

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. CRISPIN MAMUYAC, JR. Y PALMA, APPELLANT.

G.R. No. 234035. August 19, 2019

Ponente: CARPIO, ACTING C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-234035/>

CARPIO, ACTING C.J.:

The Case

G.R. No. 234035 is an appeal assailing the Decision[1] dated 7 November 2016 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 07746. The CA affirmed the Decision[2] dated 17 August 2015 of the Regional Trial Court, First Judicial Region, Branch 19, Bangui, Ilocos Norte (RTC), in Criminal Case No. 2194-19 convicting Crispin Mamuyac, Jr. y Palma[3] (appellant) of violating Section 5, Article II of Republic Act No. 9165 (RA 9165).

The Facts

The RTC summarized the facts as follows:

On April 2, 2014, an Information was filed against herein accused charging him as follows:

"That on or about 7:30 o'clock in the evening of April 2, 2014, at Brgy. #14, Estancia, Pasuquin, Ilocos Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously sell one (1) heat-sealed transparent plastic sachet containing 0.0343 gram of methamphetamine hydrochloride, commonly known as "shabu", a dangerous drug, in the amount of Five Hundred Pesos (P500.00) to police poseur-buyer, PO1 Alexson T. Rosal without any authority or license from the appropriate government agency to do so.

CONTRARY TO LAW[.]"

Upon arraignment, accused assisted by counsel de parte, pleaded not guilty.

In the pre-trial conference, the parties agreed and stipulated on the following facts: that the accused is a resident of Brgy. 10, Estancia, Pasuquin, Ilocos Norte; and that at about 7:30 o'clock in the evening of April 2, 2014, said accused was then in their house in Brgy. Estancia, Pasuquin, Ilocos Norte. Both parties likewise agreed that the issue be centered on the legality of the arrest of herein accused arising from the questioned buy-bust transaction, such that he will be held answerable for the crime.

The Facts

According to the Prosecution

Culled as evidence from PO1 Alexson Rosal would establish that at about 4:00 o'clock in the afternoon of April 2, 2014, he was at the Pasuquin Police Station together with other police officers on duty to include the Chief of Police. While on duty, an informant came to their office reporting on the alleged rampant selling of herein accused Crispin Mamuyac. Said information was relayed directly to the Chief of Police. The latter directed the

Intel operatives to verify it. Not long, they arrived and reported positive the information relayed to them. So the Chief of Police conducted a briefing for the arrest of the accused thru the conduct of a buy-bust operation. The Chief also coordinated with the PDEA and INNPO-PAIDSOTG. He was assigned to be the poseur-buyer while the rest of the group will act as the back-up security. He was handed a piece of five hundred peso bill with serial number LKO48833 and made markings of "JTC" on the forehead of Ninoy Aquino to be used as the buy-bust money. They proceeded to the target area which is at Brgy. 10, Pasuquin. Together with the informant, he rode on a motorcycle and proceeded in front of the house of accused. The rest of the team followed suit and stationed near the subject house. Accused upon seeing the informant, immediately inquired how much he is going to buy. The informant answered in the amount of five hundred pesos. After the exchange of talks between the agent and accused, PO1 Alexson Rosal brought out the five hundred peso buy-bust money and handed the same to the accused. The latter took the amount and placed it in his pocket while simultaneously handling the plastic sachet to the police poseur-buyer. Immediately, he executed the pre-arranged signal, which is the calling thru his cell phone. This is to convey to the rest of the group that the transaction was finally consummated. However, accused may have sensed that he is a police officer, so he ran towards their living room. He tried to chase him but he heard that accused cocked a gun so he told his comrades that accused has a gun. They came to help him and convinced accused to surrender by the Chief of Police. He then, surrendered raising his hand bearing his gun. He took hold of the gun while PO2 John-John Garan handcuffed and frisked him. PO2 Garan recovered the buy-bust money. From the time of the apprehension of the accused [until] accused was brought to the police station, he was in possession of the confiscated item. At the police station, he made markings on the plastic sachet, "CPM1". After which, he turned it over to PO2 Garan, being the chief investigator. An inventory was then prepared by PO2 Garan.

SPO1 Jonathan Caldito narrated that in the afternoon of April 2, 2014, he was on duty at the police station of Pasuquin, Ilocos Norte together with the Chief of Police, PSI Ramos and PO2 John-John Garan. They were summoned by PSI Ramos to conduct a validation regarding the report that herein accused Crispin Mamuyac is selling shabu. Hence, they repaired to the designated barangay and conducted "neighborhood investigation" for about two (2) hours and after which, they returned to the station. The said investigation proved positive so, PSI Ramos immediately conducted a buy-bust operation. PO1 Alexson Rosal was tasked to act as the police poseur-buyer. He was designated as a back-up security. After the designation of their respective roles on the operation, they all repaired to Brgy. Estancia, Pasuquin. The group of the poseur-buyer was on board a motorcycle while his group boarded an unmarked vehicle. He was on the motor vehicle with PSI Ramos and PO2 Garan. They reached the place about seven o'clock in the evening of same date and posted themselves to a bush where it was dark, west of the house of the accused. From a distance of about 25 meters, they observed the on-going transaction, where there were no obstructions. Not long, he saw PO1 Rosal executed [sic] the pre-arranged signal, which is the calling of PO1 Rosal to PSI Ramos. They went near accused and helped in his arrest. After subduing him, he left the area.

PO2 John-John Garan states that at about 4:00 o'clock in the afternoon of April 2, 2014, he was on duty at the PNP Police station of Pasuquin. While thereat, an informant came and relayed to the Chief of Police that there was a person who is selling illegal drugs at Brgy. Estancia, Pasuquin, Ilocos Norte. The Chief of Police conducted a buy-bust operation and the team will be comprised of PSI Ramos, PO1 Mario Corcoro, SPO1 Jonathan Caldito, PO3 Joel Bulosan, PO2 Garan and PO1 Gonzaga. He was specifically tasked to act as one of the perimeter security. After the briefing, they trooped to the agreed place of transaction, particularly at the house of herein accused at Sitio Bokal, Brgy. Estancia, Pasuquin. He boarded an unmarked vehicle together with SPO1 Caldito and PO1 Gonzaga. He was dropped to the venue of the transaction located eastern part of the road while the rest positioned themselves at the western portion. With SPO1 Caldito and PO1 Gonzaga, they repaired near the

vicinity of the subject house. At his vantage end, he saw the police poseur-buyer and the informant entering the house of the accused. The latter parties later were then seen having a conversation in front of the house of the accused. He later on saw the accused and poseur-buyer exchanging things, with PO1 Rosal handling first to the accused and the latter in turn was giving something. After quite a time, he saw the other group headed by the Chief of Police approaching towards the house of the accused. They too, also r[a]n towards the house of herein accused to assist in helping his arrest. When accused was held, he searched him and recovered from accused the buy-bust money. He turned-over the recovered item to PO1 Rosal. They brought accused to the police station. An inventory was made and also markings of all recovered items from the accused, including the taking of pictures in the presence of Brgy. Captain Precidio Palalay and other barangay kagawads. On the sold illegal drug of shabu, he put the markings on its container "CPM" representing the initial of accused because the same was turned over to him by the poseur-buyer at the police station, he being the case investigator. Together with the police poseur-buyer, they brought the item at the PNP crime laboratory for the requisite chemical analysis. The item was duly received by PO1 Julius Surrel. He was shown the alleged seized item and accordingly identified the same by reason of the markings he made on the sachet which is "CMP1".

Police Officer Amiely Ann Navaro, a Forensic Chemist assigned at the Ilocos Norte Provincial Crime Laboratory Office testified anent this case. She initially identified the Final Chemistry Report and the result of said chemical analysis proved positive the specimen submitted for methamphetamine hydrochloride. A letter-request for chemical examination along with the subject specimen from the PNP Pasuquin thru PO2 Garan was received by their Office thru PO1 Julius Surrel and the latter was the one who gave both the request and the specimen to her. Before she came to court, she retrieved the item from the evidence custodian, SPO3 Nilo Domingo. The item was placed in a bigger plastic sachet and she made markings on it, the letters "AALN" which stand for her initial[s].

In the hearing conducted on March 5, 2015, the prosecution intends to present SPO4 Nilo Domingo of the PNP Crime Laboratory based at Camp Valentin Juan, Laoag City, the gist and tenor of his proffered testimony as follows: that he will testify on the circumstances showing that after the chemist had examined the subject item of his case, the same chemist turned over the drugs to the witness being the evidence custodian; he will also testify to corroborate the testimony of PSI Amiely Ann Navarro to the effect that the latter turned over to him the subject drug after the examination for safekeeping; that when she came to court, she retrieved the item from him; that the chain of custody of the drugs was properly documented as indicated in the bracketed portion of the logbook marked Exhibit "F-2" for the said prosecution. The said proffered testimony was duly admitted, hence, the testimony of SPO4 Nilo Domingo was dispensed with.

Another witness Julius Surrel's testimony was the subject of stipulation of facts where both parties agreed that if he is going to testify, his testimony shall revolve on the fact that he was the one who received the seized item from PO2 Garan of the PNP Pasuquin as indicated in Exhibit "G" for the prosecution.

The last witness for the prosecution is Brgy. Chairman Precidio Caliva Palalay, of Brgy. 10, Estancia, Pasuquin, Ilocos Norte. He was presented as a hostile witness by the trial prosecutor. His testimony revolves solely on the Certification which he allegedly issued. In his testimony, he avows that he could not recall if the signature appearing thereat is his signature. He further stressed that he had nothing to do with the Certification being alluded by the prosecution and cannot anymore recall when and where he allegedly affixed his signature in said questioned Certification. Upon prodding by the trial prosecutor, he later on admitted that the signature appearing on the document is similar to his signature but posits that the document he signed as far as he could remember is about a tree planting project and not what the subject Certification purports where he is certifying to the effect that accused is a drug personality under BAD AC watch list.

In the cross examination, he alleged that he had no knowledge about the buy bust operation conducted against the

herein accused. Likewise, he admitted that he did not sign the Inventory Receipt.

The prosecution formally offered the following exhibits:

Exhibit "A" - Joint Affidavit of the arresting police officers;
Exhibit "B" - Extract Copy of the Police Blotter;
Exhibit "C" - Certification issued by Brgy. Chairman Precidio Palalay;
Exhibit "D" - Coordination Form;
Exhibit "E" - Pre-operational Report; Exhibit "F series" - Chemistry Report and Entries in the Log Book of the Crime Laboratory;
Exhibit "G series" - Request for Dangerous Drugs Examination[;]
Exhibit "H" - Chemistry Report on the Urine Test of the accused;
Exhibit "I" - Request for Laboratory Examination of the urine of the accused;
Exhibit "J series" - Pictures;
Exhibit "K" - Inventory of the items seized;
Exhibit "L" - the Specimen; [and]
Exhibit "M" - the buy-bust money.

The Defense's Version

Crispin Mamuyac, Jr., took the witness stand and testified] in his favor. He claims that on April 2, 2014 at around 4:00 o'clock in the afternoon, he came from his house coming from the house of the Brgy. Chairman of their barangay. Upon arriving at home and while partaking their food, several men entered his residence. He recognized them to be police officers John-John Garan and Leumuel Bulosan. On the other hand, the Chief of Police who was posted outside was wearing a blonde wig, disguising himself. Guns were aimed at him by the police authorities. He was forcibly carried out of this house and brought to the mobile car. Right inside said car, Police Officer Alexson Rosal told him "I would not have done this friend, but it is our standard operating procedure and we are looking for a baby armalite". He was further informed that his arrest was caused by the Brgy. Chairman. He retorted that such could not be possible because he just came from the house of the Brgy. Chairman. On board the car, they fetched Brgy. Councilor Enrique and was subsequently brought to the police station for investigation. He denied that he sold shabu to the police poseur-buyer PO1 Alexson Rosal.

In the cross examination, he alleged that he is familiar with PO1 Alexson Rosal because of the check point and the wife of the latter is a co-worker of his wife. He further admits that notwithstanding the gravity of the offense charged against him, he did not lodge any complaint against the arresting police officers because he was in jail and no one could attend to it.

The next witness for the defense is Brgy. Chairman Precidio Caliva Palalay. Considering that he is a common witness, the defense adopts his testimony when presented by the prosecution.

After which, the defense intended to present the wife of the accused, Janice Mamuyac, as another witness. However, the parties, entered into stipulations of facts with regard to her testimony. The gist and tenor of her testimony is corroborative to the testimony of her husband, the herein accused. Such preferred testimony was admitted by the prosecution. Hence, her testimony was dispensed with.

With the testimonial evidence consisting of the testimony of herein accused, the adopted testimony of Brgy. Chairman Presidio Palalay and Janice Mamuyac, the defense rest[ed] its case.[4] (Boldfacing and italicization in the original)

The Ruling of the RTC

In a Decision dated 17 August 2015, the RTC convicted appellant of violating Section 5, Article II of RA 9165

and imposed imprisonment and payment of fine and costs of the suit as penalties. The RTC ruled that the arrest of appellant is legal, and the buy-bust operation is valid. The RTC stated:

The evidence clearly shows that the buy-bust operation conducted by the elements of the PNP Pasuquin Police station, which made use of entrapment to capture herein accused in the act of selling a dangerous drug, was valid. It has been established that it was the police informant who initially gave the police officers hot information regarding accused's rampant activity of selling dangerous drugs. But before that, SPO1 Caldito verified the information relayed by their tipster thru "neighborhood investigation." Finding positive that accused is selling prohibited drugs, a buy-bust operation was then hatched against him. Taking advantage of the present drug peddling activity of the herein accused, the informant and accused initially transacted[,] where the latter upon seeing the former immediately inquired how much he is going to buy. The informant replied to buy in the amount of five hundred pesos. PO1 Rosal took the said amount and handed it to accused. The latter then received the amount and placed the bill in his pocket and handed to PO1 Rosal a plastic sachet containing white crystalline granules. Accused was arrested upon handling [sic] the small plastic sachet containing white crystalline substance to PO1 Rosal. Evidently, the prosecution's facts demonstrate a valid buy-bust operation that is within the bounds of fair and reasonable administration of justice.

From the foregoing, it is patently clear that the prosecution succeeded in establishing, with moral certainty, all the elements of the illegal sale of shabu, to wit: (1) the identity of the buyer and seller, object, and consideration; and (2) the delivery of the thing sold and the payment therefor.[5]

The RTC also believed that the prosecution was able to establish the unbroken chain of custody of the seized drug. Although the RTC recognized that the prosecution was not able to strictly comply with Section 21 of RA 9165, it declared that non-compliance was not fatal to the case of the prosecution. The RTC stated:

Ideally, the procedure on the chain of custody should be perfect and unbroken. However "a testimony about a perfect chain is not always the standard as it is almost always the impossible to obtain an unbroken chain." In the case at bar, the prosecution submitted proof of the physical inventory of the seized items although there is an annotation therein that the barangay officials refused to sign said document. Photographs of the confiscated items were likewise introduced as evidence, both as required under [S]ection 21 of Republic Act No. 9165. What seems questionable only is that the inventory and picture taking were not made in the crime scene. However, what are of utmost importance are the preservation of the integrity and the evidentiary value of the seized items, because the same will be utilized in ascertaining the guilt or innocence of the accused.

The prosecution was able to demonstrate that the integrity and evidentiary value of the evidence seized had been preserved. The prosecution witnesses were categorical and consistent that accused offered one plastic sachet containing shabu to PO1 Rosal. The consideration involved was later recovered from accused himself even though he tried to run away and evade arrest from the police operatives. As soon as the police officers, together with accused reached the police station of Pasuquin, the seized sachet was marked with the initials "CPM1" by PO1 Rosal. This was done before the specimen was turned over to the station investigator for the preparation of the request for laboratory examination by PSI Ramos. Thereafter, the specimen was forwarded to the crime laboratory by the investigator, PO2 John-John Garan. The Chemistry Report prepared by the forensic chemist listed the same specimen which bore the initials of the police officers, and which were later identified by PO1 Rosal and PSI Navarro in open court as the same plastic sachet they marked with their initials.[6]

The RTC did not see any evidence that will cast doubt on the allegations against appellant, and gave credence to the evidence of the prosecution. The dispositive portion of the RTC Decision reads:

WHEREFORE, the court finds accused Crispin Mamuyac, Jr. GUILTY beyond reasonable doubt of Violation of Section 5, Article II of R.A. No. 9165 or the Comprehensive Dangerous Drugs Act of 2002, and hereby imposes upon him the penalty of life imprisonment plus a fine of Five Hundred thousand pesos (P500,000.00),

and to pay the costs.

The methamphetamine hydrochloride subject of this case is hereby declared forfeited in favor of the government, to be destroyed in accordance with the aforesaid law. The clerk of court is directed to coordinate with the Philippine Drug Enforcement Agency for this purpose.

SO ORDERED.[7]

The CA's Ruling

The CA affirmed the ruling of the RTC.

The CA agreed with the RTC that the integrity and evidentiary value of the seized shabu were duly preserved and safeguarded, and that all elements for the illegal sale of shabu were adequately established.

x x x. PO1 Rosal, the poseur-buyer, identified appellant as the person who sold him one piece heat-sealed transparent sachet containing white crystalline substance in the buy-bust operation conducted by the police officers of Pasuquin Municipal Police Station. Upon receipt of the P500.00 buy-bust money, appellant handed to PO1 Rosal the sachet containing 0.0343 gram of white crystalline substance which later tested positive for shabu.[8]

The dispositive portion of the CA's Decision, promulgated on 7 November 2016, reads as follows:

WHEREFORE, the present appeal is DISMISSED. The Decision dated August 17, 2015 of the Regional Trial Court, Branch 19 of Bangui, Ilocos Norte in Criminal Case No. 2194-19 is hereby AFFIRMED.

SO ORDERED.[9]

The Public Attorney's Office (PAO) manifested appellant's intent to appeal in a Notice of Appeal[10] dated 24 November 2016.

The Office of the Solicitor General (OSG) filed a Manifestation (In Lieu of Supplemental Brief) on 31 January 2018[11] which stated that appellant's brief filed before the CA amply demonstrated the guilt of appellant and thoroughly discussed all the issues presented for resolution. The Special and Appealed Cases Service of the PAO also filed a Manifestation (In Lieu of Supplemental Brief) on behalf of appellant on 28 February 2018.[12] The PAO manifested that he does not intend to file a Supplemental Brief, because all relevant issues were already exhaustively discussed in the Appellant's Brief dated 14 April 2016.

The Issues

The PAO assigned the following errors in the brief for appellant it filed with the CA:

- THE COURT A QUO GRAVELY ERRED IN RENDERING A JUDGMENT OF CONVICTION AGAINST THE ACCUSED-APPELLANT DESPITE THE MARKING AND INVENTORY OF THE ALLEGEDLY SEIZED PLASTIC SACHET WAS MADE ONLY AT THE POLICE STATION AND NOT IMMEDIATELY AT THE PLACE OF ARREST, IN VIOLATION OF THE MANDATORY REQUIREMENT UNDER SECTION 21, REPUBLIC ACT NO. 9165 AND EXISTING JURISPRUDENCE.
- THE COURT A QUO GRAVELY ERRED IN RENDERING A JUDGMENT OF CONVICTION AGAINST THE ACCUSED-APPELLANT DESPITE BARANGAY CHAIRMAN PALALAY'S EXPLICIT REFUSAL TO SIGN THE INVENTORY RECEIPT, AS HE WAS NOT PRESENT DURING THE CONDUCT OF THE INVENTORY.
- THE COURT A QUO GRAVELY ERRED IN RENDERING A JUDGMENT OF CONVICTION AGAINST THE ACCUSED-APPELLANT DESPITE PO1 ROSAL'S ADMISSION OF PLACING THE

ALLEGEDLY SEIZED PLASTIC SACHET IN HIS POCKET BEFORE IT WAS BROUGHT TO THE POLICE STATION.

- THE COURT A QUO GRAVELY ERRED IN RENDERING A JUDGMENT OF CONVICTION AGAINST THE ACCUSED-APPELLANT DESPITE THE BLATANT INCONSISTENCIES IN PO1 ROSALAND PO2 GARAN'S TESTIMONIES.

- THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.[13]

The Court's Ruling

We acquit appellant based on reasonable doubt. The Decisions of the RTC and CA should be set aside.

In *People v. Holgado*, we declared that the quantity of shabu seized, which was at 5 centigrams (0.05 gram), was miniscule.[14] The quantity of shabu seized in the present case is only 0.0343 gram, or even less than that seized in *Holgado*. In the same case, we underscored the need for an exacting compliance with Section 21 of RA 9165 especially when there is a miniscule amount of narcotics seized, thus:

While the miniscule amount of narcotics seized is by itself not a ground for acquittal, this circumstance underscores the need for more exacting compliance with Section 21. In *Malil[1]in v. People*, this court said that "the likelihood of tampering, loss or mistake with respect to an exhibit is greatest when the exhibit is small and is one that has physical characteristics fungible in nature and similar in form to substances familiar to people in their daily lives."

x x x x

Trial courts should meticulously consider the factual intricacies of cases involving violations of Republic Act No. 9165. All details that factor into an ostensibly uncomplicated and barefaced narrative must be scrupulously considered. Courts must employ heightened scrutiny, consistent with the requirement of proof beyond reasonable doubt, in evaluating cases involving miniscule amounts of drugs. These can be readily planted and tampered. Also, doubt normally follows in cases where an accused has been discharged from other simultaneous offenses due to mishandling of evidence. x x x.

It is lamentable that while our dockets are clogged with prosecutions under Republic Act No. 9165 involving small-time drug users and retailers, we are seriously short of prosecutions involving the proverbial "big fish." We are swamped with cases involving small fry who have been arrested for miniscule amounts. While they are certainly a bane to our society, small retailers are but low-lying fruits in an exceedingly vast network of drug cartels. Both law enforcers and prosecutors should realize that the more effective and efficient strategy is to focus resources more on the source and true leadership of these nefarious organizations. Otherwise, all these executive and judicial resources expended to attempt to convict an accused for 0.05 gram of shabu under doubtful custodial arrangements will hardly make a dent in the overall picture. It might in fact be distracting our law enforcers from their more challenging task: to uproot the causes of this drug menace. We stand ready to assess cases involving greater amounts of drugs and the leadership of these cartels.[15]

Applying the need for an exacting compliance with Section 21, we rule that, contrary to the rulings of the RTC and the CA, the prosecution clearly failed to comply with the requirements of the chain of custody rule. As of 2 April 2014, when the alleged crime was committed, the effective law enumerating the requirements of the chain of custody rule was Section 21 of RA 9165 as well as its Implementing Rules and Regulations. Before its amendment by Republic Act No. 10640 (RA 10640) on 15 July 2014, Section 21 of RA 9165 read:

Section 21. Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or

Laboratory Equipment. — The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

(1) The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof;

x x x x (Emphasis supplied)

The implementing rule for Section 21(1) of RA 9165 stated:

x x x x

(a) The apprehending officer/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 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 of and custody over said items;

x x x x

On 15 July 2014, RA 10640 amended Section 21 of RA 9165. RA 10640 now requires only two more witnesses, other than the accused or his/her counsel, to be present during the conduct of the physical inventory and taking of photograph of the seized items.[16]

The PAO enumerated the following lapses of the prosecution:

19. FIRST, the sachet allegedly seized from the accused-appellant was not marked at the place of arrest, but only at the police station.

x x x x

23. This fact alone creates a gap or interim in the custodial chain between the time of seizure and the time of actual marking rendering any subsequent compliance with the inventory and photography requirements inconsequential. It bears mentioning that PO1 Rosal did not satisfactorily explain, why marking was not made immediately at the place of arrest, or in front of the house of accused-appellant in Estancia, Pasuquin, Ilocos Norte. During direct examination, he revealed that he marked the item at the police station because their Chief of Police ordered him to do so. This is simply unjustified considering that he deviated from the standard marking procedure, which should have been made immediately at the place of arrest.

24. Interestingly, neither did PO1 Rosal, PO2 Garan, nor SPO1 Caldito mention any impending threat visible in the area, which could possibly affect the safety of their team. Neither was it established that the neighborhood was a hostile environment, which could warrant the team's immediate transfer to the police station.

25. SECOND, the inventory required under Section 21 of R.A. No. 9165 was also made at the police station.

x x x x

29. Non-compliance with Section 21 of R.A. No. 9165 is a matter of exception duly established as a fact, premised on justifiable grounds, adequately explained by the arresting officers, and not presumed by the courts. This, the prosecution obviously failed to justify as PO1 Rosal simply reasoned that they held the inventory at the police station because their Chief of Police ordered them so. Again, this is simply unacceptable in light of Barangay Chairman Precidio Caliva Palalay's explicit denial of signing the Inventory Receipt, x x x.

35. THIRD, the sachet allegedly confiscated from the accused-appellant was placed in the pocket of PO1 Rosal, x x x.

x x x x

38. FOURTH, the testimonies of PO1 Rosal and PO2 Garan are patently inconsistent as regards who between them delivered the sachet to the crime laboratory.

x x x x

42. FINALLY, accused-appellant's defense of frame-up is highly probable under the circumstances.[17] (Boldfacing and italicization in the original)

From the above, we see that the prosecution failed to prove appellant's guilt beyond reasonable doubt. The prosecution was already lacking in the number of witnesses required by Section 21, and failed to give justifications for the absence of any of the three other witnesses. This lack is further emphasized after Brgy. Chairman Precidio Caliva Palalay asserted that he did not affix the signature appearing on the Inventory Receipt.

People v. Lim[18] enumerated this Court's mandatory policy to prove chain of custody under Section 21 of RA 9165, as amended:

- In the sworn statements/affidavits, the apprehending/seizing officers must state their compliance with the requirements of Section 21(1) of RA 9165, as amended, and its IRR.
- In case of non-observance of the provision, the apprehending/seizing officers must state the justification or explanation therefor as well as the steps they have taken in order to preserve the integrity and evidentiary value of the seized/confiscated items.
- If there is no justification or explanation expressly declared in the sworn statements or affidavits, the investigating fiscal must not immediately file the case before the court. Instead, he or she must refer the case for further preliminary investigation in order to determine the (non) existence of probable cause.
- If the investigating fiscal filed the case despite such absence, the court may exercise its discretion to either refuse to issue a commitment order (or warrant of arrest) or dismiss the case outright for lack of probable cause in accordance with Section 5, Rule 112, Rules of Court.

People v. Sipin[19] ruled what constitutes justifiable reasons for the absence of any of the three witnesses:

(1) their attendance was impossible because the place of arrest was a remote area; (2) their safety during the inventory and photograph of the seized drugs was threatened by an immediate retaliatory action of the accused or any person/s acting for and in his/her behalf; (3) the elected officials themselves were involved in the punishable acts sought to be apprehended; (4) earnest efforts to secure the presence of a DO J or media representative and an elected public official within the period required under Article 125 of the Revised Penal Code prove futile through no fault of the arresting officers, who face the threat of being charged with arbitrary detention; or (5) time constraints and urgency of the anti-drug operations, which often rely on tips of confidential assets, prevented the law enforcers from obtaining the presence of the required witnesses even

before the offenders could escape.

Apart from the non-observance of the three witness rule, there is doubt as to whether the shabu allegedly seized from the appellant is the same shabu subjected to laboratory examination and presented in the RTC.

People v. Kamad enumerated the links that should be established in the chain of custody of the confiscated item:

x x x [F]irst, the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer; second, the turnover of the illegal drug seized by the apprehending officer to the investigating officer; third, the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and fourth, the turnover and submission of the marked illegal drug seized from the forensic chemist to the court.[20] (*Italicization in the original*)

As we review the submissions of both the prosecution and the defense, we find that PO1 Rosal was candid enough to testify that he placed in his pocket the miniscule amount of seized shabu. The seized shabu was in his pocket from the time of seizure until the alleged marking and inventory at the police station. In a similar case, we considered such act as "doubtful and suspicious," "reckless," "dubious," "fraught with dangers," as well as "blatantly irregular."

The circumstance of PO1 Bobon keeping narcotics in his own pockets precisely underscores the importance of strictly complying with Section 21. His subsequent identification in open court of the items coming out of his own pockets is self-serving.

The prosecution effectively admits that from the moment of the supposed buy-bust operation until the seized items' turnover for examination, these items had been in the sole possession of a police officer. In fact, not only had they been in his possession, they had been in such close proximity to him that they had been nowhere else but in his own pockets.

Keeping one of the seized items in his right pocket and the rest in his left pocket is a doubtful and suspicious way of ensuring the integrity of the items. Contrary to the Court of Appeals' finding that PO1 Bobon took the necessary precautions, we find his actions reckless, if not dubious.

Even without referring to the strict requirements of Section 21, common sense dictates that a single police officer's act of bodily-keeping the item(s) which is at the crux of offenses penalized under the Comprehensive Dangerous Drugs Act of 2002, is fraught with dangers. One need not engage in a meticulous counter-checking with the requirements of Section 21 to view with distrust the items coming out of PO1 Bobon's pockets. That the Regional Trial Court and the Court of Appeals both failed to see through this and fell — hook, line, and sinker — for PO1 Bobon's avowals is mind-boggling.

Moreover, PO1 Bobon did so without even offering the slightest justification for dispensing with the requirements of Section 21.

Section 21, paragraph 1, of the Comprehensive Dangerous Drugs Act of 2002, includes a proviso to the effect that "noncompliance [with] 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." Plainly, the prosecution has not shown that - on September 14, 2004, when dela Cruz was arrested and the sachets supposedly seized and marked - there were "justifiable grounds" for dispensing with compliance with Section 21. All that the prosecution has done is insist on its self-serving assertion that the integrity of the seized sachets has, despite all its lapses, nevertheless been preserved.

Apart from the blatantly irregular handling by PO1 Bobon of the seven (7) sachets, it is also admitted that no physical inventory and taking of photographs in the presence of dela Cruz or of any of the other persons specified by Section 21 were conducted.[21]

The multiple breaks in the links in the chain of custody of the evidence cast serious doubt as to appellant's guilt.

The failure to immediately mark the seized items, taken together with the absence of a representative from the media to witness the inventory, without any justifiable explanation, casts doubt on whether the chain of custody is truly unbroken. Serious uncertainty is created on the identity of the corpus delicti in view of the broken linkages in the chain of custody. The prosecution has the burden of proving each link in the chain of custody - from the initial contact between buyer and seller, the offer to purchase the drug, the payment of the buy-bust money, and the delivery of the illegal drug. The prosecution must prove with certainty each link in this chain of custody and each link must be the subject of strict scrutiny by the courts to ensure that law-abiding citizens are not unlawfully induced to commit an offense.[22]

We underscore that the burden of proving the guilt of the appellant lies on the strength of the evidence of the prosecution. We cannot allow the presumption of regularity in the conduct of police duty to overthrow the presumption of innocence of the accused in the absence of proof beyond reasonable doubt.

WHEREFORE, we GRANT the appeal. The 7 November 2016 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 07746, which affirmed the 17 August 2015 Decision of the Regional Trial Court First Judicial Region, Branch 19, Bangui, Ilocos Norte in Criminal Case No. 2194-19 finding appellant Crispin Mamuyac, Jr. y Palma guilty of violating Section 5, Article II of Republic Act No. 9165, is REVERSED and SET ASIDE. Accordingly, appellant Crispin Mamuyac, Jr. y Palma is ACQUITTED on reasonable doubt, and is ORDERED IMMEDIATELY RELEASED from detention, unless he is being lawfully held for another cause.

Let a copy of this Decision be furnished the Superintendent of the New Bilibid Prison, Bureau of Corrections in Muntinlupa City for immediate implementation. The said Superintendent is ORDERED to REPORT to this Court within five (5) days from receipt of this Decision the action he has taken.

SO ORDERED.

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

[1] Rollo, pp. 2-16. Penned by Associate Justice Priscilla J. Baltazar-Padilla, with Associate Justices Remedios A. Salazar-Fernando and Socorro B. Inting concurring.

[2] CA rollo, pp. 65-91. Penned by Presiding Judge Rosemarie V. Ramos.

[3] Also referred to in the records as Crispin Mamuyak, Jr. y Palma.

[4] CA rollo, pp. 65-71.

[5] Id. at 79-80.

[6] Id. at 85-86.

[7] Id. at 91.

[8] Rollo, p. 14.

[9] Id. at 15.

[10] Id. at 17-19.

[11] Id. at 24-29. Submitted under the name of Solicitor General Jose C. Calida, and signed by Assistant Solicitor General Thomas M. Laragan, and Senior State Solicitor Carmina O. Punzalan-Gaite.

[12] Id. at 33-37. Submitted under the name of Chief Public Attorney Persida V. Rueda Acosta, Public Attorney IV Mariel D. Baja, Public Attorney IV Flordeliza G. Merelos, Public Attorney III Florences G. Sta. Ana-De Belen, and signed by Public Attorney III Michael Joseph D. Cruz.

[13] CA rollo, pp. 37-38.

[14] 741 Phil. 78, 99 (2014).

[15] *People v. Holgado*, 741 Phil. 78, 99-100 (2014).

[16] The amended Section 21 now states:

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

(1) The apprehending team having initial custody and control of the 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 [with] 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 (Emphasis supplied)

[17] CA rollo, pp. 49-57.

[18] G.R. No. 231989, 4 September 2018.

[19] G.R. No. 224290, 11 June 2018.

[20] *People v. Kamad*, 624 Phil. 289, 304 (2010).

[21] *People v. Dela Cruz*, 744 Phil. 816, 834-835 (2014).

[22] *People v. Bartolini*, 791 Phil. 626, 638 (2016). Citations omitted.

ABOUT BATAS.ORG

Study smarter at BATAS.org

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

The complete Philippine law library - free for everyone.

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

Audio case-brief lectures.

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

Bar review built on the science of memory.

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

The full law-school curriculum.

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

Mock exams that tell you where you stand.

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

A study planner that keeps you on pace.

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

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

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

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

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