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SENATE

S No. **2273**

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*Prepared by the Committee on Public Order and Dangerous Drugs with Senators Sotto, Honasan, Ejercito, Ejercito Estrada and Poe as authors*

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**AN ACT  
TO FURTHER STRENGTHEN THE ANTI-DRUG CAMPAIGN OF THE  
GOVERNMENT, AMENDING FOR THE PURPOSE 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           **"SECTION 21. Custody and Disposition of Confiscated, Seized,**  
5 **and/or 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, plant  
9 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:

1           "(1) The apprehending team having initial custody and control of the  
2           **DANGEROUS drugs, CONTROLLED PRECURSORS AND ESSENTIAL**  
3           **CHEMICALS, INSTRUMENTS/PARAPHERNALIA AND/OR**  
4           **LABORATORY EQUIPMENT** shall, immediately after seizure and  
5           confiscation, [physically inventory] **CONDUCT A PHYSICAL**  
6           **INVENTORY OF THE SEIZED ITEMS** and photograph the same in the  
7           presence of the accused or the person/s from whom such items were  
8           confiscated and/or seized, or his/her representative or counsel, [a  
9           representative from the media and the Department of Justice (DOJ), and  
10           any elected public official] **WITH AN ELECTED PUBLIC OFFICIAL AND**  
11           **A REPRESENTATIVE OF THE NATIONAL PROSECUTION SERVICE**  
12           **OR THE MEDIA** who shall be required to sign the copies of the inventory  
13           and be given a copy thereof [;]: **PROVIDED, THAT THE PHYSICAL**  
14           **INVENTORY AND PHOTOGRAPH SHALL BE CONDUCTED AT THE**  
15           **PLACE WHERE THE SEARCH WARRANT IS SERVED; OR AT THE**  
16           **NEAREST POLICE STATION OR AT THE NEAREST OFFICE OF THE**  
17           **APPREHENDING OFFICER/TEAM, WHICHEVER IS PRACTICABLE,**  
18           **IN CASE OF WARRANTLESS SEIZURES: PROVIDED, FINALLY,**  
19           **THAT NONCOMPLIANCE OF THESE REQUIREMENTS UNDER**  
20           **JUSTIFIABLE GROUNDS, AS LONG AS THE INTEGRITY AND THE**  
21           **EVIDENTIARY VALUE OF THE SEIZED ITEMS ARE PROPERLY**  
22           **PRESERVED BY THE APPREHENDING OFFICER/TEAM, SHALL NOT**  
23           **RENDER VOID AND INVALID SUCH SEIZURES AND CUSTODY**  
24           **OVER SAID ITEMS."**

25           "x x x

1           "(3) A certification of the forensic laboratory examination results, which  
2           shall be done [under oath] by the forensic laboratory examiner, shall be  
3           issued [within twenty-four (24) hours] **IMMEDIATELY** [after] **UPON** the  
4           receipt of the subject item/s: Provided, That when the volume of  
5           dangerous drugs, plant sources of dangerous drugs, and controlled  
6           precursors and essential chemicals does not allow the completion of  
7           testing within the time frame, a partial laboratory examination report shall  
8           be provisionally issued stating therein the quantities of dangerous drugs  
9           still to be examined by the forensic laboratory: Provided, however, That a  
10          final certification shall be issued [on the completed forensic laboratory  
11          examination on the same within the next twenty-four (24) hours]  
12          **IMMEDIATELY UPON COMPLETION OF THE SAID EXAMINATION**  
13          **AND CERTIFICATION;**

14          "x x x."

15          **SECTION 2. *Implementing Rules and Regulations.***-To implement  
16          effectively the provisions of Section 21, the Philippine Drug Enforcement Agency  
17          (PDEA) shall issue the necessary guidelines on the IRR for the purpose in  
18          consultation with the Department of Justice (DOJ) and relevant sectors to curb  
19          increasing drug cases.

20          **SECTION 3. *Separability Clause.*** - If any provision or part hereof is held  
21          invalid or unconstitutional, the remainder of the law or the provision not otherwise  
22          affected shall remain valid and subsisting.

23          **SECTION 4. *Repealing Clause.*** - All laws, presidential decrees or issuances,  
24          executive orders, letters of instruction, administrative orders; rules and regulations

1 contrary to or inconsistent with the provisions of this Act are hereby repealed,  
2 modified or amended accordingly.

3 **SECTION 5. *Effectivity*.** - This Act shall take effect fifteen (15) days after its  
4 complete publication in at least two (2) newspapers of general circulation.

5 Approved,