



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **04 August 2021** which reads as follows:*

**“G.R. No. 205885 (*People of the Philippines v. Cresenciano D. Maranga*).** – For review is the Decision<sup>1</sup> dated February 28, 2012 of the Court of Appeals (CA) in CA-G.R. CEB CR HC No. 01101, which affirmed the Decision<sup>2</sup> dated November 17, 2009 of the Regional Trial Court (RTC), Branch 15, Cebu City in Criminal Case No. CBU-64380, convicting the accused-appellant Cresenciano D. Maranga (Maranga) of violating Section 5, Article II of Republic Act (R.A.) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

***The Charge***

In Criminal Case No. CBU-64380, Maranga was charged with a violation of Section 5, Article II of R.A. No. 9165 under an Information dated November 13, 2002, which reads:

*The undersigned Prosecutor I of the City of Cebu accuses CRESENCIANO MARANGA y DIONSON, for Violation of Section 5, Art. II of RA 9165, committed as follows:*

*That on or about the 12<sup>th</sup> day of November 2002, at about 10:10 P.M., in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with deliberate intent, and without authority of law, did then and there sell, deliver or give away to a poseur[-]buyer:*

*A. One (1) heat-sealed transparent plastic packet containing 0.04 gram of white crystalline substance,*

*locally known as “SHABU” containing Methylamphetamine hydrochloride, a dangerous drugs (sic).*

**CONTRARY TO LAW.**

<sup>1</sup> *Rollo*, pp. 2-17; penned by Associate Justice Nina G. Antonio-Valenzuela and concurred in by Associate Justices Myra V. Garcia-Fernandez and Abraham B. Borreta.

<sup>2</sup> *CA rollo*, pp. 30-38.

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*BAIL RECOMMENDED: NON-BAILABLE.*

*Cebu City, Philippines, 13 November 2002.*<sup>3</sup>

On December 12, 2002, Maranga was arraigned and pleaded not guilty to the crime as charged.<sup>4</sup> During pre-trial, the parties agreed on the following stipulation of facts:

1. That elements of Police Station 10, Punta Princesa, Cebu City arrested the accused without warrant on November 12, 2002 at around 10:10 o'clock in the evening at Tisa Proper, Brgy. Tisa, Cebu City; [and]
2. That the Forensic Officer, David Alexander Patriana will testify, affirm and confirm the Chemistry Report made on the specimen submitted for examination within the four corners of such report including its findings and conclusion[.]<sup>5</sup>

Afterwards, trial ensued.<sup>6</sup>

***Version of the Prosecution***

During trial, the prosecution presented as witnesses Senior Police Officer (SPO) 3 Joselito Palang (SPO3 Palang) and SPO1 Timoteo Lopezbaños (SPO1 Lopezbaños).<sup>7</sup>

According to the prosecution, on November 12, 2002, Police Station 10, Punta Princesa, Cebu City, received information from an informant that Maranga was engaged in the business of selling *shabu* in Barangay Tisa, Cebu City. The team of police officers, headed by SPO3 Palang, held a briefing where it was decided that they will conduct a buy-bust operation. SPO1 Lopezbaños and the informant were designated as the poseur-buyers, and they were given a ₱100.00 bill with serial number TT-871383 to be used as buy-bust money.<sup>8</sup>

Thereafter, at around 10:10 p.m., SPO3 Palang and SPO1 Lopezbaños, together with their team, proceeded to the target area, which is inside the Tisa Public Market. While inside, SPO1 Lopezbaños and the informant were approached by Maranga. After a few minutes, the informant handed the buy-bust money to Maranga, who in turn gave the former one heat-sealed plastic sachet containing a white crystalline substance, suspected as *shabu*.<sup>9</sup>

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<sup>3</sup> *Rollo*, p. 3.

<sup>4</sup> *Id.* at 3-4.

<sup>5</sup> *CA rollo*, pp. 30-31.

<sup>6</sup> *Rollo*, p. 4.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 4-5.

After the transaction, SPO1 Lopezbaños introduced himself as a police officer, apprised Maranga of his rights, and arrested Maranga. SPO3 Palang then recovered the buy-bust money from Maranga.<sup>10</sup>

The police officers then brought Maranga, together with the seized items, to Police Station 10, Punta Princesa, Cebu City. At the police station, SPO3 Palang marked the heat-sealed plastic sachet with "C.D.M. 11-12-02," and submitted the same to the Philippine National Police (PNP) Crime Laboratory for examination.<sup>11</sup>

Forensic Chemical Officer Police Inspector (P/Insp.) David Alexander Patriana (Patriana), received the specimen together with a Laboratory Examination Request. He then proceeded to perform the laboratory examination on the white crystalline substance. Per Chemistry Report No. D-2299-2002, P/Insp. Patriana's examination of the white crystalline substance yielded a positive result for the presence of *shabu*.<sup>12</sup>

### ***Version of the Defense***

The defense, through the testimonies of Maranga and his mother, Mrs. Lolita Maranga, presented a different version of events.

According to the defense, on November 12, 2002, at 9:30 p.m., Maranga was outside his house, which is near the Tisa Public Market. While he was taking a bath in their yard, eight police officers suddenly entered and held him. When Maranga resisted and asked what crime he committed, the police officers informed Maranga that he was engaged in selling *shabu*. Thereafter, Maranga was brought to Police Station 10, Punta Princesa, Cebu City, and was detained for violating Section 5, Article II of R.A. No. 9165.<sup>13</sup>

### ***Ruling of the Regional Trial Court***

After trial, the RTC issued its Decision dated November 17, 2009, which found Maranga guilty of the crime charged, to wit:

WHEREFORE, PREMISES CONSIDERED, the Court finds the accused CRESENCIANO D. MARANGA, GUILTY of violating Section 5, Article II of Republic Act No. 9165. He is hereby sentence [sic] to suffer in prison the penalty of LIFE IMPRISONMENT and to pay a FINE of P500,000.00.

The single heat-sealed plastic packet proven to be methamphetamine hydrochloride is ordered confiscated and shall be destroyed in accordance with law.

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<sup>10</sup> Id. at 5.

<sup>11</sup> Id.

<sup>12</sup> Id.

<sup>13</sup> Id. at 6.

SO ORDERED.<sup>14</sup>

In reaching its decision, the RTC found that the prosecution was able to prove the elements of illegal sale of *shabu*, considering that: (1) SPO3 Palang and SPO1 Lopezbaños identified the *corpus delicti* of the offense, the plastic packet of *shabu*, marked “CDM 11-12-02,” as the same packet given to the poseur-buyer; (2) SPO3 Palang and SPO1 Lopezbaños positively identified Maranga to be the person who transacted with the poseur-buyer; and (3) SPO3 Palang identified the Laboratory Examination Request and the specimen he delivered to the PNP Crime Laboratory.<sup>15</sup>

Thus, according to the RTC, the prosecution was able to sufficiently establish the *corpus delicti* of the offense, and its chain of custody.<sup>16</sup>

### *Proceedings Before the CA*

Unsatisfied with the RTC’s Decision, Maranga appealed the same to the CA. In his Brief,<sup>17</sup> Maranga raised the following assignment of errors:

- I. THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE GAPS IN THE CHAIN OF CUSTODY OF THE ALLEGEDLY SEIZED *SHABU*.
- II. THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED DESPITE THE FACT THAT THE PROSECUTION FAILED TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.<sup>18</sup>

In his Appellant’s Brief, Maranga emphasized the importance of observing the chain of custody requirement as this ensures that unnecessary doubts concerning the identity and integrity of the evidence are removed.<sup>19</sup> Given the significance of the chain of custody requirement, Maranga argued that the prosecution was unable to demonstrate that the chain of custody requirement was observed because of the following notable gaps:

1. The seized piece of evidence was marked at the police station and not where the buy-bust operation was conducted;<sup>20</sup>

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<sup>14</sup> CA rollo, p. 38.

<sup>15</sup> Id. at 37.

<sup>16</sup> Id.

<sup>17</sup> Id. at 16-29.

<sup>18</sup> Id. at 22-23.

<sup>19</sup> Id. at 23.

<sup>20</sup> Id.

2. The seizing officers did not make a physical inventory of the seized items nor did they take photographs of the same;<sup>21</sup> and
3. The testimonies of the prosecution's witnesses were bereft of anything to show as to who recovered the plastic packet containing the *shabu* from the informant.<sup>22</sup>

As such, Maranga alleged that the prosecution failed to establish his guilt beyond reasonable doubt, and prayed that the Decision of the RTC be reversed and set aside.<sup>23</sup>

Thereafter, the People of the Philippines, represented by the Office of the Solicitor General (OSG), filed an Appellee's Brief,<sup>24</sup> where the OSG argued that the prosecution was able to prove Maranga's guilt beyond reasonable doubt for the crime charged. The OSG emphasized that R.A. No. 9165 does not require that the seized drugs must be marked at the scene of the crime because the said law only requires that the marking of the seized drugs be made immediately. In this regard, the OSG noted that for buy-bust operations, the marking of the seized drugs may be done at the nearest police station.<sup>25</sup>

In its Decision dated February 28, 2012, the CA found the appeal unmeritorious and affirmed the RTC's Decision.<sup>26</sup> According to the CA, the evidence on record shows that the prosecution was able to establish all the elements of the crime charged.<sup>27</sup> Moreover, with regard to the chain of custody requirement, the CA found that the circumstances surrounding the buy-bust operation demonstrate substantial compliance with the law, and that the integrity and evidentiary value of the confiscated *shabu* was preserved.<sup>28</sup> Thus, the CA decreed:

After an exhaustive review of the Records, We find no reason to disturb the Decision dated 16 November 2009 of the court *a quo*. Accused-appellant Cresenciano D. Maranga was correctly convicted of the offense of illegal sale of *shabu*.

WHEREFORE, the appeal is DISMISSED. The assailed Decision is AFFIRMED.

SO ORDERED.<sup>29</sup>

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<sup>21</sup> Id. at 24.

<sup>22</sup> Id. at 25.

<sup>23</sup> Id. at 28.

<sup>24</sup> Id. at 59-72.

<sup>25</sup> Id. at 66-68.

<sup>26</sup> *Rollo*, p. 16.

<sup>27</sup> Id. at 9-10.

<sup>28</sup> Id. at 12-13.

<sup>29</sup> Id. at 16.

Aggrieved, Maranga filed a Notice of Appeal<sup>30</sup> dated March 16, 2012. Maranga now asks this Court to reverse the assailed disposition of the CA and prays anew for his acquittal.

### Our Ruling

The appeal is meritorious.

It is well-settled that the elements of illegal sale of dangerous drugs under Section 5, Article II of R.A. No. 9165 are: (a) the identity of the buyer and the seller, the object, and the consideration; and (b) the delivery of the thing sold and the payment.<sup>31</sup> Thus, what is material in prosecuting offenses for the illegal sale of dangerous drugs “is the proof that the transaction or sale actually took place, coupled with the presentation in court of the *corpus delicti* or the illicit drug in evidence.”<sup>32</sup>

In this case, We find that the elements of illegal sale of dangerous drugs were not sufficiently established beyond reasonable doubt because there are serious doubts as to the integrity and evidentiary value of the *corpus delicti*.

It is worthy to note that in illegal drugs cases, the seized drug itself constitutes the *corpus delicti* of the offense.<sup>33</sup> Thus, it is incumbent upon the prosecution to prove that the illegal substance presented in court is the very same substance seized from the accused, and that the chain of custody requirement has been observed.<sup>34</sup> Proof of the identity and integrity of the seized drug is crucial to sustain a conviction.<sup>35</sup>

On this score, Section 21 of R.A. No. 9165 provides the procedure for the proper custody and disposition of the seized drugs, to wit:

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**

<sup>30</sup> Id. at 18.

<sup>31</sup> *People v. Opiana*, 750 Phil. 140, 147 (2015); *People v. Cutara*, 810 Phil. 999, 1004 (2017); *People v. Cuevas*, G.R. No. 238906, November 5, 2018; *People v. Piñero*, G.R. No. 242407, April 1, 2019.

<sup>32</sup> *People v. Dilao*, 555 Phil. 394, 409 (2007); *People v. Opiana*, id. at 147.

<sup>33</sup> *People v. Claudel*, G.R. No. 219852, April 3, 2019, citing *People v. Sagana*, 815 Phil. 356, 367 (2017).

<sup>34</sup> See *People v. Omamos*, G.R. No. 223036, July 10, 2019; *De Guzman v. People*, G.R. No. 246327, January 13, 2021.

<sup>35</sup> *People v. Bernardo*, G.R. No. 230614, July 1, 2020.

**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[.]** (Emphasis supplied)

Moreover, Section 21(a) of the Implementing Rules and Regulations (IRR) of R.A. No. 9165 pertinently 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:

(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 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 of and custody over said items[.] (Emphasis supplied)

The foregoing provisions embody the chain of custody rule. Notably, in *De Guzman v. People*,<sup>36</sup> this Court explained the purpose of this rule and summarized the necessary links that the prosecution must demonstrate in order to establish the chain of custody, thus:

The chain of custody requirement performs this function by **ensuring that unnecessary doubts concerning the identity of the evidence are removed.** It came to fore due to the unique characteristics of illegal drugs which render them indistinct, not readily identifiable, and easily open to tampering, alteration or substitution, by accident or otherwise.

Chain of custody refers to the duly recorded authorized movements and custody of seized drugs or controlled chemicals or plant sources of dangerous drugs or laboratory equipment of each stage, **from the time of**

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<sup>36</sup> Supra note 34.

**seizure/confiscation to receipt in the forensic laboratory to safekeeping to presentation in court for destruction.** Such record of movements and custody of the seized items shall include the identity and signature of the person who held temporary custody, thereof, the date and time when such transfer of custody were made in the course of safekeeping and use in court as evidence, and the final disposition. The prosecution, therefore, must establish the following links in the chain of custody:

**First**, 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. (Emphasis supplied; citations omitted)

Thus, it is imperative for the prosecution to establish **all four links** to prove that the identity and the integrity of the seized drug is observed. With this consideration in mind, We find that the prosecution was unable to establish the first and fourth links in this case.

With regard to the first link, this Court discussed in *People v. Omamos*,<sup>37</sup> that marking of the seized drug immediately after seizure is the starting point in the custodial link, to wit:

The first link refers to seizure and marking. "Marking" means the apprehending officer or the poseur-buyer places his/her initials and signature on the seized item. **The marking of the evidence serves to separate the marked evidence from the corpus of all other similar or related evidence from the time they are seized from the accused until they are disposed of at the end of the criminal proceedings, thus, preventing switching, planting or contamination of evidence.**

**Marking after seizure is the starting point in the custodial link.** It is vital that the seized contraband be immediately marked because succeeding handlers of the specimens will use the markings as reference. Marking though should be done in the presence of the apprehended violator **immediately upon confiscation to truly ensure that they are the same items which enter the chain of custody.** (Emphasis and underscoring supplied; citations omitted)

That the first link in the chain of custody is the marking of the seized drug which must be done immediately upon seizure has been reiterated in *People v. Ismael*,<sup>38</sup> viz.:

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<sup>37</sup> Supra note 34.

<sup>38</sup> 806 Phil. 21, 31-32 (2017).

The first link in the chain is the marking of the seized drug. We have previously held that:

x x x Marking after seizure is the starting point in the custodial link, thus it is vital that the seized contraband are **immediately marked** because succeeding handlers of the specimen will use the markings as reference. The marking of the evidence serves to separate the marked evidence from the *corpus* of all other similar or related evidence from the time they are seized from the accused until they are disposed of at the end of the criminal proceedings, obviating switching, “planting,” or contamination of evidence.

It is important that the seized drugs **be immediately marked, if possible, as soon as they are seized from the accused.**

Furthermore, in *People v. Gonzales*, the Court explained that:

The first stage in the chain of custody rule is the marking of the dangerous drugs or related items. Marking, which is the affixing on the dangerous drugs or related items by the apprehending officer or the poseur-buyer of his initials or signature or other identifying signs, should be made in the presence of the apprehended violator **immediately upon arrest**. The importance of the prompt marking cannot be denied, because succeeding handlers of dangerous drugs or related items will use the marking as reference. Also, the marking operates to set apart as evidence the dangerous drugs or related items from other material from the moment they are confiscated until they are disposed of at the close of the criminal proceedings, thereby forestalling switching, planting or contamination of evidence. In short, **the marking immediately upon confiscation or recovery of the dangerous drugs or related items is indispensable in the preservation of their integrity and evidentiary value.** (Emphasis and underscoring supplied; citations omitted)

Clearly, the seized drug must be immediately marked after seizure to forestall any possibility of switching, planting, or contamination of evidence.

Apart from such marking, Section 21 of R.A. No. 9165 and its IRR require that the seized drug must likewise be inventoried and photographed in the presence of the accused, his or her representative, a representative from the media and the Department of Justice (DOJ), as well as any elected public official. These persons must likewise sign the copies of the inventory, and should be given a copy thereof.

In the case at bar, the seized drug was **not immediately marked at the place of arrest** since the same was only marked upon arrival at the police station. Significantly, in *People v. Lumaya*,<sup>39</sup> this Court acquitted the accused

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<sup>39</sup> 827 Phil. 473 (2018).

because the police officers therein failed to establish an unbroken chain of custody since the seized drug was not marked at the place where the accused was arrested.

Nevertheless, this Court is aware of cases where it held that the marking of the seized drug at the police station instead of the place of the arrest does not *ipso facto* render the marking infirm. In fact, in *People v. Sahibil*,<sup>40</sup> this Court decreed that marking of the seized illegal items may be done at the nearest police station for justifiable grounds. Thus:

The marking of the seized items at the police station, not at the place of incident, did not impair the chain of custody of the drug evidence. For one, the marking at the nearest police station is allowed **whenever the same is availed of due to practical reason[s]**. For another, the prosecution had explained the failure of the buy-bust team to immediately mark these items at the place where the buy-bust operation was conducted. (Emphasis supplied; citation omitted)

Unfortunately, in this case, the police officers did not offer any justifiable reason for their failure to mark the seized drug at the place of the arrest.

In addition, and as already stated above, the first link also includes compliance with the physical inventory and taking of photographs of the seized drug. However, there is nothing on record which shows that the police officers conducted a physical inventory or took photographs of the seized drug. Worse, it appears from the record that the police officers likewise failed to secure the attendance of an elected public official, media representative, and DOJ representative to witness the marking of the seized drug.

Pertinently, it has been consistently held that the failure to prepare the required inventory and photographs of the seized drugs militates against the guilt of an accused since the integrity and evidentiary value of the *corpus delicti* cannot be deemed to have been preserved.<sup>41</sup> Moreover, in *People v. Malabanan*,<sup>42</sup> this Court explained that the required witnesses play an indispensable role in preserving the identity and integrity of the seized drugs, *viz.*:

It bears emphasizing that the presence of the insulating witnesses is not a hollow requirement. It is of primordial importance as it lends another layer of legitimacy to the conduct of buy-bust operation. Coupled with the rule that the marking of the seized drugs be marked in the presence of the accused, **the additional witnesses ensure that it could be concluded with moral certainty that what was presented in court are the same drugs recovered from suspected drug personalities.** If the identity and integrity of the seized drugs are questionable at its inception, then, the manner in which

<sup>40</sup> G.R. No. 228953, January 28, 2019.

<sup>41</sup> See *People v. Alagarme*, 754 Phil. 449 (2015); *People v. Arposeple*, 821 Phil. 340 (2017).

<sup>42</sup> G.R. No. 241950, April 10, 2019.

they are subsequently handled becomes irrelevant as lingering doubt would always follow the *corpus delicti*. (Emphasis supplied)

Accordingly, the failure to mark the seized drug immediately upon arrest, the failure to conduct the required inventory and taking of photographs, and the absence of the required witnesses, created an unjustified break in the first link of the chain of custody.

Meanwhile, the fourth link refers to the turnover and submission of the marked illegal drug from the forensic chemist to the court. In illegal drugs cases, "it is of paramount necessity that the forensic chemist testifies on the details pertaining to the handling and analysis of the dangerous drug submitted for examination."<sup>43</sup> In particular, the forensic chemist must testify when and from whom the dangerous drug was received; what identifying labels or other things accompanied it; what is the description of the specimen and the container it was in. Furthermore, the forensic chemist must likewise identify the name and method of analysis used in determining the chemical composition of the seized drug.<sup>44</sup>

In this case, and as stated above, the parties stipulated on the proposed testimony of P/Insp. Patriana, and dispensed with his presentation in court. Notably, the stipulation was limited to the identity of the seized drug and the result of the laboratory examination.

In *People v. Ubungen*,<sup>45</sup> citing the case of *People v. Pajarin*,<sup>46</sup> this Court ruled that when parties stipulate on the testimony of a forensic chemist, such stipulation should include the precautionary steps required in order to preserve the integrity and evidentiary value of the seized item. Thus:

Finally, compliance with the fourth link in the chain of custody was not satisfactorily demonstrated by the prosecution. It must be recalled that the trial court dispensed with the testimony of PI Ordoño, the forensic chemist, in view of the stipulation entered into by the prosecution and the defense during the hearing of the case on 18 September 2008.

In *People v. Pajarin*, the Court ruled that in case of a stipulation by the parties to dispense with the attendance and testimony of the forensic chemist, it should be stipulated **that the forensic chemist would have testified that he took the precautionary steps required in order to preserve the integrity and evidentiary value of the seized item, thus: (1) that the forensic chemist received the seized article as marked, properly sealed, and intact; (2) that he resealed it after examination of the content; and (3) that he placed his own marking on the same to ensure that it could not be tampered pending trial.**

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<sup>43</sup> *People v. Omamos*, supra note 34.

<sup>44</sup> Id.

<sup>45</sup> 836 Phil. 888 (2018).

<sup>46</sup> 654 Phil. 461 (2011).

In this case, there is no record that the stipulations between the parties contain the aforesaid conditions. (Emphasis supplied; citations omitted)

Here, the parties simply stipulated that the seized drug tested positive for *shabu*. The stipulation lacked the essential details on what precautionary measures were adopted to ensure the integrity of the seized drug. Absent any testimony regarding the management, storage, and preservation of the illegal drug, the fourth link in the chain of custody of the seized drug could not be deemed established to a moral certainty.<sup>47</sup>

All said, these lapses in the chain of custody rule cast serious doubts as to the identity and integrity of the *corpus delicti*. Indeed, establishing every link in the chain of custody is crucial to the preservation of the integrity, identity, and evidentiary value of the seized illegal drug. Failure to demonstrate compliance with even just one of these links creates reasonable doubt that the substance confiscated from the accused is the same substance offered in evidence.<sup>48</sup>

In this case, the prosecution miserably failed to establish two out of the four links in the chain of custody. Accordingly, this Court finds the acquittal of Maranga to be in order.

**WHEREFORE**, premises considered, the instant appeal is **GRANTED**. Accordingly, the Decision dated February 28, 2012 of the Court of Appeals in CA-G.R. CEB CR HC No. 01101, which affirmed the Decision dated November 17, 2009 of the Regional Trial Court, Branch 15, Cebu City in Criminal Case No. CBU-64380 is hereby **REVERSED** and **SET ASIDE**.

Accused-appellant Cresenciano D. Maranga is hereby **ACQUITTED** for failure of the prosecution to prove his guilt beyond reasonable doubt. He is ordered immediately **RELEASED** from detention unless he is detained for any other lawful cause.

Let a copy of this Resolution be furnished the Director General of the Bureau of Corrections, Muntinlupa City, for immediate implementation. Furthermore, the Director General is **DIRECTED** to report to this Court the action he/she has taken within five (5) days from receipt of this Resolution.

Let entry of judgment be issued immediately.

<sup>47</sup> *De Guzman v. People*, supra note 34.

<sup>48</sup> *People v. Ubungen*, supra note 45.

**SO ORDERED.”** (Rosario, J., designated additional Member per Special Order No. 2835 July 15, 2021.)

By authority of the Court:

TERESITA AQUINO TUAZON  
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA  
Deputy Division Clerk of Court *pg 5/27*  
27 MAY 2022

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CRESENCIANO D. MARANGA (x)  
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THE DIRECTOR (x)  
Bureau of Corrections  
1770 Muntinlupa City

THE SUPERINTENDENT (x)  
New Bilibid Prison  
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HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch I5  
Cebu City  
(Crim. Case No. CBU-64380)

COURT OF APPEALS (reg)  
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