

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RUIZ GARCIA Y RUIZ, ACCUSED-APPELLANT.

G.R. No. 173480. February 25, 2009

Ponente: BRION, J.

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BRION, J.:

We review in this Decision the conviction of accused-appellant Ruiz Garcia y Ruiz (Ruiz) by the Court of Appeals (CA) in its Decision of May 10, 2006[1] for violation of Section 5, Article II of Republic Act (R.A.) No. 9165 or the Comprehensive Dangerous Drugs Act of 2002. The assailed CA decision fully affirmed the decision of the Regional Trial Court (RTC),[2] Branch 72, Malabon City.

Ruiz was formally charged and pleaded "not guilty" under an Information that reads:

That on or about the 27[th] day of February 2003, in the Municipality of Navotas, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, being a private person, and without authority of law, did then and there, willfully, unlawfully, and feloniously sell and deliver for consideration in the amount of P200.00 to poseur-buyer one (1) piece of printed paper with markings 'RGR-1' containing the following: one (1) small brick of dried suspected Marijuana fruiting tops with a net weight 11.02 gram[s] and Thirteen (13) small white paper[s] with markings 'RGR-RPI' through 'RGR-RP13,' respectively, which substance, when subjected to chemistry examination gave positive result for Marijuana, a dangerous drug.[3]

In the pre-trial conference that followed, his counsel admitted the following: (1) the identity of Ruiz as the accused in the case; (2) the jurisdiction of the RTC; and (3) Ruiz' lack of authority to possess or sell shabu.[4] The defense counsel also manifested that admissions could be made in the course of the trial concerning the manner and nature of the testimony of the forensic chemist.[5]

The prosecution presented a single witness, PO1 Samuel Garcia (PO1 Garcia), who, as poseur-buyer, testified that Ruiz' arrest was made pursuant to a legitimate buy-bust operation where Ruiz sold him marijuana. The parties dispensed with the testimony of the forensic chemist, Jesse Abadilla Dela Rosa, after they entered into stipulations concerning the manner and nature of his testimony.[6]

The prosecution also submitted the following evidence:

Exhibit "A"

- INFOREP dated February 7, 2003 written by Police Senior Superintendent Oscar F. Valenzuela;

Exhibit "B"

- the Dispatch Order dated February 27, 2003;

Exhibit "C-1" and "C-2"

- the photocopy of the recovered marked money;

Exhibit "D"

- the Pre-Operation Report dated February 27, 2003 prepared by PO2 Geoffrey Huertas;

Exhibit "E"

- the Sinumpaang Salaysay of PO1 Samuel Sonny Garcia;

Exhibit "F"

- the corpus delicti;

Exhibit "H"

- the Request for Laboratory Examination dated February 28, 2003 submitted by Ferdinand Lavadia Balgoa, Police Inspector Chief SDEU and;

Exhibit "G"

- the Physical Sciences Report No. D-250-03 prepared by forensic chemist Jesse Abadilla Dela Rosa.

The defense relied solely on the testimony of Ruiz who claimed he was the victim of a police frame-up and extortion.

The RTC summarized the prosecution's version of events as follows:

On February 27, 2003, at around 2:45 p.m., PO1 Samuel Garcia was with a confidential informer and two other policemen at the back of San Roque Church, Navotas, Metro Manila, waiting for the accused with whom the confidential informer arranged for him (Garcia) to buy marijuana. There were prior Informations [sic] from Camp Crame and the NPDO about the selling of marijuana xxx For this reason, Garcia got in touch with the confidential informer whom [sic] he learned could buy marijuana from the accused.

It did not take long after the arrival of Garcia and the others at the area of operation for the accused to arrive on board a red scooter. Garcia told the accused that he will buy P200.00 worth of marijuana, as agreed upon between the confidential informer and the accused. The accused in turn gave Garcia the marijuana wrapped in a yellow page of the PLDT directory. Garcia verified the contents thereof and thereafter gave the P200.00, consisting of two P100.00 bills earlier given for him to use as buy-bust money xxx whose serial numbers were listed in the dispatch order xxx Garcia then gave the signal to his companions for them to approach. He also arrested the accused whom he told of his rights and brought him to a lying-in clinic and then to the police headquarters.

According to PO1 Garcia, after the arrest, they brought Ruiz to the DEU[7] office for investigation. He (PO1 Garcia) turned over the seized items to the investigator, who then placed markings on the wrapper.[8] The seized items were thereafter sent to the PNP Crime Laboratory for examination; they tested positive for marijuana.[9]

The version of the defense, as summarized by the RTC, is as follows:

Accused Ruiz Garcia y Ruiz, on the other hand, maintained that he was riding on a hopper on his way [home] to his wife at Daang Hari, Navotas, Metro Manila, when he saw a jeep with policemen on board. A policeman named Balais stopped the accused and asked for the papers of the hopper which he, at the same time, searched with nothing illegal found inside its compartment [sic].

The accused then heard someone remarked "ito pala si Ruiz," and he was told to go along with the policemen, who initially brought him to the lying-in clinic, and then to the police headquarters where he was asked to make "tubos" or to "ransom" the hopper; Garcia [Ruiz] was not able to do so because he cannot afford what the policemen were demanding. As a consequence, he was detained and charged in this case which he protested, as

nothing was confiscated from him.

Ruiz claimed that the case was a trumped-up charge made by the police to extort money from him.[10] In making this claim, he admitted that he did not know PO1 Garcia and that he saw him for the first when he was arrested.[11] He insisted that he knew a certain Balais who arrested suspected pushers/users in their place.[12]

The prosecution and the defense thereafter entered into stipulations on the substance of the rebuttal and sur-rebuttal testimonies of PO1 Garcia and Ruiz, which were mainly reiterations of their earlier testimonies.[13] In its Decision of July 27, 2004, the RTC found Ruiz guilty beyond reasonable doubt of the crime charged, and sentenced him to life imprisonment and to pay a fine of P500,000.00 and costs.[14] The CA, on appeal, fully affirmed the RTC's decision.[15]

In the present appeal before us, Ruiz faults the CA for believing the testimony of the lone prosecution witness, and for convicting him despite the insufficiency of supporting evidence. He observes that: (a) PO1 Garcia's motive was to impress his superiors who had issued a special order against him; (b) the police officers arrested him to extort money by asking him to ransom his scooter which the police had confiscated; (c) no prior surveillance was conducted before he was arrested; (d) the informant was not presented in court; (e) his arrest was illegal because it was made without a warrant; and (f) there was no compliance with Section 21, R.A. No. 9165 or the chain of custody rule on seized drugs.[16]

The People, through the Office of the Solicitor General, maintains that the lower courts correctly found Ruiz guilty of the crime charged.[17] As established through the testimony of PO1 Garcia, his arrest was effected through a legitimate buy-bust operation that was regularly conducted, properly documented, and coordinated with the PDEA.[18] The Office of the Solicitor General also argued that Ruiz failed to present sufficient evidence to substantiate his claim of frame-up; his (Ruiz') evidence also failed to overcome the presumption of regularity in the performance of official duties by the public officers in the case.[19]

THE COURT'S RULING

After due consideration, we resolve to ACQUIT Ruiz, as the prosecution's evidence failed to prove his guilt beyond reasonable doubt. Specifically, the prosecution failed to show that the police complied with paragraph 1, Section 21, Article II of R.A. No. 9165, and with the chain of evidence requirement of this Act.

Every criminal case starts with the constitutionally-protected presumption of innocence in favor of the accused that can only be defeated by proof beyond reasonable doubt. The prosecution starts the trial process by presenting evidence showing the presence of all the elements of the offense charged. If the prosecution proves all the required elements, the burden of evidence shifts to the accused to disprove the prosecution's case. Based on these presentations, the court must then determine if the guilt of the accused has been proven beyond reasonable doubt. It may happen though that the prosecution, even before the presentation by the defense, already has failed to prove all the elements of the crime charged, in which case, the presumption of innocence prevails; the burden of evidence does not shift to the accused, who no longer needs to present evidence in his defense.

In a prosecution for the illegal sale of a prohibited drug, the prosecution must prove the following elements: (1) the identity of the buyer and the seller, the object, and the consideration; and (2) the delivery of the thing sold and the payment therefor. All these require evidence that the sale transaction transpired, coupled with the presentation in court of the corpus delicti, i.e., the body or substance of the crime that establishes that a crime has actually been committed,[20] as shown by presenting the object of the illegal transaction. In the present case, the object is marijuana which the prosecution must present and prove in court to be the same item seized from the accused. It is in this respect that the prosecution failed.

The requirements of paragraph 1, Section 21 of Article II of R.A. No. 9165.

A buy-bust operation gave rise to the present case. While this kind of operation has been proven to be an effective way to flush out illegal transactions that are otherwise conducted covertly and in secrecy,[21] a buy-bust operation has a significant downside that has not escaped the attention of the framers of the law. It is susceptible to police abuse, the most notorious of which is its use as a tool for extortion. In *People v. Tan*,[22] this Court itself recognized that "by the very nature of anti-narcotics operations, the need for entrapment procedures, the use of shady characters as informants, the ease with which sticks of marijuana or grams of heroin can be planted in pockets of or hands of unsuspecting provincial hicks, and the secrecy that inevitably shrouds all drug deals, the possibility of abuse is great. Thus, courts have been exhorted to be extra vigilant in trying drug cases lest an innocent person is made to suffer the unusually severe penalties for drug offenses." Accordingly, specific procedures relating to the seizure and custody of drugs have been laid down in the law (R.A. No. 9165) for the police to strictly follow. The prosecution must adduce evidence that these procedures have been followed in proving the elements of the defined offense.

The first procedural safeguard that the police failed to observe (and which both the RTC and the CA failed to take into account) is that provided under paragraph 1, Section 21, Article II of R.A. No. 9165. This provision states:

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. [Emphasis supplied.]

The Implementing Rules and Regulations of R.A. No. 9165 further elaborate on the legal requirement by providing, under its Section 21(a), that:

(a) The apprehending office/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, 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.[Emphasis supplied.]

The records utterly fail to show that the buy-bust team complied with these procedures despite their mandatory nature as indicated by the use of "shall" in the directives of the law and its implementing rules. The procedural lapse is plainly evident from the testimony of PO1 Garcia.

Testifying on the handling of the seized marijuana, he stated that:

Q:

After he handed to you the one pack and then you handed to him the P200.00, what happened next?

A:

After verifying the contents and after convincing myself that the same is marijuana, I handed to him the money

and raised my hand as a pre-arrange[d] signal.

xxx xxx xxx

Q:

After you had arrested the person of the accused, what happened next?

A:

We brought him for medical examination and [thereafter] brought him to our office.

xxx xxx xxx

Q:

So what happened to the pack of marijuana that you were able to buy from the accused?

A:

I turned it over to our investigator and then he placed markings on the wrapper.

xxx xxx xxx

Q:

I am handing to you now the improvise [sic] wrapper. Is this the marking that you placed?

A:

Yes, sir, RP-1.

xxx xxx xxx

Q:

What happened after you have seized the item from the accused or after you have recovered this and placing [sic] markings?

A:

It was sent to the PNP Crime Laboratory for laboratory examination.[23]

Thus, other than the markings made by PO1 Garcia and the police investigator (whose identity was not disclosed), no physical inventory was ever made, and no photograph of the seized items was taken under the circumstances required by R.A. No. 9165 and its implementing rules. We observe that while there was testimony with respect to the marking of the seized items at the police station, no mention whatsoever was made on whether the marking had been done in the presence of Ruiz or his representatives.[24] There was likewise no mention that any representative from the media and the Department of Justice, or any elected official had been present during this inventory, or that any of these people had been required to sign the copies of the inventory.[25]

In *People v. Orteza*,[26] the Court, in discussing the implications of the failure to comply with Paragraph 1, Section 21, Article II of R.A. No. 9165, declared:

In *People v. Laxa*, where the buy-bust team failed to mark the confiscated marijuana immediately after the apprehension of the accused, the Court held that the deviation from the standard procedure in anti-narcotics operations produced doubts as to the origins of the marijuana. Consequently, the Court concluded that the prosecution failed to establish the identity of the corpus delicti.

The Court made a similar ruling in *People v. Kimura*, where the Narcom operatives failed to place markings on the seized marijuana at the time the accused was arrested and to observe the procedure and take custody of the drug.

More recently, in *Zarraga v. People*, the Court held that the material inconsistencies with regard to when and where the markings on the shabu were made and the lack of inventory on the seized drugs created reasonable doubt as to the identity of the corpus delicti. The Court thus acquitted the accused due to the prosecution's failure to indubitably show the identity of the shabu. [Emphasis supplied.]

We reached the same conclusion in *People v. Nazareno*[27]and *People v. Santos, Jr.*,[28] and recently, in the cases of *People v. Dela Cruz*[29]and *People v. De la Cruz*[30] where we again stressed the importance of complying with the prescribed procedure. We also held that strict compliance is justified under the rule that penal laws shall be construed strictly against the government, and liberally in favor of the accused.[31]

In addition, we also note that PO1 Garcia testified that he marked the confiscated items when he returned to the police station after the buy-bust operation. This admission additionally shows that the marking was not done immediately after seizure of the items, but only after a significant intervening time had lapsed, i.e., after the buy-bust team had taken Ruiz to a lying-in clinic for a medical examination,[32] and from there, to the police headquarters. Significantly, Ruiz confirmed in his testimony that the buy-bust team first took him to the San Jose Lying-in Center, before proceeding to the police headquarters.[33]

In *People v. Sanchez*,[34]we held that in case of warrantless seizure (such as a buy-bust operation) under R.A. No. 9165, the physical inventory and photograph of the items shall be made by the buy-bust team, if practicable, at the place they were seized, considering that such interpretation is more in keeping with the law's intent of preserving the integrity and evidentiary value of the seized drugs.[35]The prosecution, in the present case, failed to explain why the required inventory and photographing of the seized items were not practicable and could not have been done at the place of seizure.

We further note, on the matter of identifying the seized items, that the lower courts overlooked the glaring inconsistency between PO1 Garcia's testimony vis-à-vis the entries in the Memorandum dated February 28, 2003 (the request for laboratory examination of the seized items)[36] and Physical Science Report No. D-250-03 dated February 28, 2003 issued by the PNP Crime Laboratory with respect to the marking on the seized items.[37]

PO1 Garcia testified that he had marked the seized item (on the wrapper) with the initial "RP-1." [38] However, an examination of the two documents showed a different marking: on one hand, what was submitted to the PNP Crime Laboratory consisted of a single piece telephone directory paper containing suspected dried marijuana leaves fruiting tops with the marking "RGR-1" and thirteen pieces of rolling paper with the markings "RGR-RP1" to "RGR-RP13"; on the other hand, the PNP Crime Laboratory examined the following items with the corresponding markings: a printed paper with the marking "RGR-1" together with one small brick of dried suspected marijuana fruiting tops and thirteen pieces of small white paper with the markings "RGP-RP1" to "RGP-RP13."

PO1 Garcia's testimony is the only testimonial evidence on record relating to the handling and marking of the seized items since the testimony of the forensic chemist in the case had been dispensed with by agreement between the prosecution and the defense. Unfortunately, PO1 Garcia was not asked to explain the discrepancy in the markings. Neither can the stipulated testimony of the forensic chemist now shed light on this point, as the records available to us do not disclose the exact details of the parties' stipulations.

To our mind, the procedural lapses in the handling and identification of the seized items, as well as the unexplained discrepancy in their markings, collectively raise doubts on whether the items presented in court were

the exact same items that were taken from Ruiz when he was arrested. These constitute major lapses that, standing unexplained, are fatal to the prosecution's case.[39]

To be sure, Section 21(a), Article II of the IRR offers some flexibility in complying with the express requirements under paragraph 1, Section 21, Article II of R.A. No. 9165, i.e., "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." In Sanchez, we clarified that this saving clause applies only where the prosecution recognized the procedural lapses, and thereafter explained the cited justifiable grounds.[40] We also stressed in Sanchez, that in such case, the prosecution must show that the integrity and evidentiary value of the evidence seized have been preserved.[41]

These conditions were not met in the present case, as the prosecution, in the first place, did not even recognize the procedural lapses the police committed in handling the seized items. Had the prosecution done so, it would not have glossed over the deficiencies and would have, at the very least, submitted an explanation and proof showing that the integrity and evidentiary value of the seized items have been preserved.

The chain of custody requirement

In *Lopez v. People*,[42] we explained the importance of establishing the chain of custody of the confiscated drugs, as follows:

As a method of authenticating evidence, the chain of custody rule requires that the admission of an exhibit be preceded by evidence sufficient to support a finding that the matter in question is what the proponent claims it to be. It would include testimony about every link in the chain, from the moment the item was picked up to the time it is offered into evidence, in such a way that every person who touched the exhibit would describe how and from whom it was received, where it was and what happened to it while in the witnesses' possession, the condition in which it was received and the condition in which it was delivered to the next link in the chain. These witnesses would then describe the precautions taken to ensure that there had been no change in the condition of the item and no opportunity for someone not in the chain to have possession of the same.

While testimony about a perfect chain is not always the standard because it is almost always impossible to obtain, an unbroken chain of custody becomes indispensable and essential when the item of real evidence is not distinctive and is not readily identifiable, or when its condition at the time of testing or trial is critical, or when a witness has failed to observe its uniqueness. The same standard likewise obtains in case the evidence is susceptible to alteration, tampering, contamination and even substitution and exchange. In other words, the exhibit's level of susceptibility to fungibility, alteration or tampering - without regard to whether the same is advertent or otherwise not - dictates the level of strictness in the application of the chain of custody rule. [Emphasis supplied.]

The chain of custody requirement is essential to ensure that doubts regarding the identity of the evidence are removed through the monitoring and tracking of the movements of the seized drugs from the accused, to the police, to the forensic chemist, and finally to the court.[43] It is important enough as a concern that Section 1(b) of Dangerous Drugs Board Regulation No. 1, Series of 2002[44] (which implements R.A. No. 9165) specifically defines chain of custody.

b. "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 used in court as evidence, and the final disposition;

In the present case, while PO1 Garcia duly testified on the identity of the buyer and seller, on the consideration that supported the transaction, and on the manner the sale took place,[45] the prosecution's evidence failed to establish the chain that would have shown that the marijuana presented in court was the very item seized from Ruiz at the time of his arrest.

(a) The first crucial link in the chain of custody

The first crucial link was from the time the marijuana was seized by PO1 Garcia to its delivery to the police investigator at the police headquarters. Only PO1 Garcia testified to this link. From his own testimony, he did not mark the seized marijuana after it was handed to him by Ruiz; he only marked it at the police station when he turned it over to the investigator. In the interim, he and the rest of the buy-bust team had taken Ruiz to a lying-in clinic for medical examination. The evidence does not show who was in possession of the marijuana during the ride from the crime scene to the lying-in center, and from the lying-in center to the police station.

(b) The second link in the chain of custody

The second link in the chain of custody of the seized marijuana is from PO1 Garcia to the police investigator. The identity of this police investigator to whom the custody of the seized marijuana was turned over was not disclosed. Although a reading of the Memorandum dated February 28, 2003 shows that a certain Ferdinand Lavadia Balgoa, as Police Inspector Chief SDEU, prepared the request for the laboratory examination of the seized marijuana to the PNP Crime Laboratory, this piece of evidence does not establish the latter's identity as the police inspector to whom PO1 Garcia turned over the marijuana, and who subsequently made the corresponding markings on the seized items.

(c) The subsequent links in the chain of custody

The evidence on record relating to the subsequent links in the chain of custody - from the police inspector to the PNP Crime Laboratory -did not identify the person who submitted the seized marijuana to the PNP Crime Laboratory for examination. Whether it was the Police Inspector Chief SDEU is not clear from the evidence that only shows that he signed the request for the laboratory examination of the seized marijuana to the PNP Crime Laboratory. At the same time, the identity of the person who had the custody and safekeeping of the seized marijuana, after it was chemically analyzed pending its presentation in court, was also not disclosed.

In this regard, Sections 3[46]and 6[47](paragraph 8) of Dangerous Drugs Board Regulation No. 2, Series of 2003[48]require laboratory personnel to document the chain of custody each time a specimen is handled or transferred until the specimen is disposed. The board regulation also requires the identification of the individuals participating in the chain. The available records in the case fail to show compliance with this regulation.

Given the procedural lapses pointed out above, serious uncertainty hangs over the identification of the seized marijuana that the prosecution introduced into evidence. In effect, the prosecution failed to fully prove the elements of the crime charged, creating a reasonable doubt on the criminal liability of the accused. As we pointed out in the opening statement of our Ruling, this brings the case to a situation where the defense does not even need to present evidence as it has no viable case to meet. We need not therefore discuss the specific defenses raised. Nor do we need to discuss the lower courts' misplaced reliance on the presumption of regularity in the performance of official duties, except to state that the presumption only arises in the absence of contrary details in the case that raise doubt on the regularity in the performance of official duties. Where, as in the present case, the police officers failed to comply with the standard procedures prescribed by law, there is no occasion to apply the presumption.[49]

We close with the thought that this Court is not unaware that in the five years that R.A. No. 9165 has been in

place, the rate of cases that resulted in acquittals and dismissals was higher than the rate of conviction.[50] Under PDEA records, the dismissals and acquittals accounted for 56% because of the failure of the police authorities to observe proper procedure under the law, among others.[51] A recent international study conducted in 2008 showed that out of 13,667 drug cases filed from 2003 to 2007, only 4,790 led to convictions (most of which were cases of simple possession); the charges against the rest were dismissed or the accused were acquitted.[52]

The present case is now an added statistic reflecting our dismal police and prosecution records. Without casting blame, we call the attention of the authorities to exert greater efforts in combating the drug menace using the safeguards that our lawmakers have deemed necessary for the greater benefit of our society. We cannot afford to fail either in combating the drug menace or in protecting the individual rights and liberties we have enshrined in our Constitution. Either way, the consequences of continued failure are hard to imagine.

WHEREFORE, premises considered, the Decision dated May 10, 2006 of the Court of Appeals in CA-G.R. CR.-H.C. No. 00954 is REVERSED and SET ASIDE. Accused-appellant Ruiz Garcia y Ruiz is hereby ACQUITTED for failure of the prosecution to prove his guilt beyond reasonable doubt. He is ordered immediately RELEASED from detention, unless he is confined for any other lawful cause.

Let a copy of this Decision be furnished the Director of the Bureau of Corrections, Muntinlupa City for immediate implementation. The Director of the Bureau of Corrections is directed to report to this Court within five days from receipt of this Decision the action he has taken. Copies shall also be furnished the Director General, Philippine National Police, and the Director General, Philippine Drugs Enforcement Agency, for their information.

The Regional Trial Court is directed to turn over the seized marijuana to the Dangerous Drugs Board for destruction in accordance with law.

SO ORDERED.

Quisumbing, (Chairperson), Carpio-Morales, Chico-Nazario,[*] and Peralta,[*] JJ., concur.

* Per Division Raffle dated February 18, 2009, Associate Justice Minita Chico-Nazario was designated as Additional Member of the Second Division relative to the subject case, to replace Justice Antonio Eduardo B. Nachura, who was previously designated as Additional Member of the Second Division per Special Order No. 571 dated February 12, 2009, but inhibited therefrom.

* Designated additional member vice Justice Presbitero J. Velasco, Jr., per Special Order No. 572 dated February 12, 2009.

[1] Rollo, pp. 2-13; docketed as CA-GR CR-H.C. No. 00954; penned by Associate Justice Martin S. Villarama, Jr. with Associate Justice Edgardo F. Sundiam (deceased) and Associate Justice Japar B. Dimaampao, concurring.

[2] Penned by Hon. Benjamin M. Aquino, Jr. on July 27, 2004 in Criminal Case No. 2844-MM; CA rollo, pp. 47-51.

[3] Records, p. 1.

[4] Id., p. 14.

[5] Id.

[6] Records, p. 64; Order dated June 17, 2004.

[7] Drug Enforcement Unit.

- [8] TSN, May 24, 2004, p. 10.
- [9] Id., p. 19.
- [10] TSN, July 2, 2004, p. 4.
- [11] TSN, July 9, 2004, p. 2.
- [12] TSN, July 2, 2004, p. 3.
- [13] Records, p. 81; Order dated July 12, 2004.
- [14] CA Rollo, p. 51.
- [15] Id., p. 134.
- [16] As stated in the Brief for the Accused-Appellant, Reply, and Supplemental Brief, CA rollo, pp. 62-72 , 107-113; rollo, pp.22-28.
- [17] Brief for Appellee; CA rollo, pp. 82-101.
- [18] The Philippine Drug Enforcement Agency.
- [19] Supra note 17, p. 99.
- [20] People v. Domangay, G.R. No. 173483, September 23, 2008, citing People v. Del Mundo, 510 SCRA 554, 562 (2006), citing People v. Isnani, 431 SCRA 439, 449 (2004), and People v. Monte, 408 SCRA 305, 309-310 (2003).
- [21] People v. Jocson, G.R. No. 169875, December 18, 2007, 540 SCRA 585, 592; International Narcotics Control Strategy Report 2008 (The Philippines) released by the Bureau for International Narcotics and Law Enforcement Affairs (visited November 21, 2008).
- [22] G.R. No. 133001, December 14, 2000, 348 SCRA 116, 126-127, citing People v. Gireng, 241 SCRA 11 (1995) and People v. Pagaura, 267 SCRA 17 (1997).
- [23] TSN, May 24, 2004, pp. 7-9.
- [24] People v. De la Cruz, G.R. No. 177222, October 29, 2008.
- [25] Id.
- [26] G.R. No. 173051, July 31, 2007, 528 SCRA 750, 758-759.
- [27] G.R. No. 174771, September 11, 2007, 532 SCRA 630, 637.
- [28] G.R. No. 175593, October 17, 2007, 536 SCRA 489, 504.
- [29] G.R. No. 181545, October 8, 2008.
- [30] Supra note 24.
- [31] Id.
- [32] TSN, May 24, 2004, p. 8.
- [33] TSN, July 2, 2004, pp. 2-4.
- [34] G.R. No. 175832, October 15, 2008.

[35] Id.

[36] Records, p. 47.

[37] Id., p. 5.

[38] TSN, May 24, 2004, p. 9.

[39] Supra note 25.

[40] Supra note 35.

[41] Id.

[42] G.R. No. 172953, April 30, 2008.

[43] People v. Sanchez, supra note 35, citing Lopez v. People, supra note 42.

[44] Guidelines On The Custody And Disposition Of Seized Dangerous Drugs, Controlled Precursors And Essential Chemicals, and Laboratory Equipment pursuant to Section 21, Article II of the IRR of R.A. No. 9165 in relation to Section 81(b), Article IX of R.A. No. 9165.

[45] TSN, May 24, 2004, pp. 6-7.

[46] Chain of Custody refers to procedures to account for each specimen by tracking its handling and storage from point of collection to final disposal. These procedures require that the applicant's identity is confirmed and that a Custody and Control Form is used from time of collection to receipt by the laboratory. Within the laboratory, appropriate chain of custody records must account for the samples until disposal.

[47] 8. Chain of Custody - A laboratory shall use documented chain of custody procedures to maintain control and accountability of specimens. The date and purpose shall be recorded on an appropriate Custody and Control Form each time a specimen is handled or transferred and every individual in the chain shall be identified. Accordingly, authorized collection staff shall be responsible for each specimen in their possession and shall sign and complete the Custody and Control Forms. Xxx.

[48] Implementing Rules and Regulations Governing Accreditation Of Drug Testing Laboratories in the Philippines.

[49] People v. Santos, Jr., supra note 28, p. 503.

[50] Taken from the news article entitled "Anti-Drug Law in Cordillera High Dismissal Rate of Cases Traced to Law Weakness" by Donna Demetillo and Elmer Kristian Duigoy <http://newsinfo.inquirer.net> (visited November 19, 2008).

[51] Id.

[52] International Narcotics Control Strategy Report 2008 (The Philippines) released by the Bureau for International Narcotics and Law Enforcement Affairs (visited November 21, 2008).

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