

FIRST DIVISION

[G.R. No. 229509, July 03, 2019]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V.
BABYLYN MANANSALA Y CRUZ, ACCUSED-APPELLANT.**

D E C I S I O N

DEL CASTILLO, J.:

In yet another drug-related case, the Court is constrained to acquit the offender for non-compliance with the chain of custody rule laid down in Section 21 of Republic Act (RA) No. 9165^[1].

On appeal is the February 9, 2016 Decision^[2] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 07017 which affirmed the September 8, 2014 Joint Decision^[3] of the Regional Trial Court (RTC) of Manila, Branch 13, in Criminal Case Nos. 11-288493-94 convicting Babylyn Manansala y Cruz (appellant) of the crimes of illegal sale and illegal possession of methamphetamine hydrochloride, or *shabu*, under Sections 5 and 11 (3), Article II of RA 9165, or the Comprehensive Dangerous Drugs Act of 2002.

Factual Antecedents

Pertinent portions of the two Informations charging appellant are quoted below:

Criminal Case No. 11[-]288493

That on or about December 8, 2011, in the City of Manila, Philippines, the said accused, not having been authorized by law to sell, trade, deliver, transport or distribute any dangerous drug, did then and there willfully, unlawfully and knowingly sell or offer for sale to a police officer/poseur-buyer ZERO POINT ZERO ONE TWO (0.012) [gram] of white crystalline substance known as "*shabu*" placed in a transparent plastic sachet marked as "DAID" containing methamphetamine hydrochloride, which is a dangerous drug.

CONTRARY TO LAW.^[4]

Criminal Case No. 11[-]288494

That on or about December 8, 2011 in the City of Manila, Philippines, the said accused, not being authorized by law to possess any dangerous drug, did then and there willfully, unlawfully and knowingly have in her possession and under her custody and control one (1) heat sealed transparent plastic sachet containing zero point zero two three (0.023) gram of white crystalline substance known as "*shabu*" marked as "DAID-1" containing methamphetamine hydrochloride, a dangerous drug.

CONTRARY TO LAW.^[5]

Arraigned thereon, appellant entered a negative plea to both indictments.^[6]

Version of the Prosecution

The prosecution anchored its case mainly on the testimony of PO3 John Alfred Taruc (PO3 Taruc), which testimony is summarized, as follows:

In the morning of December 8, 2011, a confidential informant came to the Manila Police District (MPD) District Anti-Illegal Drugs - Special Operations Task Unit (DAID-SOTU) to report that he had set a drug deal at 6:00 p.m. at Taft Avenue, corner Kalaw Street, with a certain alias "Bek Bek",^[7] later identified as herein appellant.^[8] Acting on said information, the Chief of DAID-Special Operation Task Group (SOTG), PCINSP Robert Casimiro Domingo, formed a buy-bust team^[9] with PO3 Taruc as poseur-buyer^[10] and SPO1 Melany Amata (SPO1 Amata), PO3 Modesto Bornel, and PO3 Enrique Lalu as back-up.^[11] The buy bust money consisting of one P1,000.00 bill bearing serial no. HW675766^[12] was marked with PO3 Taruc's initials.^[13] The team arrived at the target area at 6:00 p.m.^[14] Upon meeting appellant, the confidential informant introduced PO3 Taruc as the buyer of the *shabu*.^[15] PO3 Taruc then gave appellant the marked P1,000.00 bill.^[16] Appellant placed the marked money in the right pocket of her pants^[17] and brought out a small plastic sachet^[18] containing a white crystalline substance which she handed over to PO3 Taruc. Thereafter, PO3 Taruc removed his bull cap, which was the pre-arranged signal, to summon the back-up operatives to come forth as the transaction had been consummated.^[19] Appellant was then immediately arrested and ordered to empty her pockets.^[20] The marked money and another plastic sachet of *shabu* were recovered from appellant.^[21] PO3 Taruc proceeded to mark the purchased plastic sachet as "DAID" and the other sachet as "DAID-1" while SPO1 Amata took pictures.^[22] An inventory of the seized items was then made in the presence of one media representative named Rene Crisostomo.^[23] After the inventory, appellant was brought to the office of the MPD DAID^[24] and the seized items were turned over to the Police Investigator, PO2 Voltaire S. Yap (PO2 Yap), and to Police Inspector Eduardo Vito Pama (PI Pama) who then prepared and signed the request for laboratory examination of the seized items.^[25] After this, PO3 Taruc and PI Pama brought the specimen to the crime laboratory.^[26] The seized items were received by forensic chemist PI Elisa G. Reyes (Forensic Chemist Reyes), who then conducted tests on the white crystalline substance contained in the two plastic sachets, both of which tested positive for the presence of methamphetamine hydrochloride, commonly known as *shabu*. The results of the laboratory test were contained in Chemistry Report No. D-1211-11.^[27]

Version of Appellant

The appellant denied the accusations against her. Appellant testified that, in the afternoon of December 8, 2011, at around 2:30, she went to visit her husband at the Manila City Jail. After the visit, she boarded a jeepney on her way home. Subsequently, five men in civilian attire likewise boarded the jeepney and instructed

her to alight therefrom. She was then taken to the DAID office where the police officers demanded money for her release.^[28]

Ruling of the Regional Trial Court

On September 8, 2014, the RTC of Manila, Branch 13, rendered its Joint Decision finding appellant guilty beyond reasonable doubt of violation of Sections 5 and 11 of RA 9165.

The RTC upheld the validity of the buy-bust operation and gave more credence to the testimony of PO3 Taruc than to the denial of appellant because it found no ill motive on the part of the police officers to falsely accuse appellant. The RTC likewise found that the chain of custody of the seized items was established by the prosecution.

The RTC thus disposed of it, this wise —

In Criminal Case No. 11-288493

WHEREFORE, in view of the foregoing, this Court finds the accused BABYLYN MANANSALA y CRUZ GUILTY beyond reasonable doubt as principal for violation of Section 5 of Republic Act No. 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002 (for pushing *shabu*) as charged and she is sentenced to suffer the penalty of LIFE IMPRISONMENT and to pay a Fine in the amount of P500,000.00.

In Criminal Case No. 11-288494

WHEREFORE, in view of the foregoing, this Court finds the accused BABYLYN MANANSALA y CRUZ GUILTY beyond reasonable doubt as principal for violation of Section 11 (3) of Republic Act No. 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002 (for possession of *shabu*) as charged and she is sentenced to suffer imprisonment in an indeterminate penalty of twelve (12) years and one (1) day to fifteen (15) years and to pay a Fine in the amount of P350,000.00.

x x x x

SO ORDERED.^[29]

Ruling of the Court of Appeals

On appeal, appellant contended that the prosecution failed to prove the integrity of the seized *shabu* as the apprehending officers did not strictly comply with the Chain of Custody Rule spelled out in Section 21 of RA 9165.

In its Decision of February 9, 2016, the CA denied the appeal. In affirming the RTC Decision, the CA ratiocinated that all elements of the crime of illegal sale of *shabu* were duly established by the evidence presented by the prosecution.^[30] The CA, like the RTC, found that the testimony of PO3 Taruc deserved more credence since testimonies of the police officers in dangerous drug cases carry with them the presumption of regularity in the performance of official functions.^[31] The CA held that as between the categorical statements of the prosecution witnesses and the

bare denial of appellant, the former must perforce prevail.^[32] The CA further declared that in these two cases, the links in the custody of the seized drugs were duly established, to wit: *first*, PO3 Taruc recovered the *shabu* from appellant; *second*, PO3 Taruc made a physical inventory of the confiscated items in the presence of a media representative and then turned it over to the assigned police investigator, PO2 Yap, who prepared the request for laboratory examination; *third*, PO2 Yap and PO3 Taruc transmitted the seized *shabu* to the Philippine National Police (PNP) Crime Laboratory Office for examination; and *fourth*, Forensic Chemist Reyes issued Chemistry Report No. D-1211-11 stating that the specimen yielded positive result for *methamphetamine hydrochloride*, a dangerous drug.^[33]

Undeterred, appellant instituted the instant appeal insisting that her guilt had not been proved beyond reasonable doubt.

Our Ruling

There is merit in the present appeal.

While generally the findings of the RTC, as affirmed by the CA, are binding and conclusive upon this Court, a careful examination of the records of the case reveals that the lower courts overlooked some significant facts and circumstances which, if considered in their true light, must compel appellant's exoneration.

It is axiomatic of course, that to secure the conviction of the appellant, all the elements of the crime charged against her must be proven. And among the fundamental principles to which undivided fealty is given is that, in a criminal prosecution for violation of Section 5 and Section 11 of RA 9165, as amended, the State is mandated to prove that the illegal transaction did in fact take place; and there is no stronger or better proof of this fact than the presentation in court of the actual and tangible seized drug itself mentioned in the inventory, and as attested to by the so-called insulating witnesses named in the law itself. Hence, it is the prosecution's burden to establish the integrity of the dangerous drug, this being the *corpus delicti* of the case.^[34] This presupposes that an unbroken chain of custody over the subject illegal drug, from the time of its confiscation until its presentation in court, must be clearly and sufficiently proved.^[35]

The Chain of Custody Rule is embodied in Section 21, Article II of RA 9165, the law applicable at the time of the commission of the crimes charged, and provides:

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 drags 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.

(2) Within twenty-four (24) hours upon confiscation/seizure of dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment, the same shall be submitted to the PDEA Forensic Laboratory for a qualitative and quantitative examination.

(3) A certification of the forensic laboratory examination results, which shall be done under oath by the forensic laboratory examiner, shall be issued within twenty-four (24) hours after the receipt of the subject item/s: *Provided*, That when the volume of the dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals does not allow the completion of testing within the time frame, a partial laboratory examination report shall be provisionally issued stating therein the quantities of dangerous drugs still to be examined by the forensic laboratory: *Provided, however*, That a final certification shall be issued on the completed forensic laboratory examination on the same within the next twenty-four (24) hours.

x x x x

Plainly stated, "the provision requires that: (1) the seized items be inventoried and photographed immediately after seizure or confiscation; and (2) the physical inventory and photographing must be done in the presence of (a) the accused or his/her representative or counsel, (b) an elected public official, (c) a representative from the media, and (d) a representative from the Department of Justice (DOJ), all of whom shall be required to sign the copies of the inventory and be given a copy of the same and the seized drugs must be turned over to the PNP Crime Laboratory within twenty-four (24) hours from confiscation for examination."^[36]

The Court understands that strict compliance with the above-mentioned rule is not always possible. However, in case of non-compliance therewith, the prosecution is mandated to prove that (a) there was justifiable ground for non-compliance; and (b) the integrity and evidentiary value of the seized items were properly preserved.^[37]

Here, the Court finds that the prosecution failed to comply with the rule requiring the presence of the three insulating witnesses. As can be gleaned from the testimony of PO3 Taruc, only one out of the three required witnesses was present at the time of seizure and apprehension, viz.:

Q: In that inventory appears a name with signature of PO3 [Taruc], do you know who is this person?

A: Yes Sir.

Q: Whose signature appears over the name of that person?

A: That is my signature Sir.

Q: In this Inventory also appears a name of Rene Crisostomo as witness. Do you [know] who is this person?

A: A media person Sir.