

Title:

People of the Philippines vs. Tamil Selvi Veloo and N. Chandrar Nadarajan, G.R. No. [Case Number]

Facts:

****1. Incident at NAIA:****

On June 16, 2012, around 3:30 p.m., Tamil Selvi Veloo and N. Chandrar Nadarajan, both Malaysian nationals, arrived from Hong Kong at the Ninoy Aquino International Airport (NAIA) Terminal 2.

****2. Customs Check:****

- Veloo took a black Dibola luggage, while Nadarajan took a black Phoenix bag. Both queued at adjacent lanes at the Customs Area.

- ****Veloo's Apprehension:**** Customs Examiner Carol Buenconsejo became suspicious when Veloo, traveling alone, declared no items to declare but carried a large luggage. Upon inspection, Veloo's bag contained men's clothes and numerous peanut brittles. A hidden compartment revealed a heat-sealed plastic bag with crystallized granules (suspected drugs). Further inspection revealed ten (10) packs weighing 4 kilos of methamphetamine hydrochloride (shabu).

- ****Nadarajan's Apprehension:**** Nadarajan, pointed out by Veloo as "my husband," was apprehended outside the Customs Exit Gate. His bag, retrieved from a hotel representative, contained six (6) heat-sealed plastic packs weighing 2 kilos of shabu.

****3. Legal Proceedings:****

- ****Regional Trial Court (RTC) of Pasay City:**** Joint trial rendered a decision on September 15, 2015, convicting both accused for violating Section 5, Article II of R.A. 9165.

- ****Court of Appeals:**** Affirmed RTC's decision on December 13, 2018. Nadarajan's motion for reconsideration was denied.

- ****Supreme Court:**** Accused contested the conviction, questioning the prosecution's proof of crime elements and chain of custody compliance, particularly the lack of a DOJ representative during inventory.

Issues:

1. Whether the prosecution established the elements of illegal transportation of dangerous drugs.
2. Whether there was a breach of the chain of custody rule, particularly due to the absence of a DOJ representative during the inventory.

Court's Decision:

1. Illegal Transportation of Dangerous Drugs:

- Affirmed the RTC and Court of Appeals' findings that Veloo and Nadarajan illegally transported drugs using different bags. Veloo was found with drugs in her Dibola bag; Nadarajan's Phoenix bag was not proven to have an intact chain of custody.
- **Possession and Intent:** Disproved their defenses, emphasizing their intentional possession and their simultaneous travel plans indicated collaboration, satisfying elements of transportation under R.A. No. 9165.

2. Chain of Custody:

- **First Link:** Buenconsejo's inspection and marking of the drugs happened in Veloo's presence but without a DOJ representative, invoking a saving clause where reasonable conditions justify non-compliance if the drugs' integrity is preserved.
- **Second and Third Links:** Turnovers from Buenconsejo to PDEA Officer IO2 Julie Lucero, then to Forensic Chemist Arlene Arcos, established chain integrity for Veloo's bag.
- **Fourth Link:** Court identified discrepancies for the Phoenix bag; delay and lack of direct witness testimony about the hotel representative's custody created doubt, resulting in acquittal for the charges related to the Phoenix bag.

Doctrine: In drug cases: Non-compliance with Section 21's procedural requirements does not automatically invalidate custody if the evidence integrity is preserved, provided there is a justifiable ground.

Key Elements:

Illegal Transportation of Dangerous Drugs:

1. Act of transporting or moving drugs.
2. Proof of drugs' existence.

Chain of Custody Rule:

- Seizure and marking by apprehending officer.
- Turnover to investigating officer.
- Transfer to forensic chemist.
- Presentation in court.

Statute:

Section 5, Republic Act No. 9165, punishes unauthorized transportation of prohibited drugs with life imprisonment and fines.

Historical Background:

This case demonstrates ongoing efforts by Philippine law enforcement to control narcotics within the airports and enforce R.A. No. 9165. It highlights procedural pressures faced by customs and police in adhering strictly to statutory guidelines while balancing practical enforcement challenges.