



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

OCA CIRCULAR NO. 349-2023

**TO : ALL JUDGES AND CLERKS OF COURT
OF THE FIRST AND SECOND LEVEL
COURTS**

**SUBJECT : SUPPLEMENT TO OCA CIRCULAR NO.
149-2023 (PROCEDURE ON THE
DISPOSITION OF EXHIBITS IN THE
CUSTODY OF COURTS WHICH ARE NO
LONGER NEEDED AS EVIDENCE)
DATED 04 APRIL 2023**

In Office of the Court Administrator (OCA) Circular No. 149-2023 dated 4 April 2023, all concerned were directed to observe the procedure under Chapter XII Item B (4)¹ of the 2002 Revised Manual for Clerks of Court relative to the disposal of *real* evidence confiscated in favor of the government, such as, but not limited to, petroleum/gasoline products and other hazardous materials. All concerned were further advised to directly inquire with the appropriate Regional Office of the Commission on Audit (COA) on the current form to be accomplished and the actual turnover of the evidence for disposal.

However, if the respective dispositions involve real evidence confiscated in favor of the government but are not the subject of existing policies of the COA, then all concerned judges shall accordingly proceed with the disposition thereof, exercising their judicial discretion for the purpose, and shall **report** to the OCA the mode of disposal resorted to. Thus, the involvement of the COA as mentioned in OCA Circular No. 149-2023 need not be complied with.

As such, judges are reminded to indicate or specify in their orders or decisions the kind/procedure of disposition to be undertaken, including, among others, how to dispose of the subject evidence and/or to whom/where it shall be transmitted.

¹ "xxx 4. All other real evidence confiscated in favor of the government shall be reported by the Clerk of Court to the Commission on Audit (to the Office of the Commissioner of the Commission on Audit for Clerks of Court in Metro Manila or directly to the provincial or city auditor regarding Clerks of Court in the provinces or other cities) as waste materials by accomplishing Gen. Form No. 64 (a) of said Commission for the latter to dispose of said evidence either by sale at public auction, private sale, destruction or transfer to another office."

Furthermore, in the disposal of non-drug related evidence in drugs cases, such as monies, firearms, vehicles and other assets or proceeds thereof, all concerned shall observe the following pertinent provision of Republic Act (R.A.) No. 9165 or the "Comprehensive Dangerous Drugs Act of 2002":

“Section 20. Confiscation and Forfeiture of the Proceeds or Instruments of the Unlawful Act, Including the Properties or Proceeds Derived from the Illegal Trafficking of Dangerous Drugs and/or Precursors and Essential Chemicals. xxx After conviction in the Regional Trial Court in the appropriate criminal case filed, the Court shall immediately schedule a hearing for the confiscation and forfeiture of all the proceeds of the offense and all the assets and properties of the accused either owned or held by him or in the name of some other persons if the same shall be found to be manifestly out of proportion to his/her lawful income: Provided, however, That if the forfeited property is a vehicle, the same shall be auctioned off not later than five (5) days upon order of confiscation or forfeiture.”

Similarly, OCA Circular Nos. 138-2017² dated 18 July 2017 and 71-2017³ dated 27 March 2017, the pertinent provisions of which are hereunder quoted, are **REITERATED**:

OCA Circular No. 138-2017

“In view thereof, you are hereby **DIRECTED** to **FURNISH** the Philippine Drug Enforcement Agency thru the Office of the Director-General and Chairman of NALECC-SCDDCC, PDEA Building, NIA Northside Road, National Government Center, Quezon City, with the abovementioned certified true copy/ies of the inventory of all non-drug evidence seized, forfeited, confiscated and deposited or in *custodia legis* in drugs cases.”

OCA Circular No. 71-2017

“Moreover, Section 20 of RA 9165 likewise provides that the proceeds of any sale or disposition of any property which has been confiscated and forfeited in relation thereto shall be used to pay all expenses incurred in the proceedings for the confiscation, forfeiture, custody and maintenance of the property pending disposition, as well as the expenses incurred for the publication and other costs defrayed by the court in connection therewith. xxx”

Lastly, the relevant provisions of the Rules of Court, like Rule 39 on Execution, Satisfaction and Effect of Judgments, among others, insofar as they are applicable, shall be observed.

² Furnishing the Philippine Drug Enforcement Agency with Certified True Copy/ies of the Inventory of all Non-Drug Evidence Seized, Forfeited, Confiscated and Deposited or in Custodia Legis in Drugs Cases

³ Remittance of Money Exhibit, Proceeds from Sale Exhibits and Fines Imposed in Drugs Cases

This Circular shall supplement OCA Circular No. 149-2023 dated 04 April 2023.

For the guidance and compliance of all concerned.

10 October 2023



RAUL B. VILLANUEVA
Court Administrator