

OCA CIRCULAR NO. 6-2006, January 16, 2006

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TO: ALL REGIONAL TRIAL COURT JUDGES

SUBJECT:

FAITHFUL AND EFFICIENT COMPLIANCE WITH THE REQUIREMENTS OF R.A. No. 9165 OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002", PARTICULARLY SECTION 21 PARAGRAPH 4 THEREOF

In order to forestall the suspicion on the "recycling" of dangerous drugs and to ensure the safety of the community where said dangerous drugs and substances are located, you are hereby REMINDED of the pertinent provisions under paragraph 4 Section 21 of Republic Act No. 9165 otherwise known as the "Comprehensive Dangerous Drugs Act of 2002" which mandates the immediate destruction and/or disposition of seized dangerous drugs and substances. Section 21, paragraph 4, thereof provides:

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"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. - The PDEA shall take charge and have custody of all 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:

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(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 of 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." [emphasis supplied]

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for your guidance and strict compliance.

___16___ January 2006.

PRESBITERO J. VELASCO, JR.

Court Administrator

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