

- 5.6. Outright donation of confiscated/seized goods to government agencies needing them, whenever authorized under any existing laws, shall be expeditiously observed.
6. **Operations by Law Enforcement Agencies.** The foregoing shall likewise apply to goods confiscated by law enforcement agencies, including those confiscated during operations conducted prior to the effectivity of this Joint Circular, for so long as the operations were conducted within the period of the declared public health emergency.
- 6.1. Law enforcement agencies shall conduct the inventory in coordination with the appropriate Implementing Agency, to which they shall forthwith cause the immediate turnover of the confiscated goods.
- 6.2. The Implementing Agency concerned shall then summarily cause the formal seizure, forfeiture, and disposal of the same in accordance with the provisions of the Price Act or the Customs Modernization and Tariff Act, strictly taking into account the preference granted to the State, and the necessity of preserving the evidence for purposes of prosecution.
- 6.3. Meanwhile, the law enforcement agency concerned shall institute the criminal proceedings before the Investigating or Inquest Prosecutor in charge.
7. **Transfer of Custody of Goods by the Prosecutor.** In case of complaints already filed and pending at the time of the effectivity of this Joint Circular, the Investigating or Inquest Prosecutor shall cause the transfer of custody of confiscated goods to the Implementing Agency concerned in the most efficient and expeditious manner for subsequent formal seizure, forfeiture, and disposal. In case the information is already pending in court, the handling prosecutor shall file the appropriate motion to effect such transfer of custody of goods to the appropriate Implementing Agency.
8. **Consultation with FDA and other Regulatory Agencies.** Prior to formal seizure, forfeiture, and disposal, the Implementing Agencies shall consult with the Food and Drug Administration or other regulatory bodies to ensure that the goods are safe for distribution and utilization. If declared unsafe, the goods shall be returned to the law enforcement agency or to the prosecutor, as the case may be, to be used as evidence and, thereafter, for further disposition in accordance with law.
9. **Separability of Proceedings.** Neither the institution of administrative proceedings nor the seizure, forfeiture, or disposal of the confiscated goods pursuant to the provisions of the Price Act or the Customs Modernization and Tariff Act shall preclude the State from prosecuting any offender under the provisions of the said Acts or of any other penal laws.
10. **Separability.** If any provision of this Joint Circular is declared invalid, the remainder thereof shall not in any way be affected or impaired thereby.

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