



Republic of the Philippines
Office of the President
DANGEROUS DRUGS BOARD

3/F, DDB – PDEA Building, NIA Road, National Government Center, East Triangle, Diliman, Quezon City, Philippines
P.O Box No. 3682 Manila, Tel. No. 929-1753, Telefax 929-1546, Website: <http://www.ddb-ph.com>, E-mail: Info@ddb-ph.com

BOARD REGULATION No. 5
Series of 2008

SUBJECT: CREATING THE COMMITTEE ON APPEALS OF THE BOARD AND PRESCRIBING THE PROCEDURES IN MAKING AN APPEAL

WHEREAS, the Dangerous Drugs Board was created pursuant to Section 77, Article IX of RA 9165 otherwise known as the “Comprehensive Dangerous Drugs Act of 2002” to serve as the policy-making and strategy-formulating body in the planning and formulation of policies and programs on drug abuse prevention and control;

WHEREAS, to effectively carry-out this mandate, the Board is clothed with powers which include, but not limited to, the power to promulgate such rules and regulations deemed necessary to carry-out the purposes of the Act;

WHEREAS, in the valid exercise of its rule-making power, the Board had issued various regulations wherein violations thereof carry the imposition of administrative sanctions which include, among others, suspension and/or revocation of licenses or permits issued, fines, or if so warrants, violators may be held liable under Section 32 of RA 9165;

WHEREAS, it has been noted that in a number of cases, violations committed were either due to unintentional lapses, simple negligence or the commission of acts amounting to violations of validly issued Board Regulations without any tint of malice, and as such, the Board feels that outright imposition of the sanction provided in such regulations so violated may be seen as an act to hamper the operations of legitimate industries or individuals, and recognizing this, the Board deemed it proper to create a single Committee on Appeals to receive, pass-upon and make recommendation(s) to the Board, all cases of appeal and the adoption of guidelines or procedures on handling these cases;

WHEREFORE, be it **RESOLVED**, as it is hereby **RESOLVED**, to create the Committee on Appeals and prescribing herein the procedure on how to make an appeal as follows:

Section 1. Committee on Appeals - a Committee on Appeals is hereby created to be composed of the following:

- Chairman - President or Representative of the Integrated Bar of the Philippines
Vice-Chairman- Secretary or Representative from the Department of Justice
Members:
- Secretary or Representative from the Department of National Defense
DDB designated Permanent Board Member
DDB Executive Director

The Chairperson shall select one (1) DDB employee to act as secretary.

Section 2. Duties and Responsibilities – the Committee on Appeals Committee shall have the following duties and responsibilities, to wit:

- a) To receive and evaluate all cases brought on appeal;
- b) If facts and circumstances so warrants, to conduct a formal inquiry on the case subject of the appeal;
- c) To submit to the Board its findings and recommendations within fifteen (15) days from receipt unless a longer period is required but in no case to exceed 30 days;
- d) To perform other tasks relating to cases on appeal as directed by the Board.

Section 3. Meetings/Quorum/Manner of Voting – the committee on appeal shall meet at the call of the chairperson or by any two (2) of its members at least once a month or as the necessity arises;

Section 4. Venue – the committee shall meet at the office of the Dangerous Drugs Board.

Section 5. Honoraria – the members of the committee shall receive an honorarium per meeting, subject to existing rules.

Section 6. Definition of Terms

- a) Appeal – a legal proceeding by which a complaint/petition is filed with the Dangerous Drugs Board (DDB) for consideration.
- b) Board – refers to the Dangerous Drugs Board (DDB) under Section 77, Article IX of RA 9165.
- c) Board Regulation – refers to any of the Regulations duly issued by the Board.
- d) PDEA – refers to the Philippine Drug Enforcement Agency created by virtue of Section 82, Article IX of RA 9165.
- e) Permit – refers to the permit issued by the PDEA in relation to the implementation of Board Regulation No. 3, S. 2003.
- f) License – a written permission or authorization to operate or undertake activities related to the handling of dangerous drugs and/or controlled precursors and essential chemicals
- g) Permit and/or License Holder – refers to the person who is duly issued a permit or license by the PDEA.
- h) Persons – refers to a natural or juridical person.

Section 7. Coverage – Appeals shall apply only to those cases of matters covered by any Board Regulation and other Board issuances. Violation of the penal provisions of RA 9165 and PD 1619 are not covered.

Section 8. Who is Entitled to Appeal – any person or entity who is aggrieved by the implementation of validly issued regulations and/or such other issuances promulgated by the Board.

Section 9. When to Appeal – Within fifteen (15) days from receipt or knowledge of any adverse order, of a person that he had been aggrieved either by the action or inaction of PDEA or other government agencies authorized to enforce any validly issued regulation and/or such other issuances by the Board may by himself, counsel or duly authorized representative file the appeal.

Section 10 Where shall the Appeal be Filed – All appeals shall be filed with the Board through the Executive Director or through registered mail.

Section 11. How to Appeal – the appeal is taken by filing a verified petition with the Board, stating therein the name of the petitioner, address, brief statement of the case or acts subject of the appeal, and the relief prayed for.

The petition shall be accompanied with all pertinent documents to include certified true copies of any order or act of the Board. The petitioner shall pay an appeal fee in the amount of two thousand five hundred pesos (P2,500.00).

Section 12. Action of the Committee

- a) Upon receipt of the petition, the committee chairman, if the facts and circumstances surrounding the case subject of the appeal so warrant, shall convene the committee to evaluate, investigate or conduct a formal hearing of the case brought on appeal and submit to the Board its recommendations.
- b) The proceedings before the committee shall be summary in nature and the Rules of Court shall apply only in a suppletory character.

Section 13. Finality of Decision

The action of the Board, affirming or reversing the recommendation of the Committee on Appeals shall be final. The petitioner shall be notified accordingly, of the action of the Board.

Section 14. Separability Clause

If for any reason, any section or provision of the regulation or any portion thereof, or the application of such section, provision or portion thereof to any person, group or circumstances is declared invalid or unconstitutional, the remainder of this regulation shall not be affected by such declaration and shall remain in force and effect.

Section 15. Repealing Clause

Board Regulation No. 6, S. 2006 and Board Resolution No. 19, S. 2007 are hereby REPEALED and all other Board Regulation(s) and other issuances or part thereof inconsistent with the provisions of this Regulation are hereby likewise repealed and modified accordingly.

Section 16. Effectivity

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 23rd day 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