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PERPETUATION/PRESERVATION OF EVIDENCE IN DRUG RELATED CASES WHEN THE EVIDENCE IS VOLUMINOUS, EXPENSIVE AND IMPRACTICAL TO TRANSPORT

DDB BOARD REGULATION NO. 2A, s. 1981, August 19, 1981

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Pursuant to the powers vested in the Dangerous Drugs Board under Section 36 (a) of Republic Act No. 6425, as amended, otherwise known as the Dangerous Drugs Act of 1972 and in accordance with the decision arrived at by the said Body in its meeting of July 21, 1981, the following regulation is hereby prescribed:

SECTION 1. In cases where the quantity of seized marijuana or other wild or illicit growth of plants from which dangerous drugs may be extracted is so voluminous and the place of seizure is so inaccessible to ordinary means of transportation as to render extremely difficult, expensive and impractical, the transport of the whole batch of seizures to the proper laboratory for examination and custody pursuant to Section 1 of Board Regulation, No. 3, series of 1979, the procedures hereunder outlined shall be observed:

A. Where marijuana or any other wild or illicit growth of plants which can be sources of dangerous drugs are seized and there is an apprehension made:

1. There shall be a Field Inventory Committee which shall inventory and photograph the seized plants after these are uprooted, segregate some Two Hundred (200) full grown plants to be used as evidence, and burn the rest in the presence of the apprehended person by pouring gasoline or crude oil and igniting them until only the ashes thereof remain.

2. The Inventory Committee shall be composed of the following:

a. As Chairman: Barangay Captain of the barangay where the plants are seized, provided that he is not in any way involved in the cultivation or culture thereof. If the barangay captain is involved, then the ranking barangay council member shall be the Committee Chairman.

b. As Members: (1) Head of the apprehending team; (2) Head Teacher of the Barangay Elementary School or duly authorized representative.

B. Where the marijuana or illicit growth of plants from which dangerous drugs may be extracted are seized and no arrest is made:

1. The Field Inventory Committee shall inventory, photograph and burn all the seized plants. The inventory and burning shall be duly certified by the Field Inventory Committee as to description, quantity, place and time of burning, and such other facts as may be useful for prosecution and reward purposes in the event that the person or persons responsible for the cultivation or culture are subsequently arrested and prosecuted.

C. Where the seized marijuana or other illicit growth of plants are already being used as evidence in Court and the quantity of the seized plants already under custody of the laboratory has reached proportions beyond the capacity of the custodian to safely guard and accommodate a proper storage facility:

1. The drug custodian shall so inform the Executive Director.

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2. The Executive Director or his duly authorized representative shall in turn request the prosecuting fiscal to file the necessary petition in Court pursuant to the applicable provisions of the Rules of Court for the inventory, burning, and photographing of seized plants involved in the case after segregating such quantity thereof as may be required by the Court to be preserved for the purpose of evidence.

3. The Executive Director of the Board shall request the prosecuting fiscal for a copy of the action taken by the Court on the motion filed.

4. In such cases of perpetuation of evidence approved by the Court, the inventory, photographing, and burning shall be done in the presence of the Central Inventory and Disposition Committee created by the Board for this purpose.

SECTION 2. Reports of Inventory and Certificates of Destruction —

A. After each inventory and burning performed under the provisions of this Regulation, there shall be prepared by the Committee concerned, a report of the inventory and a certification of destruction which shall be signed by every committee member attesting to his presence, the veracity of the inventory and the fact of burning.

1. In cases where an apprehension is made at the time of discovery and seizure of the plants, the apprehended person shall be required to sign on the report of Inventory and the certificate of burning.

2. A certified true copy of these documents shall be furnished the Dangerous Drugs Board.

SECTION 3. For the purposes of this Regulation the plants seized shall be so photographed as to clearly show their roots, thereby ensuring a clear projection of quantity.

SECTION 4. All Board Regulations or portions thereof inconsistent herewith are hereby deemed revoked.

SECTION 5. This regulation shall take effect after fifteen (15) days following the completion of its publication in the Official Gazette.

Adopted: 19 Aug. 1981

(SGD.) J. C. AZURIN
(Minister of Health)
Chairman

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