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SUPREME COURT OF THE PHILIPPINES  
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Republic of the Philippines  
**Supreme Court**  
Manila

**FIRST DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
Plaintiff-Appellee,

**G.R. No. 212202**

Present:

- versus -

**BERSAMIN, C.J.,**  
**JARDELEZA,**  
**GESMUNDO,**  
**CARANDANG, and**  
**INTING, JJ.**

Promulgated:

**DARREN OLIVEROS y**  
**CORPORAL,**  
Accused-Appellant.

**JUL 30 2019**

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**DECISION**

**BERSAMIN, C.J.:**

Departures by the arresting officers from the procedures adopted in relation to the preservation of the chain of custody required by Republic Act No. 9165 (*Comprehensive Dangerous Drugs Act of 2002*) and its implementing rules and regulations must be justified; otherwise, they severely affect the integrity of the evidence of the *corpus delicti*.

**The Case**

This appeal is taken from the decision promulgated on September 9, 2013,<sup>1</sup> whereby the Court of Appeals (CA) affirmed the judgment rendered on December 13, 2010 by the Regional Trial Court (RTC), Branch 127, in Caloocan City finding accused-appellant Darren Oliveros y Corporal guilty beyond reasonable doubt in Criminal Case No. 78631 for violating Section 5 of R. A. No. 9165.<sup>2</sup>

<sup>1</sup> CA *rollo*, pp. 94-101; penned by Associate Justice Francisco P. Acosta with Associate Justice Fernanda Lampas Peralta and Associate Justice Myra V. Garcia-Fernandez concurring.

<sup>2</sup> Id. at 51-58; penned by Presiding Judge Victoriano B. Cabanos.

### Antecedents

The accusatory portion of the information charging the accused-appellant with the violation of Section 5 of R.A. No. 9165, reads:

That on or about the 30<sup>th</sup> day of November, 2007 in Caloocan City, Metro Manila[,] and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there willfully, unlawfully and feloniously sell and deliver to PO1 RENEN MALONZO, who posed, as buyer, METHYLAMPHETAMINE HYDROCHLORIDE (Shabu) weighing 0.02 gram, a dangerous drug, without the corresponding license or prescription therefore, knowing the same to be such.

Contrary to [I]aw.<sup>3</sup>

The accused-appellant pleaded *not guilty* at arraignment.<sup>4</sup>

The CA summarized the respective versions of the parties as follows:

The Prosecution presented the testimony of PO1 Malonzo and SPO2 Wilfredo Quillan and P/Sr. Insp. Stella Ebuén.

Ebuén's oral testimony was dispensed with during the hearing. The parties through counsels, agreed to adopt a stipulation of facts. It was submitted that Ebuén was a bona fide member of the Caloocan City Police Station assigned at Northern Police District Crime Laboratory Office; and on the basis of the request for laboratory examination on November 30, 2007 signed by P/Chief Insp. Carlito Dimalanta, OIC of the Station Anti-Illegal Drugs-Special Operation Unit, xxx, she conducted a laboratory examination on the specimen described as one (1) small heat-sealed transparent plastic sachet containing white crystalline substance suspected to be shabu marked as "DOC 11/30/07" which yielded to positive result of methyamphetamine hydrochloride, a dangerous drug. Witness reduced her findings into writing embodied in the Physical Sciences Report No. D-415-07.

PO1 Malonzo testified that: on November 30, 2007 at around 7:30 o'clock in the evening, a confidential informant informed him together with SPO2 Quillan, PO3 Martirez, and PO2 Amaro of the rampant selling of dangerous drugs by one Darren in the area of Sunflower Street, Bulak, Camarin, Caloocan City; after the receipt of the said information, they informed their Chief of Police P/Supt. Carlito Dimalanta regarding the matter; and thereafter, they were tasked to verify the veracity of the said report, and to conduct casing, test-buy and buy-bust operation, if the situation warrants.

PO1 Malonzo further testified that: they conducted a briefing and prepared a Pre-Operation Report and a Coordination Form which were

<sup>3</sup> Id. at 7.

<sup>4</sup> Rollo, p. 3.

faxed to the District Anti-Illegal Drugs (DAID) and the PDEA before going to the alleged location of the suspect Darren Oliveros; they tackled the manner of arresting Darren and the participation of each member in the operation and PO1 Malonzo was tasked to act as poseur buyer while the rest was his back up; he, then prepared the buy-bust money, consisting of one piece Two Hundred Pesos (PhP200.00) bill with serial number BT-049085, with marked "RM" at the upper right portion; at around 8:30 o'clock in the evening of the same date, PO1 Malonzo together with their team leader SPO2 Wilfredo Quillan, PO3 Martirez, and the confidential informant, proceeded to the target area and boarded an owner-type jeep. PO2 Eugene Amaro, on the other hand, boarded a motorcycle and they arrived at Sunflower Street, Bulak, Camarin, Caloocan City at around 10:30 o'clock in the evening; he and the confidential informant immediately went to the place of Darren Oliveros and the latter told Darren that he (PO1 Malonzo) wanted to buy shabu from him; when the suspect asked how much, Darren answered: "*Dos lang pare.*"; after receipt of the buy-bust money, Darren handed to him a plastic sachet containing white crystalline substance suspected to be shabu; thereafter, he scratched his head to signal his companions that the sale of shabu was already consummated; then, he held the hand of Darren while introducing himself as a policeman; SPO2 William Quillan arrived and handcuffed Darren; the former apprised the latter of his constitutional rights while he (PO1 Malonzo) asked for his full name; then, PO1 Malonzo marked the confiscated item contained in a plastic sachet with "DOC 11/30/07; he also confiscated the buy-bust money consisting of one piece Two Hundred Peso (PhP200.00) bill with serial number BT-049085 with marked "RM" at the upper right portion; he (PO1 Malonzo) prepared a request for laboratory examination of the confiscated item by the Northern Police District (NDP) Crime Laboratory Office; the specimen was brought for examination in the said office on December 1, 2007 at around 2:30 o'clock in the morning; the result of the test revealed that the subject specimen was positive for Methylamphetamine Hydrochloride also known as shabu; and subsequently, he and SPO2 Quillan executed a Pinagsamang Sinumpaang Salaysay relative to the filing of a complaint against Darren Oliveros for violation of R.A. No. 9165.

SPO2 Wilfredo Quillan corroborated the testimony of PO1 Malonzo but admitted that he did not see Oliveros handing the shabu to PO1 Malonzo and admitted that he was not sure whether the shabu actually came from Darren Oliveros. When he saw PO1 Malonzo scratched (sic) his head, he concluded that the sale was consummated.<sup>5</sup>

Accused-appellant Darren Oliveros denied the accusations filed against him for allegedly selling an illegal drug (shabu) to PO1 Malonzo, testifying that: at around 8:30 in the evening on November 30, 2007, appellant alleged that while he was at the billiard hall located along Camarin, Caloocan City, seven (7) uniformed policemen arrived, one of them was PO1 Renen Malonzo; he and his two (2) companions, William Bangga and Edward Faballa, were frisked by those policemen and were brought to Sangandaan Police Station; the policemen who arrested him asked him and his two (2) companions to give the amount of Ten Thousand Pesos (PhP10,000.00) to which (sic) his two (2) companions were able to give; he, however, failed to produce the said amount demanded from him, hence, PO1 Malonzo pursued the filing of a case

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<sup>5</sup> Id. at 3-5.

against him.

He further testified that he was not apprised of any violation that he allegedly committed; and that nothing was recovered from him and his two companions when he was bodily searched.<sup>6</sup>

### Judgment of the RTC

After trial, the RTC convicted the accused-appellant as charged. It ruled that the Prosecution had sufficiently established the elements of the crime; that his denial, being uncorroborated, could not be given weight; that the Prosecution's witnesses had not been motivated by any improper motive to falsely testify against him; and that the chain of custody of the seized drug had remained unbroken.

The dispositive portion of the judgment of the RTC reads:

WHEREFORE, premises considered, the prosecution having proved the guilt of the accused beyond reasonable doubt, he is hereby adjudged guilty and is hereby sentenced to suffer the penalty of life imprisonment and to pay the fine of ₱500,000.00 in accordance with Art. II, Sec. 5 R.A. 9165 otherwise known as the Dangerous Drugs Act of 2000.

The drugs subject of this case is hereby ordered confiscated in favor of the government to be dealt with in accordance with law.

SO ORDERED.<sup>7</sup>

### Decision of the CA

On appeal, the CA upheld the conviction, decreeing:

WHEREFORE, the Appeal is **DENIED**. The Decision of the court *a quo* dated 13 December 2010 is hereby **AFFIRMED in toto**.

SO ORDERED.<sup>8</sup>

### Issue

In this appeal, the accused-appellant harps on the failure of the buy-bust team to strictly comply with the statutory requirements on preserving the chain of custody.

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<sup>6</sup> Id. at 5-6. \*

<sup>7</sup> CA rollo, p. 50.

<sup>8</sup> Rollo, p. 8.

### Ruling of the Court

A careful examination of the records shows that the members of the buy-bust team did not strictly comply with the prescribed statutory safeguards, thereby allowing serious gaps to develop in the chain of custody of the seized drug, thus affecting the integrity of the evidence of the *corpus delicti*.

Section 21 of R.A. No. 9165 prescribes the requirements for preserving the chain of custody that will insulate the confiscation of the dangerous drug from any vestige of suspicion, *viz.*:

X X X X

(1) The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof.

X X X X

To implement the requirements, Section 21(a) of the *Implementing Rules and Regulations of R.A. No. 9165* (IRR) relevantly state, *viz.*:

X X X X

(a) The apprehending office/team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized[,] or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof: Provided, that the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures; *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.

X X X X

For purposes of violations of R.A. No. 9165, chain of custody is defined in Section 1(b) of Dangerous Drugs Board Regulation No. 1, Series of 2002, which implements R.A. No. 9165, as follows:

"Chain of Custody" refers to the duly recorded authorized movements and custody of seized drugs or controlled chemicals or plant sources of dangerous drugs or laboratory equipment at each stage, from the time of seizure/confiscation, to receipt in the forensic laboratory, to safekeeping, to presentation in court for destruction. Such record of movements and custody of seized items shall include the identity and signature of the person who held temporary custody of the seized item, the date and time when such transfer of custody were made in the course of safekeeping and use in court as evidence, and the final disposition.

The links in the chain of custody are divided into four parts, each designed to ensure the preservation of the seized drugs as evidence. The first link relates to the seizure and marking, if practicable, of the illegal drug recovered from the accused by apprehending officer; the second consists in the turnover of the illegal drug seized by the apprehending officer to the investigating officer; the third is the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and the fourth refers to the turnover and submission of the marked illegal drug seized by the forensic chemist to the court.<sup>9</sup>

Although the State proved through PO1 Renen Malonzo the first and second links because he had been in sole possession of the packets of *shabu* from the time of seizure until the ensuing investigation, we find that the third and fourth links were not reliably substantiated. For, as PO1 Malonzo testified,<sup>10</sup> he had handed the request for the laboratory examination as well as the seized drug to PO1 Bringuez, but admitted in the same breath that he had not been aware of what PO1 Bringuez had thereafter done to the same. Excerpts of his testimony follow, to wit:

PROS. CANSINO:

Q: When did you bring this specimen to the crime laboratory for laboratory examination?

A: Early morning of December 1, 2007, sir.

Q: I am showing to you a Request for Laboratory Examination dated December 1, 2007, will you please go over the same and tell us what relation has this document to the request which you said you prepared?

A: This is the same document, sir. (Witness identifying Exhibit "A")

Q: Do you have proof that this document was indeed received by the Northern Police District – Crime Laboratory Office along with the pieces of evidence you requested for laboratory examination?

A: Yes, sir.

<sup>9</sup> *People v. Nandi*, G.R. No. 188905, July 13, 2010, 625 SCRA 123, 133.

<sup>10</sup> TSN, March 3, 2010, p. 16.

Q: What proof?

A: The stamp marked appearing on the lower left portion of the document and at the upper right portion of the same document, sir.<sup>11</sup>

x x x x

Q: What time was this document received at the North Police District – Crime Laboratory Office?

A: At about 2:30 in the morning of December 1, 2007, sir.

Q: **To whom did you hand this request along with the accompanying evidence?**

A: **To PO1 Brinques, sir.**

Q: **Did you see what PO1 Brinquez do with this document along with the pieces of evidence?**

A: **No, sir.**<sup>12</sup>

Even if forensic chemist Sr. Insp. Stella Ebuén testified herein that she had conducted the laboratory examination of the seized drug, and for which she had issued Physical Sciences Report No. D-415-07,<sup>13</sup> the break in the chain of custody could not be ignored considering that PO1 Malonzo had supposedly turned over the seized drug to the chemistry laboratory for examination but the person to whom he had precisely turned over the drug was not the same person conducting the test and testified on such test in court. The lack of any written record of the movement of the seized drug from the time it had been delivered to the chemistry laboratory until it had been presented in court as evidence was not also suitably explained, depriving the court from determining the reasonableness of the lapse.

We further note that the members of the buy-bust team committed other procedural lapses in the handling of the seized drug that surely affected the preservation of the chain of custody. They did not conduct a physical inventory of the seizure, and did not photograph the seized drug in the presence of a representative of the Department of Justice, a representative from the media, and an elected public official. Such presence was precisely called for under Sec. 21 of R.A. No. 9165 and its implementing rules in order to insulate the seizure from the known risks of tampering, substitution or planting of evidence.

The foregoing lapses, in the absence of any valid justification being made by the arresting officers, gave rise to the disturbing uncertainty about the identity and integrity of the seized *shabu*. We should not ignore the lapses because the proper handling of the seized drug was of paramount significance in the preservation of the chain of custody. Without the chain of

<sup>11</sup> Id. at 15.

<sup>12</sup> Id. at 16.

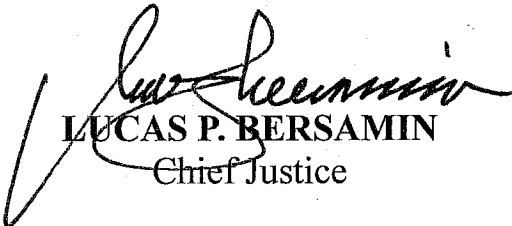
<sup>13</sup> Exhibit Folder, p. 3.

custody being preserved, the integrity of the evidence of the *corpus delicti* became suspect.<sup>14</sup> At any rate, any gap in the chain of custody rendered the case for the State less than complete in terms of proving the guilt of the accused beyond reasonable doubt.<sup>15</sup> We underscore the need for more exacting compliance with Section 21.<sup>16</sup> The non-compliance with Section 21 on the part of the arresting team of officers resulted to uncertainty on the identity and integrity of the 0.02 grams of *shabu* seized by them, and engendered doubt about the guilt of the accused-appellant. His acquittal must follow.


**WHEREFORE**, the Court **REVERSES** and **SETS ASIDE** the decision promulgated on September 9, 2013 by the Court of Appeals in C.A.-G.R. CR-HC No. 04803; **ACQUITS** accused-appellant Darren Oliveros y Corporal for failure of the Prosecution to prove his guilt beyond reasonable doubt; and **ORDERS** his immediate release from detention, unless he is being held for some other lawful cause.


Let a copy of this decision be served on the Superintendent of the New Bilibid Prison in Muntinlupa City for immediate implementation. The Superintendent is directed to report the action taken hereon to this Court within five (5) days from receipt.

**SO ORDERED.**


  
LUCAS P. BERSAMIN  
Chief Justice

**WE CONCUR:**

  
FRANCIS H. JARDELEZA  
Associate Justice

  
ALEXANDER G. GESMUNDO  
Associate Justice

  
ROSMAR B. CARANDANG  
Associate Justice

  
HENRI JEAN PAUL B. INTING  
Associate Justice

<sup>14</sup> *People v. Peromingan*, G.R. No. 218401, September 24, 2018,

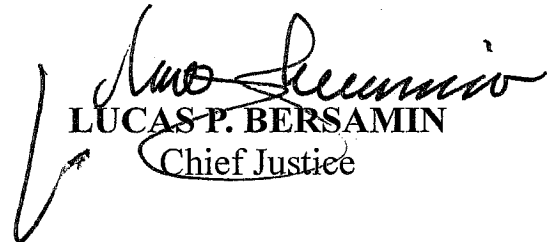
<sup>15</sup> *People v. Sanchez*, G.R. No.175832, October 15, 2008, 569 SCRA 194, 221.

<sup>16</sup> *People v. Holgado*, G.R. No. 207992, August 11, 2014, 732 SCRA 554, 576.



**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, 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