



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 30 March 2022 which reads as follows:

“G.R. No. 254180 (*People of the Philippines vs. Guillermo Medina y Jacalne @ Jayjay*.) — This resolves the appeal¹ filed by defendant-appellant Guillermo Medina y Jacalne (appellant) assailing the Decision² dated 29 August 2019 rendered by the Court of Appeals (CA) in CA-G.R. CR HC No. 11342. The CA affirmed the Decision³ dated 03 April 2018 of Branch 36, Regional Trial Court (RTC) of Calamba City, Laguna in Criminal Case Nos. 28512-2017-C to 28513-2017-C, convicting appellant for violation of Sections 5 and 11, Article II of Republic Act No. (RA) 9165.⁴

Antecedents

Two (2) separate Informations for violation of Sections 5 and 11, Article II of RA 915 were filed against appellant, the accusatory portions of which state:

Criminal Case No. 28512-2017-C (Section 5)

That on or about 14th day of December 2016, in Purok 4, Barangay Pansol, Calamba City, Laguna, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously sell and deliver one (1) pc. That heat-sealed transparent plastic sachet with markings A-(12-14-16 BB-GJM) containing a total of 0.08 grams of Methamphetamine hydrochloride (Shaba), a dangerous drug without the corresponding authority of the law.

CONTRARY TO LAW.

¹ *Rollo*, pp. 33-34; see Notice of Appeal, 11 September 2019.

² *Id.* at 4-32; penned by Associate Justice Rafael Antonnio Santos and concurred in by Associate Justices Manuel M. Barrios and Walter S. Ong of the Special Seventeenth (17th) Division, Court of Appeals, Manila.

³ *CA rollo*, pp. 42-49; penned by Presiding Judge Glenda R. Mendoza-Ramos.

⁴ 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 on 23 January 2002.

Criminal Case No. 28513-2017-C (Section 11)

That on or about 14th day of December 2016, in Purok 4 Barangay Pansol, Calamba City, Laguna, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously possess eight (8) pcs, heat sealed transparent plastic sachet each containing white crystalline substance with the following markings and net weights. B-("GJM-1") -0.08 grams; C-("GJM-2") -0.08 grams; D-("GJM-3") -0.05 grams; E-("GJM-4") -0.10 grams; F-("GJM-5") -.08 grams; G-("GJM-6") -0.02 grams; H-("GJM-7") -0.03 grams; I-("GJM-8") -1.82 grams; of Methamphetamin hydrochloride (Shaby), a dangerous drug without the corresponding authority of law.

CONTRARY TO LAW.⁵

Appellant pleaded "not guilty" to the charge, and after termination of the pre-trial, trial on the merits ensued.⁶

Version of the Prosecution

Based on an information relayed by a confidential agent (agent) that appellant was incessantly peddling *shabu*, a dangerous drug, at Purok 4, Barangay Pansol, Calamba City, Laguna, a buy-bust team was immediately formed. Police Officer 1 Edgar Lacerna (PO1 Lacerna) was designated as poseur-buyer for the buy-bust team.⁷

At around 6:30 P.M. on 14 December 2016, the buy-bust team proceeded to the target area where they met up with the agent. Thereafter, the agent, along with PO1 Lacerna, met appellant outside his house. The agent introduced PO1 Lacerna as an interested buyer of *shabu*. When asked how much he would purchase, PO1 Lacerna answered Five Hundred Pesos' worth, after which, appellant handed him a small plastic sachet containing what was suspected to be *shabu*. PO1 Lacerna then executed the pre-arranged signal, prompting the rest of the buy-bust team to respond and effect the arrest of appellant.⁸

PO1 Lacerna conducted a preventive search and recovered the buy-bust money from appellant. Also confiscated from appellant's possession was a green steel box with seven (7) small plastic sachets and one (1) medium plastic sachets, all suspected to contain *shabu*. PO1 Lacerna marked

⁵ CA rollo, p. 42.

⁶ Id. at 43.

⁷ Id. at 44.

⁸ Id.

the seized items on-site.⁹ Photographs of the seized items were taken but only *Barangay* Councilor Albert Luar witnessed the inventory at the *Barangay* Hall. PO1 Lacerna attributed this to the non-appearance of the media and Department of Justice (DOJ) representatives after waiting for them for an hour. Moreover, PO1 Lacerna claimed that they could no longer wait for the other witnesses to arrive as the relatives of appellant allegedly stormed the area. To avoid a commotion, they went to the police station¹⁰ for investigation where the seized specimen were turned over to the investigator for the preparation of the request for laboratory examination. The seized specimen were then brought by PO1 Lacerna to the Regional Crime Laboratory where Forensic Chemist Lalaine Ong Rodrigo (Rodrigo) conducted qualitative examination on the seized specimen. All the plastic sachets yielded positive for the presence of methamphetamine hydrochloride, otherwise known as *shabu*.¹¹

Version of the Defense

The defense presented appellant as lone witness who claimed that on 14 December 2016 as he was riding his motorcycle on the way home from work, three (3) armed men approached and accosted him. According to appellant, he was made to sprawl on the ground while one of the men stepped on his face as he was being handcuffed. He was then brought to his aunt's house where a man pulled out plastic sachets from his pocket to lay on the table. Photographs were then taken. After a while, policemen came with a *Barangay* Councilor in tow and he was brought to the police station where he was detained.¹²

Ruling of the RTC

By Decision dated 03 April 2018, the RTC found appellant guilty beyond reasonable doubt of violating Sections 5 and 11, Article II of RA 9165. According to the CA, the chain of custody remained unbroken notwithstanding the supposed irregularities raised by the defense.¹³

The dispositive portion the RTC's Decision reads:

WHEREFORE, guided by the foregoing mandates of Republic Act 9165, and the prosecution's evidence having established the guilt of

⁹ Id.

¹⁰ *Rollo*, p. 27.

¹¹ *CA rollo*, p. 43.

¹² Id. at 45-46.

¹³ Id. at 48-49.

accused GUILLERMO MEDINA Y JACALNE @ JAYJAY beyond reasonable doubt in Criminal Case No. 28512-2017-C, the Court hereby sentences accused MEDINA to suffer the penalty of LIFE IMPRISONMENT and a fine of FIVE HUNDRED THOUSAND PESOS (Php500,000.00) with subsidiary imprisonment in case of insolvency.

In Criminal Case No. 28513-2017-C, the court also finds accused MEDINA GUILTY beyond reasonable doubt of Violation of Section 11 of Republic Act 9165; thus, the Court sentences him to suffer imprisonment of TWELVE (12) YEARS and ONE (1) DAY to FIFTEEN (15) YEARS and to pay the fine of THREE HUNDREED THOUSAND PESOS (Php300,000.00) with subsidiary imprisonment in case of insolvency.

Let the confiscated *methamphetamine hydrochloride* (shabu) subject of this case be turned over to Region IV-A, Philippine Drug Enforcement Agency, Camp Vicente Lim, Canlubang, Calamba City for destruction in accordance with law.

SO ORDERED.¹⁴

Ruling of the CA

On appeal, the CA affirmed the findings of the RTC. It found that the prosecution was able to prove that there was sufficient compliance with the guidelines set forth in Section 21, Article II of RA 9165. Moreover, the police officers are presumed to have regularly performed their duties. Nonetheless, the CA modified the RTC's Decision by deleting the subsidiary imprisonment considering that the penalty of imprisonment meted against appellant was higher than *prision correccional*, or for more than six (6) years.¹⁵

The decretal portion of the CA's Decision dated 29 August 2019 provides:

WHEREFORE, the appeal is **DENIED** for lack of merit. The Decision datged 3 April 2018 of Branch 36 of the Regional Trial Court of Calamba City, Fourth Judicial Region, convicting Guillermo Medina y Jacalne for violations of Sections 5 and 11, Article II, Republic Act No. 9165 is hereby **AFFIRMED**, but the imposition of subsidiary imprisonment in case of accused-appellant's insolvency to pay fines is deleted.

SO ORDERED.¹⁶

¹⁴ Id.

¹⁵ Article 39, Revised Penal Code.

¹⁶ *Rollo*, p. 31.

Hence, the instant appeal.¹⁷

Issue

The sole issue for consideration of the Court is whether or not the CA committed reversible error in affirming the conviction of appellant for violation of Sections 5 and 11, Article II of RA 9165.

Ruling of the Court

We GRANT the appeal.

In cases of Illegal Sale and Illegal Possession of Drugs under RA 9165, it is essential that the identity of the dangerous drug be established with moral certainty, considering that the dangerous drug itself forms an integral part of the *corpus delicti* of the crime. Failing to prove the integrity of the *corpus delicti* renders the evidence for the State insufficient to prove the guilt of the accused beyond reasonable doubt and, hence, warrants an acquittal.¹⁸

As part of the chain of custody procedure, the apprehending team is mandated, immediately after seizure and confiscation, to conduct a physical inventory and photography of the seized items 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: (a) if prior to the amendment of RA 9165 by RA 10640,¹⁹ “a representative from the media and the DOJ, and any elected public official”; or (b) if after the amendment of RA 9165 by RA 10640, “[a]n elected public official and a representative of the National Prosecution Service or the media.” The presence of these witnesses safeguards “the establishment of the chain of custody and remove[s] any suspicion of switching, planting, or contamination of evidence.”²⁰

In illegal drugs cases, the drugs seized from the accused constitute the *corpus delicti* of the offense. Thus, it is of utmost importance that the

¹⁷ Id. at 33.

¹⁸ See *Lindongan v. People*, UDK-16615, 15 February 2021; See also *Saban v. People*, G.R. No. 253812, 28 June 2021.

¹⁹ Entitled “An Act to Further Strengthen then 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 15 July 2014.

²⁰ *Fernandez v. People*, G.R. No. 254320, 05 July 2021, citing *People v. Mendoza*, 736 Phil. 749, 764 (2014).

integrity and identity of the seized drugs must be clearly shown to have been duly preserved with moral certainty.²¹

In this case, while the prosecution tried to establish the identity of appellant as the perpetrator of the offenses of illegal sale and illegal possession of *shabu*, it nonetheless failed to show that the safeguards under RA 9165, as amended by RA 10640 which is applicable at the alleged commission of the offenses, were complied with. Here, only one of the two required insulating witnesses were present during the inventory and photography of the seized items. Only the barangay councilor was present thereat. The failure to comply with witness requirement produces a gap in the chain of custody of the seized items that adversely affects the integrity and evidentiary value of the seized items. This raises doubts that the integrity of the seized items may have been compromised.²²

The Court has consistently held that non-compliance may be permitted if the prosecution proves that the apprehending officers exerted genuine and sufficient efforts to secure the presence of such witnesses, albeit they eventually failed to appear. While the earnestness of these efforts must be examined on a case-to-case basis, the overarching objective is for the Court to be convinced that the failure to comply was reasonable under the given circumstances. Thus, mere statements of unavailability, absent actual serious attempts to contact the required witnesses, are unacceptable as justified grounds for non-compliance.²³

The breach committed in this case was not sufficiently justified. Nor was it shown that there was indeed a genuine and earnest effort to secure the presence of either a representative from the media or the DOJ. The attempt to justify this lapse by claiming that none of the said witnesses appeared after an hour of waiting hardly suffices. To stress, a buy-bust operation is a planned activity. Thus, the failure to follow the mandated procedure must be adequately explained and must be proven as a fact in accordance with the rules on evidence.²⁴ This is all the more relevant considering that per admission of PO1 Lacerna, they even conducted a pre-operation surveillance on appellant for five (5) days.²⁵ Yet, they were unable to secure not only the presence of all the required witnesses in advance, but likewise the security in the place of arrest and at the Barangay Hall. It is noted that the prosecution

²¹ *People v. Arellaga*, G.R. No. 231796.

²² See *People v. Baluyot*, G.R. No. 243390, 05 October 2020, citing *People v. Addin*, G.R. No. 223682, 09 October 2019.

²³ *Pinga v. People*, G.R. No. 245368, 21 June 2021, citing *People v. Gamboa*, 867 Phil. 548, 569 (2018) and *People v. Umipang*, 686 Phil. 1024, 1053 (2012).

²⁴ *People v. Sanico*, G.R. No. 240431, 07 July 2020, citing *People v. Saragena*, 817 Phil. 117 (2017).

²⁵ *CA rollo*, p. 45.

also claimed as reason the presence of appellant's relatives during the inventory at the Barangay Hall which made them unable to wait for a longer time for the representatives from the media or the DOJ to arrive.

Considering the substantial gap in the chain of custody, there arises a doubt as to the integrity and evidentiary value of the seized drugs. Any *indicia* of doubt in the evidence of the prosecution that puts into question the fundamental principles of credibility and integrity of the *corpus delicti* makes an acquittal a matter of course.²⁶

WHEREFORE, premises considered, the instant appeal is **GRANTED**. The Decision dated 29 August 2019 rendered by the Court of Appeals in CA-G.R. CR HC No. 11342 is **REVERSED** and **SET ASIDE**. Accordingly, appellant Guillermo Medina y Jacalne @ Jayjay, is **ACQUITTED** based on reasonable doubt, and is **ORDERED IMMEDIATELY RELEASED** from detention, unless he is being lawfully held for another cause. Let entry of final judgment be issued immediately.

Let a copy of this Resolution be furnished the Director General of the Bureau of Corrections, Muntinlupa City, for immediate implementation. The said Director General is **ORDERED** to **REPORT** to this Court, within five (5) days from receipt of this Resolution, the action undertaken.

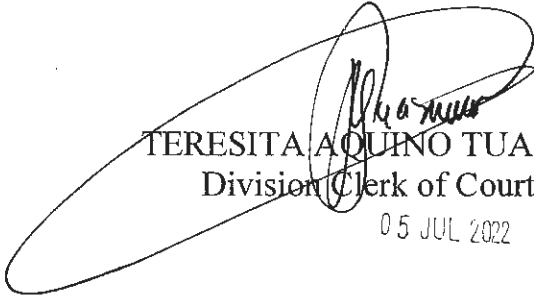
Moreover, the Court **NOTES**:

1. The manifestation in lieu of supplemental brief dated 02 March 2022 of counsel for appellant in compliance with the Resolution dated 01 February 2021, adopting the brief filed before the Court of Appeals as appellant's supplemental brief, as the same had adequately discussed all the matters pertinent to his defense; and
2. The letter dated 03 March 2022 of CSupt. Jayferson G. Bon-as, Acting Superintendent, New Bilibid Prison-Maximum Security Compound, Muntinlupa City in compliance with the Resolution dated 29 November 2021, confirming the confinement of appellant in the said institution on 25 April 2018.

SO ORDERED."

²⁶ *Reyes v. People*, G.R. No. 226053, 13 March 2019.

By authority of the Court:


 TERESITA AQUINO TUAZON
 Division Clerk of Court
 05 JUL 2022

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HON. PRESIDING JUDGE (reg)
 Regional Trial Court, Branch 36
 Calamba City, Laguna
 (Crim. Case Nos. 28512-2017-C to 28513-2017-C)

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*For this resolution only
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