

ARJAY GUTIERREZ Y CONSUELO @ "RJ", PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 235956. December 05, 2018

Ponente: A. REYES, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-235956/>

A. REYES, JR., J.:

This resolves the petition for review filed under Rule 45 of the Rules of Court by petitioner Arjay Gutierrez y Consuelo @ "RJ" (Gutierrez) to assail the Decision[1] dated June 28, 2017 and Resolution[2] dated November 21, 2017 of the Court of Appeals (CA) in CA-G.R. CR No. 38431, which affirmed his conviction for violation of Section 11, Article II of Republic Act (R.A.) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

The Facts

Gutierrez was charged before the Regional Trial Court (RTC) of Pasig City with violation of Section 11, Article II of R.A. No. 9165 via an Information[3] that reads:

On or about October 16, 2014, in Pasig City and within the jurisdiction of this Honorable Court, the accused, not being lawfully authorized to possess any dangerous drug, did then and there willfully, unlawfully and feloniously have in his possession and under his custody and control five (5) heat-sealed transparent plastic sachets containing dried marijuana fruiting tops having the following recorded net weights: 0.16 gram; 0.15 gram; 0.12 gram; 0.14 gram; 0.14 gram; and one folded Marlboro cigarette paper containing 0.18 gram or with a total weight of 0.90 gram of dried Marijuana fruiting tops, which were all found positive to the test for Marijuana, a dangerous drug, in violation of the said law.

Contrary to law.[4]

Upon arraignment, Gutierrez entered the plea of "not guilty." [5] After termination of the pre-trial conference, trial on the merits ensued.

Version of the Prosecution

The prosecution intended to present the following witnesses during the trial: (1) Police Senior Inspector Anghelisa S. Vicente (PSI Vicente), (2) Police Officer 2 Merlito B. Baturi (PO2 Baturi), and (3) Police Officer 3 Nelson G. Cruz (PO3 Cruz). Gutierrez was allegedly caught by PO2 Baturi in possession of marijuana, which was the subject of an examination made by PSI Vicente. During the initial presentation of the prosecution's evidence, however, the testimony of PSI Vicente was dispensed with given the following stipulations of facts that were jointly made by the trial prosecutor and the defense counsel:

(1) that [PSI] Vicente is a Forensic Chemist assigned at the PNP-EPD Crime Laboratory Office, Mandaluyong City; (2) that the witness is an expert in the field of Forensic Chemistry; (3) that the witness received the Request for Laboratory Examination, dated October 17, 2014, together with the specimens described in the request; (4) that upon receipt of the specimens, the witness conducted the physical, chemical and confirmatory

test on the specimens submitted; (5) that the result of her examination is contained in the Physical Science Report No. D417-14E; (6) that the witness sealed the specimens and placed her marking thereon; (7) that she brought to [the RTC] the EPD Crime Laboratory's receiving copy of the letter-request for laboratory examination, the white copy of the Physical Science Report and the subject drugs; (8) the existence and due execution of the Physical Science Report No. D-417-14E and the Request for Laboratory Examination; (9) that the witness has no personal knowledge of the source and origin of the specimens subject of this case; (10) that the specimens she received were the same specimens she brought and submitted to the court; (11) that she has no personal knowledge of the circumstances leading to the arrest of the accused; and (12) that the evidence examined by the forensic chemist were already pre-marked when she received the same.[6]

Physical Sciences Report No. D-417-14E[7] referred to in the foregoing and which indicated the results of PSI Vicente's laboratory examination provided as follows:

FINDINGS:

Qualitative examination conducted on the above-stated specimens gave POSITIVE result to the tests for the presence of Marijuana, a dangerous drug x x x

CONCLUSION:

Specimens A to F contain Marijuana, a dangerous drug x x x[8]

The circumstances that led to the prior arrest of Gutierrez and the confiscation of the subject drugs were testified on by another member of the Philippine National Police, PO2 Baturi. He narrated in court that on October 16, 2014, at around 10:00 p.m., he was in an outpost within the Police Community Precinct (PCP) 6, Pasig City Police Station situated at Westbank Road, Floodway, when the Tactical Operation Center of the Pasig City Police Station Unit received a call from a concerned citizen about a group of male persons causing alarm and scandal, also along West Bank Road, Floodway. After receipt of the report, PO2 Baturi and PO1 Jeffrey Cangas (PO1 Cangas), together with members of the Barangay Security Force (BSF) of Barangay (Brgy.) Maybunga, acted on the matter and immediately went to the area where the persons were allegedly creating noise and trouble. There, they saw a group of five or six persons who were shouting and uttering unpleasant words. PO2 Baturi, in particular, arrested Gutierrez. After informing Gutierrez of his arrest for alarm and scandal followed by a statement of his constitutional rights, PO2 Baturi proceeded to conduct a routine body search for possible possession of illegal objects. Upon making a body frisk, PO2 Baturi recovered from Gutierrez a fliptop box that contained a plastic sachet with suspected dried marijuana. PO2 Baturi then informed Gutierrez of his arrest also for illegal possession of marijuana. Gutierrez and the other persons arrested were brought to the precinct, where the confiscated pieces of evidence were presented to the duty officer and markings thereon were made.[9] Specifically, the markings on the evidence were as follows:

1)

first plastic sachet: 1MBB/ACG, with date 10-16-2014 and PO2 Baturi's signature;

2)

second plastic sachet: 2MBB/ACG-10-16-2014 and signature;

3)

third plastic sachet: 3MBB/ACG-10-16-2014 and signature;

4)

fourth plastic sachet: 4MBB/ACG-10-16-2014 and signature;

5)

fifth plastic sachet: 5MBB/ACG-10-16-2014 and signature;

6)

folded cigarette pack containing dried marijuana leaves: 6MBB/ACG-10-16-2014 and signature.

7)

flip-top box that contained the 5 plastic sachets and 1 cigarette pack: 7MBB/ACG-10-16-2014.[10]

Those who were present during the marking by PO2 Baturi were PO1 Cangas, the BSF of Brgy. Maybunga, PO2 Baturi's commander, the admin personnel of the precinct and Gutierrez.[11]

An Inventory of Seized Evidence[12] was later prepared, presented and signed at the barangay hall by PO2 Baturi before one Kagawad Pozon, a barangay official of Brgy. Maybunga to whom Gutierrez was also presented. Gutierrez and Kagawad Pozon were likewise among those who signed the inventory.[13] PO2 Baturi explained his failure to prepare the inventory at the place of arrest, and the other matters that affected the handling of the confiscated items by testifying that:

PROS. PONPON

x x x x

Q:

Why was it that you did not prepare [the inventory] at the place of the arrest?

A:

Because it was a remote area and we don't have necessary form of inventory of seized evidence.

Q:

Why is it that you did not did you (sic) not prepare the inventory at PCP 6?

A:

We need to make the inventory in the presence of the barangay official as well as in the presence of the accused because that was the prerequisite, sir.

Q:

Before you start preparing the inventory, why you did (sic) not summon the presence of a representative from the media?

A:

We don't have contact with the media, sir.

Q:

Why did you not summon the presence of the representative from the National Prosecution Service?

A:

Because we will file the case at the court of law, sir.

Q:

After you prepared the inventory, what happened next, if any?

A:

Thereafter, we proceeded to the SAID Office to prepare for the necessary papers for the filing of the case, sir.

Q:

From the place where you arrested the accused up to the barangay hall of Brgy. M[a]ybunga, who was in possession of the evidence that you confiscated from the accused?

A:

The evidence was with me, sir.

Q:

From the barangay, where did you proceed?

A:

To the [Station Anti-Illegal Drugs (SAID)] Office to turn over the evidence confiscated from the suspect as well as the suspect to the duty investigator of SAID Police Station.

Q:

While in transit from the barangay hall of Brgy. Maybunga to the office of SAID, who was in possession of the evidence that you confiscated from the accused?

A:

It was in my custody, sir.

Q:

You said you went to the Office of SAID for the purpose of turned (sic) over the evidence to the SAID, what proof do you have to show that you actually turned over the evidence to SAID?

A:

Because the duty investigator at the time took my affidavit of arrest regarding the arrest of the accused and the turned (sic) over of the evidence confiscated from the possession of the accused.[14]

PO2 Baturi also identified during the trial[15] a Chain of Custody Form[16] that bore his signature and an indication that the confiscated items marked as 1MBB-ACG-10-16-2014 to 6MBB/ACG-10-16-2014 were turned over to PO3 Cruz, an Investigator of the Station Anti-Illegal Drugs Special Operation Task Group (SAID-SOTG) Pasig City. The trial prosecutor and defense counsel also opted to merely stipulate on the matters that were to be testified upon by PO3 Cruz, particularly:

(1) that the witness is the investigator on case; (2) that he prepared the Request for Laboratory Examination, Chain of Custody Form; and Request for Drug Test; (3) that the witness can identify the aforesaid documents; (4) that the evidence was turned over by PO3 Nelson Cruz to PSI Anghelisa S. Vicente as reflected in the Chain of Custody Form; (5) that the witness has no personal knowledge of the source and origin of the specimens subject of this case; (6) that he has no personal knowledge of the facts and circumstances leading to

the arrest of the accused; and (7) that he received the specimens already pre-marked.[17]

Version of the Defense

Only Gutierrez testified for his defense. He denied the charges against him as he claimed that on October 16, 2014, at around 10:30 p.m., he and his friends were hanging out, laughing and talking in front of his friend Russel's house along West Bank Road, Floodway, Maybunga, Pasig City when a police mobile car stopped before them. PO1 Cangas and PO2 Baturi alighted from the car and then frisked them even without first informing them of the reason for the body search. PO2 Baturi did not recover anything from Gutierrez during the frisk; Gutierrez and his friends were then ordered by the police to leave the place.[18]

Gutierrez's group then did as was instructed, and thereafter proceeded to the house of one Erickson Irvin Inocando (Erickson) to eat. While inside Erickson's house, Gutierrez and his friends heard a commotion, so they peered outside and were surprised to again see PO1 Cangas and PO2 Baturi. The police officers approached Gutierrez's group. Gutierrez and Erickson were handcuffed, and then made to ride a patrol car without getting any explanation from the police. They were brought to PCP 6 and were told to admit as theirs a cigarette pack containing dried marijuana. When PO2 Baturi said that the cigarette pack was confiscated from Gutierrez, the latter opposed as he argued that nothing was found from him during the frisk. Gutierrez denied knowing where the cigarette pack came from. Out of fright, he still signed a document presented to him by the police even without reading its contents.[19]

The Ruling of the RTC

On October 28, 2015, the RTC rendered its Judgment[20] finding Gutierrez guilty as charged. For the trial court, PO2 Baturi made a valid warrantless arrest upon Gutierrez for causing disturbance in a public place. The frisk that was made following the lawful arrest yielded the confiscation of the plastic sachets and cigarette wrapper with suspected dried marijuana fruiting tops.[21] A qualitative examination conducted on the specimens submitted for laboratory examination confirmed the items to be marijuana, a dangerous drug under R.A. No. 9165.[22]

On the matter of sufficient compliance with the statutory requirements in the handling of the confiscated items, the RTC discussed:

Attached to the record of the case are the inventory of seized properties/items and photographs of the seized evidence. The inventory, however, bears no signature of the representative from the media or the National Prosecution Service. It has, however, the signature of an elected public official, Kagawad Pozon. PO2 Baturi also admitted that he marked the evidence not at the place of arrest but at the PCP 6 outpost and that the inventory and photographing of the evidence were done at the barangay hall of Maybunga.

The failure, however, of the arresting officer to comply strictly with the rule[,] specifically Section 21, Article II of RA 9165, as amended by Section 1 of RA 10640[,] is not fatal. It did not render accused'[s] arrest illegal nor the evidence adduced against him inadmissible. What is essential is "the preservation of the integrity and the evidentiary value of the seized items, as the same would be utilized in the determination of the guilt or innocence of the accused."

In the instant case, the requirements of the law were substantially complied with and the integrity of the drugs seized from the accused was preserved. More importantly, an unbroken chain of custody of the prohibited drugs taken from the accused was sufficiently established. x x x[23]

On the chain of custody, the RTC referred to the fact that the marijuana was seized by PO2 Baturi from Gutierrez and then brought to PCP 6 outpost where the markings were made. Thereafter, these were brought to the barangay hall where PO2 Baturi accomplished the required inventory before Kagawad Pozon. After the inventory, the drugs

were brought to the office of SAID-SOTG, Pasig City Police Station, and turned over to PO3 Cruz, the investigating officer. PO3 Cruz prepared the request for laboratory examination and delivered the evidence for laboratory examination to the EPD Crime Laboratory Service in Mandaluyong City, received by PSI Vicente.[24]

The RTC's judgment dated October 28, 2015 then ended with the following dispositive portion:

WHEREFORE, premises considered, the Court finds accused ARJAY [GUTIERREZ] y CONSUELO alias "RJ" GUILTY beyond reasonable doubt of violation of Section 11, Article II of RA No. 9165, and hereby sentences him to suffer imprisonment from twelve (12) years and one (1) day to fourteen (14) years and eight (8) months, and a fine of three hundred thousand pesos (P300,000.00).

The 0.90 gram of dried marijuana fruiting tops (Exhibits "K" to "Q") subject matter of the instant case is forfeited in favor of the government, and its transmittal to the Dangerous Board for its immediate destruction is hereby ordered.

SO ORDERED.[25]

Dissatisfied with his conviction, Gutierrez filed a notice of appeal[26] from the RTC's decision to the CA.

The Ruling of the CA

On June 28, 2017, the CA rendered its Decision that denied Gutierrez's appeal. His illegal possession of dangerous drugs, particularly the marijuana that had a total weight of 0.90 gram, was duly established by the prosecution. The drugs were recovered during a valid warrantless search that was effected incidental to a lawful arrest by PO2 Baturi for alarms and scandal.[27] The appellate court cited the presumption that is generally applied to the actions of police officers, i.e., that they have performed their duties in a regular manner, unless there is evidence to the contrary. The presumption of regularity in the performance of official duty, as well as the findings of the trial court on the credibility of the prosecution witnesses, should prevail over Gutierrez's defenses of denial and frame-up which, as a rule, are viewed with disfavor by the courts.[28]

The police officers' failure to fully comply with Section 21 of R.A. No. 9165 on the immediate physical inventory and photograph of confiscated drugs, along with the failure to obtain the persons who were required to witness the proceedings, was not fatal to the case. Substantial compliance suffices under Section 21 (a) of R.A. No. 9165's Implementing Rules and Regulations (IRR).[29] "Slight infractions or nominal deviations by the police from the prescribed method of handling the corpus delicti, as provided in Section 21, should not exculpate an otherwise guilty defendant." [30]

Given the foregoing findings, the fallo of the CA decision reads:

WHEREFORE, the instant appeal is hereby DENIED. The Judgment dated 28 October 2015 issued by the Regional Trial Court of Pasig City, Branch 164, in Criminal Case No. 19624-D, is hereby AFFIRMED.

SO ORDERED.[31]

Hence, this petition for review on certiorari filed by Gutierrez

The Present Petition

Gutierrez insists on an acquittal from the crime of illegal possession of dangerous drugs, as he assails the validity of his arrest and the admissibility of the pieces of evidence that were allegedly seized from and presented against him. He likewise claims that the prosecution has failed to prove the identity of the illegal drugs. Invoking the chain of custody requirement, Gutierrez cites the police officers' failure to immediately mark and conduct an inventory of the items that were considered sufficient to support conviction.

This Court's Ruling

The Court finds merit in the petition. The acquittal of Gutierrez from the drug charge is proper.

Gutierrez was charged with and convicted of the crime of illegal possession of dangerous drugs as defined and penalized under R.A. No. 9165, which demands the establishment of the following elements for a conviction: (1) the accused is in possession of an item or object, which is identified as a prohibited drug; (2) such possession is not authorized by law; and (3) the accused freely and consciously possessed the drug.[32] In the prosecution of drugs cases, the procedural safeguards that are embodied in Section 21 of R.A. No. 9165, as amended by R.A. No. 10640,[33] are material as their compliance affects the corpus delicti and warrants the identity and integrity of the substances and other evidence that are seized by apprehending officers. Specifically, Section 21 as amended provides the following rules:

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 person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, with an elected public official and a representative of the National Prosecution Service or the media who shall be required to sign the copies of the inventory and be given a copy thereof: Provided, That the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures: Provided, finally, That noncompliance 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 (Emphasis ours)

It bears emphasis that the amendment that was introduced by R.A. No. 10640 in Section 21 prescribes a physical inventory and photograph of the seized items 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, plus two other witnesses, particularly: (1) an elected public official, and (2) a representative of the National Prosecution Service or the media, who shall sign the copies of the inventory and be given a copy thereof. Proponents of the amendment recognized that the strict implementation of the original Section 21[34] of R.A. No. 9165 could be impracticable for the law enforcers' compliance,[35] and that the stringent requirements could unduly hamper their activities towards drug eradication. The amendment then substantially included the saving clause that was actually already in the IRR of the former Section 21, indicating that non-compliance with the law's 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 the seizures and custody over confiscated items.

The Court reiterates though that a failure to fully satisfy the requirements under Section 21 must be strictly premised on "justifiable grounds." The primary rule that commands a satisfaction of the instructions prescribed by the statute stands. The value of the rule is significant; its non-compliance has serious effects. As the Court

declared in *People of the Philippines v. Joshua Que y Utuanis*:^[36]

People v. Morales explained that "failure to comply with Paragraph 1, Section 21, Article II of RA 9165 implie[s] a concomitant failure on the part of the prosecution to establish the identity of the corpus delicti. It "produce[s] doubts as to the origins of the [seized paraphernalia]."

Compliance with Section 21's chain of custody requirements ensures the integrity of the seized items. Non-compliance with them tarnishes the credibility of the [corpus delicti] around which prosecutions under the Comprehensive Dangerous Drugs Act revolve. Consequently, they also tarnish the very claim that an offense against the Comprehensive Dangerous Drugs Act was committed. x x x^[37]

In the present case, there was such failure on the part of the apprehending officers to fully comply with the strict requirements under Section 21 of R.A. No. 9165.

Under the law, a physical inventory and photograph of the items that were purportedly seized from Gutierrez should have been made at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable. The entire procedure must likewise be made in the presence of Gutierrez or his representative or counsel and two more witnesses, particularly: (1) an elected public official, and (2) a representative of the National Prosecution Service or the media. They shall be required to sign the copies of the inventory and be given a copy thereof.

The irregularities in this case pertained to such initial handling of the confiscated items. While a photograph^[38] of the pieces of evidence forms part of the case records, there is no testimony indicating the circumstances as to when and where it was taken. The prosecution failed to establish that it was made at the place and in the presence of the persons enumerated under the law.

The required inventory was also not conducted by PO2 Baturi upon his arrival at the precinct. It was not made until after he and Gutierrez later went to the barangay hall of Barangay Maybimga, apparently only because the barangay official was in the hall at that time. The required number of witnesses to the inventory was also not satisfied because other than Gutierrez, only the barangay kagawad was there to observe it. A representative of the National Prosecution Service or the media was not present, with PO2 Baturi attempting to justify the deficiency by mere general statements that do not offer persuasive reasons, specifically:

PROS. PONPON:

x x x x

Q:

Why is it that you did you not (sic) prepare the inventory at PCP 6?

A:

We need to make the inventory in the presence of the barangay official as well as in the presence of the accused because that was the prerequisite, sir.

Q:

Before you start preparing the inventory, why you did (sic) not summon the presence of a representative from the media?

A:

We don't have contact with the media, sir.

Q:

Why you did not summon the presence of the representative from the National Prosecution Service?

A:

Because we will file the case at the court of law, sir.

x x x x[39]

It is clear from the foregoing that there were no concrete efforts on the police officers' part to have any representative from the media who could witness the inventory. Moreover, even granting that they really did not have a contact with the media, then they could have at least coordinated with the National Prosecution Service. PO2 Baton, however, offered an absurd answer when he was asked during the trial for an excuse for such failure.

The saving clause under Section 21 could not apply in light of the mere flimsy excuses that were presented by the prosecution to justify the irregularities. The belated inventory and the failure to meet the number of witnesses required by law raised doubts on the integrity and evidentiary value of the items that were allegedly seized from Gutierrez. The law deserved faithful compliance, especially by the police officers who ought to have laid down the proper procedure in the seizure and handling of the confiscated items, especially since the small volume of the suspected drugs made it easier for the items to be corrupted or tampered with. It was only for justifiable and unavoidable grounds that any deviation from the strict requirements under Section 21 could be excused, and proof of such circumstances should have been laid down through clear and complete accounts of the prosecution witnesses. The prosecution failed in this regard.

As the Court reiterated in *People of the Philippines v. Lulu Battung y Narmar*,^[40] "(t)he 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." Unjustified gaps in the chain of custody militate against a finding of guilt beyond reasonable doubt.^[41]

All told, the Court finds the errors committed by the apprehending team as sufficient to cast serious doubts on the guilt of Gutierrez. Absent faithful compliance with the legal provisions intended to, first, preserve the integrity and evidentiary value of seized items in drugs cases, and second, to safeguard accused persons from accusations and convictions that are unjust, an acquittal becomes the proper recourse.

WHEREFORE, the petition is GRANTED. The Court of Appeals' Decision dated June 28, 2017 and Resolution dated November 21, 2017 in CA-G.R. CR No. 38431, which affirmed the Judgment dated October 28, 2015 of the Regional Trial Court, Branch 164, Pasig City in Criminal Case No. 19624-D finding petitioner Arjay Gutierrez;/ Consuelo alias "RJ" guilty of violating Section 11, Article II of Republic Act No. 9165, is REVERSED and SET ASIDE. Petitioner Arjay Gutierrez y Consuelo alias "RJ" is ACQUITTED for failure of the prosecution to prove his guilt beyond reasonable doubt. The Director of the Bureau of Corrections is ORDERED to immediately release petitioner from detention, unless he is being lawfully held in custody for any other reason, and to inform this Court of his action hereon within five (5) days from receipt of this Decision.

SO ORDERED.

Carpio, Senior Associate Justice, (Chairperson), Perlas-Bernabe, Caguioa, and Carandang,[*] JJ., concur.

[*] Designated additional Member as per Special Order No. 2624, dated November 29, 2018.

- [1] Penned by Associate Justice Jane Aurora C. Lantion, with Associate Justices Fernanda Lampas Peralta and Victoria Isabel A. Paredes concurring; rollo, pp. 34-48.
- [2] Id. at 51-52.
- [3] Records, pp. 1-2.
- [4] Id. at 1.
- [5] Id. at 24.
- [6] Id. at 39.
- [7] Id. at 64.
- [8] Id.
- [9] TSN, April 20, 2015, pp. 3-6.
- [10] Id. at 2-4; records, p. 66 and 75.
- [11] Id. at 4.
- [12] Records, p. 59.
- [13] TSN, April 20, 2015, pp. 4-6.
- [14] Id. at 6-8.
- [15] TSN, April 20, 2015, p. 10.
- [16] Records, p. 60.
- [17] Id. at 51.
- [18] TSN, September 28, 2015, pp. 3-5.
- [19] Id. at 5-7.
- [20] Rendered by Presiding Judge Jennifer Albano Pilar; records, pp. 73-80.
- [21] Id. at 77-78.
- [22] Id. at 78.
- [23] Id. at 79.
- [24] Id. at 79.
- [25] Id. at 82.
- [26] Id. at 83.
- [27] Rollo, pp. 40-41.
- [28] Id. at 42-43.
- [29] Id. at 45-46.
- [30] Id. at 46.

[31] Id. at 47.

[32] *People v. Casacop*, 778 Phil. 369, 375 (2016).

[33] 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 Acts of 2002. R.A. No. 10640 took effect on July 23, 2013.

[34] 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

[35] See *People of the Philippines v. Ramoncito Cornel y Asuncion*, G.R. No. 229047, April 16, 2018.

[36] G.R. No. 212994, January 31, 2018.

[37] Id.

[38] Records, p. 66.

[39] TSN, April 20, 2015, pp. 6-7.

[40] G.R. No. 230717, June 20, 2018.

[41] *People of the Philippines v. Nestor Año y Del Remedios*, G.R. No. 230070, March 14, 2018.

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.