



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. 254383 – *People of the Philippines v. William Baltazar y Bacani*

We acquit.

Appellant William Baltazar y Bacani was charged with violation of Section 5, Article II of Republic Act No. 9165 (RA 9165) committed on July 5, 2016. The applicable law is RA 9165, as amended by Republic Act No. 10640 (RA 10640), which took effect on August 7, 2014. Section 21 thereof reads:

SEC. 21. *Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/ Paraphernalia and/or Laboratory Equipment.* — The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

- (1) The apprehending team having initial custody and control of the dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment shall, immediately after seizure and confiscation, conduct a physical inventory of the seized items and photograph the same in the presence of the accused or the persons from whom such items were confiscated and/or seized, or his/her representative or

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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 long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures and custody over said items. (Emphasis supplied).

In illegal drugs cases, the drug itself constitutes the *corpus delicti* of the offense. The prosecution is, therefore, tasked to establish that the substance illegally possessed by the accused is the same substance presented in court.¹ The chain of evidence is constructed by proper exhibit handling, storage, labelling, and recording, and must exist from the time the evidence is found until the time it is offered in evidence.²

To ensure the integrity of the seized drug item, the prosecution must account for each link in its chain of custody: **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.³

We focus on the fourth link.

The **fourth link** involves the submission of the seized drugs by the forensic chemist to the court when presented as evidence in the criminal case.⁴ In drug related cases, it is of paramount necessity that

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¹ See *People v. Barte*, 806 Phil. 533, 542 (2017).

² *People v. Balibay*, 742 Phil. 746, 756 (2014).

³ *People v. Tolentino*, G.R. No. 251020 (Notice), February 3, 2021.

⁴ See *People v. Bangcola*, G.R. No. 237802, March 18, 2019, 897 SCRA 330, 354.

the forensic chemist testifies 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. Further, the forensic chemist must also identify the name and method of analysis used in determining the chemical composition of the subject specimen.⁵

Here, nothing in the records show how the seized drug was handled or stored from the time it was turned over to the laboratory up to its presentation in court. Notably, the parties agreed to dispense with the testimony of Forensic Chemist Police Chief Inspector Myrna Malojo Todeño (PCI Todeño) and instead stipulated that she received the subject specimens from PO2 Jo Eleczar P. Malicden (PO2 Malicden). She tested the specimen and found it positive for methamphetamine hydrochloride, a dangerous drug. They also stipulated that she reduced her findings in Chemistry Report No. D-470-2016L.

*People v. Miranda*⁶ citing *People v. Cabuhay*⁷ ordained that the parties' stipulation to dispense with the testimony of the forensic chemist should include:

x x x (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 with pending trial.⁸

Here, the parties' stipulation to dispense with the testimony of the Forensic Chemist PCI Todeño did not contain the vital pieces of information required, *i.e.*, she received the seized drugs as marked, properly sealed, and intact; she resealed the drug items after examination of the content; and, she placed her own marking on the drug items. Too, there was no showing who had custody of the drug after the same was examined and how it was brought to the court as evidence. Indeed, absent any testimony regarding the management, storage, and preservation of the illegal drug allegedly seized herein after its qualitative examination, the fourth link in the chain of custody of the said illegal drug could not be reasonably established.⁹

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⁵ *Largo v. People*, G.R. No. 201293, June 19, 2019, 905 SCRA 1, 18.

⁶ G.R. No. 218126, July 10, 2019, 908 SCRA 310, 332.

⁷ 836 Phil. 903 (2018).

⁸ *Id.* at 918.

⁹ *People v. Miranda*, supra note 6.

In *People v. Baltazar*,¹⁰ the accused was acquitted of illegal sale of dangerous drugs because the records are bereft of any evidence as to how the illegal drugs were brought to court. In that case, there was likewise no evidence how the alleged seized item was stored after it was examined by the forensic chemist, who handled the specimen after examination, and where the same was kept until it was retrieved and presented in court.

In light of the prosecution's failure to establish with moral certainty the identity and the unbroken chain of custody of the dangerous drugs seized from appellant, a verdict of acquittal is in order.¹¹

WHEREFORE, the appeal is **GRANTED**. The Decision dated March 12, 2020 of the Court of Appeals in CA-G.R. CR-HC No. 11946 is **REVERSED** and **SET ASIDE**.

Appellant William Baltazar y Bacani is **ACQUITTED** in Criminal Case No. SCC-8776. The Director General of the Bureau of Corrections, Muntinlupa City is ordered to a) immediately release him from custody unless he is being held for some other lawful cause, and b) submit his report on the action taken within five (5) days from notice. Let entry of final judgment be issued immediately.

SO ORDERED."

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court
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by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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¹⁰ See G.R. No. 229037, July 29, 2019, 911 SCRA 199, 215.

¹¹ *People v. Villojan, Jr.*, G.R. No. 239635, July 22, 2019, 910 SCRA 58, 79.



The Solicitor General
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Court of Appeals (x)
Manila
(CA-G.R. CR HC No. 11946)

The Hon. Presiding Judge
Regional Trial Court, Branch 57
San Carlos City, 2420 Pangasinan
(Crim. Case No. SCC-8776)

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