

## Annex F - Administrative Procedures in suspending or Revoking License

(a) Before suspending or revoking a PDEA license, the Director General, PDEA shall serve upon the licensee an order to show cause why license or operations should not be revoked, or suspended or permitted. The order to show cause shall contain a statement of the basis and shall call upon the licensee to appear before the PDEA at a time and place not less than fifteen (15) working days after the date of service of the order. When authorized by the Director General PDEA, any PDEA Drug Enforcement Officer/Regulatory Compliance Officer may serve the order to show cause. These proceedings shall be conducted without regard to any criminal prosecution or other proceeding. The standard of proof required shall be a substantial evidence standard. The PDEA, shall issue a decision within thirty (30) working days following completion of the proceedings within thirty (30) working days.

(i) The PDEA, may revoke or suspend license or operations simultaneously with, or at any time subsequent to, the service upon the license holder of an order to show cause, in any case where he finds that there is willfull violation of pertinent laws, rules and regulations or an imminent danger to the public health or safety. If the Director General, PDEA so revokes or suspends, he shall serve with the interim order to show cause of immediate suspension that shall contain a statement of his findings regarding willful violation of pertinent laws, rules and regulations or an imminent danger to the public health or safety.

(ii) The licensee shall be given at least fifteen (15) working days notice of the proceedings on the interim order. The notice shall include findings in support of the interim order. The PDEA shall issue a decision within thirty (30) working days following completion of the proceedings within thirty (30) working days.

(iii) (1) If the interim order was initially issued without notice, the licensee shall be entitled to a proceeding within twenty (20) working days of the issuance of the interim order without notice. The licensee shall be given notice of the proceedings within five (5) working days after issuance of the initial interim order, and shall receive all the findings in support of the order. The failure of PDEA to provide a proceedings within twenty (20) working days following issuance of the interim order without notice, unless the licensee waives his or her right to the hearing, shall result in the dissolution of the interim order.

(2) If the licensee files a notice of defense, the proceedings shall be held within thirty (30) working days of the PDEA's receipt of the notice of defense. A decision shall be rendered on the accusation no later than thirty (30) working days after completion of the proceedings. The PDEA shall determine whether the order shall remain in effect, be dissolved, or be modified. Failure to comply with any of the requirements in this subdivision shall dissolve the interim order.

(iv) Failure to comply with an interim order issued by PDEA shall constitute a separate cause for disciplinary action against any licensee, and may be heard at, and as a part of, the noticed proceedings. Allegations on noncompliance with the interim order may be filed at any time prior to the rendering of a decision on the accusation. Violation of the interim order is established upon proof that the licensee was on notice of the interim order and its terms, and that the order was in effect at the time of the violation. The finding of a violation of an interim order made at the hearing on the accusation shall be reviewed as a part of any review of a final decision of the PDEA. If the interim order issued by the PEA proves for anything less than a complete suspension of the licensee and the licensee violates the interim order prior to the hearing on the accusation, the PDEA may, upon notice to the licensee and proof of violation, modify or expand the interim order.

(v) Where a plea or verdict of guilt is made, a certified record of the guilt shall be conclusive evidence of the fact that the violations occurred. The PDEA may take action under this Section notwithstanding the fact that an appeal of the guilt may be taken to higher authorities.

(b)(i) The administrative proceedings shall comply with the following cardinal principles set by the Supreme Court:

(1) the respondents' right to a hearing, which includes the right to present one's case and submit supporting evidence, must be observed;

(2) the tribunal must consider the evidence presented;

(3) the decision must have some basis to support itself;

(4) there must be substantial evidence;

(5) the decision must be rendered on the evidence presented at the hearing, or at least contained in the record and disclosed to the parties affected;

(6) in arriving at a decision, the tribunal must have acted on its own consideration of the law and the facts of the controversy and must not have simply accepted the views of a subordinate; and

(7) the decision must be rendered in such manner that respondents would know the reasons for it and the various issues involved.

(ii) At the proceedings on the interim order, the licensee may do the following:

(1) Be represented by counsel;

(2) Have a record made of the proceedings, copies of which shall be available to the licensee upon payment of costs computed;

(3) Present affidavits and other documentary evidence; and

(4) Present oral argument.

(c) The suspension or revocation shall continue in effect until withdrawn by the Director General, PDEA or higher authority or dissolved by a court of competent jurisdiction.

(d) In the event the Director General, PDEA suspends or revokes a PDEA license or operations, all controlled substances owned or possessed by the licensee at the time of suspension or the effective date of the revocation order shall be placed under seal or delivered to the Laboratory Service or nearest Regional Office of the PDEA or to authorized agents of the PDEA. No disposition may be made of controlled substances under seal until the suspension or revocation is withdrawn by the Director General PDEA or dissolved by a competent jurisdiction. Upon revocation order becoming final, all dangerous drugs or controlled chemicals shall be forfeited to the government.