



Republic of the Philippines
National Police Commission
NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE
DIRECTORATE FOR INVESTIGATION AND DETECTIVE MANAGEMENT
Camp BGen Rafael T Crame, Quezon City



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DIDM INVESTIGATIVE DIRECTIVE
NUMBER 2018 - 20

**PLEA BARGAINING OF VICTIMLESS CRIME IN RELATION TO REVISED
GUIDELINES FOR CONTINUOUS TRIAL OF CRIMINAL CASES**

1. REFERENCES:

- a. *Estipona Jr vs Judge Lobrigo* (GR No. 226679) promulgated by the Supreme Court En Banc on August 15, 2017;
- b. Supreme Court Resolution dated April 25, 2017 approving A.M. No. 15-06-10-SC re *Revised Guidelines for Continuous Trial of Criminal Cases*; and
- c. Rule 116 of the Rules of Court.

2. BACKGROUND:

When RA No. 9165 was enacted, it was provided in Section 23 thereof that "*any person charged under any provision of this Act (RA 9165) regardless of the imposable penalty shall not be allowed to avail of the provision on plea-bargaining.*"

On the other hand, the pertinent provision on plea bargaining under the Rules of Court provides that:

"Rule 116 – Arraignment and Plea

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Section 2. Plea to a lesser offense. – At arraignment, the accused, with the consent of the offended party and the prosecutor, may be allowed by the trial court to plead guilty to a lesser offense which is necessarily included in the offense charged. After arraignment but before the trial, the accused may still be allowed to plead guilty to said lesser offense after withdrawing his plea of not guilty. No amendment of the complaint or information is necessary"

On April 25, 2017, the Supreme Court issued a resolution approving A.M. No. 15-06-10-SC (**Revised Guidelines for Continuous Trial of Criminal Cases**). Section III (Procedure), 8(d-i) thereof reads:

"III. Procedure

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(d) Arraignment Proper

- i. **Plea Bargaining Except in Drug Cases.** – *If the accused desires to enter a plea of guilty to a lesser offense, plea bargaining shall immediately proceed, **provided** the private offended party in private crimes, or the arresting officer in victimless crimes, is present to give his/her consent with the conformity of the public prosecutor to the plea bargaining. Thereafter, judgement shall be immediately rendered in the same proceedings”*

(Emphasis and Underscoring Supplied)

By virtue of the Revised Guidelines for Continuous Trial of Criminal Cases, plea bargaining for victimless crime shall only proceed if the arresting officer is present to give consent with the conformity of the Public Prosecutor. Plea bargaining in drug cases, however, is not included by virtue of Section 23 of RA No. 9165.

On August 15, 2017, the Supreme Court held in the case of Estipona Jr vs Judge Lobrigo¹ that **Section 23 of RA No. 9165 is unconstitutional** for being contrary to the rule-making authority of the Supreme Court under the Constitution. Applying the aforesaid jurisprudence to the Revised Guidelines for Continuous Trial of Criminal cases, the consent of the arresting officer with the conformity of the Public Prosecutor is needed before proceeding with the plea bargaining of drug cases.

On November 21, 2017, the Department of Justice (DOJ) issued Department Circular 061 to serve as a guide for all prosecutors on plea bargaining of drug cases (violation of RA No. 9165). With the aforesaid internal guidelines issued by the DOJ, all prosecutors will be guided accordingly.

Taking into consideration the wide latitude and discretion given to arresting officers when it comes to plea bargaining of victimless crimes cases, especially on drug cases, it is imperative that a uniform policy and guidelines be put in place similar to what the DOJ has done. With this, arresting officers will also be guided accordingly and that the aforesaid latitude and discretion will not be subjected to any form of corruption or abuse.

3. PURPOSE:

This Investigative Directive aims to set policy and guidelines that shall be observed by concerned PNP personnel in the plea bargaining of criminal cases involving victimless crimes.

4. GUIDELINES:

- a. Plea bargaining in criminal cases is a process whereby the accused and the prosecution work out a mutually satisfactory disposition of the case subject to court approval. It usually involves the defendant's pleading guilty to a lesser offense or to only one or

¹ GR No. 226679, August 15, 2017 (En Banc)

some of the counts of a multi-count indictment in return for a lighter sentence than that for the graver charge.²

Thus, the **giving of consent to the plea bargaining shall not be considered as bungling of a case.** If a case was subjected to plea bargaining, the same is not considered as dismissal, but instead, conviction to a lesser offense only.

- b. **Consent of the arresting officer may only be given for plea bargaining of victimless crimes.** Other than victimless crimes, the consent of the arresting officer is immaterial.

Victimless crimes are those offenses where there are no private offended party.

For purposes of this Investigative Directive, the **arresting officer is the PNP personnel who executed and signed the affidavit of arrest.**

- c. Before attending Arraignment of a **criminal case involving victimless crimes**, the **arresting officer must seek guidance and clearance from the concerned Chief of Police (COP)/Station Commander or Provincial Officer/Chief for National Operational Support Units (NOSUs) whether consent will be given if the accused desires to enter into plea of guilty to a lesser offense.** If the case was handled by a Special Task Group/Force (STG/F), the arresting officer must seek guidance and clearance from the head of the said STG/F.
- d. In all cases, the arresting officer cannot give consent to plea bargaining of victimless crimes without the **written clearance** from those mentioned in paragraph 4c of this Investigative Directive.
- e. Before the aforesaid clearance is given, **prior consultation with the handling prosecutor is necessary and mandatory to determine the appropriateness of entering into plea bargaining.** The opinion of the handling prosecutor must be afforded with great weight and respect unless there are compelling reasons to disagree with the plea bargaining agreement offered by the accused. **PNP Legal Officers shall also be consulted about the same.**
- f. **In determining whether or not the aforesaid clearance may be given, the following shall be considered, among others:**
 - 1) Availability of pieces of evidence;
 - 2) Strength of available pieces of evidence; and
 - 3) Personality/Background of the accused.

² Daan vs Sandiganbayan, GR No. 163972-77, March 28, 2008

g. **For drugs cases**, the following **additional guidelines** shall be observed:

1) The arresting officer and those who will give clearance to plea bargaining **shall observe and be guided by** the applicable provisions of **DOJ Department Circular No. 061 dated November 21, 2017** re *Guidelines on Plea Bargaining Agreement for RA No. 9165 otherwise known as the "Comprehensive Dangerous Act of 2002" (Annex "A")*. Thus, **no plea bargaining is allowed for violation of the following provisions of RA No. 9165:**

- a) Section 4 – Importation of Dangerous Drugs;
- b) Section 4, paragraph 2 – Importation of Controlled Precursors and Essential Chemicals;
- c) Section 4, paragraph 3 – Importation thru use of diplomatic passport, etc.;
- d) Section 4, paragraph 4 – Acting as Financier in Importation;
- e) Section 4, paragraph 5 – Acting as "Protector/Coddler";
- f) Section 5 – Sale, Trading, etc. of Dangerous Drugs;
- g) Section 5, paragraph 3 – Sale, Trading, etc. takes place within 100 meters from a school;
- h) Section 5, paragraph 4 – Drug Pushers who use minor as couriers, etc.;
- i) Section 5, paragraph 5 – When the victim is a minor causing the latter's death;
- j) Section 5, paragraph 6 – Acting as Financier;
- k) Section 6, paragraph 1 – Maintenance of Den, Dive or Resort. Where dangerous drug is used or sold in any form;
- l) Section 6, paragraph 3 – Where dangerous drug is sold or delivered to a minor and is allowed to use it in such place;
- m) Section 6, paragraph 4 – When the use of dangerous drugs in such place causes the death of a person;
- n) Section 6, paragraph 6 – Acting as Organizer, Manager or Financier of such place;
- o) Section 8, paragraph 1 – Manufacture of Dangerous Drugs;
- p) Section 8, paragraph 4 – Acting as Financier;
- q) Section 10, paragraph 3 – If a minor is used to deliver such equipment, instrument, paraphernalia, etc.;
- r) Section 11, paragraph 1 – Possession of Dangerous Drugs (Where quantity of shabu, opium, morphine, heroin, cocaine exceeds 50 grams, etc.);
- s) Section 11, paragraph 2 – Possession of Dangerous Drugs (Where quantity of shabu is 10 grams or more but not exceeding 50 grams);
- t) Section 11, paragraph 2 – Possession of Dangerous Drugs (Where quantity of opium, morphine, heroin, cocaine is 5 grams or more but not exceeding 10 grams, etc.);
- u) Section 13 – Possession of Dangerous Drugs During Parties, Social Gatherings or Meetings;
- v) Section 15 – Use of Dangerous Drugs;

- w) Section 16, paragraph 1 – Cultivating or Culture of Plants Classified as Dangerous Drugs or are Sources thereof;
- x) Section 16, paragraph 3 – Acting as Financier;
- y) Section 26 – Attempt or Conspiracy;
- z) Section 27 – Criminal Liability of Public Officer or Employee for Misappropriation, Misapplication or Failure to Account for Confiscated Dangerous Drugs, etc.; and
- aa) Section 29 – Planting of Evidence.

2) Also, **no plea bargaining shall be allowed on the following provisions of RA No. 9165** due to lack of possible lesser offense, however, a plea of guilt with recommendation by the Prosecution for imposition of lesser penalty is allowed:

- a) Section 5, paragraph 2 – Sale, Trading, etc of Controlled Precursor and Essential Chemicals;
- b) Section 5, paragraph 7 – Acting as “*Protector/Coddler*”;
- c) Section 6, paragraph 2 – Maintenance of Den, Dive or Resort. Where Controlled Precursor and Essential Chemicals is used or sold;
- d) Section 6, paragraph 7 – Acting as “*Protector/Coddler*”;
- e) Section 7 – Employees or Visitors of Den, Dive or Resort
- f) Section 8, paragraph 2 – Manufacture of Controlled Precursors and Essential Chemicals;
- g) Section 8, paragraph 5 – Acting as “*Protector/Coddler*” ;
- h) Section 9 – Illegal Chemical Diversion of Controlled Precursors and Essential Chemicals;
- i) Section 10, paragraph 2 – If paraphernalia manufactured or delivered will be used to introduce a dangerous drug in the human body;
- j) Section 16, paragraph 3 – Acting as “*Protector/Coddler*”
- k) Section 17 – Maintenance and Keeping of Original Records of Transactions on Dangerous Drugs and/or Controlled Precursors & Essential Chemicals;
- l) Section 18 – Unnecessary Prescription of Dangerous Drugs;
- m) Section 32 – Liability of Person Violating any Regulation issued by the Dangerous Drugs Board;
- n) Section 37 – Issuance of False or Fraudulent Drug Test Results;
- o) Section 72 – Liability of Person who violates the Confidentiality of Records (of drug dependent under voluntary submission program);
- p) Section 91, paragraph 2 – Liability of Immediate Superior if he failed to exert reasonable effort to present witness to court;
- q) Section 91, paragraph 3 – Failure of Immediate Superior to Inform Court of Transfer or Re-Assignment of Accused Law Enforcement Agent; and
- r) Section 92 – Delay and Bungling in the Prosecution of Dug cases.

3) If **plea bargaining is allowed** under the aforesaid DOJ Department Circular, the provisions of paragraph 4 (guidelines) of this Investigative Directive shall be observed.

- h. All RIDMDs and NOSUs shall submit a report to DIDM (attention: Case Monitoring Division) every 5th day of the month with respect to the total number of drug cases and other victimless crimes filed in Court within their AOR and the number of cases subjected to plea bargaining.
- i. If the victimless crime was subjected to plea bargaining, the Case Information Database Management System (**CIDMS**) must be updated accordingly by the Investigator on Case (**IOC**) for efficient monitoring of the case records and report generation. Copy of the resolution of the Court must also be uploaded in the CIDMS for reference.

5. RESPONSIBILITY:

a. Ex-O, DIDM

- 1) Supervise the implementation of this Investigative Directive; and
- 2) Perform other tasks as directed

b. RDs, PROs and Directors, NOSUs

- 1) Responsible for the dissemination and compliance of this Investigative Directive up to the Police Community Precinct level of their respective AOR; and
- 2) Perform other task as directed

c. D, LS



- 1) Ensure that legal support and assistance will be provided by concerned Legal Officers in the implementation of this Investigative Directive; and
- 2) Perform other task as directed.

6. SANCTIONS:

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

7. EFFECTIVITY:

This Investigative Directive shall take effect immediately.


ELMO FRANCIS O SARONA
Police Chief Superintendent 

Distribution:

RDs, PROs
Dirs, NOSUs

cc:

Command Group
D-Staff
P-Staff

Inc: a/s



Republika ng Pilipinas
KAGAWARAN NG KATARUNGAN
Department of Justice
Manila

ANNEX "A"

VNA-DC-_____

NOV 21 2017

DEPARTMENT CIRCULAR NO. 061

TO: ALL PROSECUTORS

RE: GUIDELINES ON PLEA BARGAINING AGREEMENT FOR R.A. NO. 9165 OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2000"

In the interest of the service and in consonance with the decision of the Supreme Court in GR No. 226679 entitled "Salvador Estipina, Jr. y Asuela vs. Hon. Frank E. Lobrigo" the following is the Guideline on Plea Bargaining Agreement for R.A. No. 9165 otherwise known as the "Comprehensive Dangerous Drugs Act of 2000".

Offense Charged in Information		Acceptable Plea Bargain	
Section	Penalty	Section	Penalty
Section 4 <i>Importation of Dangerous Drugs</i>	Life Imprisonment to Death & Fine from Php 500k to Php 10M	No Plea Bargain Allowed	
Section 4, par. 2 <i>Importation of Controlled Precursors & Essential Chemicals</i>	12 yrs & 1 day to 20 yrs and Fine from Php 100k to Php 500k	No Plea Bargain Allowed	
Section 4, par. 3 Importation thru use of diplomatic passport, etc.	Maximum Penalty	No Plea Bargain Allowed	
Section 4, par. 4 Acting as Financier in Importation	Maximum Penalty	No Plea Bargain Allowed	

Section 4, par. 5 Acting as "Protector/Coddler"	12 years & 1 day to 20 years & Fine from Php 100k to Php 500k	No Plea Bargain Allowed	
Section 5 <i>Sale, Trading, etc. of Dangerous Drugs</i>	Life Imprisonment to Death & Fine from Php 500k to Php 10M	No Plea Bargain Allowed	
Section 5, par. 2 <i>Sale, Trading, etc. of Controlled Precursor & Essential Chemicals</i>	12 yrs & 1 day to 20 yrs and Fine from Php 100k to Php 500k	No Plea Bargain possible due to lack of a lesser offense (Plea of Guilt with Recommendation by Prosecution for imposition of a lesser penalty allowed)	
Section 5, par. 3 Sale, trading, etc. takes place within 100 meters from a school	Maximum Penalty	No Plea Bargain Allowed	
Section 5, par. 4 Drug pushers who use minors as couriers, etc	Maximum Penalty	No Plea Bargain Allowed	
Section 5, par. 5 When the victim is a minor causing the latter's death	Maximum Penalty	No Plea Bargain Allowed	
Section 5, par. 6 Acting as Financier	Maximum Penalty	No Plea Bargain Allowed	
Section 5, par. 7 Acting as "Protector/Coddler"	12 years & 1 day to 20 years & Fine from Php 100k to Php 500k	No Plea Bargain possible due to lack of lesser offense (Plea of Guilt with Recommendation	

		by Prosecution for the imposition of a lesser penalty allowed)	
<p>Section 6, par. 1</p> <p><i>Maintenance of Den, Dive or Resort</i></p> <p>Where dangerous drugs is used or sold in any form</p>	<p>Life Imprisonment to Death & Fine from Php 500k to Php 10M</p>	<p>No Plea Bargain Allowed</p>	
<p>Section 6, par. 2</p> <p><i>Maintenance of Den, Dive or Resort</i></p> <p>Where Controlled Precursors and Essential Chemicals is used or sold</p>	<p>12 yrs & 1 day to 20 yrs and Fine from Php 100k to Php 500k</p>	<p>No Plea Bargain possible due to lack of a lesser offense (Plea of Guilt with Recommendation by Prosecution for imposition of a lesser penalty allowed)</p>	
<p>Section 6, par. 3</p> <p>Where dangerous drug is sold or delivered to a minor and is allowed to use it in such place</p>	<p>Maximum Penalty</p>	<p>No Plea Bargain Allowed</p>	
<p>Section 6, par. 4</p> <p>When the use of dangerous drugs in such place causes the death of a person</p>	<p>Death & Fine from Php 1M to Php 10M imposed on owner, maintainer and/or operator</p>	<p>No Plea Bargain Allowed</p>	
<p>Section 6, par. 6</p> <p>Acting as Organizer, Manager or Financier of such place</p>	<p>Maximum Penalty</p>	<p>No Plea Bargain Allowed</p>	

Section 6, par. 7 Acting as "Protector/Coddler"	12 yrs & 1 day to 20 yrs and Fine from Php 100k to Php 500k	No Plea Bargain possible due to lack of a lesser offense (Plea of Guilt with Recommendation by Prosecution for imposition of a lesser penalty allowed)	
Section 7 <i>Employees or Visitors of Den, Dive or Resort</i>	12 yrs & 1 day to 20 yrs and Fine from Php 100k to Php 500k	No Plea Bargain possible due to lack of a lesser offense (Plea of Guilt with Recommendation by Prosecution for imposition of a lesser penalty allowed)	
Section 8, par. 1 <i>Manufacture of Dangerous Drugs</i>	Life Imprisonment to Death & Fine from Php 500k to Php 10M	No Plea Bargain Allowed	
Section 8, par. 2 <i>Manufacture of Controlled Precursors and Essential Chemicals</i>	12 yrs & 1 day to 20 yrs and Fine from Php 100k to Php 500k	No Plea Bargain possible due to lack of a lesser offense (Plea of Guilt with Recommendation by Prosecution for imposition of a lesser penalty allowed)	
Section 8, par. 4 Acting as Financier	Maximum Penalty	No Plea Bargain Allowed	
Section 8, par. 5 Acting as "Protector/Coddler"	12 yrs & 1 day to 20 yrs and Fine from Php 100k to Php 500k	No Plea Bargain possible due to lack of a lesser offense (Plea of Guilt with Recommendation	

		by Prosecution for imposition of a lesser penalty allowed)	
Section 9 <i>Illegal Chemical Diversion of Controlled Precursors and Essential Chemicals</i>	12 yrs & 1 day to 20 yrs and Fine from Php 100k to Php 500k	No Plea Bargain possible due to lack of a lesser offense (Plea of Guilt with Recommendation by Prosecution for imposition of a lesser penalty allowed)	
Section 10, par. 1 <i>Manufacture or Delivery of Equipment, Instruments, Apparatus and Other Paraphernalia for Dangerous Drugs and/or Controlled Precursors and Essential Chemicals</i> (used to plant, propagate, cultivate, grow, harvest, etc any dangerous drug, controlled precursor & essential chemical	12 yrs & 1 day to 20 yrs and Fine from Php 100k to Php 500k	Section 10, par. 2	6 months & 1 day to 4 years and fine ranging from Php 10k to Php 50k
Section 10, par. 2 If paraphernalia manufactured or delivered will be used to introduce a dangerous drug in the human body	6 months & 1 day to 4 years and fine ranging from Php 10k to Php 50k	No Plea Bargain possible due to lack of a lesser offense (Plea of Guilt with Recommendation by Prosecution for imposition of a	

		lesser penalty allowed)	
Section 10, par. 3 If a minor is used to deliver such equipment, instrument, paraphernalia, etc.	Maximum Penalty	No Plea Bargain Allowed	
Section 11, Par. 1 <i>Possession of Dangerous Drugs</i> (Where quantity of shabu, opium, morphine, heroin, cocaine exceed 50 grams, etc.)	Life Imprisonment to Death & Fine from Php 500k to Php 10M	No Plea Bargain Allowed	
Section 11, par. 2 <i>Possession of Dangerous Drugs</i> (Where quantity of shabu is 10 grams or more but not exceeding 50 grams)	Life Imprisonment & Fine from Php 400k to Php 500k	No Plea Bargain Allowed	
Section 11, par. 2 <i>Possession of Dangerous Drugs</i> (Where quantity of opium, morphine, heroin, cocaine is 5 grams or more but not exceeding 10 grams, etc.)	20 yrs and 1 day to Life Imprisonment & Fine from Php 400k to Php 500k	No Plea Bargain Allowed	
Section 11, par. 3 <i>Possession of Dangerous Drugs</i> (Where quantity of "shabu", opium,	12 yrs & 1 day to 20 yrs and Fine from Php 300k to Php 400k	Sec. 15 <i>Use of Dangerous Drugs</i>	6 mos. Rehab (1 st Offense) 6 yrs & 1 day to 12 yrs & fine from

morphine, heroin, cocaine is less than 5 grams, etc)			Php 50k to Php 200k (for 2 nd offense)
Section 12 <i>Possession of Equipment, Apparatus & Other Paraphernalia for Dangerous Drugs</i>	6 months & 1 day to 4 years and a Fine Ranging from Php 10k to Php 50k	Plea of Guilt with Recommendation by Prosecution for a lesser penalty allowed	
Section 13 <i>Possession of Dangerous Drugs During Parties, Social Gatherings or Meetings</i>	Maximum Penalties provided under Section 11 regardless of quantity or purity	No Plea Bargain Allowed	
Section 14 <i>Possession of Equipment, Apparatus & Other Paraphernalia for Dangerous Drugs During Parties, Social Gatherings or Meetings</i>	Maximum Penalty provided under Section 12	Section 12 <i>Possession of Equipment, Apparatus & Other Paraphernalia for Dangerous Drugs</i>	6 months & 1 day to 4 years and a Fine Ranging from Php 10k to Php 50k
Section 15 <i>Use of Dangerous Drugs</i>	6 mos. Rehab for 1 st offense; 6 yrs & 1 day to 12 yrs & fine from Php 50k to Php 200k for 2 nd offense	No Plea Bargain possible due to lack of a lesser offense	
Section 16, par. 1 <i>Cultivating or Culture of Plants Classified as Dangerous Drugs or are Sources thereof</i>	Life Imprisonment to Death and Fine from Php 500k to Php 10M	No Plea Bargain Allowed	

Section 16, par. 3 Acting as Financier	Maximum Penalty	No Plea Bargain Allowed	
Acting as "Protector/Coddler"	12 yrs & 1 day to 20 yrs and Fine from Php 100k to Php 500k	No Plea Bargain possible due to lack of a lesser offense (Plea of Guilt with Recommendation by Prosecution for imposition of a lesser penalty allowed)	
Section 17 <i>Maintenance and Keeping of Original Records of Transactions on Dangerous Drugs and/or Controlled Precursors & Essential Chemicals</i>	1 yr. and 1 day to 6 yrs, and Fine from Php 10k to Php 50k	No Plea Bargain possible due to lack of a lesser offense (Plea of Guilt with Recommendation by Prosecution for imposition of a lesser penalty allowed)	
Section 18 <i>Unnecessary Prescription of Dangerous Drugs</i>	12 yrs and 1 day to 20 yrs & fine from Php 100k to Php 500k with revocation of license of practitioner	No Plea Bargain possible due to lack of a lesser offense (Plea of Guilt with Recommendation by Prosecution for imposition of a lesser penalty allowed)	
Section 19 <i>Unlawful Prescription of Dangerous Drugs</i>	Life Imprisonment to Death & Fine from Php 500k to Php 10M	Section 18 <i>Unnecessary Prescription of Dangerous Drugs</i>	12 yrs and 1 day to 20 yrs & fine from Php 100k to Php 500k with revocation of license of practitioner

Section 26 <i>Attempt or Conspiracy</i>	Penalty Provided in Previous Sections for Importation, Sale, Maintenance of Den, Manufacture & Cultivation of Dangerous Drugs	No Plea Bargain Allowed	
Section 27 <i>Criminal Liability of Public Officer or Employee for Misappropriation, Misapplication or Failure to Account for Confiscated Dangerous Drugs, etc.</i>	Life Imprisonment to Death and Fine from Php 500k to Php 10M	No Plea Bargain Allowed	
Section 29 <i>Planting of Evidence</i>	Death	No Plea Bargain Allowed	
Section 32 <i>Liability of Person Violating any Regulation issued by the Dangerous Drugs Board</i>	6 mos. & 1 day to 4 yrs and fine from Php 10k to Php 50k	No Plea Bargain possible due to lack of a lesser offense (Plea of Guilt with Recommendation by Prosecution for imposition of a lesser penalty allowed)	
Section 37 <i>Issuance of False or Fraudulent Drug Test Results</i>	6 yrs and 1 day to 12 yrs & fine from Php 100k to Php 500k	No Plea Bargain possible due to lack of a lesser offense (Plea of Guilt with Recommendation by Prosecution for imposition of a lesser penalty allowed)	

Section 72 <i>Liability of Person who violates the Confidentiality of Records</i> (of drug dependent under voluntary submission program)	6 mos. and 1 day to 6 yrs and fine from Php 1k to Php 6k	No Plea Bargain possible due to lack of a lesser offense (Plea of Guilt with Recommendation by Prosecution for imposition of a lesser penalty allowed)	
Section 91, par. 1 <i>Responsibility & Liability of Law Enforcement Agencies and other Government Officials and Employees in Testifying as Prosecution Witnesses in Dangerous Drugs Cases</i>	12 yrs and 1 day to 20 yrs and fine of not less than Php 500k	Section 91, par. 2 Liability of Immediate Superior if he failed to exert reasonable effort to present witness t court	2 mos and 1 day but not more than 6 yrs and fine of not less that Php 10k but not more than Php 50k
Section 91, par. 2 Liability of Immediate Superior if he failed to exert reasonable effort to present witness t court	2 mos and 1 day but not more than 6 yrs and fine of not less that Php 10k but not more than Php 50k	No Plea Bargain possible due to lack of a lesser offense (Plea of Guilt with Recommendation by Prosecution for imposition of a lesser penalty allowed)	
Section 91, par. 3 Failure of Immediate Superior to Inform Court of Transfer or Re-Assignment of Accused Law Enforcement Agent	2 mos and 1 day but not more than 6 yrs and fine of not less that Php 10k but not more than Php 50k	No Plea Bargain possible due to lack of a lesser offense (Plea of Guilt with Recommendation by Prosecution for imposition of a lesser penalty allowed)	

Section 92 <i>Delay and Bungling in the Prosecution of Drug Cases</i>	12 yrs and 1 day to 20 yrs without prejudice to further prosecution under the RPC	No Plea Bargain possible due to lack of a lesser offense (Plea of Guilt with Recommendation by Prosecution for imposition of a lesser penalty allowed)	
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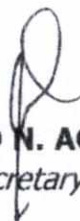
In cases where the imposable penalty is at least life imprisonment, the trial prosecutor must first secure the prior written consent of the City Prosecutor or Provincial Prosecutor concerned to the plea bargain.

In all other cases, the trial prosecutor shall be given full blanket written authority by the City or Provincial Prosecutor to agree to a plea bargain at anytime before the prosecution commences the presentation of its evidence subject to the above guidelines

These guidelines shall serve as an exception to Department Circular No. 55 dated December 11, 1990 and shall apply only to cases covered by Republic Act No. 9165.

This Department Circular shall take effect immediately until revoked.

For strict compliance.


VITALIANO N. AGUIRRE II
Secretary

Copy furnished:

All concerned.

Department of Justice
CN : 0201711095

