



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated March 23, 2022, which reads as follows:*

**“G.R. No. 254421 (*People of the Philippines, plaintiff-appellee v. Vilma Matias y Oranis, accused-appellant*).** – This appeal assails the Decision<sup>1</sup> dated December 19, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 09799 which affirmed the conviction of appellant Vilma Matias y Oranis for violation of Section 5, Article II of Republic Act No. 9165 (RA 9165).<sup>2</sup>

**The Proceedings Before the Trial Court**

**Charge and Plea**

By Information dated March 23, 2015, appellant and accused Hernald Bermillo (Bermillo) were charged as follows:

That on or about March 21, 2015 at around [5:35 in the afternoon], in the Municipality of Camiling, Province of Tarlac, Philippines and within the jurisdiction of this Honorable Court, the above-named accused conspiring, confederating and mutually aiding one another did then and there willfully, unlawfully and criminally, without being authorized by law, sell, trade and deliver one (1) piece heat-sealed transparent plastic sachet containing Methamphetamine Hydrochloride known as Shabu, a dangerous drug, weighing 0.050 gram.

CONTRARY TO LAW.<sup>3</sup>

On arraignment, both appellant and Bermillo pleaded not guilty. Trial ensued.

<sup>1</sup> Penned by Associate Justice Louis P. Acosta and concurred in by Associate Justices Ramon M. Bato, Jr. and Nina G. Antonio-Valenzuela, *rollo*, pp. 4–21.

<sup>2</sup> The “Comprehensive Dangerous Drugs Act of 2022.”

<sup>3</sup> *Id.* at 5–6.

The prosecution presented Police Officer 3 Mark Anthony Alviar (PO3 Alviar), PO3 Tirso Navero (PO3 Navero), and Barangay Captain Renato De Mayo (Barangay Captain De Mayo) as witnesses, while appellant and Bermillo testified for the defense.

### Prosecution's Version

On March 21, 2015, around 5 o'clock in the afternoon, a confidential informant reported to Police Senior Inspector Manolito Salvador Jandoc (PSI Jandoc), Deputy Chief of Police, Camiling, Tarlac that appellant was selling illegal drugs in Barangay Caarosipan-Palimbo, Camiling, Tarlac. Based on this information, PSI Jandoc organized a buy-bust operation against appellant. PO3 Alviar was assigned as poseur-buyer, while the rest of the team composed of SPO1 Librado Calma (SPO1 Calma), PO3 Navero, PO3 Nestor Agustin, Jr. (PO3 Agustin), PO2 Alexander Juan, and PO1 Abel Corpuz (PO1 Corpuz), were tasked as back-up members. PO3 Alviar was given the buy-bust money of ₱500.00.<sup>4</sup>

At 5:30 in the afternoon of that same day, the team and the confidential informant proceeded to Barangay Caarosipan-Palimbo, Camiling, Tarlac. There, PO3 Alviar and the confidential informant approached appellant and Bermillo who were on board a motorcycle. The confidential informant introduced PO3 Alviar to appellant as his friend who was interested in buying *shabu*. PO3 Alviar then handed the buy-bust money to appellant who, in turn, took out a plastic sachet containing white crystalline substance and gave it to PO3 Alviar. After the latter had inspected the contents of the plastic sachet, he raised his left hand to signal the other team members that the sale had been consummated.<sup>5</sup>

Once the rest of the team had closed in, PO3 Alviar arrested appellant. PO3 Navero and PO3 Agustin, on the other hand, arrested Bermillo. While still at the scene of the crime, PO3 Alviar marked the plastic sachet he got from appellant with "VM." PO3 Alviar also conducted an inventory of the seized items in the presence of Barangay Captain De Mayo and media representative Billy Nuqui. Pictures were taken during the marking and inventory.<sup>6</sup>

The team returned to the police station where requests for laboratory examination and other documents were prepared. PO3 Alviar retained possession of the seized plastic sachet the whole time. Thereafter, PO3

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<sup>4</sup> CA *rollo*, p. 55.

<sup>5</sup> Id.

<sup>6</sup> Id.

Alviar brought the seized items to the crime laboratory for examination. Forensic Chemist Police Senior Inspector Angelito Angel (PSI Angel) received the specimens and conducted a qualitative test thereon.<sup>7</sup>

Both the defense and the prosecution stipulated on the fact that PSI Angel received the subject specimens from PO3 Alviar. He tested the specimens and found them positive for *methamphetamine hydrochloride*, a dangerous drug. They also stipulated that he reduced his findings in Chemistry Report No. 089-15 Tarlac.<sup>8</sup>

### Defense's Version

Appellant, on the other hand, countered that on March 21, 2015, she and Bermillo were on their way home on board a motorcycle when someone suddenly shouted "*Bermillo, itabi mo yung motor mo.*" When they stopped and parked their motorcycle at the side of the highway, PO1 Corpuz ordered them to alight therefrom and proceeded to search their vehicle. PO1 Corpuz showed them a plastic sachet which he claimed was found inside the motorcycle. PO1 Corpuz left them with SPO1 Calma. After 30 minutes, PO1 Corpuz returned and had with him another plastic sachet and marked money. PO1 Corpuz made them point to the plastic sachets and marked money as pictures were taken. They were also made to sign a blank paper in the presence of Barangay Captain De Mayo, and thereafter brought to the Camiling Police Station.<sup>9</sup>

Bermillo corroborated appellant's testimony.<sup>10</sup>

### The Ruling of the Trial Court

By Decision<sup>11</sup> dated July 28, 2017, the trial court rendered a verdict of conviction, thus:

WHEREFORE, judgment is hereby rendered finding accused Vilma Matias y Oranis guilty beyond reasonable doubt for violation of Section 5, Article II of Republic Act No. 9165 and sentences her to a [I]ife imprisonment and to pay a Fine of Php500,000.00.

The other accused Hernald Bermillo is however acquitted [for] the crime charged based on reasonable doubt.

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<sup>7</sup> Id. at 55-56.

<sup>8</sup> Record, pp. 36-37.

<sup>9</sup> CA *rollo*, pp. 56-57.

<sup>10</sup> Id. at 57.

<sup>11</sup> Id. at 54-60.

X X X X

SO ORDERED.<sup>12</sup>

The trial court gave full credence to the testimony of the prosecution witnesses police officers who were performing their official functions. It found the chain of custody to have been duly established and, thus, rejected appellant's defense of denial.

It, however, acquitted Bermillo for failure of the prosecution to prove his guilt beyond reasonable doubt.

### **The Proceedings Before the Court of Appeals**

On appeal, appellant faulted the trial court for rendering a verdict of conviction despite the prosecution's alleged failure to prove the elements of illegal sale of dangerous drugs. She argued that the confidential informant was not presented to prove the material details of the buy-bust operation. She also maintained that her guilt was not proven because the chain of custody was not complied with.<sup>13</sup>

The People, through the Office of the Solicitor General (OSG), riposted, in the main: the prosecution had proven all the elements of illegal sale of dangerous drugs. Too, the prosecution established the continuous whereabouts of the seized drug from the time it was recovered from appellant until it was tested and later presented to the court as evidence.<sup>14</sup>

### **The Ruling of the Court of Appeals**

In its assailed Decision<sup>15</sup> dated December 19, 2019, the Court of Appeals affirmed.

### **The Present Appeal**

Appellant now prays anew for her acquittal. For the purpose of this appeal, the OSG<sup>16</sup> and appellant<sup>17</sup> both manifested that in lieu of supplemental briefs, they were adopting their respective briefs in the Court of Appeals.

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<sup>12</sup> Id. at 60.

<sup>13</sup> Id. at 43-51.

<sup>14</sup> Id. at 89-98.

<sup>15</sup> *Rollo*, pp. 4-21.

<sup>16</sup> Id. at 28-29.

<sup>17</sup> Id. at 36-37.

**Core Issue**

Did the Court of Appeals err in affirming the trial court's verdict of conviction against appellant for violation of Section 5, Article II of RA 9165?

**We acquit.**

Appellant was charged with violation of Section 5, Article II of RA 9165 committed on March 21, 2015. 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 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.<sup>18</sup> 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.<sup>19</sup>

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 by the forensic chemist to the court.<sup>20</sup>

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.<sup>21</sup> In drug-related cases, it is of paramount necessity that 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.<sup>22</sup>

Here, nothing in the records shows 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 PSI Angel and instead stipulated that he received the subject specimen from PO3 Alviar. He tested the specimen and found it positive for *methamphetamine hydrochloride*, a dangerous drug. They also stipulated that he reduced his findings in Chemistry Report No. 089-15 Tarlac.<sup>23</sup>

*People v. Miranda*,<sup>24</sup> citing *People v. Cabuhay*,<sup>25</sup> ordained that the parties' stipulation to dispense with the testimony of the forensic chemist should include:

<sup>18</sup> *People v. Barte*, 806 Phil. 533, 542 (2017).

<sup>19</sup> *People v. Balibay*, 742 Phil. 746, 756 (2014).

<sup>20</sup> *People v. Tolentino*, G.R. No. 251020 (Notice), February 3, 2021.

<sup>21</sup> *People v. Bangcola*, G.R. No. 237802, March 18, 2019, 897 SCRA 330, 354.

<sup>22</sup> *Largo v. People*, G.R. No. 201293, June 19, 2019, 905 SCRA 1, 18.

<sup>23</sup> Record, pp. 36-37.

<sup>24</sup> G.R. No. 218126, July 10, 2019, 908 SCRA 310.

<sup>25</sup> 836 Phil. 903 (2018)

(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.<sup>26</sup>

Here, the parties' stipulation to dispense with the testimony of Forensic Chemist PSI Angel did not contain the vital pieces of information required, *i.e.*, he received the seized drugs as marked, properly sealed, and intact; he resealed the drug items after examination of the content; and, he placed his 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.<sup>27</sup>

In *People v. Baltazar*,<sup>28</sup> 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.<sup>29</sup>

**WHEREFORE**, the appeal is **GRANTED**. The Decision dated December 19, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 09799 is **REVERSED** and **SET ASIDE**.

Appellant Vilma Matias y Oranis is **ACQUITTED** in Criminal Case No. 15-91. The Director General of the Bureau of Corrections, Muntinlupa City is ordered to a) immediately release her from custody unless she is being held for some other lawful cause; and b) submit his report on the action taken within five (5) days from notice. For their information, copies shall also be sent to the Police General of the Philippine National Police and the Director General of the Philippine Drug Enforcement Agency.

<sup>26</sup> *People v. Miranda*, supra, at 332.

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

<sup>28</sup> See G.R. No. 229037, July 29, 2019, 911 SCRA 199, 215.

<sup>29</sup> *People v. Villojan, Jr.*, G.R. No. 239635, July 22, 2019, 910 SCRA 58, 79.

Let entry of final judgment be issued immediately.

**SO ORDERED.”**

By authority of the Court:

*Mis PDC Batt*  
**MISAELO DOMINGO C. BATTUNG III**  
*Division Clerk of Court*

*JB 3/12/22*

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**G.R. No. 254421**

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