

****Title:**** People of the Philippines vs. Joeffrey Macaspac y Llanete and Bryan Marcelo y Pandino

****Facts:****

On December 13, 2015, around 4:00 PM, NBI Special Investigator Joel Otic received information from a confidential informant about a drug trafficking group set to transport drugs to another group at SM Mall of Asia (MOA). The vehicles identified for the operation included a silver Hyundai Accent (AAV 8780), a white Mitsubishi Mirage (ACA 3243), and a gray Mitsubishi van (XLV 925).

Agent Otic relayed this information to Chief Joel M. Tuvera, who approved the deployment of a team comprising numerous agents. The team coordinated with PDEA and local police and proceeded to SM MOA. At around 5:00 PM, mall security informed Agent Otic of a Hyundai Accent parked at the SM Hypermarket, which matched the informant's description. The vehicle was occupied by three individuals: Dario "Bong Cuenca" (driver), and the appellants Macaspac and Marcelo.

Appellants retrieved a plastic bag containing a "Zest O" box from the hypermarket and returned to their vehicle. When the agents attempted to intercept them, the driver attempted to run over the agents, leading to a shooting which resulted in injuries to both appellants and the driver, who later died.

The Hyundai was inspected, and a "Zest O" box containing a plastic pack with white crystalline substance was discovered. The substance was later confirmed as 552 grams of methamphetamine hydrochloride (shabu).

Appellants claimed they met with Bong to finalize a car sale at the SM MOA and denied knowledge of the drugs.

The trial court found appellants guilty of transporting shabu, penalized under Section 5, Article II of RA 9165, supporting the arrest based on their act of transporting drugs and substantial compliance with chain of custody rules.

****Issues:****

1. Whether appellants were guilty of transporting dangerous drugs under Section 5, Article II of RA 9165.
2. Whether the chain of custody rule was followed.
3. Whether the testimony of Agent Otic was admissible.

Court's Decision:

1. **Transporting Illegal Drugs:**

- The Supreme Court affirmed that the elements of transporting dangerous drugs were met. The act of moving the drugs from the SM Hypermarket to the vehicle and attempting to drive away sufficed to establish transporting. The argument that the drugs had not left the premises was immaterial.

2. **Chain of Custody:**

- The Court found no break in the chain of custody. The agents marked, inventoried, and kept the seized drugs in the presence of insulating witnesses, and Forensic Chemist Bravo's certification confirmed the integrity and evidentiary value of the drugs from seizure to court presentation. Dispensing with the chemist's testimony was permissible and agreed upon by both parties.

3. **Admissibility of Testimony:**

- Agent Otic's testimony was deemed credible, as he was directly involved in the operation. No malice or ill will was attributed to him, and his actions were presumed regular.

Doctrine:

1. **Definition of Transport:** Moving illegal drugs from one place to another qualifies as transport under Section 5, Article II of RA 9165 regardless of the distance.

2. **Chain of Custody Rule:** There must be unbroken movement custody of seized drugs recorded from seizure to forensic examination to court presentation. Perfect chain compliance is ideal but not always possible; preservation of the item's integrity is paramount.

3. **Presumption of Regularity:** Police officers are presumed to act regularly absent evidence of improper conduct or malice.

Class Notes:

- **Elements of Transporting Dangerous Drugs:**

- Actual conveyance of illegal drugs from one place to another.
- Intent to transport can be presumed from the possession of a large quantity of drugs.

- **Chain of Custody Requirements:**

- Seizure and marking at the crime scene.
- Turnover to investigating officer.
- Forensic examination by a chemist.

- Presentation in court.

- ****Relevant Statutes:****

- RA 9165 Section 5: Penalties for illegal transporting of dangerous drugs include life imprisonment to death and fines from P500,000.00 to P10,000,000.00.

- ****Key Case Citations:****

- People v. Mariacos: Definition of “transport.”

- People v. Matio: Establishment of purpose to transport.

- People v. Santos: Continuity of custody by operative agents.

****Historical Background:****

The case occurred within the robust context of the Philippine government’s strong stance against illegal drug activities, as underscored by RA 9165, the Comprehensive Dangerous Drugs Act of 2002. The strict penalties and procedural rigor reflect the country’s response to escalating drug problems and an expansive approach to deterring drug trafficking and related crimes.