

[**PNP MEMORANDUM CIRCULAR NO. 2009-007,
May 18, 2009**]

**GUIDELINES ON THE PROCESSING OF REQUEST FOR
LABORATORY EXAMINATION ON SEIZED/CONFISCATED
DANGEROUS DRUGS CONTROLLED PRECURSORS AND ESSENTIAL
CHEMICALS INSTRUMENTS/PARAPHERNALIA, LABORATORY
EQUIPMENT AND DRUG TESTING ON ARRESTED OFFENDERS**

1. REFERENCES

- a. LOI Kontra Droga Bravo dtd February 18, 2009;
- b. RA 9165 (The Comprehensive Drugs Act of 2002);
- c. PNP Anti-Corruption Plan; and
- d. LOI Patnubay II

2. BACKGROUND/R ATIONALE

PNP records show an alarming number of unclaimed laboratory reports of drug cases in different PNP Crime Laboratory Offices for the period CY 2005-2008.

In the investigation of cases involving violation of the anti-drug law, laboratory reports are substantial documents for the filing of criminal charges in court as these scientifically prove the presence of dangerous drugs on seized/confiscated items or on the specimen from the arrested suspects.

Aside from the wasted efforts and resources for laboratory examination, these unclaimed laboratory reports create a negative impression on the part of the concerned PNP personnel in pursuing criminal cases against drug suspects, which is contrary to the internal cleansing effort of the PNP to prevent irregularities and ensure transparent anti-drug operations.

There is therefore a need to prescribe guidelines in the submission of request for the conduct of laboratory examination on seized drugs and drug testing on arrested suspects from the PNPCL to ensure accountability from the requesting party.

3. DEFINITION OF TERMS

- a. ***Dangerous Drugs*** - Includes those listed in the Schedules annexed to the Single Convention of Narcotics drugs, as amended by the 1972 protocol, and in the schedules annexed to the 1971 Single Convention on Psychotropic Substances as enumerated in the annex which is an integral part of RA 9165 otherwise known as the "Comprehensive Drugs Act of 2002."

- b. **Drug-related Arrest** - Apprehension made for violation of RA 9165 and other pertinent drug laws as well as other crimes committed under the influence of dangerous drugs.
- c. **Clandestine Laboratory** - Any facility used for the illegal manufacture of any dangerous and/or controlled precursors and essential chemicals.
- d. **Controlled Precursor and Essential Chemicals (CPECs)** - Includes those listed in the Tables I and II of the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances as enumerated in the annex which is an integral part of RA 9165 otherwise known as the "Comprehensive Drugs Act of 2002".
- e. **Drug Abuser** - A person who uses or administers to himself or allows others to administer dangerous drugs to himself without medical approval.
- f. **Mandatory Drug Test** - Compulsory submission of a suspect for drug testing as required by RA 9165.
- g. **Screening Test** - A rapid drug test performed to establish potential or presumptive positive result.
- h. **Confirmatory Test** - An analytical test using a device, tool or equipment with a different chemical or physical principle that is more specific which will validate and confirm the result of the screening test.
- i. **Specimen** - Refers to the sample that is submitted for laboratory examination.
- j. **Crime Laboratory** - Provides scientific investigation services and other technical support to the PNP offices and other agencies through fieldwork, scene of crime operations, forensic laboratory service, criminalistics training and research.
- k. **Laboratory Equipment** - The paraphernalia, apparatus, materials or appliances when used, intended for use or designed for use in the manufacture of any dangerous drug and/or controlled precursor and essential chemical, such as reaction vessels, preparative/purifying equipment, fermentors, separatory funnels, flasks, heating mantles, gas generators, or their substitutes.
- l. **Laboratory Report** - Refers to the result of the test conducted by CL which determines the presence or absence of dangerous drugs in a specimen.
- m. **Instrument** - Any thing that is used in or intended to be used in any manner in the commission of illegal drug trafficking or related offenses.

4. PURPOSE AND OBJECTIVE

- a. To provide systems and procedures on the following:
- 1) Submission of request to CL for the conduct of laboratory examination on seized/confiscated dangerous drugs,