



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

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

“**G.R. No. 249417 (People of the Philippines v. Ron Oliver De Guzman y Gatlabayan)**. — Accused-appellant Ron Oliver de Guzman y Gatlabayan (accused-appellant) seeks the review and reversal of the May 31, 2019 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-HC No. 11781, which affirmed the March 12, 2018 Decision² of the Regional Trial Court (RTC), Branch 120, Caloocan City, in Criminal Case No. C-93091 finding him guilty beyond reasonable doubt of violating Section 11, Article II of Republic Act No. (RA) 9165³ otherwise known as the “Comprehensive Dangerous Drugs Act of 2002.”

Accused-appellant was charged with Illegal Possession of Dangerous Drugs in violation of Section 11, Article II of RA 9165 in an Information, which reads:

That on or about the 21st day of December, 2014 in Caloocan City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, without the authority of law, did and there unlawfully and feloniously have in his possession, custody and control One (1) heat-sealed transparent plastic sachet later marked as “DE GUZMAN/CG 12-21-14 with signature”, containing METHAMPHETAMINE HYDROCHLORIDE (Shabu) weighing 24.07 grams, which when subject for laboratory examination gave POSITIVE result to the tests for Methamphetamine Hydrochloride, a dangerous drug, in gross violation of the above-cited law.

¹ *Rollo*, pp. 3-18. Penned by Associate Justice Apolinario D. Bruselas, Jr., and concurred in by Associate Justices Myra V. Garcia-Fernandez and Geraldine C. Fiel-Macaraig.

² *CA rollo*, pp. 37-48. Penned by Judge Aurelio R. Ralar, Jr.

³ 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.

CONTRARY TO LAW.⁴

Accused-appellant pleaded “not guilty” to the offense charged.⁵ Trial on the merits thereafter ensued.

Version of the Prosecution:

The prosecution presented the following witnesses: (1) Forensic chemist Police Chief Inspector (PCI) Richard Allan B. Mangalip (PCI Mangalip); (2) Police Officer (PO) 1 Fidel Sevillo (PO1 Sevillo); (3) PO2 Jerome M. Pascual (PO2 Pascual); and (4) PO1 Christian Geronimo (PO1 Geronimo).

On December 21, 2014 at around 6:00 a.m., members of the Philippine National Police (PNP) Criminal Investigation and Detection Group (CIDG), led by PCI Roger Sebastian (PCI Sebastian), coordinated with the Station Anti-Illegal Drugs – Special Operations Task Group (SAID-SOTG) of the Caloocan City Police Station to serve a warrant of arrest⁶ against accused-appellant for violation of RA 10591⁷ or the Comprehensive Firearms and Ammunition Regulation Act. After the CIDG talked to the Chief of the SAID-SOTG, Caloocan City Police Station (CCPS), they planned an operation to apprehend accused-appellant.⁸

At around 8:30 a.m. of the same day, PCI Sebastian received a message from an informant that accused-appellant was eating at Jollibee MCU EDSA branch. Thus, the operating team, which included PO1 Sevillo, and PO1 Geronimo, proceeded to the said location. Upon seeing accused-appellant, they immediately approached him and placed him under arrest. PCI Sebastian read the contents of the warrant of arrest, while PO1 Geronimo frisked him, and ordered him to empty his pockets. The search yielded a plastic sachet containing a crystalline substance that looked like *shabu*, which PO1 Geronimo immediately confiscated and marked as “DE GUZMAN/CG 12-21-14.” Meanwhile, PO1 Sevillo apprised accused-appellant of his constitutional rights.⁹

Thereafter, the operations team, together with accused-appellant, proceeded to the police station to conduct the inventory and photographing of the seized sachet, which was done in the presence of accused-appellant, Department of Justice (DOJ) representative Darwin Cañete, *barangay kagawad* Danilo Reyes, and media representative James Paragas. Subsequently, PO1 Geronimo turned over the seized item to PO2 Jerome Pascual (PO2 Pascual),

⁴ Records, pp. 2-3.

⁵ Id. at 39.

⁶ Records, p. 109.

⁷ Entitled “AN ACT PROVIDING FOR A COMPREHENSIVE LAW ON FIREARMS AND AMMUNITION AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.” Approved: May 29, 2013.

⁸ CA *rollo*, pp. 58-59.

⁹ Id. at 59.

the investigating officer who prepared the necessary documents as well as photographs from the physical inventory.¹⁰

On even date, at around 4:50 p.m., PO2 Pascual delivered the sachet for examination to the Valenzuela City Satellite Office Crime Laboratory. PO2 Pascual handed over the sachet to PO3 Richard Vallesfin (PO3 Vallesfin), the desk officer on duty at that time. Immediately thereafter, PO3 Vallesfin turned over the same to PCI Mangalip, who then conducted a qualitative examination of the substance contained in the sachet marked as “DE GUZMAN/CG 12-21-14.” He then placed the sachet marked as “DE GUZMAN/CG 12-21-14” in another self-sealing plastic bag and marked it with “D-766-14 RAM.” PCI Mangalip issued Chemistry Report No. D-766-14,¹¹ which showed that the substance contained in the sachet marked as “DE GUZMAN/CG 12-21-14,” tested positive for methamphetamine hydrochloride or *shabu*, a dangerous drug.¹²

Version of the Defense:

Accused-appellant vehemently denied the allegations against him. He alleged that at 3:00 am of December 21, 2014, while eating at Jollibee MCU EDSA branch, several police officers arrested him for illegal possession of firearms. A certain police officer Bautista, and not PO1 Geronimo, searched his person but did not find anything on him. Thereafter, police officers brought him to a precinct in Bagong Barrio where he was told by Bautista to pay ₱50,000.00 in exchange of his liberty. The next day, PO1 Geronimo and PO1 Sevilla brought accused-appellant to the SAID-SOTG office in Sangandaan where he was photographed and subjected to a drug test.¹³

Ruling of the Regional Trial Court:

In its March 12, 2018 Decision,¹⁴ the RTC convicted accused-appellant of the crime charged, to wit:

WHEREFORE, the premises considered, this Court finds and so holds accused Ron Oliver de Guzman y Gatlabayan **GUILTY** beyond reasonable doubt of Violation of Section 11, Article II of Republic Act No. 9165 and hereby imposes upon him the penalty of **LIFE IMPRISONMENT AND A FINE OF FOUR HUNDRED THOUSAND PESOS (PHP400,000.00)**.

The illegal drug subject matter of this case is hereby confiscated and forfeited in favor of the government to be dealt with in accordance with law.

SO ORDERED.¹⁵

¹⁰ Id.

¹¹ Records, p. 9.

¹² *CA rollo*, pp. 59-60.

¹³ Id. at 28.

¹⁴ Id. at 37-48.

¹⁵ Id. at 48.

Giving credence to the testimonies of the prosecution witnesses, the RTC held that all the elements of Illegal Possession of Dangerous Drugs had been duly established.

The RTC lent credence to the facts and evidence presented by the prosecution, such that accused-appellant was found in possession of a heat-sealed plastic sachet containing methamphetamine hydrochloride or *shabu*, a dangerous drug, and that accused-appellant had no legal authority to possess the same. The RTC also held that subject illegal drug was seized from the accused-appellant as an incident to a lawful arrest.

The RTC further held that the identity and evidentiary value of the seized drug has been duly preserved and established by the prosecution, and that there was proper compliance with the chain of custody rule. In this regard, the RTC observed that PO2 Pascual brought the illegal drug to the crime laboratory for examination, which was received by PO3 Vallesfin, and immediately turned over to PCI Mangalip. Moreover, both PO1 Geronimo and PCI Mangalip identified the illegal drug through their respective markings appearing thereon.

Aggrieved, accused-appellant appealed to the CA.

Ruling of the Court of Appeals:

On May 31, 2019, the CA affirmed accused-appellant's conviction. The dispositive portion of the Decision¹⁶ states:

WHEREFORE, the appeal is denied. The assailed Decision is **AFFIRMED**.

IT IS SO ORDERED.¹⁷

The CA agreed with the findings of the RTC that immediately after accused-appellant's arrest, PO1 Geronimo marked the seized plastic sachet at the place of arrest, in the presence of accused-appellant himself and PO1 Sevilla, and that PO1 Geronimo marked the seized item with "DE GUZMAN/CG 12-21-14." The CA also ruled that the prosecution established the succeeding links in the handling and disposition of the drug specimen. Particularly, after the marking, PO2 Geronimo turned over the plastic sachet to PO2 Pascual at the police station where he conducted an inventory in the presence of accused-appellant and the required witnesses. After the inventory was completed, PO2 Pascual proceeded to the crime laboratory and turned over the plastic sachet containing the drug specimen to PO3 Vallesfin, who then immediately handed over the same to PCI Mangalip for examination.

¹⁶ *Rollo*, pp. 3-18.

¹⁷ *Id.* at 17.

Thereafter, PCI Mangalip sealed the drug specimen and placed his markings thereon.

Hence, the instant appeal seeking accused-appellant's acquittal.

The People of the Philippines, through the Office of the Solicitor-General, and accused-appellant filed their respective manifestations¹⁸ that they would no longer file their supplemental briefs as the briefs filed with the CA thoroughly discussed the issues in the case.

Issue

The issue for the Court's resolution is whether or not accused-appellant is guilty of Illegal Possession of Dangerous Drugs.

Our Ruling

Accused-appellant asserts that the chain of custody was not duly observed; thus warranting his acquittal. He avers that PO3 Vallesfin failed to testify before the RTC that he received the heat-sealed plastic sachet marked as "DE GUZMAN/CG 12-21-14" from PO2 Pascual. Moreover, accused-appellant insists that PO1 Geronimo failed to conduct the inventory and photography of the heat-sealed sachet upon its seizure at Jollibee EDSA MCU branch. Accused-appellant further claims that based on the testimonies of the prosecution witnesses, it cannot be determined when the sachet was inventoried and photographed.¹⁹

The appeal is without merit.

It is well-settled in this jurisdiction that factual findings of the RTC, as affirmed by the CA, are binding on this Court, unless there is a clear showing that such findings by the trial court and appellate court are tainted with arbitrariness, capriciousness or palpable error.²⁰ Moreover, the trial court's calibration of the testimonies of witnesses, including its assessment of their credibility and probative value, are accorded great respect more so when their findings thereon have been affirmed by the appellate court.²¹ Considering that accused-appellant failed to prove that the courts *a quo* had overlooked or misapplied the facts and circumstances in this case, this Court shall defer and accord weight to their factual findings.

Given the foregoing, the Court disregards the accused-appellant's allegation that the apprehending officers failed to comply with Section 21 of RA 9165. In this case, the prosecution was able to establish each link in the

¹⁸ Id. at 27-29 and 34-36.

¹⁹ CA rollo, p. 30-31.

²⁰ *People v. Bontuyan*, 742 Phil. 788, 798 (2014), citing *People v. Quiamanlon*, 655 Phil. 695-719 (2011), further citing *Fuentes v. Court of Appeals*, 355 Phil. 1163, 1167-1168 (1997).

²¹ *People v. Alia*, G.R. No. 202182 (Notice), July 23, 2014.

chain of custody over the dangerous drug from the moment of seizure up to its presentation in court as evidence of the *corpus delicti*.

The chain of custody is divided into four 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.”²² We find it apt to quote the following observation by the CA on the chain of custody of the seized item from the accused-appellant:

R.A. 9165 provides for the immediate marking of the seized items. This was done in this case, as testified to by PO1 Geronimo. When he saw that the accused-appellant was holding a plastic sachet containing crystal like substance that looked like *shabu*, he immediately confiscated it, marked it with “DE GUZMAN/CG 12-21-14” and affixed his signature thereon. When the accused-appellant and the seized item were brought to the police station, PO1 Geronimo turned over the items to PO2 Pascual for investigation at 3:00 o’clock in the afternoon of 21 December 2014. The inventory was made in the presence of all the witnesses required by Section 21 of RA 9165, particularly Prosecutor Darwin Canete of Caloocan City Prosecutor’s Office, Barangay Kagawad Danilo Reyes of Barangay 4, Caloocan City, and Mr. James Paragas, a media representative as shown in the Receipt of Physical Inventory. Photographs were taken to show that the accused-appellant was present during the inventory. PO2 Pascual then immediately kept the “*heat-sealed transparent plastic sachet containing 24.07 grams of white crystalline substance with marking “DE GUZMAN/CG 12-21-14” and signature of PO1 Geronimo”* inside a self-sealing plastic bag with the marking “SAID SOTG EVIDENCE DE GUZMAN 12-21-14.” Thus, the *first* and the *second* link in the chain of custody was clearly established beyond reasonable doubt.

With respect to the *third* link, the records show that PO2 Pascual turned over the “*heat-sealed transparent plastic sachet containing 24.07 grams of white crystalline substance with marking “DE GUZMAN/CG 12-21-14” and signature of PO1 Geronimo”* (subject item) kept in a sealed plastic bag with marking “SAID SOTG EVIDENCE DE GUZMAN 12-21-14” to PO3 Richard Vallesfin, the duty officer of the crime laboratory at 4:50 o’clock in the afternoon of 21 December 2014 who thereafter turned over the subject item to PCI Mangalip for investigation at 5:00 o’clock the same day.

x x x x

As to the *fourth* link, the trial court was convinced that the evidence presented at the trial with markings which markings were very well identified by PO1 Geronimo and PCI Mangalip, was the same item confiscated from the accused-appellant on 21 December 2014 x x x.

x x x x

²² *People v. Rivera y Suarez*, G.R. No. 252886, March 15, 2021, citing *Dela Riva v. People*, 769 Phil. 872, 886-887 (2015).

With the findings of the trial court that the substance confiscated from the accused-appellant is the same item offered in court as evidence, the chain of custody was unbroken and the integrity and evidentiary value of the seized subject item was preserved. The prosecution was able to establish by evidence beyond reasonable doubt that from the moment the subject item was confiscated from accused-appellant as a result of a search and seizure incident to a lawful arrest via a warrant until it was presented in court as evidence, the *corpus delicti* was preserved. With the accused-appellant having been identified in court as the person who had in his possession the 24.07 grams of *shabu* and the integrity and evidentiary value of the seized item kept intact and preserved by the police officers, the trial court then properly found the accused-appellant guilty of violation of RA 9165 or the *Comprehensive Dangerous Drugs Act of 2002*, Article II, Section 11.²³ (Emphasis and underscoring supplied)

The fact that the prosecution did not present PO3 Vallesfin is not fatal to the prosecution's case. As correctly found by the CA, the interval between the time PO3 Vallesfin received the seized drug from PO1 Geronimo, and the time he handed over the same to PCI Mangalip, was merely a matter of minutes, essentially leaving no room for doubt that PO3 Vallesfin compromised the integrity of the drugs. Besides, based on the Chemistry Report No. D-766-14, the markings placed by PO1 Geronimo on the heat-sealed sachet matched the label of the drug specimen examined by PCI Mangalip. PO1 Geronimo also identified the sachet marked as "DE GUZMAN/CG 12-21-14" presented before the RTC as the very same sachet he confiscated from accused-appellant. These findings are sufficient to prove that the integrity and evidentiary value of the *corpus delicti* were preserved despite the non-presentation of PO3 Vallesfin as a witness.

At this point, it is not disputed that the inventory and photography of the illegal drugs were conducted at the police station, and not at the Jollibee EDSA MCU branch where the arrest of accused-appellant and seizure of the said drugs were made.

In this regard, the law mandates that the apprehending officer, who took initial custody of the drugs shall, immediately after seizure and confiscation, conduct a physical inventory and take photographs thereof in the presence of the accused and the required witnesses.²⁴ Section 21 of RA 9165, as amended by RA 10640 provides:

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 x x x so confiscated, seized and/or surrendered, for proper disposition in the following manner:

²³ *Rollo*, pp. 13-17.

²⁴ See *People v. Suico*, G.R. No. 229940, September 10, 2018.

(1) The apprehending team having initial custody and control of the dangerous drugs, x x x 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 persons 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.

As the law now stands, the apprehending officer has the option whether to inventory, and photograph the seized items immediately at the place where the drugs were seized, or at the nearest police station, or at the nearest office of the apprehending officer, whichever is the most practicable or suitable for the purpose.

In this case, the law enforcers properly conducted the inventory and photography of the seized item in the nearest police station. To recall, the subject drugs in this case were seized as a result of a lawful arrest conducted by the police officers by virtue of a warrant of arrest for illegal possession of firearms, and not a buy-bust operation. Thus, it would be impractical at that time to immediately gather and bring with them the required witnesses and conduct a complete inventory of the seized drugs at the place of arrest.

In any event, the evidence on record shows that accused-appellant himself, together with the seized items, were turned over at the police station and that photographs were taken of the illegal drugs and accused-appellant. There is no doubt that the seized drugs were marked at the time of their seizure, and inventoried and photographed in the presence of appellant and the required witnesses under RA 9165.

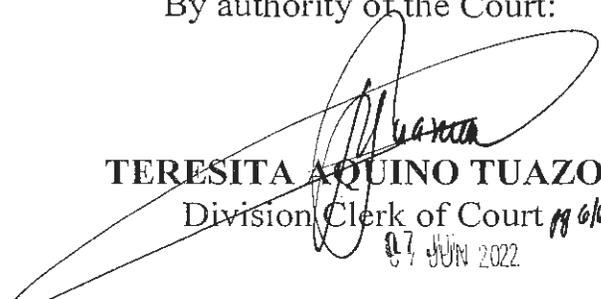
In fine, the Court sustains the findings of the RTC and CA that the requirements under RA 9165 have been sufficiently complied with. In light of the prosecution's evidence, the RTC and the CA correctly concluded that the identity, integrity and probative value of the seized drugs were adequately presented. Moreover, the prosecution has sufficiently established an unbroken chain of custody over the seized drugs, from the time the police officers seized the drugs from accused-appellant, to the time it was brought to the police station, then to the crime laboratory for testing, until the same was offered in evidence before the trial court.

As to the penalty, Section 11, Article II of RA 9165 prescribes the penalty of life imprisonment and a fine ranging from ₱400,000.00 to ₱500,000.00 if the quantity of methamphetamine hydrochloride or *shabu* is 10 grams or more but less than 50 grams. In this case, 24.07 grams of *shabu* was seized from accused-appellant. Thus, We find the penalty of life imprisonment and a fine of ₱400,000.00 imposed by the RTC and the CA in order.

WHEREFORE, the appeal is **DISMISSED**. The assailed May 31, 2019 Decision of the Court of Appeals in CA-G.R. CR-HC No. 11781 finding accused-appellant Ron Oliver de Guzman y Gatlabayan **GUILTY** beyond reasonable doubt of Illegal Possession of Dangerous Drugs under Section 11, Article II of Republic Act No. 9165, is hereby **AFFIRMED**.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court *pp 0/0*

07 JUN 2022

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