



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **28 March 2022** which reads as follows:*

**“G.R. No. 254028 (*People of the Philippines v. John Rafael Martinez y Tubig*).** — On appeal is the September 20, 2019 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 11694, which affirmed the July 25, 2018 Judgment<sup>2</sup> rendered by the Regional Trial Court (RTC), Branch 37, Calamba City in Criminal Case Nos. 29879-2017-C and 29880-2017-C, finding accused-appellant John Rafael Martinez y Tubig (Martinez) guilty beyond reasonable doubt of violating Sections 5 and 11, Article II of Republic Act No. (RA) 9165,<sup>3</sup> otherwise known as the “Comprehensive Dangerous Drugs Act of 2002, as amended”.

The Informations both dated July 5, 2017 that led to Martinez’s convictions are as follows:

Criminal Case No. 29879-2017-C:

That on or about July 5, 2017 at Los Baños, Laguna and within the jurisdiction of this Honorable Court, the above-named accused without any authority of law, did then and there willfully, unlawfully and feloniously sell and deliver to a police poseur buyer One (1) heat-sealed transparent plastic sachet containing Methamphetamine Hydrochloride weighing of 0.01 gram, a dangerous drug, in violation of the aforementioned law.

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<sup>1</sup> *Rollo*, pp. 3-30. Penned by Associate Justice Rafael Antonio M. Santos and concurred in by Associate Justices Manuel M. Barrios and Ruben Reynaldo G. Roxas.

<sup>2</sup> *CA rollo*, pp. 48-63. Penned by Presiding Judge Caesar C. Buenagua.

<sup>3</sup> Entitled “AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425. OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACTS OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES.” Approved: June 7, 2002.

CONTRARY TO LAW.<sup>4</sup>

Criminal Case No. 29880-2017-C:

That on or about July 5, 2017 at Los Baños, Laguna and within the jurisdiction of this Honorable Court, the above-named accused without any authority of law, did then and there willfully, unlawfully and feloniously possess One (1) heat-sealed transparent plastic sachet of Methamphetamine Hydrochloride weighing 5.30 grams, a dangerous drug, in violation of the aforementioned provision of law.

CONTRARY TO LAW.<sup>5</sup>

Upon arraignment, accused-appellant entered a plea of not guilty to both charges.<sup>6</sup>

**Version of the Prosecution:**

The prosecution presented the following witnesses: Police Officer 1 Argel R. Comia (PO1 Comia) and PO3 Leoncio Ordenes (PO3 Ordenes).

The prosecution also presented the forensic chemist, Lalaine Ong-Rodrigo (FC Ong-Rodrigo), but the RTC dispensed with her testimony in an Order<sup>7</sup> dated August 17, 2017 in view of the defense's admission of the stipulations offered by the prosecution with respect to the following: (1) the specimens as indicated in the Chemistry Report; (2) the findings as stated in the Chemistry Report; and (3) the existence and due execution of the Chemistry Report.<sup>8</sup>

The combined testimonies of the prosecution witnesses tended to establish the following:

On July 4, 2017, at around 10:30 p.m., PO1 Comia was in their office at the Los Baños Municipal Police Station when a confidential agent arrived and reported to him that Martinez was engaged in selling *shabu* at Barangay Mayondon, Los Baños, Laguna. PO1 Comia relayed the matter to his Commanding Officer, Police Supt. Arvin B. Avelino, who immediately organized a buy-bust operation, with PO1 Comia as the poseur-buyer. PO1 Comia was given one ₱500.00-bill bearing serial no. HM145590 to be used as buy-bust money which he marked with the initial "A".<sup>9</sup>

Meanwhile, PO1 Dennis S. Zingapan coordinated the entrapment operation with the Philippine Drug Enforcement Agency (PDEA) through

<sup>4</sup> Records, Criminal Case No. 29879-2017-C, p. 1.

<sup>5</sup> Records, Criminal Case No. 29880-2017-C, p. 1.

<sup>6</sup> Records, Criminal Cases Nos. 29879-2017-C, p. 33.

<sup>7</sup> Records, Criminal Case No. 29880-2017-C, pp. 41-42.

<sup>8</sup> Id.

<sup>9</sup> Records, Criminal Case No. 29879-2017-C, p. 5-6. Sinumpaang Salaysay of PO1 Argel R. Comia.

Coordination Form<sup>10</sup> and Pre-Operation Report<sup>11</sup> both dated July 04, 2017. In turn, the PDEA issued Coordination Control Number 10005-072017-0137. Thereafter, the buy-bust team, along with media representative G. Liberato Tatad (media representative Tatad) and the confidential agent, proceeded to the target area.<sup>12</sup>

Upon arrival at the target area, they found Martinez in a waiting shed. PO1 Comia and the confidential agent then approached Martinez who immediately asked if they were interested to buy *shabu*. When the asset answered in the affirmative, Martinez asked PO1 Comia how much he would buy. PO1 Comia said he would buy ₱500.00 worth of *shabu* and handed the marked money to Martinez. In exchange, Martinez gave him one transparent plastic sachet containing suspected *shabu*. Upon receipt of the plastic sachet, PO1 Comia scratched his hair which was the pre-arranged signal to show that the sale had been consummated. This prompted the rest of the buy-bust team to rush to the area. PO1 Comia introduced himself as a police officer and effected the arrest of Martinez.<sup>13</sup>

After the arrest, the buy-bust team procured the attendance of *Barangay Kagawad* Danilo V. Apolinario (*Kagawad* Apolinario). Thereafter, PO1 Comia asked Martinez to empty his pocket in the presence of *Kagawad* Apolinario and media representative Tatad resulting to the recovery of another plastic sachet containing suspected *shabu*, as well as the marked money and three ₱100.00 bills.<sup>14</sup>

PO1 Comia marked the confiscated items at the place of seizure. He marked the plastic sachet subject of the sale with “JM-BB” while the other sachet subsequently recovered from Martinez’s possession was marked with “JM-1”. A physical inventory of the seized items was conducted in the present of Martinez, *Kagawad* Apolinario, and media representative Tatad,<sup>15</sup> who both signed the Receipt of Physical Inventory.<sup>16</sup> Pictures of both Martinez and the evidence seized, together with the witnesses were also taken during the inventory.<sup>17</sup>

After the inventory, the buy-bust team went back to their office. PO1 Comia remained in possession of the seized items from the time of confiscation up to the time the illegal drugs were turned over to the crime laboratory. A Request for Laboratory Examination<sup>18</sup> of the drug specimens as well as a Request for Drug Test Examination<sup>19</sup> on the urine sample of Martinez were

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<sup>10</sup> Id. at 12.

<sup>11</sup> Id. at 13.

<sup>12</sup> Records, Criminal Case No. 29879-2017-C, p. 5-6. Sinumpaang Salaysay of PO1 Argel R. Comia.

<sup>13</sup> TSN, May 17, 2018. Records, Criminal Case No. 29880-2017-C, pp. 98-104.

<sup>14</sup> Id.

<sup>15</sup> Id.

<sup>16</sup> Id. at 11.

<sup>17</sup> Id. at 18-21.

<sup>18</sup> Id. at 9.

<sup>19</sup> Id. at 10.

prepared at the police station. Subsequently, PO1 Comia personally delivered the said requests and the specimens to the Regional Crime Laboratory Office 4A for examination. The specimens were received by SPO1 Ana Violeta G. Jaime (SPO1 Jaime) and were turned over to FC Ong-Rodrigo, who conducted an examination thereon. Chemistry Report No. D-1011-17<sup>20</sup> issued by FC Ong-Rodrigo confirmed that the plastic sachets contained methamphetamine hydrochloride or *shabu* weighing a total of 5.31 grams.

The RTC likewise dispensed with the testimony of PO3 Ordenes in view of the stipulation of the parties that if presented, he would corroborate PO1 Comia's testimony.<sup>21</sup>

### **Version of the Defense:**

The defense presented Martinez as its sole witness. He denied the allegations of the prosecution and claimed that at the time of the alleged buy-bust operation, he was plying his tricycle when two individuals, in a waiting shed, flagged him down. Believing that they were passengers, he pulled over. One of the two individuals then poked a gun at him and directed him to lie facing the ground. He remained in that position for 20 minutes until a car and a motorcycle arrived. Then he was brought to Bernardo Subdivision on board the car along with the two persons who flagged him down and two more individuals. After about two hours, Martinez was brought back to the waiting shed. Thereafter, a man took photographs of him. He further claimed that he only learned that he was being charged with offenses relating to illegal drugs during the inquest proceedings.<sup>22</sup>

### **Ruling of the Regional Trial Court:**

In a Judgment dated July 25, 2018, the RTC convicted Martinez as charged. The RTC found the evidence of the prosecution sufficient to prove Martinez's guilt beyond reasonable doubt. The dispositive portion of the trial court's Decision reads:

**IN VIEW OF THE FOREGOING**, in Criminal Case No. 29879-2017-C, the Court finds **JOHN RAFAEL MARTINEZ y TUBIG, GUILTY BEYOND REASONABLE DOUBT** of violation of Section 5, Article II of Republic Act 9165. The accused is hereby sentenced to suffer the penalty of **LIFE IMPRISONMENT and TO PAY A FINE OF FIVE HUNDRED THOUSAND PESOS (PHP500,000.00) PESOS** (sic).

In Criminal Case No. 28980-2017-C, the Court likewise finds accused **JOHN RAFAEL MARTINEZ y TUBIG, GUILTY BEYOND REASONABLE DOUBT** of violation of Section 11, Article II of Republic Act 9165. He is hereby sentenced to suffer the indeterminate penalty of imprisonment of **TWENTY (20) YEARS and ONE (1) DAY, as minimum, to TWENTY**

<sup>20</sup> Id. at 22.

<sup>21</sup> Id. at 94. RTC Order dated May 17, 2018.

<sup>22</sup> *Rollo*, p. 8.

**ONE (21) YEARS, as maximum, and to PAY A FINE OF FOUR HUNDRED THOUSAND (PHP400,000.00) PESOS.**

The Branch Clerk of Court is hereby ordered to turn-over to the PDEA the methamphetamine hydrochloride (shabu) submitted in evidence for these cases for proper disposition.

**SO ORDERED.**<sup>23</sup>

Aggrieved, appellant elevated the case to the CA.

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

On September 20, 2019, the CA rendered its assailed Decision denying the appeal and affirming the July 25, 2018 RTC Judgment.

The *fallo* of the CA Decision reads:

**WHEREFORE**, the appeal is **DENIED** for lack of merit. The Judgment dated 25 July 2018 is **AFFIRMED**.

**SO ORDERED.**<sup>24</sup>

Undaunted, Martinez instituted the present appeal before this Court.<sup>25</sup> The parties opted not to file supplemental briefs with this Court and instead adopted their discussions in their briefs filed with the CA.

Martinez contends that the buy-bust operation conducted by the group of PO1 Comia was dubious for the following reasons: (1) the lack of a surveillance or test-buy to verify the information given by the confidential agent; and (2) the failure of the prosecution to present the confidential agent on the witness stand.

Moreover, the identity of the allegedly seized plastic sachets of *shabu* was not established because the chain of custody rule was not followed by the police officers. No detail was provided as to the transfer of the seized drugs from PO1 Comia to the investigator PO1 Russel John Fang (PO1 Fang), to the eventual turn over to FC Ong-Rodrigo and finally to the trial court. The prosecution failed to present PO1 Fang as well as SPO1 Jaime, the police officer who allegedly received the illegal substance in the crime laboratory. There was likewise no testimony from the key persons who handled the specimens as to the condition in which they were received, and how they were handled by each one of them. Thus, according to appellant, the significant breaks in the chain of custody had compromised the identity and integrity of the seized drugs.<sup>26</sup>

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<sup>23</sup> CA *rollo*, p. 63.

<sup>24</sup> *Rollo*, p. 29.

<sup>25</sup> *Id.* at 31-34.

<sup>26</sup> CA *rollo*, pp. 32-46. Brief for the Accused-Appellant.

The People, through the Office of the Solicitor General, counters that the elements of the crimes charged were sufficiently established by the prosecution. Contrary to appellant's assertion, the prosecution had successfully accounted for each link in the chain of custody, thus, sufficiently preserved the integrity of the seized illegal drugs. Finally, the People contends that the testimonies of the prosecution witnesses are credible and that the RTC (and the CA) correctly disregarded Martinez's unsupported and self-serving defenses of denial and frame-up.<sup>27</sup>

### Issue

The sole issue for this Court's resolution is whether or not the CA correctly upheld the conviction of Martinez for violating Sections 5 and 11, Article II of RA 9165.

### Our Ruling

There is merit in the appeal.

Martinez claims that there is doubt as to the existence of a legitimate buy-bust operation due to the lack of a prior surveillance and the failure of the prosecution to present the confidential agent on the witness stand.

These arguments do not deserve consideration.

As aptly held by the CA, jurisprudence is replete with cases where the Court ruled that a prior surveillance is not necessary to render a buy-bust operation legitimate, especially when the buy-bust team is accompanied to the target area by the informant,<sup>28</sup> as in this case.

Moreover, the non-presentation of the informant in this case is not fatal to the prosecution as his testimony would be merely corroborative. As held in a long line of cases,<sup>29</sup> there is no need to present the confidential informant if the testimony would merely corroborate the testimonies of those who actually witnessed the transaction. In this case, the sale transaction was testified to by no less than the poseur buyer himself, who directly took part in the transaction. He testified in a clear and categorical manner on how the sale of *shabu* took place, thus, there was no need for the confidential informant to be presented in court. We likewise stress our pronouncement in the case of *People v. Moner*,<sup>30</sup> thus:

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<sup>27</sup> Id. at 74-97.

<sup>28</sup> *People v. Alunan*, G.R. No. 244170, January 25, 2021; *People v. Villahermoso*, 824 Phil. 499, 503 (2018); and *People v. Adrid*, 705 Phil. 654, 668 (2013).

<sup>29</sup> *People v. Andaya*, 745 Phil. 237 (2014), citing *People v. Khor*, 366 Phil. 762 (1999); *People v. Gireng*, 311 Phil. 12 (1995); *People v. Ong*, 476 Phil. 553 (2004); and *People v. Lopez*, 288 Phil. 1107 (1992).

<sup>30</sup> 827 Phil. 42, 53 (2018), citing *People v. Lafaran*, 771 Phil. 311, 326-327 (2015).

It has oft been held that the presentation of an informant as witness is not regarded as indispensable to the success of a prosecution of a drug dealing accused. As a rule, the informant is not presented in court for security reasons, in view of the need to protect the informant from the retaliation of the culprit arrested through his efforts. Thereby, the confidentiality of the informant's identity is protected in deference to his invaluable services to law enforcement. Only when the testimony of the informant is considered absolutely essential in obtaining the conviction of the culprit should the need to protect his security be disregarded.<sup>31</sup>

### **Elements of Illegal Sale of Dangerous Drugs.**

To successfully prosecute the offense of Sale of Illegal Drugs under Section 5, Article II of RA 9165, the following elements must be present: (1) the identity of the buyer and the seller, the object of the sale, and the consideration; and (2) the delivery of the thing sold and the payment therefor. In a buy-bust operation, the receipt by the poseur-buyer of the dangerous drug and the corresponding receipt by the seller of the marked money consummate the illegal sale of dangerous drugs. What matters is the proof that the sale actually took place, coupled with the presentation in court of the prohibited drug, the *corpus delicti*, as evidence.<sup>32</sup>

In the present case, there is no question that all the elements of the crime of illegal sale of dangerous drugs are present. The identity of Martinez as the drug seller was duly established through the testimony of the poseur buyer, PO1 Comia who positively identified Martinez as the one who transacted and sold to him one sachet of *shabu* in exchange of the marked ₱500.00-bill as payment. As per Chemistry Report No. D-1011-17<sup>33</sup> prepared by FC Ong-Rodrigo, the sachet of *shabu* sold to PO1 Comia yielded positive for the presence of methamphetamine hydrochloride, a dangerous drug. The illegal drug and the marked money were presented and identified in court.

### **Elements of Illegal Possession of Dangerous Drugs.**

Similarly, the prosecution had adequately established the existence of all the elements for the offense of Illegal Possession of Dangerous Drugs under Section 11, Article II of the RA 9165, to wit: (1) the accused was in possession of dangerous drugs; (2) such possession was not authorized by law; and (3) the accused was freely and consciously aware of being in possession of dangerous drugs.<sup>34</sup>

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<sup>31</sup> Id.

<sup>32</sup> *People v. Baluyot*, G.R. No. 243390, October 5, 2020.

<sup>33</sup> Supra note 20.

<sup>34</sup> *People v. Arellaga*, G.R. No. 231796, August 24, 2020.

It must be noted that “possession of dangerous drugs constitutes *prima facie* evidence of knowledge or *animus possidendi* sufficient to convict an accused in the absence of a satisfactory explanation. Consequently, the burden of evidence is shifted to the accused to explain the absence of knowledge or *animus possidendi*.”<sup>35</sup>

In the case at bar, the courts *a quo* correctly ruled that all the elements of the crime of Illegal Possession of Dangerous Drugs have been satisfactorily established.

Nonetheless, Martinez must be acquitted for failure of the arresting officers to properly comply with the chain of custody rule.

### **Compliance with the Chain of Custody Rule.**

In cases involving dangerous drugs, the confiscated drug constitutes the very *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 drug be established with moral certainty. Thus, in order to obviate any unnecessary doubt on its identity, the prosecution has to show an unbroken chain of custody over the same, and account for each link in the chain of custody from the moment the drug is seized up to its presentation in court as evidence of the crime.<sup>36</sup> First, the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer; second, the turnover of the illegal drug seized by the apprehending officer to the investigating officer; third, the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and fourth, the turnover and submission of the marked illegal drug seized by the forensic chemist to the court.<sup>37</sup>

In the case at bar, the buy-bust team failed to strictly comply with the mandatory requirements under Section 21 of RA 9165, particularly the second and fourth links in the chain of custody.

### ***Second link***

The second link in the chain of custody is the transfer of the seized drugs by the apprehending officer to the investigating officer. The investigating officer shall conduct the proper investigation and prepare the necessary documents for the proper transfer of the evidence to the police crime laboratory for testing. Thus, the investigating officer's possession of the seized drugs must be documented and established.<sup>38</sup>

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<sup>35</sup> *People v. Quijano*, G.R. No. 247558, February 19, 2020.

<sup>36</sup> *People v. Claudel*, G.R. No. 219852, April 3, 2019.

<sup>37</sup> *People v. Raul del Rosario*, G.R. No. 235658, June 22, 2020.

<sup>38</sup> *Id.*

Here, PO1 Comia categorically testified that a duty-investigator by the name of PO1 Fang was assigned to investigate the case. Surprisingly, PO1 Comia did not turn over the seized drugs to him. This is evident from his testimony, *viz*:

Q: And also, Mr. Witness, at your police station, you have the duty investigator, correct?

A: Yes, Ma'am.

Q: Who was your duty investigator?

A: It was PO1 Russel John Fang, ma'am.

x x x x

Q: Not all of it. Did you turn over the alleged items as well as the accused in this case to the duty investigator?

A: No, Ma'am. During the preparation of the request for crime lab (sic) I was still holding the items but I do not (sic) give it to PO1 Fang or turn over it because I know for a fact that I should be the one who should be handling the confiscated items until it was (sic) brought to the crime lab, ma'am.<sup>39</sup>

It has been held, time and again, that it is highly improbable for an investigator in a drug-related case to effectively perform his work without having custody of the seized items.<sup>40</sup> Such deviation from the prescribed procedure is fatal to the prosecution's case for it raises serious doubts on the preservation of the integrity and evidentiary value of the seized illegal drugs.<sup>41</sup>

While PO1 Comia testified that he had sole custody of the confiscated items from the place of seizure up to the crime laboratory, this alone cannot be taken as a guarantee of the items' integrity. On the contrary, the Court held that "an officer's act of personally and bodily keeping allegedly seized items, without any clear indication of safeguards other than his or her mere possession, has been viewed as prejudicial to the integrity of the items."<sup>42</sup>

Moreover, the prosecution failed to present as witness SPO1 Jaime, the police officer who supposedly received the drug specimens and the request for laboratory examination.

In *People v. Sultan*,<sup>43</sup> this Court acquitted the accused-appellant when it found that the prosecution did not proffer the testimonies of persons who handled the seized items without ample explanation. This Court explained:

The prosecution has the "burden of establishing the identity of the seized items." Considering the sequence of the people who have dealt with the

<sup>39</sup> TSN, May 17, 2018. *Records*, Criminal Case No. 29880-2017-C, p. 107.

<sup>40</sup> *People v. Villojan, Jr.*, G.R. No. 239635, July 22, 2019, citing *People v. Dahil*, 750 Phil. 212, 234-235 (2015).

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

<sup>42</sup> *People v. Sultan*, G.R. No. 225210, August 7, 2019.

<sup>43</sup> G.R. No. 225210, August 7, 2019, citing *People v. Sagana*, 815 Phil. 356 (2017).

confiscated articles, the prosecution failed to justify why three (3) other significant persons were not presented as witnesses. **These persons were the desk officer who supposedly recorded the incident in the police blotter, the investigator who prepared the request for examination, and the police officer who received the articles in the laboratory.** “In effect, there is no reasonable guaranty as to the integrity of the exhibits inasmuch as it failed to rule out the possibility of substitution of the exhibits, which cannot but inure to its own detriment.”<sup>44</sup> (Emphasis supplied)

#### ***Fourth Link***

The last link involves the submission of the seized drugs by the forensic chemist to the court when presented as evidence in the criminal case.<sup>45</sup>

In the instant case, it must be recalled that the trial court dispensed with the testimony of FC Ong-Rodrigo in view of the stipulation of facts entered into by the prosecution and the defense during the hearing of the case on August 17, 2017.<sup>46</sup> Notably, the stipulations do not provide information regarding the condition of the seized items while in the custody of FC Ong-Rodrigo, as well as the management, storage, and preservation of the illegal drugs until they were presented in court.

In *People v. Ubungen*,<sup>47</sup> the Court ruled that in case of a stipulation by the parties to dispense with the attendance and testimony of the forensic chemist, 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) that the forensic chemist received the seized article as marked, properly sealed, and intact; (2) that he resealed it after examination of the content; and (3) that he placed his own marking on the same to ensure that it could not be tampered pending trial.

Here, the stipulated testimony of FC Ong-Rodrigo was limited only to her conduct of examination of the specimens and the existence and execution of the chemistry report. No details were provided as to who exercised custody and possession of the specimens after the chemical examination, and how they were handled, stored, and safeguarded pending their presentation as evidence in court. Consequently, there was a missing link from the point when the drugs were in the hands of FC Ong-Rodrigo to the point when the same were submitted to the court. Thus, it was not convincingly shown whether the specimens submitted to the court were the same plastic sachets of *shabu* that were actually seized from appellant.

In *People v. Manolito Rivera*,<sup>48</sup> the Court acquitted the accused-appellant as the stipulated testimony of the concerned forensic chemist did not provide

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<sup>44</sup> Id.

<sup>45</sup> *People v. Raul del Rosario*, supra note 37.

<sup>46</sup> *Records*, Criminal Case No. 29880-2017-C, pp. 41-42. Order dated August 17, 2017.

<sup>47</sup> 836 Phil. 888, 901 (2018), citing *People v. Pajarin*, 654 Phil. 461 (2011).

<sup>48</sup> G.R. No. 252886, March 15, 2021.

information as to the manner the seized items were managed, stored, preserved or handled at the crime laboratory after it was examined and before it was delivered to the trial court for identification.

Similarly, in *People v. del Rosario*,<sup>49</sup> the Court exonerated the accused-appellant as there was no testimonial or documentary evidence on how the forensic chemist kept the seized items while it was in her custody, and in what condition the items were in until it was presented in court. The Court held that while the parties stipulated on the forensic chemist's testimony, the stipulations did not provide information regarding the condition of the seized item while in her custody or if there was no opportunity for someone not in the chain to have possession thereof.

The prosecution also cannot just rely on the saving clause provided in Section 21 of the Implementing Rules and Regulations of RA 9165. The clause requires showing of justifiable grounds for non-compliance, and that the integrity and evidentiary value of the seized items were preserved. In this case, however, the prosecution failed to offer evidence to show justifiable grounds for non-compliance. It also failed to prove that the integrity and evidentiary value of the seized items were preserved despite this lapse in the procedure.<sup>50</sup>

In sum, the integrity and evidentiary value of the *corpus delicti* have thus been compromised, necessitating the acquittal of appellant.

**WHEREFORE**, the appeal is hereby **GRANTED**. The assailed September 20, 2019 Decision rendered by the Court of Appeals in CA-G.R. CR-HC No. 11694 is **REVERSED** and **SET ASIDE**. Accused-appellant John Rafael Martinez y Tubig is **ACQUITTED** for failure of the prosecution to prove his guilt beyond reasonable doubt. He 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 is **DIRECTED** to report to this Court the action he has taken hereon within five days from receipt of this Resolution.

Let entry of judgment be issued immediately.

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<sup>49</sup> Supra note 37.

<sup>50</sup> *People v. Baluyot*, supra note 32.

**SO ORDERED.”**

By authority of the Court:



TERESITA AQUINO TUAZON  
Division Clerk of Court *18/4/4*  
14 JUNE 2022

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JOHN RAFAEL MARTINEZ y TUBIG (x)  
Accused-Appellant  
c/o The Director  
Bureau of Corrections  
1770 Muntinlupa City

THE DIRECTOR (x)  
Bureau of Corrections  
1770 Muntinlupa City

THE SUPERINTENDENT (x)  
New Bilibid Prison  
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 37  
Calamba City, Laguna  
(Crim. Case Nos. 29879-2017-C & 29880-2017-C)

JUDGMENT DIVISION (x)  
Supreme Court, Manila

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