

****Title:**** The People of the Philippines vs. Rogelio Divinagracia, Jr. y Dornila and Rosworth Sy y Bersabal

****Facts:****

The case revolves around Rogelio Divinagracia, Jr. y Dornila, alias “Ensol” (Divinagracia), and Rosworth Sy y Bersabal, alias “Roro” (Sy), who were charged for the illegal sale of dangerous drugs, specifically marijuana, under Section 5, Article II of Republic Act No. 9165 (R.A. No. 9165), otherwise known as the Comprehensive Dangerous Drugs Act of 2002. Additionally, Sy faced charges for possession of drug paraphernalia under Section 12, Article II of the same act.

Following their arraignment on May 5, 2011, wherein they pled not guilty, the trial commenced with the prosecution presenting witnesses, including Police Officer Edwin Plopinio (PO3 Plopinio) and other members of the police force, who conducted the buy-bust operation that led to the arrest of Divinagracia and Sy on April 25, 2011, in Parañaque City, Philippines.

The operation was prompted by a confidential informant reporting the illegal drug activities of Divinagracia, leading to a team setup for the buy-bust. The operation resulted in Divinagracia selling 14.58 grams of marijuana to PO3 Plopinio, and Sy being found with an improvised glass pipe containing suspected marijuana. All procedural steps, from the signal of successful transaction to the marking and inventory of the seized items, were narrated in detail, showcasing how the accused were caught in the act.

On appeal, the accused-appellants contended primarily that the police failed to comply with the mandatory procedures in handling the seized drugs, specifically the inventory and photographing in the presence of required witnesses according to Section 21, Article II of R.A. No. 9165.

****Issues:****

1. Whether the accused-appellants violated Section 5, Article II of R.A. No. 9165 by selling dangerous drugs.
2. Whether non-compliance with Section 21’s procedural requirements on the part of the apprehending officers compromises the integrity of the confiscated drugs and therefore, the guilt of the accused.

****Court's Decision:****

The Supreme Court focused on whether the apprehended drugs were handled following the legal requirements set out under Section 21 of R.A. No. 9165. Despite the lower courts' conviction of the accused-appellants based on the presentation and testing of the seized drugs, the Supreme Court highlighted the procedural lapses in the buy-bust operation, particularly the absence of the required witnesses—a representative from the media and the Department of Justice—during the inventory and photographing of the seized items.

The Supreme Court, emphasizing the rigid requirements laid down in Section 21 for handling seized drugs to maintain their integrity and evidentiary value, found that the prosecution failed to provide justifiable grounds for these procedural lapses. These lapses were considered critical enough to raise reasonable doubt as to the integrity of the seized items and, subsequently, the guilt of the accused-appellants.

****Doctrine:****

This case reiterates the doctrine that for the prosecution of illegal sale of dangerous drugs under Section 5, Article II of R.A. No. 9165, not only must the sale be proven with certainty but also the chain of custody of the seized drugs must be demonstrably preserved according to specific legal procedures outlined in Section 21 of the same act. Non-compliance with these procedures, unless justified properly, mandates acquittal due to compromised evidence integrity.

****Class Notes:****

1. ****Section 5, Article II of R.A. No. 9165:**** Details the illegal sale of dangerous drugs, requiring the identity of the buyer and seller, object and consideration, delivery of the sold object, and the payment to be established beyond a reasonable doubt.
2. ****Section 21, Article II of R.A. No. 9165:**** Outlines the procedure for the custody and disposition of confiscated, seized, or surrendered dangerous drugs, emphasizing the necessity for inventory and photographing of the seized items in the presence of the accused, a representative from media, the Department of Justice, and an elected public official.
3. ****Chain of Custody Rule:**** Ensures the integrity of the evidence from the moment of seizure up to presentation in court. Any breaks or non-compliance without valid justification

can lead to the acquittal of the accused due to compromised evidence integrity.

****Historical Context:****

This case emphasizes the strict adherence required by Philippine law enforcement and judicial processes to the procedures outlined in R.A. No. 9165. It demonstrates the balance the law seeks to maintain between upholding the law against illegal drugs and safeguarding the rights of individuals against potential procedural abuses by law enforcement. The Supreme Court's decision showcases its role in ensuring that convictions are based on untainted evidence, reflecting the high value placed on procedural correctness and fairness in the country's criminal justice system.