



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 29, 2022** which reads as follows:*

**“G.R. No. 253604 (*People of the Philippines v. Richard Kevin Delos Reyes y De Guzman, a.k.a. “RK”*)**. – Before the Court is an appeal<sup>1</sup> from the Decision<sup>2</sup> dated January 10, 2020 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 11689. The CA affirmed the Decision<sup>3</sup> dated July 4, 2018 of Branch 2, Regional Trial Court (RTC), Batangas City in Criminal Case No. 19227.<sup>4</sup> The RTC found Richard Kevin Delos Reyes y De Guzman (accused-appellant) guilty beyond reasonable doubt of violation of Section 11, Article II of Republic Act No. (RA) 9165, or otherwise known as the Comprehensive Dangerous Drugs Act of 2002, as amended.<sup>5</sup>

*The Antecedents*

In an Information<sup>6</sup> dated October 30, 2014, accused-appellant was charged with Illegal Possession of Dangerous Drugs penalized under Section 11, Article II of RA 9165, the accusatory portion of which reads:

That on or about the 29<sup>th</sup> day of October 2014, at about 7:00 o’clock in the morning, at *Barangay San Antonio*, Municipality of San Pascual, Province of Batangas, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there willfully and unlawfully have in his possession, custody and control [of] seven

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<sup>1</sup> *Rollo*, pp. 14-16.

<sup>2</sup> *Id.* at 3-13. Penned by Associate Justice Jane Aurora C. Lantion and concurred in by Associate Justices Marie Christine Azcarraga-Jacob and Tita Marilyn B. Payoyo-Villordon.

<sup>3</sup> *CA rollo*, pp. 60-65. Penned by Judge Maria Cecilia I. Austria-Chua.

<sup>4</sup> *Id.* at 12-13.

<sup>5</sup> *Id.* at 65.

<sup>6</sup> As culled from the CA Decision, *rollo*, p. 4.

(7) heat-sealed transparent plastic sachets referred to as Specimens “A” (RDD-2), and “B1” to “B6” (RD-1 to RD-6) each containing methamphetamine hydrochloride commonly known as “*shabu*” having a weight of 15.20 grams and one (1) heat-sealed transparent plastic sachet referred to [as] Specimen “C” (RDDD-4) containing dried marijuana fruiting tops weighing 2.10 grams, all in Chemistry Report No. D-1203-14, both dangerous drugs.

Contrary to law.<sup>7</sup>

Upon arraignment, accused-appellant pleaded not guilty to the charge.<sup>8</sup>

Trial ensued.<sup>9</sup>

#### *Version of the Prosecution*

The prosecution’s evidence established that on October 29, 2014, Police Senior Inspector Manuel Rojero Maligaya (PSI Maligaya) of the San Pascual Municipal Police Station, San Pascual, Batangas instructed Police Officer I Stewart G. Micoso (PO1 Micoso) to prepare for the implementation of the search warrant issued by Executive Judge Ruben A. Galvez of Branch 3, RTC, Batangas City against accused-appellant.<sup>10</sup>

The team organized for the search consisted of the following: PSI Maligaya, Police Inspector Elmer Aguila, Police Officer III Ivan Gucci Lavega (PO3 Lavega), Police Officer I Rexon M. Andal (PO1 Andal), PO1 Micoso, a team from the Provincial Intelligence Branch, and the Highway Patrol Group. The team then called Department of Justice representative Judit Buhay (Buhay), media representative Benedicto Boy Grino (Grino), and *Barangay Kagawad* Nelson Lopez (Lopez) to witness the search warrant implementation.<sup>11</sup>

Later, the team proceeded to the target area in *Kamagong* Street, Villa Magdalena Subdivision, *Barangay* San Antonio, San Pascual, Batangas. Once the team located accused-appellant’s house, it cordoned off the area. After which, its members knocked on the door, introduced themselves as police officers, and explained that they have a search warrant to be served against accused-appellant.

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<sup>7</sup> As culled from the CA Decision, *id.*

<sup>8</sup> *Id.*

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

<sup>10</sup> *Id.* at 5.

<sup>11</sup> *Id.*

However, a woman named Noralyn Villaflor (Villaflor), accused-appellant's live-in partner, answered the door but refused to let them in; thus they forced open the door. Upon entering the house, they saw accused-appellant, Villaflor, and two children.<sup>12</sup>

During the search, the team found drug paraphernalia scattered in a room. Meanwhile, PO1 Andal found a small pouch bag containing substance suspected to be *shabu*, a camera case containing substance also suspected to be *shabu*, and a tea bag containing dried marijuana leaves. After the search, the team marked, photographed, and inventoried the seized items in the presence of accused-appellant and his live-in partner, DOJ representative Buhay, media representative Grino, and *Barangay Kagawad* Lopez. Thereafter, PO1 Micososa informed accused-appellant of his arrest and apprised him of his constitutional rights. In the meantime, PO3 Lavega prepared the certificate of orderly search, which accused-appellant and his live-in partner both signed.<sup>13</sup>

Soon after, PO3 Lavega took custody of the seized items until the entire team reached the police station. PO3 Lavega, PO1 Andal, and PO1 Micososa delivered the seized items to the RTC. After securing permission from the RTC to transport the items for laboratory examination, PO1 Andal and PO1 Micososa brought them to PCI Donna Villa P. Huelgas (PCI Huelgas) at Regional Crime Laboratory Office 4A (CALABARZON) in Camp Vicente Lim, Calamba, Laguna for laboratory examination. The result of the qualitative examination showed that the specimens with markings "A" and "B1" to "B6" were positive for *shabu*, a dangerous drug; while the specimen with the marking "C" contained marijuana, also a dangerous drug.<sup>14</sup>

#### *Version of the Defense*

In his defense, accused-appellant averred that on October 29, 2014, he was inside their rented house when he heard Villaflor, his live-in partner, talking to someone at their window. Suddenly, several men forcibly entered their house and ordered him, Villaflor, and his two daughters to remain outside their house during the search of the premises. Upon the arrival of a *barangay* official and a media practitioner, the men instructed accused-appellant to sign a document. Thereafter, the men brought him to a hospital and then to the police station for detention.<sup>15</sup>

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

<sup>13</sup> *Id.* at 6.

<sup>14</sup> *Id.* at 6-7.

<sup>15</sup> *Id.* at 7.

*The Ruling of the RTC*

In a Decision<sup>16</sup> dated July 4, 2018, the RTC convicted accused-appellant for the offense of Illegal Possession of Dangerous Drugs. The dispositive portion of the RTC Decision reads:

WHEREFORE, finding the accused RICHARD KEVIN DELOS REYES y De Guzman GUILTY beyond reasonable doubt of the offense of [v]iolation of Section 11, Article II of R.A. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, he is hereby sentenced to suffer the penalty of Life Imprisonment and to pay the fine of Four Hundred Thousand Pesos (P400,000.00) with costs.

The seized illegal drugs shall be immediately destroyed upon promulgation of this decision. The Branch Clerk of Court, Atty. Juliet N. Patulot, is hereby directed to coordinate with the PDEA Region 4-A for this purpose.

SO ORDERED.<sup>17</sup>

The RTC found that the prosecution established all the elements of the offense charged. The RTC noted that the defense did not pursue the remedies against the alleged unlawful search including the *quashal* of the search warrant and the suppression of the evidence seized under it.<sup>18</sup>

Dissatisfied, accused-appellant appealed to the CA.<sup>19</sup>

*The Ruling of the CA*

In the assailed Decision,<sup>20</sup> the CA affirmed accused-appellant's conviction. The CA held that the search warrant, as well as its implementation, was valid and that the integrity and evidentiary value of the seized items were preserved. The CA discussed:

A perusal of the records reveal that after the appellant was arrested, police officers Andal and Micoso immediately took custody of the seized items. They had also conducted the requisite immediate marking, inventory, and photography thereof in the presence of a *barangay kagawad*, and representatives from both the media and the DOJ, all inside the appellant's rented house, the place where he was arrested.

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<sup>16</sup> CA rollo, pp. 60-65.

<sup>17</sup> *Id.* at 65.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at 13.

<sup>20</sup> Rollo, pp. 3-13.

Subsequently, the forensic chemist – PCI Huelgas, personally received seven (7) suspected sachets of *shabu* at the Regional Crime Laboratory Office 4A, Calamba City at 5:20 in the afternoon of the same day the appellant was arrested. She had confirmed that these specimens, all seized from the appellant: 1) A “RDD-2”, containing 14.56 grams of crystalline substance; 2) B1 “RD-1”-0.12 gram; [3]) B2 “RD-2”-0.09 gram; [4]) B3 “RD-3”-0.10 gram; [5]) B4 “RD-4”-0.14 gram; [6]) B5 “RD-5”-0.09 gram; and [7]) B6 “RD-6”-0.10 gram, were positive of *shabu*. The prosecution had also proven that its witnesses had identified that the seized items which were duly marked and inventoried at the crime scene by the seizing officers, and which PCI Huelgas had examined at the Crime Laboratory, were the same items presented before the court *a quo*. In fact, nothing on record suggests that police officers Andal and Micoso intentionally deviated from the standard conduct of official duty.

Evidently, the required chain of custody of the seized illegal drugs was complied here. Without doubt, their evidentiary value was preserved from its confiscation until its presentation in court. As such, this Court confirms that the Prosecution was able to establish with moral certainty that there is an unbroken chain of custody over the seized illegal drugs. Perforce, We find no deviation committed by the police officers from the procedure prescribed by Section 21, Article II of R.A. No. 9165, as amended by R.A. No. 10640.<sup>21</sup>

Hence, the appeal before the Court.

In the Resolution<sup>22</sup> dated November 23, 2020, the Court noted the records of the case forwarded by the CA and notified the parties to file their respective supplemental briefs, if they so desire, within 30 days from notice.<sup>23</sup>

Accused-appellant manifested to the Court that he would no longer file a supplemental brief.<sup>24</sup> The Office of the Solicitor General likewise manifested that it would be dispensing with the filing of a supplemental brief.<sup>25</sup>

### *The Issue*

The core issue for the Court’s consideration is whether accused-appellant is guilty beyond reasonable doubt of violation of Section 11, Article II of Republic Act No. (RA) 9165, as amended.

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<sup>21</sup> *Id.* at 11-12.

<sup>22</sup> *Id.* at 20-21.

<sup>23</sup> *Id.* at 20.

<sup>24</sup> *Id.* at 25-27.

<sup>25</sup> *Id.* at 31-32.

### Ruling of the Court

The Court grants the appeal.

Settled is the rule that the drug itself constitutes the *corpus delicti* in illegal drug cases. As such, the prosecution “must establish that the substance illegally sold and possessed by the accused is the same substance presented in court. Proof beyond reasonable doubt demands that unwavering exactitude be observed in establishing the *corpus delicti*.”<sup>26</sup> The chain of custody rule “ensures that unnecessary doubts concerning the identity of the evidence are removed.”<sup>27</sup>

Accused-appellant was charged with violation of Section 11, Article II of RA 9165 for an offense which occurred on October 29, 2014. The applicable law is RA 9165, as amended by RA 10640.<sup>28</sup> Section 21(1) thereof reads:

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 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 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

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<sup>26</sup> *People v. Ordinario*, G.R. No. 251436 (Notice), March 1, 2021.

<sup>27</sup> *Id.*

<sup>28</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 on July 15, 2014, and which took effect on August 7, 2014.

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.

In *People v. Leaño*,<sup>29</sup> the Court emphasized that “[t]o ensure the integrity of the seized drug item, the prosecution must account for each link in its chain of custody.”<sup>30</sup> The chain of custody includes: “*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>31</sup>

In *Mallillin v. People*,<sup>32</sup> the Court explained the importance of the chain of custody, *viz.*:

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.<sup>33</sup>

In the case, records show that the police officers breached the chain of custody rule especially the first and fourth links.

The respective testimonies of the police officers appear to be conflicting as to who took custody of the seized items after they arrested accused-appellant. On one hand, PO3 Lavega claimed that he took custody of the seized items from the place of the arrest up to the police station.<sup>34</sup> On the other hand, PO1 Andal and PO1 Micosá

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<sup>29</sup> G.R. No. 246461, July 18, 2020.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> 576 Phil. 576 (2008).

<sup>33</sup> *Id.* at 587.

<sup>34</sup> CA rollo, p. 82.

alleged that they immediately took custody of the seized items after accused-appellant was arrested.<sup>35</sup> The conflicting testimonies of the three police officers cast serious doubt on the integrity and evidentiary value of the seized items in this early stage of the chain of custody.

On the last link, the testimonies of PCI Huelgas and the receiving officer, Angelita Macuha (Macuha), were dispensed with after the parties agreed on their proposed testimony. Specifically, they stipulated that PCI Huelgas examined the subject drug specimens in the case and that the result of the examination was reflected in Chemistry Report No. D-12-03-14.<sup>36</sup> Notably, though, the prosecution failed to discuss how Macuha handled the drug specimens from the time she received it from POI Micoso until their turn over to the forensic chemist. Also, PCI Huelgas failed to discuss the description of the specimen and the container where the items were placed; nor did she identify the name and method used in analyzing the chemical composition of the drug sample.<sup>37</sup> In *People v. Villalon, Jr.*,<sup>38</sup> the Court emphasized on the paramount necessity of the forensic chemist's testimony on the details pertaining to the handling and analysis of the dangerous drug submitted for examination. It stated:

In this case, while the prosecution successfully established the *first* to the *third* links, it however failed to show compliance with the *fourth* link of the chain of custody. Records show that during the trial, the prosecution and the defense stipulated on the intended testimony of prosecution witness P/SInsp. Pascual, thus: (a) that he is an expert witness; (b) that pursuant to the Request for Laboratory Examination from the Escalante City Police Station, P/SInsp. Pascual conducted the qualitative examination on the specimens submitted to them; (c) that after conducting the required examination, he reduced his findings in Chemistry Report No. D-549-2015; and (d) that he can identify the specimens which he subjected to examination. However, in dispensing with his testimony, the prosecution failed to prove the manner by which the specimens were handled before P/SInsp. Pascual received them, how he examined the items, and how these were stored or kept in custody until they were brought and presented in court as evidence.

In drug related cases, "it is of paramount necessity that the *forensic chemist testifies on the details pertaining to the handling and analysis of the dangerous drug submitted for examination, i.e., when and from whom the dangerous drug was received; what identifying labels or other things accompanied it; description of the*

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<sup>35</sup> *Id.* at 50.

<sup>36</sup> *Id.* at 51-52.

<sup>37</sup> See *People v. Catipan*, G.R. No. 252691 (Notice), June 14, 2021.

<sup>38</sup> G.R. No. 249412, March 15, 2021.

specimen; and the container it was in. Further, the forensic chemist must also identify the name and method of analysis used in determining the chemical composition of the subject specimen.”

Should the parties opt to stipulate and dispense with the attendance of the forensic chemist, the Court clarified in *People v. Ubungen* that “it should be stipulated that the forensic chemist would have testified that he took the precautionary steps required in order to preserve the integrity and evidentiary value of the seized item, thus: (1) the forensic chemist received the seized article as marked, properly sealed, and intact; (2) he resealed it after examination of the content; and (3) he placed his own marking on the same to ensure that it could not be tampered pending trial.” Here, the parties’ stipulation did not mention that any one of these precautionary steps were in fact done by the forensic chemist, from the time he received the seized items for laboratory examination and before they were delivered to the trial court for identification, leaving a gap in the chain of custody of said seized items.

Clearly, absent any of the afore-mentioned conditions, the *fourth link* in the chain of custody of the said illegal drug could not be reasonably established. The lapses committed by the prosecution and the law enforcers herein could not be considered minor. Indeed, establishing every link in the chain of custody is crucial to the preservation of the integrity, identity, and evidentiary value of the seized illegal drug. Failure to demonstrate compliance with even just one of these links creates reasonable doubt that the substance confiscated from the accused is the same substance offered in evidence, as in this case. Accordingly, since the prosecution failed to account for the fourth link in the chain of custody of the items purportedly seized from accused-appellant, its integrity and evidentiary value were already compromised, thereby warranting accused-appellant’s acquittal.<sup>39</sup> (Italics supplied; citations omitted.)

Indeed, it is imperative in drug related cases that the forensic chemist testifies on the details pertaining to the handling and analysis of the dangerous drug submitted for examination. Specifically, the forensic chemist should narrate when and from whom the dangerous drug was received; what identifying labels or other things accompanied it; description of the specimen; and the container it was in. The forensic chemist must also identify the name and method of analysis used in determining the chemical composition of the subject specimen.<sup>40</sup>

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

<sup>40</sup> *People v. Garque*, G.R. No. 247004, September 8, 2020, citing *People v. Onamus*, G.R. No. 223036, July 10, 2019.

Here, while the parties stipulated as to the manner the seized drug was received by the forensic chemist from Macuha and as to the results of the examination thereof, stipulations as to the manner the seized drug was managed, stored, preserved, or handled at the crime laboratory after it was examined by PCI Huelgas and prior to its delivery to the trial court for identification, were clearly lacking. Absent the required stipulations, the fourth link of the chain of custody could not be reasonably established.

In view of the breach in the fourth link of the chain of custody rule, the Court finds that the integrity and evidentiary value of the *corpus delicti* are deemed compromised. Consequently, accused-appellant should be acquitted.

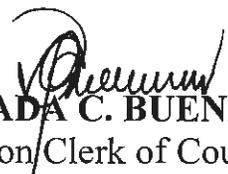
**WHEREFORE**, the appeal is **GRANTED**. The Decision dated January 10, 2020 of the Court of Appeals (CA) in CA-GR. CR-HC No. 11689 is **REVERSED** and **SET ASIDE**. Accused-appellant Richard Kevin Delos Reyes y De Guzman is **ACQUITTED** of violation of Section 11, Article II of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, as amended, for failure of the prosecution to prove his guilt beyond reasonable doubt, and is ordered immediately **RELEASED** from detention, unless he is confined for any other lawful cause.

Let a copy of this Resolution be furnished the Director General, Bureau of Corrections, Muntinlupa City, for immediate implementation. Furthermore, the Director General, Bureau of Corrections is **DIRECTED** to report to the Court the action he/she has taken within five (5) days from receipt of this Resolution.

Let entry of judgment be issued.

**SO ORDERED.”**

By authority of the Court:

  
LIBRADA C. BUENA  
Division Clerk of Court

by:

MARIA TERESA B. SIBULO  
Deputy Division Clerk of Court

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The Solicitor General  
134 Amorsolo Street, Legaspi Village  
1229 Makati City

Court of Appeals (x)  
Manila  
(CA-G.R. CR-HC No. 11689)

The Hon. Presiding Judge  
Regional Trial Court, Branch 2  
4200 Batangas City  
(Crim. Case No. 19227)

PUBLIC ATTORNEY'S OFFICE  
Special and Appealed Cases Service  
Counsel for Accused-Appellant  
5/F, DOJ Agencies Building  
NIA Road cor. East Avenue, Diliman  
1101 Quezon City

Mr. Richard Kevin DG. Delos Reyes  
a.k.a. "RK" (x)  
Accused-Appellant  
c/o The Director General  
Bureau of Corrections  
1770 Muntinlupa City

The Director General (x)  
Bureau of Corrections  
1770 Muntinlupa City

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