

**Seminar-Workshop for Judges,
Prosecutors and Law Enforcers on
Dangerous Drugs Law**

Conducted by the
Policy Studies, Research, and Statistics Division
Dangerous Drugs Board (DDB)

2010

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Seminar Workshop for Judges, Prosecutors and Law Enforcers on Dangerous Drugs Law

I. Project Description

In accordance with DDB's mandate as indicated in paragraphs f and g, section 81, Article IX of RA 9165, the Board provided training for judges, prosecutors and law enforcers to coordinate and integrate the overall efforts of the Criminal Justice System (CJS) especially in the field of prosecution and investigation on drug cases. It also aims to address the problems/weaknesses of the procedures and jurisprudence on arrest and prosecution of individual/s in crimes related to violations of RA 9165.

II. Project Objectives

A. Objectives of the Seminar-Workshop

The training for judges, prosecutors and law enforcers have the following objectives:

General:

To coordinate and integrate the overall efforts of the Criminal Justice System (CJS) especially in the field of prosecution and criminal investigation.

Specific:

1. To orient the participants on:
 - a. the classification of drugs, controlled precursors and essential chemicals as listed in the 1961, 1971 and 1988 U.N. conventions on narcotic drugs, psychotropic substances and the illicit traffic thereof;
 - b. R.A. 9165 and its Implementing Rules and Regulations and other DDB Regulations
2. To identify problems encountered in prosecuting drug-related cases and proposing solutions to these problems;
3. To enhance knowledge on:
 - identifying,
 - gathering,
 - handling,
 - presenting, and
 - proper use of evidence on arrests, search and seizures;
4. To refresh the participants of their knowledge about well-tested trial techniques, and to familiarize them on new procedures and the latest jurisprudence.

B. Date of Project Implemented: April 2007

C. Status of the Project – Continuing/On-going

D. Expected Output of the Seminar-Workshop:

1. Gain knowledge/awareness on the dangerous drugs law and latest jurisprudence;
2. Close coordination and integration of the works of the criminal justice system especially in the area of prosecution and criminal investigation;
3. Improve disposition of drug cases through speedy trial

E. Where Seminar-Workshops Had Been Conducted

The seminar-workshop for judges, prosecutors and law enforcers on the dangerous drugs law was implemented in 2007 in different regions of the country as indicated in the table below.

**Table 1. Seminar-Workshop for Judges, Prosecutors and Law Enforcers
By Region from 2007 to 2010**

Region	Number of Seminars Undertaken
NCR	2
CAR	1
1	2
2	2
3	2
4-A	1
4-B	1
5	1
6	2
7	2
8	2
9	2
10	2
11	1
12	2
13	
ARMM	1
TOTAL	26

F. Disposition of Drug Cases Filed in Court

**Table 2. Status of Drug Cases Filed
As of July 2010**

Status	Year							
	2007		2008		2009		2010	
	Total No. of Drug Cases as of Dec. 2007	%	Total No. of Drug Cases as of Dec. 2008	%	Total No. of Drug Cases as of Aug. 2009	%	Total No. of Drug Cases as of July 2010	%
Resolution Rate	N=90,498		N= 99,754		N= 102,629		N= 110,631	
Pending	70,391	77.78	78,047	78.24	79,142	77.11	84,428	76.31
Resolved	15,444	17.07	21,707	21.76	23,487	22.89	26,203	23.69
Conviction Rate*	15,444		20,761		23,487		26,203	
Convicted	5,492	35.56	6,649	32.03	7,273	30.97	7,862	30.00
Acquitted	4,490	29.07	6,065	29.21	7,537	32.09	8,850	33.77
Dismissed	3,884	25.15	5,732	27.61	6,243	26.58	7,053	26.92
Provisionally Dismissed	1,578	10.22	2,315	11.15	2,434	10.36	2,438	9.30

*Based on No. of Resolved Cases (Source: PDEA)

The table shows the cumulative number of drug cases in court. From 2007 to the reporting period, the total number of drug cases which were filed in court has increased from 90,498 in December 2007 to 110,631 in July 2010.

Looking closely at the figures, there is an increasing number of pending cases for the last four (4) years, however, number of cases resolved for the same period has seemingly improved as indicated by the increasing drug cases which were resolved. As shown in the table from 17.07% resolution rate in 2007 to 23.69% as of July 2010.

Based on the conviction rate which also represents the number of cases which were resolved by the courts, statistics on acquittal has increased from 29.07% in December 2007 to 33.77% as of July 2010.

The seminar-workshop for judges, prosecutors and law enforcers was initiated in April 2007.

III. Methodology

a. Research Design

The descriptive evaluative method using both the quantitative and qualitative analysis of data was used in the study.

b. Respondents

The participants who attended the seminar-workshop conducted by the DDB and PHILJA, including the program implementers, served as respondents. A total of 102 judges, prosecutor and law enforcers were interviewed.

c. Sources of Data

The following instruments were utilized to assess the seminar-workshop:

1. The main instrument used was a structured questionnaire which probed into the following: problems encountered by the respondents in handling drug cases prior and after attending the seminar workshop; areas in trying/prosecuting drug cases which need to be strengthened/improved; recommended topics for succeeding seminar-workshops and other information relative to the seminar conducted;
2. Reports of after-training, project proposal, and other document relevant to the seminar-workshops conducted.
3. Reports of drug arrests and cases filed in courts from both law enforcement agency such as PDEA and courts handling drug cases;
4. Program implementers and detainees with drug cases

d. Methods of Data Collection:

The following were undertaken to assess the outcome of the seminar-workshops conducted among judges, prosecutors and law enforcers on the dangerous drugs law. Data collection was undertaken from September to November 2010:

1. Conducted desk research
2. One-on-one interviews with judges, prosecutors and law enforcers who previously attended the said seminar using a structured questionnaire developed by the researcher, as well as, key informant interviews among selected respondents in NCR, Cebu City, Batangas

Questionnaires were also sent either by mail or fax to the target respondents who have attended the seminar from the different agencies and courts in the regions.

3. Interviewed detainees with drug cases utilizing a structured questionnaire in selected city jails

e. Statistical Treatment

Frequency, mean and percentages using the Statistical Package for Social Sciences (SPSS)

IV. Results of the Assessment

A. Documentary Analysis:

Results presented are based on the review of existing documents such as lists of participants, reports of previous seminar-workshops and statistics on drug arrests and seizures, as well as, drug cases filed in court as provided by law enforcement agencies such as the Philippine Drug Enforcement Agency and various courts in the country.

1. The seminar-workshop for judges, prosecutors and law enforcers on the dangerous drugs law was implemented in April 2007 as a response to the Board's mandate to provide training for judges, prosecutors and law enforcers to coordinate and integrate the overall efforts of the Criminal Justice System (CJS) especially in the field of prosecution and investigation on drug cases.

It also aims to address the problems/weaknesses of the procedures and jurisprudence on arrest and prosecution of individual/s in crimes related to violations of RA 9165

2. The Dangerous Drugs Board, in coordination with the Philippine Judicial Association (PHILJA), conducted series of seminar-workshops which targeted the judges, prosecutors and law enforcers. To date, there were a total of 899 participants of these seminar-workshops.

As of December 2010, nine (9) seminar-workshops have been conducted by batches in various regions of the country as indicated in table 3.

Table 3. Dates of Seminar Workshops Conducted, Regions and Number of Participants from 2007 to 2010

Year	Date of Seminar-Workshop	Region	No. of Participants				Venue
			Judges	Prosecutors	Law Enforcers	TOTAL	
			282	242	375	899	
2007	April 26 – 28	NCR	21	19	21	61	Tagaytay County Hotel, Tagaytay City
	June 13-15	VI,VII,VIII	25	39	36	100	Sarabia Manor Hotel & Convention Ctr., Iloilo City
	Aug. 8 -10	NCR	26	33	36	95	Tagaytay County Hotel, Tagaytay City
	Oct. 10-12	IX,X,XII,ARMM	46	37	38	121	Royal Mandaya Hotel, Davao City
	Nov. 21 – 23	I,II,III,CAR	41	24	43	108	Fort Ilocandia Resort, Laoag City
	Dec. 5-7	IV-A,IV-B,V	41	24	43	108	Tagaytay County Hotel, Tagaytay City
2009	April 21-23	VI,VII,VIII	25	21	60	106*	Waterfront Hotel, Mactan City
	July 28-30	IX,X,XI,XII	17	22	57	96*	Royal Mandaya Hotel, Davao City
2010	March 2-4	I,II,III	40	23	41	104	Oxford Hotel, Angeles City, Pampanga

*Excluding Participants from Parole and Probation Administration (PPA)/Observers

3. Project Inputs:

- a. Dangerous Drugs Board, as the implementing agency provided the following:
 - Transportation, food and accommodation for participants, resource speakers and working staff;
 - Working staff;
 - Resource speakers;
 - Information materials such as copies of RA 9165, Board Regulations , pamphlets

 - c. PHILJA, as the collaborating/coordinating agency provided the following:
 - Two-day food and accommodation for participant judges and prosecutors (representing one day before and one day after accommodation);
 - Printing and sending of invitations to judges and prosecutors; certificates of participation; and
 - Lecture and case study materials where resource speaker are the judges/prosecutors
4. Criteria for the Selection of the Participants:
- For judges and prosecutors, all those trying/prosecuting drug cases were invited;
 - For law enforcers, those recommended by the heads of agencies and priority are those handling drug cases.
5. The project is designed for a three-day live-in seminar-workshop which consisted of eight (8) lecture sessions or topics as follows:
- a. Current National Drug Situation: Government Response to the Drug Problem

Session Objective: To update participants on the magnitude of the drug problem, its current national trends, patterns and the government's response to the problem;

 - b. Classification of Dangerous Drugs and Their Pharmacological Effects

Session Objective: To provide knowledge on various dangerous drugs, controlled precursors and essential chemicals under the various UN Conventions; street names of commonly abused drugs and their pharmacological effects; to aid law enforcers, prosecutors and judges in the effective prosecution of drug cases;

- c. An Overview of RA 9165, Supreme Court Decisions Substantive Law and Supreme Court Rulings Related to Drug Cases

Session Objective: To present an overview and updates on substantive law with particular emphasis on Sections 5, 11 and 26, including Supreme Court guidelines of R.A. 9165, and jurisprudence on drug-related cases;

- d. R.A. 9344 (First Time Minor Offender/Suspension of Sentence)
In relation to Section 66 of R.A. 9165 and Salient Features of the Rule on Children Charged under R.A. 9165

Session Objective: To discuss the suspension of sentence for children in conflict with the laws under R.A. 9344 in relation to R.A. 9165, Law on Probation and the salient features of the Rules on Children charged under R.A. 9165, as provided under AM No. 07-8-2-SC, November 5, 2007;

- e. Treatment and Rehabilitation of Drug Dependents

Session Objective: To create awareness among participants on the different treatment modalities and rehabilitation procedures as provided under Section 54 and 61 of RA 9165, aftercare and follow-up programs for drug dependents; and to clarify issues on voluntary and compulsory confinement for treatment and rehabilitation of drug dependents;

- f. Rules on Warrant of Arrests, Search and Seizures

Session Objective: To discuss various issues on the legalities and requisites of a valid warrant of arrest, search and seizures; including applicability of various doctrines and present jurisprudence concerning the topics;

- g. Handling of Evidence in relation to Section 21 of R.A. 9165

Session Objective: To explain the legal procedures in the collection, handling and preservation of evidence in relation to section 21 of R.A. 9165; its admissibility in court, and the proper establishment of a direct chain of custody;

h. Inquest and Preliminary Investigation: Determination of Probable Cause in Drug Cases

Session Objective: To review inquest and preliminary investigation techniques re: determination of probable cause in drugs cases;

i. Workshop Session

Workshop Objectives: To provide participants with opportunities to discuss/share issues and concerns on the proper procedures in the conduct of buy-bust operations, collection, handling and preservation of evidences; determination of probable cause, applicability of various legal doctrine in buy bust operation, search and arrest warrants; and the appreciation of their knowledge in a given sample of a drug-related case from inquest, preliminary investigation up to the filing of the case in court; and how the Courts will appreciate the case;

The Workshop is divided as follows:

- “Investigating a Drug Offense”
- “Prosecuting and Trying a Drug Case”
- “Handling of Evidence”
- “Issues and Concerns”

6. Activities undertaken for the three-day seminar-workshop :

- Lecture sessions;
- Workshops for judges, prosecutors and law enforcers
- Presentation of Case Studies
- Open forum

7. Post evaluation forms were distributed to the participants which looked into the:

- Seminar’s profitability which measured/assessed the expectations, if knowledge acquired has improved and rate of seminar’s profitability among others;
- General conduct of the seminar assessed variables such as: schedule, venue, methods/procedures, format, subject matter

discussed, choice of lecturers, hand-outs/materials provided, general program and secretariat based on a five-point scale

- Resource persons', lecturers' and facilitators' evaluation based on their expertise of the subject matter, method of presentation, use of teaching devices, and rapport with participants;
- Conduct of the Activity measured the overall execution of the program using a five-point scale and assessed areas of the seminar that needs improvement;
- Training Needs which would enhance skills of the participants for the next seminar-workshops to be undertaken

8. Cost of Seminar-Workshop:

Year	Cost of Undertaking
2007	Php 8,767,004.44
2009	Php 6,932,767.00
2010	Php 1,788,985.00

B. Follow-up Interview with Participants of Previous Seminar-Workshop for Judges, Prosecutors and Law Enforcers

This part of the report discusses the results of information gathered from the respondents who previously attended the seminar –workshops on dangerous drugs law conducted by the Dangerous Drugs Board, in coordination with the Philippine Judicial Association.

The main instrument utilized was a structured questionnaire which probed into the problems encountered by the respondents in handling drug cases prior and after attending the seminar-workshop; areas in trying/prosecuting drug cases which needs to be strengthened and improved; recommended topics for succeeding seminar-workshops and other relevant information in handling drug cases. Likewise, interview with key informants in selected cities were conducted to provide qualitative information.

The researchers interviewed some detainees to corroborate findings gathered from the respondents particularly on the status and perception how these courts handle their drug cases among others.

A total of 102 judges, prosecutors and law enforcers who previously attended the seminar-workshop on dangerous drugs law were interviewed and served as respondents of the study as shown on table below:

Table 4. Number of Respondents

Respondents	Number
Judges	43
Prosecutors	22
Law Enforcers	37
Total	102

Presentation of findings was organized according to:

1. Results of Interview with Judges and Prosecutors
2. Results of Interview with Law Enforcers
3. Information Gathered from Key Informants
4. Results of Interview with Detainees in Drug Cases

1. Results of Interview with Judges and Prosecutors

The following are findings of the follow-up interview with judges and prosecutors who attended previous seminars on the dangerous drugs law. Results included their perception, problems encountered prior and after attending the seminar, and other areas of concern in prosecution of drug cases.

a. Demographic Profile of the Judge and Prosecutor Respondents

Table 5. Respondents by City, Municipality and Region

Place	No. of Judges (N=43)	Percent	No. of Prosecutors (N=22)	Percent
NCR	18	41.86	13	59.09
<i>Caloocan City</i>	5	11.63	7	31.82
<i>Makati City</i>	1	2.33		
<i>Mandaluyong City</i>	1	2.33		
<i>Manila</i>	5	11.63	6	27.27
<i>Muntinlupa</i>	1	2.33		
<i>Paranaque City</i>	2	4.65		
<i>Quezon City</i>	1	2.33		
<i>Taguig City</i>	1	2.33		
<i>Valenzuela City</i>	1	2.33		
Region I	2	4.66		
<i>Burgos, Pangasinan</i>	1	2.33		
<i>Lingayen, Pangasinan</i>	1	2.33		
Region II				
<i>Bayombong, Nueva Vizcaya</i>	1	2.33		
Region III				
<i>Malolos, Bulacan</i>	3	6.98		
Region IV & IV-A				
<i>Batangas</i>	4	9.30	4	18.18
Region VI	4	9.30		
<i>Bacolod City, Bacolod</i>	3	6.98		
<i>Iloilo</i>	1	2.33		
Region VII	8	20.93		
<i>Cebu City, Cebu</i>	6	13.95	5	22.73
<i>Lapu-Lapu City, Cebu</i>	2	4.65		
<i>Mandaue City, Cebu</i>	1	2.33		
Region IX				
<i>Zamboanga City, Zamboanga</i>	2	4.65		
TOTAL	43	100.00	22	100.00

There were 43 judges and 22 prosecutors who were previous participants of the seminar-workshop had been interviewed and/or responded to the questionnaire which were either mailed or faxed especially in the regions. The table above indicates the regions where the respondents were drawn.

Table 6. Judges & Prosecutors Who Participated in the Seminar-Workshop

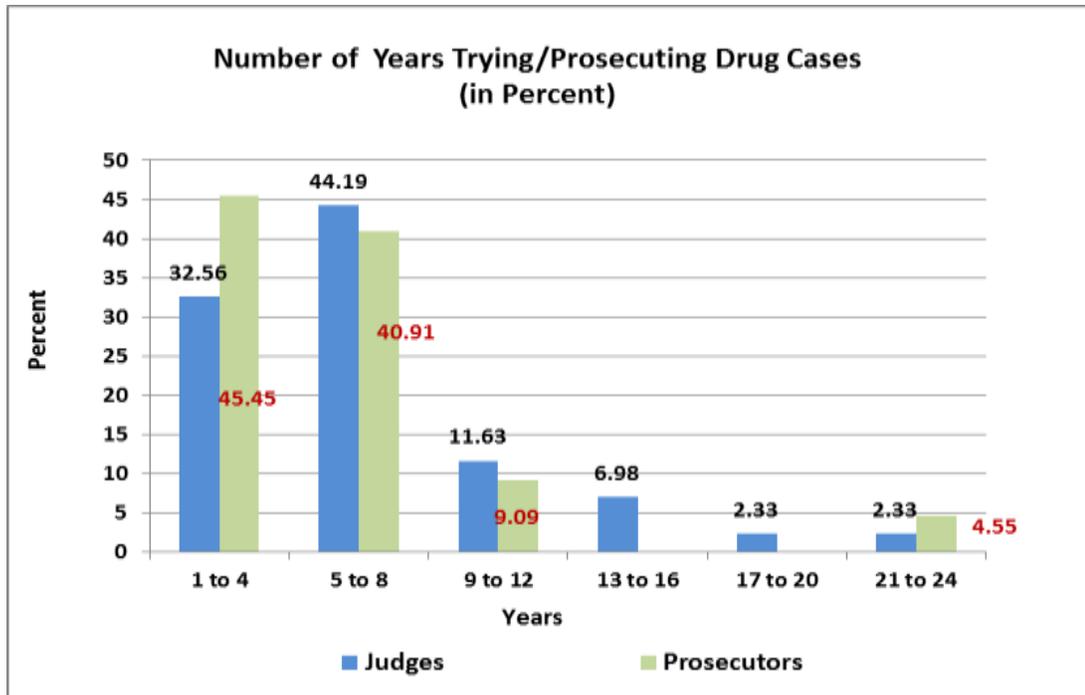
Place	No. of Judges (N=43)	Percent	No. of Prosecutors (N=22)	Percent
AGE	Mean Age: 54 years old		Mean Age: 38 years old	
35 to 44	4	9.30	12	54.55
45 to 54	11	25.58	8	36.36
55 to 64	24	55.81	2	9.09
65 & above	4	9.30		
SEX				
Male	26	60.47	10	45.45
Female	17	39.53	12	54.55
CIVIL STATUS				
Single	8	21.62	5	22.73
Married	30	81.08	16	72.73
Separated	1	2.70		
Widow	4	10.81	1	4.55
Length of Service Government (in years)	Average Years: 10		Average Years: 8	
			Min.- 5 yrs. Max.- 28 yrs.	
1 to 7	14	37.84	13	59.09
8 to 14	20	54.05	6	27.27
15 to 21	8	21.62	2	9.09
22 to 28	1	2.70	1	4.55
Length of Service in Present Work (in years)	Average Years: 6.5		Average Years: 5	
	Min. - 1 yr. Max. - 28 yrs		Min. - 3 yrs. Max.- 23 yrs.	
1 to 7	29	78.38	18	81.82
8 to 14	11	29.73	3	13.64
15 to 21	1	2.70		
22 to 28	2	5.41	1	4.55

Among the judges interviewed (43), the average age was 54 years old belonging to age groups between 35 to 65 years and above. More male than female, married and have been in government service for an average of 10 years and as presiding judge for an average of 6.5 years.

On the other hand, there were twenty-two (22) prosecutors interviewed between the ages of 35 to 64 years with an average age of 38 years old. There were more female than male and are married. They have been working in the government for an average of 8 years, with a minimum of 3 to a maximum of 23 years government service and as prosecutor for an average of 5 years.

b. On Trying/ Prosecuting Drug Cases Prior to Participation in the Seminar - Workshop

Chart 1.



*Judges – Ave. years – 6.5
 Prosecutors – Ave. years - 5

The graph represents the number of years the respondents have been handling drug cases. On the average, the judges have been trying drug cases for 6.5 years and 5 years for the prosecutors, respectively.

Table 7. Problems Encountered in Trying/Prosecuting Drug Cases Prior to

Participation in the Seminar-Workshop

Problems Encountered	Judges *	Percent	Prosecutors *	Percent
On Drug Evidence	4	5.97	7	17.95
<i>Strict Requirements under Sec. 21 of RA9165, Interpretation & Application</i>	3	4.48	3	7.69
<i>Security of Drug Evidence in Custody of Court</i>	1	1.49	4	10.26
Trial/Court Hearings	60	89.55	28	71.79
<i>Non-Appearance of Police Witnesses</i>				
<i>Prosecutors/PAO Lawyers/ Forensic Chemist</i>	34	50.75	11	28.21
<i>Failure of prosecution to Present & Establish Concrete & Solid Evidence</i>	16	23.88	10	25.64
<i>Enormous Dockets of Drug Cases</i>	5	7.46	5	12.82
<i>Police Incompetence in Appearing in Court</i>	4	5.97	1	2.56
<i>Mechanisms/Ways to Expedite Trial</i>	1	1.49		
<i>Impracticability of Having Special Drug Court</i>			1	2.56
On Dangerous Drugs Law (RA 9165)	3	4.48	4	10.26
<i>Non-Familiarity with Recent Jurisprudence, Rules & DDB issuances</i>	3	4.48	4	10.26

*Multiple Responses based on No. of Responses

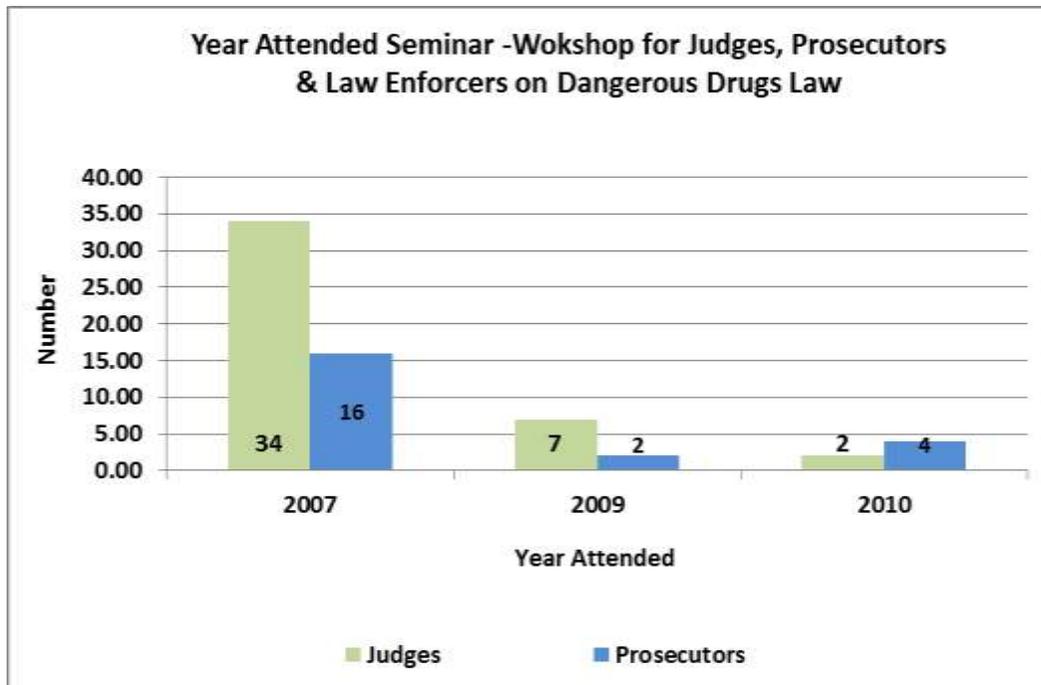
When asked of the problems encountered in trying/prosecuting drug cases prior to their participation in the seminar-workshop, the judges mostly cited (89.55%) problems in court trials and hearings particularly non-appearance of police witnesses, prosecutors, lawyers and forensic chemists (50.75%); failure of the prosecution to establish solid evidence (23.38%); and the voluminous drug cases pending in courts (7.46%). They also mentioned problems on the implementation of Sec. 21 of R.A. 9165, particularly, the legal procedures in collecting, handling and preserving evidence and its acceptability in court and securing the confiscated drug evidence turnover to the court. On the dangerous drugs law, the lack of knowledge of some judges in trying drug cases specifically where the accused plead guilty to drug use.

With the prosecutors, the problem is mainly on the trial and prosecution of drug cases (71.79%). Similar problems with the presiding judges were experienced by the prosecutors in trying drug cases. Non-familiarity with recent jurisprudence, rules and DDB issuances was also cited (10.26%).

3. On the Seminar-Workshop for Judges, Prosecutors & Law Enforcers Attended

by Judge and Prosecutor Respondents

Chart 2.



The graph represents the year the respondents attended the seminar-workshop on dangerous drugs which were conducted in 2007, 2009 and 2010, respectively.

There were a total of 43 judges and 22 prosecutors who were interviewed in this assessment study.

Table 8. Measures Undertaken to Resolve Previous Problems in Handling Drug Cases

After Attending Seminar-Workshop

Variables	Judges (N=43)	Percent	Prosecutors (N=22)	Percent
Were the Problems Previously Encountered Remedied?				
Yes	19	44.19	2	9.09
No	11	25.58	17	77.27
Both Yes & No	3	6.98	1	4.55
Did not specify	10	23.26	2	9.09
If Yes, Measures Done to Resolve Problems	No. of Responses* (n=19)	Percent	No. of Responses* (n=2)	Percent
Had Dialogue with Chief of Police/Police Officers on Concerns of the Court	6	27.27		
Fixed Trial Dates	3	13.64		
Required Police Officers/Witnesses to Explain for Non-appearance in Court	4	18.19	2	50.00
Encouraged/Advised Prosecutors to be More Resourceful to Track Police Witnesses	2	9.09		
Re-echoed Seminar Workshop	2	9.09		
Ordered Destruction of Evidence for Large Quantity of Drugs Confiscated	2	9.09		
Coordinated with PPA re: Voluntary Submission	1	4.55		
Kept Abreast with Latest Jurisprudence	1	4.55	2	50.00
Strictly Abided to Procedures of RA 9165	1	4.55		
If No, Why?	No. of Responses* (n=11)	Percent	No. of Responses* (n=17)	Percent
Transfer of Police Witnesses	6	46.15	6	28.57
Some Police Witnesses Have Appeared Incurable	2	15.38	1	4.76
Need to Designate More Drug Courts	2	15.38		
Witnesses Continuously Ignore Court Subpoenas & File Inquest Cases			1	4.76
Law Enforcers Lack Training/Technical Skills in Handling Drug Evidence & Arrests/Seizures	1	7.69	12	57.14
Similar Mistakes Are Still Being Committed	2	15.38	1	4.76

Respondents were asked if problems in handling drug cases had been resolved after attending the seminar-workshop on dangerous drugs law and what measures were done to address the problems previously encountered.

Among the judges, 19 or 44.19% admitted that some of the problems previously encountered were being addressed by the prosecution such as non-coordination between the courts, prosecutors and arresting officers; and the delay due to postponement of court hearings.

After attending the seminar-workshop, 27.27% of the judges initiated dialogues with chief of police/police officers regarding the concerns of the courts; 13.64% of the presiding judges strictly observed schedules of hearings to minimize postponement of trials, as well as, required witnesses to submit in writing reason/s for their non-appearance during hearings. Other remedial measures done were: re-echoing of the seminar-workshop on dangerous drugs law to their clerk of courts and staff; encouraging prosecutors to coordinate and be more resourceful in tracking/monitoring police witnesses; and ordering the destruction of seized drugs where it involved large quantities and keep the representative sample/s to a minimum quantity (9.09%).

Eleven (11) or 25.58% of the judges admitted problems were not address mainly because of the transfer of police witnesses to another location/assignments (46.15%); incorrigible behavior of some police witnesses who commit similar mistakes despite being summoned by the judge (15.38%) and the lack of designated courts to try drug cases considering the voluminous court cases filed. They also mentioned the lack of training/technical skills of law enforcers in handling of evidences (7.69%).

On the other hand, more of the prosecutors (17 out of 22) claimed problems in handling drug cases were not resolved after their attendance in the seminar-workshop on dangerous drugs law. Most common reasons cited were: law enforcers lack trainings/technical skills in handling drug cases (57.14%); and transfer of work assignments of police witnesses (28.57%).

Only two (2) of the prosecutors mentioned there were improvements in their handling of drug cases such as keeping abreast with the latest jurisprudence and courts requiring police witnesses to explain non-appearance during court hearings.

Table 9. Areas Still Need Improvement after Attending Seminar-Workshop

Needs Improvement*	Judges (N=43)	Percent	Prosecutors (N=22)	Percent
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On Drug Evidence	17	30.90	8	30.80
Hands-on Training on Proper Handling, Marking & identifying Confiscated Evidence	11	20.00	8	30.80
More Lectures on Drug Arrest, Search & Seizure	3	5.45		
Drug Evidence for Safekeeping in Court	3	5.45		
On Trial /Court	19	34.55	11	42.30
Strict Compliance with the IRR of RA 9165	12	21.82	5	19.23
Language Skills for Law Enforcers/Prosecutors in Presenting Evidences	7	12.73	6	23.07
On Dangerous Drugs Law (RA 9165)	3	5.45	1	3.84
Review Provisions of RA 9165 that Need to be Amended	3	5.45	1	3.84
Others				
Ocular Inspections &/or Actual Implementation of Orders	7	12.73	4	15.38
Updated Circulars & Supreme Court Issuances	6	10.91	1	3.84
Inclusion of PAO Lawyers and Clerk of Courts in the Seminar	3	5.45	1	3.84

*Multiple Response Based on No. of Responses

The respondents interviewed cited several areas where the succeeding seminar-workshops can improve in order to address the problems encountered by judges, prosecutors and law enforcers in trying/prosecuting drug-related cases. The responses were grouped according to the areas of concern by the prosecution: on the handling of drug evidence, on trial and court hearings, on the dangerous drugs law and others.

Based on the judges' responses, the succeeding seminar-workshops should have a comprehensive discussion on the proper handling of drug evidence from initial custody of the apprehending officer to the time the same is presented in the court as evidence (30.90%). According to the respondents, there should be more hands-on training for law enforcers/arresting officers on the proper handling, marking and identifying of confiscated evidence (20%) since they still encounter similar problem in court; and to be able to discuss some concerns of the court such as measures which will safeguard evidence in the court's custody and safekeeping.

Another concern of the court which can be addressed by the succeeding seminar-workshops is the problem/s encountered by presiding judges during court trials and hearings (34.55%). Judges recommended that forthcoming seminars to be undertaken should have a thorough discussion on the requirements of the dangerous drugs law; and conduct more workshops that will improve the participants' communication skills particularly the law enforcers/arresting officers who testify as witness against the accused and for the prosecutors who are presenting their evidences in court (12.73%).

On the other hand, most of the prosecutors interviewed emphasized the need to address the problems encountered during court hearings (42.30%) especially in the manner of presenting the drug evidences in court and compliance to the requirements of the dangerous drugs law. The prosecutors also observed the need for communication

skills training for law enforcers who are appearing in court as witnesses and also for the prosecutors in drug cases.

Both groups proposed that for the succeeding seminars, the participants be exposed to simulated ocular inspections and actual implementation of orders by the court and to include the participation of Public Assistance Office (PAO) lawyers and clerk of courts who are also stakeholders.

Table 10. Areas That Need to Be Strengthened in Trying/Prosecuting Drug Cases

Needs to Be Strengthened	Judges (N=43)	Percent	Prosecutors (N=22)	Percent
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Intensive Training for Law Enforcers/Mastery on the Requirements Under RA 9165	15	34.88	8	36.36
Handling of Drug Evidence/Uniformity in Procedures & Marking of Evidences	10	23.26	5	22.73
More Coordination Between Prosecutors & Law Enforcers/Have Prior Conference	7	16.28	4	18.18
Strengthen the Dangerous Drugs Law (RA 9165) by amending some provisions	5	11.63	2	9.10
Availability of Prosecution Witness	4	9.30		
Prosecutors Need to be Trained on Prosecuting Drug Cases	2	4.65	1	4.55
Strengthen the Witness Protection Program (WPP)			1	4.55
More Equipment for PNP Stations Especially in the Provinces			1	4.55
TOTAL	43	100.00	22	100.00

According to the respondents, there are a number of areas that need to be strengthened to improve prosecution of drug cases.

Almost forty percent of the judges emphasized the need for the law enforcers to undergo intensive training and mastery of the requirements under Section 21 of RA 9165, as well as, on the proper procedures for marking evidences (23.26%). Strengthen the coordination efforts of both the prosecutors and law enforcers by having regular conference/briefing before the scheduled court trials (16.28%) and the regular attendance/availability of prosecution witnesses during hearings were also emphasized.

On the part of the prosecutors, similar areas emphasized by the judges were cited such as: intensive training for law enforcers on the requirements of the law (36.36%); proper handling of evidences by law enforcers and other arresting officers (27.73); and more coordination efforts between prosecutors and law enforcers/witnesses (18.18%). They also added the need to strengthen the Witness Protection Program (WPP) and capacity-building for PNP stations especially in the provinces where they lack equipments for testing drugs.

In both groups, amending some provisions of the dangerous drugs law would strengthen the prosecution of drug cases as cited by 11.63% of the judges and 9.10% of the prosecutors, respectively.

Table 11. Suggested Topics for the Succeeding Seminar-Workshop for Judges, Prosecutors & Law Enforcers

Topics*	Judges (N=43)	Percent	Prosecutors (N=22)	Percent
Proper Handling of Drug Evidence & Chain of Custody	19	35.20	10	34.48
How To Effect a Lawful Arrest/SOP to be Followed in Filing Drug Cases	8	14.81	6	20.69
Comprehensive Discussion of Section 21 of RA 9165	6	11.11	3	10.34
Inquest and Preliminary Investigation	6	11.11	2	6.90
Actual Field Operation for Law Enforcement	5	9.26		
Values Formation/Ethical Standards for Law Enforcers	3	5.56	3	10.34
Techniques in Presenting Evidences in Court for Law Enforcers & Prosecutors (e.g. Language skills)	2	3.70		
Section 86, RA 9165 such as coordination of PDEA & Participation of Local Officials During Drug Inventory	2	3.70	3	10.34
Mediation Techniques & Docket Management	2	3.70	1	3.45
Update with New Drug Trends and Jurisprudence	1	1.85		
Training for Probation Officers			1	3.45

*Multiple Response Based on No. of Responses

There are a number of suggested topics as mentioned by both judges and prosecutors which could be incorporated on the succeeding seminar-workshops for judges, prosecutors and law enforcers.

Both groups emphasized to concentrate on the proper handling of drug evidence and chain of custody specifically the legal procedures in collecting, handling and preserving evidence in drug cases; requisites of a valid search warrant ,as well as, rules and guidelines in filing drug cases; detailed discussion of section 21 to acquire mastery of the requirements of the dangerous drugs law, as well as, simulated and role playing of actual field operations conducted by law enforcers; and values formation for arresting officers and law enforcers.

c. Other Issues Relative to Prosecution of Drug Cases as Perceived by Judges and Prosecutor Respondents

1. How does handling of drug evidence be strengthened in court?

Table 12. How Handling of Drug Cases Be Strengthened in Court According to Judges & Prosecutors

Response*	Judges (N=43)	Percent	Prosecutors (N=22)	Percent
Claim of Chain of Custody of Evidence Be Properly Established	16	32.65	3	12.00
Preservation of the Integrity of the Evidence Recovered	11	22.45	9	36.00
Close Coordination Between Prosecutor & Witness/Regular Preliminary Meetings & Conferences	9	18.37	2	8.00
Continuous Legal Education on Evidence Handling to Witnesses	6	12.24	5	20.00
Impartiality of Courts	3	6.12	1	4.00
Providing Place for Safekeeping of Evidence	2	4.08	1	4.00
Increase Language Skills Capability of Law Enforcers in Testifying/Presenting Evidence in Court	1	2.04	1	4.00
Strengthening/Encouraging Witnesses to Avail of the Witness Protection Program	1	2.04	1	4.00
Increase No. of Forensic Analysts			1	4.00
Security of the Prosecutor			1	4.00

* Multiple Response Based on No. of Responses

Respondents pointed several measures how the handling of drug cases could be strengthened in court.

Based on the responses of the judges, the proper management in the custody of evidence (32.65%); able to secure and preserve the integrity of evidence gathered (22.45%); and improve coordination between witnesses and prosecutors (18.37%) were most mentioned for a drug case to pursuit in court and strengthened its conviction. Increasing the capability-building of arresting officers who appear as court witnesses, through continuing legal education and language skills training in areas such as testifying/presenting evidence in court further contributes to better conviction of those involved in a drug case since the witnesses are more trained in the proper handling of drug evidence, as well, develop the skills in presenting and testifying in court.

Prosecutors on the other hand emphasized foremost the need to preserve integrity of drugs recovered/seized (36%); followed by continuing legal education on handling of evidence (20%); and properly established chain of custody (12%). The need for closer coordination between the prosecutor and witnesses; increasing number of forensic analysts; and the safety of the prosecutors among others were cited.

2. Do you encourage the giving of rewards to informants?

Table 13. Respondents' Perception for Giving of Rewards to Informants in Drug Cases

Variables	Judges (N=43)	Percent	Prosecutors (N=22)	Percent
Do you favor the giving of rewards to informants?				
Yes	21	48.84	8	36.36
No	22	51.16	14	63.64
If Yes, Why?	Judges (n=21)		Prosecutors (n=8)	
Only to informants of big drug deals/laboratories	2	9.52	3	37.50
Only if in need for allowance of food & transportation	13	61.90	5	62.50
Provided informant is monitored to avoid connivance & false alarm	4	19.05		
If No, Why Not?	Judges (n=22)		Prosecutors (n=14)	
It is everyone's duty/responsibility			1	7.14
Not relevant concern of the court	18	81.82	10	71.43
Did not specify	4	18.18	3	21.43

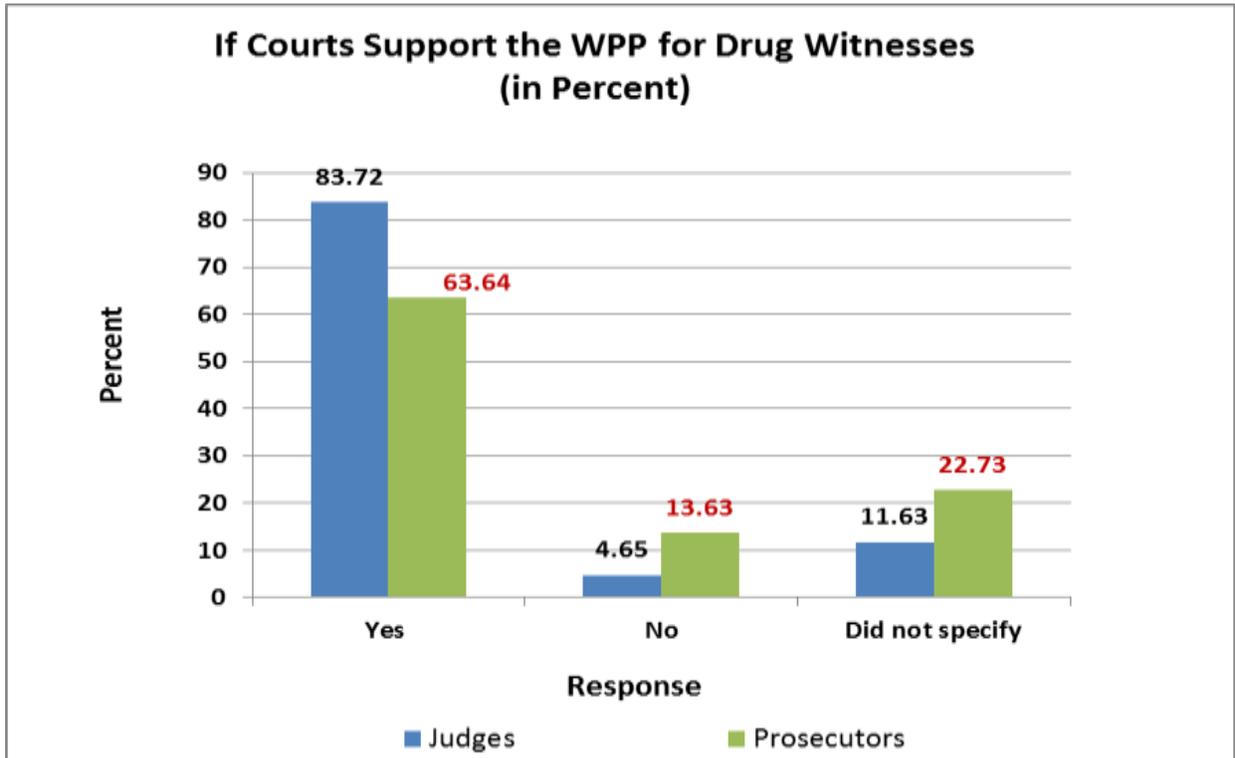
Among the judges, there are an almost equal percentage of those who approve (21 or 48.84%) and those who do not approve (22 or 51.16%) in granting rewards to informants in drug cases.

Those who approved, however, cited the following conditions: only to informants where the accused is involved in huge drug deals, in the manufacture and operation of clandestine laboratories (2 or 9.52%); that the money will be utilized to defray transportation expenses and food allowance of the informant (61.90%); and provided the informant is closely monitored to avoid connivance with the law enforcers/arresting officers or avoid situations where informant may have provided erroneous information (19.06%).

Among the prosecutors, there were more who do not approve of giving rewards to informants (14 or 63.64%) than those who agree (8 or 36.36%) primarily because it is not the concern of the court as mentioned by 71.43% or that it is every citizen's responsibility (7.14%)

- Does the court supports the witness protection program with respect to drug witnesses?

Chart 3.



*Judges (N=43)
Prosecutors (N=22)

Majority in both groups support the Witness Protection Program (WPP) for witnesses in drug cases as indicated by 83.72% of the judges and 63.54% of the prosecutors interviewed.

The more reason the witnesses especially in high-profiled drug case need to be protected as cited by the respondents.

4. Would you recommend any amendment in the law that would strengthen the prosecution of drug cases?

Table 14. Respondents' Proposed Amendments to RA 9165

Reason/s of Proposed Amendments *	Judges (n=26)	Percent	Prosecutors (n=16)	Percent
Variables	Judges (N=43)	Percent	Prosecutors (N=22)	Percent
Do you recommend any amendment of RA 9165?				
Yes	26	60.47	16	72.73
None	7	16.28	4	18.18
Did not specify	10	23.26	2	9.09
If Yes, What section/s?	No. of Responses* (n=26)	Percent	No. of Responses* (n=16)	Percent
Section 11 – Possession of Dangerous Drugs	6	19.35		
Section 12 – Possession of Equipment, Instrument, Apparatus & Other Paraphernalia for Dangerous Drugs	3	9.68		
Section 15 – Use of Dangerous Drugs	1	3.23		
Section 21 – Custody & Disposition of Confiscated, Seized &/or Surrendered DD, Plant Sources of DD, Controlled Precursors & Essential Chemicals, Instruments/Paraphernalia &/or Lab. Eqpt.	14	45.16	15	60.00
Section 23 – Plea Bargaining Provision	3	9.68	9	36.00
Section 86 – Transfer, Absorption & Integration of All Operating Units on Illegal Drugs into the PDEA & Transitory Provisions	2	6.45		
Period to decide on drug cases	1	3.23	1	4.00
Probation/Rehabilitation of Convicts for Drug Possession	1	3.23		

***Multiple Responses based on the No. of Responses**

Majority of the judges and prosecutors interviewed recommended amendments to R.A. 9165 to strengthen prosecution of drug cases. According to the respondents, there are some provisions in the dangerous drugs law (RA 9165) that weakens conviction of the accused.

Most of the judges proposed revisions to sections 21, 11, 12 and 23, respectively while for most of the prosecutor respondents' amendments to sections 21 and 23 were recommended.

Table 15. Reasons/s for Proposed Amendments to RA 9165

Decongest jails if penalty for possession is lowered	11	32.35	4	22.22
Law enforcers could not strictly comply w/ sec. 21 w/c weakens the prosecution	11	32.35	13	67.13
Offer of Plea bargaining limited to illegal use/possession, not to pushing/selling	7	20.59	1	5.56
Drug Cases w/c involved minor offenders should be reviewed on case-to-case basis	2	5.88		
Ocular inspection to be conducted w/in 3 to 4 days from filing of complaint (sec. 21)	2	5.88		
Probation should be allowed for drug offenders arrested for less qty. of drugs (sec.24)	1	2.94		

***Multiple Responses based on the No. of response**

The judges proposed the following amendments as measures to strengthen prosecution of drug cases: graduated penalty for unlawful acts (11 or 32.35%); amend section 23 such that provisions for plea bargaining is restored, however, limited to illegal use and possession and should not apply to those accused for drug trafficking or pushing (10 or 29.41%); and to amend some provisions stipulated in section 21.

In recommending the graduated penalty for unlawful acts, judges perceived this will decongest the jails considering that a significant number of detainees are those charged with RA 9165, particularly, illegal drug possession. Moreover, in proposing revisions to section 21, the problem for law enforcers' non-compliance with the requirements specified under this section can be addressed, and will also give the court a better leeway to convict an accused. As further explained by the respondents, with the stiff compliance of the requisites of the law and sanctions for heavier penalty, the judges' decision to convict an accused becomes more difficult.

Minor offenders involved in drug cases, as well as, drug offenders stated in section 24 be allowed to avail of probation provided seized drugs require lesser quantity was also being proposed for review.

According to the prosecutors, amendments to section 21 would provide flexibility for law enforcers to comply with the requirements stipulated thereat as cited by almost 70% of them, as well as, amendments to penalty for unlawful acts which will ease decongested jails of drug cases where penalty for drug possession will be downgraded depending on the amount seized. This will automatically reduce the amount for bail which becomes affordable to the accused as mentioned by the respondents (22.22%).

5. Are you amenable to restoring plea bargaining?

Table 16. Respondents' Perception on Plea Bargaining for Accused in a Drug Case

Variables	Judges (N=43)	Percent	Prosecutors (N=22)	Percent
Do you agree restoring plea bargaining?				
Yes	24	55.81	5	22.73
No	13	30.23	14	63.64
Did not specify	6	13.95	4	18.18
If Yes, Why? *	No. of Responses* (n=24)		No. of Responses* (n=5)	Percent
To expedite resolutions/dispositions of drug cases	20	68.96	1	16.67
Only with respect to illegal drug possession involving small amount	4	13.79	3	50.00
Penalty of 2 to 4 years w/ 7 years of actual community service & no probation	2	6.90		
Severity/Gravity of the act or participation should be considered	1	3.45		
Only for first time drug offenders/minor offenders	2	6.90	2	33.33
If No, Why? *	No. of Responses (n=13)		No. of Responses*(n=14)	Percent
There should be no reason for plea bargaining in drug cases	3	20.00	4	26.67
It would be the source of corruption	2	13.33	2	13.33
Not allowed by law	10	66.67	9	60.00

*Multiple Response based on the No. of responses

More judges agreed to amend section 23 on plea bargaining primarily to expedite the disposition of drug cases (68.96%). The court further approve of this revision in the law depending on the quantity of drugs seized (4 or 13.79%) and in instances where the accused is a first time drug offender/minor offender giving the accused a chance to reform (6.90%).

On the other hand, more of the prosecutors interviewed (14 or 63.64%) did not agree based on the following premise: there should be no reason to plea bargaining where the accused is charged in a drug case (26.67%) and it would be the source of corruption (2 or 13.33%).

6. What is your opinion of having special drug courts handling drug cases?

Table 17. Respondents' Perception on Having Special Drug Courts

Variables	Judges (N=43)	Percent	Prosecutors (N=22)	Percent
Do you favor that special courts try/prosecute drug cases?				
Yes	22	51.16	11	50.00
No	16	37.21	9	40.91
Did not specify	5	11.63	2	9.09
	Judges (n=22)	Percent	Prosecutors (n=11)	Percent
Speedy trial/More disposal of drug cases	18	81.82	6	54.55
Enable judges to devote more time to study the drug cases	3	13.64	5	45.45
Specialization of the law	1	4.55		
If No, Why?	Judges (n=16)	Percent	Prosecutors (n=9)	Percent
Limits growth when concentrated to only one special law	6	37.50	2	22.22
All courts are supposed to be competent in handling drug cases	3	18.75	3	33.33
Does not help decongest dockets	2	12.50	2	22.22
It will put judges trying drug cases in danger	1	6.25	1	11.11
Present set-up is sufficient	1	6.25		

* Multiple Response Based on No. of Responses

More than half of the judges agreed to special courts mainly to speed-up the trial of drug cases (81.82%). This will allow the court more time to review the cases and have an expertise of the law were the other reasons given.

However, 16 judges disagreed. Of this 6 or 37.50% admitted that specializing on drug cases limit their professional growth. They further disclosed that decisions in drug cases are predictable and is specific in the provision of the law. Some acknowledged that the courts are competent to try cases including those that are drug-related (3 or 18.75%). Contrary to what most judges have reasoned out, special courts do not help dispose of the numerous drug cases pending in court as cited by two (2) of those who disagreed.

On the other hand, half of the prosecutors interviewed prefer special drug courts and presented similar reasons for agreeing. There were nine (9) who do not agree primarily citing that courts have the expertise in prosecuting even cases which involved drugs (33.33%). Aside from restricting their skill to one special law, respondents professed that special courts do not resolve the problem of managing voluminous drug cases docketed in court. Since only a few courts are handling drug cases, judges/prosecutors assigned to these courts perceived the risk or physical danger especially with high-profiled drug cases was also the reason for disagreeing.

2. Results of Interview with Law Enforcers

The following were the information gathered from the follow-up interview with some of the law enforcers who participated in previous seminar-workshops particularly on handling drug case prior and after attending the seminar; areas needing improvement and issues pertaining to prosecution of drug cases. A total of thirty-seven (37) law enforcers were interviewed.

Demographic Profile of the Law Enforcer Respondents

Table 18. Respondents by City, Municipality and Region

Place	No. of Respondents (N=37)	Percent
NCR	12	32.43
Caloocan City	1	
Makati City	1	
Paranaque City	1	
Quezon City	9	
Region I	2	5.41
San Fernando City, La Union	2	
Region III	3	8.11
San Jose Del Monte, Bulacan	1	
Tarlac City, Tarlac	2	
Region IV-A	1	2.70
Antipolo City, Rizal	1	
Region VI	3	8.11
Iloilo City, Iloilo	3	
Region VII	11	29.73
Cebu City, Cebu	11	
Region VIII	2	5.41
Tacloban City, Leyte	2	
Region IX	1	2.70
Zamboanga City, Zamboanga	1	
Region XI	2	5.41
Davao City, Davao del Sur	2	
TOTAL	37	100.00

The table shows the city/municipality and regions where the respondents were drawn. Thirty-seven (37) law enforcers who attended previous seminar-workshops for judges, prosecutors and law enforcers on the dangerous drugs law conducted by the Dangerous Drugs Board, in coordination with Philippine Judicial Academy (PHILJA) were the respondents. They were sent questionnaires by mail/fax or were personally interviewed particularly the participants from the National Capital Region (NCR) and Cebu.

Table 19. Law Enforcer Respondents' Who Participated in the Seminar-Workshop

Variables	No. of Respondents (N=37)	Percent
Age Mean Age: 44 yrs. Old		
25 to 34	8	21.62
35 to 44	12	32.43
45 to 54	8	21.62
55 to 64	9	24.32
Sex		
Male	29	78.38
Female	8	21.62
Civil Status		
Single	6	16.22
Married	29	78.38
Separated	1	2.70
Widow	1	2.70
Length of Service in Gov't. (in years) Mean Years: 17 Mode : 10 yrs Min. 2 Max – 36		
1 to 7	7	18.92
8 to 14	11	29.73
15 to 21	8	21.62
22 to 28	2	5.41
29 and above	9	24.32
Length of Service in Present Agency (in yrs.) Mean Years: 13.46 Mode: 9 yrs. Min. 2 Max. 36		
1 to 7	6	16.22
8 to 14	17	45.95
15 to 21	8	21.62
22 to 28	1	2.70
29 and above	5	13.51
Agency & Division Presently Assigned		
PDEA	3	8.11
Legal Division	1	
Monitoring	2	
AIDSOTF/RAIDSOTF	4	10.81
Operating Team	2	
RAIDSOTFG7	2	
Bureau of Customs	27	72.97
Customs Police	11	
CIIS	5	
CPD-ESS	5	
CTGFDDCC-ESS	2	
District Collector	1	
Export Division	1	
Legal Division	1	
Task Force on DD & Controlled Chemicals	1	
PNP Stn 10 Puerto Princesa	1	2.70
NBI	2	5.41
Investigation	1	
Legal	1	

The respondents belong to the age group of 25 to 64 years old having a mean age of 44. Majority are male, married and have been in government service for an average of 17 years, the minimum being 2 years to a maximum of 36 years.

The respondents come from different law enforcement agencies namely: the Philippine Drug Enforcement Agency (PDEA), PNP Anti-Illegal Drugs Special Operations Task Force/Regional Anti-Illegal Drugs Special Operations Task Force (AIDSOTF/RAIDSOTF), Bureau of Customs, and National Bureau of Investigation (NBI). Majority have continuously served the agency/division they are presently assigned for an average of 13.46 years.

b. On Handling Drug Cases Prior to Participation in the Seminar-Workshop by Law Enforcer Respondents

Table 20. Law Enforcer Respondents' Seminars/Trainings Attended Relative to Handling Drug Cases

Seminars & Trainings	No. of Responses *	Percent
A. Local Seminars & Trainings		
On Handling Drug Cases	5	10.00
Seminar on RA 9165	3	6
Seminar on Case Monitoring & Trial Techniques	1	2
Effective Prosecution of Drug-Related Cases	1	2
Other Seminars/Trainings	21	42.00
Interdiction Trainings for Land Controls, Airports & Seaports	5	10
Anti-Narcotics Investigation Course	4	8
Dangerous Drugs & Controlled Precursor	3	6
Narcotics & Money Laundering Investigation	2	4
Policies & Guidelines on Anti-Illegal Drug Operation	2	4
Counter Drug Operations Training	2	4
Computer-Based Training	2	4
ICE Operation Firewall	1	2
B. International Trainings:		
	4	8.00
Asian Regional Intelligence Seminar	1	2
Controlled Delivery, ILEA	1	2
Drug Enforcement Training Course	1	2
Int'l. Course for Senior Officers of Customs	1	2
No Training/Seminar on Handling Drug Cases	20	40.00

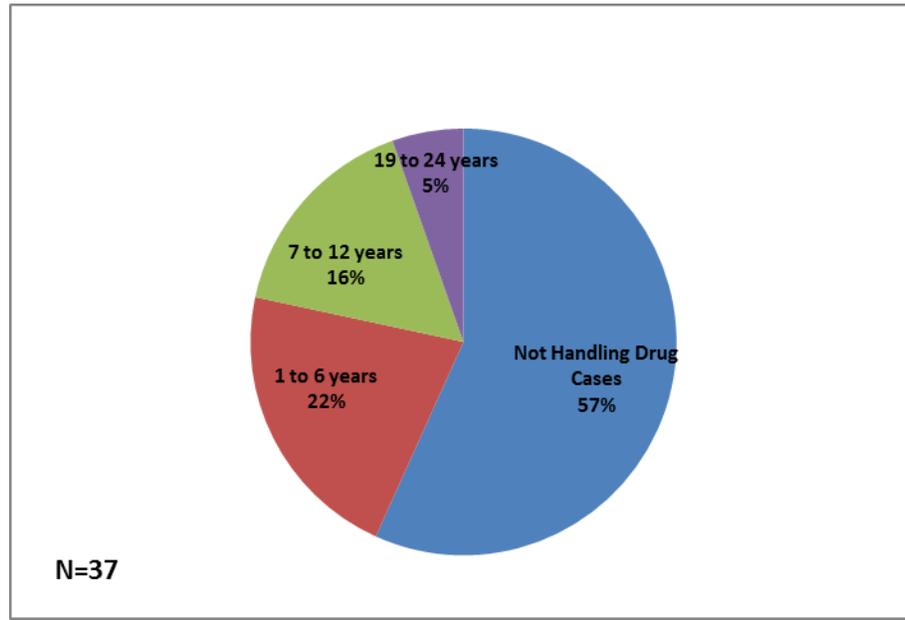
* Multiple Responses Based on No. of Response

Prior to their participation in the seminar-workshop, 40% admitted they did not have any training/seminar on handling drug cases.

Most of the seminars/trainings they have undergone (both local and international) focused on law enforcement operations and intelligence course trainings/seminars (50%).

Only 10% have undergone trainings/seminars on handling drug cases such as seminar on RA 9165, case monitoring and trial techniques, and effective prosecution of drug-related cases.

**Chart 4. Number of Years Handling Drug Cases
(In Percent)**



Based on the graph, 22% were handling drug cases for 6 years or less; others for the past 7 to 12 years (16%) and at least 5% with more than twenty years of experience in handling drug cases.

**Table 21. Problems Encountered in Handling Drug Cases
Prior to Participation in the Seminar-Workshop**

Problems Encountered (N=37)	No. of Responses*	Percent
On Drug Evidence		37.04
Initial Marking & Handling of Drug Evidence	8	14.81
Procedure of Turn Over from Agency to Agency	6	11.11
No Funds for Anti-Drug Operations	2	3.70
Lack of Equipment for Testing Seized Drugs	2	3.70
Search and Seizure	1	1.85
Crowd Control in Slum Areas	1	1.85
Trial/Court/Filing of Drug Case		24.07
Inconsistent Testimony	6	11.11
Presentation of Witnesses	2	3.70
Difficulty in Locating Witnesses	1	1.85
Non-Appearance of Witness	1	1.85
Coordination with Courts	1	1.85
Coordination Bet. Fiscal & Arresting Officer	1	1.85
Case Filed Under Jurisdiction of BOC	1	1.85
On Dangerous Drugs Law (RA 9165)		20.36
Lack Knowledge on Dangerous Drugs Law	7	12.96
Lack Knowledge on Supreme Court Rulings	4	7.40
Not Specified	10	18.53

*Multiple Responses based on the No. of Response

The law enforcers were asked regarding problems experienced in handling drug cases prior to their attendance in the seminar-workshop on dangerous drugs law.

The responses were grouped into three (3) main problem areas: on the handling of drug evidences confiscated during raids/operations conducted; on filing of drug cases and court/trial proceedings; and on the dangerous drugs law (RA 9165).

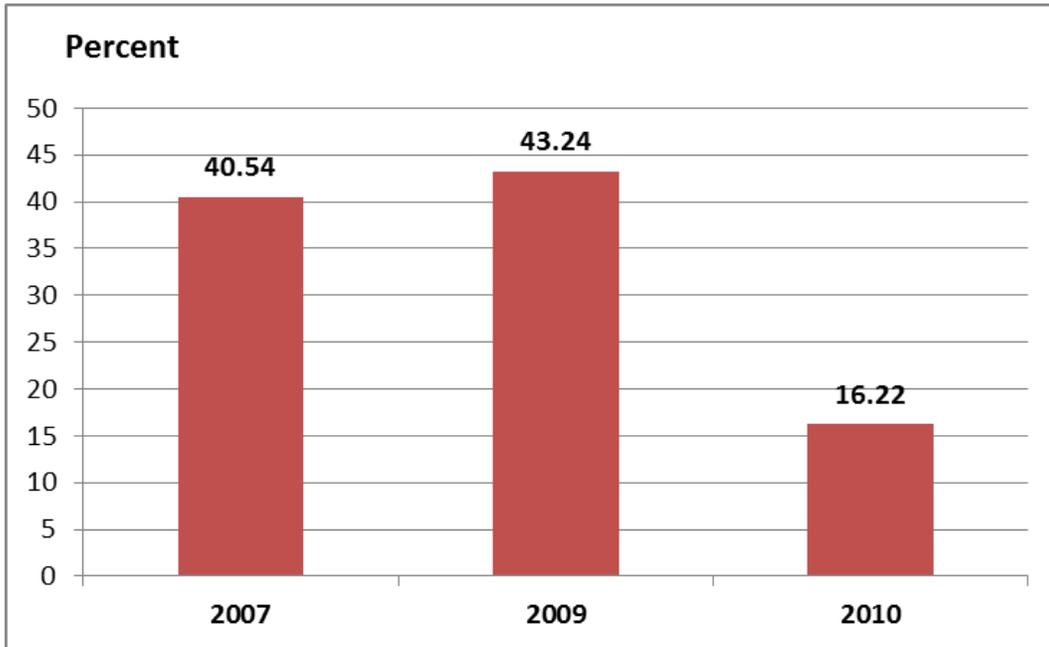
Majority (37.04%) disclosed they had problems in handling drug evidence, particularly proper procedures in marking and collecting drugs seized and in the chain of custody (11.11%). They also pointed out the lack of equipment for testing confiscated drugs (3.70%) and difficulty in securing the area especially when raids or operations are conducted in depressed communities (1.85%). There is also the threat or danger when inventory of confiscated drugs are done in the area as mentioned by the respondents.

They also confirmed problems experience once these drug cases are brought to court (24.07%). Inconsistencies in the testimonies presented inevitably dismiss or acquit the drug case as disclosed by the respondents. Non-appearance or difficulty in locating the witnesses, as well as, lack or no coordination between witnesses/arresting officers and prosecutors complicate the problem.

The respondents admitted that their lack of training/seminar on the dangerous drugs law, as well as, respondents' lack of information on latest jurisprudence and rulings made it difficult to effectively implement the requirements of the law.

c. On the Seminar-Workshop for Judges, Prosecutors & Law Enforcers Attended by Law Enforcer Respondents

**Chart 5. Year Attended the Seminar-Workshop
(In Percent)**



Out of the 37 law enforcers interviewed, 40% have undergone the seminar-workshop in 2007, 43% in 2009 and 16.22% in 2010.

**Table 22. Measures Done to Resolve Previous Problems in Handling Drug Cases
After Attending Seminar-Workshop**

Variables	No. of Respondents (N=37)	Percent
Do you Still Handle Drug Cases?		
Yes	11	29.73
No	26	70.27
If Yes, Measures Done to Resolve Problems		
	No. of Respondents (n=11)	Percent
Coordinated with Other Government Agencies	6	54.55
Issued Manual for Anti-illegal Drug Operations	3	27.27
Advised Arresting Officers to Report Fiscal	2	18.18
If No, Why? (n=26)		
	No. of Responses*	Percent
PNP Lack Funds for Anti-Drug Operations	1	3.45
Funding Operations Go to PDEA	2	6.90
No Longer Handling Drug Cases	26	89.66

Eleven (11) or 29.73% of the law enforcers interviewed are still handling drug cases.

When asked if the problems previously mentioned have been resolved and what measures were done. After the seminar-workshop, more coordination efforts were done with the other government agencies relative to turn over of drug evidence confiscated (6 or 54.55%). There were policies and guidelines that were issued to be able to comply with the requirements of the dangerous drugs law for PDEA and other law enforcement agencies (27.27%); and arresting officers reported to the prosecutors prior to their hearing for coordination and briefing (2 or 18.18%).

On the other hand, those who claimed it was not resolved mentioned that funding for anti-drug operations was not sufficient, as well as, most of them no longer handle drug cases.

Table 23. Area/s in Handling Drug Cases that Still Needs Improvement After Attending Seminar-Workshop according to the Law Enforcers

Needs Improvement (N=37)	No. of Responses*	Percent
On Handling of Drug Evidence	10	22.22
Interagency Coordination	3	
Marking of Evidence	3	
Chain of Custody	3	
Buy Bust Operation	1	
Investigation	3	6.67
Anti-Drug Operations & Investigation	1	
Tactical Interrogation	1	
Training on Investigation	1	
Trial/Court/Filing of Drug Case	7	15.56
Coordination Bet. Witness & Prosecution	3	
Skills Related to Trial techniques	2	
Filing of Criminal Charges	1	
Delivery of Testimony	1	
On Dangerous Drugs Law (RA 9165)	5	11.11
Review on Amendments of Dangerous Drugs Law	5	
Not Specified	20	44.44

*Multiple Response Based on No. of Responses

After undergoing the seminar-workshop on the dangerous drugs law, the respondents felt there are still enhancements which can be addressed by the succeeding seminar-workshops especially in the handling of drug evidence (22.22%) and filing of drug cases (15.67%).

On the handling of drug evidence, the law enforcers emphasized addressing the concerns of interagency coordination, marking of drug evidence, chain of custody, and buy-bust operation since similar problems are still encountered by the respondents.

Drills and exercises for law enforcers such as actual conduct of anti-drug operations, tactical interrogation and investigation to address the lack of skills in these areas were also stressed.

Furthermore, the respondents suggested that the succeeding seminar-workshops provide training on procedures of filing criminal charges, trial techniques and delivery or presentation of testimony in drug cases to address the problems encountered by law enforcers and arresting officers during court hearings.

There was also mentioned to re-examine/review the dangerous drugs law.

Table 24. Suggested Topics for the Succeeding Seminar-Workshop for Judges, Prosecutors & Law Enforcers on the Dangerous Drugs Law

Topics (N=37)	No. of Responses*	Percent
Rules on Search & Seizures	5	9.62
Section 21 of RA 9165	5	9.62
Emphasis on Drug Classification & Controlled Delivery	3	5.77
Filing Drug Cases in Court	3	5.77
Routes in Transporting & Importing of Drugs	3	5.77
Rules on Evidence Documentation	2	3.85
Turnover Procedures of Suspects After Preliminary Investigation	2	3.85
Drug Concealment Strategies	2	3.85
Handling Evidence & Chain of Custody	2	3.85
Investigation Techniques	2	3.85
Comprehensive Workshops on Case Studies	2	3.85
Criminal Procedures	1	1.92
Entrapment & Buy Bust Procedures	1	1.92
Extensive Discussion on Bail	1	1.92
Internal Conspiracies	1	1.92
Profiles of International Drug Syndicates	1	1.92
Updates on Reasons of Dismissal of Drug Cases	1	1.92
Reward System	1	1.92
Witness Protection Program	1	1.92
Not Specified	13	25.00

*Multiple Response Based on No. of Responses

There were several recommended topics that could be included in the succeeding seminar-workshops on dangerous drugs law as cited in table 24.

Rules on Search and Seizures; Section 21 of RA 9165; Standard Operating Procedures in filing drug cases in court; and Classifying Drugs and Controlled Delivery were most frequently mentioned areas for discussion.

The topics on SOP in turning over suspects after investigation and other useful investigative techniques; Rules on Evidence Documentation; and more comprehensive workshops on the review of court decisions in drug cases/case studies were also suggested.

There were also mention of the reward system and the witness protection program; extensive discussion on bail and criminal procedures.

Table 25. Percent Distribution of the Respondents' Level of Knowledge Acquired on the Different Topics Discussed During the Seminar-Workshop

Topics (N=37) (in Percent)	Knowledge			
	Increased Very Much	Increased	No Increase	Not Specified
Drug Classification	18.9	54.1	8.1	18.9
Signs and Symptoms	18.9	48.6	10.8	21.6
Ill-Effects of Drugs	24.3	40.6	13.5	21.6
Treatment & Rehabilitation Procedures	10.8	54.1	13.5	21.6
Rules on Search & Seizures	18.9	43.2	16.3	21.6
Controlled Delivery & Handling	16.2	51.4	10.8	21.6
Custody & Destruction of Seized Dangerous Drugs/Controlled Precursors	13.5	46.0	18.9	21.6

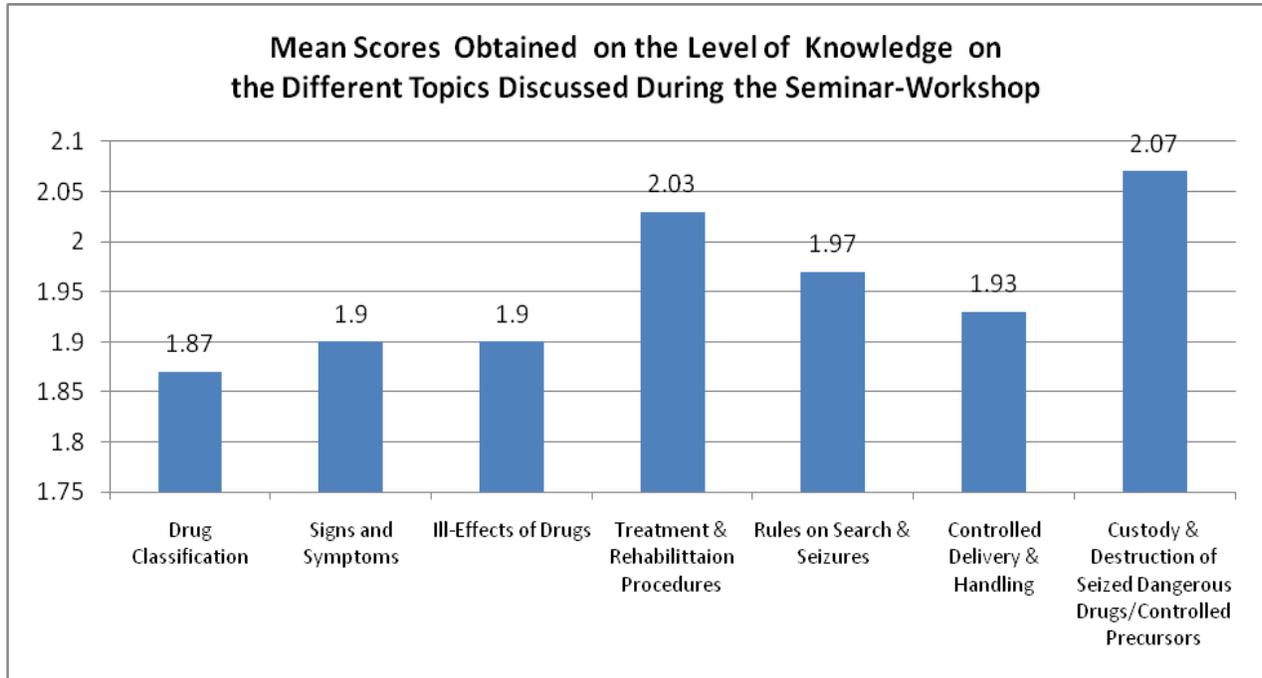
Respondents were asked to rate the level of knowledge gained on the different topics discussed during the three-day seminar –workshop on dangerous drugs law.

The percent distribution of their ratings fall on 'knowledge increased' in all the seven (7) topics that were discuss as indicated in the table.

As to percentage distribution of respondents with 'knowledge increased very much', the topic on 'ill effects of drugs' got the highest percentage distribution with 24.30%; followed by 'drugs classification', 'signs and symptoms', and Rules on Search and Seizures' with 18.90% each.

Less than 20% of the respondents mentioned that their 'knowledge did not increase' on the topic 'Custody and Destruction of Seized Dangerous Drugs'.

Chart 6. Level of Knowledge on the Different Topics



***Legend:**

- 1.00 - 1.49 - Knowledge Increased Very Much
- 1.50 - 2.49 - Knowledge Increased
- 2.50 - 3.00 - No Increase

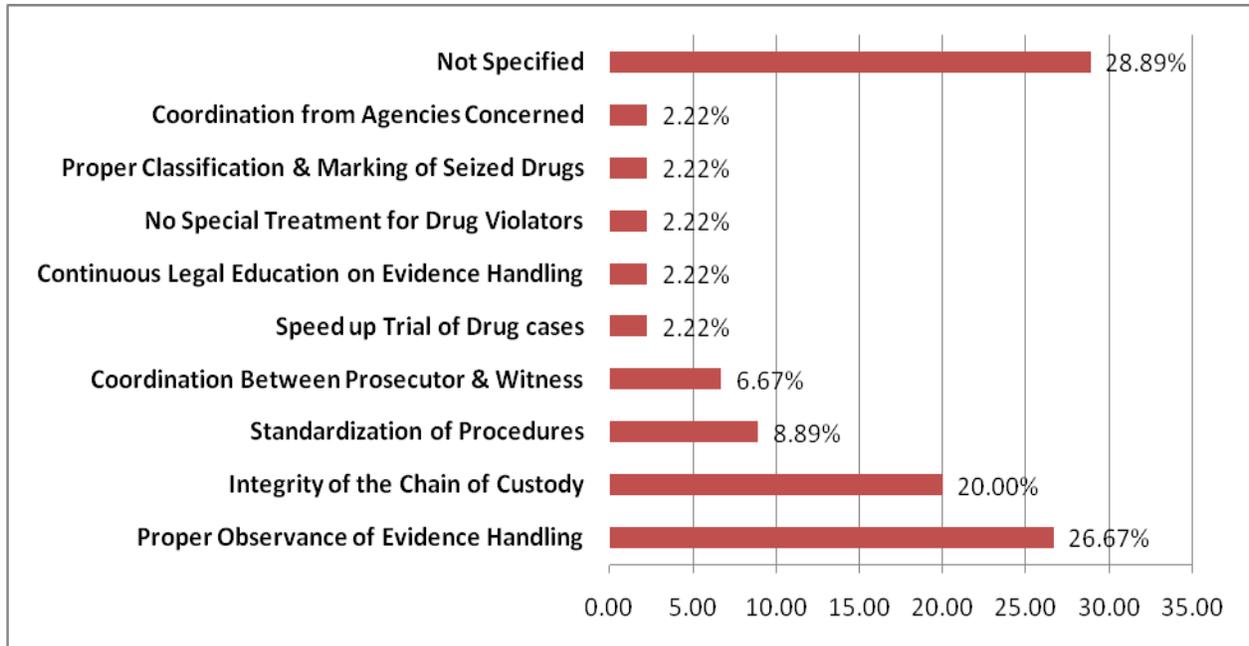
The vertical bar graph represents the mean ratings obtained by the respondents on the different topics discussed during the seminar-workshop on dangerous drugs law.

The means obtained fall within the 1.50 – 2.49 rating which all correspond to 'knowledge increased'.

d. Other Issues Relative to Prosecution of Drug Cases as Perceived by Law Enforcers

1. How does handling of drug evidence be strengthened in court?

Chart 7. How Handling of Drug Cases Be Strengthened in Court According to Law Enforcers*



* Multiple Response Based on No. of Responses

According to the law enforcers interviewed, proper handling of drug evidence (26.67%), preserving the integrity of the chain of custody (20%) and standardizing procedures (8.89%) would strengthen the prosecution and conviction of suspects in drug cases.

2. Do you encourage the giving of rewards to informants?

Table 26. Law Enforcers' Perception for Giving of Rewards to Informants in Drug Cases

Variables	No. of Respondents (N=37)	Percent
Do you favor the giving of rewards to informants?		
Yes	30	81.08
No	7	18.92
If Yes, Why?		
	No. of Respondents (n=30)	
Motivate informants to cooperate & provide substantial information	12	40.00
It is a life threatening situation hence should be rewarded	8	26.67
Neutralize drug violators	4	13.33
Strengthen intelligence gathering of law enforcement agency	2	6.67
Civilian informants are needed by law enforcers to strengthen conviction in a drug case	2	6.67
Alleviate poverty	2	6.67

In 30 or 81.08% of the respondents, the giving of rewards to informants in drug cases would be favorable for the following reason/s given: it would motivate informants to cooperate and provide key and important information regarding the drug case (40%); the informant's life would be placed in a very dangerous situation (26.67%); and it would neutralize violators/suspects in drug cases (13.33%).

Moreover, this would be valuable on the law enforcers' intelligence gathering in strengthening conviction of a drug suspect and also as means to provide financial support/assistance to informants as indicated by the respondents.

3. How would the government strengthen the witness protection program for the speedy disposition of drug cases?

Table 27. Law Enforcers' Perception on How to Strengthen the Witness Protection Program to Speed-up Disposition of Drug Cases

Response	No. of Respondents (N=37)	Percent
Additional budget for security of witnesses	11	29.73
Assurance of security for the witness & his family	9	24.32
Allowance for the WPP staff	7	18.92
Amend the Witness Protection Program	2	5.41
Evaluate the witness/es thoroughly	1	2.70
Not Specified	7	18.92
TOTAL	37	100.00

When asked how the Witness Protection Program could be reinforced to speed-up the prosecution of drug cases.

About 30% perceived allocating additional budget for the security of witnesses, assurance for security of the witness and his family (24.32%) would be safeguarded and provision for allowance of witness protection program (WPP) staff (18.92%) may contribute in strengthening the prosecution of a suspect and speed-up disposition of drug cases.

Others mentioned of the need to review and amend the existing WPP and also to evaluate thoroughly the witness/es who would avail of the Program for it to be effective.

4. Would you recommend amendment/s in the law that would strengthen the prosecution of drug cases?

Table 28. Law Enforcers' Proposed Amendments to RA 9165

Variables	No. of Respondents (N=37)	Percent
Do you recommend any amendment of RA 9165?		
Yes	6	16.22
No	30	81.08
Did not specify	1	2.70
If Yes, What section/s? (n=6)	No. of Responses*	
Sec. 5. Sale, Trading, Administration, Dispensation, Delivery, Dist. & Trans. of DD &/or Controlled Precursors & Essential Chemicals	2	20
Sec. 20. Confiscation & Forfeiture of Proceeds or Instrumentalities of the Unlawful Act, Including Properties or Proceeds Derived from Illegal Trafficking of DD &/or Controlled Precursors & Essential Chemicals	1	10
Sec. 21. Custody & Disposition of Confiscated, Seized &/or Surrendered DD, Plant Sources of DD, Controlled Precursors & Essential Chemicals, Instruments/Paraphernalia &/or Laboratory Equipment	6	60
Section 26. Attempt & Conspiracy	1	10
If Yes, specific amendments (n=6)	No. of Responses*	
Penalty for unlawful acts should be increased	5	41.67
Non-applicability of bail to financiers and protectors	3	25.00
Allow better prosecution of drug cases	2	16.67
Death penalty for drug pushers	2	16.67

*Multiple Responses based on No. of Response

Of the 37 law enforcers interviewed, six (6) or 16.22% recommended amendments to the sections 21, 5, 20 and 26, respectively. The specific inclusions/revisions in the law as proposed by the respondents were: increase the penalty for unlawful acts (amending Article II. Section 5 of RA 9165); those charged as drug financiers and protectors should not be covered by bail ; amend section 21 which will allow better leeway for conviction and prosecution of suspects involved in drug cases. There is also mentioned of restoring death penalty for those involved in drug pushing and trafficking, including financiers, protectors and manufacturers instead of life imprisonment, as the maximum penalty prescribed by law.

5. Are you amenable to restoring plea bargaining?

Table 29. If Law Enforcers Are Amenable to Restore Plea Bargaining

Variables	No. of Respondents (N=37)	Percent
Do you favor restoring plea bargaining?		
Yes	15	40.54
No	22	59.46
If Yes, why? (n= 15)		
No. of Respondents		
Early termination & disposition of drug cases	8	53.33
Arrest/confiscate more illegal drug manufacturers, financiers, etc.	3	20.00
Acquire reliable information/data	2	13.33
For humanitarian reasons	1	6.67
Severity/Gravity of the act or participation should be considered	1	6.67
If No, why not (n= 22)		
No. of Respondents		
No reason to bargain with drug violators	9	40.91
It will be a common excuse for the drug offenders	5	22.73
Give what is due to the accused	3	13.64
Not specified	5	22.73

Forty percent (15 or 40.54%) of the law enforcers approved to reinstate the provision of plea bargaining in the law for those accused in drug cases. The primary reason was to hasten/speed-up the disposition of drug-related cases as cited by more than 50% of the respondents (53.33%). Others admitted this would facilitate and increase the arrest of those involved in illegal drug manufacture, financiers, etc., as well as, acquire more reliable information from the accuse. Aside for humanitarian reasons, plea bargaining should be considered based on the severity of the drug offense committed (6.67%).

The rest are not agreeable on the following grounds (22 or 59.46%): there is no reason to negotiate/settle where the case involved is illegal drugs (9 or 40.91%); it will be a common excuse for drug offenders (22.73%); and that those accused should pay for the crime they have committed (13.64%).

6. What is your opinion of having special drug courts trying/prosecuting drug cases?

Table 30. Law Enforcers' Perception on Special Drug Courts

Variables	No. of Respondents (N=37)	Percent
Do you favor having the special courts to try/prosecute drug cases?		
Yes	34	91.89
No	3	8.11
If Yes, Why? (n=34)	No. of Responses*	
To speed-up filing and hearing of drug cases	22	48.89
Courts will focus on hearing of drug cases	11	24.44
Drug cases should be isolated from possible influences	6	13.33
Judges & fiscals will have expertise in hearing/trying drug cases	4	8.89
Not specified	2	4.44
If No, Why? (n=3)	No. of Respondents	
Regular courts can handle drug cases	3	100.00

* Multiple Response Based on No. of Responses

Ninety-two percent (34 or 91.89%) approved of having special drug courts mainly to speed-up filing and hearing of drug cases (48.89%); courts are focused on drug cases; and that judges and prosecutors will have the expertise in prosecuting drug violators/offenders.

A few (3 or 8.11%) do not agree for the reason that regular courts can also handle drug cases competently and effectively as the special drug courts.

With the present set-up, the Supreme Court designated special courts that try/hear drug case, however, with the voluminous cases pending, the special courts are not enough to speed-up the prosecution.

7. Have you been sued on a drug case in relation to the performance of your duty?

Table31. If Respondents Have Been Sued in Relation to a Drug Case Filed

Variables	No. of Respondents (N=37)	Percent
Have you been sued in relation to a drug case?		
Yes	6	16.22
No	31	83.78
If Yes, what kind of government assistance did you receive?		
	No. of Respondents (n=6)	
Legal assistance	3	50.00
None	3	50.00
If No, what kind of government assistance would you need?		
	No. of Responses*	
Legal assistance	20	60.61
Financial assistance	2	6.06
Protection for my family	2	6.06
Hazard pay	2	6.06
Logistics	4	12.12
Others: Continuous Trainings	3	9.09

* Multiple Response Based on No. of Responses

Out of the 37 respondents interviewed, six (6) claimed they were sued relative to a drug case they filed. Of the six (6), three (3) were given legal assistance while the other three (3) did not receive any.

Majority (20 or 60.61%) would need legal assistance from the government in instances they would be charged for drug cases they filed. Others would seek monetary support/aid, protection and security for their families, and hazard pay.

3. Results of Key Informant Interviews

Based on the results of key informant interviews with judges, chief prosecutors and law enforcers who previously attended one of the seminar-workshops for judges, prosecutors and law enforcers on dangerous drugs law and are still involved in handling drug cases disclosed the following information:

1. Most of the judges and prosecutors interviewed admitted they are burdened by the voluminous drug cases they are handling. On the average, there are 20 to 30 drug cases being tried/ prosecuted per day.
2. Judges and prosecutors identified common problems in handling drug cases:
 - a. Non- appearance of witnesses during trials;
 - b. The arresting officers/witnesses do not consult with the prosecutor. More often, they appear on court on the day of the trial, unprepared and the result, drug cases are dismissed for inconsistencies in testimonies;
 - c. Marking of evidence;
 - d. Preservation of evidence & Chain of Custody;
 - e. Barangay tanods who also conduct arrests are not properly trained on handling drug evidence;
3. Prosecutors interviewed admitted that drug cases for conviction in their sala were reversed by the Court of Appeals, hence, the cause for more acquittal. Moreover, cases which are set for automatic review by the Department of Justice (DOJ) are still pending at the Department since there is no period set for the review of these cases.
4. Both judges and prosecutors recommended the following remedial measures to address the common problems encountered in handling drug cases:
 - a. Standardize the prosecution forms and come up with standard operating procedures (SOP) in conducting drug seizures and handling drug evidences;
 - b. Develop standardized drug marking kits and come up with a manual for handling drug evidence which will regularize the process/procedure, hence, this will address the problem of prosecution on dismissal of drug cases due to technicalities (such as improper marking of evidences);
 - c. Proper training for arresting officers, including barangay officials and tanods in handling of drug evidences and in the chain of custody;
 - d. Prior to court hearings, law enforcers/arresting officers and prosecutors should have a regular conference/meeting for briefing, guidance and pointers.

- This would address the problem of dismissal of cases due to inconsistencies in testimonies of witnesses;
- e. Department of Justice (DOJ) deputize the Dangerous Drugs Board to act as prosecutors in drug cases to decongest/declog the prosecution of voluminous drug cases to speed-up disposition of drug cases;
 - f. Provide logistic support to law enforcers, judges and prosecutors handling drug cases such as honorarium;
 - g. Protection for judges and prosecutors especially if drug-cases involved high-profile personalities.
5. Based on the case monitoring conducted by PDEA, problems commonly experienced are the following:
- a. Failure to observe section 21 on the chain of custody;
 - b. With 3 to 4 year drug cases dragging in courts, the witnesses already forgot the details of the incidents which most likely result to acquittal and dismissal of drug cases for failure to accurately identify the identity of the accuse;
 - c. Non-appearance of witnesses; illegal arrests, search and seizures; and inconsistencies in the testimonies of arresting officers and facts to determine probable cause were some of the reasons/causes for acquittals;
6. As of July 10, 2010, there are a total of 107,747 drug cases filed in court. Of this number, 84,154 are pending and the rest are resolved cases (23,593). Resolution rate of drug cases is 22%. On the other hand, conviction rate is reported to be 33%, acquittal of 37% and dismissal of 30%.
7. On the seminar-workshop previously attended by judges and prosecutors interviewed, the following were recommended:
- a. Separate the seminar for judges since they have different concerns and problems;
 - b. Prosecutors and law enforcers in one seminar is recommended to jointly address their problems/concerns;
 - c. Clerk of courts should also be given training on dangerous drugs;
 - d. Topics should not be the same for all participants because they have different areas of concern;

8. According to judges and prosecutors interviewed, the amended drugs law (R.A. 9165) has been deterrent in the conviction of accuse in drug cases for the reasons cited:
 - a. RA 9165 provides harsh penalty - 13 years conviction created difficulty on the part of the judge to pass verdict because the judge would be more careful in convicting an accused;
 - b. RA 9165 with no exception to purity of the drug seized/confiscated create the atmosphere for planting of evidence;
 - c. R.A. 9165 concentrated more on drug distribution;

4. Results of Interview with Detainees in Drug Cases

A total of one hundred five (N=105) detainees from selected city jails were interviewed regarding the status, perception and perceived reasons related to their current drug cases to substantiate information gathered from the law enforcers, judges and prosecutors.

Table 32. Demographic Profile of the Detainees

Variables		No. of Respondents (N=105)	%
Age Range	Mean Age: 37 years old	Youngest – 21	Oldest – 61
21- 30		33	31.43
31- 40		37	35.28
41- 50		24	10.48
51 & above		11	10.48
Sex			
Male		77	73.33
Female		28	26.67
Civil Status			
Single		33	31.43
Married		44	41.90
Live-in		13	12.38
Separated		14	13.33
Widow/er		1	0.95
Years in Jail	Mean Years: 2.22 years	Min. - < than a yr.	Max. - 7 yrs. 3
Less than a year		4	14
1 to 3 years		7	24
3 years 1 month to 5 years		10	34
More than 7 years		7	24

As to age of the respondents, the youngest was 21, oldest was 61 with a mean age of 37 years old. There were more male than female respondents who were interviewed. Mostly married (44 or 41.90%), followed by those single (33 or 31.43%).

As to duration of their detention for current drug case, the longest was more than 7 years and shortest was less than a year with an average of 2.22 years.

Table 33. Information on Current and Previous Drug Case

Variables	No. of Respondents (N=105)	%
If Current Drug Case is First Time		
Yes	79	75.24
No	26	24.76
Number of Times Charged with RA 9165		
One	79	75.24
Two Times	23	21.90
Three Times	3	2.86
If First Drug Case, Section/s of RA 9165 Charged With *		
Sec. 5	41	36.61
Sec. 6 – Maintenance of a Den, Dive or Resort	1	0.89
Sec. 7 – Employees & Visitors of a Den, Dive or Resort	3	2.68
Sec. 11	49	43.75
Sec. 12	13	11.61
Sec. 13	1	0.89
Sec. 14	1	0.89
Sec. 15	2	1.79
Sec. 26 – Attempt or Conspiring	1	0.89
If With Previous Drug Case, Section/s of RA 9165 Charged With*		
Sec. 5 - Sale, Trading, Administration, Dispensation, Delivery ,Distribution & Transportation Of Dangerous Drugs &/or Controlled Precursors	3	10.71
Sec. 8 – Manufacture of Dangerous Drugs &/or Controlled Precursors & Essential Chemicals	1	3.57
Sec. 11 – Possession of Dangerous Drugs	9	32.14
Sec. 12 – Possession of Equipment, Instrument, Apparatus & Other Paraphernalia for Dangerous Drugs	1	3.57
Sec. 13 – Possession of Dangerous Drugs During Parties, Social Gatherings or Meetings	2	7.14
Sec. 14 – Possession of Equipment, Instrument, Apparatus & Other Paraphernalia for DD	1	3.57
Sec. 15 – Use of Dangerous Drugs	6	21.43
Sec. 16 - Cultivation of Culture Plants Classified as Dangerous Drugs or Sources Thereof	5	17.86
Reason/s for Dismissal/Acquittal of Previous Drug Case/s		
Non-appearance of Arresting Officer	8	30.77
Inconsistencies of Testimonies	12	46.15
Lack of Evidence	3	11.54
Misidentification	2	7.69
Undergone Drug Treatment and Rehabilitation	1	3.85

*Multiple Responses based on the No. of Response

More than three-fourths or seventy-five percent (79 or 75.24%) of the respondents admitted their current drug case is their first. The rest had previous drug cases and had been charged either twice (23 or 21.90%) or three times (3 or 2.86%) for various drug offense.

It was noted that the respondents were charged with multiple drug cases for violating provisions of RA 9165 (Dangerous Drugs Law of 2002). Most of the first time drug detainees mentioned Section 11 or possession of dangerous drugs; Section 5 which involved the selling and pushing of dangerous drugs and/or controlled precursors and other illegal drug activities prescribed under this Section; and Section 12 or possession of equipment, instruments and paraphernalia.

Those with previous drug cases (n=26) were dismissed or acquitted for drug possession (Section 11), use of dangerous drugs (Section 15) and cultivation or culture of plants classified as dangerous drugs (Section 16) among others.

The major reason for acquittal or dismissal of previous drug charges was the inconsistencies of court testimonies by their witnesses (12 or 46.15%) or arresting officers; followed by absence of their arresting officers during court hearings (8 or 30.77%) and the lack of evidence presented in courts (3 or 11.54%). Two (2) were acquitted for failure of the arresting officer or witness to establish the identity of the accused. There was one who had been ordered by court to undergo drug treatment and rehabilitation.

**Table 34. Respondents' Perception and Perceived Reason/s
On Trial of Current Drug Case**

Variables	No. of Respondents (N=105)	%
Perception Regarding Trial of Drug Case		
Slow	91	86.67
Fast	9	8.57
Did not specify	5	4.76
If Slow, Perceived Reason/s *	No. of Responses (n=91)	%
Reset/Postponed Hearing	58	33.14
Non-appearance of Prosecutor/PAO Lawyer	29	16.57
Non-appearance of Judge	24	13.71
Non-appearance of Arresting Officer	26	14.86
Judge reshuffled/transferred	16	9.14
Lack time for trial	21	12.00
Detainees with private lawyers given priority	1	0.57
If Fast, Perceived Reason/s*	No. of Responses (n=9)	%
Hired a private lawyer to handle drug case	4	22.22
Court conducted regular hearings	7	33.33
Regular appearance of arresting officers	10	44.44

* Multiple Responses based on the No. of Responses

Respondents were asked on how they perceived the courts handle their drug cases. Around 87% perceived that trial of their drug cases is slow and less than ten percent (9 or 8.57%) perceived their drug cases were moving fast.

One of the perceived reasons for the slow trial of their drug case was the frequent resetting of court hearings as mentioned by 58 or 33.14% which they attribute either to non-appearance of the prosecutor or legal counsel of the accused (16.57%), of the arresting officer (13.71%) or the judge handling the drug case (13.71%).

A considerable number (21 or 12%) disclosed that the courts lacked time for hearing their drug cases. According to the respondents, the judge/s assigned usually have other cases to hear on their scheduled dates or because of the number of drug cases which are being heard/tried, the court postpones and resets the hearing. Furthermore, there were 16 or 9.14% who mentioned that the judge/s handling their drug cases were transferred to other courts or that their drug cases have been transferred to another judge. There was one who revealed that those with private lawyers were given priority.

On the other hand, those who perceived their drug cases were moving fast (9 or 8.57%) attributed these to regular appearances of their arresting officers (44.44%) or courts conducted regular hearings (33.33%). There were four (4) responses which cited having hired a private legal counsel apparently contributed to the fast movement of their drug cases (22.22%).

Table 35. Respondents' Arresting Officer on Current Drug Case

Arresting Officer	No. of Respondents (N=105)	Percent
PNP	73	69.52
PDEA	10	9.52
Criminal Intelligence & Investigation Bureau	7	6.67
AIDSOTF	6	5.71
Barangay Tanod	6	5.71
City Hall Special Operations Group	2	1.90
Did not specify	1	0.95
TOTAL	105	100.00

About seventy percent (73 or 69.52%) of the arresting officers come from the Philippine National Police (PNP), followed by agents of the Philippine Drug Enforcement Agency (PDEA) (10 or 9.52%). There were some respondents (6 or 5.71%) whose arresting officers are the local/barangay tanod.

Table 36. Lawyers Handling Respondents' Current Drug Case

Type of Lawyer	No. of Respondents (N=105)	Percent
Public Assistance Office	93	88.57
Private Lawyer	12	11.43
TOTAL	105	100.00

Out of the 105 detainees interviewed, 93 or 88.57% sought legal assistance from a government lawyer and the rest hired private lawyers to handle their drug case.

Table 37. Respondents' Recommendations to Speed-up Current Drug Case

Response	No. of Respondents (N=105)	Percent
Once to 2x a month hearing of drug cases	40	38.10
Minimize postponement/Resetting of hearings of drug cases	15	14.29
Coordination between the accuse and lawyer handling his drug case	10	9.52
Courts to oblige arresting officer to attend hearings	8	7.62
Prosecutors must always be present during hearings	6	5.71
Judges handling drug cases should not be reshuffled	5	4.76
Arresting officers should follow proper procedure of arrests, search & seizure	4	3.81
Lessen caseloads of courts handling drug cases	3	2.86
Increase the number of courts to hear drug cases	3	2.86
Automatic dismissal of drug cases for non-appearance of complainants/arresting officers	1	0.95
Courts to allot specific day to hear drug cases	1	0.95
Did not specify	9	8.57
TOTAL	105	100.00

Among the recommendations provided by the respondents to speed-up drug cases in courts, majority affirmed that conduct of regular hearings specifically on a monthly basis (40 or 38.10%) may improve trial of these cases.

As mentioned earlier, resetting and postponement of hearings prolong or slow the process, hence, 15 or 14.29% suggested that if such could be minimized this would speed-up slow movement of their drug cases as perceived by the respondents.

The detainees interviewed admitted there were little or no coordination between the accused and their lawyers especially those handled by public prosecutors. Thus, a number of them (10 or 9.52%) recommended that legal counsels meet with their clients prior to their scheduled court hearings.

Some mentioned 'to lessen the caseloads of courts handling drug cases' or 'to increase the number of special drug courts' as remedial measures to speed up disposition of these cases.

It was also suggested that the courts consider the automatic dismissal of these cases especially where the complainants/arresting officers do not appear for a number of hearings or as determined by the court; or for the court to allot specific day to try/hear drug cases.

V. Summary of Findings:

The study assessed the outcome of the seminar-workshops conducted among judges, prosecutors and law enforcers on the dangerous drugs law. It looked into the problems encountered after undergoing the seminar-workshop; areas which needed to be improved/strengthened in the handling and prosecuting of drug cases and relevant information.

A total of 102 judges, prosecutors and law enforcers who previously attended the seminar-workshop were interviewed and served as respondents. Likewise, interviewed some detainees (105) to corroborate findings gathered particularly on the status and perception how these courts handle their drug cases. Documentary analysis, key informant interviews and questionnaires were the instruments utilized in data collection. The study was undertaken from September to November 2010.

A. Documentary Analysis

1. The seminar-workshop for judges, prosecutors and law enforcers on the dangerous drugs law was implemented in April 2007 as a response to the Board's mandate to provide training for judges, prosecutors and law enforcers to coordinate and integrate the overall efforts of the Criminal Justice System especially in the field of prosecution and investigation on drug cases.
2. From April 2007 to December 2010, nine (9) seminar workshops have been conducted by batches in various regions of the country. To date, a total of 899 judges, prosecutors and law enforcers who are the target participants have attended these seminar-workshops.
3. Expected Results of the Seminar-Workshop:
 - gained knowledge/awareness on dangerous drugs law and latest jurisprudence;
 - improved disposition of drug cases through speedy trial specifically:
 - increased number of those convicted in drug cases;
 - decreased number of unresolved/pending and archived cases;
 - improved coordination and integration of the works of the criminal justice system especially in the area of prosecution and criminal investigation;

4. The project is designed for a three-day seminar workshop which consisted of eight (8) lecture sessions or topics as follows:
 - Current National Drug Situation: Government Response to the Drug Problem;
 - Classification of Dangerous Drugs and Their Pharmacological Effects;
 - An Overview of RA 9165, Supreme Court Decisions, Substantive Laws and Supreme Court Rulings Related to Drug Cases;
 - RA 9344 (First Time Minor Offender/Suspension of Sentence) in Relation to Section 66 of RA 9165 and Salient Features of the Rule on Children Charged under RA 9165;
 - Treatment and Rehabilitation of Drug Dependents;
 - Rules on Warrant of Arrests, Search and Seizures;
 - Handling of Evidence in Relation to Section 21 of RA 9165;
 - Inquest and Preliminary Investigation of Probable Cause in Drug Cases;

5. Activities undertaken for the three-day seminar workshop were:
 - Lectures;
 - Workshops;
 - Presentation of Case Studies;
 - Open forum

6. Cost of Seminar Workshop:
 - a. From 2007 to 2010 – P17,488,756.40
 - b. Each Participant: P19,453.57

B. Follow-up Interview with Participants of the Seminar-Workshop:

1. Demographic Profile of the Respondents

Forty-three (43) judges, 22 prosecutors and 37 law enforcers who previously attended the seminar-workshop on dangerous drugs law are respondents of the study.

Judges

The judges belong to the age group 35 to 65 years old with a mean age of 54, mostly males, with an average of 10 years working in the government and as presiding judge for an average of 6.5 years.

Prosecutors

The prosecutors interviewed are mostly female, youngest is 35 while the oldest is 64 years old, average is 38 years of age who are working in government for an average of 8 years and as prosecutors for an average of 5 years.

Law Enforcers

With the law enforcer group (37), the oldest is 64 and youngest is 25 years old having a mean age of 44. The average government service is 17 years.

2. Problems Encountered Prior to Attendance on the Seminar-Workshop

a. For judges and prosecutors:

On Handling of Drug Evidence:

- Strict requirements under Sec. 21 of RA 9165, its interpretation and application ;
- Marking of evidence and chain of custody;

On Trial/Court Hearings:

- Non-appearance of arresting officers/witnesses, public prosecutors /lawyers and forensic chemists;
- Failure for prosecution to present and establish concrete and solid evidence;
- Enormous dockets of drug cases;
- Arresting officers lack of skill in delivering testimonies in court/appearing in court

On Dangerous Drugs Law (RA 9165)

- Non-familiarity with recent jurisprudence, rules and DDB issuances;

b. For law enforcers:

Prior to attendance in the seminar-workshops, 40% of the respondents interviewed admitted they did not have any training/seminar on handling drug cases. Only 10% have undergone seminars on case monitoring and trial techniques, effective prosecution of drug-related cases and seminar on RA 9165.

On Handling of Drug Evidence:

- Marking of Evidence of seized/confiscated drugs;
- Proper establishment of a direct chain of custody/procedure of turning over seized/confiscated drugs and evidences gathered;
- Lack of equipment for testing seized/confiscated drugs;
- Difficulty in securing the area especially when drug operations and inventory are conducted in depressed communities;

On Trial/Court Hearings:

- Inconsistent testimony of witnesses;
- Non-appearance of witnesses/Difficulty in locating witnesses;
- Non-coordination with courts;
- Non-coordination between prosecutor and arresting officer

On the Implementation of the Dangerous Drugs Law (RA 9165)

- Lack of training on dangerous drugs law;
- Lack of knowledge on latest jurisprudence;

3. Measures Undertaken to Address Problems Encountered After the Seminar-Workshop

a. For judges:

- 19 or 44% of judges interviewed admitted that some of the problems previously encountered such as non-coordination with the courts or between the prosecutors and the arresting officers; delay and postponement of hearings; and failure of witnesses to appear in court are being address by the courts. Of this percentage,
 - 27.27% initiated dialogues and roundtable discussions with the chief of police/police officers, fiscals and barangay officials regarding concerns on drug cases filed in their courts;
 - 13.64% strictly observed schedules of hearings to minimize postponement of trials;
 - Other remedial measures done were: re-echoed the seminar-workshop to their clerk-of-courts and staff; encouraged prosecutors to coordinate and be more resourceful in tracking/monitoring police witnesses;
- 11 or 25.58% admitted problems previously encountered were not address mainly because of the transfer of police witnesses to another

location/assignments; incorrigible/persistent behavior of some police witnesses despite being summoned by the judge; lack of designated courts to try drug cases considering the voluminous drug cases filed; and lack of training/skills for law enforcers especially in handling evidence

b. For prosecutors:

- 17 out of 22 prosecutors interviewed claimed problems in handling drug cases were not resolved. Reasons cited were the following:
 - 52.38% of the prosecutors admitted law enforcers lack trainings/skills in the handling of evidences;
 - 28.57% claimed police witnesses were transferred to other work assignments;
 - Other reasons were: witnesses continued to ignore subpoenas or some police witnesses were difficult to locate ; and that courts do not expedite drug cases;
- Two (2) have mentioned there were improvements in their handling of drug cases by keeping abreast with the latest jurisprudence and courts requiring police witnesses to explain non-appearance during court hearings

c. For law enforcers:

Of the 37 law enforcers interviewed, 11 are still handling drug cases. They disclosed that more coordination efforts were done with other government agencies relative to turnover of confiscated evidence and had regular consultation with the prosecutors/fiscals handling the drug case prior to court hearings.

However, a considerable number of those interviewed were transferred and are no longer involved in drug operations.

4. Areas That Still Need Improvement/Strengthened for Succeeding Seminar-Workshops

The respondents cited several areas where succeeding seminars for judges, prosecutors and law enforcers can improve in order to address the problems still encountered by the courts and law enforcers. Responses were grouped according to areas of concern by the prosecution: on handling drug evidence, on trial and court hearings, on the dangerous drugs law and others.

a. For judges and prosecutors:

On Handling of Drug Evidence:

- Intensive and more hands on training for law enforcers on legal procedure of marking and identifying confiscated evidence;
- Measures which will safeguard drug evidence in court's custodial and safekeeping;

On trial and court hearings:

- Comprehensive discussion of the requirements of section 21 of RA 9165;
- Language skills workshop/training for law enforcers /prosecutors in presenting evidences & appearing in court;

On dangerous drugs law:

- Review provisions of RA 9165 that need to be amended

Other areas:

- Expose participants on actual conduct of ocular inspections and visit to treatment and rehabilitation centers;
- Requirements relevant to issuance of court orders especially accused who plead guilty to drug use (section 15 of RA9165);
- Updated circulars and issuances of the courts;
- Participation of public prosecutors/lawyers (Public Assistance Office) and clerk of courts

b. For law enforcers:

On handling drug evidence and investigation:

- Interagency coordination and conduct of buy-bust operations;
- Marking of evidence and chain of custody;
- Drills and exercises on tactical interrogation and investigation

On trial/court hearings and filing of drug case:

- Standard Operating Procedures in filing criminal charges;
- Delivery of testimony/appearing in court in a simulated/mock court trial;
- Role playing of actual field operations conducted by law enforcers;

On dangerous drugs law:

- Review /re-examine the dangerous drugs law

5. Recommended Topics for Succeeding Seminar Workshops as Perceived by the Respondents

- Comprehensive discussion of Section 21 of RA 9165;
- Proper procedure for lawful arrest;
- Rules on Search and Seizures;
- Rules on Evidence Documentation;
- Standard Operating Procedures in turning over suspects after investigation, investigating techniques and in filing of drug cases in court;
- Bail, Reward System and Witness Protection Program;
- Values formation for arresting officers and law enforcers

6. Information Gathered from Key Informant Interviews

- a. Most of the judges and prosecutors interviewed admitted they are burdened by the voluminous drug cases they are handling. On the average, there are 20 to 30 drug cases being tried/ prosecuted per day.
- b. Common Problems Judges and Prosecutors Identified in Handling Drug Cases:
 - i. Non- appearance of witnesses during trials;
 - ii. The arresting officers/witnesses do not consult with the prosecutor. More often, they appear on court on the day of the trial, unprepared and the result, drug cases are dismissed for inconsistencies in testimonies;
 - iii. Marking of evidence;
 - iv. Preservation of evidence & Chain of Custody;
 - v. Barangay tanods who are part of the apprehending team and have initial custody of the drugs are not properly trained on handling drug evidence;
- c. Remedial Measures to Address the Common Problems Encountered in Handling Drug Cases:
 - i. Standardize the prosecution forms and come up with standard operating procedures (SOP) in conducting drug seizures and handling drug evidences;
 - ii. Develop standardized drug marking kits and come up with a manual for handling drug evidence which will regularize the process/procedure to address the problem of prosecution on dismissal of drug cases due to technicalities (such as improper marking of evidences);
 - iii. Training for arresting officers, including barangay officials and tanods in handling of drug evidences and in the chain of custody;
 - iv. Prior to court hearings, law enforcers/arresting officers and prosecutors should have a regular conference/meeting for briefing, guidance and

pointers. This would address the problem of dismissal of cases due to inconsistencies in testimonies of witnesses;

- v. Department of Justice (DOJ) deputize the Dangerous Drugs Board to act as prosecutors to decongest the voluminous drug cases which will speed-up disposition of these cases;
- vi. Provide honorarium to law enforcers, judges and prosecutors handling drug cases;
- vii. Protection for judges and prosecutors especially if drug-cases involved high-profile personalities.

d. Problems Commonly Experienced Based on PDEA Case Monitoring:

- i. Failure to observe section 21 on the chain of custody;
- ii. With 3 to 4 years of drug cases dragging in courts, the witnesses already forgot the details of the incidents which most likely result to acquittal and dismissal of drug cases for failure to accurately identify the identity of the accuse;
- iii. Non-appearance of witnesses; illegal arrests, search and seizures; inconsistencies in the testimonies of arresting officers and lack facts/evidence to determine probable cause were some of the reasons/causes for acquittals;

e. On the seminar-workshop previously attended by judges and prosecutors interviewed, the following were recommended:

- i. Separate the seminar for judges since they have different concerns and problems. Prosecutors and law enforcers in one seminar is recommended to jointly address their problems/concerns;
- ii. Clerk of courts should also be given training on dangerous drugs;
- iii. Topics should not be the same for all participants because they have different areas of concern;

f. According to judges and prosecutors interviewed, there are some provisions in the R.A. 9165 which are deterrent in the conviction of those accused in drug cases as follows:

- i. RA 9165 provides harsh penalty - 13 years conviction created difficulty on the part of the judge to pass verdict because the judge would be more careful in convicting an accused;

- ii. RA 9165 with no exception to purity of the drug seized/confiscated create the atmosphere for planting of evidence;
- iii. R.A. 9165 concentrated more on drug distribution;

7. Other Issues Relative to Prosecution of Drug-Related Cases

The respondents gave their perception on the following issues: having special drug courts, giving rewards to informants and witness protection program for witnesses, restoring plea bargaining in the law and amendments to RA 9165 and other aspects in prosecution which may contribute to speedy disposition of drug-related cases.

a. On Having Special Drug Courts

The respondents have dissenting opinions with regard to having special drug courts to prosecute drug cases. Most of the judges and law enforcers interviewed agree mainly to speed-up trial of these cases. This will also allow the courts more time to review the cases and have an expertise of the law as further mentioned. However, those who disagree disclosed that specializing on drug cases limit their professional growth and some further acknowledged that the courts are competent to try cases including those that are drug-related since decisions in drug cases are predictable and is specific in the provisions of the law.

b. On Witness Protection Program

Majority of the respondents support the witness protection program (WPP) for witnesses especially those in high-profile drug cases. However, they disclosed the need to review and amend the existing WPP and evaluate thoroughly the witnesses who avail of the Program for it to be effective.

c. Rewards System

More judges and law enforcers encourage the giving of rewards to informants in drug cases. However, they agreed it should be limited to informants where the accused is involved in huge drug deals, in the manufacture and operation of clandestine laboratories; and that the money will be utilized to defray transportation expenses and food allowance of the informant as disclosed by the judges. For the law enforcers, this would motivate informants to cooperate and provide vital information that are valuable for their intelligence gathering; strengthen conviction of a drug suspect, as well as, provide financial assistance to the informant and his family as further disclosed.

On the other hand, more prosecutors do not conform primarily they perceived it is not the concern of the court and secondly, it should be every citizen's responsibility of being vigilant.

d. Plea Bargaining

The respondents have varying perception on restoring provisions for plea bargaining for those accused in drug cases. More judges are amenable of this revision in the law mainly to expedite the disposition of drug cases. However, they emphasized that this should apply to first time drug offenders/minor offenders and should depend on the quantity of drugs seized or gravity/severity of the offense committed.

While more among the prosecutors and law enforcers interviewed are not agreeable on the following grounds: there is no reason to negotiate/settle where the case involved is illegal drugs; it will be a common excuse for drug offenders; those accused should pay for the crime committed; and it will be a source of corruption.

e. Amendments of Certain Provisions of RA 9165

Majority of the judges and prosecutors recommended amendments to R.A. 9165 to strengthen prosecution of drug cases. According to the respondents, there are some provisions in the dangerous drugs law that weakens conviction of the accused. Both proposed revisions to sections 21,11, 12 and 23,respectively.

In recommending graduated penalty for unlawful acts, the respondents perceived this will decongest the jails considering that a significant number of detainees are those charged with RA 9165, particularly, illegal drug possession. Moreover, in proposing amendments to section 21, the law would provide flexibility for law enforcers to comply with the requirements stipulated thereat and also better leeway for the court to convict an accuse. With stiff compliance of the requisites of the law (RA 9165) and sanctions for heavier penalty, the judges' decision to convict an accused becomes more difficult.

8. Disposition of Drug Cases

As of July 10, 2010, there are a total of 107,747 drug cases filed in court. Of this number, 84,154 are pending and the rest are resolved cases (23,593). Resolution rate of drug cases is 22%. On the other hand, conviction rate is reported to be 33%, acquittal of 37% and dismissal of 30%.

C. Interview of Detainees with Drug Cases

A total of one hundred five detainees (105) from various cities jails were interviewed regarding the status, perception and perceived reasons related to their current drug cases to substantiate information gathered from the judges, prosecutors and law enforcers.

1. The detainees were mostly male, married and having a mean age of 37 years old where the youngest was 21, oldest was 61. They have been in jail for an average of 2.22 years, maximum was 7 and shortest was less than a year.
2. Seventy-five percent are first-time drug offenders and were charged with multiple drug cases specifically, sections 11 or possession of dangerous drugs; section 5 or selling and pushing of dangerous drugs and/or controlled precursors; and section 12 or possession of equipment, instruments and paraphernalia.
3. Those with previous drug cases were dismissed or acquitted for drug possession (section 11), use of dangerous drugs (section 15) and cultivation or culture of plants classified as dangerous drugs (section 16) among others. The major reason for acquittal or dismissal was due to the inconsistencies of testimonies by their witnesses or arresting officers; followed by absence of arresting officers during court hearings; and lack of evidence presented in courts.
4. Around 87% perceived slow trial of their drug cases mainly due to frequent resetting of court hearings which they attribute either to non-appearance of the prosecutor, legal counsel (16.57%) or of the arresting officer (13.71%) or the judge handling the drug case (13.71%). A considerable number disclosed the courts lacked time in hearing their drug cases on the scheduled date because of the considerable number of drug cases which are being tried or has other cases to hear resulting to postponement of trial. Some related their drug case was transferred to another judge or the judge was reassigned. There was one who revealed that those with private lawyers were given priority.
5. About seventy percent (73 or 69.52%) of their arresting officers come from the Philippine National Police (PNP), followed by agents of the Philippine Drug Enforcement Agency (PDEA) (10 or 9.52%). There were some respondents (6 or 5.71%) whose arresting officers are the local/barangay tanod.

6. Out of the 105 detainees interviewed, 93 or 88.57% sought legal assistance from a government lawyer and the rest hired private lawyers to handle their drug case.
7. Majority affirmed that the conduct of regular hearings specifically on a monthly basis may speed-up trial of their drug cases.

The detainees interviewed admitted there were little or no coordination between the accused and their lawyers especially those handled by public prosecutors. Thus, a number of them (10 or 9.52%) recommended that legal counsels meet with their clients prior to their scheduled court hearings.

Some mentioned 'to lessen the caseloads of courts handling drug cases' or 'to increase the number of special drug courts' as remedial measures to speed up disposition of these cases.

It was also suggested that the courts consider the automatic dismissal of these cases especially where the complainants/arresting officers do not appear for a number of hearings or as determined by the court; or for the court to allot specific day to try/hear drug cases.

D. Strengths and Weaknesses of the Project

Based on gathered information of the desk interview, the project should have a built-in evaluation and monitoring plan, as well as, a logical framework to strengthen its implementation. As its strength, the project has the manpower, logistics and financial support to undertake the activities to carry out the objectives of the project.

VI. Conclusions and Recommendations:

1. The seminar-workshop for judges, prosecutors and law enforcers was able to address some of the problems encountered particularly in increasing their knowledge of the dangerous drugs law and in improving the coordination efforts of the courts and apprehending officers in the prosecution and investigation of drug cases.

Thus, there should be a continuing conduct of seminars, workshops and trainings to familiarize and thresh-out the problems encountered by courts and law enforcers/arresting officers and serve as venue for exchange of information and sharing of best practices in the field of prosecution and investigation of drug cases.

However, modifications on the objectives, means of verification, success indicators and duration of the project must be in place to strengthen its implementation.

2. There are a number of problem areas in prosecution that continue to persist specifically on the proper handling of drug evidence, preserving the integrity of the chain of custody and standardizing the procedures to strengthen the prosecution and conviction of suspects in drug cases.

The subsequent seminar-workshops should be able to address the problems that still persist in trying/prosecuting drug cases such as the apprehending officers' lack of competent skills in handling drug evidence; their lack of sufficient professional trainings that will strengthen investigation and prosecution; and the lack of language skills training in the delivery of testimonies/presenting evidence in court through continuing conduct of trainings, workshops and seminars along this line.

3. There are some provisions of the dangerous drugs law which needed amendments to strengthen prosecution and improve conviction of those charged with drug violation/offense

The succeeding seminars could serve as venue for discussions on the amendments of the law and come-up with the position paper for review and consolidation of the Board and subsequent endorsement to the Congressional Oversight Committee on Dangerous Drugs Law.

4. There is a higher percentage of acquittal and/or dismissal of drug cases than conviction. Reason/s for dismissal and/or acquittal of drug cases is mainly due to inconsistencies in testimonies of the witnesses/arresting officers; secondly, non-appearance of arresting officers; and failure of the prosecution to establish a solid and concrete evidence.

As reviewed, the reasons for acquittal/dismissal of drug cases are inconsistencies in testimonies of the witnesses/arresting officers, non-appearance of arresting officers and failure of the prosecution to establish a solid and concrete evidence. The subsequent seminar-workshops could focus on the following:

- a. *development of standardized prosecution forms in conducting drug seizures and handling drug evidences;*
- b. *development of a manual for handling drug evidence which will regularize the procedure;*

5. Majority of the arresting officers such as the police, tanods in the barangay and other witnesses are not trained in the handling of drug evidence. Furthermore, most of the detainees interviewed with drug cases do not have private lawyers and they depend on the public prosecutors (PAO) for legal assistance and court representation.

The next seminar-workshops should include barangay officials, law enforcers involved in drug operations and investigation, PAO lawyers and clerk of courts since they are also stakeholders.

6. With the current designation of a number of special drug courts to hear drug-related cases, voluminous drug cases remain pending in court.

To establish a database of all the participants of previous seminar-workshops on dangerous drugs law to monitor those still handling drug cases.

7. There is a significant number of detainees who perceived the slow trial of their drug cases mainly due to frequent resetting of court hearings attributed to non-appearance of the witnesses or legal counsels, a considerable number of drug cases being heard on scheduled trial dates and transfer of their cases to other courts or reassignment of judge handling their drug case.

Findings of the study should be disseminated in order to provide additional information for review and assessment of the procedures and guidelines of the court and prosecution with regard to hearing/trying drug cases.

8. Aside from addressing the problems on proper handling of drug evidence and preserving the integrity of the chain of custody, as well as, better coordination between the courts, prosecutors and apprehending officers/law enforcers there are other factors that may be considered to strengthen the prosecution of drug cases and improve the conviction rate such as: strengthening the witness protection program and reward system to informants, review provision for plea bargaining and amendments to section 21 of RA 9165 among others.