



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated February 15, 2022 which reads as follows:

“G.R. No. 254034 (People of the Philippines, plaintiff-appellee v. Roberto Mangilit y Martin @ “Tisoy,” accused-appellant).

This is an appeal from the December 2, 2019 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-HC No. 10883 which affirmed the March 9, 2018 Decision² of the Regional Trial Court of Manila, Branch 2 (RTC) in Criminal Case Nos. 15-313542-43. The RTC found Roberto Mangilit y Martin @ “Tisoy” (*accused-appellant*) guilty beyond reasonable doubt of violation of Sections 5 and 11, Article II of Republic Act (R.A.) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

Antecedents

Accused-appellant was charged with violation of Secs. 5 and 11, Art. II of R.A. No. 9165, in two separate informations which read:

Criminal Case No. [15-313542]:

That on or about **February 26, 2015**, in the City of Manila, Philippines, the said accused, not being lawfully authorized to possess any dangerous drug, did then and there willfully, unlawfully and knowingly have in his possession and under his custody and control one (1) heat-sealed transparent plastic sachet with markings **“RMM-1” containing ZERO POINT ONE ONE**

- over – fourteen (14) pages ...

76-B

¹ *Rollo*, pp. 3-22; penned by Associate Justice Walter S. Ong, with Associate Justices Ricardo R. Rosario (now a Member of the Court) and Zenaida T. Galapate-Laguilles, concurring.

² *CA rollo*, pp. 50-57; penned by Presiding Judge Sarah Alma M. Lim.

EIGHT (0.118) GRAMS (*sic*) of white crystalline substance containing Methamphetamine hydrochloride, known as "**SHABU**", a dangerous drug.

Contrary to law.

Criminal Case No. [15-313543]:

That on or about **February 26, 2015**, in the City of Manila, Philippines, the said accused, not being then authorized by law to sell, trade, deliver or give away to another any dangerous drug, did then and there willfully, unlawfully and knowingly sell to one **PO2 FERNANDO COLOMA**, a police poseur buyer, one (1) heat-sealed transparent plastic sachet with markings "**RMM**" containing **ZERO POINT ZERO NINE EIGHT (0.098) GRAMS** (*sic*) of white crystalline substance containing methamphetamine hydrochloride, commonly known as "**SHABU**", a dangerous drug.

Contrary to law.³

During arraignment on March 20, 2015, accused-appellant pleaded not guilty to the crimes charged.⁴ Thereafter, trial on the merits ensued.

Version of the Prosecution

On February 25, 2015, a confidential informant (*CI*) went to the Sta. Ana Police Station of the Manila Police District (*MPD*) and informed Police Senior Inspector Sofonias Malacura (*PSInsp. Malacura*), Chief of MPD, Station Anti-Illegal Drugs (*SAID*), of the illegal drug activities of accused-appellant at Posadas III, Punta, Sta. Ana, Manila. According to the *CI*, accused-appellant was available to meet him between 2:30 and 3:30 in the early morning of the following day. *PSInsp. Malacura* relayed the information to Police Senior Inspector Roberto Casimiro Domingo (*PSInsp. Domingo*) who ordered the personnel of the *SAID-Special Operation Task Unit (SAID-SOTU)* to confirm the veracity of the report. After verification and coordination with the Philippine Drug Enforcement Agency (*PDEA*), a briefing was conducted among the members of the *SAID-SOTU* for the conduct of a buy-bust operation.⁵

Thereafter, a buy-bust team was formed and Police Officer II Fernando Coloma (*PO2 Coloma*) was designated as the poseur-buyer. He was given two ₱100.00 bills with serial numbers TV604849 and

- over -

76-B

³ *Rollo*, pp. 4-5.

⁴ *Id.* at 5.

⁵ *Id.* at 7-8.

FA271030, to use as buy-bust money which he then marked with his initials "FAC." It was agreed that PO2 Coloma would scratch his ear to signify the completion of the buy-bust transaction. The other members of the team would serve as backup.⁶

At about 2:45 a.m. on February 26, 2015, the buy-bust team, together with the CI, proceeded to the target location. Upon arrival thereat, PO2 Coloma and the CI proceeded towards accused-appellant's location while the rest of the team positioned themselves nearby where they could see the transaction.⁷

When the CI spotted accused-appellant approaching him and PO2 Coloma, he discreetly informed PO2 Coloma of accused-appellant's identity. The CI introduced PO2 Coloma to accused-appellant as his friend who wanted to buy *shabu*. After a short conversation, accused-appellant asked PO2 Coloma how much *shabu* he wanted to buy. PO2 Coloma replied, "*Halagang Two Hundred lang.*" Thereafter, PO2 Coloma handed to accused-appellant the buy-bust money which accused-appellant immediately accepted and put in his shorts' right front pocket. Then, from the left front pocket, accused-appellant took out one small, heat-sealed transparent plastic sachet containing white crystalline substance suspected to be *shabu* and gave it to PO2 Coloma. Upon receipt of the item, PO2 Coloma executed the pre-arranged signal. When PO2 Coloma saw the rest of the team approaching, he grabbed accused-appellant and immediately introduced himself as a police officer.⁸

Upon accused-appellant's arrest, PO2 Coloma conducted a procedural body search on him. When PO2 Coloma instructed accused-appellant to empty the contents of his pockets, he found that the latter had another plastic sachet of suspected *shabu* in his possession. Accused-appellant was then apprised of the cause and nature of his arrest, as well as his constitutional rights. Meanwhile, PO3 Oscar Vargas (*PO3 Vargas*) sought the presence of any *barangay* official in the area to assist the team in documenting the confiscated items from accused-appellant, but no *barangay* official arrived. As such, the team decided to bring accused-appellant, along with the confiscated items, to the police station for documentation and proper disposition. PO2 Coloma kept the two plastic sachets while they were on their way to the police station.⁹

- over -

76-B

⁶ Id. at 8.

⁷ Id.

⁸ Id. at 8-9.

⁹ Id. at 9.

At the police station, PO2 Coloma marked the plastic sachet of suspected *shabu* he bought from accused-appellant with the initials "RMM." He marked the other sachet of suspected *shabu* he recovered from accused-appellant with the initials "RMM-1." Thereafter, PO2 Coloma turned over accused-appellant and the confiscated plastic sachets to PO3 Roderick Magpale (*PO3 Magpale*), the investigator on duty, for proper documentation. The confiscated plastic sachets were then inventoried and photographed in the presence of accused-appellant and Robert Amoroso, a member of the MPD Press Corps.¹⁰

PO3 Magpale then delivered the seized items to the MPD Crime Laboratory Office for forensic examination. Upon receipt thereof, Forensic Chemist Police Inspector Jeffrey Abergas Reyes (*PIInsp. Reyes*) conducted a qualitative examination of the contents of the plastic sachets. In Chemistry Report No. D-164-15 dated February 26, 2015, PIInsp. Reyes confirmed that the seized sachets were positive for methamphetamine hydrochloride or *shabu*, a dangerous drug.¹¹

Version of the Defense

Accused-appellant testified that on February 26, 2015, between 10:00 and 11:00 a.m., he bought paint from a hardware in *Barangay* 904, Sta. Ana, Manila. On his way home, he met four men in civilian clothes with guns, who forced him to board their vehicle. He was hysterical because he did not want to go with them. He was brought to the police station where a certain John Taruc ordered him to call someone to settle his case in the amount of One Hundred Thousand Pesos (₱100,000.00), but he was not able to call anybody. He was detained and, after half an hour, he was taken out of the cell and was brought in front of a table with the alleged *shabu* on it.¹²

The RTC Ruling

In its March 9, 2018 Decision, the RTC found accused-appellant guilty of illegal sale and illegal possession of dangerous drugs. The *fallo* reads –

WHEREFORE, judgment is hereby rendered:

In Crim. Case No. 15-313542, finding accused Roberto Mangilit y Martin @ "Tisoy" GUILTY beyond reasonable doubt of violation of Section 11(3), Art. II, R.A. 9165 and is hereby

- over -

76-B

¹⁰ Id.

¹¹ Id. at 9-10.

¹² Id. at 10.

sentenced to suffer the indeterminate penalty of 12 years and 1 day as minimum to 17 years and 4 months as maximum, and to pay a fine of P300,000.00.

In Crim. Case No. 15-313543, finding accused Roberto Mangilit y Martin @ "Tisoy" GUILTY beyond reasonable doubt of violation of Section 5, Art. II, R.A. 9165 and is hereby sentenced to life imprisonment and to pay a fine of P500,000.00[.]

The specimens are forfeited in favor of the government and the Branch Clerk of Court, accompanied by the Branch Sheriff, is directed to turn over with dispatch and upon receipt the said specimens to the Philippine Drug Enforcement Agency (PDEA) for proper disposal in accordance with the law and rules.

SO ORDERED.¹³

The RTC held that the prosecution was able to establish the elements of both illegal sale and illegal possession of dangerous drugs under Secs. 5 and 11, Art. II of R.A. No. 9165. It explained that the prosecution was able to adequately establish an unbroken chain of custody of the seized illegal substance.

The CA Ruling

In its December 2, 2019 Decision, the CA affirmed accused-appellant's conviction. The dispositive portion of the decision reads:

The appeal is DENIED. The *Decision* dated 09 March 2018 rendered by Branch 2 of the Regional Trial Court, National Capital Judicial Region, Manila in Criminal Cases No. 15-313542 and No. 15-313543, finding appellant Roberto M. Mangilit @ "Tisoy" guilty beyond reasonable doubt of violation of Sections 11 and 5, of Article II of R.A. No. 9165, is AFFIRMED.

IT IS SO ORDERED.¹⁴

The CA sustained the RTC's findings that the prosecution was able to establish all the elements of the crimes charged. The CA opined that the straightforward testimony of PO2 Coloma clearly established that accused-appellant was caught *in flagrante delicto* selling *shabu* and was also in possession of *shabu*, during a legitimate buy-bust operation. It also held that the integrity and the evidentiary value of the seized items had been preserved despite the procedural infirmities that accompanied the process.

Hence, this appeal.

- over -

76-B

¹³ CA rollo, p. 57.

¹⁴ Rollo, p. 22.

Issues

Accused-appellant raises the following errors:

I

THE TRIAL COURT GRAVELY ERRED IN FINDING THAT THE PROCEDURE FOR THE CUSTODY AND CONTROL OF THE SEIZED PROHIBITED DRUGS WAS COMPLIED WITH.

II

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY OF THE CRIMES CHARGED DESPITE THE BROKEN CHAIN OF CUSTODY OF THE ALLEGEDLY SEIZED DRUGS.

III

THE TRIAL COURT GRAVELY ERRED IN GIVING WEIGHT AND CREDENCE TO THE UNCORROBORATED AND DUBIOUS TESTIMONY OF THE PROSECUTION WITNESS OVER THE ACCUSED-APPELLANT'S DEFENSE OF DENIAL.¹⁵

In its December 9, 2020 Resolution,¹⁶ the Court required the parties to submit their respective supplemental briefs, if they so desired. In its February 19, 2021 Manifestation and Motion,¹⁷ the Office of the Solicitor General (*OSG*) manifested that it would no longer file a supplemental brief because its Brief for the Appellee, dated February 7, 2019, had already discussed the propriety of accused-appellant's conviction. In his February 17, 2021 Manifestation in Lieu of a Supplemental Brief,¹⁸ accused-appellant averred that he would no longer file a supplemental brief considering that he had exhaustively discussed his defense in his Appellant's Brief dated October 8, 2018.

In his Appellant's Brief¹⁹ before the CA, accused-appellant assails the credibility of PO2 Coloma as his testimony was uncorroborated by any other evidence. Accused-appellant also argues that no elected *barangay* official and representative from the National Prosecution Service (*NPS*) were present during the inventory of the alleged seized items. Moreover, accused-appellant claims that the marking was not conducted immediately at the place of arrest.

- over -

76-B

¹⁵ *CA rollo*, p. 31.

¹⁶ *Rollo*, pp. 28-29.

¹⁷ *Id.* at 36-37.

¹⁸ *Id.* at 31-35.

¹⁹ *CA rollo*, pp. 29-49.

Accused-appellant likewise argues that the forensic chemist failed to testify on his turnover and submission of the seized items to the court, as well as on the precautions he undertook to preserve their integrity.

In its Appellee's Brief²⁰ before the CA, the OSG counters that the RTC decision must be affirmed because the prosecution had duly proved all the elements of illegal sale and illegal possession of dangerous drugs. The OSG argues that the testimony of PO2 Coloma was supported by documentary evidence on record. It claims that PO2 Coloma rendered a detailed and straightforward narration of the buy-bust operation. The OSG also argues that the chain of custody rule was complied with and that the police officers were able to preserve the integrity and evidentiary value of the seized items.

The Court's Ruling

The Court finds the appeal meritorious.

*Noncompliance with Sec. 21 of
R.A. No. 9165, as amended.*

To sustain a conviction for the offense of illegal sale of dangerous drugs, the necessary elements are: (1) the identity of the buyer and the seller, the object and the consideration; and (2) the delivery of the thing sold and the payment.²¹ It is essential to prove that a transaction or sale actually took place coupled with the presentation in court of evidence of the *corpus delicti*.²² The *corpus delicti* in cases involving dangerous drugs is the presentation of the dangerous drug itself and its offer as evidence.

On the other hand, to successfully prosecute a case of illegal possession of dangerous drugs, the following elements must be established: (1) the accused is in possession of an item or object which is identified to be a prohibited drug; (2) such possession is not authorized by law; and (3) the accused freely and consciously possessed the drug.²³

- over -

76-B

²⁰ Id. at 66-85.

²¹ *People v. Roble*, 663 Phil. 147, 157 (2011).

²² Id.

²³ *People v. Climaco*, 687 Phil. 593, 603 (2012).

The two separate informations here alleged that the crimes charged were committed on February 26, 2015. R.A. No. 10640,²⁴ which amended Sec. 21 of R.A. No. 9165 and became effective on August 7, 2014 is, thus, the governing law. R.A. No. 10640 requires only three witnesses to be present during the inventory and taking of photographs of the seized evidence, namely: (a) the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, (b) an elected public official, and (c) a representative of the NPS or the media. Sec. 21 of R.A. No. 9165, as amended by R.A. No. 10640 now provides:

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 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:

- over -

76-B

²⁴ 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." As the Court noted in *People v. Gutierrez* (see G.R. No. 236304, November 5, 2018, 884 SCRA 276) and *Matabilas v. People* (see G.R. No. 243615, November 11, 2019), R.A. No. 10640 was approved on July 15, 2014. Under Section 5 thereof, it shall "take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation." R.A. No. 10640 was published on July 23, 2014, in *The Philippine Star* (Vol. XXVIII, No. 359, Philippine Star Metro section, p. 21) and *Manila Bulletin* (Vol. 499, No. 23; World News section, p. 6). Thus, R.A. No. 10640 came into effect on August 7, 2014.

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.

It is of utmost importance that the integrity and identity of the seized drugs must be clearly shown to have been duly preserved with moral certainty.²⁵ “This means that on top of the elements of possession or illegal sale, the fact that the substance illegally sold or possessed is, in the first instance, the very substance adduced in court must likewise be established with the same exacting degree of certitude as that required in sustaining a conviction.” The chain of custody rule performs this function as it ensures that any unnecessary doubts concerning the identity of the evidence are removed.²⁶

As part of the chain of custody procedure, the law requires that the marking, physical inventory, and photography of the seized items be conducted immediately after seizure and confiscation of the same.²⁷ The law further requires that the said inventory and photography be done in the presence of the accused or the person from whom the items were seized, or his representative or counsel, as well as certain required witnesses, namely: an elected public official, **and** a representative of the NPS²⁸ **or** the media.²⁹ 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.”³⁰

In this case, it is clear from the testimony of PO2 Coloma that only the representative from the local media was present at the time of the physical inventory of the evidence seized from accused-appellant. He also confirmed the absence of an elected public official.

- over -

76-B

²⁵ *People v. Arellaga*, G.R. No. 231796, August 24, 2020.

²⁶ *Id.*

²⁷ *Matabilas v. People*, supra note 24.

²⁸ Which falls under the DOJ. (See Section 1 of Presidential Decree No. 1275, entitled “REORGANIZING THE PROSECUTION STAFF OF THE DEPARTMENT OF JUSTICE AND THE OFFICES OF THE PROVINCIAL AND CITY FISCALS, REGIONALIZING THE PROSECUTION SERVICE, AND CREATING THE NATIONAL PROSECUTION SERVICE” [April 11, 1978] and Section 3 of R.A. No. 10071, entitled “AN ACT STRENGTHENING AND RATIONALIZING THE NATIONAL PROSECUTION SERVICE,” otherwise known as the “PROSECUTION SERVICE ACT OF 2010” [lapsed into law on April 8, 2010]).

²⁹ See Section 21, Article II of R.A. No. 9165, as amended by R.A. No. 10640.

³⁰ *Matabilas v. People*, supra note 24.

The absence of the required witnesses does not *per se* render the confiscated items inadmissible. However, a justifiable reason for such absence or a showing of any genuine and sufficient effort to secure the required witnesses must be adduced.³¹ In the absence of the witnesses required by law during the physical inventory and photographing of the seized items, the Court emphasized in *People v. Lim*³² that —

It must be alleged and proved that the presence of the three witnesses [now two witnesses under R.A. No. 10640] to the physical inventory and photograph of the illegal drug seized was not obtained due to reason/s such as:

(1) their attendance was impossible because the place of arrest was a remote area; (2) their safety during the inventory and photograph of the seized drugs was threatened by an immediate retaliatory action of the accused or any person/s acting for and in his/her behalf; (3) the elected official themselves were involved in the punishable acts sought to be apprehended; (4) earnest efforts to secure the presence of a DOJ or media representative and an elected public official within the period required under Article 125 of the Revised Penal Code proved futile through no fault of the arresting officers, who face the threat of being charged with arbitrary detention; or (5) time constraints and urgency of the anti-drug operations, which often rely on tips of confidential assets, prevented the law enforcers from obtaining the presence of the required witnesses even before the offenders could escape.³³

In this case, the prosecution offered no sufficient justification as to the absence of an elected public official.

Moreover, the certificate of inventory that was produced by the prosecution was irregularly executed. Sec. 21 of R.A. No. 9165, as amended by R.A. No. 10640, requires that the copies of the inventory be signed by the following persons: the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, any elected public official, and a representative from the media or the NPS.

- over -

76-B

³¹ *People v. Baptista*, G.R. No. 225783, August 20, 2018, 878 SCRA 124, 138.

³² G.R. No. 231989, September 4, 2018, 879 SCRA 31.

³³ *Id.* at 61-62.

The receipt/inventory of item/s or property seized itself reveals that the document was not signed by accused-appellant or by his counsel or representative. PO2 Coloma even admitted that there was no signature of the accused in the inventory. Moreover, the prosecution did not provide any explanation whatsoever as to why accused-appellant was not able to sign the inventory.

The integrity and evidentiary value of the seized items were not duly preserved.

In *People v. Plaza*,³⁴ the Court restated the links in the chain of custody of drugs seized in a buy-bust situation that the prosecution must establish, as follows: *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.

First Link

According to the prosecution, PO2 Coloma only marked the two subject plastic sachets after he had brought them to the police station. The marking of the seized items was not conducted immediately after seizure and confiscation. Thus, while the seized items remained in PO2 Coloma's custody during transport, the fact that they stayed unmarked during the entire trip exposed the same to factors that would endanger its integrity.

The prosecution bears the burden of proving a valid cause for noncompliance with the procedure laid down in Sec. 21 of R.A. No. 9165, as amended. It has the positive duty to demonstrate observance thereto in such a way that during the trial proceedings, it must initiate in acknowledging and justifying any perceived deviations from the requirements of law. Its failure to follow the mandated procedure must be adequately explained, and must be proven as a fact in accordance with the rules on evidence. It should take note that the rules require that the apprehending officers do not simply mention a

- over -

76-B

³⁴ G.R. No. 235467, August 20, 2018, 878 SCRA 231.

justifiable ground, but also clearly state this ground in their sworn affidavit, coupled with a statement on the steps they took to preserve the integrity of the seized items. Strict adherence to Sec. 21 is required where the quantity of illegal drugs seized is miniscule, since it is highly susceptible to planting, tampering or alteration of evidence.³⁵

Here, the only justification offered by PO2 Coloma is that there were too many people around the area. To the Court, this is insufficient justification, there being no indication of any imminent threat to the safety and security of the apprehending officers.

In *People v. Dumanjug*,³⁶ the Court rejected the buy-bust team's argument that it failed to conduct the marking, inventory, and photography of the seized drug immediately at the place of arrest because a crowd of two hundred (200) people had gathered, creating a dangerous environment. Clearly, bare invocation of inconvenience does not translate to compliance with the chain of custody rule.³⁷

Fourth Link

The fourth link refers to the turnover and submission of the dangerous drug from the forensic chemist to the court.³⁸ In drug-related cases, it is of paramount necessity that the forensic chemist testify as to details pertinent 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 specimen; and the container it was in, as the case may be.³⁹ Further, the forensic chemist must also identify the name and method of analysis used in determining the chemical composition of the subject specimens.⁴⁰

In this case, PInsp. Reyes did not testify in court, and the parties merely entered into general stipulations on his testimony. However, the stipulations are bereft of information regarding the condition of the seized items while in his custody and the precautions he had undertaken to preserve their integrity.

- over -

76-B

³⁵ *Id.* at 257-258.

³⁶ G.R. No. 235468, July 1, 2019, 907 SCRA 89, as cited in *People v. Andanar*, G.R. No. 246284, June 16, 2021.

³⁷ *People v. Andanar*, *id.*

³⁸ *People v. Nocum*, G.R. No. 239905, January 20, 2021.

³⁹ *Id.*

⁴⁰ Dangerous Drugs Board Regulation No. 1 (2002): Guidelines on the Custody and Disposition of Seized Dangerous Drugs, Controlled Precursors and Essential Chemicals, and Laboratory Equipment.

Absent any testimony regarding the management, storage, and preservation of the illegal drugs allegedly seized herein after their qualitative examination, the fourth link in the chain of custody of the seized items could not be deemed established with moral certainty.⁴¹ This casts serious doubts on the identity and the integrity of the *corpus delicti*. In *People v. Dahil*,⁴² the Court acquitted accused-appellant in view of the absence of the testimony of the forensic chemist on how she handled the dangerous drug submitted to her for laboratory examination, to wit:

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. No testimonial or documentary evidence was given whatsoever as to how the drugs were kept while in the custody of the forensic chemist until it was transferred to the court. The forensic chemist should have personally testified on the safekeeping of the drugs but the parties resorted to a general stipulation of her testimony. Although several [subpoenas] were sent to the forensic chemist, only a brown envelope containing the seized drugs arrived in court. Sadly, instead of focusing on the essential links in the chain of custody, the prosecutor propounded questions concerning the location of the misplaced marked money, which was not even indispensable in the criminal case.⁴³

These gaps in the chain of custody links cast doubt on the integrity and evidentiary value of the seized evidence, thereby warranting accused-appellant's acquittal based on reasonable doubt.

WHEREFORE, the appeal is **GRANTED**. The Decision dated December 2, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 10883, which affirmed the Decision dated March 9, 2018 of the Regional Trial Court of Manila, Branch 2 in Criminal Case Nos. 15-313542-43, finding accused-appellant Roberto Mangilit y Martin @ "Tisoy" guilty of violation of Sections 5 and 11, Article II of Republic Act No. 9165, is **REVERSED** and **SET ASIDE**. Accused-appellant is hereby **ACQUITTED** for failure of the prosecution to prove his guilt beyond reasonable doubt.

The Director General of the Bureau of Corrections, Muntinlupa City is **ORDERED** to **IMMEDIATELY RELEASE** accused-appellant from detention, unless he is being lawfully held in custody for some other reason, and to **INFORM** this Court of his action hereon within five (5) days from receipt of this Resolution.

- over -

76-B

⁴¹ *People v. Ubungen*, 836 Phil. 888, 898 (2018).

⁴² 750 Phil. 212 (2015).


⁴³ *Id.* at 237-238.

Let entry of judgment be issued immediately.

The letter dated January 21, 2021 of CTSSupt. Albert C. Manalo, LLB, Officer-in-Charge, Inmate Documents and Processing Division, New Bilibid Prison, Muntinlupa City, in compliance with the Resolution dated December 9, 2020, stating that the accused-appellant was received for confinement at New Bilibid prison, Muntinlupa City, on May 10, 2018, is **NOTED**.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *411*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
76-B

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

Court of Appeals (x)
Manila
(CA-G.R. CR HC No. 10883)

The Hon. Presiding Judge
Regional Trial Court, Branch 2
1000 Manila
(Crim. Case Nos. 15-313542
& 15-313543)

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-7-1-SC)

PUBLIC ATTORNEY'S OFFICE
Special and Appealed Cases Service
Counsel for Accused-Appellant
DOJ Agencies Building
Diliman, 1101 Quezon City

Philippine Judicial Academy (x)
Supreme Court

Mr. Roberto M. Mangilit @ "Tisoy" (x)
Accused-Appellant
c/o The Director General
Bureau of Corrections
1770 Muntinlupa City

Judgment Division (x)
Supreme Court

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

UR

NBF

PN