



Republic of the Philippines
Office of the President
DANGEROUS DRUGS BOARD

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BOARD REGULATION NO. 3
Series of 2008

SUBJECT: AMENDING BOARD REGULATION NO. 1, SERIES OF 2007 ENTITLED “GUIDELINES ON THE 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 IN CONNECTION WITH CASES UNDER INVESTIGATION, PRELIMINARY INVESTIGATION or REINVESTIGATION.

WHEREAS, Section 3 of Dangerous Drugs Board (DDB) Regulation No. 1, Series of 2007, provides the procedure for the disposal of the Confiscated, Seized and/or Surrendered Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments / Paraphernalia and/or Laboratory Equipment in connection with cases under investigation, preliminary investigation or reinvestigation;

WHEREAS, several queries from PDEA and other law enforcers were received asking to clarify the issue of who the proper prosecutors that will sign the petition for destruction of seized drug-related pieces of evidence in case the search warrant was issued by a Court from other judicial jurisdiction;

WHEREAS, there is a need to amend *Section 3 para. (a) of Board Regulation No. 1, Series of 2007*, to clarify and designate the concern prosecutor that will confirm or sign the conformity in the Petition for Destruction of Confiscated/Seized or Surrendered drug-related evidence;

WHEREFORE, be it **RESOLVED**, as it is hereby **RESOLVED**, to amend the DDB Regulation No. 1, Series of 2007 as herein provided:

“Section 3. Disposal of Seized Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia, and/or Laboratory Equipment. Dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia, and/or laboratory equipment confiscated, seized and/or surrendered and covered by this Regulation shall be disposed of as follows:

- a. Upon the receipt of the final certification of the forensic laboratory examination results issued by the government forensic laboratory, pursuant to Section 21 of RA 9165 and Section 4 of Board Regulation No. 1, Series of 2002, the PDEA may file a petition for the immediate destruction of the confiscated, seized and/or surrendered dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment with the Regional Trial Court presided over by the Executive Judge of the province or city where the confiscation/seizure and/or surrender took place. If the confiscation,

seizure or surrender was by virtue of a search warrant, the appropriate motion shall be filed with the prior written conformity of the Provincial or City Prosecutor **“OF THE PROVINCE OR CITY, AS THE CASE MAY BE, WHERE THE CONFISCATION / SEIZURE and/or SURRENDER TOOK PLACE OR THE CHIEF STATE PROSECUTOR OR HIS DULY DESIGNATED REPRESENTATIVE”** which shall be indicated in the pleading. The trial court where the criminal case is subsequently filed shall take judicial notice of the proceedings thereof.”

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

APPROVED and ADOPTED this 2nd of October, in the year of Our Lord, 2008 in Quezon City.

Secretary VICENTE C. SOTTO III
Chairman, Dangerous Drugs Board

Attested by:

Undersecretary EDGAR C. GALVANTE
Secretary of the Board