



Republic of the Philippines
Office of the President
DANGEROUS DRUGS BOARD

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BOARD REGULATION No. 6
Series of 2008

**SUBJECT: GUIDELINES ON THE TRANSFER / RE-ASSIGNMENT OF
POLICE WITNESSES**

WHEREAS, the government's drive for success against the ill-effects of dangerous drugs and the traffic thereof cannot be attained by mere arrest of violators, it must be coupled with vigorous efforts to bring behind bars those who are found guilty for violating the penal provision of RA 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002;

WHEREAS, notwithstanding the arrest of violators, the effort to address drug related problems proved futile because of the low percentage of convictions caused primarily by the non-appearance of police witnesses as a result of their transfer or reassignment to other Police Regional Offices or areas of responsibility;

WHEREAS, the non-appearance and failure to officially notify the court or the office of the public prosecutor where a drug related case has been filed and is pending for preliminary investigation or trial of such transfer or re-assignment to another territorial jurisdiction of police witnesses by his immediate superior oftentimes lead to the dismissal of the case;

WHEREAS, it is imperative to provide guidelines on the transfer and re-assignment of police witnesses in order to strengthen the prosecution of drug cases by ensuring the attendance of government witnesses from the inception of the case until it is finally decided by the prosecutor or by the court as the case may be;

WHEREAS, Pursuant to the powers of the Board under Section 81 (b), Article IX of RA 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002", and in relation to Section 91, Article XI of the same Act, law enforcement agencies and other government officials and employees appearing as witnesses in a drug case must constantly be aware of their responsibilities when testifying as prosecution witnesses;

NOW, THEREFORE, be it **RESOLVED**, as it is hereby **RESOLVED**, to provide the following guidelines on the transfer and re-assignment of law enforcers including other government officials and employees serving as prosecution witnesses in drug related cases:

Section 1. Coverage – These guidelines are for the strict observance and compliance of all PDEA and other deputized law enforcement units, employees and officials charged with the enforcement of RA 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002" to include other government officials and employees appearing in Court or stand to appear in Court as prosecution witnesses in dangerous drug cases filed before the city or provincial prosecutor's office and those that are filed in court.

Section 2. Definition of Terms –

- a) **ACT** – refers to RA 9165 otherwise known as the “Comprehensive Dangerous Drugs Act of 2002”.
- b) **DDB** – refers to the Dangerous Drugs Board
- c) **PDEA** - refers to the Philippine Drug Enforcement Agency
- d) **COURT (RTC)** – refers to the Regional Trial Court of the Province/City
- e) **Dangerous Drugs** – include those listed in the Schedules annexed to the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol and in Schedules to the 1971 Single Convention on Psychotropic Substances
- f) **Controlled Precursors and Essential Chemicals** – include those listed in Tables I and II of the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.
- g) **Drug Case** – refers to criminal case for violation of RA 9165 filed before the office of the provincial/city prosecutor for preliminary investigation or with the Regional Trial Court.
- h) **Drug Offender** – a person charged for violation of RA 9165.
- i) **Prosecution** – legal process of pursuing criminal charges against a drug offender.
- j) **Prosecution Witness** – refers to any operative, officer or employee of the PDEA and other law enforcement units or officers and employees of other government agencies called upon to testify before the office of the city/provincial prosecutor or the Court.
- k) **Other Law Enforcement Units** – includes PNP, NBI, Customs officials or employees authorized to undertake law enforcement operations.

Section 3. Guidelines –

- a) These guidelines shall be strictly followed by all PDEA personnel and other deputized law enforcement units authorized to conduct anti-drug operations to include other government agencies with respect to its officers and/or employees who are appearing or stand to appear as prosecution witnesses in a drug case.
- b) PDEA and other law enforcement units shall maintain proper coordination with the Courts and with the office of the provincial/city prosecutor throughout the country where drug cases have been filed and shall regularly monitor the status of the case(s). Hence, there shall be a particular section in every PDEA unit and other law enforcement units that will be designated to officially receive and be responsible to all subpoena/orders to ensure service of notices to all concerned.
 - 1) Each police operative/officer of PDEA and other drug law enforcement units including other government officials and/or employees shall inform his/her immediate superior of the drug case(s) where he/she is appearing or stand to appear and to serve as a prosecution witness, the status of the case, the nature of his/her testimony, the date(s) of hearing and court where he/she may testify;

- 2) Prosecution witness(s) shall not be transferred or re-assigned to another unit or place of work outside of his/her present territorial jurisdiction EXCEPT for compelling reasons;
- 3) In the event that the transfer or re-assignment of prosecution witness is unavoidable or re-assigned for compelling reasons, he/she or his immediate superior shall inform or notify the court and the prosecutor handling the case as well as the office of the city or provincial prosecutor where the case is pending of the order of transfer or re-assignment within twenty-four (24) hours from its approval;
- 4) Upon the issuance of the Order for transfer/re-assignment, the immediate superior of the police officer and/or the superior officer of other prosecution witness(s) concerned shall immediately coordinate with the prosecutor handling the drug case and to the court where the case is pending trial relative to the transfer or re-assignment;
- 5) The initial coordination herein mentioned shall be done thru telephone or other means of communication whichever is available within the day the order was received to be followed by formal letter coordination within ten (10) days from receipt of the Order. The letter coordination shall include therein the compelling reason(s) for such transfer and the assurance that said witness(s) shall appear and testify before the office of the city/provincial prosecutor or the court(s) as the case may be, provided that:
 - a. When the transfer is to another jurisdiction within the same region, the regional director of the PDEA or other drug enforcement agencies or units shall be responsible for such coordination.
 - b. When the transfer is to another jurisdiction outside of the Region, the administrative service of the PDEA or other drug enforcement agencies or units shall be responsible for such coordination.
- 6) The superior officer or immediate officer concerned in their respective units shall also issue the appropriate letter orders to the prosecution witnesses with a directive for him/her to attend all scheduled hearings where his/her testimony is needed, which letter order shall be the basis for the grant of financial and or logistical support needed for his/her attendance at the hearings.
- 7) The superior officer of the prosecution witness concerned shall ask officially in writing the prosecutor handling the case to have his/her testimony be heard in a marathon hearing to minimize the need of his/her appearance to avoid unnecessary inconveniences and expenses on his/her part and of the government.
- 8) The superior or immediate officer shall also ensure that the prosecution witnesses is properly informed of their responsibilities towards the courts and the significance as witness(s) to ensure a successful prosecution of the case.
- 9) The prosecution witnesses shall secure a certificate of appearance from the city/provincial prosecutor's office or court where the case is being heard, stating therein the date of his/her appearance, the title and docket number of the case, the date of the next hearing and if his/her appearance is still needed. The prosecution witness shall likewise make a written report to his/her superior officer relative of his/her appearance in the court or in the city/provincial prosecutor.

- 10) The PDEA and other law enforcement agencies and/or units shall monitor the case and regularly submit a monthly report of prosecution witnesses who failed to appear without any valid reason during the scheduled hearing and/or preliminary investigation. The Legal Prosecution Service shall request their respective superior officers to direct the concerned officers to explain their non-appearance. Other agencies/units where these prosecution witnesses may belong shall adopt the same or similar case monitor.
- 11) Appropriate criminal as well as administrative charges shall be filed against these prosecution witnesses who failed to appear without valid reason(s) and/or their immediate superior who failed to inform the court and the prosecutor handling the case and the office of the Provincial or City Prosecutor of the transfer/re-assignment within one (1) day ahead of the scheduled hearings/trials.
- 12) The immediate superior of prosecution witnesses shall submit a quarterly report to the PDEA who in turn shall submit to the Board a summary of the same on the appearances of operatives/officers as prosecution witnesses before the court(s) and/or office of the Provincial/City Prosecutor including their names, fact of transfer/re-assignment, court where they are appearing and the nature of their testimony and in what case/s where their testimony is needed.

Section 4. Penalty Clause – any violation of this Regulation shall be subject to administrative sanctions, as well as the penal provisions under Section 32 of RA 9165, without prejudice to any other criminal liability provided for in RA 9165 and the Revised Penal Code.

Section 5. 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 13th day of November 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