



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

SUPREME COURT OF THE PHILIPPINES
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PEOPLE OF THE PHILIPPINES, G.R. No. 225747

Plaintiff-Appellee, Present:

- versus -

JEFFERSON MEDINA y CRUZ,
Accused-Appellant.

CARPIO, J., Chairperson,
PERLAS-BERNABE,
CAGUIOA,
A. REYES, JR., and
CARANDANG, JJ.

Promulgated:

05 DEC 2018

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[Signature]

DECISION

PERLAS-BERNABE, J.:

Assailed in this ordinary appeal¹ is the Decision² dated September 24, 2015 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06173, which affirmed the Decision³ dated May 8, 2013 of the Regional Trial Court of Caloocan City, Branch 120 (RTC) in Crim. Case No. C-84099, finding accused-appellant Jefferson Medina y Cruz (Medina) guilty beyond reasonable doubt of Illegal Sale of Dangerous Drugs, defined and penalized under Section 5, Article II of Republic Act No. (RA) 9165,⁴ otherwise known as the "Comprehensive Dangerous Drugs Act of 2002."

¹ See Notice of Appeal dated October 19, 2015; *rollo*, pp. 12-13.

² Id. at 2-11. Penned by Associate Justice Noel G. Tijam (now a member of this Court) with Associate Justices Francisco P. Acosta and Eduardo B. Peralta, Jr., concurring.

³ CA *rollo*, pp. 17-23. Penned by Judge Aurelio R. Ralar, Jr.

⁴ Entitled "AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES," approved on June 7, 2002.

The Facts

This case stemmed from an Information⁵ filed before the RTC accusing Medina of violating Section 5, Article II of RA 9165. The prosecution alleged that on April 26, 2010, members of the District Anti-Illegal Drug – Special Operation Task Group, Northern Police District⁶ successfully implemented a buy-bust operation against Medina, during which one (1) plastic sachet containing white crystalline substance was recovered from him. Police Officer 3 (PO3) Honorato Quintero, Jr. then marked the seized item at the place of arrest, and thereafter, brought it to the police station along with Medina. Thereat, PO3 Ariosto B. Rana (PO3 Rana) conducted the inventory⁷ and photography of the seized item in the presence of Maeng Santos (Santos), a media representative, and thereafter, prepared the necessary paperworks for examination. Finally, the seized item was then brought to the crime laboratory where, upon examination,⁸ the contents thereof tested positive for 0.05 gram of methylamphetamine hydrochloride or *shabu*, a dangerous drug.⁹

In defense, Medina denied the charges against him, claiming instead, that while he was at home at the time of the alleged incident, three (3) men in civilian clothes entered his house and looked for a certain Jeff Abdul. When Medina informed them that there was no such person residing in his house, they frisked him, took him outside, ordered him to lie face down, and put him in handcuffs. He was then brought to the police station where he was charged with Illegal Sale of *shabu*.¹⁰

In a Decision¹¹ dated May 8, 2013, the RTC found Medina guilty beyond reasonable doubt of the crime charged, and accordingly, sentenced him to suffer the penalty of life imprisonment and to pay a fine in the amount of ₱500,000.00.¹² The RTC found that a consummated sale indeed occurred between the poseur buyer and Medina. In this relation, it brushed aside the defense's claim that Medina was not one of the target persons of the operation since the prosecution was able to clearly and convincingly establish all the elements of the crime charged. Finally, it gave credence to the testimonies of the prosecution witnesses who are presumed to have regularly performed their duties in the absence of proof to the contrary.¹³ Aggrieved, Medina appealed¹⁴ to the CA.

⁵ Records, p. 2.

⁶ Id. at 4.

⁷ See Inventory of Drug Seized/Items dated April 27, 2010; id. at 13.

⁸ See Physical Science Report No. D-106-10 dated April 27, 2010; id. at 33.

⁹ See *rollo*, pp. 3-5. See also CA *rollo*, pp. 18-20.

¹⁰ See *rollo*, p. 6. See also CA *rollo*, pp. 20-21.

¹¹ CA *rollo*, pp. 17-23.

¹² Id. at 23.

¹³ See id. at 21-22.

¹⁴ See Notice of Appeal dated May 22, 2013; id. at 15.

In a Decision¹⁵ dated September 24, 2015, the CA affirmed the RTC ruling. It held that the prosecution had established beyond reasonable doubt all the elements of the crime charged, and that the integrity and evidentiary value of the seized item have been properly preserved.¹⁶

Hence, this appeal seeking that Medina's conviction be overturned.

The Court's Ruling

The appeal is meritorious.

In cases for Illegal Sale and/or Illegal Possession of Dangerous Drugs under RA 9165,¹⁷ it is essential that the identity of the dangerous drug be established with moral certainty, considering that the dangerous drug itself forms an integral part of the *corpus delicti* of the crime.¹⁸ Failing to prove the integrity of the *corpus delicti* renders the evidence for the State insufficient to prove the guilt of the accused beyond reasonable doubt and hence, warrants an acquittal.¹⁹

To establish the identity of the dangerous drug with moral certainty, the prosecution must be able to account for each link of the chain of custody from the moment the drugs are seized up to their presentation in court as evidence of the crime.²⁰ As part of the chain of custody procedure, the law requires, *inter alia*, that the marking, physical inventory, and photography of the seized items be conducted immediately after seizure and confiscation of the same. In this regard, case law recognizes that “[m]arking upon immediate confiscation contemplates even marking at the nearest police station or office of the apprehending team.”²¹ Hence, the failure to

¹⁵ *Rollo*, pp. 2-11.

¹⁶ See *id.* at 7-11.

¹⁷ The elements of Illegal Sale of Dangerous Drugs under Section 5, Article II of RA 9165 are: (a) the identity of the buyer and the seller, the object, and the consideration; and (b) the delivery of the thing sold and the payment; while the elements of Illegal Possession of Dangerous Drugs under Section 11, Article II of RA 9165 are: (a) the accused was in possession of an item or object identified as a prohibited drug; (b) such possession was not authorized by law; and (c) the accused freely and consciously possessed the said drug. (See *People v. Crispo*, G.R. No. 230065, March 14, 2018; *People v. Sanchez*, G.R. No. 231383, March 7, 2018; *People v. Magsano*, G.R. No. 231050, February 28, 2018; *People v. Manansala*, G.R. No. 229092, February 21, 2018; *People v. Miranda*, G.R. No. 229671, January 31, 2018; and *People v. Mamangon*, G.R. No. 229102, January 29, 2018; all cases citing *People v. Sumili*, 753 Phil. 342, 348 [2015] and *People v. Bio*, 753 Phil.730, 736 [2015].)

¹⁸ See *People v. Crispo*, *id.*; *People v. Sanchez*, *id.*; *People v. Magsano*, *id.*; *People v. Manansala*, *id.*; *People v. Miranda*, *id.*; and *People v. Mamangon*, *id.* See also *People v. Viterbo*, 739 Phil. 593, 601 (2014).

¹⁹ See *People v. Gamboa*, G.R. No. 233702, June 20, 2018, citing *People v. Umipang*, 686 Phil. 1024, 1039-1040 (2012).

²⁰ See *People v. Año*, G.R. No. 230070, March 14, 2018; *People v. Crispo*, *supra* note 17; *People v. Sanchez*, *supra* note 17; *People v. Magsano*, *supra* note 17; *People v. Manansala*, *supra* note 17; *People v. Miranda*, *supra* note 17; and *People v. Mamangon*, *supra* note 17. See also *People v. Viterbo*, *supra* note 18.

²¹ *People v. Mamalumpon*, 767 Phil. 845, 855 (2015), citing *Imson v. People*, 669 Phil. 262, 270-271 (2011). See also *People v. Ocfemia*, 718 Phil. 330, 348 (2013), citing *People v. Resurreccion*, 618 Phil. 520, 532 (2009).

immediately mark the confiscated items at the place of arrest neither renders them inadmissible in evidence nor impairs the integrity of the seized drugs, as the conduct of marking at the nearest police station or office of the apprehending team is sufficient compliance with the rules on chain of custody.²²

The law further requires that the said inventory and photography be done in the presence of the accused or the person from whom the items were seized, or his representative or counsel, as well as certain required witnesses, namely: (a) if **prior** to the amendment of RA 9165 by RA 10640,²³ “a representative from the media **and** the Department of Justice (DOJ), and any elected public official”;²⁴ or (b) if **after** the amendment of RA 9165 by RA 10640, “an elected public official and a representative of the National Prosecution Service **or** the media.”²⁵ The law requires the presence of these witnesses primarily “to ensure the establishment of the chain of custody and remove any suspicion of switching, planting, or contamination of evidence.”²⁶

As a general rule, compliance with the chain of custody procedure is strictly enjoined as the same has been regarded “not merely as a procedural technicality but as a matter of substantive law.”²⁷ This is because “[t]he law has been crafted by Congress as safety precautions to address potential police abuses, especially considering that the penalty imposed may be life imprisonment.”²⁸

Nonetheless, the Court has recognized that due to varying field conditions, strict compliance with the chain of custody procedure may not always be possible.²⁹ As such, the failure of the apprehending team to strictly comply with the same would not *ipso facto* render the seizure and custody over the items as void and invalid, provided that the prosecution satisfactorily proves that: (a) there is a justifiable ground for non-compliance; and (b) the integrity and evidentiary value of the seized items are properly preserved.³⁰ The foregoing is based on the saving clause found in Section 21 (a),³¹ Article II of the Implementing Rules and Regulations

²² See *People v. Tumalak*, 791 Phil. 148, 160-161 (2016); and *People v. Rollo*, 757 Phil. 346, 357 (2015).

²³ Entitled “AN ACT TO FURTHER STRENGTHEN THE ANTI-DRUG CAMPAIGN OF THE GOVERNMENT, AMENDING FOR THE PURPOSE SECTION 21 OF REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE ‘COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002,’” approved on July 15, 2014.

²⁴ Section 21 (1) and (2), Article II of RA 9165; emphasis and underscoring supplied.

²⁵ Section 21 (1), Article II of RA 9165, as amended by RA 10640; emphasis and underscoring supplied.

²⁶ See *People v. Bangalan*, G.R. No. 232249, September 3, 2018, citing *People v. Miranda*, supra note 17. See also *People v. Mendoza*, 736 Phil. 749, 764 (2014).

²⁷ See *People v. Miranda*, id. See also *People v. Macapundag*, G.R. No. 225965, March 13, 2017, 820 SCRA 204, 215, citing *People v. Umipang*, supra note 19, at 1038.

²⁸ See *People v. Segundo*, G.R. No. 205614, July 26, 2017, citing *People v. Umipang*, id.

²⁹ See *People v. Sanchez*, 590 Phil. 214, 234 (2008).

³⁰ See *People v. Almorfe*, 631 Phil. 51, 60 (2010).

³¹ Section 21 (a), Article II of the IRR of RA 9165 pertinently states: “**Provided, further, that non-compliance with these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items[.]**”

(IRR) of RA 9165, which was later adopted into the text of RA 10640.³² It should, however, be emphasized that for the saving clause to apply, the prosecution must duly explain the reasons behind the procedural lapses,³³ and that the justifiable ground for non-compliance must be proven as a fact, because the Court cannot presume what these grounds are or that they even exist.³⁴

Anent the witnesses requirement, non-compliance may be permitted if the prosecution proves that the apprehending officers exerted genuine and sufficient efforts to secure the presence of such witnesses, albeit they eventually failed to appear. While the earnestness of these efforts must be examined on a case-to-case basis, the overarching objective is for the Court to be convinced that the failure to comply was reasonable under the given circumstances.³⁵ Thus, mere statements of unavailability, absent actual serious attempts to contact the required witnesses, are unacceptable as justified grounds for non-compliance.³⁶ These considerations arise from the fact that police officers are ordinarily given sufficient time – beginning from the moment they have received the information about the activities of the accused until the time of his arrest – to prepare for a buy-bust operation and consequently, make the necessary arrangements beforehand, knowing fully well that they would have to strictly comply with the chain of custody rule.³⁷

Notably, the Court, in *People v. Miranda*,³⁸ issued a definitive reminder to prosecutors when dealing with drugs cases. It implored that “[since] the [procedural] requirements are clearly set forth in the law, the State retains the positive duty to account for any lapses in the chain of custody of the drugs/items seized from the accused, regardless of whether or not the defense raises the same in the proceedings *a quo*; otherwise, it risks the possibility of having a conviction overturned on grounds that go into the evidence’s integrity and evidentiary value, albeit the same are raised only for the first time on appeal, or even not raised, become apparent upon further review.”³⁹

In this case, there was a deviation from the witness requirement as the conduct of inventory and photography was not witnessed by an elected public official and a DOJ representative. This may be easily gleaned from the Inventory of Drug Seized/Items⁴⁰ which only proves the presence of a media representative, *i.e.*, Santos. Such finding is confirmed by the

³² Section 1 of RA 10640 pertinently states: “**Provided, finally, That noncompliance of these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures and custody over said items.**”

³³ *People v. Almorfe*, supra note 30.

³⁴ *People v. De Guzman*, 630 Phil. 637, 649 (2010).

³⁵ See *People v. Manansala*, supra note 17.

³⁶ See *People v. Gamboa*, supra note 19, citing *People v. Umipang*, supra note 19, at 1053.

³⁷ See *People v. Crispo*, supra note 17.

³⁸ Supra note 17.

³⁹ See *id.*

⁴⁰ Records, p. 13.

testimony of PO3 Rana, the police officer who made a request to call Medina's relatives, a media representative, and an elected public official to witness the aforesaid conduct, to wit:

[Fiscal Isabelito Sicat]: What did you do with the accused after he was turned over to you, Mr. Witness?

[PO3 Rana]: I apprised him of his constitutional rights and I prepared his booking sheet/arrest report, sir.

Q: After that what did you do next, Mr. Witness?

A: I requested to call his relatives and also a representative from the media and member of the barangay in order for us to comply with Section 21 or drug inventory, sir.


Q: What transpired after you called for a media representative as well as his relatives?

A: Only the representative from the media was present, sir.⁴¹

As earlier stated, it is incumbent upon the prosecution to account for these witnesses' absence by presenting a justifiable reason therefor or, at the very least, by showing that genuine and sufficient efforts were exerted by the apprehending officers to secure their presence. Here, while PO3 Rana requested the presence of a media representative and an elected public official to witness the conduct of inventory and photography of the seized item, he admitted that only a media representative arrived, without any justification as to the absence of the two (2) other required witnesses, *i.e.*, an elected public official and a DOJ representative. In fact, it may even be implied from PO3 Rana's aforesaid statement that he did not even bother to secure the presence of a DOJ representative during the conduct of inventory and photography. In view of this unjustified deviation from the chain of custody rule, the Court is therefore constrained to conclude that the integrity and evidentiary value of the item purportedly seized from Medina was compromised, which consequently warrants his acquittal.

WHEREFORE, the appeal is **GRANTED**. The Decision dated September 24, 2015 of the Court of Appeals in CA-G.R. CR-HC No. 06173 is hereby **REVERSED** and **SET ASIDE**. Accordingly, accused-appellant Jefferson Medina y Cruz is **ACQUITTED** of the crime charged. The Director of the Bureau of Corrections is ordered to cause his immediate release, unless he is being lawfully held in custody for any other reason.

SO ORDERED.

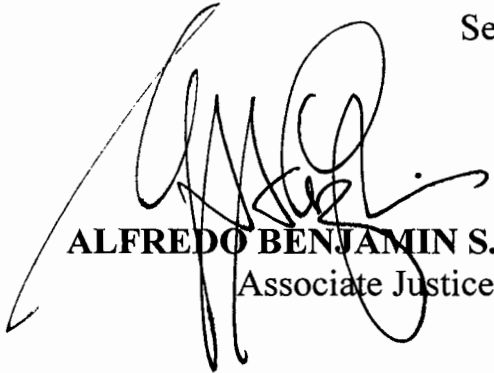

ESTELA M. PERLAS-BERNABE
Associate Justice

⁴¹ TSN, June 7, 2011, p. 12; *id.* at 229.

WE CONCUR:



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



ANDRES B. REYES, JR.
Associate Justice



ROSMARIE D. CARANDANG
Associate Justice

ATTESTATION

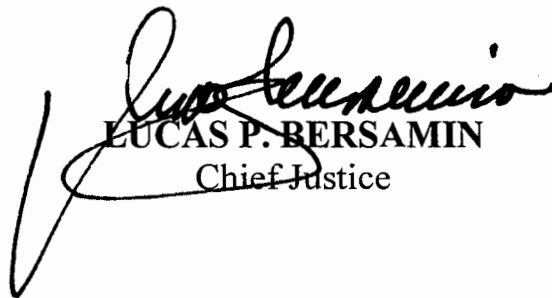
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



LUCAS P. BERSAMIN
Chief Justice