



Republic of the Philippines
Office of the President
DANGEROUS DRUGS BOARD

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BOARD REGULATION NO. 1
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SUBJECT: GUIDELINES ON THE CUSTODY AND DISPOSITION OF SEIZED DANGEROUS DRUGS, CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, AND LABORATORY EQUIPMENT

Pursuant to Section 21, Article II of the IRR of RA 9165 in relation to Section 81(b) Article IX of RA 9165, the following Guidelines are hereby promulgated:

Section 1. Definition of Terms – As used hereunder, unless the context otherwise requires

- a. "Board" means Dangerous Drugs Board;
- b. "Chain of Custody" means the duly recorded authorized movements and custody of seized drugs or controlled chemicals or plant sources of dangerous drugs or laboratory equipment of each stage, from the time of seizure/confiscation to receipt in the forensic laboratory to safekeeping to presentation in court for destruction. Such record of movements and custody of seized item shall include the identity and signature of the person who held temporary custody of the seized item, the date and time when such transfer of custody were made in the course of safekeeping and use in court as evidence, and the final disposition;
- c. "Confirmatory test" means an analytical test using a device, tool or equipment with a different chemical or physical principle that is more specific which will validate and confirm the result of the screening test or field test;
- d. "Corrosive chemical" means a chemical destroys or damages living tissue by direct contact or destroy its own container or other material and be released into the environment. It generally has pH below 2 or above 12.5. Examples of acidic corrosives include hydrochloric acid and sulfuric acid;
- e. "Controlled chemicals" means controlled precursors and essential chemicals as defined in Article I, Sec. 3(g) of RA 9165 or other names and namely: acetic anhydride or AA or *acetic oxide* or *acetyl oxide*; acetone or *dimethyl ketone* or *2-propanone* or *pyroacetic ether*, *N-acetylanthranilic acid* or *ortho-acetamidobenzoic acid* or *2-acetamidobenzoic acid*; anthranilic acid or *Vitamin L1* or *ortho-aminobenzoic acid*; ephedrine; ergometrine or ergonovine or *dextrolysergic acid* or *levo-2-propanone*; ergotamine; ethyl ether or *ethyl oxide* or *diethyl oxide* or *ethoxyethane* or *sulfuric ether* or *diethyl ether*; hydrochloric acid or *muriatic acid* or *hydrogen chloride*; isosafrole; lysergic acid; 3,4-methylenedioxyphenyl-2propanone or 3,4-methylenedioxypheylacetone or 3,4-methylenedixybenzyl methyl ketone

or piperonylmethylketone or 3,4-MDP2P or PMK; methyl ethyl ketone or BMK or 2-butanone or ethylmethylketone or methyl acetone; phenylpropanolamine or d,1-norephedrine or medriatin; phenylacetic acid or benzene acetic acid or alpha toluic acid; phenylacetone or phenyl-2-propanone or P2P or BMK or benzyl methyl ketone or methyl benzyl ketone; piperidine or hexahydropyridine or hexane or pentamethyleneimine; piperonal or heliotropin or piperonylaldehyde; potassium permanganate or permanganic acid potassium salt or chameleon mineral; pseudoephedrine; safrole or allylcathechol or methylene ether; sulfuric acid or oil of vitriol or hydrogen sulfate.

- f. "Flammable chemical" a chemical that ignites easily and burns rapidly in air. It generally has a flash point below 60 deg. C. Examples of flammable chemicals are ethyl ether, acetone and toluene.
- g. "Dangerous Drugs" means dangerous drugs as defined in Article I, Sec. 3(j), RA 9165. Such drugs include, but not limited to, heroin, morphine, opium, cocaine or cocaine hydrochloride, marijuana, marijuana resin, marijuana resin oil, methamphetamine hydrochloride or "shabu", methyleneoxymethamphetamine (MDA) or "ecstasy", paramethoxyamphetamine (PMA), trimethoxyamphetamine (TMA), lysergic diethylamine (LSD) and gamma hydroxybutyrate (GHB);
- h. "DENR" means Department of Natural Resources;
- i. "Drug profiling" refers to the systematic characterization of seized drug samples by physical and chemical means. It is a valuable tool used to support intelligence gathering and operational work by drug law enforcement authorities;
- j. "Hazardous chemical" means one that poses a danger to human health or to the environment, if improperly handled;
- k. "Laboratory equipment" means a paraphernalia, apparatus, materials or appliances when used, intended for use or designed for use in the manufacture of any dangerous drug and/or controlled chemical, such as reaction vessel, preparative/purifying equipment, fermentors, separatory funnel, heating mantle, gas generator or their substitute;
- l. "MSDS" means Material Safety Data Sheet. It provides all necessary information with regard to proper storage and safe handling procedures, first aid procedures, proper leak, spill, and disposal techniques, protective equipment, and other safety procedures used to limit potential exposure to toxic or hazardous materials and other information such as hazardous ingredients, physical and chemical characteristics, physical hazards and health hazards;
- m. "PDEA" means Philippine Drug Enforcement Agency;
- n. "Reactive chemical" means one that is sensitive to either friction or shock or it reacts in the presence of air, water, light or heat. Examples of reactive chemical are ethyl ether or diethyl ether, acetic anhydride and potassium permanganate;
- o. "Toxic chemical" means a chemical that can cause serious illness or death from exposure by inhalation, ingestion or absorption through the skin. Examples of toxic chemicals are N-acetylanthranilic acid, anthranilic acid,

ephedrine, pseudoephedrine, acetone, phenylpropanolamine, ergometrine, hydrochloric acid, isosafrole, methyl ethyl ketone, phenylacetic acid, piperidine, piperonal, and safrole;

- p. "Thermal destruction" means the action or process of destroying seized or surrendered dangerous drugs or controlled chemicals by fire or heat or incineration.

Section 2. Seizure or confiscation of drugs or controlled chemicals or laboratory equipment.

- a. The apprehending team having initial custody and control of dangerous drugs or control chemical or plant sources of dangerous drugs or laboratory equipment shall immediately, after the seizure and confiscation, physical inventory and photograph the same in the presence of:
- (i) the person from whom such items were confiscated and/or seized or his/her representative or counsel;
 - (ii) a representative from the media;
 - (iii) a representative from the department of Justice; and
 - (iv) any elected public official;

who shall be required to sign copies of the inventory report covering the drug/equipment and who shall be given a copy thereof. Provided that the physical inventory and photograph shall be conducted at the place where the search was is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of a seizure without warrant; provided further that non-compliance with these requirement under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizure of and custody over said items.

- b. The drugs or controlled chemicals or laboratory equipment shall be properly marked for identification, weighed when possible or counted, sealed, packed and labeled by the apprehending officer/team.
- c. Where any substance is found in packages or containers of similar size and/or weight and bearing identical markings, and filed color tests of the contents of a representative number of them yields similar results for each, the seizing officer shall cause all such packages or containers to be classified, serially numbered and separated into lots ready for weighing, counting, sampling, sealing and labeling.
- d. Where it is physically possible to count and weigh the seizure as a complete entity, the seizing officer shall cause it to be counted and weighed. Where it is not physically possible to count or weigh the seizure as a complete entity, that seizing officer shall cause its count or gross weight or net weight, as the case maybe, to be estimated.

Section 3. Turnover of seized drugs or controlled chemical or laboratory equipment and submission of report.

- a. Within twenty-four (24) hours upon confiscation/seizure of dangerous drugs, or plant sources of dangerous drugs or controlled chemicals or laboratory equipment, the same shall be submitted to the PDEA Forensic Laboratory for a qualitative and quantitative examination.

- b. Within the same period, and in conformity with prescribed operational reporting procedures, the seizing officer/team shall also prepare a report of the confiscation/seizure, which include particulars of:
- (i) the time, place and date of seizure;
 - (ii) the particulars of the person(s) arrested;
 - (iii) the identity of the seizing officer and all persons present;
 - (iv) the circumstances in which seizure took place;
 - (v) a description of the vehicle, vessel, place or person searched and the location where the substance or equipment was found;
 - (vi) a description of packaging, seals and other identifying features;
 - (vii) a description of quantity, volume and units and the measurement method employed;
 - (viii) a description of the substance or equipment found;
 - (ix) a description of any preliminary identification test used and results (*e.g. test kit*);
 - (x) all subsequent movements of the substance or chain of custody; and
 - (xi) any other prescribed matter by PDEA.

Section 4. Laboratory analysis and/or identification of equipment.

- a. Within twenty-four (24) hours after receipt of the dangerous drugs or controlled chemicals, the PDEA forensic examiner shall, after counting and/or weighing any significant quantity of seized substance or items, take samples for scientific analysis, consisting of the following quantities:
- (i) powder/granules/solid form - not more than five grams per package/bag;
 - (ii) tablet/capsule/ampoule - not more than three (3) tablets;
 - (iii) liquid solution - not more than fifty (50) ml.;
 - (iv) dried leaves - not more than ten (10) grams;
 - (v) plants - not more than two(2) plants.
- b. Within the same period, the forensic examiner shall issue a certification of the forensic laboratory examination results, identifying the substance without regard to its purity, and/or the identification of laboratory equipment, as the case may be. When the volume of the subject items do not allow the completion of testing within twenty-four (24) hours, a partial examination report shall be provisionally issued, stating therein the quantities still to be examined by the forensic laboratory. The final certification shall be issued on the completed forensic laboratory examination on the same, within the next twenty-four (24) hours.
- c. The certificate or report of chemistry analysis shall state the details in relation to a dangerous drug or controlled chemical, as to:
- (1) when and from whom it was received;
 - (2) what, if any identifying labels or other things accompanied it;
 - (3) a description of it;
 - (4) what container it was in, as the case may be;
 - (5) if it, or any portion of it, was analyzed:
 - (i) the name and method of analysis
 - (ii) the result of analysis, including as to its identity without regard to its purity for the initial report; and pure drug or chemical content; for the record in conformity with Section

21 (b) of IRR of RA 9165 and Section 3a of this Guidelines;
and

- (6) how it was dealt with after handling by the examiner, including details of:
- (i) quantity retained;
 - (ii) the name of the designated PDEA drug or controlled chemical custodian, to whom any retained quantity was given for safekeeping;
 - (iii) measures taken to secure any retained drug or chemical.
- d. Any sample taken shall be signed or otherwise marked for identification by the forensic laboratory examiner and evidence custodian present, as the case may be, when it was taken;
- e. Where there is a operational necessity to identify the specific links between the two or more samples, origin of seized drug, drug distribution patterns, and methods used for clandestine drug manufacture, particularly with regard to methamphetamine hydrochloride or “shabu”, samples that may be taken for such examination shall not ne more than ten grams of samples from each package /bag selected. Where a written request is made by a foreign counterpart agency to PDEA for drug samples for the purpose of drug profiling, PDEA shall ask for leave of court to transfer such samples to the requesting party. Such transfer shall be done through import permit/authorization issued by the competent authority of the requesting party and an export permit granted by PDEA.
- f. In all instances of taking samples, the following manner of sampling procedures of multiple package/bags should be observed:
- i. if there is less than or equal to ten (10) packages/bags, all should be sampled;
 - ii. if there is more than ten (10) packages/bags and less than or equal to one hundred (100) packages/bags, randomly select ten (10) packages/bags;
 - iii. if there is more than one hundred (100) packages/bags, randomly select a number of packages/bags equal to the square root of the total number of packages rounded to the next higher integer.

Section 5. Custody and safekeeping.

- a. Designated dangerous drugs custodian and controlled chemical custodian shall have respective control over safekeeping of substances in the storage vaults/cabinets/areas;
- b. Store controlled chemicals separately from dangerous drugs. Both storage facilities must be adequately protected.
- c. Store dangerous drugs evidence in plastic heated envelopes in the shelves in the evidence vaults or heavy-duty steel cabinets.
- d. Store bulk marijuana outside the laboratories in separate storage facilities under the control of PDEA.

- e. Read and be guided by chemical labels and MSDS for proper storage and safe handling procedures, first aid procedures, proper leak, spill, and disposal techniques, protective equipment, and other safety procedures.
- f. Prior to storing chemicals, ensure that it is properly labeled.
- g. The chemical label should include a minimum of the following:
 - (i) The chemical name of the material;
 - (ii) The date received;
 - (iii) Hazardous properties such as flammability, reactivity, corrosiveness, toxicity, etc.;
 - (iv) Additional safety information or precautions such as use of protective equipment, etc.; and
 - (v) Additional optional information may include fire fighting equipment or first aid measures.
- h. Controlled chemical custodian shall be required to:
 - (i) Date of receipt of chemicals.
 - (ii) Store chemicals in accordance with their compatibility, based on the following:

<u>Chemical Group Names</u>	<u>Do not Store with Other Chemical Group Names</u>
Ketones (acetone, MEK)	Inorganic acids, caustics, amines and alkanolamines, aldehydes, ammonia, halogens
Ethers	Inorganic acids, monomers, polymerizable ester, halogens
Acid Anhydrides	Inorganic acids, caustics, amines and alkanolamines, alcohols, glycols, glycol ethers, aldehydes, monomers, polymerizable esters, alkylene oxides, cyanohydrins, nitriles, ammonia.

- (iii) Keep container closed. Maintain container integrity and do not pressurize, cut heat or weld containers. Do not re-use empty containers without commercial cleaning and reconditioning.
 - (iv) Store chemicals in a well-ventilated area. Do not store chemicals near heat or sunlight or near substances which might initiate a reaction.
 - (v) Store all hazardous chemicals below eye level. Store acids near floor level.
 - (vi) Separate acids from flammables and combustibles. Flammable chemicals should be stored in flammable storage cabinets and/or storage rooms. Bulk quantities of flammable and combustible liquids in thirty (30) or fifty-five (55) gallon drums should be stored in storage areas equipped with explosion-proof electrical wiring. Storage cabinets should be ventilated.
 - (vii) Check stored chemicals for deterioration and broken containers and take necessary measures.
- i. Store laboratory equipment in separate storage area.
 - j. The controlled chemical custodian and dangerous drug custodian shall maintain:

- (i) Record of the chain of custody of evidence;
- (ii) Log book of authorized persons who entered or exited the storage area;
- (iii) Log book of officers who signed in and/or out evidence from storage area/vault/cabinet for authorized purpose; and
- (iv) Duty detail in storage area.

Section 6. Early disposal of seized dangerous drugs and controlled chemicals.

- a. After the filing of the criminal case, the Court shall, within seventy-two hours, conduct an ocular inspection of the confiscated, seized, and/or surrendered dangerous drugs, plant sources of dangerous drugs, and controlled chemicals, including the instruments/paraphernalia and/or laboratory equipment.
- b. Within twenty-four hours after the Court inspection, the Court through the PDEA shall proceed with the destruction or burning or disposal of subject items.
- c. Prior to its destruction, representative samples shall be taken and duly weighed and recorded by the forensic laboratory, which conducted the examination of the seized drugs or controlled chemicals for presentation as evidence in court. Maximum quantities of samples to be retained are as follows:
 - (1) Controlled chemicals
 - (i) not more than 2.5 liters for liquid chemicals
 - (ii) not more than 10 grams for non-liquid chemicals
 - (iii) where the chemical is in its original container, samples to be retained shall not be more than one container, e.g. glass bottle or can or polyethylene container or barrel or drum.
 - (2) Dangerous Drugs
 - (i) not more than fifteen (15) grams each of heroin or morphine or opium or cocaine or other dangerous drugs such as, but not limited to, MDMA or LSD or PMA or GHB or TMA or marijuana resin or marijuana resin oil.
 - (ii) not more than fifty-five (55) grams of methamphetamine or amphetamine.
 - (iv) not more than 510 grams of marijuana leaves.
 - (v) not more than ten (10) plants of opium poppy, coca bush, ephedra or marijuana.
 - (vi) not more than fifteen (15) grams of other dangerous drugs.
- d. Where the amount of seized drugs is equal to or less than the prescribed amount of retention above, all the seized items shall be preserved as evidence in court until the court terminates the case.
- e. In all cases involving controlled chemicals, the PDEA officer-in-charge of disposal of the controlled chemical should also refer to the MSDS of the chemical for further guidance on safe handling and disposal.
- f. Controlled chemicals and dangerous drugs shall be disposed off by means of the following methods:

- (i) Thermal destruction method in accordance with applicable laws. The PDEA may engage the provisional services of third parties with thermal facilities covered by valid and subsisting permits and clearances issued by appropriate government agencies; or
 - (ii) Other lawful appropriate methods as may be authorized by the Board, in consultation with DENR.
- g. Plant sources of dangerous drugs such as marijuana plant shall be destroyed by burning on the site of eradication activity and in open field. Thereafter, the burnt marijuana plant shall be buried underground.
- h. Witnesses may be allowed to observe the procedures for the conduct of destruction or disposal of seized dangerous drugs or controlled chemicals. Witnesses shall wear "dust mask". During the start of marijuana plant destruction, witnesses should stay at a distance of no less than fifty (50) meters from the burn site and away from wind direction. In case of destruction of dangerous drugs or controlled chemicals in a thermal facility. Witnesses should stay no less than fifteen (150 meters away from the facility when the burning starts. In this regard, the PDEA officer supervising the destruction will make the judgment call.
- i. PDEA shall maintain a watch detail until the destruction process is completed.
- j. Destruction or disposal or burning of seized dangerous drugs, plant sources of dangerous drugs or controlled chemicals shall be done in public and witnessed by the following:
 - (i) the accused or the person from whom subject items were confiscated, or his/her representative or counsel or a member of the Public attorney's Office appointed by the Secretary of Justice;
 - (ii) a representative from the media;
 - (iii) a representative from DOJ;
 - (iv) civil security groups;
 - (v) any elected public official.
- k. The alleged offender or his/her representative or counsel shall be allowed to personally observe all the above proceedings. In case said offender refuses or fails to appoint a representative after due notice in writing to the accused or his/her counsel within seventy-two (72) hours before the actual burning or destruction of the evidence in question, the Secretary of Justice shall appoint a member of the Public Attorney's Office to represent the former.
- l. The Board, through the Director General of PDEA or Regional Director of PDEA, as the case may be, shall issue a sworn certification as to the fact of destruction or burning of the subject items, which together with the representative sample(s) in the custody of PDEA, shall be submitted to the court having jurisdiction over the case.
- m. The cost of disposition or destruction of seized drug or controlled chemical shall be borne by the offender.
- n. After the promulgation and judgment in the criminal case wherein the representative samples were presented as evidence in court, the trial prosecutor shall inform the Board of the final termination of the case and, in

turn, shall request the court for leave to turn over the said representative samples to the PDEA for proper disposition and destruction within twenty-four (24) hours after receipt of same.

- o. In cases of seizure where no person is apprehended and no criminal case is filed, the PDEA may order the immediate destruction or burning or disposal of seized dangerous drugs or controlled chemicals: Provided, that appropriate inventory of drugs in the presence of witnesses, forensic laboratory examination and prescribed reports have been carried out. Such destruction shall be made in the presence of prescribed witnesses. The Board through the Director general of PDEA or Regional Director of PDEA, as the case may be, shall issue a sworn certification as to the fact of destruction or burning.

Section 7. Drug Evidence Tracking and Inventory.

- a. A database system shall be maintained by PDEA to track evidence through the criminal justice and laboratory system from receipt to destruction or disposal.
- b. PDEA forensic laboratories shall conduct routine annual inventories of the evidence stored in the PDEA evidence vault or steel cabinet or storage area. Similar inventories shall be performed each time a laboratory official, or any individual who has access to the vault or cabinet or storage area, retires or leaves the job.

Section 8. Disposal of seized drugs or controlled chemicals or laboratory equipment including paraphernalia or instruments for scientific, medical and training purpose.

- a. Upon request by agencies concerned to the PDEA, seized drugs or controlled chemicals or laboratory equipment, including paraphernalia no longer needed as evidence to be presented in court, may properly and lawfully be used for medical or scientific purposes, or in small amounts for the training of personnel responsible for carrying out the functions under RA 9165.
- b. A Committee composed of representatives from the Department of Health, the Bureau of Food and Drugs, DDB Secretariat and PDEA, with the representative from the Department of Health as Team Leader, shall determine whether the seized drugs or controlled chemical or laboratory equipment in the custody of PDEA is still suitable for medical or scientific or training purpose or lawful commerce. Such determination shall include such factors as expiry date of the drug or date of acquisition of the chemical, urgent need for the drug or chemical and such drug or chemical is the only one readily available. After such determination of fitness for consumption or use, the drug or chemical shall be requisitioned by and delivered to the Department of Health or agency concerned for proper disposition. The agency concerned shall comply with the recording requirement of IRR of RA 9165.
- c. In case of seized controlled chemicals found fit for pharmaceutical or industrial or scientific use, said chemicals shall be sold in public auction to licensed holders or donated to government agencies in need of the controlled chemicals.

- d. Disposal of drugs or chemicals or laboratory equipment, including paraphernalia or instrument needed for medical, scientific or training purposes, shall be subject to license/permit requirement, as the case may be, of the PDEA.

Section 9. Transitory Provision

In the meantime that the PDEA has no forensic laboratories and/or evidence vaults/heavy duty steel cabinets/storage rooms, as well as the necessary personnel of its own in any area of its jurisdiction, the existing National Bureau of Investigation (NBI) and Philippine National Police (PNP) forensic laboratories shall continue to examine or conduct screening and confirmatory tests on the seized/surrendered evidence whether these be dangerous drugs, plant sources of dangerous drugs, controlled chemicals, laboratory equipment, including paraphernalia and instruments; and the NBI and the PNP shall continue to have custody of such evidence for use in court and until disposed of, burned or destroyed in accordance with the foregoing guidelines: provided, that pending appointment/designation of the full complement of the representatives from the media, DOJ, or elected public official, the inventory of said evidence shall continue to be conducted by the arresting NBI and PNP operatives, under existing procedures, unless otherwise directed in writing by the DOH or PDEA, as the case may be.

Section 10. Effectivity

This Regulation shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation and upon registration with the Office of the National Administrative Registry of the UP Law Center.

ADOPTED and APPROVED this 18th of October, 2002 at Quezon City.

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Ex-Officio Member

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Secretary, Department of Interior and Local Government and
OIC Chairman, Dangerous Drugs Board

Attested:

MIGUEL G. CORONEL
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