



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated August 17, 2022, which reads as follows:

“G.R. 248328 (*People of the Philippines v. Cornelia Magpantay y Puda and Jeffrey Magpantay y Puda*). – This appeal¹ seeks to reverse and set aside the Decision² promulgated on 25 March 2019 by the Court of Appeals (CA) in CA-G.R. CR-HC No. 09926. The CA affirmed *in toto* the Decision³ dated 06 September 2017 of Branch 37, Regional Trial Court (RTC) of Calamba City, in Criminal Case Nos. 29528-2017-C to 29530-2017-C, finding accused-appellants Cornelia Magpantay y Puda and Jeffrey Magpantay y Puda (accused-appellant Cornelia and accused-appellant Jeffrey, respectively; accused-appellants, collectively)⁴ guilty beyond reasonable doubt of violation of Sections 5 in relation to Section 26 and 11(3), Article II of Republic Act (RA) No. 9165.⁵

Antecedents

In an Information, accused-appellants were charged with violation of Section 26, Article II of RA No. 9165, the accusatory portion of which reads:

Criminal Case No. 29528-2017-C

That on May 2, 2017, in the City of Calamba, Province of Laguna

¹ *Rollo*, pp. 18-19, see Notice of Appeal dated 29 April 2019.

² *Id.* at 3-17; penned by Associate Justice Ricardo R. Rosario (now a Member of this Court) and concurred in by Associate Justices Nina G. Antonio-Valenzuela and Perpetua T. Atal-Paño.

³ *CA rollo*, pp. 60-87; penned by Presiding Judge Caesar C. Buenagua.

⁴ Collectively referred to as accused-appellants.

⁵ Entitled “AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES.” Approved: 07 June 2002.

and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating with one another, without any authority of law, did then and there willfully, unlawfully and feloniously sell to a poseur buyer a quantity of methamphetamine hydrochloride otherwise known as shabu, a dangerous drug, having a total weight of 0.08 gram/s, in violation of the aforementioned law. CONTRARY TO LAW.⁶

Likewise, accused-appellants were charged with violation of Section 11, Article II of RA No. 9165 under separate Informations:

Criminal Case No. 29529-2017-C
(For accused-appellant Cornelia)

That on May 2, 2017, in the City of Calamba, Province of Laguna and within the jurisdiction of this Honorable Court, the above-named accused without any authority of law, did then and there willfully, unlawfully and feloniously possess four (4) plastic sachets of methamphetamine hydrochloride otherwise known as shabu, a dangerous drug, having a total weight of 0.37 gram/s, in violation of the aforementioned law.

CONTRARY TO LAW.⁷

Criminal Case No. 29530-2017-C
(For accused-appellant Jeffrey)

That on May 2, 2017, in the City of Calamba, Province of Laguna and within the jurisdiction of this Honorable Court, the above-named accused without any authority of law, did then and there willfully, unlawfully and feloniously possess two (2) plastic sachets of methamphetamine hydrochloride otherwise known as shabu, a dangerous drug, having a total weight of 0.32 gram/s, in violation of the aforementioned law.

CONTRARY TO LAW.⁸

Upon arraignment, accused-appellants pleaded not guilty to the charges. After termination of pre-trial, trial on the merits ensued.⁹

Version of the Prosecution

On 02 May 2017, the Calamba Police Station received information from a confidential agent (agent) that accused-appellant Cornelia and her cohorts were engaged in illegal drug trade activities in *Barangay Real*, Calamba City. Subsequently, a team was formed to conduct a buy-bust operation against accused-appellant Cornelia, with Police Officer 1 (PO1) Kevin Agudo (PO1 Agudo) as poseur-buyer and the rest of the team as

⁶ CA *rollo*, pp. 60-61.

⁷ Id. at 61.

⁸ Id.

⁹ Id. at 5.

arresting officers.¹⁰

Later in the afternoon of the same day, the team proceeded to the target area. PO1 Agudo met with the agent before going to accused-appellant Cornelia's house. Upon arrival, PO1 Agudo saw two persons at the terrace, who were later identified as accused-appellants Jeffrey and Cornelia. Accused-appellant Jeffrey approached them and asked the agent as to how much they are going to buy to which PO1 Agudo replied "*limang piso lang.*" Accused-appellant Jeffrey then approached his mother, accused-appellant Cornelia, and told her that the two were going to buy ₱500.00 worth of *shabu*. Accused-appellant Cornelia took out a pouch from her right pocket and handed over a plastic sachet with suspected *shabu* to accused-appellant Jeffrey, who in turn, handed it over to PO1 Agudo. In exchange, PO1 Agudo handed a ₱500.00 bill to accused-appellant Jeffrey. After PO1 Agudo placed the plastic sachet with suspected *shabu* in his right pocket, he introduced himself as a police officer and ordered accused-appellants not to run. Thereafter, the other police officers arrived together with *Barangay* Councilor Fabian P. Almodovar (Councilor Almodovar) and media representative Zen Trinidad (Trinidad).¹¹

Thereat, PO1 Agudo marked the sachet, subject of sale, in the presence of Councilor Almodovar and Trinidad. PO1 Agudo also marked the buy-bust money and the other items recovered from accused-appellants' possession during the preventive search. After the inventory and taking of photographs of the seized items, they proceeded to the *barangay* hall for documentation purposes before proceeding to the police station.¹²

PO1 Agudo brought the seized items to the crime laboratory and upon examination by Forensic Chemist Police Chief Inspector Donna Villa Huelgas (PCI Huelgas), were found positive for *shabu*.¹³

Version of the Defense

Accused-appellants denied the charges. They claimed that on 02 May 2017 in the afternoon, while accused-appellant Cornelia was with her brother and sister-in-law at their veranda, they heard gunshots followed by their neighbors running towards the river. Three individuals, later identified as police officers, alighted from a vehicle, and proceeded towards their house and told them not to run. Cornelia was frisked together with her brother and nephew. Moments after, two armed individuals arrived with accused-appellant Jeffrey in handcuffs. The police officers placed a paper, a ₱500.00 bill along with several other items, and asked them to sign a document before their photographs were taken. Thereafter, they were brought to the *barangay* hall and to the police station where they were

¹⁰ Id. at 63.

¹¹ Id. at 63-64.

¹² Id. at 64-65.

¹³ Id.

subsequently detained.¹⁴

Ruling of the RTC

On 06 September 2017, the RTC rendered its Decision¹⁵ convicting accused-appellants of the offenses charged, thus:

IN VIEW OF THE FOREGOING, in Criminal Case No. 29528-2017-C, the Court finds both accused, CORNELIA MAGPANTAY y PUDA and JEFFREY MAGPANTAY y PUDA, GUILTY BEYOND REASONABLE DOUBT of violation of Section 5 in relation to Section 26, Article II of Republic Act No. 9165. They are hereby sentenced to suffer the penalty of LIFE IMPRISONMENT and to PAY A FINE of FIVE HUNDRED THOUSAND ([Php]500,000.00) PESOS each.

In Criminal Case Nos. 29529-2017-C and 29530-2017-C, the Court finds both accused, CORNELIA MAGPANTAY y PUDA and JEFFREY MAGPANTAY y PUDA, GUILTY BEYOND REASONABLE DOUBT of Violation of Section 11, paragraph 2(3), Article II of Republic Act No. 9165. They are 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 (Php300,000.00) PESOS each.

X X X X.

SO ORDERED.¹⁶

In convicting accused-appellants, the RTC found that the prosecution sufficiently established all the elements of the offenses charged. Accused-appellants Cornelia and Jeffrey acted in conspiracy with each other in selling *shabu* to PO1 Agudo, the poseur-buyer. During the preventive search, four plastic sachets of *shabu* from accused-appellant Cornelia and two plastic sachets of *shabu* from accused-appellant Jeffrey were recovered. Likewise, the prosecution was able to demonstrate that the integrity and evidentiary value of the confiscated drugs have not been compromised as it established an unbroken chain of custody over the seized items from the time they were seized until they were brought to the court.¹⁷

Aggrieved, accused-appellant appealed¹⁸ to the CA.

¹⁴ *Rollo*, pp. 42-43.

¹⁵ *CA rollo*, pp. 60-87.

¹⁶ *Id.* at 86-87.

¹⁷ *Id.* at 75, 81.

¹⁸ *Id.* at 12.

Ruling of the CA

In its Decision¹⁹ dated 25 March 2019, the CA affirmed accused-appellants' conviction. The dispositive portion of said Decision reads:

WHEREFORE, the appeal is **DENIED** and the assailed September 6, 2017, Decision of Branch 37 of the Regional Trial Court of Calamba City, in Criminal Cases Nos. 29528-2017-C to 29530-2017-C is **AFFIRMED** *in toto*.

SO ORDERED.²⁰

The CA held that the prosecution has duly established the sale by accused-appellants to PO1 Agudo of 0.08 gram of *shabu* in exchange for ₱500.00. PO1 Agudo also caught accused-appellants Cornelia and Jeffrey in unauthorized possession of four sachets of *shabu* and two sachets of *shabu*, respectively. It disregarded accused-appellants' uncorroborated defenses of denial and planting of evidence, and accorded the police officers the presumption of regularity in the performance of their duties.²¹

Hence, this appeal.²²

Issue

The sole issue in this case is whether the CA correctly affirmed accused-appellants' conviction for illegal sale and illegal possession of dangerous drugs under Section 5 in relation to Sections 26 and 11, Article II of RA No. 9165.

Ruling of the Court

The appeal is granted.

In a case for illegal sale of dangerous drugs, the prosecution must be able to establish the following essential elements: (1) the identity of the buyer and the seller, the object of the sale and the consideration; and (2) the delivery of the thing sold and its payment.²³ The delivery of the illicit drug to the poseur-buyer and the receipt by the seller of the marked money successfully consummate the illegal sale transaction. What is material is the proof that the transaction or sale actually took place, coupled with the presentation in court of the prohibited drug, the *corpus delicti*, as evidence.²⁴

¹⁹ *Rollo*, pp. 3-17.

²⁰ *Id.* at 16.

²¹ *Id.* at 14-15.

²² *Id.* at 18.

²³ *People v. Ygot*, 790 Phil. 236, 240 (2016).

²⁴ *People v. Amaro*, 786 Phil. 139, 147 (2016).

Upon the other hand, for a successful prosecution for the illegal possession of prohibited drugs, the following elements must be proved: (1) that the accused was in possession of the object identified as a prohibited or regulated drug; (2) that the drug possession was not authorized by law; and (3) that the accused freely and consciously possessed the drug.²⁵

The sale or possession of dangerous drugs can never be proven without seizure and identification of the prohibited drug. In prosecutions involving narcotics, the narcotic substance itself constitutes the *corpus delicti* of the offense and the fact of its existence is vital to sustain a judgment of conviction.²⁶

To preserve the integrity of the confiscated drugs and/or paraphernalia used as evidence, Section 21 of RA 9165 as amended by RA No. 10640,²⁷ the applicable law at the time of the commission of the alleged offense,²⁸ outlines the procedure which the police officers must strictly follow, thus: (1) the seized items be inventoried and photographed at the place of seizure or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable; (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, and (c) a representative of the National Prosecution Service (NPS) or the media; and (3) the accused or his/her representative and all of the aforesaid witnesses shall be required to sign the copies of the inventory and be given a copy thereof.²⁹

In *People v. Alviz*,³⁰ the Court held that the integrity and evidentiary value of seized items are properly preserved, for as long as the chain of custody of the same is duly established. Thus, the prosecution must establish the chain of custody of the dangerous drugs as follows: first, the seizure and marking 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 by the forensic chemist to the court.³¹ Any break or disruption in the links would cast doubt in the identity and integrity of the seized item. Hence, it is of prime importance that the identity of the dangerous drug be established beyond reasonable doubt; and that it must be proven with exactitude that the substance bought during the buy-bust operation is exactly the same

²⁵ *People v. Gaspar*, 669 Phil. 122, 135 (2011), citing *People v. Lagata*, 452 Phil. 846 (2003).

²⁶ *People v. Nacua*, 702 Phil. 739, 751 (2013), citing *People v. Suan*, 637 Phil. 174 (2010).

²⁷ Entitled "AN ACT TO FURTHER STRENGTHEN THE ANTI-DRUG CAMPAIGN OF THE GOVERNMENT, AMENDING FOR THE PURPOSE SECTION 21 OF RA 9165, OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002" Approved: 22 July 2013.

²⁸ The Information alleged that accused-appellants committed the offenses on 02 May 2017.

²⁹ *People v. Rasos, Jr.*, G.R. No. 243639, 18 September 2019.

³⁰ 703 Phil. 58 (2013).

³¹ *People v. Dahil*, 750 Phil. 212, 231 (2015).

substance offered in evidence before the court.³²

While the required procedure for the marking, photograph and inventory of the seized items appears to have been complied with, done in the presence of the mandatory witnesses, the police officers failed to establish an unbroken chain of custody of the seized drugs which created reasonable doubt as to the identity and integrity of the *corpus delicti*.

The second link in the chain of custody is the transfer of the seized drugs by the apprehending officer to the investigating officer. The investigating officer shall conduct the proper investigation and prepare the necessary documents for the proper transfer of the evidence to the police crime laboratory for testing. Thus, the investigating officer's possession of the seized drugs must be documented and established.³³

According to PO1 Agudo, he was in custody of the seized items from seizure until he brought the same to the crime laboratory. While it was their investigator, PO3 Ernesto Reyes who prepared the Request for Laboratory Examination, PO1 Agudo admitted that he did not turn over the same to the investigator.³⁴ In *People v. Bangcola*,³⁵ it was held that the apprehending officer's act of keeping the seized evidence until its transfer to the forensic chemist, and his or her failure to transfer the seized evidence to the investigating officer are considered breaks in the chain of custody.

Next, PCI Huelgas was not presented in court. The parties stipulated on her testimony as follows:

- (i) that PCI Huelgas is an expert witness;
- (ii) the existence and due execution of the Letter Request for Laboratory Examination dated 03 May 2017, including the specimens enclosed thereto which were delivered to and received by the crime laboratory;
- (iii) the Letter Request for Laboratory Examination was duly received by the Regional Crime Laboratory Office;
- (iv) the enclosed specimens included seven (7) pieces of heat-sealed transparent plastic sachet containing white crystalline substance known as suspected "*shabu*" marked as "5-2-17 KBA-CPM-BB; KBA-1; KBA-2; KBA-3; KBA-4; KBA-JMP-1; KBA-JMP-2;
- (v) pursuant to the letter-request, PCI Huelgas conducted a qualitative examination of the enclosed specimens, and the result of the examination was reduced into writing in Chemistry Report No. D-591-17;
- (vi) the specimens enclosed in the letter request were the same specimens that were examined by FCI Huelgas;
- (vii) the existence and due execution of Chemistry Report No. D-591-17;
- (viii) PCI Huelgas had no personal knowledge from whom the specimens subject of the examination were taken/seized; and
- (ix) the specimens examined by PCI Huelgas were the same specimen

³² *People v. Bartolini*, 791 Phil. 626, 634 (2016).

³³ *People v. Bangcola*, G.R. No. 237802, 18 March 2019.

³⁴ TSN, 12 July 2017, Witness PO1 Agudo, pp. 10-11.

³⁵ *Supra*.

transmitted by the Chemist to the Prosecution.³⁶

As a rule, the police chemist who examines a seized substance should ordinarily testify that he or she received the seized article as marked, properly sealed and intact; that he or she resealed it after examination of the content; and that he or she placed his or her own marking on the same to ensure that it could not be tampered pending trial. In case the parties stipulate to dispense with the testimony of the police chemist, they should stipulate that the latter would have testified that he or she took the precautionary steps mentioned.³⁷

There was no stipulation as to the handling and precautionary measures taken by PCI Huelgas regarding the seized drug when it was delivered, and the precautions undertaken to ensure its integrity before they were presented in court. In the absence of testimony regarding the management, storage and preservation of the illegal drugs seized after its qualitative examination, the fourth link in the chain of custody could not be reasonably established.³⁸

It bears noting too, that the seized items were received by SPO1 Bayani Gonzales (SPO1 Gonzales) of the Regional Crime Laboratory,³⁹ before it was turned over to PCI Huelgas. However, SPO1 Gonzales was not presented in court which is a clear disregard of the mandate that every link in the chain must testify to describe the condition of the seized item when it was delivered, and the precautions taken to ensure its integrity.⁴⁰

To be sure, the foregoing gaps in the chain of custody of the seized drugs greatly diminished its evidentiary value and cast doubt as to its identity and integrity. Thus, for failure of the prosecution to prove the *corpus delicti* beyond reasonable doubt, the Court is therefore constrained to acquit accused-appellants.

WHEREFORE, the appeal is **GRANTED**. The Decision dated 25 March 2019 of the Court of Appeals in CA-G.R. CR-HC No. 09926, finding accused-appellants **CORNELIA MAGPANTAY y PUDA and JEFFREY MAGPANTAY y PUDA** guilty beyond reasonable doubt of violating Section 5 in relation to Section 26 and Section 11, Article II of Republic Act No. 9165, is **REVERSED** and **SET ASIDE**. They are hereby **ACQUITTED** on the ground of reasonable doubt. They are ordered immediately **RELEASED** from detention unless they are being confined for some other lawful cause.

The Superintendent of the Correctional Institution for Women and the

³⁶ Records, pp. 47-48

³⁷ *People v. Pajarin*, 654 Phil. 461, 466 (2011).

³⁸ *See People v. Ubungen*, 836 Phil. 888, 902 (2018).



³⁹ Records, pp. 20-21; *see* Request for Laboratory Examination and Chain of Custody Form.

⁴⁰ *People v. Havana*, 776 Phil. 462, 471-472 (2016).

Director General, Bureau of Corrections, respectively, are **DIRECTED** to **IMPLEMENT** this Resolution and to report to this Court the action taken hereon within five days from receipt.

SO ORDERED.” *Rosario, J., no part; Lazaro-Javier, J., designated as additional Member per Raffle dated 06 July 2022.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court 

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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