



Republic of the Philippines
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp BGen Rafael T Crame, Quezon City

JAN 09 2023

MEMORANDUM CIRCULAR
NO.: **2023-001**

**GUIDELINES IN THE RECEIPT, SAFE STORAGE, AND DISPOSAL OF
HAZARDOUS MATERIALS AND CHEMICALS SUBMITTED FOR EXAMINATION
TO PNP FORENSIC GROUP (FG)**

1. REFERENCES:

- a. Republic Act (RA) No. 9165 as amended, also known as "Comprehensive Dangerous Drugs Act of 2002";
- b. RA No. 6969 "Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990";
- c. Presidential Decree No. 1619 "Penalizing the Use or Possession or the Unauthorized Sale to Minors of Volatile Substances for the Purpose of Inducing Intoxication or in any Manner Changing, Distorting or Disturbing the Auditory, Visual or Mental Process;
- d. Dangerous Drugs Board (DDB) Regulation No. 1 Series of 2007;
- e. DDB Regulation No. 1 Series of 2002;
- f. Revised Forensic Chemistry Manual (September 2021); and
- g. Crime Laboratory Standard Operating Procedure Number 2018-01 to 2018-09 entitled, "Guidelines in the Reception, Examination, Storage and Disposition of Physical Evidence."

2. RATIONALE:

This Memorandum Circular (MC) provides the guidelines and procedures to be undertaken by PNP offices/units concerned in the receipt, safe storage, and disposition of volatile and hazardous materials and chemicals submitted for examination to the PNP FG.

3. SITUATION:

Safekeeping of volatile and hazardous chemicals and materials used as evidence has been a serious concern because of its health risks and also due to its potential as fire and explosion hazards.

Due to the lack of appropriate storage facilities, PNP personnel handling these types of evidence are being exposed to the danger of hazardous chemicals. It is worthy to note that these types of evidence should be stored separately and away from other physical evidence. Due to the nature of these substances, storing them in the same storage facility or evidence room together with other physical evidence might expose the latter to the danger of losing them altogether in case any untoward incident occurs. This may ultimately lead to the destruction of vital pieces of evidence needed in the prosecution of cases.

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A classic example of the danger in storing volatile and hazardous chemicals or materials is the fire incident which transpired on November 4, 2021 at Manila Police District Forensic Unit. The cause of fire was attributed to the ignition of the stored volatile substances being safekept in the evidence room. Due to the escape of vapor of the volatile substances, it creates condition wherein any source of ignition may initiate fire or even explosion.

It is in this view that guidelines for the safekeeping and disposition of these types of evidence be put in place and whenever possible, to keep into minimum the amount of evidence to be stored in order to avoid untoward incidents.

4. PURPOSE:

This MC aims to:

- a. Provide specific guidelines in the handling, safekeeping, and disposal of volatile and hazardous chemicals and materials used as evidence;
- b. Prioritize the health and safety of PNP personnel and mitigate the risks posed by volatile and hazardous chemicals and materials; and
- c. Expedite the disposal of volatile and hazardous chemicals and materials in accordance with the existing laws, rules and regulations.

5. DEFINITION OF TERMS:

- a. Controlled Precursors and Essential Chemicals (CPECs) – include those listed in Tables I and II of the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances as enumerated in the attached annex, which is an integral part of RA No. 9165.
- b. Dangerous Drugs – include those listed in the Schedules annexed to the 1961 Single Convention on Narcotic Drugs as amended by the 1972 Protocol, and in the Schedules annexed to the 1971 Single Convention on Psychotropic Substance as enumerated in the attached annex which is an integral part of RA No. 9165.
- c. Hazardous Materials and Chemicals – are substances which present either:
 - 1) short-term acute hazards, such as acute toxicity by ingestion, inhalation or skin absorption, corrosivity or other skin or eye contact hazards or the risk of fire or explosion; or
 - 2) long-term environmental hazards, including chronic toxicity upon repeated exposure, carcinogenicity (which may in some cases result from acute exposure but with a long latent period), resistance to detoxification process such as biodegradation, the potential to pollute underground or surface waters, or aesthetically objectionable properties such as offensive odors.

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- d. Representative Sample – a small quantity of material to be used in the laboratory examination that reflects the same properties that exist in a larger population.
- e. Receiving Duty Personnel – the assisting duty personnel of the day who aids the duty forensic chemist in the reception of letter requests and scrutinizes the same with the specimen.
- f. Reserved/Retained Sample – sample which reflects the same properties that exist in a larger population, duly weighed and recorded, reserved for presentation as evidence in court or for future testing.
- g. Safety Data Sheet (SDS) – it provides 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.
- h. Volatile Substances – include any liquid, solid or mixed substance having the property of releasing toxic vapors or fumes containing one or more of the following chemical compounds: methanol, ethanol, isopropanol, ethyl acetate, n-propyl acetate, n-butyl acetate, acetone, methyl ethyl ketone, methyl butyl ketone, benzene, toluene, xylene, styrene, naphthalene, n-pentane, n-hexane, n-heptane, methylene chloride, trichloroethylene, tetrachloroethylene, nitrous oxide, dichlorodifluoromethane, chlorodifluoromethane, isoamyl nitrate, ether or chloroform or any other chemical substance which when sniffed, smelled, inhaled, or introduced into the physiological system of the body produces or induces a condition of intoxication, inebriation, excitement, stupefaction, dulling of the brain or nervous system, depression, giddiness, paralysis, or irrational behavior or in any manner changing, distorting or disturbing the auditory, visual or mental processes.

6. GUIDELINES:

a. General Guidelines:

- 1) The PNP operating units concerned shall determine whether the seized volatile or hazardous chemicals and materials fall under any of the following laws:
 - a) PD No. 1619 shall be subject to the regulations in this MC;
 - b) RA No. 9165 shall be subject to DDB and Philippine Drug Enforcement Agency rules and regulations; and
 - c) RA No. 6969 shall be referred to the Environmental Management Bureau of the Department of Environment and Natural Resources for proper disposition.

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- 2) The examiner-on-case shall verify the adequacy and consistency of the description of the submitted specimen as reflected in the request;
- 3) Bulk evidence involving volatile or hazardous materials and chemicals shall be safekept by the PNP office concerned at the place of seizure or in another appropriate area. The PNP office concerned shall coordinate with the LGU to ensure appropriate storage facility for this purpose; and
- 4) The forensic laboratory shall conduct an inventory/document on the seized evidence and take a representative sample for laboratory examination. The forensic laboratory personnel shall likewise take reserve/retention samples for court presentation or for future testing.

b. Specific Guidelines:

- 1) Taking of representative samples for examination and reserved/retained samples for storage of volatile substances and hazardous chemicals and materials
 - a) The representative samples to be taken will depend on the amount and nature of the evidence. Any acceptable sampling methods may be applied in order to come up with an amount which truly represents the whole.
 - b) The DDB Regulation No. 1 series 2007 (sampling of CPECs) shall be adopted for quantity of seized evidence greater than the amount indicated below. A reserved/retained sample shall be taken according to the following requirements:
 - (1) Not more than 2.5 liters for liquid chemicals;
 - (2) Not more than 10 grams for non-liquid chemicals; and
 - (3) Where the retained chemicals are in its original container, samples to be retained shall not be more than one container, e.g., glass bottle or can or polyethylene container or barrel or drum.
 - c) When the quantity of seized evidence is less than the amount specified in letter b (1.b), the whole sample or evidence shall be submitted to the forensic laboratory for examination.
 - d) The reserved/retained sample that will be taken for court presentation should not be less than twice the amount of the representative sample taken but the aggregate amount should not exceed the maximum quantity prescribed by the Board. In the event that the amount of sample to be taken exceeds the allowable maximum quantity, necessary adjustment in the amount of reserved/retained sample shall be made accordingly.

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- e) The forensic laboratory shall undertake to safekeep the reserved/retained sample until its presentation in court.

2) Guidelines on Storage

- a) Ensure proper ventilation of the storage area. Constant flow of air will prevent accumulation of vapors which may cause fire or explosion hazard.
- b) Keep the container tightly sealed. The evidence custodian shall conduct regular checks for damage to minimize the risk of leaks. If the container shows signs of damage, immediately transfer the content to a different container. Keep original container for evidentiary purposes.
- c) Keep it away from ignition sources. Common ignition sources include electrical appliances, heaters, lights, naked flames, and cigarettes.
- d) Store away from incompatible materials such as acids and oxidizing agents or any materials that can cause violent chemical reactions which may lead to fire or explosion.
- e) As far as practicable, do not store large volume of volatile or flammable substances. Keep storage areas away from doors, exits, stairways, or other means of escape to prevent blockage in case of accident.
- f) As part of laboratory safety management, always have the Safety Data Sheets of chemicals readily available to provide information about the substance and its use. Likewise, ensure the availability of the fire extinguishers to be used in case of fire.
- g) The hazardous chemicals must be properly segregated in accordance with its properties and types. According to hazard classes, the recommended storage of hazardous chemicals and materials are the following:
 - (1) Acids — segregate from reactive metals such as sodium, potassium, magnesium, organic acids, flammable and combustible materials, from chemicals which could generate toxic or flammable gases upon contact such as sodium cyanide, iron sulfide or calcium carbide and from bases.
 - (2) Bases — segregate from acids, metals, explosives, organic peroxides, and easily ignitable materials.
 - (3) Solvents (Flammables and Halogenated Solvents) — store in approved safety cans or cabinets, segregate from oxidizing acids and oxidizers and keep away from ignition sources.

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(4) Oxidizers — store in a cool, dry place, keep away from combustible materials, and reducing agents such as zinc, alkali metals, and formic acid.

(5) Toxic chemicals — store according to the nature of the chemical.

3) Guidelines on Disposal

a) To facilitate the immediate disposal of volatile and hazardous chemicals or materials, the PNP unit/personnel concerned who seized the evidence shall coordinate with the trial prosecutor for the filing of appropriate Motion in court for the immediate disposal of the evidence.

b) If no case has been filed in court involving the seized volatile and hazardous chemicals or materials, the PNP unit concerned or the investigator-on-case shall immediately issue a certification categorically stating that no case has been filed in court and submit it to the office of the forensic laboratory having custody of the evidence. The forensic laboratory or PNP unit concerned having custody of the volatile and hazardous chemicals or materials, shall immediately facilitate its disposal in accordance with the existing laws, rules, and regulation.

c) The evidence or the reserved/retained sample shall only be disposed by virtue of a court order or through the issuance of certification of no case filed in court.

d) Disposal of volatile and hazardous chemicals which are also considered CPECs under RA No. 9165 shall be turned over to PDEA for proper disposition.

c. Responsibilities:

1) PNP FG

- a) Act as the OPR for the implementation of this MC;
- b) Ensure that provisions of this MC are properly implemented; and
- c) Perform other tasks as directed.

2) DIDM

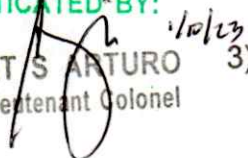
- a) Supervise the implementation of this MC; and
- b) Perform other tasks as directed.

3) NOSUs

- a) Ensure the implementation of this MC;

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- b) Direct the Chief, Investigation Division to monitor and ensure compliance to this MC; and
 - c) Perform other tasks as directed.
- 4) **PROs**
- a) Ensure the implementation of this MC;
 - b) Ensure compliance of lower units to this MC; and
 - c) Perform other tasks as directed.

7. PENAL CLAUSE:

Any violation of this MC shall be dealt with accordingly pursuant to NAPOLCOM Memorandum Circular 2016-002 and other applicable laws, rules and regulations.

8. REPEALING CLAUSE:

All existing PNP issuances in conflict with this MC are deemed repealed, amended, or rescinded accordingly.

9. EFFECTIVITY:

This MC shall take effect after 15 days from filing a copy thereof at the UP Law center in consonance with Section 3, Chapter 2, Book VII of Executive Order 292 otherwise known as the "Revised Administrative Code of 1987," as amended.



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Distribution:
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