

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOEL ALVAREZ Y CAMPANA, SALVADOR GUADIZ Y PARAAN AND MARIO DAQUIOAG Y MARCELO, ACCUSED-APPELLANTS.

Ponente: TIJAM, J.

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TIJAM, J.:

This is an appeal from the Decision dated July 1, 2010 of the Regional Trial Court (“RTC”) of Santiago City, Branch 35, in Criminal Case Nos. 35-5007 to 35-5009, for Violation of Section 11, Article II, R.A. 9165, Violation of Section 15, Article II, R.A. 9165 and Violation of Section 5, Article II, R.A. 9165, respectively.

Accused-Appellant Joel Alvarez (“Alvarez”) was charged, in an Information[1] dated June 23, 2005, in Criminal Case No. 35-5007 as follows:

“That on or about May 12, 2005, at Barangay Villasis, Santiago City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there, willfully, unlawfully and feloniously have in his possession and control 0.2 grams more or less, of methamphetamine hydrochloride (sic) placed in one (1) pc heat sealed transparent plastic sachets, without any authority, permit or license to do the same.

CONTRARY TO LAW!”

Accused-Appellants Salvador Guadiz (“Guadiz”), Mario Daquioag (“Daquioag”) and Alvarez (hereinafter collectively referred to as “Accused-Appellants”) were charged, in an Information[2] dated June 23, 2005, in Criminal Case No. 35-5008 as follows:

“That on or about May 12, 2005, at Barangay Villasis, Santiago City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there, willfully, unlawfully and feloniously ingest and use METAMPHETAMINE HYDROCHLOODE (sic), known as SHABU, a dangerous drug, without any authority or license to do the same.

CONTRARY TO LAW!”

The Accused-Appellants were likewise charged, in an Information[3] dated June 17, 2005, in Criminal Case No. 35-5009 as follows:

“That on or about May 12, 2005, at Villasis, Santiago City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused in consideration of two (2) pieces of One Hundred (Php 100.00) Peso, marked bill with Serial No. UW386807 abd (sic) CA922461, did then and there, willfully, unlawfully and feloniously sell to Poseur-buyer, 0.01 gram, more or less of METAMPHETAMINE HYDROCHLOIDE (sic) know as SHABU, placed in a small heat sealed transparent plastic sachet, without any authority or license to do the same.

CONTRARY TO LAW!”

When arraigned on September 6, 2005, the Accused-Appellants all pleaded not guilty to the charges.[4]

The RTC thereafter tried all three cases jointly upon motion duly made.

The prosecution presented Police Inspector Previ Luis (“Luis”), the forensic chemist, and PO3 Peter C. Almarez (“Almarez”).

Almarez testified that on May 12, 2005, he, SPO3 Ricardo Agcaoili (“Agcaoili”) and SPO2 Eduardo Malana (“Malana”) were ordered by their Team Leader, Danilo Tolentino Buan, to conduct possible apprehension/arrest of the Accused-Appellants.

Almarez was assigned as the poseur-buyer of metamphetamine hydrochloride, popularly known as shabu, with Agcaoili and Malana as back up. He was given two pieces of one hundred peso bills to be used in buying the shabu, on which he placed his initials. These bills were then entered into the police blotter, after which he proceeded to the house of Accused-Appellant Guadiz in Purok 5, Villasis, Santiago City, together with Agcaoili and Malana.

Upon reaching the house of Guadiz, Almarez saw the Accused-Appellants in front of the house of Guadiz. Daquioag approached Almarez, who informed him (Daquioag) that he was going to buy shabu and handed over the two one hundred peso bills. After giving the money to Daquioag, Daquioag in turn handed over the money to Guadiz. Daquioag then got the small sachet containing a crystalline substance from Alvarez and handed it over to Almarez.

Upon the signal of Almarez, Agcaoili and Malanan rushed to the scene and the Accused-Appellants were thereafter arrested. Upon Malana's search on the person of Alvarez, he recovered a black wallet containing one heat sealed plastic sachet containing a crystalline substance suspected to be shabu. Accused-Appellants were brought to Station 1 located in Villasis, Santiago City for investigation.

Almarez put his initials and the date of recovery on the sachet that Daquioag gave him. Malana, on the other hand, put his initials and the date of recovery on the sachet that he recovered from Alvarez.

Luis testified that a request to the Santiago City PNP Crime Laboratory was made for the examination of two pieces of small heat transparent sachet and two disposable lighters which were confiscated from the direct possession and control of Accused-Appellants[5]. The Request for laboratory examination showed on its face that it was prepared by Police Sr. Inspector Paul Tangan Bometivo, PO3 Obra delivered the specimens to the Santiago City PNP Crime Laboratory Office and that it was received by SPO2 Dayrit RJ.[6]

Luis put into writing the results of her initial laboratory examination[7] and final laboratory report[8], both of which showed that the 0.2 grams of white crystalline substance placed inside a heat sealed transparent plastic bag with markings 5-12-05 RDA, 5-12-05 EMM and the 0.08 grams of white crystalline substance placed inside a heat sealed transparent plastic bag with markings PCA 5-12-05 gave positive result to the tests for Methamphetamine Hydrochloride, a dangerous drug.

The Accused-Appellants were subjected to drug testing and were found positive for tests for Methamphetamine Hydrochloride.[9] However, this was later adjudged by the RTC as inadmissible, it being based on incriminatory evidence.

The defense, on the other hand, presented the Accused-Appellants to prove their innocence of the charges against them.

Guadiz denied the truth of the charges against him and testified that he was just at home on the afternoon of May 12, 2005, when Malana came to his house to invite him to the police station. He claimed that the two other Accused-Appellants, Alvarez and Daquioag, were already in the car when he entered it and that they were brought

to the police station where they were handcuffed and detained.

Daquioag also denied the truth of the charges against him. He testified that he was about to buy his viand in the afternoon of May 12, 2005 when he was grabbed by three persons, only one of whom he recognized as Agcaoili, and brought to the police station and detained.

Alvarez likewise denied the truth of the charges against him. He testified that he was with his wife, in the afternoon of May 12, 2005, collecting payments as his wife is in the business of selling clothes on installment basis. He also alleged that a man, whom he later identified as Malana, pointed a gun at him, pulled him and brought him to the car. Thereafter, Daquioag and then Guadiz were brought also to the car and they were brought to the precinct.

The appealed Decision, dated July 1, 2010, disposed as follows:

“WHEREFORE, in view of the foregoing considerations, the Court hereby adjudge the accused as follows:

- ACQUITTING all of them of the charges under the Information in Criminal Case No. 35-5008 for want of evidence;

- CONVICTING accused JOEL ALVAREZ who is found guilty beyond reasonable doubt of the charges under the Information in Criminal Case No. 35-5007 for violation of Section 11, Article II of R.A. 9165, and hereby sentences him to suffer the penalty of imprisonment of twelve (12) years and one (1) day to twenty (20) years, and a fine of Php 300,000.00; and

- CONVICTING the three (3) accused, namely: SALVADOR GUADIZ Y PARAAN, MARIO DAQUIOAG Y MARCELO, and JOEL ALVAREZ Y CAMPANA, who are guilty beyond reasonable doubt of violation of Section 5, Article II of R.A. 9165 under the Information in Criminal Case No. 35-5009, and hereby sentences each of them to suffer the penalty of life imprisonment and a fine of Php 500,000.00 each.

SO ORDERED.”

Hence, this appeal.

The Accused-Appellants raised the following assignment of errors:

“I

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED DESPITE THE PROSECUTION'S FAILURE TO ESTABLISH ALL THE ELEMENTS THEREOF.[10]

II

THE TRIAL COURT GRAVELY ERRED IN GIVING FULL WEIGHT AND CREDENCE TO THE PROSECUTION'S EVIDENCE NOTWITHSTANDING THE APPREHENDING TEAM'S FAILURE TO PROVE THE INTEGRITY AND IDENTITY OF THE ALLEGED CONFISCATED SHABU.[11]

III

The court a quo committed a procedural void when it admitted as competent the pieces of evidence of the prosecution despite the seized items are products of searched and seizures without the requisite judicial warrant.”[12]

The crux of the matter in this case is whether or not the guilt of the Accused-Appellants have been proved beyond reasonable doubt.

We have reviewed the records of this case and after deliberation, resolve to acquit the Accused-Appellants due to the prosecution’s failure to prove their guilt beyond reasonable doubt. We find that the prosecution was not able to establish with moral certainty that the integrity and evidentiary value of the items recovered from the Accused-Appellants were preserved, such that they could be used as basis for the Accused-Appellants’ conviction.

The applicable law on this case is Republic Act No. 9165, also known as the Comprehensive Dangerous Drugs Acts of 2002, specifically Article II, Section 5[13] (Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals) and Section 11[14] (Possession of Dangerous Drugs).

The essential elements for illegal sale of shabu, are as follows: (a) the identities of the buyer and the seller, the object of the sale, and the consideration; and (b) the delivery of the thing sold and the payment for the thing. What is material in prosecutions for illegal sale of shabu is the proof that the transaction or sale actually took place, coupled with the presentation in court of the corpus delicti as evidence.[15]

As the dangerous drug itself constitutes the very corpus delicti of both offenses, its identity and integrity must definitely be shown to have been preserved. This requirement necessarily arises from the illegal drug’s unique characteristic that renders it indistinct, not readily identifiable, and easily open to tampering, alteration or substitution either by accident or otherwise.[16]

This means that, on top of the elements of possession or illegal sale, the fact that the substance [possessed or illegally sold], in the first instance, the very substance adduced in court must likewise be established with the same exacting degree of certitude as that required sustaining a conviction. Thus, the prosecution must be able to account for each link in the chain of custody over the dangerous drug, from the moment it was seized from the accused up to the time it was presented in court as proof of the corpus delicti. The chain of custody requirement “ensures that unnecessary doubts respecting the identity of the evidence are minimized if not altogether removed.”[17]

Paragraph 1, Section 21[18], Article II of Republic Act No. 9165 and its implementing rules outline the procedure on the chain of custody of confiscated, seized, or surrendered dangerous drugs.

The preservation of the integrity and identity of the seized articles is precisely what is being questioned by the Accused-Appellants. They point out that the apprehending officers utterly failed to comply with the provisions of the law, i.e. the marking on the seized items were not done in the presence of the accused, their representative or counsel, a representative from media and the Department of Justice and any elected public official; and no photograph or inventory was taken and submitted by the apprehending officers.[19]

The Plaintiff-Appellee on the other hand countered these arguments and stated that what matters in the prosecution of dangerous drugs cases is not the immediate marking but that the prosecution be able to establish the chain of custody of the corpus delicti.

Section 1(b) of Dangerous Drugs Board Regulation No. 1, Series of 2002 which implements R.A. No. 9165

defines "Chain of Custody" as follows:

“‘Chain of Custody’ means the duly recorded authorized movements and custody of seized drugs or controlled chemicals or plant sources of dangerous drugs or laboratory equipment of each stage, from the time of seizure/confiscation to receipt in the forensic laboratory to safekeeping to presentation in court for destruction. Such record of movements and custody of seized item shall include the identity and signature of the person who held temporary custody of the seized item, the date and time when such transfer of custody were made in the course of safekeeping and use in court as evidence, and the final disposition.”

These set out the enumeration of the different links that the prosecution must prove in order to establish the chain of custody in a buy-bust operation, namely:

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 by the forensic chemist to the court.[20]

In this case, we find that the procedural guidelines were not strictly complied with. While non-compliance with the prescribed procedural requirements will not automatically render the seizure and custody of the items void and invalid, this is true only when “(i) there is a justifiable ground for such non-compliance, and (ii) the integrity and evidentiary value of the seized items are properly preserved.” Thus, any divergence from the prescribed procedure must be justified and should not affect the integrity and evidentiary value of the confiscated contraband. Absent any of the said conditions, the non-compliance is an irregularity, a red flag, that casts reasonable doubt on the identity of the corpus delicti.[21]

In this case, the links establishing the chain of custody were incomplete and no explanation nor justifiable ground was offered to justify the apprehending officers' non-compliance with the legal procedure set out in R.A. 9165.

The first link was sufficiently set out by Almarez:

“Q.

Now, after proceeding to enter into the police blotter the marked money to be used for the buy-bust operation, where did you proceed Mr. Witness?

A.

On May 12, 2005 at around 4:40, I proceeded at Purok 5, Villasis, Santiago City, particularly at the house of the suspect, ma'am.

Q:

So what transpired, if any, upon your arrival at the house of the suspect?

A.

When I went to the house of Ador Guadiz, I saw the three (3) accused in front of the house of Ador Guadiz. Mario Daquioag came near to me and I told him that I'm going to buy a shabu and I handed to him the two (2) one hundred peso bills.

Q.

What did the accused Daquioag do, if any, after you informed him that you intend to buy a shabu worth P200.00?

A.

After giving the money to Mario Daquioag, Mario Daquioag gave the money to Ador Guadiz and then Mario Daquioag gave me one sachet of shabu.

xxx

Q.

Now, Mr. Witness, what happened next, if any, after Mario Daquioag handed to you the shabu which purchased from him?

A.

As we agreed, ma'am once I held the hand of Mario Daquioag, immediately my back up will rush to the site to help in the arrest of the accused.

xxx

Q.

So Mr. Witness after your two (2) back ups rushed to the site and you informed them that Joel Alvarez and Salvador Guadiz were the companions of Mario Daquioag, what happened next, if any?

A.

When we already arrested the three (3), ma'am, Agcaoili recovered the P200.00 peso bill from Ador Guadiz and Sgt. Malana got one (1) sachet from Joel Alvarez.

xxx

Q.

Before turning it over to the police investigator the specimens taken from the accused, what did you do with it, if any?

xxx

A.

I placed my initial “PCA” ma'am on the sachet given to me by Mario Daquioag.

Q.

How about Mr. Witness on the specimens taken from Joel Alvarez, what did you do if any before turning it over to the police?

A.

Sgt. Malana placed also his initial, ma'am.

Q.

Now, where are the drug specimens now, if you know?

A. It was already submitted to the PNP Crime laboratory.”[22]

The second, third and fourth link, however, were markedly absent. Almarez did not testify to whom the marked seized items were turned over. Neither did he testify on who delivered the marked seized items to the forensic chemist. No testimony was likewise made on the matter of how the seized drugs were handled and cared for after the analysis.

Even the forensic chemist admitted that she did not personally receive the marked seized items:

“Q.

Are you the one who personally received the said specimen for examination?

A.

No, sir. It is our duty receiving clerk who received the specimen.

Q.

And who is that receiving clerk?

A.

It was SPO2 Dayrit, sir.

Q.

So considering that SPO2 Dayrit is the one who received all these evidences, you have no personal knowledge who submitted these evidences to SPO2 Dyarit (sic).

A.

It is effected in our stamp pad.

Q.

Based on your personal knowledge.

A.

I was not the one who received it, sir.

Q. So you have no personal knowledge who were the persons who submitted these evidences to SPO2 Dayrit. Is that correct?

A. Yes, sir.”[23]

The Request for laboratory examination[24] was prepared by Police Sr. Inspector Paul Tangan Bometivo, delivered by PO3 Obra and received by SPO2 Dayrit RJ. These persons however were curiously never presented in court.

Though it has been held that not all persons who have come in contact with the seized drugs ought to be presented in court, and that as long as the chain of custody of the seized drug was clearly established not to have been broken and that the prosecution did not fail to identify properly the drugs seized, it is not indispensable that each and every person who came into possession of the drugs should take the witness stand.[25] Unfortunately, in this case, the chain of custody was broken and actually ended at the seizure of the drugs and arrest of the Accused-Appellants. The missing links or steps opened the possibility of tampering, alteration and substitution and effectively compromised the integrity of the corpus delicti itself.

If in *People v. Librea*[26], the Court acquitted the accused for the reason that the circumstances of how the person who delivered the specimen for laboratory testing came into possession of the specimen remained unexplained, what more in this case where the same was unexplained, in addition to the lack of explanation on the transfer from the apprehending officer to the investigator on duty as well as the treatment of the seized items after analysis. These are exacerbated by the fact that the Accused-Appellants have been on the apprehending officers' watch list[27] and could have adequately prepared for the buy-bust operation. It leaves Us no other way to view the circumstances but to conclude that the apprehending officers disregarded the legal procedure in RA 9165, and thus produced serious doubts on the integrity and identity of the corpus delicti, necessitating the acquittal of the Accused-Appellants.

The High Court's observance in the case of *People vs. Ancheta*[28] is worth repeating:

“It is truly distressing how courts are constrained to make acquittals, dismissals, or reversals because of the inadvertent failure of arresting officers and the prosecution to establish compliance or justify noncompliance with a statutory procedure. It is even more troubling when those cases involve apparently known or long-suspected drug pushers. Congress was clear in its declaration on the eradication of the drug menace plaguing our country. Yet, also firm and stringent is its mandate to observe the legal safeguards under R.A. 9165. This is the reason why we have emphasized countless times that courts must remain vigilant in their disposition of cases related to dangerous drugs. Also, we have already called on the police, PDEA, and the

prosecution to reinforce and review the conduct of buy-bust operations and the presentation of evidence.”

WHEREFORE, the appealed Decision dated July 1, 2010 of the Regional Trial Court of Santiago City, Branch 35, in Criminal Case Nos. 35-5007, for Violation of Section 11, Article II, R.A. 9165, and 35-5009, for Violation of Section 5, Article II, R.A. 9165, is hereby SET ASIDE. Accused-Appellants SALVADOR GUADIZ, MARIO DAQUIOAG, AND JOEL ALVAREZ are hereby ACQUITTED on grounds of reasonable doubt due to unacceptable complacency on the part of the Prosecution to satisfy the quantum of evidence required by law.

The Director of the Bureau of Corrections is hereby ORDERED to immediately RELEASE Accused-Appellants from custody, unless they are detained for some other lawful cause.

SO ORDERED.

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the court.

Baltazar-Padilla, P.J., and Reyes-Carpio, A., JJ., concur.

[1] Original Records, Criminal Case No. 35-5007, p. 1.

[2] Original Records, Criminal Case No. 35-5008, p. 1.

[3] Original Records, Criminal Case No. 35-5009, p. 1.

[4] Original Records, Criminal Case No. 35-5007, p. 23; Original Records, Criminal Case No. 35-5008, p. 28.

[5] Exhibits, p. 1.

[6] Ibid.

[7] Exhibits, p. 2.

[8] Exhibits, p. 3.

[9] Exhibits, pp. 5-6.

[10] Rollo, p. 62.

[11] Ibid.

[12] Rollo, p. 36.

[13] Section 5. Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals. - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give

away to another, distribute, dispatch in transit or transport any controlled precursor and essential chemical, or shall act as a broker in such transactions.

[14] Section 11. Possession of Dangerous Drugs. - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall possess any dangerous drug in the following quantities, regardless of the degree of purity thereof:

- (1) 10 grams or more of opium;
- (2) 10 grams or more of morphine;
- (3) 10 grams or more of heroin;
- (4) 10 grams or more of cocaine or cocaine hydrochloride;
- (5) 50 grams or more of methamphetamine hydrochloride or "shabu;"
- (6) 10 grams or more of marijuana resin or marijuana resin oil;
- (7) 500 grams or more of marijuana; and
- (8) 10 grams or more of other dangerous drugs such as, but not limited to, methylenedioxy methamphetamine (MDMA) or "ecstasy," paramethoxyamphetamine (PMA), trimethoxyamphetamine (TMA), lysergic acid diethylamide (LSD), gamma hydroxybutyrate (GHB), and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements, as determined and promulgated by the Board in accordance to Section 93, Article XI of this Act.

Otherwise, if the quantity involved is less than the foregoing quantities, the penalties shall be graduated as follows:

- (1) Life imprisonment and a fine ranging from Four hundred thousand pesos (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the quantity of methamphetamine hydrochloride or "shabu" is ten (10) grams or more but less than fifty (50) grams;
- (2) Imprisonment of twenty (20) years and one (1) day to life imprisonment and a fine ranging from Four hundred thousand pesos (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the quantities of dangerous drugs are five (5) grams or more but less than ten (10) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or "shabu," or other dangerous drugs such as, but not limited to, MDMA or "ecstasy," PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or three hundred (300) grams or more but less than five hundred (500) grams of marijuana; and
- (3) Imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three hundred thousand pesos (P300,000.00) to Four hundred thousand pesos (P400,000.00), if the quantities of dangerous drugs are less than five (5) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or "shabu," or other dangerous drugs such as, but not limited to, MDMA or "ecstasy," PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or less than three hundred (300) grams of marijuana.

[15] People vs. Jayson Curillan Hambora, G.R. No. 198701, December 10, 2012.

[16] People vs. Renato Lapasaran, G.R. No. 198820, December 10, 2012.

[17] People vs. Arturo Enriquez, G.R. No. 197550, September 25, 2013.

[18] 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, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof.

Its Implementing Rules and Regulations state:

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:

(a) The apprehending officer/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, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof: Provided, that the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures; Provided, further, that non-compliance with these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items.

[19] Rollo, pp. 67-69.

[20] People vs. Lolita Quesido, G.R. No. 189351, April 10, 2013.

[21] People vs. Enriquez, *supra* at 17.

[22] TSN, July 4, 2006, pp. 5-12.

[23] TSN, January 22, 2006, p. 15.

[24] Exhibits, p. 1.

[25] People vs. Adriano Pascua, G.R. No. 194580, August 31, 2011.

[26] G.R. No. 179937, July 17, 2009.

[27] TSN, July 4, 2006, p. 7.

[28] G.R. No. 197371, June 13, 2012.

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