

### Title: People of the Philippines v. Efren Posos y Morfe and Thelma Grezola y Cabacang

### Facts

**Initial Investigation and Arrest:**

- **September 5, 2011:** IA3 Sandaan of the PDEA received a tip involving “Rolly” (later identified as Efren Posos) in illegal drug activities in Barangay Camarin, Caloocan City. With a confidential informant’s help, SI2 Nebato arranged to purchase 25 grams of shabu from Posos for PHP 140,000, setting a meeting for the following day.

- **September 6, 2011:** A buy-bust team composed of SI2 Nebato, another informant, and several backup officers proceeded to the arranged location. At Grezola’s store, Posos tried to sell a smaller sample for PHP 1,000 to SI2 Nebato. Upon refusal, he became agitated, prompting SI2 Nebato to buy the sample and signal for the arrest by turning the hazard lights on. The backup team then arrested Posos and Grezola and seized the drugs.

**Conduct Post-Arrest:**

- The team marked the seized item back at their PDEA office, not in the presence of a DOJ representative or media, due to crowd security concerns. Later, a Kagawad Ruiz (elected official) witnessed the inventory and photos.

**Version of the Defense:**

- Posos and Grezola claimed they were wrongfully detained, accused without warrant, and coerced. Grezola testified about her forced abduction, demand for ransom, and the seizure of her belongings. They argued that no genuine buy-bust operation was conducted, and denied involvement in drug selling, contending that they were framed by the PDEA operatives.

**Trial Court Proceedings:**

- **October 3, 2013:** The trial court found Posos and Grezola guilty of violating RA 9165 Section 5 in relation to Section 26 (sale of dangerous drugs), sentencing them to life imprisonment and imposing a PHP 500,000 fine each.

**Court of Appeals Proceedings:**

- **December 4, 2015:** The Court of Appeals affirmed the trial court decision. Posos appealed to the Supreme Court, questioning the buy-bust operation’s authenticity, the legality of the arrest, and lapses in the chain of custody.

### Issues

1. Did the prosecution present sufficient evidence of the elements for the illegal sale of

dangerous drugs under Section 5, Article II of RA 9165?

2. Was the chain of custody rule duly observed by the law enforcers in handling the seized drug item?

### ### Court's Decision

#### \*\*1. Elements of Illegal Sale of Dangerous Drugs:\*\*

- The Supreme Court determined that all elements were not shown. SI2 Nebato testified that the buy-bust money for the sample was never transferred to Posos, remaining in the officer's possession, thus failing to substantiate the payment, a critical element in illegal drug sales.

#### \*\*2. Chain of Custody:\*\*

- The chain of custody rule was found violated at multiple points:

- **First Link:** Marking was not immediate at the site. Required witnesses including DOJ and media representatives were absent during the inventory.

- **Second Link:** Absence of proper turnover to an investigating officer.

- **Third Link:** Lack of clear handling protocols and documentation during item transit to the laboratory.

- **Fourth Link:** Unaccounted steps post-examination until court presentation, undermining the integrity and continuity assurance of the evidence.

Given these errors and lapses, the Supreme Court cast significant doubt on the preservation of the corpus delicti, leading to the acquittal of both accused.

### ### Doctrine

- **Elements of Illegal Sale of Dangerous Drugs:** Explicitly required, especially the actual transfer of buy-bust marked money as an integral component.

- **Chain of Custody Rule Compliance:** Mandatory for maintaining evidence integrity, invoking acquittal if compromised without justified grounds.

- **Presumption of Innocence:** Judicial preference in case of procedural lapses reaffirmed by cases like *People v. Seguinte* and *People v. Rojas*.

### ### Class Notes

#### 1. **Illegal Sale of Drugs (Section 5, RA 9165):**

- Elements:

- *Buyer-seller identity*

- *Object and consideration presence*

- \*Delivery of the illegal drug\*
- \*Payment\* (essential)
- Case Reference: \*People v. Hilario\* emphasized the necessity for clear payment proof.

2. \*\*Chain of Custody under Section 21, RA 9165:\*\*

- Stages:
  - \*Seizure and Marking:\* Immediate, at the scene, in presence of accused and witnesses.
  - \*Turnover to Investigator:\* Clear documentation required.
  - \*Lab Examination Transmission\*
  - \*Court Submission\*
- Case Example: \*People v. Gayoso\* for every link accountability.

### Historical Background:

The case exemplifies stringent judicial standards in Philippine drug enforcement cases under RA 9165. It underscores reforms made to address possible abuses and protect individuals' rights amid the country's rampant anti-narcotics campaign. The procedural lapses highlighted stress the importance of due diligence in handling evidence.