



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 22, 2022** which reads as follows:*

**“G.R. No. 248485 (*Raven Tulio y Villanueva v. People of the Philippines*).** — This Court resolves a Petition for Review on *Certiorari*<sup>1</sup> under Rule 45 of the Rules of Court filed by petitioner Raven Tulio y Villanueva (*Tulio*), assailing the Decision<sup>2</sup> dated April 12, 2019 and the Resolution<sup>3</sup> dated July 22, 2019 promulgated by the Court of Appeals (*CA*) in CA-G.R. CR No. 40703 affirming the Judgment<sup>4</sup> of the Regional Trial Court (*RTC*) which convicted Tulio of violation of Section 11 of Republic Act (*R.A.*) No. 9165 or the Comprehensive Dangerous Drugs Act of 2002.

*The Antecedents*

In an Information<sup>5</sup> dated August 16, 2016, Tulio was charged with violation of Section 11 of R.A. No. 9165 for illegal possession of dangerous drugs. The indictment contained in the said Information stated:

That on or about August 8, 2016, in the City of Manila, Philippines, the said accused, not 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, **one (1) heat-sealed transparent plastic sachet with marking and recorded net weight, as follows:**

**“RTV” containing ZERO POINT ONE TWO ZERO (0.120) gram** of dried Marijuana leaves and fruiting tops, a dangerous drug.

Contrary to law.<sup>6</sup>

During the arraignment, Tulio pleaded not guilty.<sup>7</sup>

<sup>1</sup> *Rollo*, pp. 10-36.

<sup>2</sup> Penned by Associate Justice Marlene B. Gonzales-Sison, with Associate Justices Victoria Isabela A. Paredes and Ruben Reynaldo G. Roxas, concurring; *id.* at 42-59.

<sup>3</sup> *Id.* at 60-61.

<sup>4</sup> Penned by Presiding Judge Marivic Balisi-Umali; *id.* at 106-122.

<sup>5</sup> Records, p. 2

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 39.

In an Order<sup>8</sup> dated October 17, 2016, the criminal cases against Tulio and his co-accused Ivan Seal Tiel Domingo (*Domingo*) were consolidated, and the Pre-Trial Order<sup>9</sup> dated September 19, 2016 in Criminal Case No. 16-327685 was deemed adopted.

During trial, the prosecution presented Police Officer 3 Meynard Vargas (*PO3 Vargas*), *Barangay Kagawad* Adel Dela Cruz (*Kagawad Dela Cruz*), and Security Guard Erson Aguisanda (*SG Aguisanda*). For the defense, Tulio and Domingo, as well as a certain Ramon Hago-sojos (*Hago-sojos*), testified.<sup>10</sup>

*Kagawad* Dela Cruz testified that he was a *barangay kagawad* of *Barangay* 30, Caloocan City and resided at the Numancia Residence, Binondo, Manila. On August 8, 2016 between 4:00 to 4:30 in the afternoon, he was informed by his neighbor that there were three suspicious-looking individuals at the rooftop of Cluster 1 of their condominium. From the 9<sup>th</sup> floor of Cluster 3 building, he saw Tulio, co-accused Domingo and one John Melvin Sebastian (*Sebastian*) sitting down near the water tank and rolling marijuana leaves. He relayed this information to SG Aguisanda who confiscated certain items and arrested the three individuals. They were first interrogated at the administration office of Numancia Residence, then brought to the *barangay* hall for a blotter report, and finally to the police station where SG Aguisanda presented the confiscated articles. SG Aguisanda marked the seized items in the police station, while *Kagawad* Dela Cruz guarded the suspects.<sup>11</sup>

SG Aguisanda corroborated the testimony of *Kagawad* Dela Cruz as regards the circumstances of the arrest of Tulio and Domingo. In particular, he attested that at the time of the incident, he saw Tulio rolling marijuana while Domingo was putting marijuana in a glass tube. Sebastian, on the other, was holding a cap where the marijuana was contained. After gathering the specimen, he handcuffed them and brought them to the building's administration office. He placed the seized items in his locker, which was about 10 meters from the office, while waiting for Officer-in-Charge Richard Reyes (*OIC Reyes*). Eventually, he brought them to the police station for the turnover of the confiscated items to PO3 Vargas. In the presence of *Kagawad* Dela Cruz, OIC Reyes, PO3 Vargas and Danny Garendola (*Garendola*) of Smart Journal, he marked the seized Umbro cap and plastic sachet containing marijuana as "JMTS-1" and "JMTS," respectively, the glass tube as "ISD," and the rolled marijuana as "RTV."<sup>12</sup>

On the part of PO3 Vargas, his testimony revealed that on August 8, 2016, between 8:00 to 10:00 in the evening, Tulio and Domingo were

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<sup>8</sup> *Id.* at 99-100.

<sup>9</sup> *Id.* at 41.

<sup>10</sup> *Rollo*, p. 43.

<sup>11</sup> *Id.* at 43-44.

<sup>12</sup> *Id.* at 44.

presented before him. PO3 Vargas prepared the documents relative to their arrest. Upon clarificatory questions by the trial court, he testified that he called media representative Garendola, who was the only witness when SG Aguisanda marked the seized items at their police station. In addition, he attested that he delivered the specimen to the Manila Police District Crime Laboratory Office (*MPD-CLO*) on August 9, 2016 at around 12:00 midnight.<sup>13</sup>

The parties agreed to stipulate on the testimony of Forensic Chemist Police Senior Inspector Jeffrey Reyes (*PS/Insp. Reyes*). This provides that he received one rolled white paper containing dried marijuana leaves with markings “RTV” along with the Request for Laboratory Examination from PO3 Vargas on August 9, 2016 at 12:40 in the morning. It was also admitted that he issued Chemistry Report No. D-1033-16, which stated that the improvised glass tube with markings “ISD,” staple-sealed transparent plastic sachet containing dried marijuana leaves marked as “JMTS”, and rolled white paper containing dried marijuana leaves marked as “RTV” yielded positive results for marijuana.<sup>14</sup>

Testifying for their own defense, Tulio and Domingo stated that on August 8, 2016 at around 4:55 in the afternoon, they went to see their English teacher Hagosojos at his unit in Numancia Residences. After they peeped through a small hole of their teacher’s door, they confirmed that he was not at home at the time. They then decided to leave but they noticed a woman looking suspiciously at them. Suddenly, upon reaching the ground floor, it rained, causing them to go to the rooftop where they can wait until the rain stopped. At the rooftop, SG Aguisanda and *Kagawad* Dela Cruz showed up and told them, “*Huwag kayong kikilos ng masama, kakausapin lang namin kayo.*” They were brought to the guard house handcuffed where they saw a tooter, a piece of paper with marijuana, and marijuana in plastic sachet which were all lying on the chair. They were being forced to admit possession of said drug paraphernalia, to which they did not accede. Thereafter, they were brought to the *barangay* hall, and then to the hospital for physical examination.<sup>15</sup>

Hagosojos, on the other hand, admitted in his testimony that he was the English teacher of Tulio and Domingo in high school. He confirmed that on August 8, 2016, he did not see them since he was still probably in school during the time of their alleged visit. He also confirmed that Domingo could be a frequent visitor in Numancia Residences because the latter has friends who live there, and that he would see him there from time to time. In addition, he stated that he was made aware of the incident involving his former students

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<sup>13</sup> *Id.* at 44-45.

<sup>14</sup> *Id.* at 45.

<sup>15</sup> *Id.* at 45-46.

after being informed by the security guards of the condominium, three days from the incident.<sup>16</sup>

In its assailed Judgment, the RTC was not convinced by the defense of frame-up and denial of Tulio and Domingo. It gave more credence to the evidence of the prosecution despite the witnesses' conflicting testimonies and stated that the inaccuracies were indications that they were telling the truth. It stated that the positive assertions of *Kagawad* Dela Cruz and SG Aguisanda should prevail over the defense of denial. Morally convinced that the prosecution sufficiently established that Tulio and Domingo were found in possession of dangerous drugs and paraphernalia, the RTC found them guilty beyond reasonable doubt of the crimes charged.<sup>17</sup> The dispositive portion of the Judgment stated thus:

**PREMISES CONSIDERED**, on the basis of the facts and evidence presented by the Prosecution against him, the Court finds accused RAVEN TULIO y VILLANUEVA in Criminal Case No. 16-327685 **GUILTY** beyond reasonable doubt for violation of Section 11 of RA 9165 and is hereby imposed the penalty of twelve (12) years and one (1) day imprisonment and to pay a fine of THREE HUNDRED THOUSAND PESOS AND 0/100 (Php300,000.00).

The ZERO POINT ONE TWO ZERO (0.120) gram of marijuana is ordered confiscated in favor of the Government.

In Criminal Case No. 16-327686, upon the facts and evidence presented by the Prosecution, the Court finds accused IVAN SEALTIEL DOMINGO **GUILTY** beyond reasonable doubt of the crime of violation of Section 12, R.A. 9165 and hereby imposes upon him the penalty of imprisonment for one (1) year and to pay a fine of TEN THOUSAND PESOS AND 0/100 (Php10,000.00).

The improvised glass tube with marking ISD is confiscated in favor of the Government.

**SO ORDERED.**<sup>18</sup>

Unconvinced, Tulio interposed an appeal with the CA.

Domingo, on the other hand, applied for Probation.<sup>19</sup>

In a Decision dated April 12, 2019, the CA sustained the conviction of Tulio. It held that the condition of the specimen, as well as the persons who handled them, resulted in an unbroken chain of custody.<sup>20</sup> The CA, however,

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<sup>16</sup> *Id.* at 46.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 46-47.

<sup>19</sup> *Id.* at 47.

<sup>20</sup> *Id.* at 57.

modified the RTC Decision to take into consideration the Indeterminate Sentence Law, as amended. Applying the ISL, the CA held that the penalty should be an indeterminate sentence of twelve (12) years and one (1) day, as minimum, to fourteen (14) years, as maximum.<sup>21</sup> The dispositive portion of the CA Decision thus stated:

**WHEREFORE**, in view of the foregoing, the appeal is hereby **DENIED**. The Judgment of [the] Regional Trial Court, National Capital Judicial Region, Branch 20, City of Manila, in Criminal Case Nos. 16-327685 to 86 is hereby **AFFIRMED with MODIFICATION** that the penalty of the accused-appellant is the indeterminate sentence 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 pesos (P300,000.00).

**SO ORDERED.**<sup>22</sup>

Tulio, thereafter, filed a motion for reconsideration.

On July 22, 2019, the CA issued a Resolution<sup>23</sup> denying Tulio's motion for reconsideration.<sup>24</sup>

Hence, the instant petition, which merited a Comment<sup>25</sup> on June 10, 2020.

### *Issue*

Whether the CA erred in affirming the RTC's Judgment convicting petitioner for violation of Section 11 of R.A. No. 9165.

### *Our Ruling*

After evaluating the records of the case, this Court resolves to grant the instant petition.

In the crime of Illegal Possession of Dangerous Drugs, the case of *People v. Cabrellos*<sup>26</sup> instructs that it is essential for the identity of the prohibited drug to be established with moral certainty, considering that the dangerous drug itself forms an integral part of the *corpus delicti* of the crime.

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<sup>21</sup> *Id.* at 58.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.* at 60-61.

<sup>24</sup> *Id.* at 62-64.

<sup>25</sup> *Id.* at 173-195.

<sup>26</sup> 837 Phil. 428 (2018).

The procedural requirements under R.A. No. 9165 to ensure the integrity of the *corpus delicti* were amended by R.A. No. 10640<sup>27</sup> to state thus:

SEC. 21. x x x. ---

(1) The apprehending team having initial custody and control of the dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment 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 person/s 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.

x x x<sup>28</sup>

In this case, the incident happened on August 8, 2016, which was after the effectivity of R.A. No. 10640.<sup>29</sup> Thus, only two witnesses are required to be present during the inventory and photography of the seized items, in the presence of the accused or the person from whom the items were seized, or his/her representative or counsel; an elected public official, **and** a representative of the National Prosecution Service **or** the media.

The direct testimony of SG Aguisanda bares that *Kagawad* Dela Cruz, an elected public official, and Garendola of Smart Journal who acted as a representative from the media, were present when the four confiscated items were marked.<sup>30</sup> His testimony was substantiated with the Receipt of Property/Evidence Seized,<sup>31</sup> which stated the following:

**This is to acknowledge the receipt of the property/items/articles herein listed/inventoried below seized/confiscated from suspect/s John Melvin Sebastian, Ivan Domingo, Raven Tulio during the response**

<sup>27</sup> Comprehensive Dangerous Drugs Act of 2002, July 15, 2014.

<sup>28</sup> *Id.*

<sup>29</sup> See *People v. Gutierrez*, 842 Phil. 681 (2018) which states, "Note, however, that under Section 5 of RA 10640, the "Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation" RA 10640 was published on July 23, 2014 in The Philippine Star (Vol. XXVIII, No. 359, Philippine Star Metro section, p. 21) and Manila Bulletin (Vol. 499, No. 23; World News section, p. 6) – both considered as newspapers of general circulation. Thus, following Section 5 thereof, RA 10640 appears to have become effective on August 7, 2014 or fifteen days after its publication in the Philippine Star and Manila Bulletin."

<sup>30</sup> TSN, November 7, 2016, pp. 13-14.

<sup>31</sup> Records, p. 9.

conducted by elements CSF Security Force, Manila, PS-11 along Numancia Residence, Urbiztondo St., Binondo Manila, on or about 4:55 pm this August 8, 2016, to wit:

Item No.	Quantity	Description
A	(1)	One improved glass tube fee containing dried leaves suspected to be marijuana marked as "ISD"
B	(1)	One opened transparent plastic containing dried leaves with fruiting tops suspected to be marijuana with markings "JMTS"
C	(1)	Rolled paper containing dried leaves with fruiting tops suspected to be marijuana marked as "RTV"
D	(1)	One Umbro ball cap color dark green, orange and black containing dried leaves with fruiting tops suspected to be marijuana marked "JMTS-1"

Efren M. Aguisanda  
Seizing Officer/s

Refused to sign  
Suspect/s

Witnesses:

1. (sgd) Adel F. Dela Cruz, Brgy. 30-2-3 Kalookan
2. (sgd) Danny Garendola, Smart Journal, 1274 E. (*illegible*)<sup>32</sup>

Nevertheless, apart from the two-witness requirement, the prosecution must abide by the other required procedural safeguards when it comes to the handling of confiscated illegal drugs and other substances. Following Section 21 of R.A. No. 9165, as amended, and the Implementing Rules and Regulations (*IRR*) of R.A. No. 9165, the Dangerous Drugs Board (*DDB*) provided a detailed procedure for the handling of confiscated illegal drugs and other substances in Section 1(b) of *DDB* Regulation No. 1, Series of 2002.<sup>33</sup>

X X X X

b. "*Chain of Custody*" means 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

<sup>32</sup> *Id.*

<sup>33</sup> *Guidelines on the Custody and Disposition of Seized Dangerous Drugs, Controlled Precursors and Essential Chemicals, and Laboratory Equipment*, October 18, 2002.

seizure/confiscation to receipt in the forensic laboratory to safekeeping to presentation in court for destruction. Such record of movements and custody of seized item shall include the identity and signature of the person who held temporary custody of the seized item, 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[.]

Jurisprudence provides that the chain of custody is divided into four (4) links:

*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 by the forensic chemist to the court.<sup>34</sup>

We focus on the first requirement.

Case law has established that marking must be made immediately upon confiscation, or at the earliest reasonably available opportunity.<sup>35</sup> As provided in the case of *People v. Dahil*:<sup>36</sup>

The marking of 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.<sup>37</sup>

In this case, it is glaring from the undisputed facts that the marking of the evidence was conducted in a protractedly belated manner, thus putting into question the integrity of the very object of the crime, the *corpus delicti*.

As can be gleaned from the *Pinagsamang Sinumpaang Salaysay ng Pagreklamo at Paghuli* by SG Aguisanda and Kagawad Dela Cruz,<sup>38</sup> the confiscated items from the three accused were all placed, unmarked, inside a cap. The cap was described to be black with green and orange colors containing dried leaves with fruiting tops suspected to be marijuana, later marked as “JTMS-1,” a transparent sachet containing dried leaves with fruiting tops suspected to be marijuana, later marked as “JTMS,” a glass tube containing dried leaves with fruiting tops suspected to be marijuana, later

<sup>34</sup> *People v. Villalon, Jr. y Pabuaya*, G.R. No. 249412, March 15, 2021, citing *Dela Riva v. People*, 769 Phil. 872, 886-887 (2015). (Citation omitted)

<sup>35</sup> *People v. Gumban*, G.R. No. 245951 (Notice), September 16, 2020.

<sup>36</sup> 750 Phil. 212 (2015).

<sup>37</sup> *Id.* at 232. (Citation omitted)

<sup>38</sup> Records, pp. 4-5.

marked as “ISD,” and one rolled paper containing dried leaves with fruiting tops suspected to be marijuana, later marked as “RTV.”<sup>39</sup>

Moreover, the manner of confiscation of the items from three different persons was detailed by SG Aguisanda, during his cross-examination, thus:

(SG Aguisanda, cross-examined by Atty. De Ala)

Q: After you arrested the three suspects, what did you do with the specimens you confiscated?

A: *Nilagay ko po sa locker, para safe muna doon.*

Q: And your locker is located downstairs at your post?

A: Yes, sir.

Q: While you were going down, where did you put the specimens?

A: I was holding them.

Q: Did you place it in any plastic container?

A: *Pinagsama-sama ko po sa isang cap.*<sup>40</sup>

This commingling of the unmarked, similar confiscated items from three different suspects defies the tenets of Section 21 of R.A. No. 9165, which seek to preserve the integrity of drug-related evidence.

This Court is aware of the existence of Section 21 of the IRR,<sup>41</sup> which includes a saving mechanism for instances when the prosecution is unable to comply with the prescribed procedures. It bears emphasizing, however, that there must be justifiable grounds for such noncompliance. More importantly, the integrity and the evidentiary value of the seized items must still be properly preserved by the apprehending officer or team.

In this case, a scrutiny of the testimony of SG Aguisanda will show that there was no justifiable ground for his failure to mark the items immediately after the confiscation:

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<sup>39</sup> *Id.* at 4.

<sup>40</sup> TSN, November 7, 2016, p. 27. (Emphasis supplied)

<sup>41</sup> (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 non-compliance 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)

(SG Aguisanda, cross-examined by Atty. De Ala)

Q: Why did you not put markings on these specimens at the specific time you confiscated them?

Court: The place where you confiscated them.

Q: Yes, Your Honor.

A: Nobody would stand as a witness, sir.

Court: But there was already Kagawad Adel, is it not?

A: Yes, Your Honor. *Dinala na po naming sa station para siguardo po.*

Court: *Hindi nga. Ang tanog (sic) ni Attorney, bakit hindi mo daw minarkahan doon at doon din ng mga oras na yun itong mga ebidensya na nakuha ninyo eh andoon na si Kagawad Adel?*

A: *Wala pong magpapatunay na... (interrupted)*

Court: *Andoon na nga si Kagawad Adel eh.*

A: *Hindi ko po alam basta dalhin nalang daw po namin doon... (interrupted)*

Court: Who told you that?

A: The OIC *po*. We were advised to just bring the items to the police station.

Court: But did you not say a while ago that you went to the Barangay Hall to report the incident?

A: Yes, Your Honor.

Court: So, why did you not still mark the items at the Barangay Hall? I supposed, there were many people in the Barangay Hall at that time, is it not?

A: No, your Honor.

Court: So, who were there at the Barangay Hall when you arrived there?

A: *Hindi na po namin doon minarkahan eh, sa ano na po... (interrupted)*

Court: ***Hindi nga. Bakit nga? Ayaw mo markahan dito sa rooftop, hindi mo minarkahan sa Administrative Office, tapos andoon na kayo sa Barangay Hall, bakit hindi ninyo pa minarkahan sa Barangay Hall? Sabi mo kasi para may magpapatunay. Andoon na si Adel, andoon na ang mga ibang Barangay Officials doon, andoon na yung mga akusado.***

A: (No answer)

Court: Next question.

Q: From the time that you confiscate the items up to the time they were brought to the police station, you were in possession of the confiscated items, is that correct?

A: Yes, sir.

Q: And the items were placed in your cap?

A: Yes.

Q: Aside from your statement, did you prepare any document that would prove that you were in possession of those specimens during that period of time and that you did not turn over the specimens or even showed the specimens to any other persons, during that time, Mr. Witness?

A: None, sir.<sup>42</sup>

Other than the total absence of a justifiable reason for noncompliance with Section 21 of R.A. No. 9165, there is nothing to support a finding that the integrity and the evidentiary value of the seized items were properly preserved by SG Aguisanda before these were turned over to PO3 Vargas.

The importance of marking has been previously stressed in the case of *People v. Gumban*.<sup>43</sup> In said case, this Court explained that immediate marking is crucial and indispensable because succeeding handlers of the seized illegal drugs will use that marking as reference.

Indeed, this Court has consistently held that failure of the authorities to immediately mark the seized drugs would cast reasonable doubt on the authenticity of the *corpus delicti*.<sup>44</sup>

Here, there is no dispute that the marking was not immediately done upon confiscation. In fact, despite having had the opportunity to do so at the administration office of the Numancia building, and again at the *barangay* hall, the items remained unmarked and exposed to switching, planting, or contamination of evidence. There was a real risk of one item being mistaken to have been possessed by any of the other accused. We cannot overemphasize the importance of a confiscated item's integrity in resolving a complaint for a violation of R.A. No. 9165. As We have discussed above, Section 11 of R.A. No. 9165 metes out the penalties according to the weight of the confiscated drugs. The mistaken possession of an unmarked item by the accused can unnecessarily and unjustly lead to a longer period of imprisonment or a larger fine.

Time and again, this Court has provided that in cases involving the sale of illegal drugs, the prosecution must establish with unwavering exactitude that the dangerous drug presented in court as evidence against the accused is the same as that seized from him/her in the first place.<sup>45</sup>

We find that the prosecution failed to establish the identity of the *corpus delicti*, an essential element in the offense of illegal possession of

<sup>42</sup> TSN, November 7, 2016, pp. 27-29. (Emphasis supplied)

<sup>43</sup> G.R. No. 245951 (Notice), September 16, 2020.

<sup>44</sup> *Id.*

<sup>45</sup> *People v. Yepes*, 784 Phil. 113, 127 (2016). (Citation omitted)

dangerous drugs. Given the surrounding doubts as to the identity of the seized items on account of the belated marking by the police officers, their integrity was put into doubt and the chain of custody was immediately broken. The acquittal of petitioner must necessarily follow.<sup>46</sup>

This is all the more true in this case, where the involved drugs are belatedly marked and of minuscule volume. As stated by the Court in the case of *People v. Holgado*,<sup>47</sup> while the minuscule amount of narcotics seized is by itself not a ground for acquittal, this circumstance underscores the need for more exacting compliance with Section 21.<sup>48</sup> In this case, the confiscated marijuana from petitioner only weighed zero point one two zero (0.120) gram, necessitating strict compliance with the safeguards established to guarantee the identity and integrity of the seized items.

Given that the chain of custody was already broken with the absence of the first link, this Court sees no practical value in discussing the subsequent links.

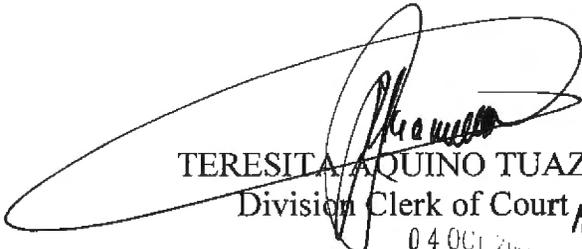
**FOR THESE REASONS**, the instant petition is **GRANTED**. The Decision dated April 12, 2019 and the Resolution dated July 22, 2019 of the Court of Appeals in CA-G.R. CR No. 40703 are **REVERSED** and **SET ASIDE**. Raven Tulio y Villanueva is hereby **ACQUITTED** of the crime charged on the ground of reasonable doubt.

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.

Let entry of final judgment be issued immediately.

**SO ORDERED.”**

By authority of the Court:

  
TERESITA AQUINO TUAZON  
Division Clerk of Court  
04 OCT 2019

<sup>46</sup> *Lescano v. People*, 778 Phil 460, 470 (2016). (Citation omitted)

<sup>47</sup> 741 Phil. 78 (2014).

<sup>48</sup> *Id.* at 99. (Citation omitted)

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