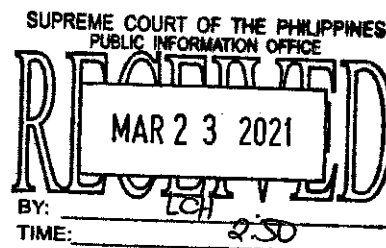




Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated September 2, 2020, which reads as follows:

“G.R. No. 240747 (PEOPLE OF THE PHILIPPINES, *plaintiff-appellee* v. GLORIA DEL PRADO Y MAQUEZ, *accused-appellant*). —In prosecuting offenses under the Comprehensive Dangerous Drugs Act, conviction cannot be sustained where law enforcers failed to secure the required witnesses for the seizure, marking, inventory, and photographing of illegal drugs allegedly confiscated from the accused.

This Court resolves the appeal¹ challenging the Decision² of the Court of Appeals, which affirmed the Regional Trial Court Decision³ convicting Gloria Del Prado y Maquez (Del Prado) of illegal sale and illegal possession of dangerous drugs.

On June 1, 2015, Del Prado was charged with the illegal sale and illegal possession of dangerous drugs, punished under Sections 5 and 11 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002. The two (2) Informations read:

Criminal Case No. R-QZN-15-04976-CR

That on or about the 30th day of May 2015, in Quezon City, Philippines, the above-named accused, without lawful authority, did then and there willfully and unlawfully sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport, or act as broker in the said transaction one (1) heat sealed transparent plastic

¹ *Rollo*, pp. 12–14.

² *Id.* at 2–11. The January 31, 2018 Decision in CA-G.R. CR-HC. No. 09078 was penned by Associate Justice Rodil V. Zalameda (now a member of this Court) and concurred in by Associate Justices Japar B. Dimaampao and Renato C. Francisco of the Seventh Division, Court of Appeals, Manila.

³ *CA rollo*, pp. 35–45. The November 6, 2016 Consolidated Decision in Criminal Case Nos. R-QZN-15-04976-CR and R-QZN-15-04977-CR was penned by Presiding Judge Rafael Lyn Eborá-Cacha of the Branch 82, Regional Trial Court, Quezon City.

sachet containing ZERO POINT NINETEEN (0.19) gram of white crystalline substance positive to the test for *Methamphetamine [H]ydrochloride*, a dangerous drug, in violation of law.

CONTRARY TO LAW.⁴

Criminal Case No. R-QZN-15-04977-CR

That on or about the the 30th day of May 2015, in Quezon City, Philippines, the said accused, without authority of law, did then and there willfully, unlawfully and knowingly have in her possession and under her control one (1) heat sealed transparent plastic sachet containing ZERO POINT THIRTEEN (0.13) gram of *Methamphetamine Hydrochloride*, a dangerous drug, in violation of law.

CONTRARY TO LAW.⁵

Upon arraignment, Del Prado pleaded not guilty to the offenses charged against her.⁶

During trial, the prosecution presented Police Officer 1 John Bryan Panopio (PO1 Panopio) as its lone witness. The parties agreed to stipulate on the testimonies of police investigator Police Officer 3 Harold Polistico (PO3 Polistico), forensic chemist Police Senior Inspector Bernardo Roque (PSI Roque), and Senior Police Officer 1 Elleonito Apduhan (SPO1 Apduhan).⁷

According to the prosecution, around 11:00 p.m. on May 29, 2015, an asset informed the Quezon City Police District⁸ that a certain “Manay”—later identified as Del Prado—was selling illegal drugs at No. 6 Seattle St., Barangay Kaunlaran, Quezon City. A buy-bust team was immediately formed afterwards. PO1 Panopio was designated as the poseur-buyer, and three (3) ₱100.00 bills were marked with his initials.⁹

On May 30, 2015, at around 2:00 a.m.,¹⁰ the team and the informant went to Barangay Kaunlaran. Upon arrival, PO1 Panopio and the informant met Del Prado, along with SPO1 Apduhan who served as backup.¹¹

During their exchange, the informant said, “*Manay, pakuha akong tres[,]*” to which Del Prado replied “*Saradong tres ba [y]an? Akin na.*”¹²

⁴ Id. at 35.

⁵ Id. at 36.

⁶ Id.

⁷ Id.

⁸ Id. at 67.

⁹ Id. at 67–68.

¹⁰ Id. at 68.

¹¹ Id. at 36.

¹² Id. at 37.

Afterwards, PO1 Panopio handed the marked money to Del Prado, which she placed inside her right front pocket.¹³

Del Prado then took out one (1) heat-sealed transparent sachet that supposedly contained shabu, and handed it to PO1 Panopio. At this, PO1 Panopio scratched his head to inform the rest of the team that the sale had been consummated.¹⁴

PO1 Panopio marked the sachet he received from Del Prado with "GP/JBP/05-30/15#1." He then arrested her, apprised her of her constitutional rights, and asked her to empty her pockets.

Thereafter, PO1 Panopio recovered another heat-sealed transparent sachet, which he marked with "P/JBP/05-31-/15#2." Photographs were taken afterwards, and an inventory was prepared during the marking of the two (2) transparent sachets in the presence of Del Prado and Barangay Kagawad Mary Ann Padolina (Barangay Kagawad Padolina).¹⁵

At the police station, media representative Clyde Ocampo (Ocampo) from People's Balita signed the inventory, and photos of him while signing it were also taken.¹⁶ PO1 applied for a Laboratory Examination and personally brought the seized items to PSI Roque, who then examined its contents. The items subsequently tested positive for shabu, per Chemistry Report No. D-466-15.¹⁷

Del Prado solely testified for the defense and recalled that on the day of the incident, at around 10:30 p.m., she was in bed when eight (8) men barged into her room and introduced themselves as police officers.¹⁸

Further, she recalled that two (2) men held her while the other two (2) searched her room. She also noted that she lived with boarders, but only her room was searched. She testified that the boarders outside her room did not interfere with what was happening.¹⁹

Del Prado claimed that she was brought to the police station, but it was not until the following day that she was asked whether she sold or used

¹³ Id.

¹⁴ Id.

¹⁵ Id. at 37-38.

¹⁶ Id. at 38. *See rollo*, p. 6. The Court of Appeals inaccurately stated that PO1 Panopio "prepared an inventory of the same in the presence of the barangay official and the media representative with their pictures taken[.]" seemingly at the same time, at the place of arrest. The Regional Trial Court explicitly mentioned that media representative Ocampo signed the inventory at the police station on a different occasion.

¹⁷ *Rollo*, p. 6.

¹⁸ *CA rollo*, pp. 39-40.

¹⁹ Id.

illegal drugs. The police officers allegedly insisted that she sold drugs despite her denials. She was then transferred to Barangay Kaunlaran, where a *kagawad* assisted them.²⁰

They proceeded to her house to take pictures outside, and then brought her to another police station where she underwent drug testing. The results, however, were never disclosed to her. Afterwards, she was incarcerated in a female detention facility.²¹

In its November 6, 2016 Decision,²² the Regional Trial Court convicted Del Prado of the offenses charged. It ruled that the prosecution established all the elements of the crimes through the clear and categorical testimony of poseur-buyer PO1 Panopio.²³ It also held that the prosecution established the integrity and evidentiary value of the *corpus delicti* through its unbroken chain of custody.²⁴ The dispositive portion of the Decision reads:

WHEREFORE, premises considered, judgement is hereby rendered as follows:

1. In Criminal Case No. R-QZN-15-04976-CR, the court finds accused **Gloria del Prado y Maquez, GUILTY** beyond reasonable doubt of Violation of Section 5, Article II of R.A. 9165 and is sentenced to suffer the penalty of Life Imprisonment and to pay a Fine in the amount of Five Hundred Thousand (P500,000.00) Pesos; and
2. In Criminal Case No. R-QZN-15-04977-CR, the court finds accused **Gloria del Prado y Maquez, GUILTY** beyond reasonable doubt of Violation of Section 11, Article II of R.A. 9165 and is sentenced to suffer the indeterminate penalty of imprisonment of **Twelve (12) Years and One (1) Day as minimum to Fourteen (14) Years as maximum** and to pay a **Fine** in the amount of Three Hundred Thousand Pesos (P300,000.00).

The Branch Clerk of Court is hereby directed to transmit to the Philippine Drug Enforcement Agency (PDEA) the dangerous drugs subject of these cases for proper disposition and final disposal.

SO ORDERED.²⁵ (Emphasis in the original)

In its January 31, 2018 Decision,²⁶ the Court of Appeals affirmed Del Prado's conviction. It ruled that the all the elements to prove the sale and

²⁰ Id. at 39.

²¹ Id.

²² Id. at 35-45.

²³ Id. at 41.

²⁴ Id. at 42.

²⁵ Id. at 44.

²⁶ *Rollo*, pp. 2-11.

possession of dangerous drugs were satisfactorily established.²⁷ Further, it upheld the integrity and evidentiary value of the seized drugs since the prosecution witnesses narrated an unbroken chain of custody in their handling of the drugs.²⁸

The dispositive portion of the Court of Appeals Decision reads:

WHEREFORE, premises considered, the instant Appeal is hereby **DENIED**. Accordingly, the Consolidated Decision dated 06 November 2016 rendered by Branch 82, Regional Trial Court of Quezon City is **AFFIRMED in toto**.

SO ORDERED.²⁹ (Emphasis in the original)

On February 26, 2018, Del Prado filed a Notice of Appeal,³⁰ which the Court of Appeals gave due course to in its April 25, 2018 Resolution.³¹

In its September 19, 2018 Resolution,³² this Court noted the case records and required the parties to simultaneously file their respective supplemental briefs.

Accused-appellant³³ and the Office of the Solicitor General, on behalf of plaintiff-appellee,³⁴ separately manifested that they would no longer file a supplemental brief, adopting the Briefs they filed before the Court of Appeals instead.

Accused-appellant assails the identity and integrity of the drugs seized from her, saying that the prosecution failed to establish that media representative Ocampo witnessed the inventory of the seized items at the crime scene. She points out that PO1 Panopio admitted that Ocampo was called to report to the police station to sign the inventory, and that a photo of this act was separately taken.³⁵

For this Court's resolution is the lone issue of whether or not the guilt of accused-appellant Gloria Del Prado y Maquez was proven beyond reasonable doubt.

²⁷ Id. at 8.

²⁸ Id. at 9.

²⁹ Id. at 10.

³⁰ Id. at 12-14.

³¹ Id. at 15.

³² Id. at 17-18.

³³ Id. at 25-29.

³⁴ Id. at 19-22.

³⁵ CA *rollo*, p. 28.

This Court grants the appeal and acquits accused-appellant of the charges.

I

*People v. Morales*³⁶ laid down the elements of illegal sale of dangerous drugs punished under Section 5 of the Comprehensive Dangerous Drugs Act: “(1) proof that the transaction or sale took place[,] and (2) the presentation in court of the *corpus delicti* or the illicit drug as evidence.”³⁷

Morales also enumerated the elements of illegal possession of dangerous drugs penalized under Section 11 of the Comprehensive Dangerous Drugs Act: “(1) [that] the accused was in possession of an item or an object identified to be a prohibited or regulated drug[;] (2) such possession is not authorized by law; and (3) the accused was freely and consciously aware of being in possession of the drug.”³⁸

In both offenses, conviction hinges on the presentation to the court of the *corpus delicti*, the illegal drug supposedly seized from the accused:

“It is of paramount importance that the existence of the drug, the *corpus delicti* of the crime, be established beyond doubt.” Its identity and integrity must be proven to have been safeguarded. Aside from proving the elements of the charges, “the fact that the substance illegally possessed and sold was the same substance offered in court as exhibit must likewise be established with the same degree of certitude as that needed to sustain a guilty verdict.” The chain of custody carries out this purpose “as it ensures that unnecessary doubts concerning the identity of the evidence are removed.”³⁹ (Citations omitted)

*Mallillin v. People*⁴⁰ explained how the fungible nature of illegal drugs and its highly objectionable feature—especially when dealing with minuscule amounts—demands a “more stringent” standard:

[T]he likelihood of tampering, loss or mistake with respect to an exhibit is greatest when the exhibit is small and is one that has physical characteristics fungible in nature and similar in form to substances familiar to people in their daily lives.

³⁶ 630 Phil. 215 (2010) [Per J. Del Castillo, Second Division]

³⁷ Id. at 228, citing *People v. Darisan*, 597 Phil. 479 (2009) [Per J. Corona, First Division] and *People v. Partoza*, 605 Phil. 883 (2009) [Per J. Del Castillo, Second Division].

³⁸ Id.

³⁹ *People v. Sagana*, 815 Phil. 356, 367–368 (2017) [Per J. Leonen, Second Division] citing *Lopez v. People*, 725 Phil. 499, 507 (2014) [Per J. Perez, Second Division]; *People v. Lagahit*, 746 Phil. 896, 908 (2014) [Per J. Perez, First Division]; and *People v. Ismael*, 806 Phil. 21 (2017) [Per J. Del Castillo, First Division].

⁴⁰ 576 Phil. 576 (2008) [Per J. Tinga, Second Division].

.....

A unique characteristic of narcotic substances is that they are not readily identifiable as in fact they are subject to scientific analysis to determine their composition and nature. The Court cannot reluctantly close its eyes to the likelihood, or at least the possibility, that at any of the links in the chain of custody over the same there could have been tampering, alteration or substitution of substances from other cases — by accident or otherwise — in which similar evidence was seized or in which similar evidence was submitted for laboratory testing. Hence, in authenticating the same, a standard more stringent than that applied to cases involving objects which are readily identifiable must be applied, a more exacting standard that entails a chain of custody of the item with sufficient completeness if only to render it improbable that the original item has either been exchanged with another or been contaminated or tampered with.⁴¹ (Citations omitted, emphasis supplied)

Accused-appellant was charged with selling 0.19 gram and possessing 0.13 gram of shabu. To sustain conviction, this Court must exercise heightened scrutiny in assessing the evidentiary value of the dangerous drugs.

II

Section 21 of the Comprehensive Dangerous Drugs Act, as amended,⁴² provides guidelines in the the custody and disposition of the confiscated drugs to show that that the seized illegal drug from the accused is the exact same presented in court. It states:

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 [Philippine Drug Enforcement Agency] 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*

⁴¹ Id. at 588–589.

⁴² Republic Act No. 10640 (2014).

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[.]⁴³ (Emphasis supplied)

Compliance with these requirements establishes four (4) links in the chain of custody of the drug:

First, the seizure and marking, if practicable, 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.⁴⁴ (Citation omitted)

Jurisprudence explained how Republic Act No. 10640, in amending Republic Act No. 9165, relaxed the requirements under Section 21(1):

It was relaxed with respect to the persons required to be present during the physical inventory and photographing of the seized items. Originally under Republic Act No. 9165, the use of the conjunctive “and” indicated that Section 21 required the presence of all of the following, in addition to “the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel”:

First, a representative from the media;

Second, a representative from the Department of Justice; and

Third, any elected public official.

As amended by Republic Act No. 10640, Section 21 (1) uses the disjunctive “or,” *i.e.*, “with an elected public official and a representative of the National Prosecution Service *or* the media.” Thus, a representative from the media and a representative from the National Prosecution Service

⁴³ Republic Act No. 10640 (2014), sec. 1, which amended Republic Act No. 9165, sec. 21.

⁴⁴ *People v. Remigio*, 700 Phil. 452, 468 (2012) [Per J. Perez, Second Division] citing *People v. Kamad*, 624 Phil. 289 (2010) [Per J. Brion, Second Division].

are now alternatives to each other.⁴⁵ (Citations omitted, emphasis in the original)

The presence of third party witnesses: (1) an elected official; and (2) a representative either from the media or the National Prosecution Service, during the inventory and photographing of the seized drugs is indispensable. They must accompany the buy-bust team as early as the seizure of items, as their “insulating presence” help prove an unbroken chain of custody:

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 sachets of shabu, 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 sachets of *shabu* 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.⁴⁶

Granted, a plain reading of the law allows for its noncompliance upon proper invocation of justifiable grounds. However, the Implementing Rules and Regulations⁴⁷ mandate the arresting officers to clearly state in an affidavit their reasons for failing to comply with the procedure, and to narrate the steps they took to show substantial compliance:

A.1.10. Any justification or explanation in cases of noncompliance with the requirements of Section 21(1) of RA No. 9165, as amended, ***shall be clearly stated in the sworn statements/affidavits of the apprehending/seizing officers***, as well as the steps taken to preserve the integrity and evidentiary value of the seized/confiscated items. Certification or record of coordination for operating units other than the PDEA pursuant to Section 86 (a) and (b), Article IX of the IRR of RA No. 9165 shall be presented[.] (Emphasis supplied)

*People v. Lim*⁴⁸ mentioned instances when absence of the requisite third-party witnesses may be justified:

(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

⁴⁵ *People v. Que*, 824 Phil. 882, 905 (2018) [Per J. Leonen, Third Division].

⁴⁶ *People v. Mendoza*, 736 Phil. 749, 764 (2014) [Per J. Bersamin, First Division].

⁴⁷ Guidelines on the Implementing Rules and Regulations of Section 21 of Republic Act No. 9165, as amended by Republic Act No. 10640 (2015).

⁴⁸ *People v. Lim*, G.R. No. 231989, September 4, 2018, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64400>> [Per J. Peralta, En Banc].

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.⁴⁹ (Citation omitted)

A law enforcer's inexcusable lapse casts doubt on the identity of the *corpus delicti*. When the *corpus delicti* is in doubt, the guilt of the accused is also in doubt—warranting acquittal.⁵⁰

Here, the prosecution established that Barangay Kagawad Padolina and media representative Ocampo signed the inventory of the confiscated items.

We note that the Court of Appeals inaccurately stated that PO1 Panopio “prepared an inventory of the same in the presence of the barangay official and the media representative with their pictures taken.”⁵¹ This implied that they witnessed the inventory together at the place of arrest, and accordingly signed the receipt.

However, the Regional Trial Court explicitly mentioned that Ocampo signed the inventory at the police station instead, which explained why he was not in the photos taken during the marking of the items during seizure.⁵²

As stressed, witnesses must be present as early as the illegal drugs' seizure.⁵³ In *People v. Tomawis*,⁵⁴ this Court acquitted the accused upon finding that the police operatives did not secure the attendance of the required witnesses during the buy-bust, and consequently did not observe the seizure of drugs:

The presence of the three witnesses must be secured not only during the inventory but more importantly *at the time of the warrantless arrest*. It is at this point in which the presence of the three witnesses is most needed, as it is their presence at the time of seizure and confiscation that would belie any doubt as to the source, identity, and integrity of the seized drug. If the buy-bust operation is legitimately conducted, the presence of the insulating witnesses would also controvert the usual defense of frame-up as the witnesses would be able to testify that the buy-

⁴⁹ Id.

⁵⁰ See *People v. Holgado*, 741 Phil. 78 (2014) [Per J. Leonen, Third Division].

⁵¹ *Rollo*, p. 6.

⁵² CA *rollo*, p. 38.

⁵³ See *People v. Que*, 824 Phil. 882, 905 (2018) [Per J. Leonen, Third Division].

⁵⁴ 830 Phil. 385 (2018) [Per J. Caguioa, Second Division].

bust operation and inventory of the seized drugs were done in their presence in accordance with Section 21 of [Republic Act No.] 9165.

The practice of police operatives of not bringing to the intended place of arrest the three witnesses, when they could easily do so — and “calling them in” to the place of inventory to witness the inventory and photographing of the drugs only after the buy-bust operation has already been finished — does not achieve the purpose of the law in having these witnesses prevent or insulate against the planting of drugs.

To restate, *the presence of the three witnesses at the time of seizure and confiscation of the drugs must be secured and complied with at the time of the warrantless arrest; such that they are required to be at or near the intended place of the arrest so that they can be ready to witness the inventory and photographing of the seized and confiscated drugs “immediately after seizure and confiscation.”*⁵⁵ (Citations omitted, emphasis supplied)

Taking Ocampo’s photograph when he was asked to sign the inventory receipt at the police station was insignificant. In *Tomawis*, this very practice of the police—where they merely call on the requisite witnesses to the police station after the buy-bust operation had been conducted—was decried by this Court. As this Court further explained in another case:

[T]he witnesses’ participation in the seizure, marking, inventory, and photographing of the seized illegal drug is indispensable to establish the item’s identity. Their presence is especially critical at the time that the police officer makes initial contact with the dangerous drug, the first link in the chain of custody. Without this crucial first link, the integrity and evidentiary value of the confiscated item is seriously put into question, entirely destroying the prosecution’s case.

A contrary rule would render the chain of custody requirement illusory. If the law enforcer’s seizure of the dangerous drug from the accused cannot be proved, it does not matter whether it was subsequently and properly turned over to the investigating officer, to the forensic chemist, and ultimately, presented in court.

Here, the witnesses the police officers needed to present could only attest to the existence of the illegal drug. They could not have validly testified on how it was confiscated from accused-appellant. This signifies the prosecution’s failure to establish the identity and integrity of the *corpus delicti*, an essential element of the illegal sale of dangerous drugs. Per jurisprudence, this Court is constrained to acquit accused-appellant.⁵⁶

Moreover, no excuse for the absence of a representative from the media or National Prosecution Service was pleaded. This, despite the

⁵⁵ Id. at 409.

⁵⁶ *People v. Romano*, G.R. No. 224892, June 15, 2020, <<https://sc.judiciary.gov.ph/12184/>> [Third Division].

Implementing Rules and Regulations' specific requirement of reducing in a sworn statement the reasons to justify deviations from the law. There was no proof that sincere efforts were made to secure the representative's attendance. It appears that police officers have taken to noncompliance and do not zealously adhere to the precautions established by our laws, effectively thwarting our efforts against indiscriminate confinement.

Further, the prosecution did not show the measures taken to safeguard the confiscated items. *People v. Que*⁵⁷ which involved the same issue, denounced how the police officers "absolutely failed to identify measures taken during transit from the target area to the police station to ensure the integrity of the sachets allegedly obtained and to negate any possibility of adulteration or substitution."⁵⁸ Taken together, these lapses raise serious doubts on the identity of the confiscated drugs from accused-appellant.

We reiterate our recent pronouncement:

This Court is not oblivious to the pernicious effects of dangerous drugs. The pursuit of our police officers to curb its illegal use and trade is commendable. However, we remind our *law enforcers* to mindfully abide by basic statutory requirements when apprehending perpetrators. A misplaced notion of vigilance does not strengthen the rule of law. It burdens the criminal justice system with mistrust.

This Court, finally, cannot turn a blind eye to the fact that the item supposedly seized only weighed 3.99 grams. It has been five (5) years since, but regrettably, we are compelled to reiterate our earlier pronouncement in *Holgado*:

It is lamentable that while our dockets are clogged with prosecutions under Republic Act No. 9165 involving small-time drug users and retailers, we are seriously short of prosecutions involving the proverbial "big fish." We are swamped with cases involving small fry who have been arrested for miniscule amounts. While they are certainly a bane to our society, small retailers are but low-lying fruits in an exceedingly vast network of drug cartels. Both law enforcers and prosecutors should realize that the more effective and efficient strategy is to focus resources more on the source and true leadership of these nefarious organizations. Otherwise, all these executive and judicial resources expended to attempt to convict an accused for 0.05 gram of *shabu* under doubtful custodial arrangements will hardly make a dent in the overall picture. It might in fact be distracting our law enforcers from their more challenging task: to uproot the causes of this drug menace. We stand ready to assess cases involving greater amounts

⁵⁷ 824 Phil. 882 (2018) [Per J. Leonen, Third Division].

⁵⁸ Id. at 910.

of drugs and the leadership of these cartels.⁵⁹ (Citations omitted)

As the prosecution failed to prove the *corpus delicti* beyond reasonable doubt, accused-appellant is acquitted.

WHEREFORE, the Court of Appeals January 31, 2018 Decision in CA-G.R. CR-HC. No. 09078 is **REVERSED** and **SET ASIDE**. Accused-appellant Gloria Del Prado y Maquez is **ACQUITTED** for the prosecution's failure to prove her guilt beyond reasonable doubt. She is ordered immediately **RELEASED** from detention unless she is confined for any other lawful cause.

Let a copy of this Resolution be furnished to the Director General of the Bureau of Corrections for immediate implementation. The Director General of the Bureau of Corrections is directed to report to this Court the action he has taken within five (5) days from receipt of this Resolution. Copies shall also be furnished to the Director General of the Philippine National Police and the Director General of the Philippine Drug Enforcement Agency for their information.

The Regional Trial Court is directed to turn over the seized sachets of methamphetamine hydrochloride to the Dangerous Drugs Board for destruction in accordance with law.

Let entry of final judgment be issued immediately.

SO ORDERED." (Caguioa, J., designated additional Member vice Zalameda, J., per Raffle dated August 19, 2020.)

By authority of the Court:

Misael Domingo C. Battung III
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court *2/24/21*

OFFICE OF THE SOLICITOR GENERAL
134 Amorsolo Street
1229 Legaspi Village, Makati City

COURT OF APPEALS
CA G.R. CR HC No. 09178
1000 Manila

⁵⁹ *People v. Romano*, G.R. No. 224892, June 15, 2020, <<https://sc.judiciary.gov.ph/12184/>> [Third Division].

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REGIONAL TRIAL COURT
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(Crim. Case Nos. R-QZN-15-04976-CR to
04977-CR)

The Superintendent
CORRECTIONAL INSTITUTION FOR WOMEN
1550 Mandaluyong City

Ms. Gloria Del Prado y Marquez
c/o The Superintendent
CORRECTIONAL INSTITUTION FOR WOMEN
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/s/


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