

Title: People of the Philippines vs. Nomer Wisco Y Failano, GR No. 07468

Facts:

- **November 2, 2013**: At 10:00 PM, an informant reports to the Pasuquin Municipal Police about Nomer Wisco selling shabu.
- **Buy-Bust Operation Organized**: Police Chief Lauro Milan plans the operation. PO1 Rosal is the poseur-buyer.
- **Operation Execution**: PO1 Rosal, with the informant, proceeds to Barangay 4, engages with Wisco, buying shabu using marked money.
- **Apprehension**: Post-transaction, Wisco tries to escape but is intercepted by SPO1 Caldito and falls into a canal.
- **Evidence Recovery**: During the frisk, a plastic sachet with shabu, a cellphone, and a lighter are recovered. The retrieval is conducted in the presence of local officials but without DOJ or media representation.
- **Chain of Custody**: Conflicting testimonies from officers involved casting doubt on the continuity and integrity of evidence handling.

Procedural Posture:

- **RTC Proceedings**: Wisco pleads not guilty. RTC convicts him on March 23, 2015, concluding a valid buy-bust, rejecting Wisco's denial of charges.
- **CA Appeal**: Wisco appeals, but the CA upholds his conviction on November 29, 2016, emphasizing he was caught in the act.

Issues:

1. Whether the buy-bust operation against Nomer Wisco was valid.
2. Whether the prosecution established the chain of custody of the seized drugs properly.
3. Whether Wisco was guilty beyond reasonable doubt of illegal sale of dangerous drugs.
4. Whether the absence of DOJ and media representatives at the inventory violated procedural safeguards.

Court's Decision:

- **Sale Transaction Validity**: The Court acknowledges the sale, dismissing Wisco's denial in favor of police officer testimonies.
- **Chain of Custody**: The Supreme Court identifies several procedural lapses and inconsistencies affecting evidence integrity, crucial to a conviction in drug cases.
- **Lack of Witnesses**: Absence of mandatory representatives (DOJ, media) during inventory was unjustified, impacting the legality of the seizure and inventory.

- **Acquittal**: Owing to these chain of custody errors compromising evidence identity, the Court reverses the conviction and orders Wisco's release.

Doctrine:

- To secure a drug conviction, the prosecution must establish the identity and continuity of the seized drugs (chain of custody rule), ensuring there's no possibility of tampering.
- The absence of mandatory witnesses during inventory must be justified to preserve evidence integrity.

Class Notes:

1. **Elements of Illegal Drug Sale** (R.A. No. 9165): Identity of seller/buyer, object-sale consideration, delivery, and payment.
2. **Chain of Custody**: Critical to maintaining integrity of drug evidence.
3. **DUE Process in Drug Seizure**: Requires presence of accused's representative, DOJ, media, and elected officials during drug inventory.

Historical Background:

The case unfolds under the "Comprehensive Dangerous Drugs Act of 2002" (R.A. No. 9165), a law reflecting the Philippines' stringent stance against illegal drugs. This legal landscape formed against a backdrop of increasing drug-related crimes, invoking comprehensive laws to combat narcotics proliferation effectively. The procedural scrutiny in this case emphasizes adherence to legal safeguards against wrongful convictions due to drug evidence mishandling.