



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 1, 2023 which reads as follows:*

**“G.R. No. 258061 (People of the Philippines v. Adrian Valbuena y Anastacio alias “Ian,” and Amroding Mapundara y Macabangon alias “Amro”).**—This is an appeal<sup>1</sup> under Rule 124 of the Rules of Court, challenging the June 30, 2020 Decision<sup>2</sup> of the Court of Appeals in CA-G.R. CR-HC No. 12686, which affirmed the November 22, 2018 Consolidated Decision<sup>3</sup> of the Regional Trial Court (RTC), Quezon City, Branch 82, in Criminal Case Nos. R-QZN-18-11027-CR, R-QZN-18-11028-CR and R-QZN-18-11029-CR, finding accused-appellants Adrian Valbuena y Anastacio alias “Ian” (Valbuena) and Amroding Mapundara y Macabangon alias “Amro” (Mapundara) guilty of the crimes of Illegal Sale of Dangerous Drugs (R-QZN-18-11027-CR) and Illegal Possession of Dangerous Drugs (R-QZN-18-11028-CR and R-QZN-18-11029-CR).

Accused-appellants were accused of conspiring to sell illegal drugs, in violation of Section 5, Article II of Republic Act No. (RA) 9165,<sup>4</sup> otherwise known as “The Dangerous Drugs Act of 2002.”<sup>5</sup> Valbuena and Mapundara were also charged individually for possession of illegal drugs, in violation of Sec. 11, Art. II of RA 9165.<sup>6</sup> The accusatory portions of the three Informations filed against accused-appellants read as follows:

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<sup>1</sup> *Rollo*, pp. 3-5.

<sup>2</sup> *Id.* at 8-19. Penned by Associate Justice Danton Q. Bueser and concurred in by Associate Justices Geraldine C. Fiel-Macaraig and Alfredo D. Ampuan.

<sup>3</sup> *Id.* at 22-36. Penned by Presiding Judge Lyn Eborá-Cacha.

<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: June 7, 2002.

<sup>5</sup> *Records*, pp. 2-3.

<sup>6</sup> *Id.* at 4-7.

Re: Criminal Case No. R-QZN-18-11027-CR (Illegal Sale of Dangerous Drugs):

That on or about the 30<sup>th</sup> day of July 2018, in Quezon City, Philippines, the above-named accused, conspiring, confederating with and mutually helping each other, without authority of law, did then and there willfully, unlawfully and knowingly sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport or act as broker in the said transaction, one (1) heat-sealed, transparent plastic sachet with marking MA/AV BUYBUST 7/30/18 containing eighteen point fifty[-]one (18.51) grams of Methamphetamine Hydrochloride, a dangerous drug.

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

Re: Criminal Case No. R-QZN-18-11028-CR (Illegal Possession of Dangerous Drugs against Valbuena):

That on or about the 30<sup>th</sup> day of July 2018, in Quezon City, Philippines, the above-named accused, not being authorized by law to possess or use any dangerous drug, did then and there willfully, unlawfully and knowingly have in his possession and control one (1) heat-sealed transparent plastic sachet with marking MA/AV-1 7/30/18 containing zero point twelve (0.12) gram of white crystalline substance containing Methamphetamine Hydrochloride, a dangerous drug.

CONTRARY TO LAW.<sup>8</sup>

Re: Criminal Case No. R-QZN-18-11029-CR (Illegal Possession of Dangerous Drugs against Mapundara):

That on or about the 30<sup>th</sup> day of July 2018, in Quezon City, Philippines, the above-named accused, not being authorized by law to possess or use any dangerous drug, did then and there willfully, unlawfully and knowingly have in his possession and control one (1) heat-sealed transparent plastic sachet with marking AS/AM 07/30/18 containing zero point seventy (0.70) gram of white crystalline substance containing Methamphetamine Hydrochloride, a dangerous drug.

CONTRARY TO LAW.<sup>9</sup>

Accused-appellants pleaded not guilty upon arraignment and trial on the merits ensued.<sup>10</sup>

During pre-trial, the testimonies of forensic chemist, Police Chief Inspector Bernardo Rivera Roque (PCI Roque), and Senior Police Officer 2 Jade Gavina (SPO2 Gavina) were stipulated upon by the parties.<sup>11</sup>

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<sup>7</sup> Id. at 2.

<sup>8</sup> Id. at 4.

<sup>9</sup> Id. at 6.

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

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

The prosecution presented Police Officer 1 Michael Aducal (PO1 Aducal) and PO1 Anthony Susas (PO1 Susas) as witnesses, while the defense presented accused-appellants.<sup>12</sup>

The pertinent facts of the case, as culled from the findings of the lower courts are as follows:

x x x On July 30, 2018, at around 8:00 [a.m.], PO1 Aducal was at the police station when a x x x confidential informant arrived at the station and informed the Station Drug Enforcement Unit (SDEU) team leader, Officer Aquitan and the police officers present thereat that a certain alias Ian, who turned out to be Valbuena, was involved in illegal drug activities. The team leader then informed the station commander.

Acting on the information received, the Station Commander formed a buy-bust team. PO1 Aducal was designated as poseur-buyer and given two (2) pieces of ₱1,000.00 bill as buy-bust money, which was to be a part of a boodle. Thereafter, coordination was made with the PDEA and PO1 Aducal was ordered to buy ₱75,000.00 worth of shabu.

At around 1:30 [p.m.], the buy-bust team proceeded to the designated area. Upon arrival x x x PO1 Aducal, together with the confidential informant, went to Jollibee in Ali Mall to meet up with [Valbuena]. They immediately saw [Valbuena]. Seated beside him was alias Amro who was later identified as [Mapundara]. The confidential informant then introduced PO1 Aducal to [Valbuena] as the “iskorer” and the latter asked PO1 Aducal how much shabu he was getting. PO1 Aducal replied ₱75,000.00. An exchange then took place. PO1 Aducal handed the boodle money to [Valbuena] and in return, [Valbuena] took a medium-sized heat-sealed plastic sachet from his left side pocket and gave it to PO1 Aducal. Upon receipt of the package, PO1 Aducal inspected it. Based on PO1 Aducal’s training, he ascertained that the content of the package was shabu. He scratched his head to signify consummation of the transaction and the rest of the buy-bust team came forward to assist him. PO1 Susas arrested Mapundara while PO1 Aducal arrested [Valbuena], [who was] ordered to empty his pockets and confiscated from him were the buy-bust money and one (1) heat-sealed transparent plastic sachet. Meanwhile, PO1 Susas ordered [Mapundara] to empty his pockets and discovered one (1) cellphone and one (1) medium heat-sealed plastic sachet containing white crystalline substance.

After [their] arrest, the police officers immediately requested for the presence of a Media Representative and a Barangay representative who can witness the inventory of the seized items. A few minutes later, Barangay Kagawad Babet Bangil and Media Representative Arnel Gomez of GMA 7 arrived at the scene. When PO1 Aducal and PO1 Susas were about to conduct the inventory of the seized items, in the place of arrest, they were requested by the store manager of Jollibee to step out. They went outside of Jollibee and PO1 Aducal, who never lost possession of the seized items, marked them with “MA/AV BUY BUST 7/30/18 with signature” and “MA/AV-1 7/30/18 with signature.” The item seized from [Mapundara] was marked by PO1 Susas with

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<sup>12</sup> Id.

“AS/AM 07/30/201[8] with signature.” The cellphone was marked with “AS/AM-1 07/30/2018 with signature.”<sup>13</sup>

After the marking was done, they proceeded to the police station where PO1 Aducal and PO1 Susas turned over the seized items to the investigating officer, SPO1 Jade Gavina, who prepared the memorandum request for laboratory and drug test examination. After which, the items were given back to PO1 Aducal and PO1 Susas, who personally brought the same and accused-appellants to the QCPD Crime Laboratory in Kamuning, Quezon City. While the police officers and accused-appellants were waiting in the laboratory in order for the latter to get tested, Valbuena complained of chest and abdominal pain as well as difficulty in breathing, and thus he was brought to East Avenue Memorial Medical Center, where he was admitted and was under observation. The seized items eventually tested positive for metamphetamine hydrochloride.<sup>14</sup>

In their defense, accused-appellants denied the charges and insisted that they were victims of a police frame-up, narrating their version of the incident as follows:

Mapundara maintained that on July 30, 2019, at around 12:00 [p.m.], he was outside Jollibee Ali Mall, Cubao branch when three (3) male persons approached him. Someone placed an arm on his shoulders and another handcuffed him. He was instructed not to resist since his companion had already been arrested. The three (3) male persons then brought out a table from Jollibee and placed several items on top of it.

Valbuena, x x x, claimed that on [the same day], at around 11:30 am, he was eating in Jollibee Ali Mall, Cubao branch when two (2) female persons suddenly sat on the table beside his. One of the female persons took out something from her pocket while the other held him by his shoulder and told him that they were police officers. He was then taken outside where he saw a table with several pieces of evidence on top of it.<sup>15</sup>

Valbuena and Mapundara also claimed that they do not know each other.<sup>16</sup>

### **Ruling of the Regional Trial Court**

On November 22, 2018, a consolidated decision was rendered by the RTC convicting accused-appellants of the crimes charged against them.<sup>17</sup> The dispositive portion of which reads:

WHEREFORE, premises considered, judgment is hereby rendered as follows:

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<sup>13</sup> Id. at 11-12.

<sup>14</sup> Id. at 25-30.

<sup>15</sup> Id. at 30-31 and 12-13.

<sup>16</sup> Id.

<sup>17</sup> Id. at 22-36.

1. In Criminal Case No. R-QZN-18-11027-CR, the Court finds th[at] Adrian Valbuena y Anastacio alias “Ian” and Amroding Mapundara y Macabangon alias “Amro” GUILTY beyond reasonable doubt of violation of Section 5 Article II of R.A. 9165.

Accordingly, this Court sentences accused Adrian Valbuena y Anastacio alias “Ian” and Amroding Mapundara y Macabangon alias “Amro” to suffer the penalty of Life Imprisonment and to each pay a Fine in the amount of Five Hundred Thousand (P500,000.00) Pesos without eligibility for parole in accordance with R.A. 9346.

2. In Criminal Case No. R-QZN-18-11028-CR, the Court finds accused Adrian Valbuena y Anastacio alias “Ian” GUILTY beyond reasonable doubt of violation of Section 11 Article II of R.A. 9165.

Accordingly, this Court sentences the accused Adrian Valbuena y Anastacio alias “Ian” to suffer the indeterminate penalty of imprisonment of Twelve (12) Years and One (1) Day as minimum to Fourteen (14) Years as maximum and to pay a Fine in the amount of Three Hundred Thousand Pesos (P300,000.00).

3. In Criminal Case No. R-QZN-18-11029-CR, the Court finds accused Amroding Mapundara y Macabangon alias “Amro” GUILTY beyond reasonable doubt of violation of Section 11, Article II of R.A. 9165.

Accordingly, this Court sentences accused Amroding Mapundara y Macabangon alias “Amro” to suffer the indeterminate penalty of imprisonment of Twelve (12) Years and One (1) Day as minimum to Fourteen (14) Years as maximum and to pay a Fine in the amount of Three Hundred Thousand Pesos (P300,000.00).

X X X X

SO ORDERED.<sup>18</sup>

In so ruling, the RTC held that the prosecution was able to establish and prove the elements of the crimes charged against accused-appellants.<sup>19</sup> The chain of custody was unbroken, and the integrity and evidentiary value have been preserved, despite acknowledging that the police officers did not strictly comply with the requirements under Sec. 21, Art. II of RA 9165.<sup>20</sup> Anent the accused-appellants’ allegations of frame-up, the trial court found that no evidence was presented to prove that the police officers were motivated by reasons other than their duty as operatives against the proliferation of illegal drugs and thus, it gave full faith and credence to the positive testimony of the police officers.<sup>21</sup>

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<sup>18</sup> Id. at 35-36.

<sup>19</sup> Id. at 32-34.

<sup>20</sup> Id. at 34.

<sup>21</sup> Id. at 34-35.

Aggrieved, accused-appellants elevated the case to the CA.

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

On June 30, 2020, the CA denied accused-appellants' appeal and affirmed the RTC decision.<sup>22</sup> The dispositive portion of the CA decision reads:

WHEREFORE, the appeal is hereby DENIED.

SO ORDERED.<sup>23</sup>

The appellate court held that the collective evidence presented during trial adequately established that a valid buy-bust operation was conducted, and that the identity of the *corpus delicti* is undisputed given that all the links in the chain of custody had been established by the prosecution.<sup>24</sup> Accused-appellants' theory that they would not have sold illegal drugs casually to a stranger was disregarded by the CA as the confidential informant introduced PO1 Aducal to accused-appellants before the transaction.<sup>25</sup> Finally, the appellate court held that the acts of the accused, specifically the act of Mapundara in receiving the marked money and handing the same to Valbuena, showed that they were acting in conspiracy.<sup>26</sup>

Hence, the instant appeal.

### **Our Ruling**

This appeal is meritorious.

The prosecution utterly failed to establish the *corpus delicti* as the integrity of the same is in doubt due to a substantial break in the chain of custody.

**Accused-appellants must be acquitted due to the failure of the prosecution to establish the *corpus delicti* with moral certainty**

For the prosecution of Illegal Sale and Illegal Possession of Dangerous Drugs to prosper, the *corpus delicti* must be proven beyond reasonable doubt. The dangerous drug itself forms an integral part of the *corpus delicti* of the

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<sup>22</sup> Id. at 8-19.

<sup>23</sup> Id. at 18.

<sup>24</sup> Id. at 15-17.

<sup>25</sup> Id. at 17.

<sup>26</sup> Id. at 18.

crime. Thus, the identity of the drugs seized should be established with moral certainty.<sup>27</sup> To remove any doubt as to the identity of the seized dangerous drugs, the prosecution must be able to prove that the illegal drug seized from the suspects is the very same substance adduced in court.<sup>28</sup>

The chain of custody rule performs this function as it ensures that unnecessary doubts concerning the identity of the evidence are removed.<sup>29</sup> In this regard, Sec. 21 of RA 9165, as amended, prescribes the required procedure in preserving the *corpus delicti* in illegal drug cases. Sec. 21 provides, in part:

**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.

In relation to the foregoing, the prosecution must establish the following links in the chain of custody: (a) the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer, (b) the turnover of the illegal drug seized by the apprehending officer to the investigating officer, (c) the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination, and (d) the turnover and submission of the marked illegal drug seized from the forensic chemist to the court.<sup>30</sup>

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<sup>27</sup> *People v. Corral*, G.R. No. 233883, January 7, 2019.

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

<sup>29</sup> *People v. Arellaga*, G.R. No. 231796, August 24, 2020.

<sup>30</sup> *Tumabini v. People*, G.R. No. 224495, February 19, 2020.

This Court finds reasonable doubt as to the fourth link.

More often than not, crime laboratories have an evidence custodian to whom the forensic chemist hands over the seized evidence for safekeeping after forensic examination until its identification in court. If the chemist turns over the drug specimen to an evidence custodian after conducting the forensic examination, the safekeeping measures employed and precautions undertaken by the evidence custodian after the qualitative examination must also be established to account for the fourth link in the chain of custody.<sup>31</sup> Absent evidence on how the evidence custodian handled and stored the seized item before the same was retrieved for presentation in court, an acquittal is in order.<sup>32</sup>

Given this, the fourth link in the chain of custody was not satisfactorily established. In establishing the fourth link, the parties simply stipulated on PCI Roque's qualifications as a forensic chemist, PO2 Tuccad's receipt of the sealed specimens from PCI Roque, and PCI Roque's submission of the sealed specimens to the court. However, the parties did not stipulate on the safekeeping measures adopted by PO2 Tuccad as the evidence custodian after PCI Roque turned over the custody of the seized items to the former following the qualitative examination.<sup>33</sup> Neither did the prosecution present PO2 Tuccad's testimony in court, or otherwise account for any measures she took to maintain the integrity of the specimens from the time the specimens were placed in the evidence room of the QCPD Crime Laboratory. Absent any evidence or stipulation on how the seized drugs were handled while the specimens were in the evidence room, the fourth link in the chain of custody could not be deemed established to a moral certainty.

Verily, the prosecution failed to establish an unbroken chain of custody of the seized drugs in violation of Sec. 21, Art. II of RA 9165. If the chain of custody procedure has not been complied with, or no justifiable reason exists for its noncompliance, it is the Court's duty to overturn the verdict of conviction.<sup>34</sup> Accordingly, the acquittal of accused-appellants is in order.

**WHEREFORE**, the appeal is **GRANTED**. The June 30, 2020 Decision of the Court of Appeals in CA-G.R. CR-HC No. 12686 is **REVERSED** and **SET ASIDE**. Accused-appellants Adrian Valbuena y Anastacio alias "Ian" and Amroding Mapundara y Macabangon alias "Amro" are **ACQUITTED** for failure of the prosecution to prove their guilt beyond reasonable doubt. They are ordered immediately **RELEASED** from detention, unless they are confined for any other lawful cause.

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<sup>31</sup> *People v. Posos*, G.R. No. 226492, October 2, 2019.

<sup>32</sup> *Id.*

<sup>33</sup> Records, pp. 51-52.

<sup>34</sup> *People v. Bombasi*, G.R. No. 230555, October 9, 2019, citing *People v. Año*, 828 Phil. 439, 453 (2018).

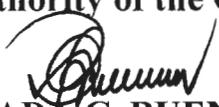
Let a copy of this Resolution be furnished the Director General, Bureau of Corrections, Muntinlupa City for immediate implementation. Furthermore, the Director General is **DIRECTED** to report to this Court the action taken hereon within five days from receipt of this Resolution.

Let entry of judgment be issued immediately.

The Office of the Solicitor General's Manifestation and Motion, pursuant to the Resolution dated March 9, 2022, is **NOTED** and **GRANTED**; and the Letter dated April 11, 2022 of CSO4 Cesar T. Grecia, Chief, Inmate Documents and Processing Division, New Bilibid Prison, Muntinlupa City, also in compliance with the Resolution dated March 9, 2022, is **NOTED**.

**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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**FEB 08 2023**

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Court of Appeals (x)  
Manila  
(CA-G.R. CR-HC No. 12686)

The Hon. Presiding Judge  
Regional Trial Court, Branch 82  
1100 Quezon City  
(Crim. Case Nos. R-QZN-18-11027-CR  
to R-QZN-18-11029-CR)

The Director General (x)  
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No. 12-7-1-SC)

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