



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated September 14, 2022 which reads as follows:*

**"G.R. No. 257373 (*People of the Philippines v. Ryan Tan y Amit and Herbel Managat y Baccay*).** – This appeal<sup>1</sup> assails the Decision<sup>2</sup> dated 06 February 2020 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 11351. The CA affirmed the Decision<sup>3</sup> dated 13 April 2018 of Branch 36, Regional Trial Court (RTC) of Calamba City, in RTC Criminal Case No. 26962-2016-C, RTC Criminal Case No. 26963-2016-C, and RTC Criminal Case No. 26964-2016-C, finding accused-appellants Ryan Tan y Amit (Tan) and Herbel Managat y Baccay (Managat) (collectively, accused-appellants) guilty beyond reasonable doubt of violations of Section 5, in relation to Section 26, Article II and Section 11, Article II of Republic Act No. (RA) 9165,<sup>4</sup> otherwise known as “The Comprehensive Dangerous Drugs Act of 2002.”

**Antecedents**

Accused-appellants were charged with violation of Section 11, Article II of RA 9165 in separate Informations, the accusatory portions of which read:

**Criminal Case No. 26963-2016-C against accused-appellant Ryan Tan y Amit**

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<sup>1</sup> *Rollo*, pp. 3-4.

<sup>2</sup> *Id.* at 8-18; penned by Associate Justice Danton Q. Bueser and concurred in by Associate Justices Geraldine C. Fiel-Macaraig and Jose Walter S. Ong.

<sup>3</sup> *Id.* at 20-31; penned by Presiding Judge Glenda R. Mendoza-Ramos.

<sup>4</sup> 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: 07 June 2002.

That on or about July 1, 2016, in Bay, Laguna and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously possess two plastic sachets of methamphetamine hydrochloride weighing 0.13 gram, a dangerous drug, without the corresponding authority of law.

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

**Criminal Case No. 26964-2016-C against accused-appellant Herbel Managat y Baccay**

That on or about July 1, 2016, in Bay, Laguna and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously possess five plastic sachets of methamphetamine hydrochloride weighing 0.26 gram, a dangerous drug, without the corresponding authority of law.

CONTRARY TO LAW.<sup>6</sup>

In another Information, accused-appellants were jointly indicted for violation of Section 5, in relation to Section 26, Article II. The Information reads:

**Criminal Case No. 26962-2016-C against accused-appellants**

That on or about July 1, 2016, in Bay, Laguna and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating with one another, did then and there willfully, unlawfully and feloniously sell and deliver one plastic sachet of methamphetamine hydrochloride, weighing 0.06 gram, a dangerous drug, without the corresponding authority of law.

CONTRARY TO LAW.<sup>7</sup>

Criminal Case Nos. 26963-2016-C and 2694-2016-C were consolidated.<sup>8</sup>

During their arraignment, accused-appellants entered a plea of “not guilty” to all their respective charges. Consequently, the case proceeded to pre-trial.<sup>9</sup>

The parties stipulated on the testimony of the forensic chemist, Police Chief Inspector Grace Plantilla Bombasi (PCI Bombasi). Her testimony was dispensed with after she identified the subject specimens and given the following are the parties’ stipulations: (1) the qualifications and expertise of PCI Bombasi as a forensic chemist; (2) a request for laboratory examination dated 01 July 2016 was received by the personnel of the crime laboratory from Police Officer 2 Jose Guzman (PO2 Guzman); (3) upon receipt of the

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<sup>5</sup> Id. at 9.

<sup>6</sup> Id.

<sup>7</sup> Id.

<sup>8</sup> Id. at 21.

<sup>9</sup> Id.

request, with the seized items attached, PCI Bombasi conducted a qualitative examination of the specimens with the markings “RT-1,” “RT-2,” “RT-BB,” “HM-1,” “HM-2,” “HM-3,” “HM-4,” and “HM-5”; (4) the examined specimens were found positive for the presence of methamphetamine hydrochloride; and (5) after the result, PCI Bombasi executed Chemistry Report No. LD-785-16.<sup>10</sup>

The defense counter-stipulated that PCI Bombasi did not have personal knowledge of confiscating the specimens from the accused-appellants.<sup>11</sup>

Thereafter, trial on the merits ensued.

### Version of the Prosecution

At about 12:30 a.m. of 01 July 2016, a confidential informant (CI) informed PO2 Guzman that Tan was selling illegal drugs near the market site in *Brgy. Dila, Bay, Laguna*. Immediately, PO2 Guzman entered the report in the police blotter. He also conducted surveillance to verify the report.<sup>12</sup> An entrapment team was thereafter created for a buy-bust operation against Tan. PO2 Guzman was designated as the poseur buyer, with Police Officer 1 Simon Sarne (PO1 Sarne) and Police Officer 2 Ariel Arresgado (PO2 Arresgado) as back-up.<sup>13</sup>

Around 2:00 a.m. of the same day, the entrapment team proceeded to the public market of *Brgy. Dila, Bay, Laguna* where they met the CI. PO2 Guzman instructed the CI to call Tan and ask him to meet them near the slaughterhouse at the back of the market.<sup>14</sup> Two men emerged from the alley a few minutes later.

As the entrapment team approached the two men, the CI informed PO2 Guzman that Tan was the one wearing a brown striped shirt. Thereafter, the CI introduced PO2 Guzman to Tan as a customer. PO2 Guzman bought ₱500.00 worth of *shabu* from Tan and paid the latter using the marked money. Tan accepted the marked money and placed it in his pocket. He pulled out one small plastic sachet, supposedly containing *shabu*, but instead of giving it to Tan, he told his companion, “*pre, ibigay mo nga muna yung isa na binigay ko sa’yo at wala na matitira sa akin.*”<sup>15</sup> The companion, who turned out to be Managat, obliged. Managat pulled out a crumpled cigarette pack from his pocket, took one small plastic sachet, supposedly containing *shabu*, and handed the same to PO2 Guzman.<sup>16</sup>

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<sup>10</sup> Id. at 21-22

<sup>11</sup> Id. at 22.

<sup>12</sup> Id.

<sup>13</sup> Id. at 10.

<sup>14</sup> Id.

<sup>15</sup> Id. at 10-11.

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

Thereafter, PO2 Guzman executed the pre-arranged signal that alerted PO1 Sarne, who then approached the scene. At that point, accused-appellants sensed something was wrong and scampered in different directions.<sup>17</sup>

PO2 Guzman ran after Tan. With PO2 Arregado's help, PO2 Guzman apprehended and handcuffed Tan. At the same time, PO2 Guzman introduced himself as a police officer and informed Tan of his constitutional rights. PO2 Guzman then frisked Tan and recovered two small plastic sachets of suspected *shabu* placed inside a medium-sized plastic sachet. He immediately marked the sachet subject of the sale as "RT-BB." He marked the two small plastic sachets confiscated during the search as "RT-1" and "RT-2," and the medium-sized empty sachet as "RT-3." He placed everything inside an evidence kit.<sup>18</sup>

They proceeded to the front of the public market and saw PO1 Sarne with Managat. PO2 Guzman informed Managat of his constitutional rights before frisking him. During the search, PO2 Guzman found in Managat's possession a crumpled cigarette wrapper containing a plastic sachet with five smaller sachets of suspected *shabu*. PO2 Guzman marked the five confiscated items as "HM-1," "HM-2," "HM-3," "HM-4," and "HM-5." He marked the bigger plastic sachet as "HM-6" and the crumpled cigarette wrapper as "HM-7," while the other police officers took photographs.<sup>19</sup>

The entrapment team decided to head back to the police station because they were starting to attract the attention of the public and the relatives of accused-appellants. At the police station, PO2 Guzman conducted the inventory of confiscated items,<sup>20</sup> as witnessed by *Kagawad* Claro Lescano of *Bgry. Dila, Bay, Laguna*, and media representative Levy Tatad of the *Tribute Post*.<sup>21</sup> The other police officers took photographs showing PO2 Guzman conducting the inventory. Subsequently, PO2 Guzman brought the confiscated items to the crime laboratory in Sta. Cruz, Laguna, where PCI Bombasi examined the seized items. PCI Bombasi's report showed that the contents of the sachets tested positive for the presence of methamphetamine hydrochloride or *shabu*.

### Version of the Defense

Tan narrated that on 01 July 2016, he went to the 7-11 store in *Brgy. Dila Bay, Laguna*, to buy food. When he reached the store, an unknown person grabbed him. The latter told him not to resist and just go with them peacefully. He obeyed because the unknown person and his companions were armed. They brought Tan to a dark area and asked him to sit beside a canal. One of the men pulled out sachets of *shabu* from his pocket and

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<sup>17</sup> Id.

<sup>18</sup> Id.

<sup>19</sup> Id. at 24.

<sup>20</sup> Id.

<sup>21</sup> Id. at 12.

started taking photographs of Tan. After that, they brought him to the police station, where Tan met Managat for the first time.<sup>22</sup>

Managat, in turn, claimed that on 01 July 2016, as he was on his way home from a drinking spree, he went into the 7-11 store in *Brgy. Dila Bay*, Laguna. When he came out of the store, unknown assailants pointed a gun at him and ordered him to lie down. They then handcuffed him and brought him to the police station, where he met Tan for the first time.<sup>23</sup>

### **Ruling of the RTC**

On 13 April 2018, the RTC rendered its judgment finding accused-appellants guilty as charged. The dispositive portion of the RTC Decision reads:

**WHEREFORE**, guided by the foregoing mandates of Republic Act 9165, accused RYAN TAN and HERBEL MANAGAT are found **GUILTY** beyond reasonable doubt in Criminal Case No. 26962-2016-C for violation of Section 5 in relation to Section 26 Article II of Republic Act No. 9165. The Court hereby sentences them each 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. 26963-2016-C, this Court also found accused RYAN TAN **GUILTY** beyond reasonable doubt for Violation of Section 11 of Republic Act 9165. 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 HUNDRED THOUSAND PESOS (Php300,000.00) with subsidiary imprisonment in case of insolvency.

Lastly in Criminal Case No. 26964-2016-C, this Court found accused HERBEL MANAGAT **GUILTY** beyond reasonable doubt for Violation of Section 11 of Republic Act 9165. The Court similarly sentences him to suffer imprisonment of TWELVE (12) YEARS and ONE (1) DAY to FIFTEEN (15) YEARS and to pay the fine of THREE HUNDRED THOUSAND PESOS (Php300,000.00) with subsidiary imprisonment in case of insolvency.

Let the confiscated *methamphetamine hydrochloride* (shabu) subject matter of these cases 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.<sup>24</sup>

Aggrieved, accused-appellants filed their appeal.

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<sup>22</sup> Id. at 25.

<sup>23</sup> Id.

<sup>24</sup> Id. at 30.

### Ruling of the CA

In the now assailed Decision, the CA affirmed the findings and conclusions of the RTC. The dispositive portion of the assailed Decision reads:

**WHEREFORE**, premises considered, the Decision rendered by the Regional Trial Court, Branch 31, Calamba City, Laguna in Criminal Case Nos.26962-2016-C, 26963-2016-C and 26964-2016-C is hereby **AFFIRMED** in **TOTO**.

**SO ORDERED.**<sup>25</sup>

### Issue

For the Court's resolution is whether the CA committed reversible error in affirming the RTC Decision *in toto*.

### Ruling of the Court

To successfully establish the offense of Illegal Sale of Dangerous Drugs under Section 5, Article II of RA 9165, it is incumbent upon the prosecution to establish the following elements: (a) the identity of the buyer and the seller, the object, and the consideration; and (b) the delivery of the thing sold and the payment. On the other hand, the elements of Illegal Possession of Dangerous Drugs under Section 11, Article II of RA 9165 are: (a) the accused was in possession of an item or object identified as a prohibited drug; (b) such possession was not authorized by law; and (c) the accused freely and consciously possessed the said drug.<sup>26</sup>

In addition, it is essential for the prosecution to establish the identity of the dangerous drug with moral certainty, considering that the dangerous drug itself forms an integral part of the *corpus delicti* of the crime. The failure of the prosecution 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.<sup>27</sup>

For the charge of Illegal Sale of Dangerous Drugs, there is no question that the prosecution was able to show that a legitimate warrantless arrest took place. Accused-appellants were caught *in flagrante* selling illegal drug during a buy-bust operation. The prosecution likewise presented the *shabu* subject of the transaction. Through PO2 Guzman's credible testimony, the prosecution duly established the identity of accused-appellants as the merchants thereof and the fact that they conspired in transacting the prohibited ware.

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<sup>25</sup> Id. at 18.

<sup>26</sup> See *People v. Villalon, Jr.*, G.R. No. 249412, 15 March 2021.

<sup>27</sup> See *People v. Suarez*, G.R. No. 249990, 08 July 2020.

Anent the Illegal Possession of Dangerous Drugs charge, the prosecution duly proved that after accused-appellants' lawful warrantless arrest, PO2 Guzman undertook an incidental search of accused-appellants' bodies. He recovered two pieces of heat-sealed sachet containing *shabu* from Tan. In the same vein, PO2 Guzman seized from Managat a crumpled cigarette wrapper containing a plastic sachet with five smaller sachets of *shabu*. Both Tan and Managat possessed the prohibited drugs without any authority.

Be that as it may, the Court finds that the prosecution failed to prove beyond reasonable doubt the *corpus delicti* in this case.

To eliminate any unnecessary doubt on the identity of the *corpus delicti*, the prosecution has to show an unbroken chain of custody over the same, that the chain of evidence is constructed by proper exhibit handling, storage, labeling, and recording, and must exist from the time the evidence is found until the time it is offered in evidence.<sup>28</sup>

Accordingly, 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>29</sup>

In this case, the Court agrees with accused-appellants that the prosecution failed to prove the presence of the fourth link. Records show that the parties dispensed with the testimony of the PCI Bombasi, the forensic chemist, after they stipulated on the following: (1) the qualifications and expertise of PCI Bombasi as a forensic chemist; (2) a request for laboratory examination dated 01 July 2016 was received by the personnel of the crime laboratory from PO2 Guzman; (3) upon receipt of the request, with the seized items attached, PCI Bombasi conducted a qualitative examination of the confiscated specimens; (4) the examined specimens tested positive for the presence of methamphetamine hydrochloride; and (5) after the result, PCI Bombasi executed Chemistry Report No. LD-785-16.

Based on jurisprudence, these stipulations are not enough.

The Court has time and again emphasized that in illegal drug cases, it is of paramount necessity that the **forensic chemist testifies on the details about 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; a description of the

<sup>28</sup> See *People v. Balibay*, 742 Phil. 746, 756 (2014).

<sup>29</sup> See *Dela Riva v. People of the Philippines*, 769 Phil. 872 (2015).

specimen; and the container it was in. Further, the forensic chemist must also identify the name and method of analysis used in determining the chemical composition of the subject specimen.<sup>30</sup>

As the Court has previously clarified, should the parties opt to stipulate and dispense with the testimony of forensic chemists in drug cases, the parties should stipulate that the forensic chemists would have testified that they took the precautionary steps required to preserve the integrity and evidentiary value of the seized item, thus: (1) they received the seized article as marked, properly sealed, and intact; (2) they resealed it after examination of the content; and (3) they placed their own marking on the same to ensure that it could not be tampered pending trial.<sup>31</sup> These precautionary measures were not part of the stipulations relative to the testimony of PCI Bombasi.

Moreover, the Court notes that the parties stipulated that PO2 Guzman turned over possession of the seized evidence to the personnel of the crime laboratory, who then turned over the seized items to PCI Bombasi. However, said person was not even named, let alone presented as a witness in court. Furthermore, neither the testimony of PO2 Guzman nor the parties' stipulations show who had custody of the seized items after PCI Bombasi examined them. The records are likewise bereft of information on who brought the same to the court as evidence. These missing facts indubitably reveal gaps in the chain of custody. As the CA itself emphasized, the chain of custody rule requires the identification of the persons who handled the confiscated items for the purpose of duly monitoring the authorized movements of the illegal drugs from the time they were seized from the accused until their presentation in court.<sup>32</sup>

The foregoing duly considered, the Court holds that the CA committed reversible error in affirming the conviction of accused-appellants.

In *People v. Baltazar*,<sup>33</sup> the Court reiterated that the acquittal of an accused in drug-related cases is in order when the prosecution breaches the fourth link, such as when the records are bereft of any evidence as to how the illegal drugs were brought to court, and there is no evidence of how the alleged seized item was stored after it was examined by the forensic chemist, or who handled the specimen after examination, and where the same was kept until it was retrieved and presented in court.

**WHEREFORE**, the appeal is hereby **GRANTED**. The Decision dated 06 February 2020 of the Court of Appeals in CA-G.R. CR-HC No. 11351 is **REVERSED and SET ASIDE**. Accused-appellants **Ryan Tan y Amit** and **Herbel Managat y Baccay** are **ACQUITTED** in RTC Criminal Case No. 26962-2016-C RTC, Criminal Case No. 26963-2016-C, and RTC

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<sup>30</sup> See *People v. Villalon, Jr.*, G.R. No. 249412, 15 March 2021.

<sup>31</sup> Id. citation omitted.

<sup>32</sup> *Rollo*, p. 17.

<sup>33</sup> G.R. No. 229037, 29 July 2019.




Criminal Case No. 26964-2016-C on reasonable ground.

The Director of the Bureau of Corrections is **ORDERED** to: (a) cause the immediate release of accused-appellants **Ryan Tan y Amit and Herbel Managat y Baccay**, unless they are being lawfully held in custody for any other lawful reason; and (b) inform the Court of the action taken within five days from receipt of this Resolution.

Let entry of judgment be issued immediately.

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court

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OCT 11 2022

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(Crim. Case Nos. 26962-2016-C to 26964-2016-C)

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