

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ELIZABETH NYAMBURA RUNANA AND MA. GRACE LACSON Y NAVARRO, ACCUSED,

G.R. No. 229055. July 15, 2020

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CAGUIOA, J:

This is an appeal[1] from the Decision[2] dated March 12, 2015 of the Court of Appeals, Fourth Division (CA), in CA-G.R. CR HC No. 06465, which upheld the Decision[3] dated October 24, 2013 of the Regional Trial Court, Manila, Branch 35 (RTC) in Criminal Case No. 11-284733, finding accused Elizabeth Nyambura Runana a.k.a. "Liz" (Runana) and accused-appellant Ma. Grace Lacson y Navarro a.k.a. "Gina" (Lacson) guilty of violating Section 5, in relation to Section 26, Article II of Republic Act No. (R.A.) 9165 or the "Comprehensive Dangerous Drugs Act of 2002."

Facts

Lacson and Runana were charged with violating Section 5, in relation to Section 26, Article II of R.A. 9165 under the following Information:

"That on or about June 29, 2011, in the City of Manila, Philippines, the said accused, conspiring and confederating together and mutually helping each other on the controlled delivery operations, not having been authorized by law to sell, trade, deliver, transport or distribute any dangerous drug, did then and there willfully, unlawfully, knowingly and jointly bring, transport, deliver or give away the following:

One (1) big brown Fendi trolley bag with markings EXH. "A" 29 June 2011 RLA and with signature containing two (2) vacuum- sealed transparent plastic wrapped with aluminum foil containing white crystalline substance with the following markings and gross weights:

EXH "A-1" one two three three point nine (1233.9) grams

EXH "A-2" one two three nine point five (1239.5) grams

or a total of TWO FOUR SEVEN THREE POINT FOUR (2,473.4) grams

One (1) black Ngoom trolley bag with markings EXH "B" 29 June 2011 RLA and with signature containing two (2) vacuum-sealed transparent plastic wrapped with aluminum foil containing white crystalline substance with the following markings and gross weights:

EXH "B-1" one zero three two point eight (10328)grams

EXH "B-2" one zero three three point nine (1033.9) grams

or a total of TWO ZERO SIX SIX POINT SEVEN (2,066.7) grams

or a grand total gross weight of FOUR FIVE FOUR ZERO POINT ONE (4,540.1) grams of white crystalline substance commonly known as Shabu containing Methamphetamine Hydrochloride a dangerous drug.

CONTRARY TO LAW.[4]

When Runana and Lacson were arraigned on August 2, 2011 both pleaded not guilty to the charge.[5] Trial on the merits then ensued.

Version of the Prosecution

The version of the prosecution, as culled from the CA Decision is as follows:

Runana and Lacson were indicted following their arrest during an entrapment operation undertaken by the Philippine Drug Enforcement Agency (PDEA) on June 29, 2011.

The entrapment operation was undertaken following a tip from a regular confidential informant. On June 20, 2011 said confidential informant came to the PDEA office to report to her handler, Intelligence Officer 2 Ramcom Alarde (IO2 Alarde), that she had been recruited by a certain "Gina" as a drug courier who would travel to Malaysia as a tourist to bring luggage containing illegal drugs. She was also instructed by "Gina" to recruit another person to do the same. IO2 Alarde relayed this information to his team leader, who instructed him to report whatever would be discussed with "Gina." [6]

On June 23, 2011, the confidential informant contacted "Gina" and informed the latter that she had already recruited a male individual who was likewise willing to travel with a similar luggage. On June 27, 2011, "Gina" contacted the confidential informant and instructed the latter to bring the new recruit for instructions.

Suspecting a possible drug operation, PDEA Director Joeffrey Tacio (PDEA Dir. Tacio) formed a team that would assist IO2 Alarde. During the briefing held in the evening of June 28, 2011, the confidential informant advised the team that she had already been booked to fly to Malaysia in the evening of June 29, 2011, and that the other recruit, IO2 Alarde, was ordered to be on stand-by and would leave for Malaysia only when the confidential informant has already arrived in Malaysia. The team, then, discussed the entrapment operation. It was agreed that IO2 Alarde would join the confidential informant in meeting "Gina." The team also agreed that once IO2 Alarde was able to verify the contents of the luggage, he would place a missed call to his team leader as a signal for the team to proceed to their location. [7]

In the morning of June 29, 2011, IO2 Alarde and the confidential informant met with "Gina" at Greenwich in Robinsons Mall, Malate, Manila. The three of them roamed around the mall for a while before proceeding to Hostel 1632 located at Adriatico Street, Malate, Manila. They went to Room 429 where "Gina" was billeted. There, they discussed the planned trip to Malaysia. "Gina" assured IO2 Alarde that the trip would not be dangerous as they had done it several times before. [8]

At around 5:30 p.m., "Gina" left the room to fetch a person who had the luggage that would be transported. She returned with a Fendi trolley bag, followed by an African-looking woman, later identified as Runana, who was carrying a black Ngoom trolley bag/back pack. IO2 Alarde asked and was permitted to check the bags. While "Gina" and Runana were talking to the confidential informant, IO2 Alarde discreetly pierced the side of the bag with a pen and inspected what was inside. He discovered white crystalline substance contained in a plastic bag that was wrapped in aluminum foil. IO2 Alarde closed the bag and discreetly placed a missed call to his team leader using a cellular phone he had hidden in his pants. After less than a minute, someone knocked on the door and IO2 Alarde let the PDEA operatives in. [9]

IO2 Alarde continued to inspect the bags and ripped off the sides thereof with a cutter. The PDEA team discovered two vacuum-sealed transparent plastic bags that were wrapped in aluminum foil and containing white crystalline substance in each bag. While still in Room 429, IO2 Alarde marked the Fendi trolley bag, the Ngoom

bag, and a total of four vacuum-sealed transparent plastic bags wrapped in aluminum foil with the date of the operation and his initials — "RLA." The marking of the seized items was done in the presence of an elected official, Barangay Chairman Benjamin Lawan (Lawan), a representative from the media, Cecile Villarosa (Villarosa) of DZBB, GMA, and a representative from the Department of Justice (DOJ), Senior Prosecutor Theodore Villanueva (Villanueva), along with PDEA Dir. Tacio and PDEA agents. IO2 Alarde also prepared an Inventory of Seized Evidence and an Inventory of Seized Non-Drug Evidence thereat. Both inventories were prepared in the presence of and signed by Lawan, Villarosa, and Villanueva. Pictures of the seized items and the entrapment operation were also taken.[10]

Lawan, Villarosa, and Villanueva were summoned by the PDEA team to the hostel in view of the entrapment operation. They arrived separately between 7:00 p.m. and 8:00 p.m.

Upon the team's return to the PDEA office, IO2 Alarde prepared the request for laboratory examination. The request was signed by PDEA Dir. Tacio and personally delivered by IO2 Alarde to Chemist Ariane Arcos (Chemist Arcos) of the Laboratory Service of PDEA, who, in turn, issued an Acknowledgement Receipt for the items subject of the request. Pursuant to the said request, Chemist Arcos examined the contents of the four vacuum-sealed transparent plastic bags wrapped in aluminum foil. The contents turned out to be positive for Methamphetamine Hydrochloride which is a dangerous drug.[11]

Later on, IO2 Alarde found out that "Gina" was in fact Lacson, the person who he had been communicating with two years ago as part of his investigation on an African drug syndicate operating in Malaysia and Thailand. He did not immediately recognize her because she looked different from her pictures on Facebook.[12]

IO2 Alarde testified as to the foregoing events during trial, and his testimony was corroborated by Lawan, Villarosa, and Villanueva. Chemist Arcos' testimony, on the other hand, was dispensed with upon stipulation of the parties.[13]

Version of the Defense

On the other hand, the version of the defense, as culled from the CA Decision, is as follows:

Runana claimed that she was a Sales Executive Manager back in Kenya. She came to the Philippines sometime in June 2011 due to heartbreak after her fiance failed to show up at their wedding ceremony on June 12, 2011. She stayed at Hostel 1632 and was billeted in Room 434.[14] On June 29, 2011, as she was returning to her room after having lunch, she met a Filipina in the elevator who complimented her hair. The latter introduced herself as Gina Lacson. They talked for a while and agreed to have a few drinks in Runana's room. While drinking, Lacson excused herself to fetch her boyfriend. Fifteen minutes later, someone knocked on the door. Runana saw Lacson through the peephole. However, when Runana opened the door, two men suddenly entered the room, pointed guns at Runana and ordered her to sit on one of the beds. Lacson, on the other hand, did not enter the room. The men allegedly took Runana's jewelry and cellular phone, and ordered her to be quiet. About 20 minutes later, another man arrived. Thereafter, Runana was taken to another room, about four doors away. There, she saw Lacson and other persons. Runana was ordered to sit on the far end of one of the beds.[15] On the other bed were two bags with aluminum foils on top. One of the men informed her that they were PDEA agents and that she was being arrested for drugs. Said agent told her that he would help her cause if she would be silent about what happened in her room earlier. The agents assured her that she would be able to catch her scheduled flight back to Kenya that night. However, she was taken to the PDEA office and was detained there for two days.[16]

During the trial, Runana presented her wedding invitation, receipt from the caterer, and photos with her fiance.[17] Her sister, Alice, also testified on the alleged reason for Runana's trip and that it was her who

recommended visiting the Philippines to Runana.[18]

On the other hand, only Lacson testified for her defense. She claimed that she was supposed to meet up with her Portuguese boyfriend at the Robinsons Mall on June 29, 2011. She had just arrived from Tarlac that morning and only brought her handbag and passport with her. While waiting for her boyfriend to arrive from Cebu, she booked a room at Hostel 1632. At around 11:00 a.m., while on her way to her room, Room 429, she met Runana in the elevator. Lacson complimented Runana's hair and they talked for a while. Runana invited Lacson for a drink in her room. She agreed but went to check her room first. Lacson then proceeded to Runana's room, Room 434. There, Runana offered her a drink which she refused. Instead, she decided to get from her room the pizza she had bought earlier. As she was opening the door of her room, three men suddenly grabbed her and pushed her inside the room. Inside, there were four other men and three women. They asked Lacson where "the foreigner" was. She remembered Runana whom she had just met. Thus, she led the men to Runana's room and knocked on the door. When Runana opened the door, two of the men entered the room, while one of them brought her back to her room. Inside her room, Lacson saw two pieces of luggage on the bed and several persons observing the luggage and searching the room. The persons inside the room took pictures of the items on the bed and later brought in Runana to take pictures of them as well.[19]

The Ruling of the RTC

On October 24, 2013, the RTC rendered a Decision finding both Runana and Lacson guilty beyond reasonable doubt of the crime charged. The dispositive portion of the RTC Decision reads:

WHEREFORE, finding both accused ELIZABETH NYAMBURA RUNANA @ "LIZ" and MA. GRACE LACSON y NAVARRO @ "GINA" guilty beyond reasonable doubt for violation of Section 5 in relation to Section 26, Art. II of Republic Act 9165, they are both sentenced to suffer the penalty of life imprisonment without eligibility for parole, and each of them ordered to pay a fine in the amount of P2,000,000.00 and to pay the costs.

Per records, the Court after taking the sample specimens of the drug-object evidence, ordered the destruction or disposition of the four (4) vacuum heat sealed transparent plastic sachets wrapped with aluminum foil pursuant to Section 21, par. 4 of RA 9165 (records, pages 153-154).

As regards the sample specimens, the same are likewise forfeited in favor of the State and ordered destroyed pursuant to existing Rules after fifteen (15) days from date of the promulgation of this case, if no appeal is taken.

SO ORDERED.[20]

The RTC declared as more credible the testimonies of the prosecution witnesses. It further declared that all the elements of Section 5, Article II of R.A. 9165 in relation to the attempt to deliver, distribute and transport any dangerous drugs were duly proved by the prosecution. The RTC also held that conspiracy may be inferred from the acts of the accused as they clearly had knowledge of the illegal drugs neatly concealed in the two pieces of luggage. Finally, the RTC held that there is compliance with the procedure in the custody and disposition of confiscated prohibited drugs as mandated under Section 21 of R.A. 9165 and its Implementing Rules and Regulations (IRR), and the integrity and evidentiary value of the evidence seized have been properly preserved.

Aggrieved, Runana and Lacson appealed separately before the CA.[21]

The Ruling of the CA

In a Decision dated March 12, 2015, the CA denied their respective appeals and affirmed the RTC Decision. The dispositive portion of the CA Decision reads:

WHEREFORE, the instant appeal is DENIED. The assailed Decision dated October 24, 2013, of the RTC, Branch 35, City of Manila, in Criminal Case No. 11-284733 is AFFIRMED in toto.

SO ORDERED.[22]

The CA upheld the validity of the entrapment operation and the resulting arrest of Runana and Lacson, as well as the seizure of the prohibited drugs. Likewise, the CA gave more credence to the testimony of IO2 Alarde and further held that the prosecution thoroughly established the chain of custody in the instant case.

The CA Decision became final and executory with respect to Runana on August 31, 2015,[23] and a partial entry of judgment was made on July 20, 2016.[24]

On the other hand, Lacson appealed the CA Decision before this Court.[25] Both Lacson and the prosecution adopted the briefs they filed before the CA.[26]

Issue

The issue before the Court is whether the CA erred in finding Lacson guilty beyond reasonable doubt for violation of Section 5, in relation to Section 26, Article II of R.A. 9165.

The Court's Ruling

Lacson, together with Runana, was charged with violation of Section 5, in relation to Section 26, Article II of R.A. 9165, or conspiracy to transport or deliver prohibited drugs. The pertinent provision of Section 5 under which Lacson was indicted, reads as follows:

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.

x x x x

On the other hand, Section 26, in relation to the transportation of dangerous drugs, provides:

Section 26. Attempt or Conspiracy. — Any attempt or conspiracy to commit the following unlawful acts shall be penalized by the same penalty prescribed for the commission of the same as provided under this Act:

x x x x

(b) Sale, trading, administration, dispensation, delivery, distribution and transportation of any dangerous drug and/or controlled precursor and essential chemical;

x x x x

In illegal transportation of prohibited drugs, the essential element is the movement of the dangerous drug from one place to another.[27] As explained by the Court in *People v. Asislo*:^[28]

The essential element of the charge of illegal transportation of dangerous drugs is the movement of the dangerous drug from one place to another. As defined in the case of *People v. Mariacos*, "transport" means "to carry or convey from one place to another."

There is no definitive moment when an accused "transports" a prohibited drug. When the circumstances establish the purpose of an accused to transport and the fact of transportation itself, there should be no question

as to the perpetration of the criminal act. The fact that there is actual conveyance suffices to support a finding that the act of transporting was committed.[29]

Yet, even in the absence of actual conveyance, an attempt to transport prohibited drugs is meted the same penalty prescribed for the commission thereof under Section 26 of R.A. 9165.

In the present case, the prosecution's evidence clearly shows that Lacson intended to transport the seized prohibited drugs. Based on the information gathered by IO2 Alarde, Lacson planned to transport the seized prohibited drugs to Malaysia through the use of drug couriers in the person of the confidential informant and IO2 Alarde. To recall, the entrapment operation was put into motion following the recruitment of the confidential informant and IO2 Alarde as supposed drug courier, and after there had been confirmation that the confidential informant is already scheduled to fly to Malaysia, to be followed by IO2 Alarde. Said purpose or intention to transport prohibited drugs was confirmed by the incidents and circumstances attending the entrapment operation that led to the arrest of Lacson— i.e., the confidential informant and IO2 Alarde were summoned to be given instructions regarding the transportation of certain luggage to Malaysia; the confidential informant and IO2 Alarde were brought by Lacson to Room 429 of Hostel 1632; Lacson and Runana entered the same room while lugging the seized Fendi and Ngoom trolley bags; and, the prohibited drugs were discovered to be neatly concealed in the lining of each bag.[30]

At that point, the crime of transportation of prohibited drugs is already at its attempted stage. Under the Revised Penal Code, the attempted phase of a felony occurs when the offender commences the commission of a felony, directly by overt acts, and does not perform all the acts of execution which should produce the felony by reason of some cause or accident other than his own spontaneous desistance.[31] Again, under Section 26 of R.A. 9165, even an attempt to transport prohibited drugs is already penalized by the same penalty prescribed for the commission thereof.

However, to sustain a conviction on illegal transportation of prohibited drugs, the prosecution must also prove the identity of the corpus delicti of the crime. To maintain the integrity and evidentiary value of the seized prohibited drug, the apprehending officers must ensure that the chain of custody in handling the same is not compromised. The procedure therefor is specifically outlined in Section 21, Article II of R.A. 9165 and the corresponding provisions in its IRR.

Under Section 21, Article II of R.A. 9165, prior to its amendment by R.A. 10640 in 2014, the apprehending team shall, among others, "x x x 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 each 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." [32] Thereafter, and "[w]ithin twenty-four (24) hours [after seizure of the prohibited drug], the same shall be submitted to the PDEA Forensic Laboratory for a qualitative and quantitative examination." [33] The forensic laboratory examiner shall then issue a certification of the forensic laboratory examination results, which shall be done under oath, within 24 hours after the receipt of the subject item/s. [34]

As testified to by IO2 Alarde, [35] and corroborated by Lawan, [36] Villarosa, [37] and Villanueva, [38] the marking of the seized prohibited drugs and other seized items, the preparation of the inventories, and the taking of the photographs, were made immediately after seizure of the prohibited drugs, inside Room 429 of Hostel 1632, and in the presence of both accused and the three insulating witnesses.

The records even bear out that IO2 Alarde completely removed the concealed prohibited drugs from the lining of each luggage in the presence of the witnesses. As testified to by Villanueva:

x x x x

Q:

When you arrived and seeing two bags, what was the condition of the two bags?

A:

They were just place[d] on top of the bed and they told me that they are waiting for representatives before they could conduct more examination/inspection on the bags.

Fiscal

Q:

Tell us Mr. Witness whether the bags were already opened or still closed?

A:

At the time we arrived inside the room, they were not yet fully opened, Your Honor. They fully opened it in my presence and in the presence of the barangay official and media representative, Your Honor.

Q:

What do you mean when you said they were not yet fully opened?

A:

Upon inspection when we were already present that was the time they fully opened the luggages and made some cutting on the interiors to further reveal the contents of the luggages.[39]

The records of the case also show that the seized prohibited drugs were turned over to Chemist Arcos on the same day of the entrapment operation, and within 24 hours from seizure.[40] Chemist Arcos also finished the Final Chemistry Report on 0200H of June 30, 2011, and within 24 hours from the receipt of the request on 2305H of June 29, 2011.[41]

The apprehending team in this case, through ample preparation, was able to comply with the requirements of Section 21, Article II of R.A. 9165, which, to stress, ensures that the corpus delicti remains untampered. Lacson's uncorroborated defense of denial simply pales against the overwhelming evidence of the prosecution.

Of late, a slew of drugs cases has been decided by the Court in favor of the accused due to unwarranted lapses in the observance of the requirements under Section 21, Article II of R.A. 9165, particularly on the chain of custody of the seized prohibited drugs. Law enforcement agencies must perforce be reminded of the purpose and importance of the said provision, viz.:

Compliance with the chain of custody requirement provided by Section 21, therefore, ensures the integrity of confiscated, seized, and/or surrendered drugs and/or drug paraphernalia in four (4) respects: first, the nature of the substances or items seized; second, the quantity (e.g., weight) of the substances or items seized; third, the relation of the substances or items seized to the incident allegedly causing their seizure; and fourth, the relation of the substances or items seized to the person/s alleged to have been in possession of or peddling them. Compliance with this requirement forecloses opportunities for planting, contaminating, or tampering of evidence in any manner.[42]

It should be stressed that compliance with the requirements of Section 21 is crucial in the prosecution of drugs cases for if substantial gaps in the chain of custody of the seized prohibited drugs are proven, this will cast serious doubts on the authenticity of the evidence presented in court and entitle the accused to an acquittal.[43]

Not even the amendment of R.A. 9165 through R.A. 10640,[44] with the reduction on the number of insulating witnesses and introduction of the "saving clause"[45] which was previously found only in the IRR, diminish the mandatory language of Section 21. As explained by the Court in *People v. Fayon*:^[46]

To recall, prior to the amendment of Section 21 of RA 9165 under RA 10640 in 2014, the following witnesses were required to witness the inventory and photographing procedures: (1) the accused or his/her representative or counsel, (2) an elected public official, (3) a representative from the media, and (4) a representative from the Department of Justice (DOJ).

However, in order to prevent the dismissal of drug cases due to the failure of law enforcers to follow the stringent requirements of Section 21, Congress saw fit to reduce the required witnesses to: (1) the accused or his/her representative or counsel, (2) an elected public official, and (3) a representative from the NPS or the media.

Therefore, in passing [R.A.] 10640, Congress, in the exercise of its legislative power, deliberately decided to retain the mandatory requirement of securing a representative of the NPS or media as witnesses. To simply do away with the said requirement without any justifiable reason would be to unduly supplant the legislative intent of [R.A.] 9165, as amended by [R.A.] 10640.

The authorities cannot now bemoan that the securing of the presence of a representative of the NPS or media as witnesses is too strict a rule because, with the passage of [R.A.] 10640, the strict requirement on the presence of witnesses was already made less stringent and cumbersome in order to aid the police in complying with Section 21.^[47]

On the contrary, given the less stringent requirements of the amendatory Section 21, there should be a higher expectation of compliance. This is especially true in cases of buy-bust or entrapment operations where law enforcement officers dedicate valuable time, resources and efforts to ensure success.

As exemplified in this case, which is decided prior to R.A. 10640, the apprehending officers were able to meet the requirements mandated by law in spite of them having barely 24 hours to plan the entrapment operation. Particularly commendable is the fact that they ensured the presence of the three insulating witnesses who witnessed the marking of the seized prohibited drugs and other seized items, the preparation of the corresponding inventories, and the taking of the photographs. Noteworthy also is the fact that the marking, preparation of the inventory, and taking of the photographs of the seized drugs and items took place immediately after the arrest and seizure. Thereafter, the seized prohibited drugs were turned over by IO2 Alarde to Chemist Arcos within 24 hours, and the latter came up with her report within 24 hours after receipt of the request. Without question, therefore, all the links in the chain of custody in this case were duly established which leaves no doubt as to the integrity and evidentiary value of the seized prohibited drugs which were later on presented before the trial court.

This case is therefore an exemplar of how strict compliance with the requirements of Section 21, Article II of R.A. 9165 can easily be done, so that law transgressors will be properly penalized, on the one hand, and the rights of individuals be safeguarded against undue abuses, on the other.

Full compliance with the requirements of Section 21 was also demonstrated in the following recent cases involving buy-bust operations: *People v. Angeles*,^[48] *People v. Baradi*,^[49] *People v. Camiñas*,^[50] *People v. Macaspac*,^[51] *People v. Gutierrez*,^[52] *People v. De Dios*,^[53] and *People v. Maylon y Alvero*,^[54] to name a few.

In *People v. Maylon*,^[55] the Court even noted that the buy-bust team had already secured the presence of the required witnesses even before they implemented the buy-bust operation. This is further affirmation that in buy-bust operations, the law enforcement agencies are afforded sufficient time and opportunity to comply with the

mandatory requirements of Section 21, especially with respect to securing the attendance of the insulating witnesses.

Even so, in *People v. Noah*,^[56] a case which does not involve a buy-bust operation, but where the accused was apprehended inside the airport upon her arrival from Ethiopia to Manila after the customs examiners discovered prohibited drugs concealed in her luggage, the Court found that the chain of custody was observed.

The foregoing cases, the instant case included, make it abundantly clear that the requirements on the chain of custody of seized prohibited drugs outlined in Section 21, Article II of R.A. 9165, can be observed with relative ease. The Court thus enjoins law enforcement agencies, the prosecutorial services, as well as the courts, to observe strict compliance with these mandatory requirements. Exceptions therefrom should be limited and allowed only under justified and meritorious cases, and when the integrity and evidentiary value of the seized prohibited drugs are preserved. It should always be remembered that what is at stake here is no less than the Constitution which secures the life and liberty of individuals by recognizing the accused's right to be presumed innocent — a Constitutional right that should never be made subservient to expediency and convenience of prosecution.

In light of the foregoing, the Court affirms the conviction of Lacson for an attempt to illegally transport prohibited drugs.

WHEREFORE, in view of the foregoing, the appeal is hereby DENIED. The Decision dated March 12, 2015 of the Court of Appeals, Fourth Division in CA-G.R. CR-HC No. 06465, is hereby AFFIRMED.

SO ORDERED.

J. Reyes, Jr., Lazaro-Javier, Zalameda, and Lopez, JJ., concur.

[*] Designated additional Member per Raffle dated March 16, 2020.

[1] Notice of Appeal dated April 10, 2015, CA rollo, pp. 255-257.

[2] Rollo, pp. 2-16; CA rollo, pp. 235-250. Penned by Associate Justice Hakim S. Abdulwahid and concurred in by Associate Justices Priscilla J. Baltazar-Padilla and Socorro B. Inting.

[3] CA rollo, pp. 38-63. Penned by Judge Maria Bernardita J. Santos.

[4] Rollo, pp. 2-3.

[5] Id. at 3.

[6] Id. at 3-4.

[7] Id. at 4.

[8] Id.

[9] Id. at 4-5.

[10] Id.

[11] Id. at 5-6.

[12] Id. at 3.

- [13] Id. at 6.
- [14] Id. at 7.
- [15] Id.
- [16] Id. at 7-8.
- [17] Records, pp. 203-208.
- [18] Rollo, p. 8.
- [19] Id. at 8-9.
- [20] CA rollo, p. 62. Emphasis in the original.
- [21] Id. at 64-65; Notice of Appeal dated October 30, 2013 and Notice of Appeal dated November 8, 2013.
- [22] Rollo, p. 16. Emphasis in the original.
- [23] CA rollo, p. 283; CA Resolution dated July 20, 2016.
- [24] Id. at 285-286; Partial Entry of Judgment dated July 20, 2016.
- [25] Supra note 1.
- [26] Brief for Accused-Appellant Ma. Grace Lacson dated July 9, 2014, CA rollo, pp. 137-151; and Consolidated Brief for the Plaintiff-Appellee dated November 7, 2014, id. at 194-211.
- [27] People v. Asislo, G.R. No. 206224, January 18, 2016, 781 SCRA 131, 146.
- [28] Id.
- [29] Id. at 146-147. Citations omitted.
- [30] Supra note 2.
- [31] Art. 6, REVISED PENAL CODE.
- [32] Sec. 21(1), R.A. 9165.
- [33] Sec. 21(2), R.A. 9165.
- [34] Sec. 21(3), R.A. 9165.
- [35] Transcript of Stenographic Notes (TSN) dated June 14, 2012 and June 22, 2012.
- [36] TSN dated October 16, 2012.
- [37] TSN dated August 23, 2012.
- [38] Id.
- [39] Id. at 9-10.
- [40] Supra note 35; records, p. 117, Request for Laboratory Examination dated June 29, 2011.
- [41] Id. at 118-119; Final Chemistry Report No. PDEA-DD011-249 dated June 30, 2011 and Chemistry Report No. PDEA-DTO11-230 to 231 dated June 30, 2011.

[42] *People v. Holgacio*, G.R. No. 207992, August 11, 2014, 732 SCRA 554, 569. Emphasis supplied.

[43] *People v. Cardenas*, G.R. No. 190342, March 21, 2012, 668 SCRA 827, 834.

[44] AN ACT TO FURTHER STRENGTHEN THE ANTI-DRUG CAMPAIGN OF THE GOVERNMENT, AMENDING FOR THE PURPOSE SECTION 21 OF REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002", approved on July 15, 2014.

[45] Sec. 21 of R.A. 9165, as amended by R.A. 10640 reads:

SEC. 21. Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Source's 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 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 persons 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. (Emphasis supplied)

[46] G.R. No. 239887, October 2, 2019.

[47] *Id.* Citations omitted.

[48] G.R. No. 229099, February 27, 2019.

[49] G.R. No. 238522, October 1, 2018.

[50] G.R. No. 241017, January 7, 2019.

[51] G.R. No. 246165, November 28, 2019.

[52] G.R. No. 236304, November 5, 2018.

[53] G.R. No. 243664, January 22, 2020.

[54] G.R. No. 240664, March 11, 2019.

[55] *Id.*

[56] G.R. No. 228880. March 6, 2019.

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