



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **June 27, 2022** which reads as follows:*

“G.R. No. 240459 (VICENTE SAGISI, JR. y DE GUZMAN, petitioner v. PEOPLE OF THE PHILIPPINES, respondent). — The arresting officers’ failure to comply with the chain of custody requirements under Section 21 of Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act on the handling of the seized illegal drugs engenders reasonable doubt on the *corpus delicti*.

This Court resolves a Petition for Review on Certiorari¹ assailing the Decision² and Resolution³ of the Court of Appeals, which affirmed the Regional Trial Court’s conviction⁴ of Vicente Sagisi, Jr. y De Guzman (Sagisi) for the crime of illegal possession of dangerous drugs.

Sagisi was charged with illegal possession of dangerous drugs in an Information that reads, in part:

That on or about the 16th day of January 2013, in the City of Dagupan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, VICENTE SAGISI, JR Y DE GUZMAN, did then and there, willfully, unlawfully and criminally, have in his possession, custody and control Methamphetamine Hydrochloride (Shabu) contained in one (1) heat-sealed plastic sachet, weighing more or less 0.259 gram, without authority to possess the same.

Contrary to Article II, Section 11 of R.A. 9165.⁵

¹ *Rolle*, pp. 11-54.

² *Id.* at 38-53. The April 12, 2018 Decision in CA-G.R. CR No. 39929 was penned by Associate Justice Fernanda Lampas Peralta with the concurrence of Associate Justices Amy C. Lazaro-Javier (now a Member of this Court) and Ma. Luisa Quijano-Padilla of the Fifth Division, Court of Appeals, Manila.

³ *Id.* at 70-71. The June 29, 2018 Resolution in CA-G.R. CR No. 39929 was penned by Associate Justice Fernanda Lampas Peralta with the concurrence of Associate Justices Amy C. Lazaro-Javier (now a Member of this Court) and Ma. Luisa Quijano-Padilla of the Fifth Division, Court of Appeals, Manila.

⁴ *Id.* at 97-106. The October 18, 2016 Decision in CR No. 2013-0053-D was penned by Presiding Judge A. Florentino R. Dumlao, Jr. of the Regional Trial Court, Branch 42, Dagupan City.

⁵ *Id.* at 97.

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On arraignment, Sagisi pleaded not guilty to the crime charged. Preliminary and pre-trial conferences were conducted before trial on the merits ensued.⁶

During trial, the prosecution presented the following version of events:

On January 16, 2013, a buy-bust operation was conducted against a certain Joseph Molina (Molina) based on an intelligence report. At around 1:00 p.m., Senior Police Officer I Arnold L. Bautista (SPO1 Bautista) and two other police officers rode a civilian car to Molina's house in Bonuan Gueset, Dagupan City. SPO1 Bautista, the designated poseur-buyer, handed the marked money to Molina and received a plastic sachet containing white crystalline substance. SPO1 Bautista then saw Sagisi, who was also buying shabu from Molina at the time. After completing the transaction, SPO1 Bautista signaled SPO1 Pedro Landingin, Jr. (SPO1 Landingin) to approach.⁷

SPO1 Bautista identified himself as a police officer and arrested Molina, while SPO1 Landingin arrested Sagisi.⁸ SPO1 Landingin took a plastic sachet from one of Sagisi's hands and marked it "PCL-1." After marking the evidence, they all proceeded to the police station by car. SPO1 Landingin maintained possession of the sachet seized from Sagisi until they reached the crime laboratory. At the police station, Sagisi was photographed. Robert Ramirez (Ramirez), a representative from the Department of Justice, was at the police station.⁹

However, on cross-examination, SPO1 Landingin testified that the confiscated item was neither marked at the place of incident, nor specified in the confiscation receipt. He also said that there was no representative from the media or the barangay at the place of arrest because of a commotion. This forced them to proceed to the police station.¹⁰

Police Senior Inspector Myrna C. Malojo-Todeño, the forensic chemist, testified that SPO1 Landingin submitted the seized specimen to her for laboratory examination. Upon qualitative examination, the substance tested positive for shabu.¹¹

In his defense, Sagisi testified that he worked at the Provincial Environment and Natural Resources Office as a coordinator to apprehend illegal quarrying operators. On January 16, 2013, he was on his motorcycle

⁶ Id.

⁷ Id. at 98.

⁸ Id. at 39.

⁹ Id. at 99.

¹⁰ Id. at 100.

¹¹ Id. at 51, 98.

on the way to San Fabian, one of his areas of responsibility, when he noticed that one of his tires was flat. He was looking for a gasoline station when two persons on board a motorcycle pointed at him and prompted him to stop. They blocked his way and identified themselves as police officers. Sagisi recognized one of the officers as Police Officer I Aldrin Guarin (PO1 Guarin). They asked him about a person in an orange shirt who had used his motorcycle, but Sagisi did not know the person they were talking about. PO1 Guarin frisked him but found nothing. Thereafter, they detained him for almost an hour until a car arrived. They all boarded the car, which brought them to Matutina's Restaurant. The police officers entered an alley and shortly after, emerged with a person wearing an orange shirt. Sagisi denied knowing the person. Afterwards, both of them were brought to the police station.¹²

In an October 18, 2016 Decision, the Regional Trial Court found Sagisi guilty. The dispositive portion reads:

WHEREFORE, premises considered, judgment is hereby rendered finding accused VICENTE SAGISI, JR. y De Guzman GUILTY of Violation of Section 11, Article II, RA 9165 for possession of 0.259 gram of shabu and sentences him to suffer a penalty of imprisonment [of] *twelve (12) years and one (1) day to twenty (20) years and to pay a fine of Three Hundred Thousand (P300,000.00) Pesos.*

Let the shabu subject matter of this case be disposed of in the manner provided by law.¹³ (Emphasis in the original)

Sagisi appealed his conviction before the Court of Appeals, claiming that the trial court lacked jurisdiction and that the elements of the crime of illegal possession were not proved. He also insisted that the warrantless search was illegal, and thus, the search incidental to the arrest was likewise illegal. He also claimed that the prosecution failed to prove the unbroken chain of custody over the seized drugs.¹⁴

In its assailed April 12, 2018 Decision, the Court of Appeals affirmed Sagisi's conviction.¹⁵ It held that the warrantless arrest was valid under Rule 113, Section 5 of the Rules of Court, under which an officer may arrest a person without a warrant when an offense has just been committed, and the officer has personal knowledge of the same. Here, SPO1 Bautista had just bought shabu from Molina for a buy-bust operation, and personally saw Sagisi also buying shabu.¹⁶

Regarding the chain of custody, the Court of Appeals held that it was enough that SPO1 Landingin seized the illegal drugs from Sagisi's hand and

¹² Id. at 101.

¹³ Id. at 105-106.

¹⁴ Id. at 42-43.

¹⁵ Id. at 38-52.

¹⁶ Id. at 49.

immediately marked it upon arrest. In addition, SPO1 Bautista, upon arrival at the police station, prepared a confiscation receipt witnessed by Ramirez. SPO1 Landingin had possession of the seized items until he turned it over to the duty investigator who took pictures of the seized evidence, then delivered it to the laboratory for examination.¹⁷ Thus, the Court of Appeals held that the evidence presented showed that the white crystalline substance offered in evidence was the same item seized from Sagisi. It rejected Sagisi's claim that he was framed, as it was unsupported by clear and convincing evidence, insufficient to overcome the evidence presented by the prosecution.¹⁸

The dispositive portion of the Court of Appeals' Decision reads:

WHEREFORE, the trial court's Decision dated October 18, 2016 convicting accused-appellant of violation of Section 11, Article II, RA No. 9165 is affirmed.

SO ORDERED.¹⁹ (Emphasis in the original)

Sagisi filed a Motion for Reconsideration,²⁰ which the Court of Appeals denied in a June 29, 2018 Resolution.²¹

Thus, on August 23, 2018, Sagisi filed a Petition for Review on Certiorari²² before this Court. Petitioner asserts that a petition for review on certiorari is the appropriate remedy given that the Court of Appeals' judgment was based on a misapprehension of facts. He maintains that the prosecution failed to preserve the integrity of the *corpus delicti*, and that it was an error to convict him in light of the apprehending team's failure to comply with the requirements under Section 21 of Republic Act No. 9165.

The sole issue for this Court's resolution is whether or not the prosecution established beyond reasonable doubt that petitioner Vicente Sagisi, Jr. y De Guzman is guilty of illegal possession of dangerous drugs.

Petitioner must be acquitted.

To prosecute an accused for illegal possession, it must be established that "(1) the accused was in possession of an item or an object identified to be a prohibited or regulated drug, (2) such possession is not authorized by law, and (3) the accused was freely and consciously aware of being in

¹⁷ Id. at 50.

¹⁸ Id. at 51.

¹⁹ Id. at 52.

²⁰ Id. at 54-61.

²¹ Id. at 70-71.

²² Id. at 11-34.

possession of the drug.”²³

Regarding the first element that must be proved, the prosecution must indisputably show the identity and integrity of the *corpus delicti*, or “the body of the crime that would establish that a crime was committed.”²⁴ In illegal drug cases, the *corpus delicti* is the “confiscated illicit drug itself, the identity of which must be preserved.”²⁵ The prosecution, thus, has the duty to establish the identity of the confiscated illicit drug beyond reasonable doubt, ensuring that the illegal drugs submitted in evidence were, in fact, the same items seized from the accused.²⁶

To preserve this identity, Section 21 of Republic Act No. 9165 provides for chain of custody requirements regarding confiscated, seized, or surrendered drugs or drug paraphernalia. The incidents here occurred prior to the enactment of Republic Act No. 10640, which amended Republic Act No. 9165. Thus, this case is governed by Section 21 as originally formulated, which reads:

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[.]

This Court has firmly explained that the inventory and taking of photographs must be done *immediately*, right at the place of arrest:

Section 21 mandates the conduct of inventory and taking of photographs “immediately after seizure and confiscation,” which means that these must be done at the place of the arrest. *Que* explained:

What is critical in drug cases is not the bare conduct of inventory, marking, and photographing. Instead, it is the certainty that the items allegedly taken from the accused

²³ *People v. Morales*, 630 Phil. 215, 228 (2010) [Per J. Del Castillo, Second Division].

²⁴ *People v. Saragena*, 817 Phil. 117, 131 (2017) [Per J. Leonen, Third Division].

²⁵ *Id.*

²⁶ *People v. Castillo*, G.R. No. 238339, August 7, 2019, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65610>> [Per J. Leonen, Third Division].

retain their integrity, even as they make their way from the accused to an officer effecting the seizure, to an investigating officer, to a forensic chemist, and ultimately, to courts where they are introduced as evidence. . . .

Section 21 (1)'s requirements are designed to make the first and second links foolproof. Conducting the inventory and photographing immediately after seizure, exactly where the seizure was done, or at a location as practicably close to it, minimizes, if not eliminates, room for adulteration or the planting of evidence[.]²⁷

The apprehending officers failed to observe the requirements set by Section 21 of Republic Act No. 9165 and its implementing rules. They failed to mark and photograph the evidence allegedly seized from petitioner at the place of arrest, and failed to secure the presence of the insulating witnesses during the marking and conduct of inventory.

Under certain circumstances, exceptions to the chain of custody requirements under Section 21 may be accommodated. However, for such to be entertained, "the prosecution bears the burden of first acknowledging procedural lapses and specifically plead justifiable grounds for these lapses. It must also plead specific safety measures taken in view of the deviations made from the chain of custody requirements."²⁸

In the case against petitioner, rather than address the apprehending team's failures, the Office of the Solicitor General insists that the police officers' actions were sufficient under the law. It maintains that failure to observe the requirements does not render the evidence inadmissible, and should only affect the weight accorded to the evidence.²⁹

This explanation fails to establish the existence of any justifiable grounds for noncompliance with the requirements under Section 21. Thus, the identity and integrity of the 0.259 gram of shabu allegedly seized from petitioner is tainted.

It bears reiterating that the requirements under Section 21(1) are designed to make the first and second links of the chain of custody foolproof, and minimize, if not eliminate, the possibility of adulteration or planting of evidence.³⁰ Failure to comply with the requirements taints the

²⁷ *People v. Sultan*, G.R. No. 225210, August 7, 2019, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65518>> [Per J. Leonen, Third Division] citing *People v. Que*, 824 Phil. 882 (2018) [Per J. Leonen, Third Division].

²⁸ *People v. Castillo*, G.R. No. 238339, August 7, 2019, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65610>> [Per J. Leonen, Third Division] citing *People v. Sanchez*, 590 Phil. 214, 234 (2008) [Per J. Brion, Second Division].

²⁹ *Id.* at 160.

³⁰ *People v. Sultan*, G.R. No. 225210, August 7, 2019, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65518>> [Per J. Leonen, Third Division] citing *People v. Que*, 824 Phil. 882 (2018) [Per J. Leonen, Third Division].

buy-bust.³¹ Thus, given the risks peculiar to narcotics, this Court has set the standards for their handling which are stricter than those pertaining to other materials:

Hence, *in authenticating the same, a standard more stringent than that applied to cases involving objects which are readily identifiable must be applied, a more exacting standard that entails a chain of custody of the item with sufficient completeness if only to render it improbable that the original item has either been exchanged with another or been contaminated or tampered with.*³² (Emphasis supplied)

A conviction in criminal proceedings requires proof beyond reasonable doubt. Proof beyond reasonable doubt does not require absolute certainty; rather, it calls for moral certainty since “[t]he conscience must be satisfied that the accused is responsible for the offense charged.”³³ It is no less than the Bill of Rights, which recognizes every person’s right to be presumed innocent until proven otherwise, that requires this quantum of evidence.³⁴

The minuscule amount of drugs allegedly seized from petitioner merits a higher level of scrutiny on the credibility evidence against him.³⁵

The prosecution must establish the accused’s guilt purely on the strength of its own evidence, not on the weakness of the accused’s defense. The prosecution failed in this task. Thus, petitioner’s acquittal must follow.

FOR THESE REASONS, the Petition is **GRANTED**. The April 12, 2018 Decision and June 29, 2018 Resolution of the Court of Appeals in CA-G.R. CR No. 39929 are **REVERSED** and **SET ASIDE**. Petitioner Vicente Sagisi, Jr. y De Guzman is **ACQUITTED** for the prosecution’s failure to prove his guilt beyond reasonable doubt. He is ordered immediately **RELEASED** from detention, unless he is confined for any other lawful cause.

Let a copy of this Resolution be furnished to the Director General of the Bureau of Corrections for immediate implementation. The Director

³¹ *People v. Mendoza*, 736 Phil. 749 (2014) [Per J. Bersamin, First Division].

³² *Mallillin v. People*, 576 Phil. 576, 589 (2008) [Per J. Tinga, Second Division].

³³ *Veriño v. People*, G.R. No. 225710, June 19, 2019, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65375>> [Per J. Leonen, Third Division] citing *People v. Ganguso*, 320 Phil. 324, 335 (1995) [Per J. Davide, Jr., First Division] further citing *People v. Casinillo*, 288 Phil. 688 (1992) [Per J. Davide Jr., Third Division].

³⁴ Article III, Section 14(2) of the 1987 Constitution provides:

(2) In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustifiable.

³⁵ *People v. Holgado*, 741 Phil. 78, 100 (2014) [Per J. Leonen, Third Division].

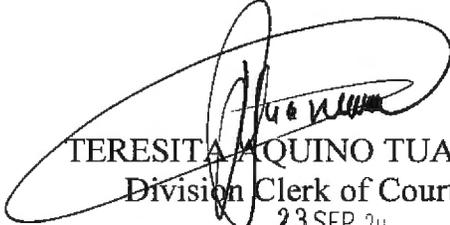
General is directed to report the action he has taken to this Court within five days from receipt of this Resolution. For their information, copies shall also be furnished to the Police General of the Philippine National Police and the Director General of the Philippine Drug Enforcement Agency.

The Regional Trial Court is directed to turn over the sachets of shabu subject of this case to the Dangerous Drugs Board for destruction in accordance with law.

Let entry of judgment be issued immediately.

SO ORDERED.” (*Lazaro-Javier, J., no part due to prior participation in the Court of Appeals; Caguioa, J., designated additional Member per Raffle dated June 3, 2022*)

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court
23 SEP 2022

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HON. PRESIDING JUDGE (reg)
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Please notify the Court of any change in your address.
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