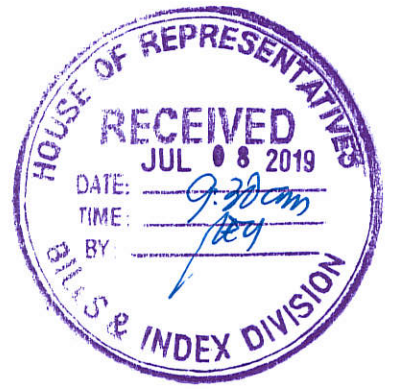


Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 1548



Introduced by REPRESENTATIVES ALFREDO A. GARBIN, Jr. and
ELIZALDY S. CO

**AN ACT PROVIDING FOR THE DISPOSITION OF CONFISCATED, SEIZED,
AND/OR SURRENDERED DANGEROUS DRUGS, PLANT SOURCES OF
DANGEROUS DRUGS, CONTROLLED PRECURSORS AND ESSENTIAL
CHEMICALS, INSTRUMENTS/PARAPHERNALIA AMENDING FOR THE
PURPOSE RA 9165 AS AMENDED BY RA 10640**

EXPLANATORY NOTE

Based on the Duterte administration's findings, the Philippines' drug problem persists because of years of neglect, despite the presence of law against illegal drugs. Convicted drug lords are able to continue their illegal operation inside the New Bilibid prison, as was shown in the recent raids that led to the discovery of high profile inmates who live like royalty.

Another big factor in the allegedly unrestrained illegal drug trade are several erring police officers dubbed "ninja cops" who are not unlike drug pushers in uniform, recycling and reselling confiscated illegal drugs seized or confiscated from police operations.

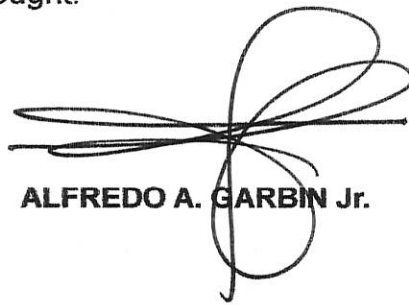
Under Section RA 9165, as amended by RA 10640, the Philippine Drug Enforcement Agency (PDEA) shall have the custody of all dangerous drugs, paraphernalia and equipment which have been confiscated.

Unfortunately, the law is open to abuse because seized illegal drugs still find their way out of the facilities of the PDEA and out into the illegal drug trade, compromising the original case filed against drug pushers or peddlers. Seized illegal drugs should be immediately disposed or destroyed so that they do not pose as temptation to well-meaning police officers.

If enacted into law, this bill will allow the admissibility of authenticated and dated photographs of seized dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment, without the need to present the actual objects. Only minimum samples of illegal drugs, chemicals, plant sources and controlled precursors which are needed for forensic laboratory examination will be taken and preserved.

With this procedure, the incidence of seized illegal drugs being recycled and re-sold will be lessened, if not eradicated.

In view of the foregoing consideration, the swift passage of this bill is earnestly sought.



ALFREDO A. GARBIN Jr.



ELIZALDY S. CO

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*Be it enacted by the Senate and the House of Representatives of the
Philippines in Congress assembled:*

Section 1. Paragraph 1, Section 21 of RA 9165 or the "Comprehensive Dangerous
Drugs Act of 2002" as amended by RA 10640 is hereby further amended to read
as follows:

*"Section 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 **AUTHENTICATED
PHOTOGRAPHS OF** 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 **TOGETHER
WITH A NEWSPAPER OR ANY PUBLICATION DATED ON THAT**

DAY, OR ANY MEANS OR MODE TO DETERMINE THE DATE OF THE PHOTOGRAPH, 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, FURTHER, THAT A REPRESENTATIVE SAMPLE, DULY WEIGHED AND RECORDED, SHALL BE RETAINED AND SUBMITTED TO PDEA FORENSIC LABORATORY FOR EXAMINATION;** *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 PHOTOGRAPPED, RECORDED AND AUTHENTICATED** properly preserved by the apprehending officer/team, shall not render void and invalid such seizures and custody over said items;

(2) Within twenty-four (24) hours upon confiscation/seizure of dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment, the same shall be submitted to the PDEA Forensic Laboratory for a qualitative and quantitative examination; **WHO WILL IMMEDIATELY PROCEED WITH THE DESTRUCTION OR BURNING OF THE SAME; PROVIDED, THAT THE PHOTOGRAPHS TAKEN BY THE APPREHENDING TEAM OR OFFICER SHALL BE CERTIFIED BY THE PDEA TO BE TRUE AND CORRECT PHOTOGRAPHS OF THE EVIDENCE APPREHENDED AND SUBSEQUENTLY DESTROYED;**

(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 **REPRESENTATIVE SAMPLE** 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;~~

~~(4) After the filing of the criminal case, the Court shall, within seventy-two (72) hours, conduct an ocular inspection of the confiscated, seized and/or surrendered dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals, including the instruments/paraphernalia and/or laboratory equipment, and through the PDEA shall within twenty-four (24) hours thereafter proceed with the destruction or burning of 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, a representative from the media and the DOJ, civil society groups and any elected public official. The Board shall draw up the guidelines on the manner of proper disposition and destruction of such item/s which shall be borne by the offender: *Provided,* That those item/s of lawful commerce, as determined by the Board, shall be donated, used or recycled for legitimate purposes: *Provided, further,* That a representative sample, duly weighed and recorded is retained;~~

~~(4)(5) The Board shall then issue a sworn certification as to the fact of destruction or burning of the subject item/s which, together with the **AUTHENTICATED PHOTOGRAPHS OF THE EVIDENCE** representative sample/s in the custody of the PDEA **AND THE FINAL CERTIFICATION OF THE FORENSIC LABORATORY EXAMINATION**, shall be submitted to the court having jurisdiction over the case. In all instances, the representative sample/s shall be kept to a minimum quantity as determined by the Board;~~

~~(5)(6) The alleged offender or his/her representative or counsel shall be allowed to personally observe all of the above proceedings and his/her presence shall not constitute an admission of guilt. In case the said offender or accused refuses or **IS UNABLE TO OBSERVE** fails to appoint a representative after due notice in writing to the accused or~~

~~his/her counsel within seventy-two (72) hours before the actual burning or destruction of the evidence in question, the Secretary of Justice shall appoint a member of the public attorney's office to represent the former;~~

~~(7) After the promulgation and judgment in the criminal case wherein the representative sample/s was presented as evidence in court, the trial prosecutor shall inform the Board of the final termination of the case and, in turn, shall request the court for leave to turn over the said representative sample/s to the PDEA for proper disposition and destruction within twenty-four (24) hours from receipt of the same; and~~

~~(6)(8) Transitory Provision: a) Within twenty-four (24) hours from the effectivity of this Act, dangerous drugs defined herein which are presently in possession of law enforcement agencies shall, with leave of court, be burned or destroyed, in the presence of representatives of the Court, DOJ, Department of Health (DOH) and the accused/and or his/her counsel, and, b) Pending the organization of the PDEA, the custody, disposition, and burning or destruction of seized/surrendered dangerous drugs provided under this Section shall be implemented by the DOH."~~

Section 2. Implementing Rules and Regulations (IRR). To effectively implement 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 (DO J) and relevant sectors to curb increasing drug cases.

Section 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.

Section 4. Repealing Clause. All laws, decrees, ordinances, rules, and regulations, executive or administrative orders, and such other presidential issuances which are inconsistent with any of the provisions of this Act are hereby repealed, amended or otherwise modified accordingly.

Section 5. Separability Clause. If any portion or provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions not affected thereby.

Section 6. Effectivity. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,