



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 20, 2022** which reads as follows:*

“G.R. No. 251472 (*People of the Philippines v. Joselito Camales y Solano @ “Boy”*). — Subject of this appeal is the Decision¹ dated March 26, 2019 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09972, which affirmed the Decision² dated June 30, 2017 of the Regional Trial Court (RTC) of Olongapo City, Branch 75 in Criminal Case Nos. 363-2015 and 364-2015, convicting accused-appellant Joselito Camales y Solano (Camales) of illegal sale and possession of shabu.

Camales was separately charged with illegal sale and possession of *shabu* under Sections 5 and 11, Article II of Republic Act (RA) No. 9165 as follows:

[Criminal Case No. 363-2015]

That on or about the 27th day of May 2015, at about 6:00 in the evening, at Barangay Calapacuan, in the Municipality of Subic, Province of Zambales, Philippines and within the jurisdiction of this Honorable Court, the said accused, did then and there willfully, unlawfully and feloniously, without any lawful authority, give away, trade, deliver and sell to a poseur buyer, one (1) heat-sealed transparent plastic sachet, with markings “RL-B ABE”, containing 0.251 gram of Methamphetamine Hydrochloride (shabu), a dangerous drug, for (1) piece of Five Hundred Peso bill (with Serial Number BE 672636, Philippine Currency ([P]500.00) marked money.

¹ *Rollo*, pp. 2–20. Penned by Associate Justice Marlene B. Gonzales-Sison with the concurrence of Associate Justices Victoria Isabel A. Paredes and Ruben Reynaldo G. Roxas.

² *CA rollo*, pp. 108–116. Penned by Judge Raymond C. Viray.

CONTRARY TO LAW.

[Criminal Case No. 364-2015]

That on or about the 27th day of May 2015, at about 6:00 in the evening, at Barangay Calapacuan, in the Municipality of Subic, Province of Zambales, Philippines and within the jurisdiction of this Honorable Court, the said accused, did then and there willfully, unlawfully and feloniously, have in [their] possession, custody and control, one (1) heat-sealed transparent plastic sachet with markings "FPM-P ABE-1" containing 0.583 gram of Methamphetamine [H]ydrochloride (shabu), a dangerous drug, without any lawful authority, permit nor prescription to possess the same from the appropriate agency.

*CONTRARY TO LAW.*³

Camales pleaded not guilty to the charges. Pre-trial then ensued wherein the prosecution and the defense stipulated on the following: (1) the identity of Camales; (2) the genuineness and due execution of Chemistry Report No. D-083-2015 for the specimen and Chemistry Report No. DT-175-2015 for the drug test; (3) the qualification of police officers Richard Lauzon (PO1 Lauzon), Philmar Mirador (PO2 Mirador), and Darwin Paje (PO3 Paje); and (4) the qualification of Police Senior Inspector Maria Cecilia G. Tang (PSI Tang) as Philippine National Police (PNP) crime laboratory forensic chemist at the time of the issuance of the chemistry reports. During trial, the parties also stipulated on the substance of PO3 Paje and PSI Tang's testimonies.⁴

The prosecution's evidence tends to establish that in the afternoon of May 27, 2015, a civilian informant reported the drug activities of Camales to the Subic Police Station. Acting on the report, Chief of Police Leonardo C. Madrid immediately formed a buy-bust team, designating PO1 Lauzon as the poseur buyer, PO2 Mirador as immediate back-up, and other officers as perimeter security. A ₱500.00 bill was prepared as buy-bust money, marked with PO1 Lauzon's initials "RL." After coordination with the Philippine Drug Enforcement Agency (PDEA), the team proceeded to the target area at Purok 2, Calapacuan, Subic, Zambales.⁵

Upon reaching the national highway, PO1 Lauzon and the informant alighted from the vehicle and walked towards an alley leading to Camales' house, while the rest of the team positioned themselves around the area. PO1 Lauzon and the informant saw Camales beside his house, having a drinking spree with some companions. The informant called Camales over and asked, "*may item ka ba?*"⁶ Camales then asked how much they intended to buy. PO1 Lauzon brought out the marked money and handed it to Camales, who placed it in his pocket. In exchange, Camales took out a transparent plastic sachet from his back pocket and handed it to PO1 Lauzon. After completion of the

³ *Id.* at 108.

⁴ *Rollo*, pp. 4-5.

⁵ *Id.* at 5-6.

⁶ *Id.* at 6.

transaction, PO1 Lauzon placed the plastic sachet in his pocket, took off his bull cap to signal his back-up, and arrested Camales while introducing himself as a police officer. PO1 Lauzon retrieved the marked money from Camales' pocket. At the same time, PO2 Mirador rushed to the scene and assisted in the arrest. PO2 Mirador informed Camales of his rights, frisked him, and found another transparent plastic sachet from Camales' pocket. Thereafter, the officers brought Camales to their station. During transit, PO1 Lauzon took custody of the sachet that he bought, while PO2 Mirador held on to the sachet that he recovered from Camales' pocket.⁷

At the police station, PO1 Lauzon marked the seized item in his custody with "RLB" and then endorsed it to PO3 Paje, the assigned investigator, who also marked it with "ABE." PO2 Mirador, on the other hand, marked the item in his possession with "FPM-P" and then endorsed it as well to PO3 Paje, who marked it with "ABE-1". Inventory and photograph-taking were then conducted in the presence of Camales, Assistant Provincial Prosecutor Joy Bayona, media representative Johnny Reblando, and Barangay Kagawad Felix Dacut, Jr.⁸

After accomplishing the inventory and documentations, PO3 Paje delivered the seized items to the PNP crime laboratory in Olongapo City. The chemistry report issued by PSI Tang on the specimen yielded positive for Methamphetamine Hydrochloride or *shabu*. Camales likewise tested positive for drug use.⁹

The defense, on the other hand, presented Camales and two of his drinking companions, Nelson Oquendo (Oquendo) and William Legaspi (Legaspi), as witnesses. Camales interposed the defense of denial, narrating a different version of his arrest, and imputed extortion against the officers. Oquendo and Legaspi corroborated Camales' version.¹⁰

In a Decision¹¹ dated June 30, 2017, the RTC upheld the regularity of the buy-bust operation. The chain of custody was also found to be unbroken, supporting the conclusion that the identity of the seized items was preserved, thus:

[J]udgment is rendered as follows:

1. In *Criminal Case No. 363-2015*, the Court finds [Camales] **GUILTY** beyond reasonable doubt of *Violation of Sec. 5, [RA] No. 9165* and sentences him to suffer the penalty of *life imprisonment* and to *pay a fine of ₱500,000.00 plus cost*, without subsidiary imprisonment in case of insolvency; and

⁷ *Id.* at 6.

⁸ *Id.* at 6–7; and CA *rollo*, pp. 109–110.

⁹ *Rollo*, p. 7.

¹⁰ *Id.* at 7–8.

¹¹ CA *rollo*, pp. 108–116. Penned by Judge Raymond C. Viray.

2. In *Criminal Case No. 364-2015*, the Court finds [Camales] **GUILTY** beyond reasonable doubt of *Violation of Sec. 11, [RA] No. 9165* and sentences him *to suffer the penalty of imprisonment from twelve (12) years and one (1) day to fourteen (14) years and eight (8) months and to pay a fine of ₱300,000.00 plus cost*, without subsidiary imprisonment in case of insolvency.

The accused shall also suffer the accessory penalties under Section 35, [RA] No. 9165 and shall be credited in the service of his sentence with the full time during which he has undergone preventive imprisonment subject to the conditions imposed under Art. 29 of the Revised Penal Code as amended.

The shabu sachets marked *Exhs. "D" and "E"* are ordered confiscated in favor of the government and to be disposed of in accordance with law.

SO DECIDED.¹² (Italization and emphases in the original)

The CA affirmed the RTC ruling on appeal:

WHEREFORE, premises considered, the instant appeal is **DISMISSED**. The Decision dated 30 June 2017 of the [RTC] of Olongapo City, Branch 75, in Criminal Case No. 363-2015, convicting [Camales for] violation of Section 5, Article II of [RA] No. 9165, and Criminal Case No. 364-2015, convicting [Camales for] violation of Section 11(3) of the same Act, is hereby **AFFIRMED**.

SO ORDERED.¹³ (Emphases in the original)

Presently, Camales seeks reversal of his conviction, reiterating his protestations on the validity of the buy-bust operation, and on the manner the arresting officers handled the alleged seized items.

We resolve.

It must be mentioned at the outset, that, an appeal throws the entire case wide open for review in an appeal. The appellate court is endowed with full jurisdiction to examine records, revise or modify the judgment, and even reverse the appealed judgment, and correct errors, whether assigned or otherwise.¹⁴ Hence, the case is now before us for final review.

Precision in conducting the arrest of the accused, seizure; and handling of evidence up to its presentation in court is necessary for the successful prosecution of cases involving illegal drugs. Such exacting standard is brought about by the unique characteristics of the main component of the *corpus delicti*, *i.e.*, the dangerous drug, which is indistinct, not readily identifiable, and usually open to tampering, alteration, or substitution either by accident or

¹² *Id.* at 116.

¹³ *Rollo*, p. 19.

¹⁴ *Trinidad v. People*, G.R. No. 239957, February 18, 2019, 893 SCRA 228 [Per *J. Perlas-Bernabe*, Second Division].

by deliberate act, especially when seized in small quantity.¹⁵ Thus, the law, along with the jurisprudential developments, laid down procedural safeguards to remove any incertitude on the identity and integrity of the seized drug, known in jurisprudence as the chain of custody rule or “the duly recorded authorized movements, and custody of seized drugs at each stage, from the moment of confiscation to the receipt in the forensic laboratory for examination until it is presented to the court.”¹⁶ Section 21 of RA No. 9165, as amended by RA No. 10640,¹⁷ requires:

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 person/s 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.

....

In *People v. Hementiza*,¹⁸ this Court synthesized the four essential links in the chain of custody which should be established beyond reasonable doubt, to wit:

¹⁵ *People v. Ancheta*, G.R. No. 238404 (Notice of Resolution), May 3, 2021, <<https://sc.judiciary.gov.ph/19476/>>; and *People v. Nuarin*, 764 Phil. 550, 557 (2015) [Per J. Brion, Second Division].

¹⁶ *People v. Del Rosario*, G.R. No. 235658, June 22, 2020 [Per J. Gesmundo, Third Division].

¹⁷ AN ACT TO FURTHER STRENGTHEN 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: July 15, 2014, states that it shall “take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.” Verily, a copy of the law was published on July 23, 2014 in the respective issues of the *The Philippines Star* (Vol. XXVIII, No. 359, Philippine Star Metro Section, p. 21) and the *Manila Bulletin* (Vol. 499, No. 23; World News Section, p. 6); hence, RA No. 10640 became effective on August 7, 2014.

¹⁸ 807 Phil. 1017 (2017) [Per J. Mendoza, Second Division].

- [1] the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer;
- [2] the turnover of the illegal drug seized by the apprehending officer to the investigating officer;
- [3] the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and
- [4] the turnover and submission of the marked illegal drug seized by the forensic chemist to the court.¹⁹

Notably, RA No. 9165, as amended, is silent on when or where marking should be done. But in the oft-cited case of *People v. Sanchez*,²⁰ this Court emphasized that immediate marking is the **first and most crucial step** in the custodial link as it initiates the process of protecting innocent persons from dubious and concocted searches, and of shielding law enforcement officers from harassment suits grounded upon allegations of evidence-planting.²¹ Proper marking accomplishes the purpose of the chain of custody rule — it serves to separate one evidence from the other, making each of them distinct to prevent switching, planting, or contamination. Therefore, it is critical to **immediately mark the seized item upon confiscation** in the presence of the arrested suspect because the succeeding custodians of the specimen will rely upon the markings as reference.²²

The Legislature and this Court are certainly aware and mindful of the varying field conditions that render perfect compliance with the chain of custody procedure impractical, or sometimes even impossible. Hence, Section 21(a) of the Implementing Rules and Regulations of RA No. 9165, as amended, provides for a saving clause in case of unavoidable deviation from the procedural requirements:

[N]on-compliance with [the] 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 [the seized items.]

In case of departure from the rules, thus, the prosecution is obliged to “satisfactorily prove that: (a) there is a justifiable ground for non-compliance; and (b) the integrity and evidentiary value of the seized items were properly preserved.”²³ “The prosecution is burdened to duly explain the reasons behind the lapses, and to **prove as a fact** the offered justification for such non-

¹⁹ *Id.* at 1030.

²⁰ 590 Phil. 214 (2008) [Per *J. Brion*, Second Division].

²¹ *Id.* at 241.

²² *People v. Ancheta*, *supra* note 15; *People v. Omamos*, G.R. No. 223036, July 10, 2019, 908 SCRA 367, 379 [Per *J. Lazaro-Javier*, Second Division]; *People v. Ramirez*, 823 Phil. 1215, 1225 (2018) [Per *J. Martinez*, Third Division], citing *supra* 20 at 241, as cited in *People v. Ameril*, 799 Phil. 484 (2016) [Per *J. Brion*, Second Division]; and *People v. Nuarin*, 764 Phil. 550, 557–558 (2015) [Per *J. Brion*, Second Division].

²³ *Supra* note 22. See also *People v. Suarez*, G.R. No. 249990, July 8, 2020 [Per *J. Perlas-Bernabe*, Second Division].

compliance, because it is not proper for the courts to presume what these justifiable grounds are or that they even exist.”²⁴

In this case, the prosecution does not dispute that the seized items were not marked upon confiscation. The team opted to proceed to their station without at least marking the seized items allegedly “to avoid any commotion that *may* happen in the scene of the crime.”²⁵ Such general and conjectural statement, however, can hardly be considered as a justifiable ground to excuse the officers’ failure to undertake the most crucial link in the chain of custody, *i.e.*, to immediately mark the seized items at the place of arrest and seizure. The prosecution offered no basis to support the alleged qualms to stay in the area for a few more minutes to mark the items. In fact, in *People v. Ramirez*,²⁶ we noted that it will not take more than five to 10 minutes to complete the marking of two small plastic sachets. In *People v. Ancheta*,²⁷ the prosecution justified the officers’ failure to immediately mark the seized item upon confiscation by alleging that it was raining at the time of arrest and there was no available table in the area. But this Court found the offered justification untenable since there was no explanation and proof of how heavy the alleged rain was to prevent them from inscribing a few characters on one sachet before leaving the area. This Court also ruled that the lack of table is a flimsy excuse. In this case, we cannot presume without basis that a commotion was bound to happen if the officers stayed a few more minutes in the area to mark the two items seized.

Since the items presented in evidence were unmarked from the time they were allegedly confiscated up to the time they arrived at the police station, dubieties on the identity, purity, and whereabouts of the items during transport are inescapable, especially since this case involves miniscule amounts (less than a gram) of alleged prohibited drugs seized. Such critical gap in the chain of custody creates doubts on Camales’ guilt, which warrants his acquittal. As we have ruled in *People v. Ameril*,²⁸ citing *People v. Coreche*,²⁹ the officers’ unjustifiable “failure . . . to immediately mark the seized drugs raises reasonable doubt on the authenticity of the *corpus delicti* and suffices to rebut the presumption of regularity in the performance of official duties.”³⁰ Truth be told, even before the enactment of RA No. 9165, this Court has consistently held “that the failure to mark the drugs immediately after they were seized [weakens the prosecution’s case], warranting acquittal on reasonable doubt.”³¹

²⁴ *People v. Suarez*, *supra* note 23; and *People v. Sanico*, G.R. No. 240431, July 7, 2020 [Per C.J. Peralta, First Division].

²⁵ *Rollo*, p. 6.

²⁶ *Supra* note 22 at 1226–1227.

²⁷ *Supra* note 15.

²⁸ 799 Phil. 484 (2016) [Per J. Brion, Second Division].

²⁹ 612 Phil. 1238 (2009) [Per J. Carpio, First Division].

³⁰ *Supra* note 28 at 496.

³¹ *Supra* note 22; *supra* note 29 at 1245, *People v. Coreche*, 612 Phil. 1238 (2009), citing *People v. Laxa*, 414 Phil. 156 (2001) [Per J. Mendoza, Second Division], (involving marijuana specimens marked only at the police station); and *People v. Casimiro*, 432 Phil. 966 (2002) [Per J. Mendoza, Second Division], (involving marijuana brick which was marked only at the police headquarters).

Additionally, the chain of custody was also broken at the *third* and *fourth* links as the prosecution evidence lacked crucial details in the stipulation of PSI Tang's testimony. In *People v. Andanar*,³² this Court stressed the importance of the following details in stipulating the forensic chemist's testimony: "(1) that the forensic chemist received the seized article as marked, properly sealed, and intact; (2) that [they] resealed it after examination of the content; and (3) that [they] placed [their] own marking on [the item] to ensure that it could not be tampered with pending trial."³³ The final custodial link cannot be established absent the testimony regarding the management, storage, and preservation of the illegal drug after its qualitative examination. Here, PSI Tang's stipulated testimony merely provides that she possessed the necessary qualifications to conduct the examination; that she received the specimen; and that her examination yielded a positive result for *shabu*. Statements on the condition of the specimen upon receipt for examination, the measures undertaken in its handling before, during, and after examination, and the condition of the examined items after examination were lacking, depriving "the trial courts of the means to ascertain that the evidence presented was not compromised."³⁴

This is not the first instance that this Court is constrained to reverse a conviction due to reasonable doubt on the identity and integrity of the drugs presented in evidence. Hence, we reiterate our constant reminder, and urge the prosecution and our law enforcers "to exert greater efforts in combating the drug menace using the safeguards that [this Court and] our lawmakers have deemed necessary for the greater benefit of our society."³⁵ Otherwise, the government's relentless attempts to eradicate drug abuse in our society would be proven futile.

FOR THESE REASONS, the appeal is **GRANTED**. The Decision dated March 26, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 09972 is **REVERSED**. Joselito Camales y Solano is **ACQUITTED** in Criminal Case Nos. 363-2015 and 364-2015 for failure of the prosecution to prove his guilt beyond reasonable doubt. He is **ORDERED IMMEDIATELY RELEASED** from detention unless he is being detained for another lawful cause.

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

SO ORDERED."

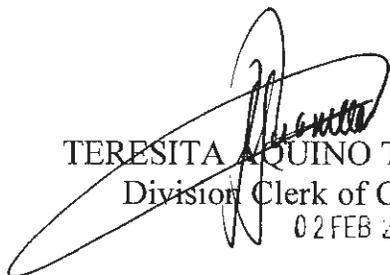
³² G.R. No. 246284, June 16, 2021 [Per *J. Lazaro-Javier, Jr.*, Second Division].

³³ *Id.*

³⁴ *People v. Ali*, G.R. No. 252677 (Notice of Resolution), November 11, 2021, <<https://sc.judiciary.gov.ph/26239/>>; and *People v. Del Rosario*, G.R. No. 235658, June 22, 2020 [Per *J. Gesmundo*, Third Division].

³⁵ *Tolentino v. People*, G.R. No. 227217, February 12, 2020 [Per *J. Reyes, A., Jr.*, Second Division].

By authority of the Court:


 TERESITA AQUINO TUAZON
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HON. PRESIDING JUDGE (reg)
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 (Crim. Case Nos. 363-2015 & 364-2015)

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