

Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

ANTONIO JOCSON y  
CRISTOBAL

G.R. No. 199644

Petitioner,

Present:

- versus -

CARPIO, *Chairperson*,  
PERLAS-BERNABE,  
CAGUIOA,  
REYES, J., JR.  
LAZARO-JAVIER, *JJ.*

PEOPLE OF THE PHILIPPINES  
Respondent.

Promulgated:

19 JUN 2019

X-----*[Signature]*-----X

DECISION

LAZARO-JAVIER, *J:*

The Case

This petition for review on certiorari<sup>1</sup> assails the following dispositions of the Court of Appeals in CA-G.R CR No. 32331, viz.:

- a) Decision<sup>2</sup> dated April 29, 2011 affirming petitioner's conviction for violation of Section 11 of Republic Act No. (RA) 9165;<sup>3</sup> and
- b) Resolution<sup>4</sup> dated November 23, 2011 denying petitioner's motion for reconsideration.

<sup>1</sup> Rollo, pp. 9-25.

<sup>2</sup> Penned by Associate Justice Rosmari D. Carandang (now an Associate Justice of the Supreme Court), and concurred in by Associate Justices Ramon R. Garcia and Samuel H. Gaerlan; Rollo, pp. 80-93.

<sup>3</sup> Otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

<sup>4</sup> Rollo, p. 102-103.

## The Proceedings Before the Trial Court

### The Charge

By Information dated June 22, 2004, petitioner was charged with violation of Section 11, Article 11, of RA 9165, thus:

That on or about the 16<sup>th</sup> day of June 2004, in the City of Mandaluyong, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, did, then and there willfully, unlawfully, feloniously, and knowingly have in his possession, custody and control one (1) small heat-sealed transparent plastic sachet containing 0.05 gram of white crystalline substance which was found positive for Methamphetamine Hydrochloride, commonly known as “shabu”, a dangerous drug, without the corresponding license and prescription.

Contrary to law.<sup>5</sup>

The case was raffled to the Regional Trial Court (RTC) - Branch 210, Mandaluyong City.

On arraignment, petitioner pleaded *not guilty*.<sup>6</sup>

At the pre-trial, the prosecution and the defense stipulated on the trial court's jurisdiction, the identity of the accused, and the due existence of the prosecution's documentary exhibits.<sup>7</sup>

During the trial, PO2 Robin Rosales Molina testified for the prosecution. On the other hand, petitioner and Annaliza Jocson testified for the defense.

### The Prosecution's Version

On June 16, 2004, while PO2 Molina was on duty at the Station Anti-Illegal Drugs – Special Operations Task Force (SAID-SOTF), he received an informant's report that a certain “Tony” was peddling illegal drugs along Daang Bakal Street, Barangay Old Zaniga, Mandaluyong City.<sup>8</sup>

Acting on the report, he alerted his team and together, they devised a buy-bust operation to apprehend “Tony” *in flagrante delicto*. PO2 Molina was designated as team leader and poseur-buyer; and PO1 Joseph Espinosa, PO1 Salvador Del Mundo, and PO1 Jefferson Gonzales, as back-up. The police submitted a Pre-Operation/Coordination form to the Philippine Drug Enforcement Agency (PDEA).<sup>9</sup>

<sup>5</sup> Record, p. 1.

<sup>6</sup> *Id.* at 17.

<sup>7</sup> *Id.* at 44 and 48

<sup>8</sup> TSN, October 10, 2006, pp. 4-5.

<sup>9</sup> *Id.* at 5.

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The team proceeded to Daang Bakal Street around 1 o'clock in the afternoon. The informant accompanied PO2 Molina and introduced him to "Tony" as a friend. They conversed for about an hour but PO2 Molina and the informant were unable to convince "Tony" to sell them Php100.00 worth of *shabu*. Instead, "Tony" pulled out a small plastic sachet containing white crystalline substance from a towel. "Tony" informed the two he would use it for himself since it was his last one. PO2 Molina reacted and disclosed to "Tony" his real identity as police officer.<sup>10</sup>

"Tony" initially thought he was being pranked. But as soon as he realized it was real, he tried to escape but it was too late. PO2 Molina held on to him until the back-up arrived. The team then arrested "Tony" and apprised him of his constitutional rights.<sup>11</sup>

PO2 Molina immediately took custody of the plastic sachet containing white crystalline substance. Together with "Tony", the team headed back to the precinct. There, "Tony" was booked and detained. The seized plastic item was turned over to PO1 del Mundo, a member of the buy-bust team and the designated investigator.<sup>12</sup>

During the investigation, the police learned that the real name of "Tony" was Antonio Jocson y Cristobal, herein petitioner. In the presence of PO2 Molina, the investigating officer marked the seized item with petitioner's initials "ACJ."<sup>13</sup>

SPO3 Rodel M. Castalone formally requested the PNP Eastern Police District Crime Laboratory for clinical analysis of the white crystalline substance contained in the plastic sachet. PSI/Forensic Chemical Officer Annalee Ramos Forro reported that the white crystalline granules weighing 0.05 gram tested positive for methamphetamine hydrochloride or *shabu*.

On cross, PO2 Molina clarified that the surname of "Tony" was never mentioned in the Pre-Operation/Coordination submitted to the PDEA. He also admitted that the form did not reflect any buy-bust operation, but only a planned surveillance on "Tony."<sup>14</sup> PO2 Molina further admitted that his team did not prepare an inventory of the confiscated item, nor take photographs of the same.<sup>15</sup> He explained though that the seized items were recorded in their logbook and mentioned in their Spot Report.<sup>16</sup>

PSI Forro's testimony was dispensed with since the parties had already stipulated on her expertise and qualifications, the crime laboratory's receipt of the request for laboratory examination and the accompanying specimen to

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<sup>10</sup> *Id.* at 6-10.

<sup>11</sup> *Id.* at 10-11.

<sup>12</sup> *Id.* at 11-12.

<sup>13</sup> *Id.* at 13-17.

<sup>14</sup> TSN, November 27, 2006, pp. 4-5.

<sup>15</sup> *Id.* at 14.

<sup>16</sup> *Id.* at 14-16.



be tested, the fact of examination of the specimen, the existence of the Physical Science Report, the results of the chemical examination, and the weight of the specimen.<sup>17</sup>

The prosecution offered in evidence the *Sinumpaang Salaysay* of PO2 Molina, the Pre-Operation/Coordination form submitted to the PDEA, Spot Report, the Arrest Report, the Request for Laboratory Examination, and the Physical Science Report.<sup>18</sup>

### **The Defense's Evidence**

Petitioner denied the charge and claimed framed-up. He testified that around 5 o'clock in the afternoon, he was on his way home when a Starex van stopped before him. A man alighted from the van and put his arm around his neck. The man and two others forced him into the van. He identified one of them as PO2 Molina.<sup>19</sup>

He was brought to the Drugs Enforcement Unit (DEU) office. He got frisked twice, but nothing illegal was found in his possession.<sup>20</sup> He was detained at the DEU for two days. PO2 Molina and his companions then started extorting money from him in exchange for his liberty. He asked why he was being detained. The police replied he was involved in the illegal drug trade. PO2 Molina took out a small plastic sachet from his drawer and said it came from him. Petitioner was subsequently subjected to inquest.<sup>21</sup>

On cross, petitioner testified that the arresting officers instructed him to call his sister Annaliza to visit him. Annaliza arrived at the DEU and talked to the police officers. He did not hear their conversation.<sup>22</sup>

Annaliza corroborated petitioner's testimony. She testified that she received a call from petitioner asking her to proceed to the DEU. PO2 Molina demanded from her Php20,000.00 for her brother's liberty. She failed to produce the money because she did not have a regular job.<sup>23</sup>

### **The Trial Court's Ruling**

As borne by its Decision<sup>24</sup> dated November 12, 2008, the trial court rendered a verdict of conviction, *viz.*:

WHEREFORE, finding accused Antonio Jocson y Cristobal guilty beyond reasonable doubt of the offense of Violation of Section 11, Art. II

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<sup>17</sup> March 7, 2006 Order; Record, p. 71-73.

<sup>18</sup> Record, pp. 127-128; Exhibits "A" to "H-1-A".

<sup>19</sup> TSN, June 5, 2007, pp.4-6.

<sup>20</sup> *Id.* at 7-8.

<sup>21</sup> *Id.* at 8-11.

<sup>22</sup> *Id.* at 12-13.

<sup>23</sup> TSN, August 28, 2007, pp. 4-8.

<sup>24</sup> *Rollo*, p. 48-56.

of R.A. 9165, he is hereby sentenced to suffer an imprisonment of Twelve (12) Years and One (1) Day, to pay a fine of Three Hundred Thousand Pesos (Php300,000.00) and to pay the cost.

The accused shall be credited with the preventive imprisonment that he has undergone for the period from June 16, 2004 up to the time before he started serving sentence in his other case before Br. 214 docketed as Criminal Case No. MC04-8163-D on November 9, 2006.

The evidence in this case which is one (1) plastic sachet containing Methamphetamine Hydrochloride or commonly known as shabu, a dangerous drugs (Exh. "H-1-a") contained in a bigger plastic sachet with marking "ACJ" (Exh. "H-1") is ordered confiscated in favor of the government.

Upon finality of this decision, the Branch Clerk of Court is directed to turn over the aforesaid evidence to the PDEA to be disposed of in accordance with law, the receipt by the PDEA to be attached to the records of this case.

SO ORDERED.<sup>25</sup>

The trial court ruled that as between the testimony of PO2 Molina, on one hand, and the testimonies of petitioner and his sister, on the other, the former was more worthy of belief. It upheld the entrapment operation on petitioner and rejected the latter's defense of denial.

### **The Proceedings Before the Court of Appeals**

On appeal, petitioner faulted the trial court for rendering a verdict of conviction despite the buy-bust team's alleged procedural lapses in conducting the entrapment operation and the prosecution's failure to establish the *corpus delicti*.<sup>26</sup>

In refutation, the Office of the Solicitor General (OSG) through Senior State Solicitor Maria Hazel P. Valdez-Acantilado and Associate Solicitor Mercedita L. Flores defended the verdict of conviction. It argued that PO2 Molina's testimony satisfactorily established that petitioner was caught in *flagrante delicto* in possession of *shabu*. The laboratory results supported this conclusion. PO2 Molina was not shown to have been impelled by improper motive to falsely testify against petitioner. The presumption of regularity prevailed over petitioner's self-serving defense of frame-up.<sup>27</sup>

### **The Court of Appeals' Ruling**

The Court of Appeals affirmed through its assailed Decision dated April 29, 2011.<sup>28</sup> It concluded that the operation was not impelled by reasons

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<sup>25</sup> *Id.* at 56.

<sup>26</sup> *CA Rollo*, pp. 39-55

<sup>27</sup> *Id.* at 80-101.

<sup>28</sup> *Rollo*, pp. 92-93.

other than the legitimate desire of the police to curb drug use and abuse in the area. It further credited the officers concerned with the presumption of regularity in the performance of their official duty.<sup>29</sup> Too, it held that the absence of the required inventory and photograph was not fatal to the cause of the prosecution. For despite these procedural deficiencies, the chain of custody appeared to have been uninterrupted. There was no uncertainty that the plastic sachet containing *shabu* marked by PO1 del Mundo and that submitted to and tested at the crime laboratory and finally offered in court was the same item seized from petitioner.<sup>30</sup>

Petitioner's motion for reconsideration was denied through Resolution dated November 23, 2011.

### **The Present Petition**

Petitioner now urges the Court to exercise its discretionary appellate jurisdiction to review and reverse the verdict of conviction. He vigorously asserts that the required chain of custody was breached many times. *One*, the marking of the seized item was not done in his presence. *Two*, no photograph and inventory of the item were done in his presence nor in the presence of any elective official and representatives from the media and the Department of Justice. *Three*, the police officer who brought the item to the PNP crime laboratory was not presented as witness.<sup>31</sup>

The OSG, through Assistant Solicitor General Ma. Antonia Edita C. Dizon, and Associate Solicitor Mercedita L. Flores argues that the petition raises factual issues which the Court may no longer review *via* a petition for review on certiorari.<sup>32</sup> Although conceding that the chain of custody here was not perfect, the OSG maintains that the identity, integrity, and evidentiary value of the seized drug had been duly preserved.<sup>33</sup>

### **Issue**

Did the Court of Appeals err in affirming the trial court's verdict of conviction despite the attendant procedural deficiencies relative to the marking, inventory, and photograph of the seized item?

### **Ruling**

We acquit.

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<sup>29</sup> *Id.* at 89-90.

<sup>30</sup> *Id.* at 90-92.

<sup>31</sup> *Id.* at 16-22.

<sup>32</sup> *Id.* at 121.

<sup>33</sup> *Id.* at 125-128.

Petitioner is charged with unauthorized possession of dangerous drugs allegedly committed on June 16, 2004. The applicable law is RA 9165 before its amendment in 2014.

In illegal drugs cases, the drug itself constitutes the *corpus delicti* of the offense. The prosecution is, therefore, tasked to establish that the substance illegally possessed by the accused is the same substance presented in court.<sup>34</sup>

To ensure the integrity of the seized drug item, the prosecution must account for each link in its chain of custody:<sup>35</sup> **first**, the seizure and marking of the illegal drug recovered from the accused by the apprehending officer; **second**, the turnover of the illegal drug seized by the apprehending officer to the investigating officer; **third**, the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and **fourth**, the turnover and submission of the marked illegal drug seized by the forensic chemist to the court.<sup>36</sup>

This is the chain of custody rule. It came to fore due to the unique characteristics of illegal drugs which render them indistinct, not readily identifiable, and easily open to tampering, alteration, or substitution either by accident or otherwise.<sup>37</sup>

Section 21 of RA 9165 prescribes the standard in preserving the *corpus delicti* in illegal drug cases, *viz*:

**Section 21. Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment.** – The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

(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**

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<sup>34</sup> *People v. Barte*, 806 Phil. 533, 544 (2017).

<sup>35</sup> As defined in Section 1(b) of Dangerous Drugs Board Regulation No. 1, Series of 2002:

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b. "Chain of Custody" means the duly recorded authorized movements and custody of seized drugs or controlled chemicals or plant sources of dangerous drugs or laboratory equipment of 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 item 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[.]

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<sup>36</sup> *People v. Dahil*, 750 Phil. 221, 231 (2015).

<sup>37</sup> *People v. Hementiza*, 807 Phil. 1017, 1026 (2017).

**sign the copies of the inventory and be given a copy thereof;**  
(emphasis added)

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The Implementing Rules and Regulations of RA 9165 further commands:

**Section 21.** (a) The apprehending officer/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.** (emphases added)

Here, lone prosecution witness PO2 Molina testified:

FISCAL BERDAL:

Q When you took that plastic sachet from the hand of Tony, what did you do with that plastic sachet?

A I took custody of the plastic sachet.

Q **And from that place where you arrested this Tony, where did you proceed?**

A **We boarded him in the STAREX and brought him to our office**

Q What happened when you returned to your office?

A We turned him over to our Investigator and he was investigated.

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Q And how about the plastic sachet which you recovered, what did you do with it?

A I gave it to the Investigator.

Q Before giving it to the Investigator, did you place any identifying mark?

A The Investigator was the one who marked it not I.

Q And did you see the investigator when he was marking that plastic sachet?

A Yes, ma'am.





Q And did you see the marking he placed on the plastic sachet?  
A Yes, ma'am.

Q What marking did he place?  
A The initials of Tony.

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Q **Who placed this markings "ACJ", Mr. Witness, on Exhibit "H-1" which contained the smaller plastic sachet containing the white crystalline substance marked as Exhibit "H-1-a"**

A **The one who investigated us.**

Q **Who?**  
A **PO1 Del Mundo, ma'am, who placed "ACJ" on the smaller plastic sachet.**<sup>38</sup> (emphases added)

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THE COURT:

Q When were you assigned at SAID-SOTF?  
A I stayed there for about three (3) months.

ATTY. ARRIOLA:

Q And you have read for sure the provisions on the new law on drugs?

A We attended seminars

Q And in those seminars, you even tackled one of the provisions of the new law which is Section 21?

A I couldn't remember.

Q This is with respect to the physical inventory of the confiscated drug. Do you remember having talked that in one of your seminars?

A Yes, ma'am.

Q **In this particular case, Mr. Witness, did you conduct physical inventory on the confiscated drugs from the accused?**

A **No, ma'am.**

Q **Did you take photographs on the confiscated drugs in the presence of the accused?**

A **No, ma'am.**

Q **And when you said there was neither a physical inventory and taking of photographs, there were also no copies of the same given to the accused?**

A **Yes, ma'am.**<sup>39</sup> (emphases added)

<sup>38</sup> TSN, October 10, 2006, pp. 12-16.

<sup>39</sup> TSN, November 27, 2006, pp. 13-14.

PO2 Molina's testimony, on its face, bears how the chain of custody here had been repeatedly breached many times over.

*First*, the drug item was not marked at the place where it was seized. A similar circumstance obtained in *People v. Ramirez*<sup>40</sup> wherein the Court, in acquitting appellant therein, ruled that the marking should be done in the presence of the apprehended violator immediately upon confiscation to truly ensure that they are the same items that enter the chain of custody. The Court noted that the time and distance from the scene of the arrest until the drugs were marked at the barangay hall were too substantial that one could not help but think that the evidence could have been tampered.

Here, petitioner was arrested along Daang Bakal Street, Barangay Old Zaniga, Mandaluyong City. The arresting officers then boarded him into a Starex van to be brought to the SAID-SOTF office. En route, the item seized remained unmarked. It was exposed to switching, planting, and contamination during the entire trip. Investigating officer PO1 del Mundo only marked the drug item after it was turned over to him at the SAID-SOTF office. By that time, it was no longer certain that what was shown to him was the same item seized from petitioner. PO2 Molina did not offer any justification for this procedural lapse.

*Second*, PO2 Molina admitted that the buy-bust team did not prepare an inventory of the seized item. He did not give any reason for the omission. The very same circumstance was among the Court's considerations in acquitting appellant in *People v. Alagarme*.<sup>41</sup> The same outcome in the case is warranted here where the arresting officers' failure to observe the chain of custody rule was confirmed not only through PO2 Molina's admission that the buy-bust team did not prepare an inventory, but also by the absence of any certificate of inventory formally offered as evidence for the prosecution.

*Third*, PO2 Molina also conceded that he did not photograph the seized drug at all. Again, no explanation was offered for this omission. In *People v. Arposeple*,<sup>42</sup> the arresting officers' failure to photograph the drug item weakened the chain of custody and resulted in the acquittal of therein appellant. There, the Court observed that the records and the testimonies of the prosecution witnesses were notably silent on whether photographs were actually taken as required by law.


With more reason should the Court acquit herein petitioner. For PO2 Molina himself readily admitted that the photograph requirement was not complied with at all. In fact, the records do not bear any photograph of the seized drug item.

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<sup>40</sup> G.R. No. 225690, January 17, 2018, citing *People v. Sanchez* 590 Phil. 214, 241 (2008).

<sup>41</sup> *Peopl v. Alagarme*, 754 Phil. 449, 461 (2015).

<sup>42</sup> G.R. No. 205787, November 22, 2017.



*Finally*, PO2 Molina testified that the seized drug was turned over to PO1 del Mundo, the investigator of the case who purportedly marked the same. But PO1 del Mundo did not take the stand to testify on how he handled the seized item from the time he received it from PO2 Molina up until it left his custody. It was not proved that the *corpus delicti* had been preserved in his hands. More, it was never established to whom he handed the seized item, who delivered it to the crime laboratory, and in what condition it got into his hands. Indubitably, this is another breach of the chain of custody rule. As held in the landmark case of *People v. Mallillin*:<sup>43</sup>

As a method of authenticating evidence, the chain of custody rule requires that the admission of an exhibit be preceded by evidence sufficient to support a finding that the matter in question is what the proponent claims it to be. **It would include testimony about every link in the chain, from the moment the item was picked up to the time it is offered into evidence, in such a way that every person who touched the exhibit would describe how and from whom it was received, where it was and what happened to it while in the witness' possession, the condition in which it was received and the condition in which it was delivered to the next link in the chain.** These witnesses would then describe the precautions taken to ensure that there had been no change in the condition of the item and no opportunity for someone not in the chain to have possession of the same.<sup>44</sup> (emphases added)

Indeed, the repeated breach of the chain of custody rule here had cast serious uncertainty on the identity and integrity of the *corpus delicti*. The metaphorical chain did not link at all, albeit it unjustly restrained petitioner's right to liberty. Verily, therefore, a verdict of acquittal is in order.

Strict adherence to the chain of custody rule must be observed,<sup>45</sup> the precautionary measures employed in every transfer of the seized drug item, proved to a moral certainty. The sheer ease of planting drug evidence vis-à-vis the severity of the imposable penalties in drugs cases compels strict compliance with the chain of custody rule.

We have clarified, though, that a perfect chain may be impossible to obtain at all times because of varying field conditions.<sup>46</sup> In fact, the Implementing Rules and Regulations of RA 9165 offers a saving clause allowing leniency whenever justifiable grounds exist which warrant deviation from established protocol so long as the integrity and evidentiary value of the seized items are properly preserved.<sup>47</sup> PO2 Molina, however, offered no explanation at all which would have excused the buy-bust team's stark failure to comply with the chain of custody rule. In fine, the condition for the saving clause to become operational was not complied with. For the same reason, the proviso "so long as the integrity and evidentiary value of the seized items are properly preserved", too, will not come into play.

<sup>43</sup> *Mallillin v. People*, 576 Phil. 576, 587 (2008).

<sup>44</sup> *Id.*

<sup>45</sup> *People v. Lim*, G.R. No. 231989, September 04, 2018.

<sup>46</sup> See *People v. Abetong*, 735 Phil. 476, 485 (2014).

<sup>47</sup> See Section 21 (a), Article II, of the IRR of RA 9165.

For perspective, at least twelve years and one day of imprisonment is imposed for unauthorized possession of dangerous drugs even for the minutest amount. It, thus, becomes inevitable that safeguards against abuses of power in the conduct of buy-bust operations be strictly implemented. The purpose is to eliminate wrongful arrests and, worse, convictions. The evils of switching, planting or contamination of the *corpus delicti* under the regime of RA 6425, otherwise known as the “Dangerous Drugs Act of 1972,” could again be resurrected if the lawful requirements were otherwise lightly brushed aside.<sup>48</sup>

As heretofore shown, the chain of custody here had been repeatedly breached many times over; the metaphorical chain, irreparably broken. Consequently, the identity and integrity of the seized drug item were not deemed to have been preserved. Perforce, petitioner must be unshackled, acquitted, and released from restraint.

Suffice it to state that the presumption of regularity in the performance of official functions<sup>49</sup> cannot substitute for compliance and mend the broken links. For it is a mere disputable presumption that cannot prevail over clear and convincing evidence to the contrary.<sup>50</sup> And here, the presumption was amply overturned, nay, overthrown by compelling evidence on record of the repeated breach of the chain of custody rule.

**ACCORDINGLY**, the petition is **GRANTED**. The Decision dated April 29, 2011 and Resolution dated November 23, 2011 of the Court of Appeals in CA-G.R. CR No. 32331 are **REVERSED** and **SET ASIDE**. Petitioner **ANTONIO JOCSON y CRISTOBAL** is **ACQUITTED**. Let an entry of final judgment be issued immediately.

The Director of the Bureau of Corrections, Muntinlupa City is ordered to a) immediately release petitioner from custody unless he is being held for some other lawful cause; and b) submit his report on the action taken within five days from notice.

**SO ORDERED.**

  
**AMY C. LAZARO-JAVIER**  
Associate Justice

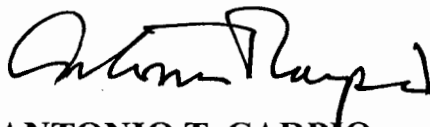
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<sup>48</sup> See *People v. Luna*, G.R. No. 219164, March 21, 2018.

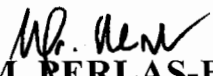
<sup>49</sup> Section 3(m), Rule 131, Rules of Court

<sup>50</sup> *People v. Cabilies*, 827 SCRA 89, 97 (2017).

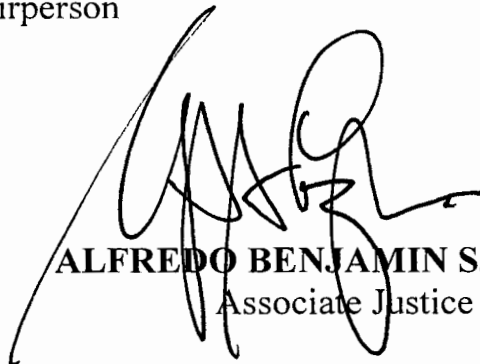
**WE CONCUR:**



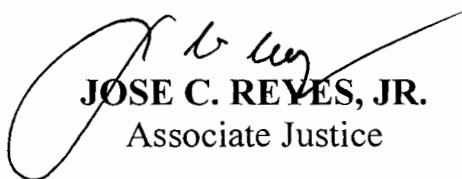
**ANTONIO T. CARPIO**  
Senior Associate Justice  
Chairperson



**ESTELA M. PERLAS-BERNABE**  
Associate Justice



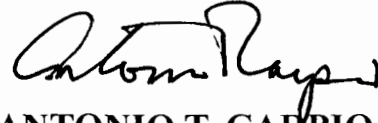
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice



**JOSE C. REYES, JR.**  
Associate Justice

**ATTESTATION**

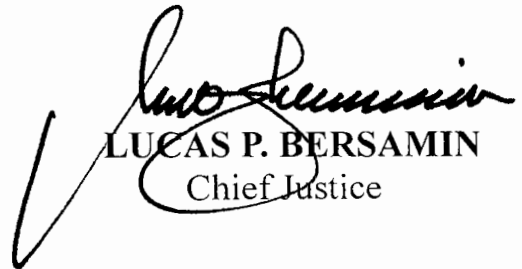
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division



**ANTONIO T. CARPIO**  
Senior Associate Justice  
Chairperson, Second Division

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the above 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