper preservation of the integrity and evidentiary value of the seized item/s.

15 June 2023



RAUL B. VILLANUEVA
Court Administrator

MAA//Circular-Guidelines on the seized ddrugs jmv 053123/jjm061423 Misc. 39 [B2]

³ Republic Act No. 9165 took effect fifteen (15) days after its publication in the Manila Times and Manila Standard on June 19, 2002, i.e., on July 4, 2002.

⁴ Republic Act No. 10640 took effect fifteen (15) days after its publication in the Philippine Star and the Manila Bulletin on July 23, 2014, i.e., on August 7, 2014.