

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. SAPIA ANDONGAN Y SANDIGANG, APPELLANT.

G.R. No. 184595. June 29, 2010

Ponente: CARPIO MORALES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-184595/>

CARPIO MORALES, J.:

Following her arrest during an alleged drug buy-bust operation conducted on June 25, 2004, Sapia Andongan y Sandigang (appellant) was charged for violation of Section 5, Article II of Republic Act (R.A.) No. 9165[1] before the Regional Trial Court (RTC) of Manila in Criminal Case No. 04-227859.

The accusatory portion of the June 29, 2004 Information[2] filed against appellant reads:

That on or about June 25, 2004 in the City of Manila, Philippines, the said accused, not being authorized by law to sell, trade, deliver, or give away to another any dangerous drug, did then and there willfully, unlawfully and knowingly sell or offer for sale ZERO POINT ONE HUNDRED FORTY SIX (0.146) grams of white crystalline substance known as "shabu" placed in a transparent plastic sachet marked as "SSA" containing methylamphetamine hydrochloride, which is a dangerous drug.

CONTRARY TO LAW. (underscoring supplied)

Culled from the evidence for the prosecution consisting, in the main, of the testimony of PO2 Elymar Garcia (PO2 Garcia), a police officer assigned at the Station Anti-Illegal Drugs (SAID) Office of the Moriones, Tondo Police Station, is the following version:

On the information of a confidential informant, the SAID Office formed a team to conduct a buy-bust operation against appellant for her alleged illegal drugs trade. With a P500.00 bill on which "RR," representing the initials of team leader SPO3 Rolando del Rosario (SPO3 del Rosario), was marked. The team, together with the confidential informant, met appellant at Abad Santos Avenue along Bambang Street at around 7:50 p.m. of June 25, 2004.

Informed that PO2 Garcia wanted to buy shabu, appellant inquired how much, to which PO2 Garcia replied P500.00 worth. As PO2 Garcia handed that amount to appellant, the latter drew from her pocket a plastic sachet of white crystalline substance which she gave to him. At that instant, PO2 Garcia introduced himself as a police officer, apprised appellant of her constitutional rights and, together with the team members, arrested her.

The seized item was submitted for laboratory examination and found positive for shabu (Exhibit "C"), hence, appellant's indictment.

At the Pre-trial, the defense counsel from the Public Attorney's Office (PAO) declared that it was interposing a negative defense and that it was not entering into any stipulation other than on the trial court's jurisdiction and appellant's identity.[3]

During the trial, the parties stipulated on the qualification of forensic chemist, P/Insp. Elisa G. Reyes (Elisa), and

on the genuineness and due execution of the documents brought over by her. The prosecution admitted though that Elisa had no personal knowledge as to the source of the specimen which she subjected to laboratory examination. Her testimony was thereupon dispensed with.[4]

By Decision dated June 5, 2006, Branch 2 of the Manila RTC convicted appellant as charged, penalizing her with life imprisonment and a fine of P500,000.00. Thus it disposed:

WHEREFORE, finding accused, Sapia Andongan y Sandigang, GUILTY beyond reasonable doubt of the crime charged, she is hereby sentenced to life imprisonment and to pay a fine of P500,000.00 without subsidiary imprisonment in case of insolvency and to pay the costs.

The specimen is forfeited in favor of the government and the Branch Clerk of Court, accompanied by the Branch Sheriff, is directed to turn over with dispatch and upon receipt the said specimen to the Philippine Drug Enforcement Agency (PDEA) for proper disposal in accordance with the law and rules.

SO ORDERED.[5]

On appeal, the Court of Appeals, by Decision[6] of March 31, 2008, affirmed the trial court's decision and, by Resolution dated May 13, 2008, it elevated the case to this Court for further review.[7]

Both parties adopted their briefs filed before the appellate court as theirs before this Court.

Appellant, an ukay-ukay clothing vendor married to one Sammy Sapak who worked as a security guard, gave the following version:

At about 6:00 p.m. on the day she was arrested, she was at her husband's workplace along Bambang St., Tondo, Manila where she brought him dinner. After her husband partook of his dinner, six armed men suddenly arrived, apprehended her, and forced her to go along with them to the police precinct where the policemen emptied her bag and took her P600.00.

Assailing her conviction, on the basis of the testimony of the sole prosecution witness-PO2 Garcia, appellant questions why the buy-bust team leader, SPO3 del Rosario, was not presented to corroborate PO2 Garcia's testimony. Appellant goes on and argues:

Granting arguendo that the accused-appellant was a drug pusher peddling along Bambang St., how come only one (1) sachet containing 0.146 grams of shabu was confiscated from her by the five (5) police officers who arrested her? If the accused-appellant was indeed caught in a legitimate entrapment operation, then the policemen had every right and all the opportunity to search her person, even including the premises. The fact, however, is that the policemen could only present a single 0.146-gram sachet of shabu, the source of which was not even clearly established.[8] (emphasis and underscoring supplied)

Further, appellant questions the chain of custody of the shabu as not properly established.[9]

The Court finds for appellant.

The following testimony of prosecution witness PO2 Garcia, upon which the prosecution mainly anchored its case and which both the trial and appellate courts accorded credence, sheds light on appellant's claim that the chain of custody of the 0.146 grams of shabu allegedly seized from her was not properly established.

ASSISTANT PROSECUTOR YAP:

Q

Upon receipt of the shabu, what did you do with that?

WITNESS:

A

I introduced myself as (sic) police officer.

Q

Now, tell us you said shabu, how did you know that that it is shabu?

A

After submitting it to the Crime Lab. for examination, sir.

Q

At that time when you received the same, describe to us the physical appearance of what was given to you?
(sic)

A

It is containing (sic) white crystalline substance, sir.

Q

What was the container?

A

Transparent plastic, sir.

Q

So, what was your conclusion upon examining the same?

A

I believe it was shabu, sir.

Q

What follows next?

A

I informed her of her violation, sir, then I appraised (sic) her constitutional rights.

Q

Then what did you do with the body of the accused?

A

After taking care (sic) into custody I saw SPO3 Del Rosario together with the team rushing for assistance, sir.

Q

What was recovered from the person of the accused?

A

After requesting to empty her pocket, sir, we recovered the marked money, sir.

Q

You mean the P500.00 bill?

A

Yes, sir.

Q

Now, where did you bring the accused as well as the specimen, the evidence you confiscated?

A

We brought the accused at (sic) the Station Anti-Illegal Drugs Office then we made a request for laboratory exam. then we submitted the evidence recovered to the Crime Lab. for examination.

x x x x

Q

Now, you mentioned also a transparent plastic sachet given to you by the accused. Could you still recognize the same if shown to you again?

A

Yes, sir.

Q

How were you able to recognize the same?

A

I put an initial marked in the evidence, sir. The initial is SSA, sir.

Q

What is the meaning of SSA?

A

The initial of the subject Sapia Andongan Sandigang.

Q

What was the time you made the marking on the specimen?

A

After bringing the suspect at (sic) the station.

Q

Who was present at that time?

A

SPO3 Del Rosario, sir.

Q

At the station?

A

Yes, sir.[10] (emphasis and underscoring supplied)

It bears noting from the foregoing testimony that there is no claim or indication that the shabu allegedly seized from appellant was the same shabu subjected to laboratory examination.

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 witness' 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.[11] (emphasis and underscoring supplied)

Parenthetically, there is also no showing that the buy-bust team complied with the procedural requirements of Section 21, paragraph 1 of Article II of R.A. No. 9165.[12]

With the flawed evidence for the prosecution, the presumption of regularity in the performance of official duty by the prosecution witness-police officer does not arise.[13]

People v. Santos instructively tells us that the presumption of regularity in the performance of official duty cannot by itself overcome the presumption of innocence nor constitute proof beyond reasonable doubt.

Without the presumption of regularity, the evidentiary gap in identifying the seized evidence from its turnover by the poseur-buyer, its handling and custody, until its turnover to the forensic laboratory for analysis, stands out in bold relief. This gap renders the case for the prosecution less than complete in terms of proving the guilt of the accused beyond reasonable doubt.[14](emphasis and underscoring supplied)

In another vein, the following testimony of the prosecution witness on the circumstances surrounding the alleged buy-bust during which only one sachet of shabu containing 0.164 gram was seized from appellant additionally spawns doubts on the case for the prosecution.

CROSS-EXAMINATION:

Q

When you first saw the accused in this case Sapia Andongan, where was she?

A

She was along Bambang, sir.

Q

What was she doing then at that time?

A

She was just standing, sir.

Q

Merely standing in Bambang. (sic) Was she beside of (sic) Bambang at 7:40 in the evening?

A

Yes, sir.

Q

Were there still people at the vicinity?

A

That's crossing the parking area. There were no people around at the parking area but on the other side of Sapia there were so many people there, sir.

Q

Then you approached the accused?

A

Yes, sir.

x x x x

Q

And when you approached this accused, did you talk to the accused?

A

The informant introduced me as a prospective buyer, sir.

Q

The informant was with you when you approached?

A

Yes, sir.

Q

What did the informant do? How was (sic) the informant introduced (sic) you to the accused?

A

According to her - ako daw ay kukuha.

Q

And then, what was the response of the accused?

A

The subject asked me - ilan ang kukunin mo. (sic)

Q

That was the only words that were given by the accused to you? She did not inquire who you are?

A

I was already introduced as a prospective buyer, sir.[15] (emphasis supplied)

For, among other things, it is incredible for an allegedly known drug-peddler to be standing at a corner of a street at 7:50 in the evening instead of plying her trade secretly, and with only a 0.146-gram sachet worth P500.00 of prohibited drugs in her possession the value of which happens to be what a poseur-buyer wants to buy.

WHEREFORE, the assailed Decision of the Court of Appeals dated March 31, 2008 in CA-G.R. CR.-H.C. No. 02467 is REVERSED and SET ASIDE. Appellant, Sapia Andongan y Sandigang, is ACQUITTED of the crime charged and her immediate release from custody is ordered, unless she is being lawfully held for another cause.

SO ORDERED.

Brion, Bersamin, Abad,[*] and Villarama, Jr., JJ., concur.

[*] Additional member per Special Order No. 843 dated May 17, 2010.

[1] Otherwise known as "The Comprehensive Dangerous Drugs Act of 2002," which took effect on July 4, 2002.

[2] Records, p. 1.

[3] Id at 40.

[4] Id at 40-41.

[5] Id at 45.

[6] Rollo, pp. 2-12.

[7] Id at 1.

[8] CA rollo, p. 37.

[9] Id at 36-37.

[10] TSN, March 15, 2005, pp. 7-9.

[11] *Malillin v. People*, G.R. No. 172953, April 30, 2008, 553 SCRA 619, 632-633.

[12] 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;

x x x x (emphasis supplied)

[13] *People v. Kamad*, G.R. No. 174198, January 19, 2010.

[14] *People v. Sanchez*, G.R. No. 175832, October 15, 2008, 569 SCRA 194.

[15] TSN, March 15, 2005, pp. 15-16

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.