



Republic of the Philippines
Office of the President
DANGEROUS DRUGS BOARD

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BOARD REGULATION No. 3
Series of 2016

**SUBJECT: GUIDELINES ON HANDLING VOLUNTARY SURRENDER OF
DRUG PERSONALITIES**

WHEREAS, it is a declared policy of the State to provide effective mechanisms or measures to re-integrate into society individuals who have fallen victims to drug abuse or drug dependence through sustainable programs of treatment and rehabilitation;

WHEREAS, due to the strong commitment of the President to immediately address the country's drug problem, there are unprecedented responses from both law enforcement and the public, and one of which is the voluntary surrender of self-confessed drug personalities nationwide;

WHEREAS, there is no provision in RA 9165 providing guidelines on handling voluntary surrender of drug personalities;

WHEREAS, under Section 81 (b) of RA 9165, the Dangerous Drugs Board is given the power to promulgate rules and regulations as may be necessary to carry out the purpose of the said Act;

NOW THEREFORE, be it **RESOLVED**, as it is hereby **RESOLVED**, to provide guidelines on handling voluntary surrender of drug personalities, as hereunder provided:

Section 1. Objective

This Regulation aims to establish clear guidelines to be followed by PDEA, PNP, NBI, other law enforcement units, national government agencies, and Local Government Units in dealing with self-confessed surrenderer who voluntarily submitted themselves to authorities and admitted their involvement in the illegal drug trade.

Section 2. Policies and Guidelines

A. General Guidelines

1. Voluntary surrender by drug personalities shall not be an assurance that they will not be subjected to drug law enforcement operation when they engage in the illegal drug activity after their voluntary surrender.
2. Upon voluntary submission of the drug personality/ies to the authorities, the whole process shall be covered by video recording.

3. The Duty Officer (DO) shall immediately conduct body search on the surrenderer as a Standard Operating Procedure (SOP) to determine presence of any deadly weapon or dangerous drugs. However, Women and Children shall only be searched by a female officer or any members of the Women and Children Desk.
4. The surrenderer shall be requested to bring out the contents of his/her pockets and similar clothing appendage.
5. Thereafter, the DO shall get the personal circumstances of the surrenderer and record it in the blotter registry book. The DO shall then refer the surrenderer to the Investigator of the concerned Office for processing and documentation.
6. Prior to interview, the surrenderer shall be informed of his/her Constitutional rights and the consequences of his/her voluntary confession. Thereafter, the surrenderer shall be required to sign an AFFIDAVIT OF UNDERTAKING and WAIVER (Annex A) allowing the conduct of physical/medical examination and drug test that he/she is in good shape, and that he/she shall fully cooperate with law enforcement, among others. The presence of a counsel of his choice/PAO lawyer, nearest kin or any person, of legal age, who knows him/her personally shall be mandatorily required during the execution of the AFFIDAVIT OF UNDERTAKING and WAIVER.
7. The AFFIDAVIT OF UNDERTAKING and WAIVER shall be subscribed before and by any competent authority including but not limited to the Office Legal Officer, elected public officials and the like.
8. Any lawyer, except the lawyer of the Office where he/she surrendered, shall administer the oath prior to the execution of the voluntary confession. The confession must be:
 - a. in writing;
 - b. in the presence of his/her counsel of choice, PAO lawyer, nearest kin or any person, of legal age, who knows him/her personally as the case maybe;
 - c. under oath; and
 - d. voluntary or freely given by the drug personality.
9. The voluntary confession shall be signed by the surrenderer and his/her counsel or by any other counsel except the lawyer of the Office where he/she surrendered to avoid perceived conflict of interest.
10. The Investigator shall conduct interview on the surrenderer alleged involvement and elicit all vital information regarding his illegal drug activity which shall not be limited to the following:
 - a. Personal information including the sketch map of his/her house;
 - b. How long has the subject been involved in illegal drug activities;
 - c. How much does he/she earn from illegal drug activities?
 - d. Specify his/her other source of income
 - e. Specify his/her participation in the illegal drug activity (user, pusher, courier, maintainer of drug den, etc.);

- f. Types of illegal drugs being used, sold and/or smuggled;
 - g. If the surrenderer is a user, determine the subject's frequency of use, volume of drug sold, cost of drug use per intake, and if he/she is an injecting drug user;
 - h. Determine his/her source of illegal drugs (name of supplier and place of origin);
 - i. Identify his/her cohorts;
 - j. Identify his/her protectors and/or linkages (politicians, law enforcers, prosecution, etc);
 - k. Determine his/her area of operation;
 - l. Identify his/her clients/consumers of illegal drugs being sold to;
 - m. Determine if the subject has previous drug cases. Status of the case;
 - n. Is he/she part of a drug group, if any:
 - How many years is he/she in the group?
 - What is his/her role in the group?
 - Determine the profile of the group
 - Strength/manpower
 - Arms, equipment, and mobility
 - Types of illegal drugs being distributed
 - Modus operandi
 - Area of operation
 - Links/connections of the group with politicians and/or police units, armed, terrorist group/s or organization/s and determine the identified connections, if there are any; and
 - Determine if the group is involved in manufacturing/production, smuggling, and/or distribution.
 - If the group is into smuggling or distribution, source and/or place of origin of illegal drugs
 - If the group is into manufacturing/production, where is the location of the laboratory? Are there Chinese or other foreign nationals involved? Production capability (small/kitchen type, medium scale or large scale)
 - If the group is involved in marijuana plantation cultivation, where is the location of the mj plantation site/s? production capability per harvest.
11. The Office shall immediately conduct record check to verify if the surrenderer person is included in the PDEA and PNP Target List, Wanted List and Watch List or has any other pending criminal case/s.
12. The result of the interview with the surrenderer shall be prepared and shall be used as reference for validation and cross validation with the existing target-list. If possible, get photographs/descriptions of the persons he/she named.
13. If the result of the initial interview is actionable, the surrenderer may be requested to submit his/her cellular phones for forensic examination to obtain more data and to support his/her voluntary confession. This has to be officially covered by a receipt and the procedure laid down in cybercrime law shall be followed for the evidence to be admissible in court.
14. Thereafter, the Investigator shall perform the procedures in booking an arrested person. However, the surrenderer should not be handcuffed.
15. No clearance or certificate shall be issued to the surrenderer.

B. Specific Guidelines

1. If the surrenderer has a pending warrant of arrest or criminal case with the Prosecutor's Office or Court, and has not posted bail, the concerned Office shall have temporary custody pending verification of the status of the said warrant or charges before the Prosecutor's Office. If said warrant has not been secured, the surrenderee shall be delivered to the judicial authorities or Prosecutor's Office.
2. If the drug personality has no pending warrant of arrest, the following shall be conducted by the Office:
 - a. If the surrenderer is a high value target, the procedure under the general guidelines shall be observed. Further, his/her affidavit shall be subject to verification and investigation and he/she will be required to execute waiver to allow the Office where he/she surrendered to conduct financial investigation in coordination with the AMLC and declare or submit his/her assets and liabilities and related documents and an appropriate intervention shall be provided.
 - b. If the surrenderer is a pusher/protector and an appointed or elected official or government employee, the procedure stated under the general guidelines shall be observed. Further, a copy of his/her voluntary confession and other pieces of evidence gathered shall be endorsed to the appropriate court, tribunal or quasi-judicial body for the conduct of administrative disciplinary actions.
 - c. If the surrenderer is a pusher, he/she shall be required to surrender, if any, dangerous drugs in his/her possession. Then, follow the legal safeguards of Section 21, RA 9165, as amended, on the marking, inventory and photograph with the required witnesses. Make sure that his/her voluntary surrender of such drug items has been written down in his/her voluntary confession and appropriate intervention shall be provided.
 - d. If the surrenderer is a pusher but does not have dangerous drugs in his/her possession, the procedures stated under the general guidelines shall be observed and appropriate intervention shall be provided.
 - e. If the surrenderer is a user, determine if rehabilitation is applicable in his/her case and follow the issued board regulation on procedures on treatment and rehabilitation for that purpose. The surrenderer shall state in the AFFIDAVIT OF UNDERTAKING AND WAIVER that he/she shall undergo voluntary treatment and rehabilitation. Any monetary consideration in relation to rehabilitation shall be borne by the surrenderer, or if he/she is indigent, a request may be made to the Local Government Unit concerned for assistance. If he/she cannot avail or afford treatment and rehabilitation, he/she shall submit himself/herself to community-based treatment and rehabilitation program, if available.
 - f. If the surrenderer is a minor, he/she shall be immediately endorsed to the local social welfare office in accordance with Republic Act 9344, or Juvenile Justice Welfare Act of 2006.
 - g. If the surrenderer is an OFW who wanted to surrender abroad, he/she shall submit her/himself to Labor Attache assigned in their respective

embassies and same shall be referred to the Migrant Workers and Other Overseas Filipinos Resource Center and the procedure stated under the general guidelines shall be observed.

Section 3. Monitoring of Surrenderer

The surrenderer, shall be under the supervision of the LGUs thru the City or Municipal Anti-Drug Abuse Council (CADAC/MADAC), and shall report to the Chief of Police at least once a week for a period of six (6) months and may be subjected to random drug testing.

Section 4. Reporting System

All law enforcement agencies shall maintain a separate file of drug personalities who voluntarily surrendered in their respective offices. Said information shall be submitted to the PNP in the area to have a one list of surrenderer.

The PNP shall designate a Secretariat that will collate reports and maintain periodic statistics on drug personalities who voluntarily surrender to authorities for evaluation/analysis and continuing enhancement of processes and procedures.

The concerned police unit in the City/Municipality shall submit monthly reports on drug personalities who voluntarily surrender to the PNP Chain of Command. The Chief, PNP, thru the PNP Anti-Illegal Drugs Group shall submit a consolidated report to the PDEA.

Section 5. Coordination with the Government and Non-Government Organizations

The LGUs in the area shall coordinate with the government and non-government organizations for the provision of livelihood and training programs to the drug personalities who surrendered voluntarily.

Section 6. General Supervision of Handling Voluntary Surrender of Drug Personalities

For purposes of effective monitoring and accounting of drug personalities who voluntarily surrendered to authorities, the Director General, PDEA shall be the Officer Primarily Responsible (OPR) for providing general supervision over the implementation of this Regulation pursuant to Section 84 of RA 9165.

Section 7. Sanctions

Any violation of this Regulation shall be penalized with the sanctions embodied in Section 32, Article II of RA 9165 without prejudice to any appropriate administrative sanctions provided under the Act.

Section 8. Effectivity

This Regulation shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation and after registration with the Office of National Administrative Register (ONAR), UP Law Center, Quezon City

APPROVED and **ADOPTED**, this 3rd day of August, in the year of Our Lord, 2016 in Quezon City.

(Sgd) **Secretary FELIPE L. ROJAS, JR., CEO VI**
Chairman, Dangerous Drugs Board

Attested by:

(Sgd) **Asst. Secretary AMADOR S. PABUSTAN**
OIC-Secretary of the Board

Annexes:

1. Voluntary Surrender Form 1 – Affidavit of Undertaking and Waiver (Annex A)
2. Voluntary Surrender Form 2 – Voluntary Confession Form (Annex B)
3. Voluntary Surrender Form 3 – Physical/Medical Examination Request Form (Annex C)
4. Voluntary Surrender Form 4 – Drug Test/Examination Request Form (Annex D)
5. Voluntary Surrender Form 5 – Booking Sheet (Annex E)
6. Voluntary Surrender Form 6 – Booking Mug Shots (Annex F)