

FIRST DIVISION

[G.R. No. 223525, June 25, 2018]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V.
BENEDICTO VEEDOR, JR. Y MOLOD A.K.A. "BRIX", ACCUSED-
APPELLANT.**

D E C I S I O N

DEL CASTILLO, J.:[*]

Assailed in this appeal is the February 24, 2015 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 04177 which affirmed the June 23, 2009 Decision^[2] of the Regional Trial Court (RTC), Branch 16, Manila, finding appellant Benedicto Veedor, Jr., y Molod a.k.a. "Brix" (appellant) guilty beyond reasonable doubt of violating Section 11, Article II of Republic Act No. 9165 (RA 9165), or The Comprehensive Dangerous Drugs Act of 2002.

The Antecedent Facts

Appellant was charged with illegal possession of dangerous drugs under Section 11 Article II of RA 9165 in an Information^[3] dated September 7, 2004 which reads:

Criminal Case No. 04-229997

That on or about September 2, 2004, in the City of Manila, Philippines, the said accused, without being authorized by law to possess any dangerous drug, did then and there willfully, unlawfully and knowingly have in his possession and under his custody and control

[O]ne (1) Duty Free shopping bag containing NINE HUNDRED NINETY[]SEVEN (997) grams of crushed dried flowering tops of marijuana[; and,] Three Hundred Twenty[-]Three (323) plastic sachets containing a total weight of THREE HUNDRED EIGHTY[-]TWO (382) grams [of] crushed dried flowering tops separately contained in seven (7) plastic bags.

a dangerous drug.

Contrary to law.

During his arraignment on December 9, 2004, appellant entered a plea of not guilty.^[4] Trial thereafter ensued.

Version of the Prosecution

The prosecution's version of the incident is as follows:

On September 2, 2004, at around 9:00a.m., a team of operatives from the Reaction Arrest and Interdiction Division of the National Bureau of Investigation (NBI), in

coordination with the Philippine Drug Enforcement Agency (PDEA),^[5] served a search warrant^[6] on appellant at the latter's house located along an alley near Patria^[7] Street, Balut, Tondo, Manila.^[8] The team was composed of Special Investigator (SI) Salvador Arteche, Jr., SI Melvin Escurel (SI Escurel), and Atty. Daniel Daganzo, and several others.^[9]

After explaining the nature of the search warrant to appellant,^[10] the NBI agents searched the house and found a shopping bag containing suspected marijuana inside a cabinet at the first floor.^[11] They also found 323 small plastic sachets of suspected marijuana in seven transparent plastic bags, several empty transparent plastic sachets, an electric sealer and a pair of scissors.^[12]

SI Escurel marked the seized items with his initials and prepared the Inventory of Seized Property.^[13] Photographs of the items found in the premises were also taken.^[14] The NBI operation was witnessed by ABS-CBN's Jesus Alcantara, Barangay Chairman Nonny Francisco (Brgy. Chairman Francisco), and Barangay Councilor Randy Almalvez.^[15]

The NBI agents thereafter brought appellant to their office where they prepared the following documents: (a) the request for laboratory examination;^[16] (b) the Booking Sheet and Arrest Report;^[17] (c) the Joint Affidavit of Arrest,^[18] and (d) the Spot Report.^[19] On the same day, at 6:30p.m., SI Escurel turned over the seized items to the Forensic Chemistry Division of the NBI.^[20]

On September 3, 2004, Forensic Chemist Mary Ann T. Aranas (Forensic Chemist Aranas) conducted a quantitative and qualitative examination of the subject specimens which yielded the following results:

1. One (1) Duty Free shopping bag containing crushed dried flowering tops suspected to be [marijuana]; Weight = 997 grams;
2. Three hundred twenty[-]three (323) plastic sachets containing crushed dried flowering tops separately contained in seven (7) plastic bags with markings; Total weight = 382 grams
3. One (1) electric sealer marked "MEE-10";
4. Empty plastic bags in a plastic bag marked "MEE-9"; and
5. One (1) pair of scissors marked "MEE-11"

Examinations conducted on the above-mentioned specimen/s gave POSITIVE RESULTS for [marijuana] on specimens 1 and 2 only.^[21]

Version of the Defense

Appellant raised the defenses of denial and alibi.^[22] He narrated that:

x x x [O]n September 1, 2004[,], at about 11:30 in the afternoon, two (2) male persons, Jeric and Jeff with one male whom he does not know arrived in his house and requested him to watch DVD movie entitled 'Hell

Boy.' That was the third time the three requested him to do so. They introduced [the other] male person as Booter. He did not finish the movie because he went upstairs to sleep but let them finish the movie. He just reminded them to turn off and unplug the TV set and the DVD player after watching.

At around 11:20 am on September 2, 2004, NBI agents arrested him. Barangay officials came only after his arrest. He denied any knowledge on the one (1) kilo of marijuana. He stated that he does not know the whereabouts of Jeric and Jeff but he trusted them and let them watch DVD at his home even at midnight because these two (2) boys are poor but own the DVDs to be watched [sic].^[23]

Ruling of the Regional Trial Court

In its Decision dated June 23, 2009, the RTC found appellant guilty beyond reasonable doubt of violating Section 11, Article II of RA 9165. It held that:

The story concocted by the accused is unbelievable. Accused would like this Court to believe that he went upstairs to sleep and allowed his visitors to finish the movie with the reminder of unplugging the TV set and DVD player after watching. In times like this when crimes are rampant, reason would dictate not to allow strangers inside one's house. The owner of [the] house would not dare to sleep while his visitors are still there and nobody would see to it that his door is locked when visitors leave.^[24]

The RTC further pointed out that "the search warrant was applied for and against the house owned by the accused."^[25] It then emphasized that the "possession necessary for conviction of the offense of [illegal] possession of dangerous drugs may be constructive as well as actual – it is only necessary that the accused must have dominion and control over the contraband."^[26]

Accordingly, the RTC sentenced appellant to suffer the penalties of life imprisonment and a fine of P1,000,000.00 for violation of Section 11, Article II of RA 9165 in Criminal Case No. 04-229997. It also ordered that the confiscated marijuana with a total weight of 1,379 grams be turned over to the PDEA for proper disposition.^[27]

Appellant thereafter appealed the RTC Decision before the CA.

Ruling of the Court of Appeals

In its Decision dated February 24, 2015, the CA affirmed the assailed RTC Decision *in toto*. It found that appellant was unable to discharge his burden of proving the absence of the element of *animus possidendi*, given that the dangerous drugs were found in a cabinet inside appellant's house and he failed to present evidence to show that his possession of said drugs was authorized by law.^[28]

The CA further held that:

Contrary to [appellant's] asseveration, [w]e find that the apprehending officers substantially complied with the prescribed procedure. While the photographs taken were not offered and the certificate of inventory was not admitted, [w]e find that the prosecution sufficiently established that

the markings on the seized drugs were made by SI Escurel at [appellant's] house in the presence of appellant, a media representative and barangay officials.^[29]

Thus, the CA concluded that there was no reason to disturb the ruling of the RTC finding appellant guilty beyond reasonable doubt of the offense charged, as the elements of illegal possession of marijuana had been proven and the integrity of the seized items was shown to have been preserved.^[30]

Aggrieved, appellant filed the present appeal.

The Issues

Appellant raises the following issues for the Court's resolution:

First, whether the CA committed an error when it disregarded the testimony of Brgy. Chairman Francisco who categorically stated that the marijuana and other pieces of evidence presented in court were *different* from what he saw when he opened the cabinet in appellant's house; ^[31]

And *second*, whether the *corpus delicti* of the offense charged was proven beyond reasonable doubt, considering the inconsistency in the description of the dangerous drugs seized – the NBI agents consistently referred to the seized items as 'dried marijuana leaves' while the items actually submitted to the forensic chemist, based on her Certification dated September 3, 2004, and later presented in court were 'crushed dried marijuana flowering tops.'^[32]

The Court's Ruling

For prosecutions involving dangerous drugs, we have consistently held that "the dangerous drug itself constitutes as the *corpus delicti* of the offense and the fact of its existence is vital to sustain a judgment of conviction beyond reasonable doubt."^[33] It is therefore fundamental that the identity of the dangerous drug be established beyond reasonable doubt,^[34] along with the other elements of the offense/s charged. "Proof beyond reasonable doubt in these cases demands an unwavering exactitude that the dangerous drug presented in court as evidence against the accused is the same as that seized from him in the first place."^[35]

However, it must be stressed that "the presentation of evidence establishing the elements of the offenses of illegal sale and possession of dangerous drugs *alone* is insufficient to secure or sustain a conviction under RA 9165."^[36] Given the unique characteristics of dangerous drugs which render them *not readily identifiable and easily susceptible to tampering, alteration or substitution*, it is essential to show that the identity and integrity of the seized drugs have been preserved. Thus, we explained in *People v. Denoman*^[37] that:

A successful prosecution for the sale of illegal drugs requires more than the perfunctory presentation of evidence establishing each element of the crime: the identities of the buyer and seller, the transaction or sale of the illegal drug and the existence of the *corpus delicti*. In securing or sustaining a conviction under RA No. 9165, the intrinsic worth of these pieces of evidence, especially the identity and integrity of the *corpus delicti*, must definitely be shown to have been preserved. This

requirement necessarily arises from the illegal drug's unique characteristic that renders it indistinct, not readily identifiable, and easily open to tampering, alteration or substitution either by accident or otherwise. **Thus, remove any doubt or uncertainty on the identity and integrity of the seized drug, evidence must definitely show that the illegal drug presented in court is the same illegal drug actually recovered from the accused-appellant; otherwise, the prosecution for possession or for drug pushing under RA No. 9165 fails.**^[38] (Emphasis supplied)

It is in this context that we highlight the utmost significance of the chain of custody requirement under Section 21, Article II of RA 9165, as amended by Republic Act No. 10640, in drug-related prosecutions.

Section 21 provides the procedural safeguards that the apprehending team should observe in the handling of seized illegal drugs in order to remove all doubts concerning the identity of the *corpus delicti*. "As indicated by their *mandatory terms*, strict compliance with the prescribed procedure is essential and the prosecution must show compliance in every case."^[39] The procedure under Section 21, par. 1 is as follows:

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, x x x 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, x x x 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 of 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. (Emphasis supplied)

To show an *unbroken* chain of custody, the prosecution's evidence must include testimony about **every link** in the chain, from the moment the dangerous drug was seized to the time it is offered in court as evidence.^[40] **"It is from the testimony of every witness who handled the evidence from which a reliable assurance can be derived that the evidence presented in court is one and the same as that seized from the accused."**^[41]