

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ANTHONY MADRIA Y HIGAYON, ACCUSED-APPELLANT.

G.R. No. 233207. August 20, 2018

Ponente: TIJAM, J.

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TIJAM, J.:

Before the Court is an appeal[1] from the Court of Appeals' (CA's) Decision[2] dated March 8, 2017 in CA-G.R. No. CR-HC No. 01357-MIN, affirming the Decision[3] dated October 27, 2014 of the Regional Trial Court (RTC) of Cagayan de Oro City, Branch 25, convicting accused-appellant Anthony Madria y Higayon (Madria) for violation of: (1) Section 11 (possession), Article II of Republic Act (R.A.) No. 9165 in Criminal Case No. 2010-001 for illegal possession of shabu; and (2) Section 5 (selling), Article II of R.A. No. 9165[4] in Criminal Case No. 2010-002 for illegal sale of shabu.

The Facts of the Case

The judgment of convictions stemmed from two criminal Informations, the accusatory portions of each, read:

Criminal Case No. 2010-001

That on or about December 28, 2009, at more or less 6:25 o'clock in the evening, at Ramonal St., Barangay 29, Cagayan de Oro City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without being authorized by law to possess or use any dangerous drugs, did then and there willfully, unlawfully, criminally, and knowingly have in his possession, custody, and control, six (6) small heat-sealed transparent plastic sachets containing Methamphetamine Hydrochloride, locally known as Shabu, a dangerous drug, with a total weight of 0.42 gram, accused well-knowing that the substance recovered from his possession is a dangerous drug.[5]

Criminal Case No. 2010-002

That on or about December 28, 2009, at more or less 6:25 o'clock in the evening, at Ramonal St., Barangay 29, Cagayan de Oro City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating, and mutually helping one another, without being authorized by law to sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any dangerous drugs, did then and there willfully, unlawfully, criminally, and knowingly sell and/or offer for sale, and give away to a poseur-buyer One (1) small heat-sealed transparent plastic sachet containing Methamphetamine Hydrochloride, locally known as Shabu, a dangerous drug, weighing 0.02 gram, accused knowing the same to be a dangerous drug in consideration of Five Hundred pesos (Php500.00) with Serial No. EL 240363, which was previously marked for the purpose of the buy-bust operation.[6]

Upon arraignment, both appellant Madria and Lorenzo De Ala (De Ala) entered a plea of "Not Guilty" to the crimes charged. Joint trial of the cases ensued.

The Prosecution's Version

The prosecution presented the following witnesses, namely: Philippine Drug Enforcement Agency (PDEA) Officer-in-Charge IA5 Joseph Theodore Atila (IA5 Atila); IO1 Naomie Siglos (IO1 Siglos); IO2 Neil Vincent Pimentel (IO2 Pimentel); and, Forensic Chemist PS1 Charity P. Caceres (Caceres).[7]

On December 28, 2009, IA5 Atila entertained a "walk-in" civilian informant (CI), disclosing that accused Madria and De Ala were engaged in illegal drug activities. Acting on this information, IA5 Atila formed a team consisting of IO1 Siglos, as poseur-buyer and IO2 Pimentel as the back-up and arresting officer.[8]

At around 6:00 p.m., IO2 Pimentel and IA5 Atila rode on separate vehicles and proceeded to the area of operation in Justo Ramonal Street, Brgy. 29, Cagayan de Oro City. Thereafter, the CI and IO1 Siglos rode on a taxi and followed them. Upon arrival at the area, the CI alighted from the taxi and approached Madria and De Ala who were standing outside a store. They followed the CI toward the place where the taxi was parked. Madria stood at the right side of the taxi's door, while De Ala stood at the left side. When the right side door of the taxi opened, De Ala asked IO1 Siglos, who was still inside the taxi, as to how much she was going to buy, but IO1 Siglos insisted to see the shabu first. De Ala turned to Madria, who then handed to him a small heat-sealed transparent plastic sachet. De Ala in turn gave it to IO1 Siglos. After examining the sachet, IO1 Siglos gave the buy-bust money to De Ala, who then passed it to Madria. Immediately, IO1 Siglos "missed-called" IO2 Pimentel, as the pre-arranged signal that the sale had already been consummated. IO2 Pimentel and the rest of the buy-bust team rushed in and arrested appellant Madria and De Ala. IO2 Pimentel bodily searched Madria and De Ala and recovered six (6) heat-sealed plastic sachets from Madria, including the marked money, but nothing was recovered from De Ala.[9]

Upon noticing that it was already dark and the crowd was getting bigger, IA5 Atila ordered his team to withdraw from the area with the two accused, so as not to compromise the safety of the buy-bust team. Thereafter, they proceeded to the PDEA office, where IO2 Pimentel marked with his initial the confiscated items, i.e., one (1) heat-sealed plastic sachet and six (6) heat-sealed plastic sachets; prepared the inventory receipts; and took pictures thereof.[10]

At around 9:30 p.m., IO2 Pimentel and the other PDEA agents, together with the two accused, went to the Philippine National Police (PNP) Crime Laboratory and requested the examination of both accused and the seized items. Caceres received the specimen, i.e., one (1) transparent plastic sachet of white crystalline substance weighing 0.02 gram; and another six (6) sachets of white crystalline substance weighing a total of 0.42 grams. The examination yielded positive for Methamphetamine Hydrochloride known as shabu. Also, the urine sample taken from both accused tested positive for shabu.[11]

The Defense' Version

The defense presented as its witnesses, the accused Madria and De Ala.

Madria testified that in the afternoon of December 28, 2009, while he was walking towards Gaisano Store at Cogon Street to have the "LCD" of his cellphone repaired, a driver from a parked Toyota Revo vehicle asked him twice if he knew the place where a PDEA agent committed suicide; that when he ignored the question and walked away, he felt his nape struck by someone. Afterwards, he was handcuffed and forced to board a vehicle with his face covered. When he alighted from the vehicle, the cover of his face was removed. He then realized that he was at the PDEA office together with De Ala. He was forced to point at the items placed on top of the table. When he refused, he was mauled.[12]

As for De Ala, he testified that he was working as a taxi driver; that at around 6:25 p.m. of December 28, 2009, while he was waiting for his shift reliever, a vehicle stopped in front of him. Three men approached with their

guns pointed at him and ordered him not to run. He was forced to board the vehicle while his face was covered, and he sensed the presence of another person, whom he later on recognized to be Madria. When he disembarked the vehicle, the cover of his eyes was removed. Like Madria, he too was forced to identify the items on top of the table. He insisted that he neither signed any inventory receipt, nor was he given a copy of the same. He denied that he sold one (1) sachet of shabu to a PDEA agent.[13]

The Trial Court's Ruling

On October 27, 2014, the RTC rendered its Decision, the dispositive portion of which reads:

WHEREFORE, premises considered, this Court hereby finds that:

1. In Criminal Case No. 2010-001, accused ANTHONY MADRIA Y HIGAYON is hereby found GUILTY BEYOND REASONABLE DOUBT of the offense defined and penalized under Section 11, Article II of R.A. 9165 and each is hereby sentenced to an indeterminate penalty of IMPRISONMENT ranging from twelve (12) years and one (1) day to thirteen (13) years, and to pay a Fine in the amount of P300,000.00 without subsidiary imprisonment in case of non-payment of Fine;

2. In Criminal Case No. 2010-002, accused ANTHONY MADRIA Y HIGAYON and LORENZO DE ALA are GUILTY BEYOND REASONABLE DOUBT of the crime defined and penalized under Section 5, Article II of R.A. 9165, and hereby sentences him to a penalty of LIFE IMPRISONMENT and for each of them to pay a Fine in the amount of Five Hundred Thousand Pesos [P500,000.00] without subsidiary imprisonment in case of non-payment of Fine.

x x x x

SO ORDERED.[14]

The CA's Ruling

In questioning the RTC's decision, both accused Madria and De Ala appealed their conviction with the CA.[15] The appeal, however, was denied in the CA's decision[16] dated March 8, 2017, and succinctly disposed as follows:

FOR THESE REASONS, the Judgment in Criminal Case Nos. 2010-001 and 2010-002 appealed from is AFFIRMED in toto.

SO ORDERED.[17]

Thereafter, only accused Madria filed this instant petition[18] raising this sole assignment of error:

THE PROSECUTION FAILED TO PROVE THE GUILT OF THE ACCUSED-APPELLANT BEYOND REASONABLE DOUBT.

The Court's Ruling

The petition is meritorious.

While a buy-bust operation has been proven to be "an effective way to flush out illegal transactions that are otherwise conducted covertly and in secrecy, it has a significant downside that has not escaped the attention of the framers of the law. It is susceptible to police abuse, the most notorious of which is its use as a tool for extortion." [19] Thus, courts have been exhorted to be extra vigilant in trying drug cases lest an innocent person is made to suffer the unusually severe penalties for drug offenses.[20] Accordingly, specific procedures relating to the seizure and custody of drugs have been that the prosecution must adduce evidence that these procedures have

been followed[21] in light with the chain of custody rule in drug cases.

The Guidelines on the Custody and Disposition of Seized Dangerous Drugs, Controlled Precursors and Essential Chemicals and Laboratory Equipment[22] defines "chain of custody" as follows:

Section 1 (b) - "Chain of Custody" means the duly recorded authorized movements and custody of seized drugs or controlled chemicals or plant sources of dangerous drugs or laboratory equipment of each stage, from the time of seizure/confiscation to receipt in the forensic laboratory to safekeeping to presentation in court for destruction. Such record of movements and custody of seized item shall include the identity and signature of the person who held temporary custody of the seized item, the date and time when such transfer of custody were made in the course of safekeeping and use in court as evidence, and the final disposition[.]

Corollary thereto, in *Junie Mallillin y Lopez v. People of the Philippines*,[23] the Court explained that the chain of custody rule requires that the admission of an exhibit be preceded by evidence sufficient to support a finding that the matter in question is what the proponent claims it to be. Thus:

x x x It would include testimony about every link in the chain, from the moment the item was picked up to the time it is offered into evidence, in such a way that every person who touched the exhibit would describe how and from whom it was received, where it was and what happened to it while in the witness' possession, the condition in which it was received and the condition in which it was delivered to the next link in the chain. These witnesses would then describe the precautions taken to ensure that there had been no change in the condition of the item and no opportunity for someone not in the chain to have possession of the same.[24]

We find merit in Madria's protestations that the prosecution failed to establish the charges against him due to the gaps in the chain of custody and due to the assailable integrity of the evidence in view of the police officers' non-compliance with Section 21,[25] Article II of R.A. No. 9165 and its Implementing Rules and Regulations (IRR).[26]

In *Howard Lescano y Carreon v. People of the Philippines*,[27] this Court briefly discussed the rigid requirements under Sec. 21, Article II of R.A. No. 9165, on the marking, inventory, and photographing of the contraband seized, including the personalities required to be present during the buy-bust operation, thus:

As regards the items seized and subjected to marking, Section 21(1) of the Comprehensive Dangerous Drugs Act, as amended, requires the performance of two (2) actions: physical inventory and photographing. Section 21(1) is specific as to when and where these actions must be done. As to when, it must be "immediately after seizure and confiscation." As to where, it depends on whether the seizure was supported by a search warrant. If a search warrant was served, the physical inventory and photographing must be done at the exact same place that the search warrant is served. In case of warrantless seizures, these actions must be done "at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable."

Moreover, Section 21(1) requires at least three (3) persons to be present during the physical inventory and photographing. These persons are: first, the accused or the person/s from whom the items were seized; second, an elected public official; and third, a representative of the National Prosecution Service. There are, however, alternatives to the first and the third. As to the first (i.e., the accused or the person/s from whom items were seized), there are two (2) alternatives: first, his or her representative; and second, his or her counsel. As to the representative of the National Prosecution Service, a representative of the media may be present in his or her place.[28]

Notably, the procedures mentioned in R.A. No. 9165 are mandatory in nature, as indicated by the use of the word "shall" in its directives and its implementing rules.[29]

In the case of *People v. Myrna Gayoso*,[30] the Court explained the use of marking on the seized items, thus:

"Marking" is the placing by the arresting officer or the poseur-buyer of his/her initials and signature on the items after they have been seized. It is the starting point in the custodial link. It is vital that the seized items be marked immediately since the succeeding handlers thereof will use the markings as reference.

Likewise, in the case of *People v. Joselito Beran y Zapanta*,^[31] the Court held that:

To truly ensure that they are the same items that enter the chain and are eventually the ones offered in evidence, the chain of custody rule requires that the marking of the seized contraband be done (1) in the presence of the apprehended violator, and (2) immediately upon confiscation.^[32]

Indeed, it is important that the seized drugs be immediately marked, if possible, as soon as they are seized from the accused.^[33]

This crucial process, however, was ignored in this case.

The records do not show that the arresting officers marked the seized items with their initials in the presence of Madria and De Ala, and immediately upon confiscation.

IA5 Atila's allegation that the marking had to be done at the police station, and not at the crime scene, so as not to compromise the arresting officers' "security" is not sufficient to justify their non-compliance with the law. Apparently, IA5 Atila's allegation was belied by the testimony of the poseur-buyer, IO1 Siglos, when she testified as follows:

[CROSS-EXAMINATION by Atty. Amarga]

x x x x

Q:

Now what were the things that you brought to the target area?

A:

Only the marked money.

Q:

You do not have any ball pen or sign pen?

A:

No, Sir.

Q:

You do not have a masking tape?

A:

No, Sir.

Q:

You do not have a camera?

A:

No, Sir.

x x x x.[34]

Based on IO1 Siglos' testimony, it can be deduced, that at the outset, even before the buy-bust team initiated its operation on Madria and De Ala, no arresting officer was so minded to mark or even take a photo of the possible contraband that they may recover from both accused. This is manifested by the fact that none of them had a ball pen, sign pen, masking tape and camera - basic tools that can be used to mark the seized items. To put it differently, the allegation regarding the arresting officers' supposed security being compromised was already predetermined. Obviously, right from the start, the arresting officers had no intention to comply with the law by marking the seized items in the presence of the accused and immediately upon confiscation.

Due to this break in the chain of custody, it was possible that the seized item subject of the sale transaction was swapped with the seized items subject of the illegal possession case, while the contraband was being transported from the crime scene to the PDEA office. This is material considering that the imposable penalty for illegal possession of shabu depends on the quantity or weight of the seized drug. The Court has previously held that, "failure to mark the drugs immediately after they were seized from the accused casts doubt on the prosecution evidence warranting an acquittal on reasonable doubt." [35] In short, the marking immediately upon confiscation or recovery of the dangerous drugs or related items is indispensable in the preservation of their integrity and evidentiary value.[36]

Even if the Court glosses over this error, there are other significant gaps in the prosecution's evidence that - viewed as a whole - cast reasonable doubt on its case against Madria.

For one thing, neither in the direct examination, nor in the cross-examination of IO2 Pimentel was it mentioned that the markings were made in the presence of the accused or his representative. There was, likewise, no proof that a copy of the confiscation receipts were given to and signed by the accused Madria. IO2 Pimentel merely testified that he placed the markings at the PDEA office, without any allusion to the identities of the persons who were present when he did the markings. By jurisprudence, it must be shown that the marking was done in the presence of the accused to assure that the identity and integrity of the drugs were properly preserved.[37]

For another thing, the seized items were marked, inventoried and photographed in the PDEA office, without the presence of any representative from the media, Department of Justice (DOJ), or any elected official, who must sign the inventory, or be given a copy thereof as required by R.A. No. 9165 and its IRR.

When asked to explain why there was failure to comply with this requirement, IO2 Pimentel simply said that doing so could compromise the buy-bust operation.

[REDIRECT EXAMINATION by Prosecutor Vicente]

Q:

Why is it that you did not inform the barangay of your operation?

A:

Because there is a possibility that the information would leak, Sir.

Q:

You also said that there was no media. Why?

A:

To contact a media is very hard, Sir, because most media are willing to hear the news regarding a buy-bust

operation but not willing to appear in Court as witnesses.

x x x x[38]

[RECROSS EXAMINATION by Atty. Blanco]

Q:

This PDEA office that you mentioned is the one at Corrales just right next to the Bombo Radio?

A:

Yes, Ma'am.

Q:

Yet at few steps to the Bombo Radio, you did not inform the radio personnel as to your operation?

A:

Yes, Ma'am.

x x x x[39]

This justification, however, is insufficient. Other than the bare allegation that coordination with the media and the barangay officials could have compromised the buy-bust operation, the prosecution offered no factual evidence to substantiate this claim. Likewise, there was no allegation that these people, required by law, could similarly compromise the operation if they had been informed of and present before, during, and after the operation. In *People v. Macud*,^[40] we emphasized the importance of this requirement, thus:

The presence of the persons who should witness the post-operation procedures is necessary to insulate the apprehension and incrimination proceedings from any taint of illegitimacy or irregularity. The insulating presence of such witnesses would have preserved an unbroken chain of custody. We have noted in several cases that a buy-bust operation is susceptible to abuse, and the only way to prevent this is to ensure that the procedural safeguards provided by the law are strictly observed.

Here, this procedure has not been followed, and its breach not justifiably explained. To note, it is the prosecution who had the concomitant part to "establish that earnest efforts were employed in contacting the representatives enumerated" under the law.^[41] This, it failed to do.

In fact, even the trial court recognized the police officers' indifference in complying with the requirements under Sec. 21, Article II of R.A. No. 9165, thus:

x x x Admittedly, the apprehending police officers merely paid a lip service on the procedural requirement provided for under Section 21. The pictures were taken, but no pictures depicting the arrest were offered in evidence. An inventory was made, but no signatures of the personalities mentioned under Section 21, appeared thereon, x x x.^[42]

To compound the flaws in the chain of custody, this Court observed that the prosecution failed to proffer evidence on how the items were stored, preserved, labeled, and recorded from the moment they were confiscated at the crime scene, to the time they were inventoried at the PDEA office, until they were brought to the PNP Crime Laboratory for examination, and finally presented to the trial court. IO2 Pimentel could not even identify the particular item which was the subject of the illegal sale as a result of the buy-bust operation. He even admitted that the same could have been co-mingled with the items seized from Madria for illegal possession. Thus:

[CROSS-EXAMINATION by Atty. Blanco]

x x x x

Q: And the sachet of shabu which was the alleged subject of the buy-bust operation was given to you by Siglos right there at the area?

A: Yes, Ma'am.

Q:

Therefore, you had in your possession the 6 sachets of shabu including the one sachet of shabu given to you by Siglos in your left hand?

A: Yes, Ma'am.

Q:

The one sachet was co-mingled because it was in your palm and there was no marking made yet during the operation?

A: Yes, Ma'am.

Q: From the seven (7) sachets, you cannot identify which one was the subject of the buy-bust operation?

A: The poseur-buyer can identify, Ma'am.

Q: How can he identify when you said you were the one who marked the sachet in your office?

A: He was there during the marking, Ma'am.

Q:

But there was no marking in the crime scene?

A:

Yes, Ma'am.

Q: You are saying that the one sachet of shabu, the alleged subject of the buy-bust operation, was co-mingled with the other 6 sachets?

A: Yes, Ma'am.

Q: Therefore, you cannot identify the sachet which was the subject of the buy-bust operation?

A: Siglos can identify that, Ma'am.

x x x x[43] (Emphasis Ours)

Interestingly, IO1 Siglos' testimony, likewise, reveals that she did not disclose to IO2 Pimentel which item was the subject of the buy-bust operation, thus:

[COURT]

x x x x

Q:

When Pimentel recovered the six (6) sachets of shabu, were you present?

A:

Yes, Your Honor.

Q:

Did you tell him which of the sachets was taken by you from the accused?

A:

No, Your Honor.

Q:

How did Pimentel know that this is the particular sachet of shabu that you bought?

A:

He just hold [sic] it, Your Honor.

Q:

From Justo Ramonal Street to your office, he was holding only one (1) sachet?

A:

Yes, Your Honor.

Q:

It was not further placed in a container; Not even placed inside his pocket?

A:

Yes, Your Honor.[44] (Emphasis Ours)

Based on the testimonies of the police officers, we find that there is no assurance that the confiscated items presented here as evidence are the same articles that had been the subject of the crime of illegal sale and illegal possession charges against Madria. The indeterminateness of the identities of the seized items even before they were marked, and the failure of the police officers to adequately show how these items were handled and preserved,[45] while in their possession, broke the chain of custody. It entertains the likelihood that these items were switched or replaced. As such, it tainted the integrity of the alleged shabu ultimately presented as evidence before the trial court.

The totality of the procedural lapses committed by the police officers leads this Court to conclude that the integrity of the seized items presented in court was compromised; the very identity of the seized drugs became highly questionable. Consequently, the prosecution cannot apply the saving mechanism of Sec. 21 of the IRR of R.A. No. 9165, because it miserably failed to prove that the integrity and the evidentiary value of the seized items were preserved. The links required to establish the proper chain of custody were breached. Otherwise stated, the justifiable ground for non-compliance must be proven as a fact. Hence, courts cannot assume what these reasons are, if they even exist at all.[46]

Corollarily, the prosecution cannot evade its non-compliance with the chain of custody by relying on the presumption of regularity. This presumption, it must be stressed, is not conclusive. Any taint of irregularity affects the whole performance and should make the presumption unavailable. The presumption, in other words, obtains only when nothing in the records suggests that the law enforcers involved deviated from the standard conduct of

official duty, as provided for in the law.[47] However, as had been discussed earlier, the police officers' acts during the buy-bust operation were marred by irregularities. Thus, an adverse presumption arises as a matter of course.

Given the procedural lapses on the part of the police officers in faithfully observing the requirements under Sec. 21, Article II of R.A. No. 9165, vis-a-vis the chain of custody rule in drug cases, serious doubt on Madria's guilt is created. Hence, a verdict for his acquittal is proper.

WHEREFORE, We REVERSE and SET ASIDE the Court of Appeals' Decision promulgated on March 8, 2017 in CA-G.R. CR-HC No. 01357-MIN; ACQUIT accused ANTHONY MADRIA y HIGAYON for failure of the Prosecution to prove his guilt beyond reasonable doubt; DIRECT the immediate release from detention of ANTHONY MADRIA y HIGAYON, unless he is also detained for some other lawful cause; and, ORDER the Director of the Bureau of Corrections to forthwith implement this Decision upon receipt, and to report his action hereon to this Court within ten (10) days from receipt. No pronouncement as to costs of suit.

SO ORDERED.

Peralta,[*] (Acting Chairperson), Del Castillo, Jardeleza, and Gesmundo,** JJ., concur.

[*] Designated Acting Chairperson per Revised Special Order No. 2582 dated August 8, 2018.

** Designated as Acting Member pursuant to Revised Special Order No. 2560 dated May 11, 2018.

[1] Rollo, pp. 16-17.

[2] Penned by Associate Justice Edgardo A. Camello, with Associate Justices Edgardo T. Lloren and Perpetua T. Atal-Paño, concurring. Id. at 3-15.

[3] Penned by Presiding Judge Arthur L. Abundiente. CA rollo, pp. 46-56.

[4] Comprehensive Dangerous Drugs Act of 2002.

[5] Id. at 4.

[6] Id. at 3.

[7] CA rollo, pp. 48-49.

[8] Id. at 49, 67-68.

[9] Id. at 49-50, 68-69; Rollo, pp. 6-7.

[10] CA rollo, pp. 50-69.

[11] Rollo, pp. 5-6.

[12] Id. at 7-8; CA rollo, pp. 50-51.

[13] CA rollo, pp. 51-52.

[14] Id. at 55-56.

[15] Id. at 26-45 and 80-94.

[16] Rollo, pp. 3-15.

[17] Id. at 14.

[18] Id. at 16-17.

[19] *People v. Garcia*, 599 Phil. 416, 426-427 (2009).

[20] *People v. Tan*, 401 Phil. 259, 273 (2000); citing *People v. Pagaura*, 334 Phil. 683-689 (1997).

[21] *People v. Garcia*, supra note 19, at 427.

[22] Dangerous Drugs Board (DOB) Regulation No. 1, Series of 2002.

[23] 576 Phil. 576 (2008).

[24] Id. at 587.

[25] Article II - Unlawful Acts and Penalties

Section 21. Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment. - The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner: x x x

[26] Section 21 (a). - The apprehending office/team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof: Provided, 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, further that non-compliance with these requirement under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items; x x x x

[27] 778 Phil. 460 (2016).

[28] Id. at 475.

[29] *People v. Morales y Midarasa*, 630 Phil. 215, 230 (2010).

[30] G.R. No. 206590, March 27, 2017; citing *People v. Alejandro*, 671 Phil. 33, 46 (2011).

[31] 724 Phil. 788 (2014); citing *People v. Sanchez*, 590 Phil. 214, 241 (2008).

[32] Id. at 819.

[33] *People v. Ismael*, G.R. No. 208093, February 20, 2017.

[34] TSN dated August 3, 2010, pp. 14-15.

[35] *People v. Umipang y Abdul*, 686 Phil. 1024, 1050 (2012); citing *People v. Laxa*, 414 Phil. 156 (2001); *People v. Casimiro*, 432 Phil. 966 (2002).

[36] *People v. Gonzales*, 708 Phil. 121, 131 (2013).

[37] *People v. Ismael*, supra note 33.

[38] TSN dated July 15, 2010, p. 39.

[39] *Id.* at 39-40

[40] G.R. No. 219175, December 14, 2017.

[41] *People v. Umipang y Abdul*, supra note 35, at 1053.

[42] CA rollo, p. 55.

[43] TSN dated July 15, 2010, pp. 36-37.

[44] TSN dated August 3, 2010, pp. 23-24.

[45] *People v. Ismael*, supra note 33.

[46] *People v. Segundo y Iglesias*, G.R. No. 205614, July 26, 2017.

[47] *Cariño, et al. v. People*, 600 Phil. 433, 451 (2009); see *People v. Capuno*, 655 Phil. 226, 244 (2011).

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