



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **July 6, 2022** which reads as follows:*

**“G.R. No. 255589 (People of the Philippines v. Arnel Coros y Guerrero a.k.a. “Gregorio/Guyo”)** – This appeal assails the Decision<sup>1</sup> dated February 28, 2020 of the Court of Appeals in CA-G.R. CR-HC No. 10534, affirming the conviction of appellant **Arnel Coros y Guerrero a.k.a. “Gregorio/Guyo”** for violation of Section 5, Article II of Republic Act (RA) 9165.<sup>2</sup>

**The Charge**

By Information dated February 26, 2014, appellant **Arnel Coros y Guerrero a.k.a. “Gregorio/Guyo”** was charged with violation of Section 5, Article II of RA 9165 or illegal sale of dangerous drugs, *viz.*:

That on the 24th day of February 2014 at about 3:30 in the afternoon, in San Fernando, Camarines Sur and within the jurisdiction of this Honorable Court, the above named accused, did then and there willfully, unlawfully sell and deliver eleven (11) pieces of small bricks of dried marijuana leaves with fruiting tops, as follows:

1. A (HBE-1 2/24/14) = 1.585 grams;
2. B (HBE-2 2/24/14) = 1.605 grams;
3. C (HBE-3 2/24/14) = 1.607 grams
4. D (HBE-4 2/24/14) = 1.805 grams
5. E (HBE-5 2/24/14) = 1.641 grams
6. F (HBE-6 2/24/14) = 1.460grams
7. G (HBE-7 2/24/14) =1.756 grams
8. H (HBE-8 2/24/14) =1.705 grams
9. I (HBE-9 2/24/14) = 1.816 grams

<sup>1</sup> *Rollo*, pp. 4-22; Penned by Associate Japar B. Dimaampao (now a Member of this Court) with Associate Justices Eduardo B. Peralta, Jr. and Louis P. Acosta, concurring.

<sup>2</sup> Otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

10. J (HBE-10 2/24/14) = 1.774 grams
11. K—One heat-sealed transparent plastic sachet with trademark Royal Quality PP-BAGS containing 17.185 grams of dried suspected marijuana fruiting tops brick wrapped in brown packaging tape with markings HBE-11 2/24/14, further marked as K-1;

The accused not being authorized by law to possess marijuana, a dangerous drug, to the damage and prejudice of the Republic of the Philippines.

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

The case was raffled to the Regional Trial Court (RTC)-Branch 26, Naga City.<sup>4</sup> On arraignment, appellant pleaded *not guilty*.<sup>5</sup>

### **The Prosecution's Version**

In February 2014, Senior Police Officer 1 Hernando Ereneo (SPO1 Ereneo) conducted a test-buy operation with his confidential informant to confirm that appellant, who was in the drug-watch list of the San Fernando Police Station, was selling drugs. The informant acted as poseur-buyer while SPO1 Ereneo stood about 15-20 meters away from the agreed location. From there, he saw the actual exchange of money and illegal drugs between the informant and appellant.<sup>6</sup>

On February 24, 2014, Acting Chief of Police, Police Senior Inspector Victor Azuela (PSI Azuela) organized a buy-bust operation where SPO1 Ereneo was designated as the poseur-buyer, while Police Officer III Porfirio Jesus Bragais (PO3 Bragais) and Police Officer II Danilo Tipay (PO2 Tipay) were assigned as the back-up and arresting officers. The others were tasked to secure the perimeter of the area.<sup>7</sup>

Around 3:30 in the afternoon, SPO1 Ereneo and the confidential informant met with appellant. The confidential informant introduced SPO1 Ereneo as an interested buyer of marijuana. Soon after, SPO1 Ereneo handed the boodle money to appellant who, upon receipt of the money, immediately went back inside his house, retrieved ten (10) bricks of dried leaves, and gave them to SPO1 Ereneo. As soon as SPO1 Ereneo received the items, he introduced himself as a police officer. For their part, PO3 Bragais and PO2 Tipay closed in and arrested appellant.

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<sup>3</sup> *Rollo*, pp. 5-6.

<sup>4</sup> RTC Decision; *CA rollo*, pp. 50-61.

<sup>5</sup> *Rollo*, p. 5.

<sup>6</sup> *CA rollo*, p.52.

<sup>7</sup> *Rollo*, p. 6.

Right at the place of arrest, SPO1 Ereneo marked the seized items “HBE-1 2/24/14” to “HBE-11 2/24/14” from the sale, did the inventory, and took photographs of the items in the presence of the three insulating witnesses namely: (1) Barangay Captain Daniel Fernando; (2) media representative Manny Basa; and (3) Department of Justice (DOJ) representative Arnel Abrigo. They all signed the inventory sheet.<sup>8</sup>

To secure the seized items, SPO1 Ereneo placed each brick in separate plastic sachets to make sure that the dried leaves and fruiting tops would not scatter, and also for easy identification.<sup>9</sup>

Thereafter, the buy-bust team brought appellant to the police station. There, SPO1 Ereneo prepared the police blotter and the request for laboratory examination which PSI Azuela signed.<sup>10</sup> Subsequently, SPO1 Ereneo brought the documents together with the seized items to the Regional Crime Laboratory Office. Police Senior Inspector Wilfredo Pabustan, Jr. (PSI Pabustan) received the request and the seized items. Based on the qualitative examination PSI Pabustan conducted, the items tested positive for the presence of marijuana, a dangerous drug.<sup>11</sup> PSI Pabustan’s Chemistry Report No. D-37-2014 bore these findings. After the examination, he sealed each transparent plastic sachet with masking tape and separately marked them for identification; placed them in a bigger plastic bag which he also marked with his initials; and turned the seized items over to Police Officer III Maribel Bagato, the evidence custodian, for safekeeping. Finally, he withdrew the items when he needed to bring them already to the trial court for presentation.<sup>12</sup>

### **The Defense’s Evidence**

Appellant denied the charge. He testified that in the afternoon of February 24, 2014, he was inside his house watching television with Arlene Lozares (Lozares) and their children. He noticed that there were people outside whom he recognized as SPO1 Ereneo and PO3 Bragais. The police officers approached and told him they wanted to buy marijuana, but he flatly denied that he had anything to do with drugs. When SPO1 Ereneo called him outside, he noticed that there were bricks of dried marijuana leaves laid on top of a stool just in front of his house.<sup>13</sup> The police officers then brought him to the police station where he was charged with selling illegal drugs.<sup>14</sup>

Lozares essentially corroborated his testimony. She added that PO3

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<sup>8</sup> Id. at 6 and 12-13.

<sup>9</sup> CA *rollo*, p.53.

<sup>10</sup> *Rollo*, p. 19.

<sup>11</sup> Id.

<sup>12</sup> CA *rollo*, p.54.

<sup>13</sup> *Rollo*, p. 7.

<sup>14</sup> CA *rollo*, p.56.

Bragais ordered her to stay inside the house while the police officers apprehended appellant, otherwise she will be implicated too. Afraid of getting involved, she complied. She, nonetheless, peeked outside the house and heard PO3 Bragais talking to someone on his phone “*Sir, okay na po, magdigdi na po kamo*” (Sir, it’s okay, please come over).<sup>15</sup>

### The Ruling of the Trial Court

As borne by its Judgment<sup>16</sup> dated November 15, 2017, the trial court rendered a verdict of conviction, *viz.*:

WHEREFORE, premises considered, this court finds accused ARNEL COROS y GUERRERO a.k.a. “Gregorio/Guyo” GUILTY beyond reasonable doubt of violation of Section 5, Article II of Republic Act No. 9165 and sentencing him to SUFFER the penalty of life imprisonment and to PAY a fine of Five hundred thousand pesos (P500,000.00) with accessory penalties as provided in Section 35 of the same Act.

The subject marijuana bricks are FORFEITED in favor of the Government and the same are hereby ordered TURNED OVER to the Philippine Drug Enforcement Agency for disposition in accordance with law.

Accused, being a detention prisoner, shall be credited in the service of his sentence with the preventive imprisonment which he underwent by reason of this case in accordance with the conditions set forth in Article 29 of the Revised Penal Code, as amended by Republic Act No. 10592.

The immediate transfer of accused to the National Bilibid Prison is hereby ordered.

SO ORDERED.<sup>17</sup>

It ruled that appellant’s guilt for violation of Section 5 of RA 9165 was established to a moral certainty, the seized items and their evidentiary value were properly preserved, the chain of custody was duly observed, and the *corpus delicti* was positively identified. It also noted that appellant’s defense of denial and frame-up cannot prevail over the prosecution’s positive testimonies and the presumption of regularity in the performance of official duty by the police officers.

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<sup>15</sup> Id. at 55.

<sup>16</sup> Penned by Acting Presiding Judge Pablo Cabillan Formaran III; CA *rollo*, pp. 50-61.

<sup>17</sup> Id. at 60.

## The Ruling of the Court of Appeals

By Decision<sup>18</sup> dated February 28, 2020, the Court of Appeals affirmed. It ruled that the prosecution established all the elements of the crime beyond reasonable doubt;<sup>19</sup> the three insulating witnesses were present at the place of the arrest to witness the inventory and photograph of the seized items which were done right after the arrest;<sup>20</sup> and the seized items tested positive for presence of marijuana.<sup>21</sup> Against the prosecution's evidence, appellant's defense of denial and frame-up must fail.

## The Present Appeal

Appellant now seeks anew a verdict of acquittal.<sup>22</sup> In compliance with Resolution<sup>23</sup> dated April 28, 2021, both the OSG<sup>24</sup> and appellant<sup>25</sup> manifested that, in lieu of supplemental briefs, they were adopting their respective briefs filed before the Court of Appeals.

## Our Ruling

We affirm.

### *The elements of illegal sale of dangerous drugs were all duly established*

Appellant was charged with unauthorized sale of dangerous drugs allegedly committed on February 24, 2014.<sup>26</sup> The governing law, therefore, is RA 9165 prior to its amendment by RA 10640 on August 7, 2014.

To secure a conviction for illegal sale of dangerous drugs, the prosecution must establish the following elements: (1) the identity of the buyer and the seller, the object of the sale and its consideration; and (2) the delivery of the thing sold and the payment therefor.<sup>27</sup>

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<sup>18</sup> *Rollo*, pp. 4-22; Penned by Associate Japar B. Dimaampao (now a Member of this Court) with Associate Justices Eduardo B. Peralta, Jr. and Louis P. Acosta, concurring.

<sup>19</sup> *Rollo*, pp. 17-18.

<sup>20</sup> *Id.* at 15-16.

<sup>21</sup> *Id.* at 16.

<sup>22</sup> Notice of Appeal; *rollo*, pp. 22-24.

<sup>23</sup> *Id.* at 28.

<sup>24</sup> *Id.* at 29-31.

<sup>25</sup> *Id.* at 33-35.

<sup>26</sup> *Id.* at 42-43.

<sup>27</sup> *People v. Hilario*, 823 Phil. 580, 594 (2018).

As the Court of Appeals aptly noted, SPO1 Ereneo, the poseur-buyer, gave a clear and accurate account of the transaction that occurred between him and appellant on February 24, 2014, *viz.*:<sup>28</sup>

x x x x

Q During the conduct of buy-bust operation, what happened, Mr. Witness?

A Me (sic), together with the asset were (sic) able to buy something from Arnel Coros.

x x x x

Q According to you, you were able to buy something from Arnel Coros, what were you able to buy from Arnel Coros?

A Marijuana, Sir.

x x x x

Q You said you gave the marked money. To whom did you give the marked money, Mr. witness?

A To Mr. Arnel Coros, Sir.

x x x x

Q And after Mr. Coros went inside his house and after you gave him the P1,000.00, what happened next, Mr. witness?

A After he went inside the house, Sir, he got the marijuana he was selling.

x x x x

Q Now, according to you, Mr. Coros got the Marijuana inside the house, what did he do with the Marijuana, Mr. witness, if any?

A He gave the Marijuana to me, Sir.

x x x x

SPO1 Ereneo, thus, positively identified appellant as the person who sold him the seized drugs. Verily, the crime of illegal sale of dangerous drug was consummated when appellant delivered the *corpus delicti* to SPO1 Ereneo in consideration of ₱1,000.00 which he received from the latter.

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<sup>28</sup> CA Decision, pp. 9-13.

***The prosecution sufficiently established all the links in the chain of custody***

In illegal drugs cases, the drug itself constitutes the *corpus delicti* of the offense. The prosecution is, therefore, tasked to prove that the dangerous drug seized from the accused is the same substance eventually offered in court.<sup>29</sup>

Section 21 of RA 9165 prescribes the standard in preserving the *corpus delicti* in illegal drug cases, viz:

**Section 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 drugs shall, immediately after seizure and confiscation, physically inventory 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, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof;

X X X X

The Implementing Rules and Regulations of RA 9165 further commands:

**Section 21.** (a) The apprehending officer/team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory 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, a representative from the media and the Department of Justice (DOJ), and any elected public official 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, further, that non-compliance with 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 of and custody over said items.

<sup>29</sup> *People v. Barte*, 806 Phil. 533, 542 (2017).

To ensure the integrity of the seized drug, the prosecution must also 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.<sup>30</sup>

This is the chain of custody rule. It came to the fore due to the unique characteristics of illegal drugs which render them indistinct, not readily identifiable, and easily open to tampering, alteration, or substitution either by accident or otherwise.<sup>31</sup>

The Court finds that the prosecution sufficiently established compliance with the afore-cited rules.

The **first link** refers to the seizure and marking which must be done immediately at the place of the arrest. Too, it includes the physical inventory and taking of photographs of the seized drug which should be done in the presence of the accused or his/her representative or counsel and three insulating witnesses *i.e.* a representative from the media, the DOJ, and any elected public official,<sup>32</sup> to ensure that they are the same items which entered the chain of custody.<sup>33</sup>

Here, poseur-buyer SPO1 Ereneo marked the 10 bricks of marijuana from the buy-bust sale “HBE-1 2/24/14” to “HBE-10 2/24/14”<sup>34</sup> and also inventoried the same while PO3 Bragais and PO2 Tipay took photographs. These were all done at the place of arrest and in the presence of appellant himself and the three insulating witnesses: (1) Barangay Captain Daniel Fernando; (2) media representative Manny Basa; and (3) DOJ representative Arnel Abrigo.<sup>35</sup> Thereafter, the team returned to their office for processing and preparation of documents.

The **second link** is the transfer of the seized drug by the apprehending officer to the investigating officer. It is the investigating officer who prepares the necessary documents for the proper transfer of the evidence to the police crime laboratory for testing. Thus, the investigating officer's possession of the seized drug must be documented and established.<sup>36</sup>

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<sup>30</sup> *People v. Dela Torre*, G.R. No. 225789, July 29, 2019.

<sup>31</sup> *Jacson v. People*, G.R. No. 199644, June 19, 2019.

<sup>32</sup> *People v. Rosales*, G.R. No. 233656, October 2, 2019.

<sup>33</sup> *People v. Ramirez*, 823 Phil. 1215, 1225-1226, citing *People v. Sanchez*, 590 Phil. 214, 241 (2008).

<sup>34</sup> *Rollo*, p. 5-6.

<sup>35</sup> *Id.* at 12-13.

<sup>36</sup> *People v. Del Rosario*, G.R. No. 235658, June 22, 2020.

Here, SPO1 Ereneo remained in the custody of the seized drugs from the place of arrest up to the police station where the items were further processed until the same were turned over to the crime laboratory for examination. There was no investigating officer who came into the picture insofar as the custody of the drugs was concerned. As it was, SPO1 Ereneo himself prepared the investigation form and the letter request for qualitative examination. In other words, he was able to account for the condition of these drugs all throughout these timelines. In fine, the integrity and identity of the *corpus delicti*, therefore, was duly preserved during this stage.

The **third link** is the delivery by the investigating officer of the illegal drug to the forensic chemist. Once the seized drug arrives at the forensic laboratory, it will be the laboratory technician who will test and verify the nature of the substance. Additionally, 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>37</sup>

Both links were duly established here. SPO1 Ereneo testified that he turned over the subject drugs to the crime laboratory. The same were received by PSI Pabustan, who, in turn, subjected these items to chemical examination, the results of which showed the positive presence of marijuana. His findings were borne in his Chemistry Report No. D-37-2017. After the qualitative examination, he placed the items in plastic bags, sealed them with tape, and marked them with his initials. Thereafter, he turned them over to the evidence custodian for safekeeping and only retrieved them when he had to bring the items to court. Subsequently, PSI Pabustan personally turned over the specimens to the trial court and identified the same in open court.<sup>38</sup>

In sum, the prosecution was able to establish all the links in the chain of custody and accounted for the specimens' proper handling and preservation at every stage. Thus, the Court of Appeals did not err when it affirmed the verdict of conviction against appellant for violation of Section 5, Article II of RA 9165. Pursuant thereto, appellant was correctly sentenced to life imprisonment and to pay a fine of ₱500,000.00 for illegal sale of dangerous drugs.<sup>39</sup>

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<sup>37</sup> *People v. Bangcola*, G.R. No. 237802, March 18, 2019.

<sup>38</sup> CA rollo, p.55; TSN, Testimony of PSI Wilfredo Pabustan Jr., November 18, 2014.

<sup>39</sup> SEC. 5. *Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.* – The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.

x x x x

**FOR THESE REASONS**, the appeal is **DISMISSED**. The Decision<sup>40</sup> dated February 28, 2020 of the Court of Appeals in CA-G.R. CR-HC No. 10534, is **AFFIRMED**. Appellant **Arnel Coros y Guerrero a.k.a. "Gregorio/Guyo"** is found **GUILTY** of **Illegal Sale of Dangerous Drugs**. He is sentenced to **life imprisonment** and to pay a **fine of ₱500,000.00**.

**SO ORDERED."**

By authority of the Court:

TERESITA AQUINO TUAZON  
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA  
Deputy Division Clerk of Court *pg 14/1*  
27 DEC 2022

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THE DIRECTOR (reg)  
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HON. PRESIDING JUDGE (reg)  
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Naga City  
(Crim. Case No. RTC 2014-0104)

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<sup>40</sup> *Rollo*, pp. 4-22; Penned by Associate Japar B. Dimaampao (now a Member of this Court) with Associate Justices Eduardo B. Peralta, Jr. and Louis P. Acosta, concurring.