



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated July 6, 2022 which reads as follows:*

**“G.R. No. 252563 (*People of the Philippines v. Cornelio Corpus\* Corvera y Reyes*).** – Before the Court is an appeal<sup>1</sup> filed by accused-appellant Cornelio Corpus Corvera y Reyes (accused-appellant) assailing the Decision<sup>2</sup> dated 04 October 2019 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 11809. The CA affirmed the Decision<sup>3</sup> dated 31 August 2018 of Branch 127, Regional Trial Court (RTC) of Caloocan City, in Criminal Case No. 97347 finding accused-appellant guilty beyond reasonable doubt of violating Section 11, Article II of Republic Act No. (RA) 9165,<sup>4</sup> otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

**Antecedents**

This case stemmed from an Information filed before the RTC charging accused-appellant of the crime of Illegal Possession of Dangerous Drugs, the accusatory portion of which states:<sup>5</sup>

CRIMINAL CASE No. 97347

That on or about the 18<sup>th</sup> day of July, 2016 in Caloocan City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there willfully, unlawfully and feloniously have [sic] in his possession, custody and control (o)ne (1) heat-sealed transparent plastic sachet later marked as ‘CCC/FC 7-18-16 with signature’, containing METHAMPHETAMINE

\* “Corpuz” in some parts of the *rollo*. (See pp. 1, 41, 43, 44, 48, and 52)

<sup>1</sup> *Rollo*, p. 36-38.

<sup>2</sup> *Id.* at 3-35; penned by Associate Justice Celia C. Libre-Leagogo and concurred in by Associate Justices Gabriel T. Robeniol and Louis P. Acosta.

<sup>3</sup> *CA rollo*, pp. 52-60; penned Presiding Judge Victoriano B. Cabanos.

<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: 07 June 2002.

<sup>5</sup> *Rollo*, p. 4.

HYDROCHLORIDE (Shabu) weighing 5.81 grams, which when subjected for laboratory examination gave POSITIVE result to the tests for Methamphetamine Hydrochloride, a dangerous drug, in gross violation of the above-cited law.

CONTRARY TO LAW.<sup>6</sup>

Upon arraignment, accused-appellant pleaded not guilty to the offense charged.<sup>7</sup> Thereafter, trial on the merits ensued.

The facts, as summarized in the RTC decision, are as follows:

**Version of the Prosecution**

On July 18, 2016 at around 10:30 [p.m.], and upon the instruction of [Police Senior Inspector Bernard] Pagaduan [P/Sr. Insp. Pagaduan], Police Officer [1] Federico Sy (PO1 Sy),<sup>8</sup> PO1 Carlomar Donato [PO1 Donato], and PO1 John Francis Taganas [PO1 Taganas] were in the area of Palmera Nova East, Barangay 177, Caloocan City, to verify a report from a concerned citizen about the rampant illegal drug activities in the said place. Thereat, the said police officers walked with a considerable distance from one another to avoid any suspicion from the people that they were on police surveillance. While walking, PO1 Sy noticed a man [later identified as accused-appellant] leaning on a tricycle parked around two arms[-]length away from him while holding a plastic sachet containing *shabu*. This prompted PO1 Sy to approach [accused-appellant], held his hand and introduced himself as a police officer. Thereafter, PO1 Sy seized the plastic sachet from [accused-appellant] and called up his companions for assistance. When Officers Donato and Taganas arrived, they handcuffed [accused-appellant] while PO1 Sy, after asking for the name of the [accused-appellant], marked the sachet with CCC/FS/7/18/16 in front of [accused-appellant] at the said place of arrest. Thereafter, they immediately returned to their office at Stations Anti-Illegal Drugs, Caloocan City Police Station, Caloocan City, with PO1 Sy in possession of the said confiscated sachet. The latter then referred said specimen to PO2 Jerome Pascual [PO2 Pascual], the investigator on duty for investigation. Thereafter, [PO2] Pascual handed it back to [PO1] Sy who, in turn, referred it to the PNP Crime Laboratory in Valenzuela City for examination. PO2 Mauricio Bodoso, the desk officer on duty, received the said specimen from [PO1] Sy and thereafter, turned it over to [Police Chief Inspector] Lourdeliza G. Cejes [PCI Cejes], the forensic chemist on duty for qualitative examination. Per Chemistry Report No. D-0658-16 issued by PCI Cejes, the subject specimen turned out positive for methamphetamine hydrochloride, a dangerous drug.<sup>9</sup>

**Version of the Defense**

On July 16, 2016 at around 5:00 to 5:30 [p.m.], while [accused-appellant] was watching [Youtube] at his computer inside their house, he heard a knock at their gate. His brother, Corpus Carlo, opened it and they

<sup>6</sup> Records, pp. 2-3.

<sup>7</sup> Id. at 20.

<sup>8</sup> Also referred to as "PO2 Federico Sy" in some parts of the *rollo*.

<sup>9</sup> CA *rollo*, pp. 53-54.

saw [four to six armed men] enter[ed] their house. [Accused-appellant] immediately approached them, and the men asked him if he was “Boyet,” which [accused-appellant] confirmed as his nickname. He was also asked where “Marlon” was, whom [accused-appellant] identified to be his customer in his computer repair business. When [accused-appellant] replied that “Marlon” was not there, the said armed men started searching his house without any warrant, and he was forcibly laid down on the ground and was handcuffed. The search lasted for about 10 minutes and they took [accused-appellant’s] cellphone and his customer’s laptop. Thereafter, they brought [accused-appellant] on board a vehicle and they traveled for about 45 minutes before they reached the police precinct where he was subjected [to] investigation. The person who was talking to him asked him to produce Fifty thousand pesos (Php50,000.00) for his immediate release, but he was not able to give the said amount. After investigation, he was placed inside a detention cell and thereafter he was brought to Caloocan City Jail.

The defense also presented the brother of [accused-appellant], Corpus Carlo, who corroborated [with] the testimony of the said [accused-appellant] that he was arrested on July 16, 2016 and not on July 18, 2016 as claimed by the prosecution and that he visited the [accused-appellant] the day after arrest at the police precinct.<sup>10</sup>

### Ruling of the RTC

In a Decision<sup>11</sup> dated 31 August 2018, the RTC found the accused-appellant guilty of the crime charged, thus:

**WHEREFORE**, premises considered, judgment is hereby rendered finding [a]ccused Cornelio Corpus Corvera y Reyes guilty beyond reasonable doubt of the offense of [v]iolation of Section 11, Article II, RA 9165 and is hereby sentenced to suffer the penalty of imprisonment of twenty [20] years and one [1] day to life imprisonment and to pay a FINE of Four Hundred Thousand Pesos (P400,000.00).

x x x x

SO ORDERED.<sup>12</sup>

The RTC held that all the elements of the crime were duly proven by the prosecution.<sup>13</sup> It gave credence to the testimony of PO1 Sy that accused-appellant was caught in *flagrante delicto*, in possession of a plastic sachet containing white crystalline substance, which turned out to be Methamphetamine Hydrochloride, a dangerous drug.<sup>14</sup> In addition, the defense failed to impeach PO1 Sy or present controverting evidence to show why he would incriminate or testify against accused-appellant.<sup>15</sup>

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<sup>10</sup> Id.

<sup>11</sup> Id. at 52-60.

<sup>12</sup> Id. at 60.

<sup>13</sup> Id. at 56.

<sup>14</sup> Id. at 58.

<sup>15</sup> Id. at 59.

Moreover, the RTC held that the prosecution has substantially complied with the chain of custody requirements under the law. In contrast to the evidence presented by the prosecution, the defense merely offered denial and frame-up, which are often viewed with disfavor.<sup>16</sup>

Aggrieved, accused-appellant appealed to the CA.<sup>17</sup>

### **Ruling of the CA**

In a Decision<sup>18</sup> dated 04 October 2019, the CA affirmed the conviction of accused-appellant. It held that the integrity and evidentiary value of the seized *shabu* were properly preserved since it was shown that PO1 Sy had exclusive custody of the sachet from the time it was confiscated from accused-appellant until it was brought to the crime laboratory for testing. He also positively identified the said item in court as the same drug recovered from accused-appellant. Clearly, the chain of custody of the seized dangerous drugs was not broken and the integrity and evidentiary value of the drugs recovered from accused-appellant were properly preserved.<sup>19</sup>

As to accused-appellant's contention that there were no public official and representatives from the Department of Justice (DOJ) and the media, in violation of Section 21, Article II of RA 9165, as amended, the CA held that the Receipt of Physical Inventory showed that media representative Bernard A. Ariate (Ariate) of DZRH was present during the inventory as evidenced by his signature. The CA further explained that non-compliance with Section 21 does not automatically render illegal the arrest of an accused or inadmissible the items seized or confiscated. The most important factor is the preservation of the integrity and evidentiary value of the seized items, which according to the CA was obtained in this case.<sup>20</sup>

Dissatisfied, accused-appellant filed the instant appeal.<sup>21</sup>

In its Manifestation (in Lieu of Supplemental Brief)<sup>22</sup> dated 23 November 2020, the Public Prosecutor's Office informed this Court that it will no longer file a supplemental brief for the same had adequately discussed all matters pertinent to accused-appellant's defense.

In its Manifestation (In Lieu of Supplemental Brief)<sup>23</sup> dated 22 December 2020, the Office of the Solicitor General also informed this Court that it will no longer file a supplemental brief considering that the facts, issues and applicable laws and jurisprudence had already been thoroughly

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<sup>16</sup> Id.

<sup>17</sup> *Rollo*, p. 10.

<sup>18</sup> Id. at 3-32.

<sup>19</sup> Id. at 26-27.

<sup>20</sup> Id. at 27-29.

<sup>21</sup> Id. at 10.

<sup>22</sup> Id. at 48-51.

<sup>23</sup> Id. at 52-56.

addressed in its brief filed before the CA.

### Issue

The main issue for the Court's consideration is whether the CA erred in affirming the conviction of accused-appellant for violation of Section 11, Article II of RA 9165.

### Ruling of the Court

The appeal is meritorious.

For a successful prosecution for the crime of Illegal Possession of Dangerous Drugs under Section 11, Article II of RA 9165, the following elements must be proven: (a) the accused was in possession of an item or object identified as a prohibited drug; (b) such possession was not authorized by law; and (c) the accused freely and consciously possessed the said drug.<sup>24</sup> The confiscated drugs constitute the *corpus delicti* of the offense and the fact of its existence is vital to sustain a judgment of conviction. It is essential, therefore, that the identity and integrity of the seized drugs be established with moral certainty. Thus, in order to obviate any unnecessary doubt on their identity, the prosecution has to show an unbroken chain of custody from the moment the drugs are seized up to their presentation in court as evidence of the crime.<sup>25</sup>

The applicable law at the time of the commission of the alleged offense is Section 21, Article II of RA 9165, as amended by RA 10640,<sup>26</sup> which reads:

SEC. 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 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**

<sup>24</sup> See *People v. Crispo*, 828 Phil. 416, 429 (2018).

<sup>25</sup> *People v. Espejo*, G.R. No. 240914, 13 March 2019; citations omitted.

<sup>26</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: 15 July 2014.

**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 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.**  
(Emphasis supplied)

In *People v. Tomawis*,<sup>27</sup> the Court held that under Section 21 of the Implementing Rules and Regulations of RA 9165, a deviation from the procedure may be allowed when the following requisites are present: (1) the existence of justifiable grounds to allow departure from the rule on strict compliance; and (2) the integrity and the evidentiary value of the seized items are properly preserved by the apprehending team. If these two elements are present, the seizures and custody over the confiscated items shall not be rendered void and invalid.

After a careful review of the records, the Court resolves to acquit accused-appellant considering that the prosecution failed to explain the deviations from the chain of custody rule, which consequently cast doubt on the integrity of the *corpus delicti* of the offense charged.

*First*, while the marking was made at the place of arrest, the photographing and inventory was conducted at the apprehending team's office. The prosecution did not proffer any explanation why the photographing and investigation were conducted at the police station and not at the place of arrest, as required by Section 21, Article II of RA 9165, as amended.

*Second*, the inventory was made in the presence of PO2 Pascual and a member of the media, Ariate, of DZRH, as evidenced by the Receipt of Physical Inventory.<sup>28</sup> The same receipt does not bear the signature of accused-appellant or his counsel or representative, as required by law. Clearly, the apprehending team failed to secure the presence of the required witnesses, namely: an elected public official and a representative of the National Prosecution Service or the media. The law requires the presence of these witnesses primarily "to ensure the establishment of the chain of custody and remove any suspicion of switching, planting, or contamination of evidence."<sup>29</sup>

These deviations were not fully explained by the prosecution, as can be gleaned from the testimony of the arresting officer, PO1 Sy:

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<sup>27</sup> 830 Phil. 385, 404 (2018).

<sup>28</sup> Records, p. 13.

<sup>29</sup> *People v. Tecson*, G.R. No. 243786, 09 October 2019.

PROS. CU:

Q: What is the exact place where you saw him holding a plastic sachet?

WITNESS:

A: He was leaning at a tricycle, sir.

Q: Standing up or seating [sic] down position?

A: Standing up, sir.

Q: When you saw this person holding a plastic sachet containing shabu, what did you do next?

A: I immediately approached him, held his hand and introduced myself as a policeman, sir.

Q: What did you do next, sir?

A: Then I took from his hand the white crystalline substance that he was holding and then I immediately called up my companions. Then they handcuffed him while I marked it, sir.

Q: Sir, you mentioned you marked it. What did you mark?

A: I marked the items I recovered from him, sir.

Q: Items or item only?

A: Item only, sir.

Q: So what markings did you place?

A: CCC/FS/7/18/16, sir.

Q: What does CCC stand for?

A: The initial of the suspect, sir.

Q: And how about FS?

A: My initial, sir.

Q: What happened first? You getting the initials of the accused or you placing the marking?

A: I first took the complete name of the accused, sir.

Q: Sir, this act of placing the markings, where did you do it?

A: There at the place where I arrested the accused, sir.

Q: And where was the accused at that time that you were placing the markings?

A: The accused was in front of me, sir.

Q: How will you be able to identify the drug evidence for this case?

A: I marked it, sir.

Q: And other than the markings, what else did you place?

A: Signature, sir.

Q: Whose signature, sir?

A: My signature, sir.

x x x x

Q: Okay, after placing the markings, sir. What did you and your team does next sir?

A: We immediately returned to our office, sir to inform out Chief of the result of the operation.

Q: So when you mentioned *your office*, you are referring to SAID office?

A: Yes, sir.

Q: Now, from the place of arrest going to SAID office, who was in possession of the confiscated evidence?

A: In my possession, sir.

Q: So when you arrived there at your SAID office, what happened next?

A: I immediately turned over to the investigator, sir.

Q: Who is that investigator, sir?

A: PO2 Pascual sir.

Q: What is your proof that indeed you turned over the plastic sachet through the SAID investigator PO2 Jerome Pascual?

A: When I have him the evidence, he furnished me also three (3) forms, sir.

Q: If I will show you the forms, will you be able to identify it?

A: Yes, sir.

Q: How?

A: Because I signed it, sir.

Q: Showing to you Evidence Acknowledgment Receipt, is this one of the documents you signed in relation to this case?

A: Yes, sir.

x x x x

Q: Showing to you this Receipt of Physical Inventory, is this also one of the documents you signed in relation to this case?

A: Yes, sir.

Q: Where is your signature here?

A: This one, sir.<sup>30</sup>

On cross-examination:

ATTY. GALLEVO:

Q: After you arrested the accused, where did you proceed?

WITNESS:

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<sup>30</sup> TSN, 03 March 2017, pp. 4-14.

- A: We proceeded to SAID office, sir.
- Q: After you arrested the accused you immediately proceeded to SAID office?
- A: No, sir I first marked the item that I recovered from [accused].
- Q: Then after you made the marking that was the time you proceed?
- A: PO1 Donato apprised him of his rights, sir and then after that we immediately proceeded to our office to inform our Chief regarding the result of the operation that we conducted. (sic)
- Q: That was the last act, the reading of the rights or offense that your group did before you went to your office at the SAID?
- A: Yes, sir.<sup>31</sup>

*Third*, there was no photograph during the conduct of the inventory of the seized item. As explained by the Investigating Officer, PO2 Pascual, he took photographs during the inventory, but the files were corrupted.<sup>32</sup> The prosecution only offered photographs of the accused and the seized item as evidence and not the photographs during the inventory.<sup>33</sup> This to Our mind casts doubt on the veracity of the conduct of the alleged inventory.

Based on the foregoing, the prosecution and the apprehending team did not have a valid excuse for their deviations from Section 21, Article II of RA 9165, as amended, thus, the saving clause will not apply in this case. They failed to present any justifiable reason for such deviations or show any genuine and sufficient efforts to comply with the chain of custody rule, specifically the conduct of the inventory and photography at the place of arrest and the presence of the required witnesses.

As the Court held in *People v. Angeles*:<sup>34</sup>

Breaches of the procedure outlined in Section 21 committed by the police officers, left unacknowledged and unexplained by the State, militate against a finding of guilt beyond reasonable doubt against the accused-appellant as the integrity and evidentiary value of the *corpus delicti* had been compromised.<sup>35</sup>

Thus, the integrity and evidentiary value of the seized item – the *corpus delicti* of the crime of illegal possession of dangerous drugs, have been seriously compromised. As a result, accused-appellant should be acquitted.

**WHEREFORE**, the appeal is **GRANTED**. The Decision dated 04 October 2019 of the Court of Appeals in CA-G.R. CR-HC No. 11809 is hereby **REVERSED** and **SET ASIDE**. Accordingly, accused-appellant Cornelio Corpus Corvera y Reyes is **ACQUITTED** of the crime charged.

<sup>31</sup> Id. at 19-21.

<sup>32</sup> See TSN, 31 August 2017, pp. 5-6.

<sup>33</sup> Records, p. 14.

<sup>34</sup> 842 Phil. 914 (2018).

<sup>35</sup> Id. at 938.

The Director General of the Bureau of Corrections is **ORDERED** to cause the **IMMEDIATE RELEASE** of accused-appellant Cornelio Corpus Corvera y Reyes, unless he is being lawfully held in custody for any other reason, and to submit a report on the action taken within five (5) days from notice.

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *mj/m*

by:

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

**126-I**

OCT 03 2022

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