

SUPPLEMENTING BOARD REGULATION NO. 2-A, SERIES OF 1982 ON PROCEDURES TO GOVERN ADMINISTRATIVE INVESTIGATIONS

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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, the following regulations are promulgated to supplement Board Regulation No. 2-A, S. 1982:

A. If the violation is discovered by DDB employee, the following procedures shall be followed —

- a.1 The DDB employee shall report the matter to the Chief of Division;
- a.2 The Chief of Division shall forward the report to the Executive Director for his information and appropriate action;
- a.3 The Executive Director shall refer the matter to the Chief Legal Officer for evaluation;
- a.4 The Chief Legal Officer shall prepare the complaint for the signature of the Chief of Division where the report originated, if there is a reasonable ground to believe that the Law or a regulation was violated;
- a.5 A copy of the complaint shall be furnished to the Respondent for his answer;
- a.6 The Chief Legal Officer or any qualified official of the Board designated by the Executive Director shall conduct the hearing in the following manner:
 - a.6.1 Unless otherwise agreed upon, the parties shall submit to the hearing officer the affidavits of their respective witnesses and such other evidence necessary to their case.
 - a.6.2 A resolution shall be rendered based on such affidavits and other evidence.
 - a.6.3 If either party requests for the cross-examination of the witnesses, a formal investigation shall be conducted.

B. If the violation is discovered by employees of other agencies —

- b.1 The employee shall report the violation to the Chief of Division/Commanding Officer concerned;
- b.2 The Chief of Division/Commanding officer shall forward the report to the Head of the Agency to which he belongs for information and appropriate action;
- b.3 The Head of the Agency shall refer the report to the Executive Director of the DDB for further disposition;
- b.4 The DDB Executive Director shall then refer the report to the Chief Legal Officer of the Board for proper evaluation;
- b.5 If the Chief Legal Officer of the Board finds that there is a reasonable ground to believe that the law or regulation has been violated, he/she shall prepare the complaint for the signature of the Chief of Division/Commanding Officer of the agency concerned;
- b.6 After the complaint has been signed, a copy of the same shall be sent by the said Agency to the Respondent for his/its answer;

b.7 If the Legal Office of the said Agency finds that there is a need to conduct a formal investigation, it shall so inform the Head of the Agency,

b.8 The Head of the Agency shall inform the Board of the need for formal investigation:

b.9 The Executive Director shall designate the hearing officer/investigator;

b.10 The hearing shall be conducted in the manner laid down under A, paragraph a.6 of this Section.

SECTION 2. Termination of Investigation . — The Hearing shall be finished not later than ninety (90) days from the date of the commencement of the investigation.

SECTION 3. Submission of Report . — The Hearing Officer/Investigator shall submit his Resolution to the Board, through the Executive Director, within thirty (30) days from the termination of the investigation.

SECTION 4. Resolution . — The Resolution shall be in writing, stating clearly and distinctly the facts and the law involved, and shall be signed by the Hearing Officer or Investigator.

The Resolution shall then be submitted by the Executive Director to the Board during its regular monthly meeting which may either adopt, modify or reverse it.

Once the Resolution is finally acted upon by the Board, it shall be implemented by means of a Resolution to be signed by all members present, noted by the DDB Permanent Consultant and attested to by the Executive Director. It shall be immediately executory upon receipt of the same by the Respondent, unless the latter appeals or moves for a reconsideration within the reglementary period.

SECTION 5. Appeal . — A motion for reconsideration may be filed within fifteen (15) days from receipt of the Resolution. In case of denial, the decision of the Board shall be appealable to the Office of the President of the Philippines within fifteen (15) days from receipt thereof by the respondent.

SECTION 6. Effectivity. — This Regulation shall take effect after its publication in the Official Gazette and once a week for two (2) consecutive weeks in a newspaper of general circulation, whichever is earlier.

Adopted: 15 Feb. 1990

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

Vice-Chairman

(Undersecretary of Health for Standards and Regulations)

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