



*Mis. JDC Batt*  
**MISAELO DOMINGO C. BATTUNG III**  
Deputy Division Clerk of Court  
Third Division

Republic of the Philippines  
Supreme Court  
Manila

APR 24 2019

**THIRD DIVISION**

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

**G.R. No. 234038**

**Present:**

- *versus* -

PERALTA, J., *Chairperson,*  
LEONEN,  
REYES, A., JR.,  
GISMUNDO,\* and  
CARANDANG,\*\* JJ.

**JOY JIGGER P. BAYANG and JAY**  
**M. CABRIDO,**

**Promulgated:**

Accused-Appellants.

March 13, 2019

*Mis. JDC Batt*

X-----X

**DECISION**

**PERALTA, J.:**

Before this Court is an appeal from the June 7, 2017 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 08375, which affirmed the January 28, 2016 Decision<sup>2</sup> of the Regional Trial Court (RTC) of Pasig City, Branch 164, finding accused-appellants Joy Jigger Bayang (*Bayang*) and Jay M. Cabrido (*Cabrido*) guilty beyond reasonable doubt of violating Sections 5 and 11, Article II of Republic Act No. 9165 (*R.A. No. 9165*), otherwise known as the *Comprehensive Dangerous Drugs Act of 2002*.

In three (3) separate Informations dated August 22, 2014, accused-appellants were charged before the RTC with violations of Sections 5 and 11, Art. II of R.A. No. 9165, the accusatory portions of which read:

\* Designated Additional Member in lieu of Associate Justice Ramon Paul L. Hernando per Raffle dated March 11, 2019.

\*\* Designated Additional Member per Special Order No. 2624 dated November 28, 2018.

<sup>1</sup> Penned by Associate Justice Socorro B. Inting, with Associate Justices Romeo F. Barza (now Presiding Justice of the CA) and Ramon Paul L. Hernando (now a member of this Court), concurring; *rollo* pp. 2-15.

<sup>2</sup> Penned by Presiding Judge Jennifer Albano Pilar; CA *rollo* pp. 43-54.

In Criminal Case No. 19477-D against Bayang and Cabrido for illegal sale of dangerous drug:

On or about August 20, 2014, in Pasig City and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and both of them mutually helping and aiding each other, not being lawfully authorized to possess any dangerous drug, did, then and there willfully, unlawfully and feloniously sell, deliver and give away to PO1 (*sic*) Marvin Santos y Avila, a police poseur[-]buyer, one (1) heat[-]sealed transparent plastic sachet containing 0.07 gram of white crystalline substance, which was found positive to the test for Methamphetamine Hydrochloride, a dangerous drug, in violation of said law.<sup>3</sup>

In Criminal Case No. 19478-D against Bayang for illegal possession of dangerous drug:

On or about August 20, 2014, in Pasig City and within the jurisdiction of this Honorable Court, the above-named accused, not being lawfully authorized to possess any dangerous drug, did then and there willfully, unlawfully and feloniously have in his possession and under his custody and control two (2) heat-sealed transparent plastic sachets each containing 0.04 gram of white crystalline substance or a total of 0.08 gram of white crystalline substance, which were found positive to the test for Methamphetamine Hydrochloride, a dangerous drug, in violation of said law.<sup>4</sup>

In Criminal Case No. 19479-D against Cabrido for illegal possession of dangerous drug:

On or about August 20, 2014, in Pasig City and within the jurisdiction of this Honorable Court, the above-named accused, not being lawfully authorized to possess any dangerous drug, did then and there willfully, unlawfully and feloniously have in his possession and under his custody and control one (1) heat-sealed transparent plastic sachet containing 0.04 gram of white crystalline substance which was found positive to the test for Methamphetamine Hydrochloride, a dangerous drug, in violation of said law.<sup>5</sup>

When arraigned, accused-appellants pleaded not guilty to the charges. Pre-trial and trial thereafter ensued.

The evidence for the prosecution established that, at 8:00 a.m. on August 20, 2014, the members of the Anti-Drug Abuse Council of Pasig City (*ADCOP*), headed by Zenaida Concepcion (*Concepcion*), and a confidential

---

<sup>3</sup> Records, p. 1.

<sup>4</sup> *Id.* at 4.

<sup>5</sup> *Id.* at 7.

informant (CI) went to the office of the Station Anti-Illegal Drugs Special Operation Task Group (SAID-SOTG), Pasig City Police Station to report the rampant selling of *shabu* at M79 Street, Soldiers Village, Barangay Sta. Lucia, Pasig City. A certain alias "Tatay" (*Tatay*) was the most notorious seller in the area, and his house was used for drug sessions. Police Senior Inspector (PSI) Alan A. Miparanum (*Miparanum*) formed a buy-bust team to conduct the operation against Tatay. PSI Miparanum designated Police Officer 2 Marvin A. Santos (*PO2 Santos*) as poseur-buyer, while Police Officer 1 Jimposse I. Chua (*PO1 Chua*) was the immediate back-up. After the briefing, PO2 Santos prepared the coordination sheet and the pre-operation report naming Tatay as one of the targets. He coordinated with the EPD District Anti-Illegal Drugs Special Operations Task Group and the Philippine Drug Enforcement Agency (PDEA). Thereafter, the PDEA gave the buy-bust team the authority, with Control No. 0814-00225, to conduct a buy-bust operation against Tatay.<sup>6</sup>

At 8:00 p.m. on the same date, the CI returned to the Pasig City SAID-SOTG office and informed PSI Miparanum and the buy-bust team that he spotted Tatay at M79 Street. At 9:00 p.m., the team and the CI arrived at the target area. PO1 Chua and the others strategically positioned themselves. While walking along the street, PO2 Santos and the CI noticed a man, later identified as Cabrido, standing beside the road as if waiting. Cabrido approached them and asked who they are looking for. PO2 Santos replied that he was looking for Tatay because they wanted to buy *shabu*. According to Cabrido, Tatay was no longer around since Bayang stopped his operation. He then told them to follow him to Bayang's house. Upon arriving, Cabrido knocked at the door and said that somebody wants to "score."<sup>7</sup> Bayang went out and asked PO2 Santos how much did he want to buy. PO2 Santos answered "dos" and simultaneously handed the two ₱100.00 bill marked money. After pocketing the money, Bayang brought out four transparent plastic sachets containing white crystalline substance, and handed one to Cabrido telling him to sell it along the road. Cabrido walked away after receiving the same. Thereafter, PO2 Santos scratched his head, the pre-arranged signal, after he received the plastic sachet from Bayang. He grabbed Bayang, introduced himself as a police officer, and instructed the latter to empty his pockets. He was able to seize two sachets from Bayang's pocket.<sup>8</sup> He marked the plastic sachets with 1MAS/JIGGER 08/20/2014, 2MAS/JIGGER 08/20/2014, and 3MAS/JIGGER 08/20/2014, and signed them.

Meanwhile, PO1 Chua dashed towards PO2 Santos upon seeing the latter scratching his head. He heard PO2 Santos instructing him to arrest Cabrido, the man advancing towards his direction. PO1 Chua promptly arrested Cabrido, and ordered the latter to empty his pockets, which yielded to discovery of a sachet of suspected *shabu*. He marked the sachet with JIC-

<sup>6</sup> CA rollo, pp. 46-47.

<sup>7</sup> Meant to buy *shabu*.

<sup>8</sup> CA rollo. p. 47.

JAY-08-20-14, and signed it. PSI Miparanum ordered the team to proceed to the *barangay* hall of Sta. Lucia because of the crowd and concern for the safety of the team, the accused, and the seized pieces of evidence. Thus, they conducted the inventory at the *barangay* hall. PO2 Santos accomplished the inventory in the presence of both accused and *Barangay Kagawad* Randy Ilagan (*Ilagan*). Photographs were also taken during the inventory. They proceeded to the SAID-SOTG Office of the Pasig City Police Station where the pieces of evidence were transferred to the investigator, PO1 Lodjie Coz (*PO1 Coz*). PO1 Coz prepared the chain of custody form and the request for laboratory examination, and went to the EPD Crime Laboratory Office in Marikina City to submit the plastic sachets containing white crystalline substance to the forensic chemist, Police Inspector Anghelisa S. Vicente (*PI Vicente*). PI Vicente examined the contents of the sachets, and the result revealed that the crystalline substance was positive for the presence of methamphetamine hydrochloride, a dangerous drug.<sup>9</sup>

On the other hand, the defense posits a different narration of the events. At 9:00 p.m. on August 20, 2014, Bayang and Cabrido were having supper at the former's house when armed men entered and commanded them to drop on the floor facing down. The men handcuffed them, and asked where alias Tatay was. They denied knowing someone called Tatay. Nevertheless, they were boarded into a van and were brought to the *barangay* hall of Sta. Lucia, Pasig City. The men summoned *Barangay Kagawad* Ilagan, showed the latter the four heat-sealed plastic sachets, and requested him to sign a document. They were brought to a small room where PO2 Santos demanded ₱100,000.00 in exchange for their release. Since they were unable to produce the amount, they were charged.<sup>10</sup>

On January 28, 2016, the RTC rendered a Decision, the *fallo* of which reads:

**WHEREFORE**, judgement is rendered as follows:

1. In Criminal Case No. 19477-D, the Court finds the accused, Joy Jigger P. Bayang and Jay M. Cabrido **GUILTY** beyond reasonable doubt of violation of Section 5, Article II of RA No. 9165, and hereby impose[s] upon each of them the **penalty of life imprisonment and a fine of five hundred thousand pesos (₱500,000.00)**.
2. In Criminal Case No. 19478-D, the Court also finds accused Joy Jigger P. Bayang **GUILTY** beyond reasonable doubt of violation of Section 11, Article II of RA No. 9165, and hereby imposes upon him an indeterminate penalty of imprisonment from **twelve (12) years and one (1) day, as the minimum term, to fifteen (15) years, as the maximum term, and to pay a fine of three hundred thousand pesos (₱300,000.00)**.

<sup>9</sup> *Id.* at 48.

<sup>10</sup> *Id.* at 49.

3. In Criminal Case No. 19479-D, the Court also finds accused Jay M. Cabrido **GUILTY** beyond reasonable doubt of violation of Section 11, Article II of RA No. 9165, and hereby imposes upon him an indeterminate penalty of imprisonment from **twelve (12) years and one (1) day, as the minimum term, to fifteen (15) years, as the maximum term, and to pay a fine of three hundred thousand pesos (P300,000.00).**

The sachets of *shabu* (Exhibits "N", "O", "P" and "Q") subject matter of these cases are hereby ordered confiscated in favor of the government, and the Branch Clerk of this Court is directed to turn over the said evidence to the Philippine Drug Enforcement Agency for destruction in accordance with law.

**SO ORDERED.**<sup>11</sup>

The trial court held that the prosecution duly proved and established the elements of illegal sale and illegal possession of dangerous drugs. PO2 Santos and PO1 Chua categorically stated that they caught both accused *in flagrante delicto* selling and possessing shabu. The prosecution witnesses proved the transaction or sale wherein Bayang delivered a sachet containing 0.07 gram of shabu to the poseur-buyer. It was also established that (a) both accused had no authority to sell or to possess any dangerous drug; (b) during the buy-bust operation, Bayang sold and delivered P200 worth of white crystalline substance in a heat-sealed transparent plastic sachet to PO2 Santos; and (c) as a result of the search incidental to a valid warrantless arrest, Bayang was caught in possession of two sachets of shabu containing 0.04 gram each, while Cabrido was caught with one sachet of shabu containing 0.04 gram. There was no doubt that the bought item and the confiscated items from the accused-appellants were also the same items marked by PO2 Santos and PO1 Chua, sent to the EPD Crime Laboratory, and later on tested positive for methamphetamine hydrochloride.

On appeal, the CA affirmed with modification the decision of the RTC. The CA held that the prosecution has undoubtedly established the integrity and evidentiary value of the seized drugs. There was no evidence that the arresting officers lost possession and control of the sachets until the turnover to the police station. The sachets were marked at the place of arrest in the presence of both the accused. The accused-appellants, *Barangay Kagawad* Ilagan, and Concepcion of ADCOP witnessed the physical inventory and taking of photographs of the seized items. The seized items were turned over to the investigating officer who prepared the chain of custody form and request for laboratory examination. Thereafter, the items tested positive for methamphetamine hydrochloride. Also, the seized shabu and the marked money were presented in evidence. The decretal portion of the Decision reads:

---

<sup>11</sup> *Id.* at 53-54. (Emphasis in the original)



**WHEREFORE**, in light of the foregoing, the appeal is **DENIED**. The assailed Judgment dated 28 January 2016 of the Regional Trial Court of Pasig City, Branch 164, in Criminal Cases Nos. 19477-D, 19478-D, and 19479-D, is hereby **AFFIRMED with MODIFICATION** that the accused-appellants are not eligible for parole with respect to the case for illegal sale of shabu.

**SO ORDERED.**<sup>12</sup>

The CA gave due course to accused-appellants' appeal from the June 7, 2017 Decision. This Court required the parties to submit their respective supplemental briefs, if they so desired. In its Manifestation in Lieu of Supplemental Brief<sup>13</sup> dated February 5, 2018, the Office of the Solicitor General informed the Court that it longer intends to file a supplemental brief there being no events, occurrences or conditions which have happened while the CA's decision was rendered. Similarly, Bayang and Cabrido indicated that they will no longer file a supplemental brief since no new issues material to the case, which were not elaborated upon in the appellants' brief before the CA, was discovered.<sup>14</sup>

Basically, Bayang and Cabrido argues that the police officers failed to observe the proper procedure in preserving the chain of custody as required under Section 21 of R.A. No. 9165. They failed to secure a representative from the National Prosecution Service or the media. The inventory and photographing of the seized items were conducted at the *barangay* hall instead of the nearest police station or the nearest office of the apprehending officer or team.

The Court finds merit in the appeal.

Jurisprudence provides that the identity of the prohibited drug must be established with moral certainty, considering that the dangerous drug itself forms an integral part of the *corpus delicti* of the crime. Thus, in order to obviate any unnecessary doubt on its identity, the prosecution has to show an unbroken chain of custody over the same and account for each link in the chain of custody from the moment the drugs are seized up to their presentation in court as evidence of the crime.<sup>15</sup>

<sup>12</sup> Rollo p. 14.

<sup>13</sup> *Id.* at 23-26.

<sup>14</sup> *Id.* at 28-30. (Emphasis in the original)

<sup>15</sup> *People v. Viterbo*, 739 Phil. 593, 601 (2014).

Section 21 of R.A. No. 9165, as amended by R.A. No. 10640,<sup>16</sup> provides for the procedural safeguards in the handling of seized drugs by the apprehending officer/team, to wit:

SEC. 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 dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment shall, immediately after seizure and confiscation, **conduct a physical inventory of the seized items and photograph the same in the presence of the accused or the persons from whom such items were confiscated and/or seized, or his/her representative or counsel, with an elected public official and a representative of the National Prosecution Service or the media** 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, 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. x x x. (Emphases supplied)

From the foregoing, Section 21 now only requires *two (2) witnesses* to be present during the conduct of the physical inventory and taking of photograph of the seized items, namely: (a) an elected public official; **and** (b) either a representative from the National Prosecution Service **or** the media.

The prosecution has the burden of proving a valid cause for non-compliance with the procedure laid down from the foregoing Section, as amended. During the trial proceedings, it must initiate in acknowledging and justifying any perceived deviations from the requirements of law. Its failure to follow the mandated procedure must be adequately explained, and must be proven as a fact in accordance with the rules on evidence.<sup>17</sup> Moreover, strict adherence to Section 21 is required where the quantity of illegal drugs seized

<sup>16</sup> 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 July 15, 2014.

<sup>17</sup> *People v. Battung*, G.R. No. 230717, June 20, 2018.

is minuscule, since it is highly susceptible to planting, tampering or alteration of evidence.<sup>18</sup>

Since compliance with the procedure in Section 21, as amended, is determinative of the integrity and evidentiary value of the *corpus delicti* and ultimately the fate of the liberty of the accused, the appellate court, including this Court, is not precluded from fully examining the records of the case if only to ascertain whether the procedure had been completely complied with, and if not, whether justifiable reasons exist to excuse any deviation. If no such reasons exist, then it is the appellate court's bounden duty to acquit the accused, and perforce, overturn a conviction.<sup>19</sup>

An examination of the records reveals that the prosecution failed to establish compliance with the procedures under Section 21 of R.A. No. 9165, as amended. PO2 Santos admitted in his cross-examination that there was no representative from the Department of Justice (*DOJ*) or any media practitioner, to wit:

ATTY. ATIENZA

Q: You said you marked the evidence that you confiscated from alias Jigger at the place of arrest, is that correct?

A: Yes, sir.' (*sic*)

Q: But the photograph of the evidence and the inventory were prepared when you were already at the barangay?

A: Yes, ma'am.

**Q: There was no mentioned (*sic*) or justification in your affidavit of arrest why you prepared the inventory and the photograph at the barangay, is that correct?**

**A: Yes, ma'am.**

**Q: But you are very well aware that the photograph and the inventory should be conducted at the place of arrest where the person was arrested, is that correct?**

**A: Yes, ma'am.**

**Q: And there was also no representative from the media or DOJ who witnessed the preparation of the inventory?**

**A: Yes, ma'am.**

Q: Was it you who personally prepared the inventory?

A: Yes, ma'am.

x x x x

REDIRECT-EXAM BY PROS. PONPON:

<sup>18</sup> *People v. Holgado*, 741 Phil. 78, 93 (2014).

<sup>19</sup> *People v. Miranda*, G.R. No. 229671, January 31, 2018.



Q: What justification do you have, if any, why the inventory was not made in the place of arrest of the accused?

A: During that time there were many people who were curious and already trying to interfere, so the chief decided that we will just mark the evidence and accomplishing (*sic*) the inventory at the barangay hall.

**Q: How about the fact that there is no representative from the National Prosecution Service that witness (*sic*) the inventory?**

**A: We were not able to contact a representative from the media (*sic*).**

Q: Why is it that instead of conducting the inventory in your office, you made it at the barangay?

A: The barangay hall [is] nearer to the place of arrest.

x x x x

RE CROSS- EXAM BY ATTY. ATIENZA:

Q: Was it you who personally contacted the media personnel?

A: Yes, ma'am.

x x x x

**Q: What was the reason why he was not able to arrive?**

**A: He was on another place not in Pasig.**

Q: But you did not mention that in your affidavit?

A: Yes, ma'am.<sup>20</sup>

The presence of the representatives from the media [*or*] the DOJ, *and* of any elected public official was precisely necessary to insulate the apprehension and incrimination proceedings from any taint of illegitimacy or irregularity.<sup>21</sup> In other words, their presence was to ensure against planting of evidence and frame-up.<sup>22</sup> Securing the presence of these persons is not impossible.<sup>23</sup> It is not enough for the apprehending officers to merely mark the seized pack of shabu; the buy-bust team must also conduct a physical inventory and take photographs of the confiscated item in the presence of these persons required by law.<sup>24</sup>

In the case at bar, the absence of the required second witness is readily apparent in the Inventory of Seized Evidence<sup>25</sup> presented before the court. Moreover, the witnesses admitted that there was no presence of the member of the DOJ or the media during the taking of physical inventory and photographs. The prosecution never alleged and proved any of the reasons that the presence of the required witnesses was not obtained for, as

<sup>20</sup> TSN, September 17, 2015, pp. 7-9.

<sup>21</sup> *People v. Mendoza*, 736 Phil. 749, 761-762 (2014). (Emphasis supplied)

<sup>22</sup> *People v. Andrada*, G.R. No. 232299, June 20, 2018.

<sup>23</sup> *People v. Saragena*, G.R. No. 210677, August 23, 2017, 837 SCRA 529, 555.

<sup>24</sup> *Lescano v. People*, 778 Phil. 460, 473 (2016).

<sup>25</sup> Records, p. 22.

enumerated by this Court in *People v. Battung*,<sup>26</sup> to wit: (1) **their attendance was impossible because the place of arrest was a remote area;** (2) **their safety during the inventory and photograph of the seized drugs was threatened by an immediate retaliatory action of the accused or any person/s acting for and in his/her behalf;** (3) **the elected official themselves were involved in the punishable acts sought to be apprehended;** (4) **earnest efforts to secure the presence of a DOJ or media representative and an elected public official within the period required under Article 125 of the Revised Penal Code prove futile through no fault of the arresting officers, who face the threat of being charged with arbitrary detention;** or (5) **time constraints and urgency of the anti-drug operations, which often rely on tips of confidential assets, prevented the law enforcers from obtaining the presence of the required witnesses even before the offenders could escape.**<sup>27</sup>

As admitted, the absence of the second witness was because the team did not call any representative from the DOJ, and the member of the media that they called wasn't able to come since he was in another place. PSI Miparanum received the report from the CI and the members of the ADCOP at 8:00 a.m., and immediately formed the buy-bust team and coordinated with the PDEA for the operation. Thus, the team had the entire day to coordinate with the persons required by law to be present during the physical inventory. The time PO2 Santos received the reply from the media practitioner was not even alleged so as to at least show that there was not enough time to contact another witness. There was also no evidence that the team tried to secure the presence of another person to substitute.

It is imperative for the prosecution to show the courts that the non-compliance with the procedural safeguards provided under Section 21 was not consciously ignored. The procedure is a matter of substantive law, and cannot be brushed aside as a simple procedural technicality; or worse, ignored as an impediment to the conviction of illegal drug suspects.<sup>28</sup> While the non-compliance with Section 21 of R.A. No. 9165 is not fatal to the prosecution's case, provided that the integrity and evidentiary value of the seized items are properly preserved by the apprehending officers, this exception will only be triggered by the existence of a ground that justifies departure from the general rule.<sup>29</sup> The saving clause applies only (1) where the prosecution recognized the procedural lapses, and thereafter explained the cited justifiable grounds, and (2) when the prosecution established that the integrity and evidentiary value of the evidence seized had been preserved.<sup>30</sup>

Since the amount of shabu involved in this case is minuscule, with just 0.07 gram of shabu for illegal sale and three sachets each containing 0.04 gram

<sup>26</sup> *People v. Battung*, *supra* note 17.

<sup>27</sup> *Id.*

<sup>28</sup> *People v. Geronimo*, G.R. No. 225500, September 11, 2017, 839 SCRA 336, 352.

<sup>29</sup> *People v. Pringas*, 558 Phil. 579, 594 (2007).

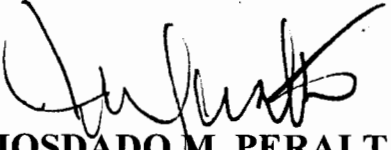
<sup>30</sup> *People v. Andrada*, *supra* note 22.

for illegal possession, there is a need for strict compliance with the rule on chain of custody in order to prove that the integrity and evidentiary value of the evidence seized had been preserved. To the mind of this Court, the reason interposed by the prosecution is not sufficient to justify the non-compliance of the absence of one of the required two witnesses. There was no evidence that the buy-bust team exerted earnest effort to comply with the requirements of the law as to the witnesses present during the physical inventory of the seized items.

Non-observance of the mandatory requirements under Section 21 of R.A. No. 9165 casts doubt on the integrity of the shabu supposedly seized from accused-appellants.<sup>31</sup> The prosecution's failure to comply with the chain of custody rule is equivalent to its failure to establish the *corpus delicti* and, therefore, its failure to prove that the crime was indeed committed.<sup>32</sup> For failure of the prosecution to establish beyond reasonable doubt the unbroken chain of custody of the drugs seized from appellants, and to prove as a fact any justifiable reason for non-compliance with Section 21 of R.A. No. 9165 and its Implementing Rules and Regulations, accused-appellants must be acquitted of the crimes charged.

**WHEREFORE**, the appeal is **GRANTED**. The Decision dated June 7, 2017 of the Court of Appeals in CA-G.R. CR-H.C. No. 08375 is hereby **REVERSED** and **SET ASIDE**. Accused-appellants Joy Jigger P. Bayang and Jay M. Cabrido are, accordingly, **ACQUITTED** for failure of the prosecution to prove their guilt beyond reasonable doubt. The Director of the Bureau of Corrections is **ORDERED** to immediately cause the release of accused-appellants from detention, unless they are being held for some other lawful cause, and to **REPORT** to this Court compliance herewith within five (5) days from receipt of this Decision.

**SO ORDERED.**


  
**DIOSDADO M. PERALTA**  
Associate Justice

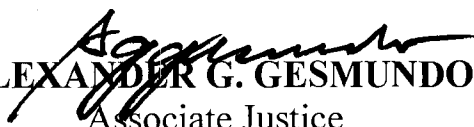
<sup>31</sup> *People v. Jaafar*, 803 Phil. 582, 595 (2017).

<sup>32</sup> *People v. Pagaduan*, 641 Phil. 432, 449-450 (2010).

**WE CONCUR:**

  
**MARVIC MARIO VICTOR F. LEONEN**  
 Associate Justice


  
**ANDRES B. REYES, JR.**  
 Associate Justice

  
**ALEXANDER G. GESMUNDO**  
 Associate Justice

  
**ROSARID D. CARANDANG**  
 Associate Justice

**ATTESTATION**

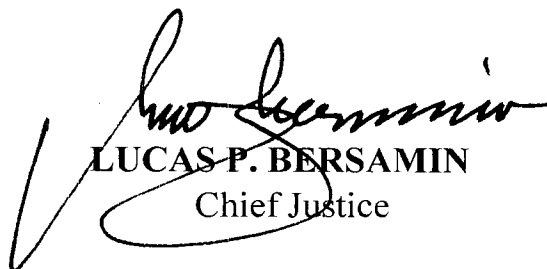
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

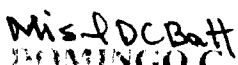
  
**DIOSDADO M. PERALTA**  
 Associate Justice  
 Chairperson, Third Division

**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.

**CERTIFIED TRUE COPY**

  
**LUCAS P. BERSAMIN**  
 Chief Justice

  
**MIGUEL DOMINGO C. BATTUNG III**  
 Deputy Division Clerk of Court  
 Third Division  
 APR 24 2019