



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

SUPREME COURT OF THE PHILIPPINES
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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. 243672 (*People of the Philippines v. Reynaldo Cruz, Jr. y Flores a.k.a. “Torat”*). – This is an appeal seeking to reverse and set aside the Decision¹ dated July 26, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09260. The assailed Decision affirmed the Decision² dated March 14, 2017 of the Regional Trial Court (RTC) Marikina City, Branch 156 finding accused-appellant Reynaldo Cruz, Jr. y Flores a.k.a. “Torat” (Cruz) guilty beyond reasonable doubt of violation of Sections 11 and 5, Article II of Republic Act No. (R.A.) 9165, otherwise known as the “Comprehensive Drugs Act of 2002.”³

Cruz was charged with violation of Sections 11 and 5, Article II of R.A. 9165 in separate informations, the accusatory portion of each reads as follows:

In Crim. Case No. 2015-4625-D-MK

That on or about the 9th day of February 2015, in the City of Marikina, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without being authorized by law to possess any dangerous drugs, did then and there willfully, unlawfully and knowingly have in his possession, direct custody and control of two plastic sachets containing 0.14 gram and 0.73 gram subsequently marked as “RFC-1A 2/9/15” and “RFC-1B 2/9/15” of methylamphetamine hydrochloride, a dangerous drug, in violation of the above-cited law.

CONTRARY TO LAW.⁴

¹ Penned by Associate Justice Carmelita Salandanan Manahan, with the concurrence of Associate Justices Romeo F. Barza and Stephen C. Cruz; *rollo*, pp. 2-19.
² Penned by Judge Anjanette N. De Leon Ortile; *CA rollo*, pp. 47-53.
³ *Id.* at 52.
⁴ *Id.* at 1.

In Crim. Case No. 2015-4626-D-MK

That on or about the 9th day of February 2015, in the City of Marikina, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without being authorized by, [sic] did then and there willfully, unlawfully and knowingly sell and deliver to a [sic] PO3 DEOGRACIAS BASANG, a poseur buyer, one (1) transparent plastic sachet containing 0.27 grams of white crystalline substance which gave positive result to the tests for Methylamphetamine Hydrochloride, a dangerous drug, in violation of the above-cited law.

CONTRARY TO LAW.⁵

The RTC in its Order⁶ dated February 24, 2015 granted the prosecution's Motion for Consolidation⁷ "considering that the cases are closely related and inextricably interwoven with one another, and the prosecution and the defense will be presenting common evidence."⁸

When arraigned, Cruz pleaded not guilty to the crimes charged against him.⁹ During pre-trial conference, the following were stipulated: (1) Cruz's identity; and (2) the RTC's jurisdiction.¹⁰ Trial on the merits then ensued.

The prosecution presented: (1) Police Officer 3 Deogracias Basang (PO3 Basang); and (2) forensic chemist Police Chief Inspector Margarita M. Libres (PCI Libres) of the Philippine National Police (PNP) Crime Laboratory Office Marikina Sports Complex as its witnesses.¹¹ The prosecution and the defense agreed to dispense with the testimony of PO1 Rubelyn Opelac (PO1 Opelac).¹² The admissions contained in the RTC's February 2, 2016 Order¹³ regarding PO1 Opelac's proposed testimony are as follows:

1. That on February 9, 2015, Officer Opelac was assigned at the Station Anti-Illegal Drugs Special Operations Task Group of Marikina City;
2. That on said date, she was tasked by Police Chief Inspector Jerry Flores to prepare the Coordination Form and Pre-Operational Report;
3. That the said Pre-Operational Report and Coordination Form were both signed by said Police Chief Inspector Flores;

⁵ Id. at 24.
⁶ Records, p. 60.
⁷ Id. at 59.
⁸ Id. at 60.
⁹ Id. at 66.
¹⁰ Id.
¹¹ Id. at 48.
¹² Id. at 132-133.
¹³ Id.

4. The existence of the Coordination Form and Pre-Operational Report as evidenced by the stamp marks on said document; and
5. That the PDEA gave Control No. 0215-00080 which is found in the Coordination Form and Pre-Operational Report.¹⁴

On the other hand, Cruz testified on his own behalf.¹⁵

The prosecution's evidence established that on February 3, 2015, PO3 Basang was on duty at the Station Anti-Illegal Drugs (SAID) office. At that time, Police Inspector Jerry Flores (P/Insp. Flores) – chief of the SAID office – received a survey form¹⁶ from the Office of the Vice Mayor Marikina Anti-Drug Abuse Council listing names of people engaged in illegal activities, including a Jun Cruz alias "Torat." P/Insp. Flores instructed PO3 Basang to conduct casing and surveillance activities against Cruz. On the same day and with the help of a confidential informant, PO3 Basang confirmed that the target person Cruz was selling *shabu* at his residence at No. 251 Champaca I, Barangay (Brgy.) Fortune, Marikina City.¹⁷

At 8:10 p.m. of February 9, 2015, a team composed of P/Insp. Flores, SPO1 Salcedo, PO3 Olvida, PO3 Calanoga, PO2 Agsawa, PO2 Diquit, PO2 Saboriendo, and PO1 Opelac was formed to assist PO3 Basang in conducting a buy-bust operation. PO3 Basang will be the *poseur*-buyer and PO2 Saboriendo was assigned as his immediate back-up. PO3 Basang was given five (5) pieces ₱100.00 bills to be used as buy-bust money. PO3 Basang and the buy-bust team then proceeded to the operation area.¹⁸

When the buy-bust team arrived, the confidential informant went ahead and reported back that the target person left his residence. PO3 Basang informed P/Insp. Flores that he would wait with the confidential informant near Cruz's residence. At 9:50 p.m., PO3 Basang saw Cruz alight from a tricycle. PO3 Basang and the confidential informant walked towards Cruz's residence and they saw the latter standing in front of his house. The confidential informant and Cruz greeted each other. The confidential informant then introduced PO3 Basang as the "scorer" to Cruz.¹⁹ Cruz asked PO3 Basang how much *shabu* he wanted to buy and PO3 replied, "*limang daan lang, boss.*"²⁰ Cruz retorted, "*o sige, akin na ang pera mo.*"²¹ PO3 Basang took the five (5) ₱100.00 bills from his right pocket, counted them in front of Cruz, and handed the same to the latter. Cruz accepted the money and put them in the right back pocket of his short pants. Cruz took out from his right front lower pocket a small Doublemint candy plastic container,

¹⁴ Records, pp. 132-133.

¹⁵ CA rollo, p. 50.

¹⁶ Records, p. 16.

¹⁷ TSN dated June 2, 2015, pp. 3-5.

¹⁸ Id. at 5-7.

¹⁹ Id. at 9.

²⁰ Id.

²¹ Id.

opened the latter, picked a plastic sachet containing suspected shabu, and handed it to PO3 Basang.²²

PO3 Basang placed the plastic sachet in his right pocket and “missed-called” his immediate back-up PO2 Saboriendo to signify that the sale transaction has been consummated. As the rest of the buy-bust team approached, PO3 Basang introduced himself as a police officer and arrested Cruz.²³ Aside from the plastic sachet given to him, PO3 recovered from Cruz the following items:

1. The small Doublemint plastic container;
2. Inside the small Doublemint plastic container, PO3 Cruz found (a) two (2) heat-sealed transparent plastic sachets containing suspected shabu, (b) five (5) small empty plastic sachets, and (c) five (5) big empty plastic sachets;
3. A pair of stainless scissors;
4. The five (5) P100 bills buy-bust money with serial numbers CA 790175, RG 710661, SB 563375, TS 610064, and UN 414379; and
5. Three (3) P100 bills and 4 peso coins.²⁴

After securing the recovered items and ascertaining that the target person’s identity is Cruz, PO3 Basang prepared for the marking and inventory of the confiscated evidence in front of the house of Cruz.²⁵ Barangay Kagawad Rene Oliveros (Kagawad Oliveros), Barangay Chairman Rizalina Teope (Brgy. Chairman Teope), Marikina City Vice Mayor Fabian Cadiz (VM Cadiz), and media representative Cesar Barquilla (Barquilla) witnessed the marking, inventory, and photograph-taking of the evidence.²⁶ Using tape and a black ballpen²⁷, PO3 Basang marked the seized items in this manner:

1. The heat-sealed plastic sachet containing suspected shabu bought from Cruz was marked as RFC-BB 2/9/15.
2. The small Doublemint plastic container was marked as RFC-1 2/9/15.
3. The two (2) heat-sealed transparent plastic sachets containing suspected shabu were respectively marked as RFC-1A 2/9/15 and RFC-1B 2/9/15.
4. The five (5) small empty plastic sachets were collectively marked as RFC-1C 2/9/15.
5. The five (5) big empty plastic sachets were collectively marked as RFC-1D 2/9/15.

²² Id. at 8-10.

²³ Id. at 10-11.

²⁴ *Records*, p. 36.

²⁵ TSN dated June 2, 2015, p. 13.

²⁶ Id. at 15. See *Records*, p. 36.

²⁷ Id. at 17.

6. The pair of stainless scissors was marked as RFC-2 2/9/15.²⁸

PO3 Basang secured the seized evidence. PO3 Basang, along with Cruz and the rest of the buy-bust team, went back to the SAID Office. SPO1 Salcedo prepared the laboratory examination request²⁹ for the seized items and the drug test request³⁰ for the arrested suspect Cruz. PO3 Basang and Cruz proceeded to the PNP Crime Laboratory Office Marikina Sports Complex bringing with them the seized items and the letter requests³¹ signed by P/Insp. Flores. At 12:50 a.m. of February 10, 2015, PCI Libres personally received the letter requests and the seized items, including three heat-sealed plastic sachets containing white crystalline substance.³² After conducting the requested laboratory examination, PCI Libres found that these three (3) specimens respectively marked as RFC-BB 2/9/15, RFC-1A 2/9/15, and RFC-1B 2/9/15 all yielded positive for the presence of Methamphetamine Hydrochloride, a dangerous drug.³³ The preliminary examination conducted on Cruz's urine sample likewise yielded positive for the presence of Methamphetamine Hydrochloride.³⁴

For his defense, Cruz testified that on February 9, 2015 at around 6:00 p.m. to 7:00 p.m., he was inside his house watching television with his wife and children. He then went out to buy viand for dinner. Two (2) men approached him – whom he identified as police officers Basang and Calanoga – and handcuffed him. He was brought in front of his house, asked to kneel down, and photographed. PO3 Basang brought out “evidence” – a plastic containing scissors and *shabu*. VM Cadiz arrived and asked him if he sold *shabu*, which he denied. He was medically examined in Amang Rodriguez Hospital. He was brought to the Criminal Investigation and Detection group and he was surprised when they charged him for selling prohibited drugs.³⁵

On cross-examination, he denied that he sold or used prohibited drugs. He admitted though having seen *shabu* from his “*kumpare*” a week before his arrest but did nothing. He denied that he was brought to the crime laboratory for drug testing or that a forensic chemist examined his urine sample. He saw VM Cadiz, a Brgy. kagawad, and a media representative during the evidence inventory. He knew the other persons listed in the survey form from the Office of the Vice Mayor Marikina Anti-Drug Abuse Council but denied having knowledge of their alleged drug-related activities. He disclosed that he had no previous encounter or disagreement with PO3 Basang prior to his arrest.³⁶

²⁸ Records, p. 36.

²⁹ Id. at 31.

³⁰ Id. at 33.

³¹ Id. at 31, 33.

³² Id. at 31.

³³ Id. at 32.

³⁴ Id. at 34.

³⁵ TSN dated August 16, 2016, pp. 3-5.

³⁶ Id. at 9-16.

On March 14, 2017, the Marikina City RTC rendered a Decision³⁷ finding Cruz guilty of the crimes charged. For Illegal Sale of Dangerous Drugs, he was sentenced to suffer the penalty of life imprisonment and to pay a fine of ₱500,000.00. For Illegal Possession of Dangerous Drugs, he was sentenced to suffer the indeterminate penalty of imprisonment of 12 years and one (1) day to 14 years and to pay a fine of ₱300,000.00.³⁸

The RTC ruled that the prosecution was able to establish all the elements of the crimes charged. PO3 Basang, the *poseur*-buyer, testified that Cruz sold *shabu* to him during a legitimate buy-bust operation which was first coordinated with and approved by the Philippine Drug Enforcement Agency. PO3 Basang recovered the buy-bust money as well as two (2) more pieces of small plastic sachets from Cruz. The testimonies of the arresting officers are consistent with the documentary and object evidence of the prosecution. Cruz's defense of denial is self-serving and uncorroborated. His claim of false incrimination fails in the light of the PO3 Basang's positive identification that he was the drug pusher who sold and possessed sachets of *shabu* during the buy-bust operation. Based on photographs taken and the signatures affixed on the inventory of evidence, the evidence's marking and inventory were done at the crime scene right after Cruz's arrest. From the time the drugs were seized from Cruz up to the time they were brought to the crime laboratory for testing, these pieces of evidence were in custody of PO3 Basang. When presented in court during the trial, PO3 Basang identified them with certainty as the ones confiscated from Cruz. The RTC declared that the chain of custody of the seized prohibited drugs was not broken, eliminating any doubt as to the integrity of the evidence.³⁹

Aggrieved, Cruz appealed his conviction to the CA. In his Brief,⁴⁰ Cruz alleged that notwithstanding the insufficient evidence showing ill-motive on the arresting officers' part, their testimonies cannot be given full credence. The Pre-Operational Report and Coordination Form were subject of stipulation but the prosecution's Formal Offer of Evidence does not show that these were marked or formally offered. The buy-bust money was not "pre-blotted," bolstering Cruz's defense that there wasn't an actual buy-bust operation. Since no valid arrest took place, the search conducted on him after his arrest is likewise illegal rendering the heat-sealed transparent plastic sachets seized from him inadmissible in evidence.⁴¹

Cruz noted that the police should have secured a search warrant since they had six (6) days to do so from the time they received the survey form from the Office of the Vice Mayor until the day they conducted the buy-bust operation.⁴² The prosecution failed to comply with Section 21 of R.A. 9165 because of the absence of a National Prosecution Service (NPS)

³⁷ CA rollo, pp. 48-53.

³⁸ Id. at 52.

³⁹ Id. at 51-52.

⁴⁰ Id. at 30-45.

⁴¹ Id. at 36-37.

⁴² Id. at 38.

representative during the conduct of the physical inventory of the seized items and their photograph-taking. Cruz argued that the pictures presented in evidence do not firmly establish that the signatories of the Inventory of Evidence Confiscated witnessed the conduct thereof. The chain of custody was broken because the prosecution failed to prove the second and third links – the turnover of the illegal drug seized by the apprehending officer to the investigating officer and the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination.⁴³

The Office of the Solicitor General (OSG), appearing for the prosecution, reminded Cruz that the prosecution and the defense during trial entered into stipulations of facts and agreed to dispense with the testimony of PO1 Opelac, one of which referred to the existence of the Coordination Form and the Pre-Operational Report as evidence by the stamp marks on said documents.⁴⁴ Stipulation of facts is allowed under Section 1, Rule 118 of the Revised Rules on Criminal Procedure to expedite the trial by dispensing with the presentation of evidence in matters that the accused is willing to admit.⁴⁵ The OSG added that stipulations are recognized as declarations constituting judicial admissions and are binding upon the parties.⁴⁶

With regard to the buy-bust money, neither law nor jurisprudence require the presentation of the money used in the operation. As such, pre-blotting thereof is not indispensable to a valid buy-bust operation. The decision to conduct a buy-bust operation, a form of entrapment employed by peace officers to apprehend prohibited drug law violators in the act of committing a drug-related offense, is within the ambit of police authority and expertise. The prosecution clearly outlined the events that transpired before, during, and after Cruz's arrest which, without a doubt, showed that the police conducted a valid buy-bust operation. The OSG concluded that all the evidence obtained therefrom are admissible in court.⁴⁷

The OSG emphasized that although an NPS representative was absent during the marking, inventory, and photograph-taking of the pieces of evidence, elected officials Kagawad Oliveros, Brgy. Chairman Teope, and VM Cadiz, and media representative Barquilla were all present to attest to the proper handling of the seized pieces of evidence. The prosecution proved and established the chain of custody, which preserved the identity and integrity of the *corpus delicti*.⁴⁸

In its Decision date July 26, 2018, the CA affirmed the Decision of the RTC. The CA found that the prosecution was able to establish the elements of Illegal Sale of dangerous Drugs: the identity of the buyer – PO3

⁴³ Id. at 41-42.

⁴⁴ Id. at 68.

⁴⁵ Id. at 68-69.

⁴⁶ Id. at 69.

⁴⁷ Id. at 70-74.

⁴⁸ Id. at 76-77.

Basang; the identity of the seller – Cruz; the object of the sale – one piece heat-sealed transparent plastic sachet marked “RFC-BB 2/9/15;” and the consideration – the marked money five (5) ₱100.00 bills buy-bust money with serial numbers CA 790175, RG 710661, SB 563375, TS 610064, and UN 414379. To establish delivery of the thing sold and payment, PO3 Basang positively identified Cruz as the one who transacted and sold the *shabu* to him in exchange for the marked money. For Illegal Possession of Dangerous Drugs, the CA observed that the police officers obtained from Cruz two (2) pieces of heat-sealed transparent sachets marked as “RFC-1A 2/9/15” and “RFC-1B 2/9/15” during a valid buy-bust operation. Both sachets tested positive for the presence of methamphetamine hydrochloride, a dangerous drug. Mere possession of a prohibited drug constitutes *prima facie* evidence of knowledge or *animus possidendi* sufficient to convict an accused in the absence of any satisfactory explanation of such possession. The burden to explain the absence of *animus possidendi* rests upon Cruz which he failed to do.⁴⁹

The CA declared that a search warrant and a warrant of arrest were not needed. Cruz was arrested after he sold drugs during a buy-bust operation, a situation where a warrantless arrest is justified under Rule 113, Section 5(a) of the Rules of Court. The illegal drugs seized were not the “fruit of the poisonous tree” since the seizure falls under a search incident to a lawful arrest under Rule 126, of the Rules of Court. The CA resolved that since the buy-bust operation was established as legitimate, it follows that the search was also valid and a warrant is not needed for its conduct.⁵⁰

The CA acknowledged that the prosecution successfully established the links in the chain of custody over the seized sachets of *shabu*: (1) from the time PO3 Basang as *poseur*-buyer seized the drugs; (2) to the time they were brought to the police station; (3) to the time they were brought to the crime laboratory for testing; and (4) until the time they were offered in evidence before the court. The totality of the prosecution’s evidence undeniably showed that the integrity of the seized items had been duly preserved and its chain of custody had been accounted for.⁵¹

Cruz filed a Notice of Appeal⁵² before the CA. Both the OSG and accused manifested that they will no longer file any supplemental brief.⁵³

The sole issue to be determined is whether the prosecution established Cruz’s guilt beyond reasonable doubt for illegal sale and illegal possession of prohibited drugs under R.A. 9165.

The appeal is meritorious.

⁴⁹ Id. at 93-94.

⁵⁰ Id. at 94-95.

⁵¹ Id. at 95-99.

⁵² *Rollo*, pp. 20-21.

⁵³ Id. at 27, 32.

To successfully prosecute Illegal Sale of Prohibited Drugs, the following must be established: (1) the identity of the buyer and the seller, the object of the sale and its consideration; and (2) the delivery of the thing sold and the payment therefor.⁵⁴ For Illegal Possession of Dangerous Drugs, the prosecution must establish that the accused freely and consciously possessed the dangerous drugs without authority of law.⁵⁵

In cases of illegal sale and illegal possession of dangerous drugs, the dangerous drug seized from the accused constitutes the *corpus delicti* of the offense. Thus, it is of utmost importance that the integrity and identity of the seized drugs must be shown to have been duly preserved. "The chain of custody rule performs this function as it ensures that unnecessary doubts concerning the identity of the evidence are removed."⁵⁶

An accused shall only be convicted of the crime charged once it has been established with certainty that "the drugs examined and presented in court were the very ones seized."⁵⁷ To satisfy this requirement, the procedure under Section 21⁵⁸ of R.A. 9165 must be complied with. This provision was later amended by R.A. 10640 which took effect in 2014. Since the offenses charged were allegedly committed on February 9, 2015, the apprehending team is required to conduct immediately a physical inventory and to photograph the seized items in the presence of the accused or from whom the items were seized, or his representative or counsel, as well as required witnesses, namely: an elected public official, and a representative from the NPS or the media. As amended, a representative from the NPS and a representative are alternates of each other.

The prosecution showed that the buy-bust team complied with the procedure. The marking, inventory, and photograph-taking of the seized items were done immediately in front of Cruz's house where he was arrested. These were done in the presence of elected officials Kagawad Oliveros, Brgy. Chairman Teope, VM Cadiz, and media representative Barquilla.

⁵⁴ *People v. Pantallano*, G.R. No. 233800, March 6, 2019.

⁵⁵ *People v. Ismael*, 806 Phil. 21, 29 (2017).

⁵⁶ *Id.* citing *Fajardo v. People*, 691 Phil. 752, 758-759 (2012), citing *People v. Gutierrez*, 614 Phil. 285 (2009).

⁵⁷ *People v. Ramos*, G.R. No. 225325, August 28, 2019, citing *People v. Nandi*, 639 Phil. 134, 142 (2010).

⁵⁸ 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, 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;

The chain of custody is established by testimony about every link in the chain, from the moment the item was picked up to the time it is offered in 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.⁵⁹

These links should be established in the chain of custody of the confiscated item: *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 from the forensic chemist to the court.⁶⁰

The prosecution failed to prove the identity of the *corpus delicti* because of broken links in the chain of custody.⁶¹

While PO3 Basang established the first link by complying with the procedure outlined in Section 21 of R.A. 9165 as regards the seizure and marking of the illegal drugs, his statement that from the time they left the crime scene up to the time the drug specimens were delivered to the crime laboratory, he was in custody of all the seized evidence, is insufficient proof to merit exception from accounting for the second and third links in the chain of custody. The manner how PO3 Basang "took sole custody of the evidence" was not expounded. Even after a careful review of the records, the following questions remain unanswered: After marking the seized evidence and taking their photographs, where did PO3 keep them? If he used an evidence box, how did he seal it? Was there any other person who held that box? If he kept them inside his pocket, how deep was his pocket to secure all of them?

The prosecution likewise failed to account for the third and fourth link of the chain according to this Court's pronouncement in *People v. Pajarin*.⁶² To dispense with the testimony of the forensic chemist who examined the seized substance, it must be stipulated that: (1) she received the seized articles as marked, properly sealed and intact; (2) she resealed it after examination of the content; (3) she placed her own marking on the same to ensure that it could not be tampered with pending trial; and (4) she took the precautionary steps to preserve the integrity and evidentiary value of the

⁵⁹ *People v. Ismael*, 806 Phil. 21, 31 (2017).

⁶⁰ *People v. Nandi*, 639 Phil. 134, 144-145 (2010).

⁶¹ *People v. Carlit*, 816 Phil. 940, 952-953 (2017).

⁶² 654 Phil. 461 (2011).

seized items. The admissions contained in the RTC's Order⁶³ dated May 5, 2015 regarding PCI Libres' proposed testimony are as follows:

1. The expertise of the witness as a forensic chemist of the Eastern Police District Laboratory;
2. That the witness received a letter-request for the conduct of examination on the alleged seized evidence sometime on February 9, 2015;
3. That the said letter-request was accompanied by several pieces of evidence which are also indicated and enumerated in the request;
4. That the request as well as the accompanying evidence were personally submitted by PO3 Deogracias Basang, the arresting officer;
5. That the request together with the accompanying evidence were also personally received by the witness;
6. That the witness was able to establish the identity of the police officer who submitted the request for laboratory examination as well as the accompanying evidence through his PNP Identification Card;
7. That after the submission of the request for laboratory examination as well as the accompanying pieces of evidence, the witness conducted laboratory examination on the evidence described in the request for laboratory examination;
8. That the result of examination on the subject evidence proved positive for the presence of methamphetamine hydrochloride, a dangerous drug;
9. That after the conduct of the laboratory examination, the witness executed the Physical Sciences Report No. MCSO-D-023-15;
10. The existence of the pieces of evidence as described both in the Request for Laboratory Examination and the Physical Sciences Report No. MCSO-D-023-15;
11. That Police Officer Basang is not personally known to the witness before and after the examination;
12. That the witness did not weigh the subject specimen after the examination;
13. That the representative samples were likewise not weighed before the examination;
14. That the witness has no personal knowledge as to the ultimate source of the alleged seized evidence;
15. That the witness used thin-layer chromatography in the examination of the alleged seized evidence;
16. That the large paper bag containing the specimen marked as Exh. D was provided by the witness PCI Libres; and
17. That the witness will be receiving from the City of Marikina the sum of P500.00 pesos for testifying before this Court in relation to drug cases pursuant to a City Ordinance.⁶⁴

⁶³ Records, pp. 85-86.

⁶⁴ Id.

The foregoing stipulations fall short of the required showing of precautionary steps taken pre-qualitative examination and post-qualitative examination of the specimens. PCI Libres should have testified or stipulated on the condition of the specimens when she received them prior to their examination.

The prosecution failed to provide the following details in order to establish the links needed to preserve the identity and integrity of the seized illegal drugs after their examination: (1) whether or not she resealed the seized items after examination of their content; (2) whether or not she made her own marking on them to prevent tampering before they are presented in the court; (3) the place where the specimens were kept after the qualitative examination; and (4) the possibility of other people having access to the specimens. It is settled that absent any testimony on the management, storage, and preservation of the illegal drugs subject of seizure after its qualitative examination, the fourth link in the chain of custody of the illegal drugs is deemed not to have been reasonably established.⁶⁵

The prosecution also failed to provide any particulars on the turnover and submission of the seized illegal drugs from the forensic chemist to the court. All told, there was no complete account on the handling of the seized drugs from the time they were confiscated up to their presentation in court.

The abovementioned lapses to preserve the identity and integrity of the drugs allegedly seized from Cruz fall short of the required evidence to prove the guilt of accused-appellant beyond reasonable doubt.

WHEREFORE, the appeal is **GRANTED**. The Decision dated July 26, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 09260 is **REVERSED** and **SET ASIDE**. Accordingly, accused-appellant Reynaldo Cruz, Jr. y Flores a.k.a. "Torat" is **ACQUITTED** on reasonable doubt, and is **ORDERED** to be **IMMEDIATELY RELEASED** from detention, unless he is being lawfully held for another cause.

Let a copy of this Resolution be furnished the Director of the Bureau of Corrections, Muntinlupa City, for immediate implementation. The Director of the Bureau of Corrections is **DIRECTED** to report the action taken to this Court, within five (5) days from receipt of this Resolution.

SO ORDERED."

By authority of the Court:

Mis-DCBatt
MISAEAL DOMINGO C. BATTUNG III
Division Clerk of Court

GER
12/1/20

⁶⁵ *People v. De Vera*, G.R. No. 229364, October 16, 2019.

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DOJ Agencies Building
East Avenue cor. NIA Road
1104 Diliman, Quezon City

COURT OF APPEALS
CA G.R. CR HC No. 09260
1000 Manila

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

The Presiding Judge
REGIONAL TRIAL COURT
Branch 156, 1800 Marikina City
(Crim. Case Nos. 2015-4625-D-MK &
2015-4626-D-MK)

The Director General
New Bilibid Prison
BUREAU OF CORRECTIONS
1770 Muntinlupa City

The Superintendent
New Bilibid Prison
BUREAU OF CORRECTIONS
1770 Muntinlupa City

Mr. Reynaldo F. Cruz, Jr.
c/o The Director General
New Bilibid Prison
BUREAU OF CORRECTIONS
1770 Muntinlupa City

The Director General
PHILIPPINE NATIONAL POLICE
National Headquarters
Camp Crame, Quezon City

The Director General
PHILIPPINE DRUG ENFORCEMENT AGENCY
PDEA Bldg., NIA Northside Road
National Government Center
Brgy. Pinyahan, Quezon City

DANGEROUS DRUGS BOARD
3rd Floor DDB-PDEA Bldg.,
NIA Northside Road
National Government Center
Brgy. Pinyahan, Quezon City

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