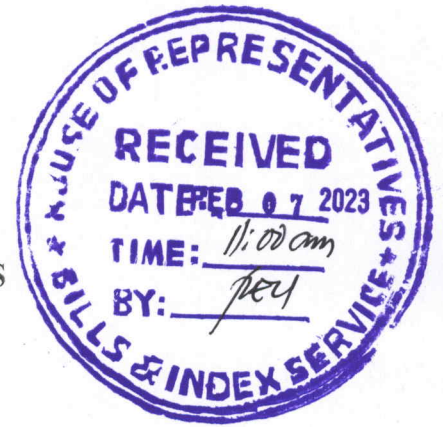


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. **7094**



Introduced by: REP. RONALD V. SINGSON

EXPLANATORY NOTE

Within the last decade, the country's issue on dangerous drugs has grown exponentially – from being a local police problem, it has now become a serious national threat to the personal health and safety of millions of Filipinos. And if our current drug problem continues, the next generation of Filipinos risks being condemned to a life of addiction.

One of the factors associated with the country's persistent drug issue is the unrestrained illegal drug trade further perpetuated by the misfits and scalawags among the ranks of our law enforcement agencies, who recycle and resell illegal drugs seized or confiscated from police operations.

Under Republic Act No. 9165, the Philippine Drug Enforcement Agency (PDEA) shall have the custody of all confiscated dangerous drugs, paraphernalia and equipment. Unfortunately, neglect can be found in the safekeeping of the confiscated drugs, particularly of the representative samples required by law to be retained until final disposition of the case. Moreover, the alleged recycling of seized narcotics remains rampant despite the government's effort to curb drug issues in the country.

Thus, this bill seeks to further amend Section 21 of the Dangerous Drugs Act and provide for the immediate destruction of the seized illegal drugs as well as the retained representative sample/s to prevent further recycling and reselling of dangerous drugs by erring police officers.

If enacted into law, this bill will allow the admissibility of duly authenticated and dated photographs and seized photographs of seized dangerous drugs, plant sources of

dangerous drugs, and controlled precursors and essential chemicals, without the need to further present the actual samples as evidence.

It is hoped that this measure will lessen, if not eradicate, the incidence of seized illegal drugs being recycled and re-sold.

In view of the foregoing, the early passage of this is earnestly sought.



RONALD V. SINGSON

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House Bill No. **7094**

Introduced by: REP. RONALD V. SINGSON

AN ACT PROVIDING FOR THE IMMEDIATE DESTRUCTION OF CONFISCATED, SEIZED AND/OR SURRENDERED DANGEROUS DRUGS, PLANT SOURCES OF DANGEROUS DRUGS, AND CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9165, AS AMENDED

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

SECTION 1. Section 21 of Republic Act No. 9165, as amended by Republic Act No. 10670 is hereby amended to read as follows:

"SEC. 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. – x x x

"(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 BY ANY MEANS OR MODE TO INDICATE 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] **OR** a **DULY DESIGNATED** 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, finally, That noncompliance of these requirements under justifiable grounds, as long as the [integrity and the evidentiary value of the] seized items are properly **PHOTOGRAPHED, RECORDED, AUTHENTICATED, PHOTOGRAPHED, AND ITS INTEGRITY AND EVIDENTIARY VALUE PRESERVED** ~~[properly preserved]~~ by the apprehending officer/team, shall not render void and invalid such seizures and custody over said items.

"THE APPREHENDING TEAM MENTIONED IN THE PRECEDING PARAGRAPH SHALL BE REQUIRED TO PROPERLY DOCUMENT THE ANTI-ILLEGAL DRUGS OPERATIONS, FROM THE BEGINNING UNTIL THE END, THROUGH THE USE OF A VALID AND LEGITIMATE TECHNOLOGY, INCLUDING WEARING BODY-WORN CAMERAS.

"WHERE A SEIZURE OF AN ILLICIT LABORATORY IS MADE, THE PDEA SHALL, WITHIN FORTY-EIGHT (48) HOURS, DO THE PROPER DISPOSAL OF CHEMICALS WHICH ARE NOT LISTED AS CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, REMAINING UNIDENTIFIED LIQUID OR SOLID CHEMICALS IN UNLABELED CONTAINERS AND/OR IN OPENED CONTAINERS THAT MAY NOT BE RESEALED, AND WASTES, WHICH ARE NOT NEEDED AS EVIDENCE IN THE INVESTIGATION OR PROSECUTION OF THE CASE: *PROVIDED*, THAT SUCH ITEMS OF CHEMICALS AND WASTES SHALL BE SEPARATELY PHOTOGRAPHED, EXAMINED, RECORDED, AUTHENTICATED, AND INVENTORIED.

"(2) X x x

" (3) A certification of the forensic laboratory examination results, which shall be done UNDER OATH by the forensic laboratory examiner INDICATING THEREIN THE KIND OF DANGEROUS DRUGS SEIZED, ITS CHEMICAL COMPOSITION, VOLUME, WEIGHT, AND OTHER RELEVANT INFORMATION SHALL BE ISSUED WITHIN TWENTY-FOUR (24) HOURS; *PROVIDED*, THAT A REPRESENTATIVE SAMPLE, DULY EXAMINED, WEIGHED, RECORDED, AND CERTIFIED BY THE FORENSIC LABORATORY EXAMINER TO BE THE EXACT SAMPLE OF THE DANGEROUS DRUGS SEIZED, SHALL BE RETAINED AND SUBMITTED IN EVIDENCE TO THE PDEA;

"(4) WITHIN TWENTY-FOUR (24) HOURS FROM THE ISSUANCE OF THE CERTIFICATION OF THE FORENSIC LABORATORY EXAMINATION RESULTS, THE PDEA SHALL IMMEDIATELY PROCEED WITH THE DESTRUCTION OR BURNING OF THE SEIZED DRUGS, EXCEPT THE REPRESENTATIVE SAMPLE MENTIONED IN THE PRECEDING PARAGRAPH, IN THE PRESENCE OF THE ACCUSED OR THE PERSON/S FROM SUCH ITEMS WERE CONFISCATED AND/ OR SEIZED, OR HIS/HER REPRESENTATIVE OR COUNSEL, THE FORENSIC LABORATORY EXAMINER, A REPRESENTATIVE FROM THE MEDIA AND THE DOJ, CIVIL SOCIETY GROUPS AND ANY ELECTED PUBLIC OFFICIAL; *PROVIDED*, THAT THE PHOTOGRAPHS TAKEN BY THE APPREHENDING TEAM OR OFFICER SHALL BE CERTIFIED BY THE PDEA TO BE TRUE AND CORRECT SEIZED DRUG/S AND PHOTOGRAPHS OF THE EVIDENCE PROPERLY SEIZED AND SUBSEQUENTLY DESTROYED: *PROVIDED, FURTHER*, THAT A FINAL CERTIFICATION BY FORENSIC LABORATORY EXAMINER SHALL BE ISSUED INDICATING THAT THE DRUG/S SEIZED AND SUBSEQUENTLY DESTROYED ARE THE SAME DRUG/S SEIZED, EXAMINED, WEIGHED, AND RECORDED IN THE PREVIOUS PARAGRAPH. THE BOARD SHALL DRAW UP THE GUIDELINES ON THE MANNER OF PROPER DISPOSITION AND DESTRUCTION OF SUCH ITEMS;

"(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 ~~{representative sample}~~ **AUTHENTICATED PHOTOGRAPHS OF THE EVIDENCE** in the custody of the PDEA[,] **AND THE FINAL CERTIFICATION OF THE FORENSIC LABORATORY EXAMINATION RESULTS** 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;}~~

"(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 ~~[fails to appoint a representative after due notice in writing to the accused or his/her counsel within seventy two (72) hours before]~~ **IS UNABLE TO OBSERVE** 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]~~

"X X X"

SEC. 2. *Implementing Rules and Regulations.* – 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 (DOJ) and relevant sectors to curb increasing drug cases.

SEC. 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.

SEC. 4. *Repealing Clause.* – All laws, decrees, executive orders, memorandum circulars inconsistent with the provisions of this Act are hereby amended, repealed or modified accordingly.

SEC. 5. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,