

SENATE

S. B. No. 3103

(In substitution of Senate Bill Nos. 46 and 674, Senate Resolution No. 312,
taking into consideration House Bill No. 4660)

Introduced by **Senators Sotto III, Ejercito Estrada, Villar and Honasan II**

**“AN ACT
AMENDING SECTION 21 OF REPUBLIC ACT NO. 9165, OTHERWISE KNOWN
AS THE “COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002”**

*Be it enacted by the Senate and House of Representatives of the Philippines
in Congress assembled:*

1 **SECTION 1.** Section 21 of Republic Act No. 9165, otherwise known as the
2 “Comprehensive Dangerous Drugs Act of 2002,” is hereby amended to read as
3 follows:

4 **“SEC. 21. Custody and Disposition of Confiscated, Seized, and/or**
5 **Surrendered Dangerous Drugs, Plant Sources of Dangerous**
6 **Drugs, Controlled Precursors and Essential Chemicals,**
7 **Instruments/Paraphernalia and/or Laboratory Equipment.** – The
8 PDEA shall take charge and have custody of all dangerous drugs,
9 plant sources of dangerous drugs, controlled precursors and essential
10 chemicals, as well as instruments/paraphernalia and/or laboratory
11 equipment so confiscated, seized and/or surrendered, for proper
12 disposition in the following manner:

13 “1) The apprehending team having initial custody and control of the
14 **DANGEROUS** drugs, **CONTROLLED PRECURSORS AND**
15 **ESSENTIAL CHEMICALS, INSTRUMENTS OR PARAPHERNALIA**
16 **AND LABORATORY EQUIPMENT** shall, immediately after seizure
17 and confiscation, physically inventory and photograph the same in the
18 presence of the accused or the person/s from whom such items were
19 confiscated and/or seized, or his/her representative or counsel, **WITH**
20 **AN ELECTED PUBLIC OFFICIAL WHO HAS JURISDICTION OVER**
21 **THE SCENE OF THE CRIME, TOGETHER WITH A**
22 **REPRESENTATIVE OF THE DEPARTMENT OF JUSTICE OR THE**
23 **MEDIA** [a representative from the media and the Department of
24 Justice (DOJ), and any elected public official] who shall be required to
25 sign the copies of the inventory and be given a copy thereof[.];
26 **PROVIDED, THAT THE FAILURE ON THE PART OF THE INVITED**

1 REPRESENTATIVES TO ATTEND THE INVENTORY WITHOUT A
2 VALID CAUSE WOULD MERIT ADMINISTRATIVE SANCTIONS:
3 PROVIDED, FURTHER, THAT THE PHYSICAL INVENTORY AND
4 PHOTOGRAPH SHALL BE CONDUCTED AT THE PLACE WHERE
5 THE SEARCH WARRANT IS SERVED; OR AT THE NEAREST
6 POLICE STATION OR AT THE NEAREST OFFICE OF THE
7 APPREHENDING OFFICER/TEAM, WHICHEVER IS
8 PRACTICABLE, IN CASE OF WARRANTLESS SEIZURES:
9 PROVIDED, FINALLY, THAT NON-COMPLIANCE OF THESE
10 REQUIREMENTS UNDER JUSTIFIABLE GROUNDS, AS LONG AS
11 THE INTEGRITY AND THE EVIDENTIARY VALUE OF THE SEIZED
12 ITEMS ARE PROPERLY PRESERVED BY THE APPREHENDING
13 OFFICER/TEAM, SHALL NOT RENDER VOID AND INVALID SUCH
14 SEIZURES AND CUSTODY OVER SAID ITEMS;

15 X X X X X X X X”

16 SEC. 2. *Separability Clause.* – If any provision or part hereof is held invalid or
17 unconstitutional, the remainder of the law or the provisions not otherwise affected
18 shall remain valid and subsisting.

19 SEC. 3. *Repealing Clause.* – All laws, issuances or parts thereof inconsistent
20 with this Act are hereby repealed or modified accordingly.

21 SEC. 4. *Effectivity Clause.* – This Act shall take effect after fifteen days from
22 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,