



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 9, 2022** which reads as follows:*

“G.R. No. 247972 (*People of the Philippines v. Jerick Silang y Antonio*). – This is an ordinary appeal¹ from the Decision² dated March 26, 2019 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 10910. The CA affirmed the Judgment³ dated March 21, 2018 of Branch 37, Regional Trial Court (RTC), Calamba City in Criminal Case Nos. 26844-2016-C and 26845-2016-C that found Jerick Silang y Antonio (accused-appellant) guilty beyond reasonable doubt of violation of Sections 5 and 11, Article II of Republic Act No. (RA) 9165, as amended, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.⁴

The Facts

Accused-appellant was charged in two Informations⁵ with violation of Sections 5 and 11, Article II of RA 9165 as follows:

Criminal Case No. 26844-2016-C
(For violation of Section 11, Article II of RA No. 9165)

That on or about June 14, 2016, in Bay, Laguna and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously possess three plastic sachets of methamphetamine hydrochloride, weighing 0.32 gram, a dangerous drug, without the corresponding authority of law.

- over – eight (8) pages ...

112

¹ *Rollo*, pp. 18-19.

² *Id.* at 3-17; penned by Associate Justice Pedro B. Corales with Associate Justices Stephen C. Cruz and Ruben Reynaldo G. Roxas, concurring.

³ *CA rollo*, pp. 45-61; penned by Presiding Judge Caesar C. Buenagua.

⁴ *Id.* at 80-81.

⁵ As culled from the CA Decision, *id.* at 4.

CONTRARY TO LAW.⁶

Criminal Case No. 26845-2016-C
(For violation of Section 5, Article II of RA No. 9165)

That on or about June 14, 2016, in Bay, Laguna and within the jurisdiction of this Honorable Court, the above-named accused[,] did then and there willfully, unlawfully and feloniously sell and/or deliver one plastic sachet containing 0.10 gram of methamphetamine hydrochloride, a dangerous drug, in violation of the aforementioned provision of law.

CONTRARY TO LAW.⁷

Upon arraignment, accused-appellant pleaded not guilty to the charges. After pre-trial, trial ensued.⁸

Version of the Prosecution

The prosecution established that on June 14, 2016, police officers of the Bay Municipal Police Station, acting on a tip from a confidential informant about the illegal drug activities of accused-appellant in *Brgy. Bitin*, Bay, Laguna, conducted a buy-bust operation against accused-appellant.⁹

After the sale transaction was consummated, the police officers placed accused-appellant under arrest and confiscated from him four plastic sachets containing white crystalline substance – one from the buy-bust sale and three others from the right pocket of accused-appellant's shorts.¹⁰

Thereafter, Police Officer I Jessie Abad (PO1 Abad), the *poseur*-buyer, marked and inventoried the seized items in the presence of accused-appellant, *Kagawad* Rufino Quiatchon, and media representative Levy Tatad. He brought the seized items to the police station where they were photographed. Subsequently, PO1 Abad personally submitted the seized items to the crime laboratory for qualitative examination. After laboratory examination, the seized items yielded positive for the presence of methamphetamine hydrochloride or *shabu*, a dangerous drug.¹¹

- over -

112

⁶ As culled from the CA Decision, *id.*

⁷ As culled from the CA Decision, *id.*

⁸ *Id.*

⁹ *Id.* at 6.

¹⁰ *Id.* at 6-7.

¹¹ *Id.* at 7.

Version of the Defense

For his part, accused-appellant denied the charges against him and asserted that he was framed-up. Accused-appellant alleged that at around 3:00 p.m., on June 14, 2016, he was playing basketball at the basketball court at *Brgy.* Bitin, Bay, Laguna. Thereafter, at around 4:00 p.m., while accused-appellant was on his way home on board a motorcycle, five police officers flagged him down and asked him to alight from the vehicle. Accused-appellant then saw one of the police officers draw something from his pocket and place it inside the toolbox of his motorcycle. Afterwards, the police officers showed accused-appellant small pieces of plastic sachets and handcuffed him. At around 6:00 p.m., the police officers took photographs of accused-appellant while he was handcuffed.¹²

Ruling of the RTC

In the Judgment¹³ dated March 21, 2018, the RTC found accused-appellant guilty beyond reasonable doubt of violation of Sections 5 and 11, Article II of RA 9165. It held that the prosecution had sufficiently established all the elements of the offenses charged. It gave credence to PO1 Abad's positive and clear testimony over accused-appellant's bare denial and allegation of frame-up. The RTC further held that there was substantial compliance with the chain of custody procedure and that the integrity and the evidentiary value of the seized items were preserved.¹⁴

The dispositive portion of the RTC Judgment¹⁵ reads:

IN VIEW OF THE FOREGOING, [i]n Criminal Case No. 26844-2016-C, the Court finds the accused, JERICK SILANG y ANTONIO, GUILTY BEYOND REASONABLE DOUBT of violation of Section 11, paragraph 2(3), Article II of Republic Act 9165. He is hereby sentenced to suffer the indeterminate penalty of imprisonment of TWELVE (12) YEARS and ONE (1) DAY, as minimum, to FOURTEEN (14) YEARS, as maximum, and to PAY A FINE of THREE HUNDRED THOUSAND (P300,000.00) PESOS.

In Criminal Case No. [26845-2016-C], the Court finds the accused, JERICK SILANG y ANTONIO, GUILTY BEYOND REASONABLE DOUBT of violation of Section 5, Article II of

- over -

112

¹² *Id.* at 7-8.

¹³ *CA rollo*, pp. 45-61.

¹⁴ *Id.* at 51.

¹⁵ *Id.* at 45-61.

Republic Act 9165. The accused is hereby sentenced to suffer the penalty of LIFE IMPRISONMENT and TO PAY A FINE OF FIVE HUNDRED THOUSAND (P500,000.00) PESOS.

The Branch Clerk of Court is hereby ordered to turn-over the illegal drugs subject of this case to PDEA for proper disposition and destruction.

SO ORDERED.¹⁶

Aggrieved, accused-appellant appealed to the CA.

Ruling of the CA

In the assailed Decision¹⁷ dated March 26, 2019, the CA affirmed the ruling of the RTC. The CA echoed the findings of the RTC that the elements of the Illegal Sale and Illegal Possession of Dangerous Drugs were sufficiently proven and that the integrity and the evidentiary value of the seized items were preserved.¹⁸

Hence, the instant appeal.

The Issue

Whether accused-appellant's guilt of violation of Sections 5 and 11, Article II of RA 9165 has been proven beyond reasonable doubt.

Ruling of the Court

The appeal is meritorious.

It is a well settled rule that appeals in criminal cases open the entire case for review.¹⁹ "The appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law."²⁰

The elements of Illegal Sale of Dangerous Drugs under Section 5, Article II of RA 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;"²¹ whereas, the elements of Illegal

- over -

112

¹⁶ *Id.* at 60-61.

¹⁷ *Rollo*, pp. 3-17.

¹⁸ *Id.* at 16.

¹⁹ *Fernandez v. People*, G.R. No. 254320, July 5, 2021.

²⁰ *Id.*

²¹ *People v. Crispo*, 828 Phil. 416, 429 (2018).

Possession of Dangerous Drugs under Section 11, Article II of RA 9165 are: “(a) the accused was in possession of an item or object identified as a prohibited drug; (b) such possession was not authorized by law; and (c) the accused freely and consciously possessed the said drug.”²²

It must be emphasized that for a successful prosecution of the offenses of Illegal Sale and/or Illegal Possession of Dangerous Drugs, the prosecution must establish with moral certainty not only the elements mentioned above, but also the *identity* of the dangerous drug, which in itself constitutes an integral part of the *corpus delicti* of said offenses.²³

Hence, the prosecution must be able to account for *each link* in the chain of custody from the moment the dangerous drugs are seized up to their presentation in court as evidence of the offense.²⁴

The Court explained in *Mallillin v. People*²⁵ the rule on the chain of custody in this wise:

[T]he chain of custody rule requires that the admission of an exhibit be preceded by evidence sufficient to support a finding that the matter in question is what the proponent claims it to be. It would include testimony about every link in the chain, from the moment the item was picked up to the time it is offered into evidence, in such a way that every person who touched the exhibit would describe how and from whom it was received, where it was and what happened to it while in the witness' possession, the condition in which it was received and the condition in which it was delivered to the next link in the chain. These witnesses would then describe the precautions taken to ensure that there had been no change in the condition of the item and no opportunity for someone not in the chain to have possession of the same.²⁶

In the chain of custody of the confiscated item the following links should be established: (1) the seizure and marking of the illegal drug recovered from the accused by the apprehending officer; (2) the turnover of the illegal drug seized by the apprehending officer to the investigating officer; (3) the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and (4) the turnover and submission of the marked illegal drug seized from the forensic chemist to the court.²⁷

- over -

112

²² *Id.*

²³ See *People v. Santos*, G.R. No. 243627, November 27, 2019.

²⁴ See *People v. Año*, 828 Phil. 439, 448 (2018). See also *People v. Viterbo*, 739 Phil. 593, 601 (2014) and *People v. Alagarme*, 754 Phil. 449, 459-460 (2015).

²⁵ 576 Phil. 576 (2008).

²⁶ *Id.* at 587.

²⁷ *People v. Ordiz*, G.R. No. 206767, September 11, 2019.

The prosecution failed to prove the fourth link in the chain of custody.

Expounding on the fourth link in the chain of custody of the seized illegal drug, *People v. Villalon, Jr.*²⁸ states that:

In drug related 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, *i.e.*, when and from whom the dangerous drug was received; what identifying labels or other things accompanied it; description of the specimen; and the container it was in. Further, the forensic chemist must also identify the name and method of analysis used in determining the chemical composition of the subject specimen.”²⁹

Here, the testimony of Forensic Chemist Grace Plantilla Bombasi was dispensed with because both the prosecution and the defense stipulated on her proposed testimony. The proposed testimony pertained to her qualifications as an expert witness and identity as the chemist who conducted the qualitative examination on the subject specimens; prepared Chemistry Report No. LD-632-16; and turned over the specimens to the prosecution.³⁰

Notably, aside from the fact that the specimens were brought by PO1 Abad to the crime laboratory, no other details were provided pertaining to the handling, analysis of the dangerous drugs submitted for examination, and other precautionary steps taken. The forensic chemist did not discuss how she handled the specimens from the time she received them; their condition and how they were turned over to her for laboratory examination; the container where the specimens were placed; any particular markings or labels thereon; and the name and method used in analyzing the chemical composition of the specimens. Moreover, it would appear that it was the forensic chemist herself who turned over the specimens to the trial court. However, nothing in her testimony shows how she safeguarded the specimens from the time they were handed to her until they were presented to the court as evidence. In short, there is no evidence showing how the specimens were stored and maintained while in the custody of the forensic chemist. This indisputably casts serious doubt on the identity and integrity of the *corpus delicti*.

- over -

112

²⁸ G.R. No. 249412, March 15, 2021.

²⁹ *Id.*

³⁰ Records, p. 65.

In *People v. Pajarin*,³¹ the Court held that:

[A]s a rule, the police chemist who examines a seized substance should ordinarily testify that he received the seized article as marked, properly sealed and intact; that he resealed it after examination of the content; and that he placed his own marking on the same to ensure that it could not be tampered pending trial. In case the parties stipulate to dispense with the attendance of the police chemist, they should stipulate that the latter would have testified that he took the precautionary steps mentioned.³²

The records of the present case fails to show this.

As the prosecution failed to prove the fourth link in the chain of custody, the identity, integrity, and evidentiary value of the allegedly seized illegal drugs cannot be deemed to have been preserved. Hence, accused-appellant must be acquitted.

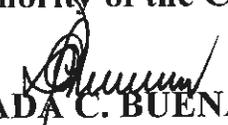
WHEREFORE, the appeal is **GRANTED**. The Decision dated March 26, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 10910 is **REVERSED** and **SET ASIDE**. Accused-appellant Jerick Silang y Antonio is hereby **ACQUITTED** of violation of Sections 5 and 11, Article II of Republic Act No. 9165, as amended, for failure of the prosecution to prove his guilt beyond reasonable doubt, and is ordered immediately **RELEASED** from detention, unless he is confined for any other lawful cause.

Let a copy of this Resolution be furnished the Director General, Bureau of Corrections, Muntinlupa City, for immediate implementation. Furthermore, the Director General of the Bureau of Corrections 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.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

112

- over -

³¹ 654 Phil. 461 (2011).

³² *Id.* at 466.



The Solicitor General
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Court of Appeals (x)
Manila
(CA-G.R. CR-HC No. 10910)

The Hon. Presiding Judge
Regional Trial Court, Branch 37
Calamba City, 4027 Laguna
(Crim. Case Nos. 26844-2016-C
& 26845-2016-C)

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