

[DDB REGULATION NO. 01, October 18, 2002]

GUIDELINES ON THE CUSTODY AND DISPOSITION OF SEIZED DANGEROUS DRUGS CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, AND LABORATORY EQUIPMENT

Pursuant to Section 21 Article II of the IRR of RA 9165 in relation to Section 81 Article IX of RA9165, the following guidelines are hereby promulgated:

SECTION 1. Definition of Terms - As used hereunder, unless the context otherwise requires -

a. "Board" means Dangerous Drugs Board;

b. "Chain of custody" means the duly recorded authorized movements and custody of seized drugs or controlled chemicals or plants sources of dangerous drugs or laboratory equipment of each stage, from the time of seizure/confiscation to receipt in the forensic laboratory to safekeeping to presentation in court and destruction. Such record of movements and custody of seized item shall include the identity and signature of the person who held temporary custody of the seized item, the dates and times when such transfers of custody were made in the course of safekeeping and use in court as evidence, and the final disposition;

c. "Confirmatory test" means 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 of field test;

d. "Corrosive chemical" means a chemical destroys or damages living tissue by direct contact or destroy its own container or other material and be released into the environment. It generally has pH below 2 or above 12.5. Examples of acidic corrosives include hydrochloric acid and sulfuric acid.

e. "Controlled chemicals" means controlled precursors and essential chemicals as defined in Article I Sec. 3 (g) RA 9165 or other names and namely: acetic anhydride or AA or acetic oxide or acetyl oxide; acetone or dimethyl ketone or 2-propanone or pyroacetic ether; N-acetylanthranilic acid or ortho-acetamidobenzoic acid or 2-acetamidobenzoic acid; anthranilic acid or *Vitamin L1* or *ortho-aminobenzoic acid*; ephedrine; ergometrine or *ergonovine* or *dextrolysergic acid* or *levo-2- propanone*; ergotamine; ethyl ether or *ethyl oxide* or *diethyl oxide* or *ethoxyethane* or *sulfuric ether* or *diethyl ether*, *hydrochloric acid* or *muriatic acid* or *hydrogen chloride*; *isosafrrole*; lysergic acid; 3-4-methylenedioxyphenyl-2-propanone or 3,4-methylenedioxypheylacetone or 3,4-methylenedioxypheyl methyl ketone or piperonylmethylketone or 3,4-MDP2P or PMK; methyl ethyl ketone or BMK or 2-butanone or ethylmethylketone or methyl acetone; phenylpropanolamine or *d,1-norephedrine* or *metiriatin*; phenylacetic acid or *benzene acetic acid* or *alpha toluic acid*; phenylacetone or *phenyl-2-propanone* or *P2p* or *BMK* or *benzyl methyl ketone* or *methyl benzyl ketone*; piperidine or *hexahydrophyridine* or *hexane* or *pentamethyleneimine*; *piperonal* or *heliotro-pin* or *piperonylaldehyde*; potassium

permanganate or *permanganic acid potassium salt* or *chameleon mineral*; pseudoephedrine; safrole or *allylcathechol* or *methylene ether*, sulfuric acid or *oil* or *vitroil* or *hydrogen sulfate*.

f. "Flammable chemical" a chemical that ignites easily and burns rapidly in air. It generally has a flash point below 60 deg. C. Examples of flammable chemicals are ethyl ether, acetone and toluene.

g. "Dangerous Drugs" means dangerous drugs as defined in Article 1, Sec. 3 (j) RA 9165. Such drugs include, but not limited to, heroin, morphine, opium, cocaine or cocaine hydrochloride, marijuana, marijuana resin, marijuana resin oil, methamphetamine hydrochloride or "shabu" methylenedioxymethamphetamine (MDMA), or "ecstasy" paramethoxyamphetamine (PMA), trimethoxyamphetamine (TMA), lysergic diethylamine (LSD) and gamma hydroxybutyrate (GHB);

h. "DENR" means the Department of Environment and Natural Resources.

i. "Drug profiling" refers to the systematic characterization of seized drug samples by physical and chemical means. It is a valuable tool used to support intelligence-gathering and operational work by drug law enforcement authorities;

j. "Hazardous chemical" means one that poses a danger to human health or to the environment, if improperly handled;

k. "Laboratory equipment" means 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 chemical, such as reaction vessel, preparative/purifying equipment, fermentors, separatory funnel, heating mantle, gas generator or their substitute;

l. "MSDS" means Material Safety Data Sheet. It provides all necessary information with regard to proper storage and safe handling procedures, first aid procedures, proper leak, spill, and disposal techniques, protective equipment, and other safety procedures used to limit potential exposure to toxic or hazardous materials and other information such as hazardous ingredients, physical and chemical characteristics, physical hazards and health hazards;

m. "PDEA" means Philippine Drug Enforcement Agency;

n. "Reactive chemical" means one that is sensitive to either friction or shock or it reacts in the presence of air, water, light or heat. Examples of reactive chemical are ethyl ether or diethyl ether, acetic anhydride and potassium permanganate;

o. "Toxic chemical" means a chemical that can cause serious illness or death from exposure by inhalation, ingestion or absorption through the skin. Examples of toxic chemicals are N-acetylanthranilic acid, anthranilic acid, ephedrine, pseudoephedrine, acetone, phenylpropanolamine, ergometrine, ergotamine, hydrochloric acid, isosafrole, methyl ethyl ketone, phenylacetic acid, piperidine, piperonal and safrole.

p. "Thermal destruction" means the action or process of destroying seized or surrendered dangerous drugs or controlled chemicals by fire or heat or incineration.

SECTION 2. Seizure or confiscation of dangerous drugs or controlled chemicals laboratory equipment -

a. The apprehending team having initial custody and control of dangerous drugs or controlled chemical or plant sources of dangerous drugs or laboratory equipment shall immediately, after the seizure and confiscation, physically inventory and photograph the same the presence of:

- i. the person from whom such items were confiscated and/or seized or his/her representative or counsel;
- ii. a representative from the media;
- iii. a representative from the Department of Justice; and
- iv. any elected public official;

who shall be required to sign copies of the inventory report covering the drugs/equipment and who shall be given a copy thereof: Provided that the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable case of seizure without warrant; Provided further that non-compliance with these requirement under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void invalid such seizure of and custody over said items.

b. The drugs or controlled chemicals or laboratory equipment shall be properly marked for identification, weighed when possible or counted, sealed, packed and labeled by the apprehending officer/team.

c. Where any substance is found in packages or containers of similar size and/or weight and bearing identical markings, and field color tests of the contents of a representative number of them yields similar results for each, the seizing officer shall cause all such packages or containers to be classified, serially numbered and separated into lots ready for weighing, counting, sampling, sealing and labeling.

d. Where it is physically possible to count and weigh the seizure as a complete entity, the seizing officer shall cause it to be counted and weighed. Where it is not physically possible to count or weigh the seizure as a complete entity, the seizing officer shall cause its count or gross weight or net weight, as the case maybe, to be estimated.

SECTION 3. Turnover of seized drugs or controlled chemical or laboratory equipment and submission of report.

a. Within twenty-four (24) hours upon confiscation/seizure of dangerous drugs, or plant sources of dangerous drugs or controlled chemicals or laboratory equipment, the same shall be submitted to the PDEA Forensic Laboratory for a qualitative and quantitative examination.

b. Within the same period, and in conformity with prescribed operational reporting procedures, the seizing officer/team shall also prepare a report of the confiscation/seizure, which include particulars of:

- i. the time, place and date of seizure;
- ii. the particulars of the person(s) arrested;

- iii. the identity of the seizing officer and all persons present;
- iv. the circumstances in which seizure took place;
- v. a description of the vehicle, vessel, place or person searched and the location where the substance or equipment was found;
- vi. a description of packaging, seals and other identifying features;
- vii. a description of quantity, volume and units and the measurement method employed;
- viii. a description of the substance or equipment found;
- ix. a description of any preliminary identification test used and results (e.g. test kit)
- x. all subsequent movements of the substance or chain of custody; and xi. any other prescribed matter by PDEA.

SECTION 4. Laboratory analysis and/or identification of equipment -

a. twenty-four (24) hours after receipt of the seized dangerous drugs or controlled chemicals, the PDEA forensic laboratory examiner shall, after counting and/or weighing any significant quantity of seized substance or items, take samples for scientific analysis, consisting of the following quantities:

- i. powder/granules/solid form - not more than five grams per package/bag;
- ii. tablet/capsule/ampoule - not more than three (3) tablets;
- iii. liquid solution - not more than fifty (50) ml;
- iv. dried leaves - not more than ten (10) grams;
- v. plants - not more than two (2) plants.

b. Within the same period, the forensic examiner shall issue a certification of the forensic laboratory examination results, identifying the substance without regard to its purity, and/or the identification of laboratory equipment, as the case may be. When the volume of the subject items do not allow the completion of testing within twenty-four (24) hours, a partial examination report shall be provisionally issued stating therein the quantities still to be examined by the forensic laboratory. The final certification shall be issued on the completed forensic laboratory examination on the same, within the next twenty four (24) hours.

c. The certificate or report of chemistry analysis shall state the details in relation to a dangerous drug or controlled chemical, as to:

- 1. when and from whom it was received;
- 2. what, if any identifying labels or other things accompanied it;
- 3. a description of it, and its weight;
- 4. what container it was in, as the case may be;
- 5. if it, or any portion of it, was analyzed:
 - i. the name and method of analysis;
 - ii. the result of analysis, including as to its identity without regard to its purity for the initial report; and pure drug or chemical content; for the record in conformity with Section 21 (b) of IRR of RA 9165 and Section 3a of this Guidelines; and

6. how it was dealt with after handling by the examiner, including details of:

- i. quantity retained;
- ii. the name of the designated PDEA drug or controlled chemical custodian, to whom any retained quantity was given for safekeeping
- iii. measures taken to secure any retained drug or chemical.

d. Any sample taken shall be signed or otherwise marked for identification by the forensic laboratory examiner and evidence custodian present, as the case may be, when it was taken;

e. Where there is operational necessity to identify the specific links between two or more samples, origin of seized drug, drug distribution patterns, and methods used for clandestine drug manufacture, particularly with regard to methamphetamine hydrochloride or "shabu" samples that may be taken for such examination shall not be more than ten grams of samples from each package/bag selected. Where a written request is made by a foreign counterpart agency to PDEA for drug samples for the purpose of drug profiling, PDEA shall ask for leave of court to transfer such samples to the requesting party. Such transfer shall be done through import permit/authorization issued by the competent authority of the requesting party and an export permit granted by PDEA.

f. In all instances of taking samples, the following manner of sampling procedures of multiple packages/bags should be observed:

- i. if there is less than or equal to ten (10) packages/bags, all should be sampled;
- ii. if there is more than ten (10) packages/bags and less than or equal to one hundred (100) packages/bags, randomly select ten (10) packages/bags;
- iii. if there is more than one hundred (100) packages/bags, randomly select a number of packages/bags equal to the square root of the total number of packages rounded to the next higher integer.

SECTION 5. Custody and safekeeping -

a. Designated dangerous drugs custodian and controlled chemical custodian shall have respective control over safekeeping of substances in the storage vaults/cabinets/areas;

b. Store controlled chemicals separately from dangerous drugs. Both storage facilities must be adequately protected.

c. Store dangerous drug evidence in plastic heated envelopes in the shelves in the evidence vaults or heavy-duty steel cabinets.

d. Store bulk marijuana outside the laboratories in separate storage facilities under the control of PDEA.

e. Read and be guided by chemical labels and MSDS for proper storage and safe handling procedures, first aid procedures, proper leak, spill, and disposal techniques, protective equipment, and other safety procedures.

f. Prior to storing chemicals, ensure that it is properly labeled.

g. The chemical label should include a minimum of the following: