



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 228825

Present:

PERALTA, C.J., Chairperson,
CAGUIOA, Working Chairperson,
REYES, J. JR.,
LAZARO-JAVIER, and
LOPEZ, JJ.

- versus -

EDUARDO MANANSALA y
PABALAN a.k.a. "EDDIE,"
Accused-Appellant.

Promulgated:

JUL 28 2020

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DECISION

REYES, J. JR., J.:

This resolves the appeal filed by accused-appellant Eduardo Manansala y Pabalan also known as "Eddie" (accused-appellant) from the Decision¹ dated June 14, 2016 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 07304 affirming the Decision² of the Regional Trial Court (RTC), Branch 57, Angeles City, in Criminal Case No. DC-08-1321 finding him guilty beyond reasonable doubt of selling dangerous drugs, defined and penalized under Section 5 of Republic Act (R.A.) No. 9165³ otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

¹ Penned by Associate Justice Socorro B. Inting, with Associate Justices Remedios A. Salazar-Fernando and Priscilla J. Baltazar-Padilla (now a Member of the Court), concurring; *rollo*, pp. 2-13.

² CA *rollo*, pp. 44-53.

³ 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.

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The Antecedents

Accused-appellant was charged before the RTC for violating Section 5, Article II of R.A. No. 9165, *viz.*:

That on or about the 21st day of July 2008, in the City of Angeles, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully, and feloniously, sell and/or deliver to poseur buyer Two (2) pcs of paper each containing small cubes of Marijuana Fruiting Tops (Tetrahydro Cannabinol) TWO GRAMS AND EIGHT THOUSAND TEN THOUSANDTHS (2.8010) OF A GRAM and THREE GRAMS and SIX THOUSAND THREE HUNDRED SEVENTY TEN THOUSANDTHS (3.6370) OF A GRAM with a total weight of SIX GRAMS and FOUR THOUSAND THREE HUNDRED EIGHTY TEN THOUSANDTHS (6.4380) OF A GRAM, which is a dangerous drug, without authority whatsoever.

CONTRARY TO LAW.⁴

On arraignment on August 5, 2008, accused-appellant pleaded “not guilty.” Trial ensued.

The facts, as found by the appellate court, are as follows:

Around 2:45 p.m. on July 21, 2008, a confidential informant (CI) appeared before the Angeles City Police Office and reported to Police Senior Inspector Melencio Santos (PSI Santos) the illegal drug activities of accused-appellant in Sitio Balibago, Malabañas, Angeles City. PSI Santos gathered his team and conducted a briefing for the conduct of a buy-bust operation.

The CI was assigned to act as *poseur*-buyer and he/she shall be accompanied by Senior Police Officer 1 Tomas Nachor, Jr. (SPO1 Nachor) while Police Officer 2 Raymond Dayrit (PO2 Dayrit) and the rest of the team shall act as perimeter backup. The team prepared two hundred-peso bills as buy-bust money.

At around 3:00 p.m., the team proceeded to Sitio Balibago. Upon arrival at the target area, SPO1 Nachor and the CI walked towards a *sari-sari* store while the rest of the team positioned themselves around five meters away. Shortly thereafter, accused-appellant arrived and approached the CI. SPO1 Nachor, who was just arm’s length from the CI and accused-appellant, saw the latter delivering to the CI a paper wrapper containing two plastic sachets of dried *marijuana* fruiting tops in exchange for the buy-bust

⁴ *Rollo*, p. 3.

money. SPO1 Nachor immediately gestured the pre-arranged signal by removing his ball cap and the backup members rushed to the scene and assisted in arresting accused-appellant. The CI turned over the two plastic sachets to SPO1 Nachor.

The team brought accused-appellant and the seized plastic sachets to the police station. There, the seized items were inventoried in the presence of accused-appellant. SPO1 Nachor submitted the seized items to the Philippine National Police Regional Crime Laboratory for examination. Upon examination of Forensic Chemist Ma. Luisa Gundran-David, the items tested positive for *marijuana*.

Accused-appellant maintained, however, that at around 2:00 p.m. on July 21, 2008, he was at home fixing his tri-bike and manning his store when a man suddenly grabbed him. He resisted and asked why he was being grabbed. But the latter did not answer him. Another man came and the two boarded accused-appellant to a van where he was bodily searched. After a while, the men showed him something that was allegedly seized from him and asked why he was selling drugs. He denied the accusations. Still, he was brought to the Philippine Drug Enforcement Agency office and was told that if he can pinpoint somebody, they will release him. Because he did not know anything about the case, he did not point to anyone.⁵

The Ruling of the RTC

On December 16, 2014, the RTC rendered a Decision⁶ finding the accused-appellant guilty in Criminal Case No. DC-08-1321 for the illegal sale of dangerous drugs in violation of Section 5, Article II of R.A. No. 9165, thereby sentencing him to suffer the penalty of life imprisonment, and to pay a fine of ₱500,000.00.

In convicting the accused-appellant for violation of Section 5, Article II of R.A. No. 9165, the RTC was convinced that the prosecution was able to prove the elements of the crime beyond reasonable doubt. It brushed aside accused-appellant's defense of denial and frame-up, and further mentioned accused-appellant's failure to present any evidence of ill motive on the part of the prosecution witnesses to falsely impute the commission of the said crime upon him. The RTC expounded that without proof of ill motive, the testimonies of the police officers deserve full faith and credit and they are presumed to have performed their duties in a regular manner.

While the RTC recognized that the police officers failed to comply

⁵ Id. at 5-6.

⁶ Penned by Judge Omar T. Viola, supra note 2.

with the procedure under Section 21 of R.A. No. 9165 in that no representative of the Department of Justice (DOJ), media, nor a *barangay* official witnessed the inventory of seized items, it nevertheless held that the integrity and evidentiary value of the seized drugs had been duly preserved by the unbroken chain of custody of the *corpus delicti*.

Thus, the trial court disposed in this wise:

WHEREFORE, the prosecution having presented convincing evidence that the accused is liable for the offense charged and having proven his guilt beyond reasonable doubt, the Court hereby finds accused EDUARDO MANANSALA y PABALAN, GUILTY of the offense as charged for Violation of Section 5 of R.A. 9165 and hereby sentences him to suffer the penalty of LIFE IMPRISONMENT, for Violation of Section 5, R.A. 9165 and a fine of Php 500,000.00.

SO ORDERED.⁷

Aggrieved, accused-appellant elevated the case to the CA *via* a Notice of Appeal.

The Ruling of the CA

In its assailed Decision,⁸ the CA affirmed the findings of the RTC that the elements for the prosecution of offenses involving the illegal sale of dangerous drugs under Section 5, Article II of R.A. No. 9165 were met. It also agreed with the lower court that non-compliance by the police officers with the procedure laid down in Section 21, Article II of R.A. No. 9165 was not fatal to the prosecution's cause considering that it was able to sufficiently prove the unbroken chain of custody of the two plastic sachets containing *marijuana*, from the moment it came into the possession of SPO1 Nachor, until the same was brought to the crime laboratory for testing, and its subsequent presentation in court. The CA brushed aside accused-appellant's defenses of denial and frame-up for being unmeritorious in light of his failure to present strong and concrete evidence that would support his claim, as well as any ill motive on the part of the police officers to concoct the false charge against him. Such defenses cannot prevail over the positive assertions of the police officers who were deemed to have performed their official duties in a regular manner. The dispositive portion of the CA Decision reads:

⁷ *Rollo*, p. 6.

⁸ *Supra* note 1.

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WHEREFORE, premises considered, the Decision dated 16 December 2014 of the Regional Trial Court (RTC), Branch 57, Angeles City, in Criminal Case No. DC-08-1321 is hereby AFFIRMED [*IN TOTO*]. Costs against accused-appellant.

SO ORDERED.⁹

Hence, this petition. Accused-appellant centers his defense on the failure of the police officers to comply with the mandatory procedure in Section 21, Article II of R.A. No. 9165 relative to the handling of the seized *marijuana*. In particular, they contend that the police officers conducted the inventory without the presence of a representative from the DOJ and the media, and any elected public official. Accused-appellant likewise questions the non-presentation of the CI and argues that the same is fatal to the prosecution's case because it is only he who could testify on what transpired during the sale transaction.¹⁰

The Issue

The primordial issue for determination is whether accused-appellant is guilty beyond reasonable doubt of violation of Section 5, Article II of R.A. No. 9165.

The Court's Ruling

To be able to secure the conviction of an accused charged with Illegal Sale of Dangerous Drugs under Section 5, Article II of R.A. No. 9165, the prosecution must prove with moral certainty: (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.¹¹ It is likewise absolutely necessary for a conviction that the drugs subject of the sale be presented in court and its identity established with moral certainty through an unbroken chain of custody over the same. In cases like this, it is incumbent that the prosecution must be able to account for each link in the chain of custody over the dangerous drug from the moment of seizure up to its presentation in court as evidence of the *corpus delicti*.¹²

The legality of entrapment operations involving illegal drugs begins and ends with Section 21, Article II of R.A. No. 9165.¹³ It provides the chain of custody rule, outlining the procedure that police officers must follow in

⁹ Rollo, p. 12.

¹⁰ CA rollo, pp. 26-42.

¹¹ *People v. Lumaya*, G.R. No. 231983, March 7, 2018.

¹² *People v. Año*, G.R. No. 230070, March 14, 2018.

¹³ *People v. Luna*, G.R. No. 219164, March 21, 2018.

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handling the seized drugs, in order to preserve their integrity and evidentiary value.¹⁴ It provides:

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 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, and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof.

The Implementing Rules and Regulations (IRR) of R.A. No. 9165, on the other hand, filled in the void of the law by providing the specific details such as the place where the physical inventory and photographing of seized items should be accomplished and added a *proviso* on acceptable deviation from strict compliance of the law based on justifiable grounds. It states:

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:

(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

¹⁴ *Belmonte v. People*, 811 Phil. 844, 856 (2017).

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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[.]

Summarily, the law commands that the seized drugs must be inventoried and photographed immediately after seizure and that the same must be conducted in the presence of the accused or his representative or counsel, and three other witnesses, namely: (a) a representative from the media; (b) a representative of the DOJ; and (c) an elected public official.¹⁵ Compliance with the requirements prevents opportunities for planting, contaminating, or tampering of evidence in any manner and thereby assures the integrity of the seized illegal drugs. Non-compliance, on the other hand, is tantamount to failure in establishing the identity of *corpus delicti*, an essential element of the offense of illegal sale of dangerous drugs, thus, engendering the acquittal of an accused.¹⁶ Such stringent requirement was placed as a safety precaution against potential abuses by law enforcement agents who might fail to appreciate the gravity of the penalties faced by those suspected to be involved in the sale, use or possession of illegal drugs.¹⁷ In *People v. Malabanan*,¹⁸ the Court enunciated the two-fold purpose Section 21, Article II of R.A. No. 9165 seeks to achieve, *viz.*:

The procedure set forth under Section 21 of R.A. No. 9165 serves a two-fold purpose. *First*, it protects individuals from unscrupulous members of the police force who are out to brandish the law on the innocent for personal gain or otherwise. *Second*, a faithful compliance of Section 21 of R.A. No. 9165 benefits the police and the entire justice system as it assures the public that the accused was convicted on the strength of uncompromised and unquestionable evidence. It dispels any thought that the case against the accused was merely fabricated by the authorities.

In the present case, it is undisputed that the police officers failed to comply with the three-witness rule under Section 21 mentioned above. The prosecution never hid this fact nor made any attempt to deny the absence of the insulating witnesses during the inventory of the confiscated items. However, the prosecution takes exception to the three-witness rule on the ground that it had been able to sufficiently prove the integrity of the drugs seized from the accused-appellant, as well as the unbroken chain of custody of the same. In other words, they claimed that since the prosecution had been able to show that the drugs sold by the accused-appellant were the very same drugs seized by the police officers, marked, inventoried and subjected

¹⁵ *People v. Malabanan*, G.R. No. 241950, April 10, 2019.

¹⁶ *People v. Adobar*, G.R. No. 222559, June 6, 2018.

¹⁷ *People v. Calvelo*, G.R. No. 223526, December 6, 2017, 848 SCRA 225, 246.

¹⁸ *Supra* note 15.

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to laboratory examination which tested positive for *marijuana* and ultimately presented before the court as evidence against them, the proper chain of custody of the drugs was sufficiently established.

Such assertion has no merit. In *People v. Mendoza*¹⁹ the Court stressed that:

The consequences of the failure of the arresting lawmen to comply with the requirements of Section 21[a] *supra*, were dire as far as the Prosecution was concerned. Without the insulating presence of the representative from the media or the Department of Justice, or any elected public official during the seizure and marking of the [seized drugs], the evils of switching, "planting" or contamination of the evidence that had tainted the buy-busts conducted under the regime of RA No. 6425 (*Dangerous Drugs Act of 1972*) again reared their ugly heads as to negate the integrity and credibility of the seizure and confiscation of the [said drugs] that were evidence herein of the *corpus delicti*, and thus adversely affected the trustworthiness of the incrimination of the accused. Indeed, the insulating presence of such witnesses would have preserved an unbroken chain of custody.

To be sure, non-compliance with the mandatory procedure under Section 21, Article II of R.A. No. 9165 and its IRR does not in itself render the confiscated drugs inadmissible,²⁰ as the desire for a perfect and unbroken chain of custody rarely occurs,²¹ but only triggers the operation of the saving clause enshrined in the IRR of R.A. No. 9165.²² However, for the above-saving clause to apply, the prosecution must be able to reasonably explain the procedural lapses. More importantly, the integrity and value of the seized evidence should have been preserved.²³ Stated otherwise, before a deviation from the mandatory procedural requirements under Section 21, Article II of R.A. No. 9165 may be allowed, the following requisites must be satisfied: (1) justifiable grounds must be shown to exist warranting a departure from the rule on strict compliance; and (2) the apprehending team must prove that the integrity and the evidentiary value of the seized items had been properly preserved.²⁴ However, in order for such saving mechanism to apply, the prosecution must first recognize the lapse or lapses in the prescribed procedures and then explain the lapse or lapses.²⁵ Also, 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.²⁶

¹⁹ 736 Phil. 749, 764 (2014).

²⁰ *People v. Cabrellos*, G.R. No. 229826, July 30, 2018.

²¹ *People v. Abdula*, G.R. No. 212192, November 21, 2018.

²² *People v. Luna*, *supra* note 13.

²³ *People v. Ching*, 819 Phil. 565, 578 (2017), citing *People v. Almorfe*, 631 Phil. 51, 60 (2010).

²⁴ See *People v. Luna*, *supra* note 13.

²⁵ *People v. Alagarme*, 754 Phil. 449, 461 (2015).

²⁶ *People v. Belmonte*, G.R. No. 224588, July 4, 2018.

In this case, a justifiable reason for such failure or a showing of any genuine and sufficient effort to secure the required witnesses under Section 21, Article II of R.A. No. 9165 must be adduced. Unfortunately, the prosecution failed to do so. In fact, it offered no explanation as to why no representative from the media and the DOJ, and an elected public official were present during the inventory of the seized items. Considering that the saving clause was not complied with, any and all evidence tending to establish the chain of custody of the seized drugs become immaterial.²⁷ Even the identification of the seized evidence in court during the trial became ambiguous *and* unreliable, rendering the proof of the links in the chain of custody of the *corpus delicti* unworthy of belief.²⁸

It is important to note that while the police officers are presumed to have regularly performed their duty, the presumption only applies when there is nothing to suggest that the police officers deviated from the standard conduct of official duty required by law.²⁹ This presumption is inapplicable to the present case because the record is replete with evidence showing the arresting officers' failure to strictly comply with the mandatory language of Section 21, Article II of R.A. No. 9165. As the Court judiciously held in *Mallillin v. People*:³⁰

Given the foregoing deviations of police officer Esternon from the standard and normal procedure in the implementation of the warrant and in taking post-seizure custody of the evidence, the blind reliance by the trial court and the [CA] on the presumption of regularity in the conduct of police duty is manifestly misplaced. The presumption of regularity is merely just that — a mere presumption disputable by contrary proof and which when challenged by the evidence cannot be regarded as binding truth. Suffice it to say that this presumption cannot preponderate over the presumption of innocence that prevails if not overthrown by proof beyond reasonable doubt. In the present case the lack of conclusive identification of the illegal drugs allegedly seized from petitioner, coupled with the irregularity in the manner by which the same were placed under police custody before offered in court, strongly militates a finding of guilt.

Simply put, this presumption — gratuitously invoked in instances such as this — does not serve to cure the lapses and deficiencies on the part of the arresting officers. It cannot likewise overcome the constitutional presumption of innocence accorded the accused. Part of the prosecution's duty in overturning this presumption of innocence is to establish that the requirements under Section 21, Article II of R.A. No. 9165 were strictly observed. It should be emphasized that Section 21 is a matter of substantive law, which should not be disregarded as a procedural technicality.³¹

²⁷ *People v. Luna*, supra note 13.

²⁸ *People v. Alagarme*, supra note 25.

²⁹ *People v. Dela Cruz*, 744 Phil. 816, 832 (2014), citing *People v. Nandi*, 639 Phil. 134, 146 (2010).

³⁰ *Mallillin v. People*, 576 Phil. 576, 593 (2008).

³¹ *People v. Geronimo*, 817 Phil. 1163 (2017).

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In view of the foregoing premises and conclusions, it is no longer necessary to discuss the other issues raised in the instant petition.

WHEREFORE, the appeal is **GRANTED**. The Decision dated June 14, 2016 of the Court of Appeals in CA-G.R. CR-HC No. 07304 is hereby **REVERSED** and **SET ASIDE**. Accordingly, accused-appellant Eduardo Manansala y Pabalan also known as "Eddie" 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.



JOSE C. REYES, JR.
Associate Justice

WE CONCUR:



DIOSDADO M. PERALTA
Chief Justice
Chairperson



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Working Chairperson



AMY C. LAZARO-JAVIER
Associate Justice



MARIO V. LOPEZ
Associate Justice

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.



DIOSDADO M. PERALTA
Chief Justice

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