



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

OCA CIRCULAR NO. 118-2020

TO : ALL JUDGES OF THE REGIONAL TRIAL COURTS
HEARING DRUGS CASES

RE : ORDER OF DESTRUCTION OF DANGEROUS DRUGS
PURSUANT TO SECTION 21(4), REPUBLIC ACT NO.
9165, AS AMENDED

In a meeting with Police General Archie Francisco F. Gamboa, Chief, Philippine National Police, in the presence of some judges, it was raised that dangerous drugs confiscated and seized from various anti-drug operations remain in the custody of law enforcement agents due to the delayed issuance of court orders for the destruction thereof, as required by Republic Act No. 9165 (R.A. 9165), as amended.¹ In view thereof, all judges of Regional Trial Courts hearing drugs cases are hereby reminded to **STRICTLY COMPLY** with the requirements set forth in Section 21 (4), R.A. 9165, as amended, to wit:

- (4) After the filing of the criminal case, the Court shall, within seventy-two (72) hours, **conduct an ocular inspection** of the confiscated, seized and/or surrendered dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals, including the instruments/ paraphernalia and/or laboratory equipment, and through the PDEA shall within twenty-four (24) hours thereafter **proceed with the destruction or burning of the same**, in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the DOJ, civil society groups and any elected public official x x x *Provided, further*, That a representative sample, duly weighed and recorded is retained.² (Emphasis supplied)

¹ Republic Act No. 9165 as amended (2002).

² Republic Act No. 9165, Sec. 21(4).

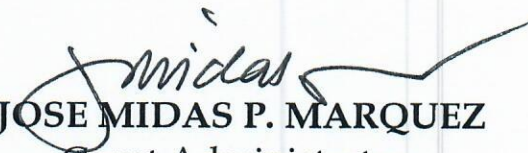
If, for some justifiable reason, full compliance with the above is not always feasible, all judges hearing drugs cases are **STRONGLY ADVISED** to prioritize and comply with the above when the dangerous drugs seized amount to **FIVE (5) KILOGRAMS OR MORE**, *i.e.*, conduct an ocular inspection within seventy-two (72) hours from the filing of the Information in court, then issue the order of destruction within twenty-four (24) hours from the conduct of the ocular inspection, after retaining the required representative sample.

In cases where the illegal drugs seized are physically brought to the court, the court shall issue the order of destruction thereof within twenty-four (24) hours therefrom.

Courts with pending drugs cases where the seized dangerous drugs amount to more than five (5) kilograms, which have not yet conducted the necessary ocular inspection of the seized drugs and issued orders for their destruction **SHALL IMMEDIATELY** conduct the ocular inspections and within twenty-four (24) hours therefrom, issue the destruction orders after obtaining the required representative samples thereof.

Compliance of all concerned is hereby enjoined.

15 July 2020


JOSE MIDAS P. MARQUEZ
Court Administrator