



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

**OCA CIRCULAR NO. 31-2024**

**TO : ALL REGIONAL TRIAL COURTS HANDLING DRUGS CASES**

**SUBJECT: CLARIFICATORY GUIDELINES ON DRUG DEPENDENCY TEST IN THE IMPLEMENTATION OF THE PLEA BARGAINING FRAMEWORK IN DRUGS CASES**

In its Decision dated 03 October 2023 in *Manuel Lopez Bason v. People of the Philippines, represented by the Office of the Solicitor General*,<sup>1</sup> the Court laid down the clarificatory guidelines on drug dependency test to guide trial courts in the implementation of the Plea Bargaining Framework in Drugs Cases as stated in A.M. No. 18-03-16-SC.<sup>2</sup> In particular, the Court makes it clear in this case that a drug dependency test is not a condition precedent for an accused to avail himself of the plea bargaining mechanism, thus:

1. **A drug dependency test is not a precondition for the approval of a plea bargaining proposal.** The test is to be conducted only after the trial court approves the plea bargaining proposal of the accused to determine whether he/she needs to be subjected to treatment and rehabilitation or undergo a counselling program at a rehabilitation center.
2. After approval of the plea bargaining proposal, trial courts shall be guided by the following:
  - a. In cases where the trial court approves a plea to the lesser offense of violation of paragraph 3 of Section 11 or Section 12 of RA 9165:
    - i. If the accused admits drug use or denies it but is found positive after a drug dependency test, then he/she shall be ordered to undergo treatment and rehabilitation for a period of not less than six (6) months, and counselling, if necessary.

<sup>1</sup> G.R. No. 262664 [Per AJ Inting, *En Banc*].

<sup>2</sup> Adoption of the Plea Bargaining Framework in Drugs Cases, approved on 10 April 2018.

- ii. If the accused is found negative for drug use or drug dependency, then he/she shall undergo a counselling program at a rehabilitation center.
  - iii. In both cases, the time spent at the rehabilitation center shall be credited as time served and shall be deducted from the period of imprisonment.
  - iv. If the period of imprisonment has already been served, the accused shall still be ordered to undergo treatment and rehabilitation and/or counselling, as the case may be, as part of the rehabilitation and after-care/follow-up program.
- b. In cases where the trial court approves a plea to a lesser offense of violation of Section 15 of RA 9165:
- i. If the accused admits drug use or denies it but is found positive after a drug dependency test, then he/she shall be ordered to undergo treatment and rehabilitation for a period of not less than six (6) months, and counselling, if necessary.
  - ii. If the accused is found negative for drug use/dependency, then he/she shall be released immediately but shall be ordered to undergo a counselling program at a rehabilitation center.
- c. The accused shall be subjected to the terms of rehabilitation provided under Article VIII of RA 9165, as applicable. (*Emphasis supplied*)

In summary, the Court ruled:

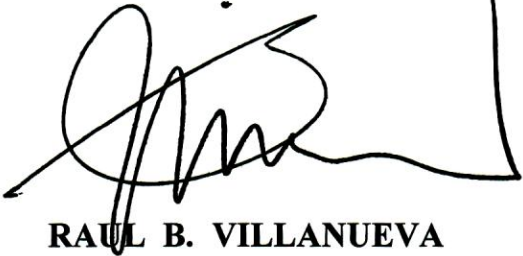
**To reiterate, in approving or denying plea bargaining proposals, trial courts have the solemn duty and ultimate responsibility to determine the applicant's entitlement thereto based on an evaluation of the latter's character or an assessment of the strength or weakness of the prosecution's evidence.** The Court promulgated A.M. No. 18-03-16-SC to provide trial courts with the framework to ascertain whether the proposal to a lesser offense is aligned therein.

After approval of a plea bargaining proposal, **trial courts shall then require the conduct of a drug dependency assessment of the accused, not as a condition *sine qua non* for the plea bargaining but instead to ensure that the applicant undergoes treatment and rehabilitation or counselling, if needed.** (*Emphasis added*)

Any prior circular from this Office on this matter which is contrary to the foregoing is hereby deemed superseded.

For the information, guidance, and strict observance of all concerned

05 February 2024

A handwritten signature in black ink, appearing to read 'Raul B. Villanueva', written over a large, faint rectangular outline.

**RAUL B. VILLANUEVA**  
Court Administrator