

AMENDMENT OF BOARD REGULATION NO. 3, S. 1979 REQUIRING ALL OFFICERS OF THE CRIMINAL JUSTICE SYSTEM INVOLVED IN DRUG PREVENTION AND CONTROL TO REPORT ALL DRUG SEIZURES/CONFISCATI...

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Whereas, the Senate Ad Hoc Committee on Illegal Drugs denounced that Narcotics Enforcement officers are not reporting their drug seizures or are submitting inaccurate quantities of drugs seized or confiscated by them;

Whereas, the Committee denounced that these drugs are sold or recycled to the illicit market;

Whereas, Section 20 of R.A. 6425, amended, provides in part that —

"Any apprehending or arresting officer who misappropriates or misapplies or fails to account for seized or confiscated dangerous drugs or plant-sources of dangerous drugs or proceeds or instruments of the crime as herein defined shall after conviction be sentenced to imprisonment ranging from eight years and one day to twelve years and a fine ranging from ten thousand to twenty thousand pesos in addition to absolute perpetual disqualification. (As amended by B.P. Blg . 179 dated March 2, 1982)".

NOW, THEREFORE, the Dangerous Drugs Board, pursuant to its powers under Section 36(a) of R.A. 6425, as amended, hereby prescribes the following:

SECTION 1. The Chief, Philippine Constabulary/Director General, Integrated National Police, including the Director, National Bureau of Investigation, and Heads of other law enforcement agencies, shall see to it that all their narcotics operatives shall submit to the Board accurate reports, with photographs on drug seizures and confiscations, including instruments, apparatuses and articles.

SECTION 2. The accuracy of the seizure reports shall be attested to and verified as true and correct by the most ranking official of the agency before submitting same to the Board.

SECTION 3. The Department of Justice shall monitor drug related cases filed from prosecution to the courts together with the final dispositions, whether the case resulted in conviction, acquittal or dismissal, and shall periodically submit these to the Board.

SECTION 4. The Board or the Executive Director or the Chief Legal Officer, or Chief, Control, Regulation and Intelligence Division, or their duly authorized representatives shall conduct spot check of drugs in the custody of the Philippine Constabulary Crime Laboratory and the National Bureau of Investigation.

SECTION 5. The Philippine Constabulary Crime Laboratory and the National Bureau of Investigation shall submit to the Board a quarterly inventory report of drugs in their legal custody, subject to further verification by authorized officers of the Board.

SECTION 6. The orders be issued immediately by the above mentioned agencies to strictly implement this resolution, furnishing the Board a copy thereof.

SECTION 7. The apprehending team shall: (a) within forty-eight (48) hours from the seizure inform the Dangerous Drugs Board by telegram of said seizures, the nature and quantity thereof, and who has present

custody of the same, and (b) submit to the Board a copy of the after mission investigation report within fifteen (15) days from completion of the investigation.

SECTION 8. It shall be the duty of the government laboratory undertaking the qualitative and quantitative analysis of the seized drugs and paraphernalia to furnish the Dangerous Drugs Board a copy of its laboratory analysis report on a monthly basis. The seized or confiscated drugs and/or paraphernalia shall remain in the custody of the evidence custodian of the apprehending unit or the laboratory conducting the examination where the same is submitted, for purposes of preserving chain of custody. After the final termination of the case, either by the law enforcement unit on the ground that no case has been filed, no witnesses are available, no arrest is made or there is no sufficient evidence to warrant prosecution; or by the fiscal or the court, which may result either in a conviction, acquittal or dismissal, the seized drugs or paraphernalia shall be turned over to the Dangerous Drugs Custodian (NBI) for appropriate disposition in accordance with existing regulations of the Board.

SECTION 9. All Board regulations inconsistent with these provisions are hereby repealed or amended accordingly.

SECTION 10. This Regulation shall take effect after the completion of its publication in the Official Gazette and in a newspaper of general circulation once a week for two (2) consecutive weeks, whichever is earlier.

Adopted: 11 Jan. 1990

(SGD.) TOMAS P. MARAMBA, JR. M.D., M.H.A.

Vice-Chairman

(Undersecretary of Health for Standards and Regulation)

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