

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. JOVENCITO MIRANDA Y TIGAS, ACCUSED-APPELLANT.

G.R. No. 229671. January 31, 2018

Ponente: PERLAS-BERNABE, J.

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PERLAS-BERNABE, J.:

Before the Court is an ordinary appeal[1] filed by accused-appellant Jovencito Miranda y Tigas (Miranda) assailing the Decision[2] dated July 29, 2016 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 07580, which affirmed the Decision[3] dated March 10, 2015 of the Regional Trial Court of Makati City, Branch 64 (RTC) in Crim. Case Nos. 13-906 and 13-907, finding Miranda guilty beyond reasonable doubt of violating Sections 5 and 11, Article II of Republic Act No. (RA) 9165,[4] otherwise known as the "Comprehensive Dangerous Drugs Act of 2002," respectively.

The Facts

This case stemmed from two (2) Informations[5] filed before the RTC charging Miranda of the crimes of illegal sale and illegal possession of dangerous drugs, respectively defined and penalized under Sections 5 and 11, Article II of RA 9165, the accusatory portions of which state:

Criminal Case No. 13-906

On the 18[th] day of March 2013, in the city of Makati, the Philippines, accused, without the necessary license or prescription and without being authorized by law, did then and there willfully, unlawfully and feloniously sell, distribute and give away Methamphetamine Hydrochloride (shabu) weighing zero point zero two (0.02) gram, a dangerous drug.

CONTRARY TO LAW.[6]

Criminal Case No. 13-907

On the 18[th] day of March 2013, in the city of Makati, the Philippines, accused, not being lawfully authorized to possess or otherwise use any dangerous drugs without the corresponding license or prescription, did then and there willfully, unlawfully and feloniously have in his possession, direct custody and control zero point zero two (0.02) gram of white crystalline substance containing methamphetamine hydrochloride (shabu), which is a dangerous drug, in violation of the above-cited law.

CONTRARY TO LAW.[7]

The prosecution alleged that on March 18, 2013, an informant tipped the Makati Anti-Drug Abuse Council (MADAC) that Miranda, alias "Thunder," was selling illegal drugs along Infanta Street, Barangay Olympia, Makati City. After verifying the said tip, a buy-bust operation was organized in coordination with the Philippine Drug Enforcement Agency (PDEA), and the team, together with the informant, proceeded to the target area along Infanta Street at ten (10) o'clock in the evening. Upon arriving, the informant introduced MADAC operative Delno A. Encarnacion (Encarnacion), the designated poseur-buyer, to Miranda as the buyer of shabu worth

P300.00. Encarnacion then gave the marked money to Miranda, while the latter simultaneously handed over one (1) transparent sachet of suspected shabu. After inspecting the item, Encarnacion executed the pre-arranged signal by wiping his face with a white towel, prompting the buy-bust team to rush towards the scene and arrest Miranda. Subsequently, a body search was conducted on Miranda, whose pockets purportedly yielded another plastic sachet of shabu and the buy-bust money. Since Miranda allegedly resisted and attempted to escape, the team was constrained to pull out from the site and bring him to the barangay hall of Barangay Olympia. Thereat, Encarnacion marked (with "THUNDER" and "THUNDER-1") and inventoried the seized sachets of shabu in the presence of Miranda and Barangay Kagawad Noe Lyndon Gonzales, among others. Photos of the seized drugs, together with the witnesses, were likewise taken. Encarnacion turned over the items to Senior Police Officer 1 Nildo T. Orsua[8] (SPO1 Orsua), who prepared a letter-request for examination. After securing the letter-request, Encarnacion retrieved the items from SPO1 Orsua and brought them to the Philippine National Police (PNP) crime laboratory for qualitative examination. At 11:15 in the evening, the same were received by forensic chemist Police Senior Inspector Rendielyn L. Sahagun (PSI Sahagun) and confirmed that they indeed contained methamphetamine hydrochloride, a dangerous drug.[9]

For his part, Miranda denied the allegations against him, claiming that at around 3:30 in the afternoon of March 18, 2013, he was in No. 7420 Infanta Street, Makati City installing a window screen of a house when two (2) unidentified persons suddenly held his back, handcuffed him, and boarded him inside a van. He averred that he was taken to the Station Anti-Illegal Drugs Office, where he was photographed with two (2) plastic sachets placed on a table. Thereafter, he was brought to the barangay hall and was made to face a barangay kagawad. Shortly after, he was again photographed together with said official and the plastic sachets. They proceeded to the Scene of the Crime Operatives Office and then to the Pasay Hospital. Consequently, Miranda was placed in detention at the Criminal Investigation Division for two (2) weeks.[10]

The RTC Ruling

In a Decision[11] dated March 10, 2015, the RTC ruled as follows: (a) in Crim. Case No. 13-906, Miranda was found guilty beyond reasonable doubt of violating Section 5, Article II of RA 9165 and, accordingly, sentenced to suffer the penalty of life imprisonment and to pay a fine of P500,000.00, without subsidiary imprisonment in case of insolvency; and (b) in Crim. Case No. 13-907, Miranda was found guilty beyond reasonable doubt of violating Section 11, Article II of RA 9165 and, accordingly, sentenced to suffer the indeterminate penalty of twelve (12) years and one (1) day to fifteen (15) years of imprisonment and to pay a fine of P400,000.00, without subsidiary imprisonment in case of insolvency.[12] The RTC found that the prosecution sufficiently established all the elements of the crimes charged. On the contrary, Miranda failed to overturn the presumption of regularity afforded to police officers, as he only proffered a denial, to prove that the evidence obtained against him were tampered or meddled with.[13]

Furthermore, the RTC declared that the integrity and evidentiary value of the seized items were properly preserved from the time of their seizure by Encarnacion until their turnover to PSI Sahagun at the PNP crime laboratory. It was shown that Encarnacion marked and inventoried the said items and handed them over to SPO1 Orsua for further investigation. SPO1 Orsua then returned the said items to Encarnacion, who subsequently delivered them to PSI Sahagun for laboratory testing. After examination, the latter revealed that they contained methamphetamine hydrochloride.[14]

Aggrieved, Miranda appealed[15] to the CA.

The CA Ruling

In a Decision[16] dated July 29, 2016, the CA affirmed Miranda's conviction for the crimes charged.[17] It held

that all the elements of the crime of illegal sale of dangerous drugs were adequately proven, given that: (a) an illegal sale of shabu, a dangerous drug, actually took place during a valid buy-bust operation; (b) Miranda was positively identified as the seller of the said shabu; and (c) both the sachet of shabu and buy-bust money were presented and duly identified in open court as the same items recovered from Miranda. It also ruled that Miranda had no right to possess the other sachet of shabu incidentally recovered from him during his arrest.[18]

Moreover, the CA declared that the police officers - notwithstanding their failure to immediately mark, inventory, and photograph the seized items at the place of arrest - substantially complied with the chain of custody rule, as it was shown that the integrity and evidentiary value of the said items were preserved. It added that the non-presentation of PSI Sahagun's testimony, as well as the use of Miranda's alias in marking the seized items (i.e., "THUNDER" and "THUNDER-1"), neither affected their integrity and evidentiary value. Besides, the marking, inventory, and photography of the items were witnessed by a barangay kagawad, which thus belied any incidents of tampering or switching of evidence.[19]

Hence, this appeal.

The Issue Before the Court

The issue for the Court's resolution is whether or not the CA correctly upheld Miranda's conviction for the crimes charged.

The Court's Ruling

The appeal is meritorious.

At the outset, it must be stressed that an appeal in criminal cases opens the entire case for review and it is the duty of the reviewing tribunal to correct, cite, and appreciate errors in the appealed judgment whether they are assigned or unassigned.[20] "The appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law." [21]

In this case, Miranda was charged with the crimes of illegal sale and illegal possession of dangerous drugs, respectively defined and penalized under Sections 5 and 11, Article II of RA 9165. Case law states that in every prosecution of illegal sale of dangerous drugs, the following elements must be proven beyond reasonable doubt: (a) the identity of the buyer and the seller, the object, and the consideration; and (b) the delivery of the thing sold and the payment.[22] Meanwhile, in order to convict an accused charged of illegal possession of dangerous drugs, the prosecution must establish the following elements also by proof beyond reasonable doubt: (a) the accused was in possession of an item or object identified as a prohibited drug; (b) such possession was not authorized by law; and (c) the accused freely and consciously possessed the said drug.[23]

In both instances, it is essential that the identity of the dangerous drug be established with moral certainty, considering that the dangerous drug itself forms an integral part of the corpus delicti of the crime. The prosecution has to show an unbroken chain of custody over the dangerous drugs so as to obviate any unnecessary doubts on the identity of the dangerous drugs on account of switching, "planting," or contamination of evidence. Accordingly, the prosecution must be able to account for each link of the chain of custody from the moment the drugs are seized up to their presentation in court as evidence of the crime.[24]

Section 21, Article II of RA 9165 outlines the procedure which the police officers must follow when handling the seized drugs in order to preserve their integrity and evidentiary value.[25] Under the said section, the apprehending team shall, among others, immediately after seizure and confiscation conduct a physical inventory

and photograph the seized items in the presence of the accused or the person from whom the items were seized, or his 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 of the same, and the seized drugs must be turned over to the PNP Crime Laboratory within twenty-four (24) hours from confiscation for examination.[26] In the case of *People v. Mendoza*,[27] the Court stressed that "[w]ithout the insulating presence of the representative from the media or the Department of Justice, or any elected public official during the seizure and marking of the [seized drugs], the evils of switching, 'planting' or contamination of the evidence that had tainted the buy-busts conducted under the regime of [RA] 6425 (Dangerous Drugs Act of 1972) again reared their ugly heads as to negate the integrity and credibility of the seizure and confiscation of the [said drugs] that were evidence herein of the corpus delicti, and thus adversely affected the trustworthiness of the incrimination of the accused. Indeed, the x x x presence of such witnesses would have preserved an unbroken chain of custody." [28]

The Court, however, clarified that under varied field conditions, strict compliance with the requirements of Section 21 of RA 9165 may not always be possible.[29] In fact, the Implementing Rules and Regulations (IRR) of RA 9165 - which is now crystallized into statutory law with the passage of RA 10640[30] - provide that the said inventory and photography may be conducted at the nearest police station or office of the apprehending team in instances of warrantless seizure, and that non-compliance with the requirements of Section 21 of RA 9165 - under justifiable grounds - will not render void and invalid the seizure and custody over the seized items so long as the integrity and evidentiary value of the seized items are properly preserved by the apprehending officer or team.[31] Tersely put, the failure of the apprehending team to strictly comply with the procedure laid out in Section 21 of RA 9165 and the IRR does not ipso facto render the seizure and custody over the items as void and invalid, provided that the prosecution satisfactorily proves that: (a) there is justifiable ground for non-compliance; and (b) the integrity and evidentiary value of the seized items are properly preserved.[32] In *People v. Almorfe*,[33] the Court stressed that for the above-saving clause to apply, the prosecution must explain the reasons behind the procedural lapses, and that the integrity and value of the seized evidence had nonetheless been preserved.[34] Also, in *People v. De Guzman*,[35] it was emphasized that the justifiable ground for non-compliance must be proven as a fact, because the Court cannot presume what these grounds are or that they even exist.[36]

In this case, the Court finds that the police officers committed unjustified deviations from the prescribed chain of custody rule, thereby putting into question the integrity and evidentiary value of the items purportedly seized from Miranda.

Records reveal that while the seized items were marked by Encarnacion in the presence of Miranda and an elected public official, the same was not done in the presence of any representative from the DOJ and the media. During the cross-examination of Encarnacion, he testified that:

ATTY. PUZON:

Who was present at the time of the preparation and signing of the Inventory?

WITNESS:

The witness, Kagawad Lyndon Gonzales; me; the accused and my immediate back-up, PO2 Renie Aseboque.

ATTY. PUZON:

Was there any representative coming from DOJ?

WITNESS:

None, Ma'am.

ATTY. PUZON:

Likewise, no representative coming from the media?

WITNESS:

None, Ma'am.

ATTY PUZON:

The accused was not likewise represented by his own counsel at that time?

WITNESS:

No, Ma'am.

ATTY. PUZON:

That would be all, Your Honor. x x x x[37] (Underscoring supplied)

The law requires the presence of an elected public official, as well as a representative from the DOJ and the media in order to ensure the establishment of the chain of custody and remove any suspicion of switching, planting, or contamination of evidence. Despite the non-observance of this requirement, the prosecution did not even proffer a plausible explanation therefor. No practicable reasons were given by the police officers, such as a threat to their safety and security or the time and distance which the other witnesses might need to consider.[38] Thus, considering the police officers' unjustified non-compliance with the prescribed procedure under Section 21 of RA 9165, the integrity and evidentiary value of the confiscated drugs are clearly put into question.

At this juncture, it is important to clarify that the fact that Miranda raised his objections against the integrity and evidentiary value of the drugs purportedly seized from him only for the first time before the CA does not preclude it or even this Court from passing upon the same.

To recount, the CA held that "[any] [l]apses in the safekeeping of the seized illegal drugs[,] [which affect] their integrity and evidentiary value should be raised at the trial court level." [39] As basis, the CA cited the case of *People v. Mendoza* (*Mendoza*), [40] which in turn, cited the case of *People v. Sta. Maria* [41] (*Sta. Maria*) wherein it was opined that:

The law excuses non-compliance under justifiable grounds. However, whatever justifiable grounds may excuse the police officers involved in the buy-bust operation in this case from complying with Section 21 will remain unknown, because appellant did not question during trial the safekeeping of the items seized from him. Indeed, the police officers' alleged violations of Sections 21 and 86 of Republic Act No. 9165 were not raised before the trial court but were instead raised for the first time on appeal. In no instance did appellant least intimate at the trial court that there were lapses in the safekeeping of seized items that affected their integrity and evidentiary value. Objection to evidence cannot be raised for the first time on appeal; when a party desires the court to reject the evidence offered, he must so state in the form of objection. Without such objection he cannot raise the question for the first time on appeal. [42]

Based on this premise, the Court, in *Mendoza*, thus ruled that when an accused fails to raise any issues on the chain of custody before the trial court and yet questioned the same only upon appeal, whatever justifiable ground which may excuse the police officers from complying with Section 21 of RA 9165 will remain in obscurity but

will not adversely affect the prosecution's case.[43]

The Sta. Maria pronouncement may further be traced to *People v. Uy*[44] (Uy), which, for its part, cited the annotation of "FRANCISCO, VICENTE J., 1 The Revised Rules of Court, Vol. 1, Part II, 1997 ed., 405," stating the general principle on evidence that:

Objection to evidence cannot be raised for the first time on appeal; when a party desires the court to reject the evidence offered, he must so state in the form of objection. Without such objection he cannot raise the question for the first time on appeal.[45]

Notably, *Mendoza, Sta. Maria, and Uy*, are all criminal cases for violation of RA 9165, particularly involving objections to the chain of custody of seized drugs, which were then ultimately rejected by the Court since the same were raised only for the first time on appeal.

After a thorough study of these cases, however, this Court holds that that the aforesaid declarations espouse misplaced rulings, as the same clearly run counter to the fundamental rule that "an appeal in criminal cases throws the whole case open for review." [46]

It is axiomatic that an appeal in criminal cases confers upon the court full jurisdiction and renders it competent to examine the record and revise the judgment appealed from.[47] Accordingly, "errors in an appealed judgment [of a criminal case], even if not specifically assigned, may be corrected *motu proprio* by the court if the consideration of these errors is necessary to arrive at a just resolution of the case." [48] The rationale behind this rule stems from the recognition that an accused waives the constitutional safeguard against double jeopardy once he appeals from the sentence of the trial court. As such, it is incumbent upon the appellate court to render such judgment as law and justice dictate, whether it be favorable or unfavorable to the him.[49]

Thus, in *People v. Gatlabayan*,[50] this Court considered every glaring deficiency in each link of the custody, even if the same was not raised as an error on appeal, and reversed the judgment of conviction, given that what was at stake was no less than the liberty of the accused.[51]

In *Villareal v. People*,[52] this Court clarified that unlike in civil cases, the assignment of errors in criminal cases is not essential to invoke the court's appellate review, considering that it will nevertheless review the record, and accordingly, reverse or modify the appealed judgment if it finds that errors which are prejudicial to the rights of the accused have been committed, including those errors "which go to the sufficiency of evidence to convict":

The rule means that, notwithstanding the absence of an assignment of errors, the appellate court will review the record and reverse or modify the appealed judgment, not only on grounds that the court had no jurisdiction or that the acts proved do not constitute the offense charged, but also on prejudicial errors to the right of accused which are plain, fundamental, vital, or serious, or on errors which go to the sufficiency of the evidence to convict.[53] (Emphases and underscoring supplied)

In this case, the Court cannot simply turn a blind eye against the unjustified deviations in the chain of custody on the sole ground that the defense failed to raise such errors in detail before the trial court. Considering the nature of appeals in criminal cases as above-discussed, it is then only proper to review the said errors even if not specifically assigned. Verily, these errors, which go to the sufficiency of the evidence of the corpus delicti itself, would indeed affect the court's judgment in ultimately ascertaining whether or not the accused should be convicted and hence, languish in prison for possibly a significant portion of his life. In the final analysis, a conviction must prudently rest on the moral certainty that guilt has been proven beyond reasonable doubt. Therefore, if doubt surfaces on the sufficiency of the evidence to convict, regardless that it does only at the stage of an appeal, our courts of justice should nonetheless rule in favor of the accused, lest it betray its duty to protect individual liberties within the bounds of law.

To be sure, this Court is not impervious to the sentiments of the State when it is left to deal with the seemingly unfair situation of having a drug conviction overturned upon grounds that it was not able to meet in the proceedings a quo. However, there is no gainsaying that these sentiments must yield to the higher imperative of protecting the fundamental liberties of the accused. Besides, the law itself apprises our law enforcement authorities about the requirements of compliance with the chain of custody rule. Case law exhorts that the procedure in Section 21 of RA 9165 is a matter of substantive law, and cannot be brushed aside as a simple procedural technicality; or worse, ignored as an impediment to the conviction of illegal drug suspects.[54] Therefore, as the requirements are clearly set forth in the law, then the State retains the positive duty to account for any lapses in the chain of custody of the drugs/items seized from the accused, regardless of whether or not the defense raises the same in the proceedings a quo; otherwise, it risks the possibility of having a conviction overturned on grounds that go into the evidence's integrity and evidentiary value, albeit the same are raised only for the first time on appeal, or even not raised, become apparent upon further review.

In this case, the prosecution failed to provide justifiable grounds for the police officers' non-compliance with Section 21 of RA 9165, as well as its IRR. Thus, even though these lapses have only surfaced on appeal, reasonable doubt now persists in upholding the conviction of the accused. As the integrity and evidentiary value of the corpus delicti had been compromised,[55] Miranda's acquittal is performe in order.

As a final note, the Court finds it fitting to echo its recurring pronouncement in recent jurisprudence on the subject matter:

The Court strongly supports the campaign of the government against drug addiction and commends the efforts of our law enforcement officers against those who would inflict this malediction upon our people, especially the susceptible youth. But as demanding as this campaign may be, it cannot be more so than the compulsions of the Bill of Rights for the protection of liberty of every individual in the realm, including the basest of criminals. The Constitution covers with the mantle of its protection the innocent and the guilty alike against any manner of high-handedness from the authorities, however praiseworthy their intentions.

Those who are supposed to enforce the law are not justified in disregarding the right of the individual in the name of order. [For indeed,] [o]rder is too high a price for the loss of liberty. x x x.[56]

In this light, prosecutors are strongly reminded that they have the positive duty to prove compliance with the procedure set forth in Section 21 of RA 9165, as amended. As such, they must have the initiative to not only acknowledge but also justify any perceived deviations from the said procedure during the proceedings before the trial court. Since compliance with this procedure is determinative of the integrity and evidentiary value of the corpus delicti and ultimately, the fate of the liberty of the accused, the fact that any issue regarding the same was not raised, or even threshed out in the court/s below, would not preclude the appellate court, including this Court, from fully examining the records of the case if only to ascertain whether the procedure had been completely complied with, and if not, whether justifiable reasons exist to excuse any deviation. If no such reasons exist, then it is the appellate court's bounden duty to acquit the accused and, performe, overturn a conviction.

WHEREFORE, the appeal is GRANTED. The Decision dated July 29, 2016 of the Court of Appeals in CA-G.R. CR-HC No. 07580 is hereby REVERSED and SET ASIDE. Accordingly, accused-appellant Jovencito Miranda y Tigas is ACQUITTED of the crimes charged. The Director of the Bureau of Corrections is ordered to cause his immediate release, unless he is being lawfully held in custody for any other reason.

SO ORDERED.

Carpio (Chairperson), Peralta, Caguioa, and Reyes, Jr., JJ., concur.

[1] See Notice of Appeal dated August 26, 2016; rollo, pp. 17-19.

[2] Id. at 2-16. Penned by Associate Justice Pedro B. Corales with Associate Justices Sesinando E. Villon and Rodil V. Zalameda concurring.

[3] CA rollo, pp. 51-57. Penned by Judge Gina M. Bibat-Palamos.

[4] Entitled "AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES," approved on June 7, 2002.

[5] Both dated March 19, 2013. Records, pp. 2-5 and 6-9.

[6] Id. at 2.

[7] Id. at 6.

[8] "Ursua" in some parts of the records.

[9] See CA rollo, pp. 36-37 and 53-54. See also rollo, pp. 5-7.

[10] See CA rollo, pp. 37-38. See also rollo, p. 8.

[11] CA rollo, pp. 51-57.

[12] Id. at 56-57.

[13] See id. at 55-56.

[14] See id.

[15] See Notice of Appeal dated March 20, 2015; CA rollo, p. 18.

[16] Rollo, pp. 2-16.

[17] Id. at 16.

[18] See id. at 14-15.

[19] See id. at 11-14.

[20] See *People v. Dahil*, 750 Phil. 212, 225 (2015).

[21] *People v. Comboy*, G.R. No. 218399, March 2, 2016, 785 SCRA 512, 521.

[22] *People v. Sumili*, 753 Phil. 342, 348 (2015).

[23] *People v. Bio*, 753 Phil. 730, 736 (2015).

[24] See *People v. Viterbo*, 739 Phil. 593, 601 (2014).

[25] See *People v. Sumili*, *supra* note 22, at 349-350.

[26] See Section 21 (1) and (2), Article II of RA 9165.

[27] 736 Phil. 749 (2014).

[28] *Id.* at 764; emphases and underscoring supplied.

[29] See *People v. Sanchez*, 590 Phil. 214, 234 (2008).

[30] Entitled "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, Section 1 of which states:

Section 1. Section 21 of Republic Act No. 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002," is hereby amended to read as follows:

"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 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.

x x x x"

[31] See Section 24 (a), Article II of the IRR of RA 9165. See also *People v. Ceralde*, G.R. No. 228894, August 7, 2017.

[32] See *People v. Goco*, G.R. No. 219584, October 17, 2016.

[33] 631 Phil. 51 (2010).

[34] See *id.* at 60.

[35] 630 Phil. 637 (2010).

[36] *Id.* at 649.

[37] TSN, June 11, 2014, pp. 34-35.

[38] Cf. *People v. Belmonte*, G.R. No. 224143, June 28, 2017 (in this case, the Court found that the apprehending officers' non-compliance with the chain of custody procedure was adequately justified).

[39] Rollo, p. 13.

[40] 683 Phil. 339, 351 (2012).

[41] 545 Phil. 520 (2007).

[42] Id. at 534.

[43] See *People v. Mendoza*, supra note 46, at 351.

[44] 384 Phil. 70 (2000).

[45] Id. at 93.

[46] See *Sindac v. People*, G.R. No. 220732, September 6, 2016, 802 SCRA 270, 278; emphasis and underscoring supplied.

[47] See id.

[48] See *Dela Cruz v. People*, G.R. No. 209387, January 11, 2016, 779 SCRA 34, 52; emphasis and underscoring supplied.

[49] See *Lontoc v. People*, 74 Phil. 513, 519 (1943), citing *U.S. v. Abijan*, 1 Phil. 83 (1902) and *People v. Ofindo*, 47 Phil. 1 (1924).

[50] 669 Phil. 240 (2011).

[51] See id. at 251.

[52] 84 Phil. 264 (1949).

[53] Id. at 267-268.

[54] See *People v. Macapundag*, G.R. No. 225965, March 13, 2017, citing *People v. Umipang*, 686 Phil. 1024, 1038 (2012).

[55] See *People v. Sumili*, supra note 22, at 352.

[56] *People v. Go*, 457 Phil. 885, 925 (2003), citing *People v. Aminnudin*, 246 Phil. 424, 434-435 (1988).

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