



Republic of the Philippines  
**Supreme Court**  
Manila

**FIRST DIVISION**

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated September 14, 2022, which reads as follows:*

**“G.R. No. 248951 (*People of the Philippines v. JR Panoy y Legel*).** — On appeal<sup>1</sup> is the March 7, 2019 Decision<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CR HC No. 09752, which affirmed the May 20, 2016 Joint Decision<sup>3</sup> of the Regional Trial Court (RTC), Branch 42 of Dagupan City, Pangasinan, in Criminal Case Nos. 2012-0170-D and 2012-0171-D, finding accused-appellant JR Panoy y Legel (Panoy) guilty of violating Sections 5 and 11, Article II of Republic Act No. (RA) 9165,<sup>4</sup> otherwise known as the “Comprehensive Dangerous Drugs Act of 2002.”

**Factual Antecedents**

Panoy was charged with Illegal Sale and Illegal Possession of Dangerous Drugs under Sections 5 and 11, Article II of RA 9165 in two separate Informations<sup>5</sup> which read:

**Crim. Case No. 2012-0170-D<sup>6</sup>**  
**(Illegal Possession of Dangerous Drugs)**

That or on about the 26<sup>th</sup> day of March, 2012, in the City of Dagupan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, JR PANOY Y LEGEL, did then and there, willfully, unlawfully

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<sup>1</sup> *Rollo*, pp. 23-25.

<sup>2</sup> *Rollo*, pp. 3-19. Penned by Associate Justice Marie Christine Azcarraga-Jacob and concurred in by now Presiding Justice Remedios A. Salazar-Fernando and Associate Justice Amy C. Lazaro-Javier (now a Member of the Court).

<sup>3</sup> *CA rollo*, pp. 56-67. Penned by Presiding Judge A. Florentino R. Dumlao, Jr.

<sup>4</sup> 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: June 7, 2002.

<sup>5</sup> Records (Criminal Case No. 2012-0170-D), pp. 1-2; Records (Criminal Case No. 2012-0171-D), pp. 1-2.

<sup>6</sup> Records (Criminal Case No. 2012-0170-D), pp. 1-2.

and criminally, have in his possession, custody and control Methamphetamine Hydrochloride (Shabu) contained in one (1) heat-sealed plastic sachet, weighing more or less 0.1 gram, without authority to possess the same.

Contrary to Article II, Section 11, R.A. 9165.<sup>7</sup>

**Crim. Case No. 2012-0171-D<sup>8</sup>**  
**(Illegal Sale of Dangerous Drugs)**

That or on about the 26<sup>th</sup> day of March, 2012, in the City of Dagupan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, JR PANOY Y LEGEL, did then and there, willfully, unlawfully and criminally, sell and deliver to customer Methamphetamine Hydrochloride (Shabu) contained in one (1) heat-sealed plastic sachet, weighing more or less 0.1 gram in exchange for P500.00, without authority to do so.

Contrary to Article II, Section 5, R.A. 9165.<sup>9</sup>

Panoy pleaded not guilty upon arraignment.<sup>10</sup> Trial thereafter ensued.

### **Version of the Prosecution**

The Chief of the Philippine National Police (PNP) of Dagupan City received reports from a confidential informant that Panoy was selling illegal drugs. A test-buy operation was conducted which confirmed Panoy's involvement in illegal drug activity. Thus, a buy-bust team was formed composed of Police Officer 3 Manuel Piapa Cruz (PO3 Cruz) who will act as the poseur-buyer, and the back-up members namely: Senior Police Officer 1 Pedro Landingin, Jr. (SPO1 Landingin, Jr.), Senior Police Officer 1 Marlon Decano, Senior Police Officer 1 Bautista, and Police Inspector Antolin. PO3 Cruz each marked the five P100.00 bills with his initials "MPC" and recorded the same in the police blotter.<sup>11</sup>

On March 26, 2012, PO3 Cruz, SPO1 Landingin, Jr. and the confidential informant proceeded to the target area. The other members of the buy-bust team subsequently followed. Thereat, Panoy approached PO3 Cruz and the informant. He asked PO3 Cruz how much shabu he would buy to which PO3 Cruz responded P500.00. Panoy then handed him one plastic sachet containing white crystalline substance. Upon receipt thereof, PO3 Cruz paid him P500.00 using the marked money. He thereafter executed the pre-arranged signal to alert the rest of the team that the sale transaction had been consummated.<sup>12</sup>

The rest of the buy-bust team immediately approached Panoy, PO3 Cruz and the informant. Upon frisking, SPO1 Landingin, Jr. recovered from Panoy

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<sup>7</sup> Id. at 1.

<sup>8</sup> Records (Criminal Case No. 2012-0171-D), pp. 1-2.

<sup>9</sup> Id. at 1.

<sup>10</sup> Records (Criminal Case No. 2012-0170-D), p. 27.

<sup>11</sup> *Rollo*, pp. 5-6.

<sup>12</sup> Id.

the marked money and one plastic sachet containing white crystalline substance suspected to be shabu. He marked the illegal item as "PCL-1 03-26-12."<sup>13</sup> SPO1 Landingin, Jr. then apprised Panoy of his constitutional rights. The buy-bust team, together with Panoy, proceeded to the police station. SPO1 Landingin, Jr. placed the confiscated item in his wallet, which contained no other illicit item. Upon arrival at the police station, he prepared a Confiscation Receipt<sup>14</sup> signed by Rebecca Cabading as representative of the Department of Justice (DOJ).<sup>15</sup>

PO3 Cruz, on the other hand, marked the plastic sachet suspected to be containing shabu that was the subject of the sale with his initials "MPC 3-26-12."<sup>16</sup> While still at the crime scene, PO3 Cruz prepared a Confiscation Receipt that was also signed by the DOJ representative.<sup>17</sup> PO3 Cruz was in possession of the seized item subject of the sale until the buy-bust team and Panoy arrived at the police station.<sup>18</sup>

At the police station, SPO1 Landingin, Jr. and PO3 Cruz surrendered the confiscated items to the investigator on duty. Requests for laboratory examination thereof were prepared. Photographs of the two seized items and Panoy were also taken.<sup>19</sup> SPO1 Landingin, Jr. subsequently retrieved the seized item subject of the Illegal Possession case.<sup>20</sup>

The next day, SPO1 Landingin, Jr. and PO3 Cruz brought the seized items to the PNP Crime Laboratory in Lingayen, Pangasinan for laboratory examination. The examination of the two specimens conducted by Police Chief Inspector Myrna Malojo-Todeño (PCI Todeño) yielded positive results for methamphetamine hydrochloride or shabu.<sup>21</sup>

PCI Todeño then turned over the seized items to the laboratory's evidence custodian, Police Officer 3 Elmer J. Manuel (PO3 Manuel), who immediately placed the same in the evidence room which can be opened with two keys, one in possession of PO3 Manuel while the other was with the Provincial Chief. On September 6, 2013, PO3 Manuel retrieved the seized items in the presence of PCI Todeño and their Provincial Chief pursuant to a subpoena issued by the RTC.<sup>22</sup>

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<sup>13</sup> Records (Criminal Case No. 2012-0170-D), p. 140.

<sup>14</sup> Id.

<sup>15</sup> Id. at 141.

<sup>16</sup> Id.

<sup>17</sup> Id.

<sup>18</sup> *Rollo*, p. 6.

<sup>19</sup> Records (Criminal Case No. 2012-0170-D), p. 139.

<sup>20</sup> *Rollo*, p. 6.

<sup>21</sup> Id.

<sup>22</sup> Id. at 6-7.

### Version of the Defense

Panoy denied being engaged in the illegal drug trade. On the date of the incident, at around 3:00 p.m., he was in Sitio Pagasa in Tondaligan watching “*tong-its*.” He then noticed the arrival of a group of individuals including SPO1 Landingin, Jr. One of the individuals approached him and poked a gun at him prompting the people to scamper away. The individuals introduced themselves as police officers and invited him to go with them to the police station. They handcuffed and frisked him but nothing unlawful was found in his possession.

The police officers then brought Panoy to the police station. While on board the vehicle, the law enforcers demanded from Panoy ₱100,000.00 in exchange of his freedom. When he told them that he had no money, he was again subjected to a search at the police station. Neither a media nor a DOJ representative was present thereat. He only found out that a case against him had been filed when he was already detained.<sup>23</sup>

### Ruling of the Regional Trial Court

In its May 20, 2016 Joint Decision,<sup>24</sup> the RTC found Panoy guilty of Illegal Sale and Illegal Possession of Dangerous Drugs, the *fallo* of which reads:

WHEREFORE, premises considered, accused [sic] the court finds the accused JR PANOY y Legel **GUILTY** beyond reasonable doubt of the crimes of **Violation of Section 11 of Art. II of RA 9165 in Crim. Case No. 2012-0170-D** and is hereby sentenced to suffer the 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*.

Further, accused **JR Panoy y Legel** is also found **guilty** beyond reasonable doubt of the crime of **Violation of Section 5 of Art. II of RA. 9165 in Criminal Case No. 2012-0171-D** and is hereby imposed with the penalty of *life imprisonment* and *to pay a fine of Five Hundred Thousand (P500,000.00) Pesos*.

**SO ORDERED.**<sup>25</sup>

The RTC rejected Panoy’s defense of denial. It gave credence to the evidence of the prosecution which sufficiently established that a consummated sale transaction transpired between PO3 Cruz and Panoy in a valid entrapment operation. Panoy was also found in possession of shabu pursuant to a subsequent valid search conducted upon him after being lawfully arrested.<sup>26</sup>

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<sup>23</sup> Id. at. 7.

<sup>24</sup> CA *rollo*, pp. 56-67.

<sup>25</sup> Id. at 67.

<sup>26</sup> Id. at 64-66.

The RTC further held that the identity of seized items had been duly preserved. The prosecution established that the illicit drugs presented during trial were the drugs seized from Panoy. Hence, the presumption that the police officers regularly performed their duties applied.<sup>27</sup>

Panoy appealed before the CA arguing that the prosecution failed to prove that a sale transaction transpired in an entrapment operation. He further contended that the chain of custody was broken because of the following: (a) it was not clear where the markings of the seized items were made; (b) the buy-bust team failed to comply with the required insulating witnesses; (c) inventory of the seized items were not conducted; (d) the seized items were not immediately brought to the laboratory for examination; and (e) it was not duly proven that the seized plastic sachets indeed contained shabu.

### **Ruling of the Court of Appeals**

In its March 7, 2019 Decision,<sup>28</sup> the CA affirmed the judgment of the RTC and upheld Panoy's conviction, *viz.*:

**WHEREFORE**, premises considered, the instant appeal is hereby **DENIED** for lack of merit.

The *Joint Decision dated 20 May 2016* of the Regional Trial Court (RTC), Branch 42, of Dagupan City, in Criminal Cases Nos. 2012-0170-D and 2012-0171-D is **AFFIRMED in toto**.

**SO ORDERED.**<sup>29</sup>

The CA found that all the elements of Illegal Sale of Drugs were successfully established by the prosecution. Contrary to Panoy's claim, PO3 Cruz positively identified the said accused as the person who sold to him the shabu valued at ₱500.00 in an entrapment operation. The elements of Illegal Possession of Drugs were likewise duly proven to be present. SPO1 Landingin, Jr., in a straightforward manner, duly testified that he found a plastic sachet which contained shabu pursuant to a subsequent search conducted.<sup>30</sup>

The appellate court also echoed the trial court's finding that the chain of custody remained unbroken thus the integrity and evidentiary value of the seized items were duly preserved.<sup>31</sup>

Hence, the instant appeal.

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<sup>27</sup> Id.

<sup>28</sup> *Rollo*, pp. 3-19.

<sup>29</sup> Id. at 18.

<sup>30</sup> Id. at 9-17.

<sup>31</sup> Id.

### Issue

The issue for Our resolution is whether Panoy's guilt of the crimes charged have been duly proven beyond reasonable doubt.

### Our Ruling

The Court grants the appeal.

In the prosecution of the crime of Illegal Sale of Dangerous Drugs, the following elements must be sufficiently established: (1) proof that the transaction or sale took place, and (2) the presentation in court of the *corpus delicti* or the illicit drug as evidence.<sup>32</sup> On the other hand, the elements of Illegal Possession of Dangerous Drugs under Section 11 of the same law which must be proved are as follows: (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 possession of the drug. The drug itself in both cases is the *corpus delicti* of the crime, which must be established beyond reasonable doubt.<sup>33</sup> The prosecution should therefore show that the drugs seized from the accused are the same as those presented before the court during the trial.<sup>34</sup>

Panoy allegedly committed the crimes charged on March 26, 2012. The applicable law is therefore RA 9165 prior to its amendment by RA 10640<sup>35</sup> on July 15, 2014.

Chain of Custody is defined as "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 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."<sup>36</sup>

Section 21, Article II of RA 9165 mandates the chain of custody rule which must be observed by the apprehending officers. It states:

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<sup>32</sup> *People v. Dela Cruz*, G.R. No. 229053, July 17, 2019.

<sup>33</sup> *People v. Nocum*, G.R. No. 239905, January 20, 2021.

<sup>34</sup> *People v. Galisim*, G.R. No. 231305, September 11, 2019.

<sup>35</sup> Entitled "AN ACT TO FURTHER STRENGTHEN THE ANTI-DRUG CAMPAIGN OF THE GOVERNMENT, AMENDING FOR THE PURPOSE SECTION 21 OF REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE 'COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002.'" Approved: July 15, 2014.

<sup>36</sup> Section 1 (b) of Dangerous Drugs Board Regulation No. 1, Series of 2002; See *Jayectin v. People*, G.R. No. 247309, October 7, 2020.

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;**

(2) Within twenty-four (24) hours upon confiscation/seizure of dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment, the same shall be submitted to the PDEA Forensic Laboratory for a qualitative and quantitative examination;

(3) A certification of the forensic laboratory examination results, which shall be done under oath by the forensic laboratory examiner, shall be issued within twenty-four (24) hours after the receipt of the subject item/s: Provided, That when the volume of the dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals does not allow the completion of testing within the time frame, a partial laboratory examination report shall be provisionally issued stating therein the quantities of dangerous drugs still to be examined by the forensic laboratory: Provided, however, That a final certification shall be issued on the completed forensic laboratory examination on the same within the next twenty-four (24) hours; (Emphasis supplied)

The Implementing Rules and Regulations (IRR) of RA 9165 also provide:

Section 21. (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.**

(b) Within twenty-four (24) hours upon confiscation/seizure of dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment, the same shall be submitted to the PDEA Forensic Laboratory for a qualitative and quantitative examination; (Emphasis supplied)

In *Jayectin v. People*,<sup>37</sup> the Court enumerated the four crucial links of chain of custody which must be duly observed to ensure the integrity of the seized drug items, to wit: “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.”<sup>38</sup>

A review of the records shows gaps in the chain of custody.

The first link is breached.

It is required that certain insulating witnesses be present during the conduct of the inventory and the taking of photograph. In this case, the required insulating witnesses were absent during the inventory of the seized drugs. Jurisprudence dictates that the required witnesses, in this case, a duly elected official, and a representative from the media **and** the DOJ should be present. Their presence is “necessary to insulate the apprehension and incrimination proceedings from any taint of illegitimacy or irregularity.”<sup>39</sup>

SPO1 Landingin, Jr. narrated the following scenario surrounding his preparation of the Confiscation Receipt relative to the seized shabu pursuant to a subsequent search:

Q You said a while ago that you were the one who prepared the confiscation receipt?

A Yes, madam.

Q How many confiscation receipts did you prepare?

A One (1), madam.

Q This confiscation receipt is not assisted by any representative of media?

A Yes, madam, only DOJ.

Q You said a while ago that you told him about his constitutional right?

A Yes, madam.

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<sup>37</sup> *Supra*.

<sup>38</sup> *Id.*, citing *Jacson v. People*, G.R. No. 199644, June 19, 2019, citing *People v. Dahil*, 750 Phil. 212, 231 (2015).

<sup>39</sup> *People v. Tanes*, G.R. No. 240596, April 3, 2019. Citation omitted.

- Q Can you tell us what constitutional right did you tell him?  
A I always bring it, it's in my wallet and I translated to him in the dialect he understood.
- Q Who took the picture of the confiscated item?  
A The investigator, madam.
- Q Were you present when the investigator took the picture of the confiscated item?  
A Yes, madam, and I told that nobody will hold the evidence that I confiscated.
- Q **When he took the picture it is not again in the presence of the media and any elected official?**  
A **There was media but not in the picture.**
- Q **If there is media why did you not make them sign the confiscation receipt?**  
A **I cannot force them if they don't like to sign, madam.**
- Q What's the purpose, why the[y] [we]re there?  
A They were gathering information, madam.<sup>40</sup> (Emphasis supplied)

It can be gathered from the foregoing testimony that only the DOJ representative signed the Confiscation Receipts. SPO1 Landingin, Jr. claimed that there was a media representative during the inventory but he or she refused to sign the receipts out of fear. However, there was no certification or statement on record regarding such refusal. While the apprehending officers indicated in the Confiscation Receipts that Panoy refused to sign, it baffles this Court why they failed to state the same as regards to the media representative. Indeed, SPO1 Landingin, Jr.'s assertion of the media representative's refusal to affix his/her signature is a flimsy excuse and sheer attempt to justify the absence thereof.

Besides, even assuming that a media representative was present during the inventory, the three-witness rule was still not complied with due to the absence of a duly elected official.

The second link in the chain of custody is missing.

The second link in the chain of custody pertains to the turnover of the seized item by the apprehending officer to the investigating officer who has to prepare the same for submission to the crime laboratory for examination.<sup>41</sup> The investigating officer must account how he or she handled the evidence, including the measures he or she employed to ensure that the item was not tampered, switched, contaminated, or substituted while in his or her custody.<sup>42</sup>

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<sup>40</sup> TSN, March 19, 2014, pp. 17-18.

<sup>41</sup> *People v. Peliño*, G.R. No. 227995, January 15, 2020.

<sup>42</sup> *Id.*

Here, both PO3 Cruz and SPO1 Landingin, Jr. merely made sweeping statements that they turned over the seized items to the investigator on duty without however naming or identifying such person. There is dearth of evidence as to who was the investigator and how he handled the seized items.

Incidentally, PO3 Cruz also stated that he remained in possession of the seized shabu that was the subject of the sale while the investigator prepared the necessary documents.<sup>43</sup> SPO3 Landingin, Jr., on the other hand, claimed that he retrieved the seized shabu subject of the subsequent search and placed it back again inside his wallet after all the confiscated items were photographed.<sup>44</sup> Clearly, there was no actual turn over of the seized items to the investigator.

Likewise, there is gap in the third link.

The third link refers to the delivery by the investigating officer of the seized items to the forensic chemist.<sup>45</sup> “Once the seized drugs arrive at the forensic laboratory, it will be the laboratory technician who will test and verify the nature of the substance.”<sup>46</sup>

Here, the prosecution witnesses admitted that the seized drugs were not immediately turned over to the forensic chemist as the entrapment operation finished late at night. However, there was no declaration as to who, how and where the seized drugs were stored in the interim until they were turned over to the forensic chemist for examination. This is an obvious lapse on the part of the apprehending officers which tarnished the integrity of seized items.

Further, contrary to PO3 Piapa Cruz’s claim that he personally turned over the seized shabu to PO3 Manuel, the request for examination did not bear his signature. In fact, the requests for laboratory examination only reflected the signature of SPO1 Landingin, Jr. which indicates that it was the latter who submitted the seized items to the laboratory.

Indubitably, the presumption that the police officers have regularly performed their duty cannot apply in this case<sup>47</sup> due to their non-observance of the chain of custody rule as prescribed by law. They also did not acknowledge and offer any valid explanation why they deviated from the prescribed procedural rules. Thus, the saving clause under Section 21 cannot be applied for failure of the prosecution to prove (1) the existence of justifiable grounds to allow such departure; and (2) that the integrity and evidentiary value of the

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<sup>43</sup> TSN, October 2, 2014, p. 12.

<sup>44</sup> TSN, March 19, 2014, p. 19.

<sup>45</sup> *Inocenio v. People*, G.R. No. 250475, June 16, 2021.

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

<sup>47</sup> *People v. Manansala*, G.R. No. 228825, July 28, 2020.

seized items were duly preserved.<sup>48</sup> Consequently, the presumption of innocence should be accorded to Panoy for lack of proof beyond reasonable doubt that he is guilty of the crimes charged.

On a final note, it does not escape this Court's observation that the seized drugs involved in this case are of miniscule amounts. As such, the courts should have been more prudent and circumspect in examining their integrity because tampering, loss or mistake thereof is greatest due to their small amount.<sup>49</sup> Their physical characteristics are also fungible in nature and similar in form to substances familiar to people in their daily lives.<sup>50</sup> As We have aptly explained in the case of *Malillin v. People*, to wit:<sup>51</sup>

As a method of authenticating evidence, the 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.

While testimony about a perfect chain is not always the standard because it is almost always impossible to obtain, an unbroken chain of custody becomes indispensable and essential when the item of real evidence is not distinctive and is not readily identifiable, or when its condition at the time of testing or trial is critical, or when a witness has failed to observe its uniqueness. The same standard likewise obtains in case the evidence is susceptible to alteration, tampering, contamination and even substitution and exchange. In other words, the exhibit's level of susceptibility to fungibility, alteration or tampering—without regard to whether the same is advertent or otherwise not—dictates the level of strictness in the application of the chain of custody rule.<sup>52</sup> (Citations omitted)

**WHEREFORE**, the appeal is **GRANTED**. The March 7, 2019 Decision of the Court of Appeals in CA-G.R. CR HC No. 09752 is **REVERSED and SET ASIDE**. Accused-appellant JR Panoy y Legel is **ACQUITTED** of the crimes charged on the ground of reasonable doubt. He is ordered **IMMEDIATELY RELEASED** from detention, unless he is confined for any other lawful cause.

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<sup>48</sup> *People v. Siapno*, G.R. No. 218395, November 3, 2020.

<sup>49</sup> *Mallillin v. People*, 576 Phil. 576, 588-589 (2008).

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.* at 587-588.

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

Let entry of judgment be issued immediately.

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *malia*

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court

**113**

SEP 21 2022

The Solicitor General  
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Court of Appeals (x)  
Manila  
(CA-G.R. CR-HC No. 09752)

The Director General (x)  
Bureau of Corrections  
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The Hon. Presiding Judge  
Regional Trial Court, Branch 42  
Dagupan City, 2400 Pangasinan  
(Crim. Case Nos. 2012-0170-D & 2012-0171-D)

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