

## PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. AL SHIERAV AHMAD Y SALIH, ACCUSED-APPELLANT.

*G.R. No. 228955. March 14, 2018*

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-228955/>

---

### REYES, JR., J:

This is an appeal[1] from the Decision[2] dated September 13, 2016 of the Court of Appeals (CA), rendered in CA-G.R. CR HC No. 01376-MIN, affirming the Consolidated Judgment[3] dated December 4, 2014 of the Regional Trial Court (RTC) of Cagayan de Oro City. The RTC found accused Al Shierav Ahmad y Salih (Ahmad) guilty of violating Sections 5 and 11, Article II of Republic Act (R.A.) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act.

#### Factual Antecedents

Ahmad was charged with the illegal sale and possession of dangerous drugs, punishable under Sections 5 and 11, Article II of R.A. No. 9165. The two (2) separate Informations respectively docketed as Criminal Case Nos. 2012-338 and 2012-340, alleged the following:

##### Criminal Case No. 2012-338

That on or about the 16[th] of April, 2012 at around 5:30 in the afternoon, at Barangay Barra, Municipality of Opol, Province of Misamis Oriental and within the jurisdiction of this Honorable [C]ourt, the above-named accused, not being lawfully authorized, did then and there willfully, unlawfully, and knowingly sell, deliver and give away to a poseur-buyer in a buy-bust operation, 0.05 grams of white crystalline substance contained in one (1) heat-sealed transparent plastic sachet, which was found positive to the test for Methamphetamine Hydrochloride known as "shabu", a dangerous drug, after receipt of one (1) P500.00 bill marked money with serial [N]o. CK 651130.

Contrary to and in violation of Art. II Section 5 of RA 9165.[4]

##### Criminal Case No. 2012-340

That on or about the 16[th] of April, 2012 at around 5:30 o'clock in the afternoon, at Barangay Barra, Municipality of Opol, Province of Misamis Oriental and within the jurisdiction of this Honorable [C]ourt, the above-named accused, did then and there willfully, unlawfully and feloniously have in his possession, custody, and control, one (1) heat-sealed plastic packets containing white crystalline substance with a total weight of 0.04 grams; which when subjected to laboratory examination gave positive result for the presence of methamphetamine hydrochloride, a dangerous drug.

Contrary to and in violation of Art. II Section 11 of RA 9165.[5]

Ahmad pleaded not guilty to both charges during his arraignment.[6]

According to the prosecution, on April 16, 2012, at around 3:00 p.m., a confidential informant went to the Philippine Drug Enforcement Agency (PDEA) Regional Office X. The confidential informant allegedly told Intelligence Officer 3 (IO) Rubietania L. Aguilar (IO Aguilar), who was on duty at that time, that a certain

Love-Love was selling shabu in Vamenta Subdivision, Barra, Opol, Misamis Oriental.[7]

On the instruction of the PDEA Regional Director, a team of officers was organized to conduct a buy-bust operation. IO 2 Vincent Cecil Orcales (IO Orcales) was designated as the team leader, while IO Aguilar was chosen to act as the poseur-buyer. Four other PDEA agents were included in the team.[8]

IO Aguilar was provided with the marked money-a Php 500.00 bill with serial number CK651130. At around 5:00 p.m., the buy-bust team proceeded to Barra, Opol, Misamis Oriental on board the PDEA service vehicle.[9]

When they were near the area, IO Aguilar and the confidential informant approached the house of Love-Love on foot, while the rest of the team positioned themselves near the target area.[10]

Upon the arrival of IO Aguilar and the confidential informant at the house, the confidential informant called Love-Love from outside. A man wearing a white sleeveless shirt and a pair of shorts came out to invite them in. He was later identified as Ahmad, who also goes by the name Love-Love.[11]

They proceeded to the second floor of the house, and entered the room where Ahmad was. The confidential informant introduced IO Aguilar to Ahmad, and told him that IO Aguilar intends to buy shabu for Php 500.00. Ahmad asked for the money first, before handing over to IO Aguilar a sachet of suspected shabu from his pocket.[12] IO Aguilar briefly examined the sachet and determined that it contained a prohibited drug she believed was shabu. She placed this sachet inside her own jean pocket and excused herself. Ahmad allowed them to leave.[13]

As IO Aguilar and the confidential informant were walking downstairs, IO Aguilar gave the pre-arranged signal by dropping a call on IO Orcales' phone. They then met with the rest of the team outside of the house, at which point IO Aguilar directed them towards the supposed house of Ahmad.[14] The buy-bust team went inside the house and introduced themselves as PDEA officers. Ahmad and the two (2) other individuals in the house were subsequently arrested. IO Orcales frisked them and recovered the following items: (a) the buy-bust money; (b) another sachet of suspected shabu; (c) .45 caliber gun; (d) .38 caliber revolver; and (e) aluminum foil strips.[15]

The area was allegedly dangerous so the PDEA team decided to conduct the inventory and marking in their office. In their office, IO Aguilar marked the sachet she received from Ahmad during the buy-bust operation with her initials, "RLA-BB," then turned the evidence over to IO Orcales. IO Orcales also marked the sachet obtained from Ahmad with his initials, "VCMO-R1." The aluminum foil strips taken from the two (2) other individuals in the house were also marked by IO Orcales with his initials, "VCMO-R2." The marking and the inventory were made in the presence of Ahmad, the other PDEA agents, and a representative of the ABS-CBN Network.[16]

The marked items were sent to the Philippine National Police (PNP) Crime Laboratory for examination. The items seized from Ahmad, which were marked as "RLA-BB" and "VCMO-R1" tested positive for the presence of methamphetamine hydrochloride, a dangerous drug. [17] But the aluminum foil strips marked as "VCMO-R2" tested negative for methamphetamine hydrochloride.[18]

Ahmad denied the allegations against him.

He testified that he worked as a mechanic, and he resided in Villa, Candida, Bulua, Cagayan de Oro City. Ahmad did not work on April 16, 2012. Instead, he decided to rest in the house of his then girlfriend, who was living at that time in Vamenta, Barra, Opol, Misamis Oriental.[19] On that same day, at about 5:30 p.m., the door of the room where he was resting was kicked open. Several people entered and introduced themselves as PDEA agents. They accused Ahmad of selling drugs, which he denied. Ahmad also told the PDEA agents that he does not have any shabu in his possession, to which they allegedly replied that if he had none, then they had some.[20]

Ahmad claimed that under the threat of electrocution, he was forced to admit that he sold drugs. He was not shown a warrant of arrest but he was shoved, together with the two (2) other individuals in the house, inside the PDEA agents' vehicle. Ahmad further claimed that they were beaten and struck with .45 caliber guns inside the vehicle until they reached the PDEA office.[21]

In his testimony, Ahmad identified the two (2) other individuals in the house as mechanics like himself, who were there to collect spare parts for their shop. He also revealed that there was an occasion previous to his arrest, where he got into an argument with a PDEA or PNP asset who asked the younger sibling of his then girlfriend to purchase shabu.[22]

#### Ruling of the RTC

In the Consolidated Judgment[23] dated December 4, 2014, which the RTC promulgated on January 21, 2015, Ahmad was found guilty of both crimes. The dispositive portion of the judgment reads:[24]

WHEREFORE, all the foregoing premises considered, the court hereby finds accused AI Shierav S. Ahmad:

- In Crim. Case No. 2012-338, GUILTY beyond reasonable doubt of having committed the offense charged in the information (violation of Section 5, Article II of R.A. 9165). He is hereby sentenced to suffer the penalty of life imprisonment and to pay a fine in the amount of FIVE HUNDRED THOUSAND PESOS (P500,000.00), without subsidiary imprisonment in case of insolvency; and

- In Crim. Case No. 2012-340, GUILTY beyond reasonable doubt of the crime of Violation of Section 11, Par. 2(3), Article II of R.A. No. 9165. He is hereby sentenced to suffer the penalty of imprisonment of twelve (12) years and one (1) day as minimum to twelve (12) years and two (2) days as maximum and to pay a fine of P300,000.00, with no subsidiary imprisonment in case of non-payment thereof.

The period of his preventive detention shall be credited in his favor. The sachets of shabu are hereby ordered forfeited in favor of the government for proper disposal in accordance with the rules.

SO ORDERED.[25]

Aggrieved, Ahmad filed a Notice of Appeal with the RTC on January 22, 2015.[26] This was granted in the Order[27] dated February 2, 2015 of the RTC.

In his Appellant's Brief, Ahmad argued that the prosecution failed to prove his guilt beyond reasonable doubt. Ahmad pointed out that the integrity and identity of the corpus delicti was not proven in this case because of the lapses in the prescribed procedure under Section 21 of R.A. No. 9165. Ahmad specifically cited the failure of the arresting officers to process the inventory and marking at the place of arrest, and the absence of an elected public official who should witness the inventory at the PDEA office.[28]

The People of the Philippines (petitioner) refuted Ahmad's argument and insisted on the integrity and identity of the seized illegal dn1gs. Invoking the presumption of regularity in the performance of official duties, the petitioner argued that the PDEA officers are presumed to have handled the seized items regularly and discharged their duties properly.[29] The petitioner further argued that the place of Ahmad's arrest was dangerous, thus justifying the marking and inventory of the evidence at the PDEA office.[30]

#### Ruling of the CA

The CA affirmed the RTC's finding of guilt and denied Ahmad's appeal in its Decision[31] dated September 13, 2016, the dispositive of which reads:

WHEREFORE, premises considered, the appeal is hereby DENIED. The 4 December 2014 Consolidated

Judgment of the trial court is AFFIRMED.

SO ORDERED.[32]

The CA held that the prosecution was able to establish the chain of custody of the seized illegal drugs. The CA also ruled that the impending danger in the place of Ahmad's arrest was considered sufficient justification for the PDEA agents to conduct the marking and inventory in their office.[33]

In light of this unfavorable ruling, Ahmad filed the present appeal to this Court.

#### Ruling of the Court

The Court now resolves whether the guilt of Ahmad was proven beyond reasonable doubt. Relevant to the resolution of this issue is the identity and integrity of the confiscated illegal drugs, which are the corpus delicti of the crimes charged against Ahmad.

A thorough examination of the records reveals that the prosecution was unable to establish an unbroken chain of custody. The available evidence did not prove the arresting officers' compliance with the requirements of Section 21 of R.A. No. 9165. Neither was the prosecution able to provide a justifiable ground for this non-compliance.

The Court therefore grants the appeal.

The prosecution failed to establish the identity and integrity of the corpus delicti.

In proving the guilt of the accused charged with illegal sale and possession of dangerous drugs, the following elements must be established:

To secure a conviction for illegal sale of dangerous drugs under Section 5, Article II of RA 9165, the prosecution must establish the following elements: (1) the identity of the buyer and the seller, the object of the sale and its consideration; and (2) the delivery of the thing sold and the payment therefor. What is important is that the sale transaction of drugs actually took place and that the object of the transaction is properly presented as evidence in court and is shown to be the same drugs seized from the accused.

On the other hand, for illegal possession of dangerous drugs, the following elements must be established: "[1] the accused was in possession of dangerous drugs; [2] such possession was not authorized by law; and [3] the accused was freely and consciously aware of being in possession of dangerous drugs."

In cases of illegal sale and illegal possession of dangerous drugs, the dangerous drug seized from the accused constitutes the corpus delicti of the offense. Thus, it is of utmost importance that the integrity and identity of the seized drugs must be shown to have been duly preserved. "The chain of custody rule performs this function as it ensures that unnecessary doubts concerning the identity of the evidence are removed." [34] (Citations omitted and emphases Ours)

In other words, the prosecution bears the burden of proving that the dangerous drugs presented before the trial court are the same items confiscated from the accused. Section 21 of R.A. No. 9165, particularly paragraph 1, provides the procedure for the custody and disposition of confiscated, seized, or surrendered dangerous drugs:[35]

Sec. 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[36]

The requirements of the law are clear. The apprehending officers must immediately conduct a physical inventory and to photograph the seized items in the presence of the following: (a) the accused or the person from whom the items were confiscated, or his representative or counsel; (b) a representative from the media; (c) a representative from the Department of Justice (DOJ); and (d) any elected public official. They should also sign the inventory and be given a copy thereof.

Requiring the presence of these persons during the inventory serves to prevent switching, planting, or contaminating the seized evidence, which taints the integrity and evidentiary value of the confiscated dangerous drugs.[37] In line with this, jurisprudence requires the apprehending officers to immediately mark the seized items upon its confiscation, or at the "earliest reasonably available opportunity,"[38] because this serves as the fundamental reference point in establishing the chain of custody.[39] As this Court judiciously explained in *People v. Mendoza*:[40]

Based on the foregoing statutory rules, the manner and timing of the marking of the seized drugs or related items are crucial in proving the chain of custody. Certainly, the marking after seizure by the arresting officer, being the starting point in the custodial link, should be made immediately upon the seizure, or, if that is not possible, as close to the time and place of the seizure as practicable under the obtaining circumstances. This stricture is essential because the succeeding handlers of the contraband would use the markings as their reference to the seizure. The marking further serves to separate the marked seized drugs from all other evidence from the time of seizure from the accused until the drugs are disposed of upon the termination of the criminal proceedings. The deliberate taking of these identifying steps is statutorily aimed at obviating switching, "planting" or contamination of the evidence. Indeed, the preservation of the chain of custody vis-a-vis the contraband ensures the integrity of the evidence incriminating the accused, and relates to the element of relevancy as one of the requisites for the admissibility of the evidence.[41] (Emphasis Ours)

While non-compliance with these requirements is excusable, this only applies when the integrity and the evidentiary value of the seized items were properly preserved. The prosecution must also provide a credible justification for the arresting officers' failure to comply with the procedure under Section 21 of R.A. No. 9165.[42]

It is readily apparent from the records that the arresting officers committed several lapses in the prescribed procedure for the handling of the seized illegal drugs.

IO Aguilar, the poseur-buyer, testified that the marking and inventory of the items confiscated from Ahmad were not conducted immediately after Ahmad's arrest.[43] IO Orcales, the team leader of the buy-bust team, justified this failure by stating that the target area was dangerous:

Assistant Provincial Prosecutor Gerald Cecilio P. Roa:

You said Mr. [W]itness that you made the actual inventory in your office, right?

IO Orcales:

Yes, but we had an initial inventory in the area, but as what I have told you the area is dangerous and I cannot compromise the safety of the agents and so I declared to conduct the inventory in the office.

Q: In short, there was no really inventory (sic) that you conducted in the house of LOVE2X even a partial one?

A: No Sir, I just tried to write there, but one of the agents approached me Sir that the area is a hostile zone and so I also followed them down Sir because I know that the area is also dangerous.[44]

During cross-examination, IO Orcales merely reiterated that the place of arrest was dangerous, without providing substantial details regarding this claim:

Atty. Ricolino L. Ayuban (Counsel for the Accused):

It was only in your office when you made the markings of all those items, Officer Orcales, correct?

IO Orcales:

Yes, sir. We have supposedly (sic) initial inventory in the area but one of our agents told me "let us proceed to the office for inventory and other documents."

Q: So, there was no markings [sic] made while inside of that house?

A: Yes, sir.

Q: You said that initial inventory was made supposedly in that house but for security reason[s] you did not continue it but just continued only in your office, correct?

A: Yes, sir. And also the media advised us to have that in the office[.]

Q: The media was not able to arrive at the house of the accused?

A: When we have the operation, sir we requested them to proceed to the area.[45]

Indeed, lapses may be excused under exceptional circumstances. But it should be borne in mind that this remains as an exception to the rule requiring the immediate marking and inventory of the seized dangerous drugs. There must be adequate explanation, proven as a fact, for the arresting officers' failure to follow the prescribed procedure in Section 21 of R.A. No. 9165. The court can neither presume what these justifiable grounds are, nor assume its existence.[46] As such, the prosecution cannot simply bypass the requirements under Section 21 of R.A. No. 9165 through a bare and unsupported allegation that the area was dangerous.

IO Orcales' unsubstantiated allegation also rests on conflicting testimony. He initially stated that the decision to mark and inventory the items in their office was due to another agent's advice. But he further went on to state that the media representative, who they asked to proceed to the target area for the conduct of the buy-bust operation, also advised them to conduct the inventory in the PDEA office.

However, the media representative from ABS-CBN Network, Arnulfo Sanial (Arnulfo), testified that at about 5:00 p.m., he received a call from PDEA requesting him to go to the PDEA office-not the target area of the buy-bust operation.[47] This directly contradicts IO Orcales' testimony that the media representative was asked to directly proceed to the target area. More importantly, Arnulfo was told during this call that "they have arrested the suspect"[48] but notably, the PDEA officers were just about to proceed to the target area around the same time Arnulfo received the call from PDEA.[49]

These inconsistencies in the testimonies of the prosecution witnesses are hardly minor and irrelevant because it goes into the integrity of the corpus delicti. Any reasonable doubt on its credibility necessarily casts doubt on the guilt of the accused because it negates the existence of an essential element of the crimes charged.

In addition, the Court is uncertain as to how the seized drugs were handled from the time it was taken from Ahmad until these were marked at the PDEA office. IO Aguilar testified that when she took the sachet of suspected shabu from Ahmad after their transaction, she pocketed it and went outside to give the pre-arranged signal. After giving the signal, she boarded the service vehicle of the apprehending team, while IO Orcales made their way to the house. IO Aguilar returned to the house only after Ahmad and the two other persons in the house

were arrested. Even then, the marking of the sachet containing suspected shabu, supposedly obtained from Ahmad during the buy-bust transaction, was made only after they had returned to the PDEA office.[50]

The same holds true for the sachet of suspected shabu that IO Orcales seized from Ahmad during his arrest. A considerable amount of time has intervened before these items were marked and inventoried at the PDEA office, creating an opportunity for evidence tampering or, at the very least, contamination.[51]

Furthermore, the arresting officers did not conduct the inventory and take photographs of the seized items in the presence of a DOJ representative[52] and an elected public official. Only Arnulfo, the media representative from ABS-CBN, was present. Arnulfo, however, arrived at the PDEA office only after Ahmad's arrest, with the confiscated items already laid out on top of a table.[53] Thus, Arnulfo relied purely on the representation of the PDEA officers that the items on the table were the same items seized from Ahmad.[54] His presence could not have obviated any evidence planting, tampering, or contamination.

While the PDEA officers are presumed to have regularly performed their duty, the presumption only applies when there is nothing to suggest that the police officers deviated from the standard conduct of official duty required by law.[55] This presumption is inapplicable to the present case because the record is replete with evidence showing the arresting officers' failure to comply with the mandatory language of Section 21 of R.A. No. 9165. As the Court aptly held in *Mallilin v. People*: [56]

Given the foregoing deviations of police officer Esternon from the standard and normal procedure in the implementation of the warrant and in taking post-seizure custody of the evidence, the blind reliance by the trial court and the [CA] on the presumption of regularity in the conduct of police duty is manifestly misplaced. The presumption of regularity is merely just that—a mere presumption disputable by contrary proof and which when challenged by the evidence cannot be regarded as binding truth. Suffice it to say that this presumption cannot preponderate over the presumption of innocence that prevails if not overthrown by proof beyond reasonable doubt. In the present case the lack of conclusive identification of the illegal drugs allegedly seized from petitioner, coupled with the irregularity in the manner by which the same were placed under police custody before offered in court, strongly militates a finding of guilt.[57] (Emphasis Ours)

Simply put, this presumption-gratuitously invoked in instances such as this—does not serve to cure the lapses and deficiencies on the part of the arresting officers. It cannot likewise overcome the constitutional presumption of innocence accorded the accused. Part of the prosecution's duty in overturning this presumption of innocence is to establish that the requirements under Section 21 of R.A. No. 9165 were strictly observed. It should be emphasized that Section 21 of R.A. No. 9165 is a matter of substantive law, which should not be disregarded as a procedural technicality.[58]

In light of the prosecution's failure to justify its non-compliance with the mandatory requirements under the law, which in the process, tainted the integrity and evidentiary value of the seized illegal drugs, the acquittal of Ahmad based on reasonable doubt is in order.

WHEREFORE, premises considered, the appeal is GRANTED. The Decision dated September 13, 2016 of the Court of Appeals in CA-G.R. CR-HC No. 01376-MIN, which in turn affirmed the Consolidated Judgment dated December 4, 2014 of Regional Trial Court of Cagayan de Oro City, Branch 40, in Criminal Case Nos. 2012-338 and 2012-340, is REVERSED and SET ASIDE.

Accused Al Shierav Ahmad y Salih is ACQUITTED based on reasonable doubt.

The Director of the Bureau of Corrections is directed to: (a) cause the immediate release of Al Shierav Ahmad y Salih, unless he is being lawfully held for another cause; and (b) inform this Court of the date of his release, or the

reason for his continued confinement as the case may be, within five (5) days from notice.

Copies of this Decision must be furnished to the Director General of the Philippine National Police and the Director General of the Philippine Drug Enforcement Agency for their information.

**SO ORDERED.**

Carpio,[\*] (Chairperson), Peralta, Perlas-Bernabe, and Caguioa, JJ., concur.

---

[\*] Designated as Acting Chief Justice per Special Order No. 2539 dated February 28, 2018.

[1] CA rollo, pp. 80-81.

[2] Penned by Associate Justice Oscar V. Badelles, with Associate Justices Romulo V. Borja and Ronaldo B. Martin, concurring; id. at 69-77.

[3] Id. at 32-42.

[4] Records (Crim. Case No. 2012-338), p. 1.

[5] Records (Crim. Case No. 2012-340), p. 1.

[6] Records (Crim. Case No. 2012-338), p. 18; Records (Crim. Case No. 2012-340), p. 17.

[7] Rollo, p. 4; Records (Crim. Case Nos. 2012-338 and 2012-340), p. 3.

[8] Id.

[9] Id. at 5.

[10] Id.; TSN, September 5, 2012, p. 4.

[11] TSN, September 5, 2012, p. 4; TSN; June 4, 2014, p. 20.

[12] Rollo, p. 5.

[13] TSN, September 5, 2012, p. 4.

[14] Id.

[15] Rollo, p. 5; Records, p. 2.

[16] Id.

[17] Rollo, pp. 5-6.

[18] Records (Crim. Case No. 2012-340). p. 10.

[19] TSN, June 4, 2014, pp. 3-4.

[20] Rollo, p. 6.

[21] Id.

[22] Id.; TSN, June 4, 2014, pp. 18-20.

[23] CA rollo, pp. 32-42.

[24] Records (Crim. Case No. 2012-338), pp. 84-85; Records (Crim. Case No. 2012-340), pp. 78-79.

[25] CA rollo, p. 23.

[26] Records (Crim. Case No. 2012-338), pp. 88-90; Records (Crim. Case No. 2012-340), pp. 82-84.

[27] Records (Crim. Case No. 2012-338), p. 96; Records (Crim. Case No. 2012-340), pp. 89.

[28] CA rollo, pp. 27-29.

[29] Id. at 59-61.

[30] Id. at 62.

[31] Id. at 76.

[32] Id.

[33] Id. at 74-75.

[34] *People of the Philippines v. Salim Ismael y Radang*, G.R. No. 208093, February 20, 2017.

[35] See Implementing Rules and Regulations of R.A. No. 9165, Section 21(a); See also PDEA Guidelines on the Implementing Rules and Regulations of Section 21 of R.A. No. 9165, as Amended by R.A. No. 10640 (May 28, 2015).

[36] This has been amended by R.A. No. 10640, An Act to Further Strengthen the Anti-Drug Campaign of the Government, Amending For the Purpose Section 21 of R.A. No. 9165, Otherwise Known as the "Comprehensive Dangerous Drugs Act of 2002" to read:

"x x x x

(1) The apprehending team having initial custody and control of the dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment shall, immediately after seizure and confiscation, conduct a physical inventory of the seized items 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, with an elected public official and a representative of the National Prosecution Service or the media 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, finally, That noncompliance of 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 and custody over said items."

[37] *People v. Mendoza*, 736 Phil. 749, 761 (2014).

[38] *People v. Sabdula*, 733 Phil. 85, 96 (2014).

[39] *People v. Dahil, et al.*, 750 Phil. 212, 232 (2015), citing *People v. Sabdula*, supra note 38, at 96.

[40] 736 Phil. 749 (2014).

[41] Id. at 761.

[42] *People of the Philippines v. Eddie Barte y Mendoza*, G.R. No. 179749, March 1, 2017.

[43] TSN, September 5, 2012, pp. 16-17.

[44] TSN, May 7, 2013, p. 9.

[45] TSN June 25, 2013, pp. 8-9.

[46] *People v. De Guzman y Danzil*, 630 Phil. 637, 648-649 (2010).

[47] TSN, October 30, 2013, p. 3.

[48] *Id.*

[49] *Supra* note 9.

[50] TSN, September 5, 2012, pp. 6-7.

[51] *People v. De Guzman*, *supra* note 46, at 653; *People v. Garcia*, 599 Phil. 416, 433-434 (2009).

[52] As amended, R.A. No. 10640 now requires the presence of a representative from the National Prosecution Service (R.A. No. 10640, Section 1).

[53] TSN, October 30, 2013, p. 5.

[54] *Id.* at 2-3.

[55] *People v. Dela Cruz*, 744 Phil. 816, 832 (2014), citing *Mallilin v. People*, 576 Phil. 576, 579 (2008).

[56] 576 Phil. 576 (2008).

[57] *Id.* at 593.

[58] *People of the Philippines v. Jonas Geronimo y Pinlac*, G.R. No. 225500, September 11, 2017; *People of the Philippines v. John Paul Ceralde y Ramos*, G.R. No. 228894, August 7, 2017.

**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.