



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **December 5, 2022**, which reads as follows:

**G.R. No. 244597 – JUSTINE JEROME MAGPANTAY y IBON @ “JJ”, petitioner, versus PEOPLE OF THE PHILIPPINES, respondent.**

After a careful review of the records of the instant case, the Court **GRANTS** the Petition for Review on *Certiorari*<sup>1</sup> (Petition) filed by petitioner Justine Jerome Magpantay y Ibon @ “JJ” (Magpantay). The Court **REVERSES** and **SETS ASIDE** the Decision<sup>2</sup> dated March 14, 2018 and Resolution<sup>3</sup> dated January 30, 2019 in CA-G.R. CR No. 39640, which affirmed the Decision<sup>4</sup> dated January 19, 2017 of the Regional Trial Court of Pallocan West, Batangas City, Branch 4 (RTC) in Criminal Case No. 18524 finding Magpantay guilty beyond reasonable doubt of illegal possession of dangerous drugs, punished under Section 11, Article II of Republic Act No. (R.A.) 9165,<sup>5</sup> otherwise known as the “Comprehensive Dangerous Drugs Act of 2002,” as amended.

In cases involving violations of R.A. 9165, the prosecution must prove beyond reasonable doubt not only every element of the crime or offense charged but must likewise establish the identity of the *corpus delicti*, i.e., the seized drugs.<sup>6</sup> R.A. 9165 requires nothing less than strict compliance.<sup>7</sup> Any lapses or deviations from the mandatory procedures under Section 21 of R.A. 9165, as amended, must be acknowledged and explained or justified by the prosecution; otherwise, the integrity of the *corpus delicti* would not be proven beyond reasonable doubt.

<sup>1</sup> *Rollo*, pp. 12-37, excluding Annexes.

<sup>2</sup> *Id.* at 39-48. Penned by Associate Justice Jose C. Reyes, Jr. (now a retired Member of this Court), with Associate Justices Franchito N. Diamante and Maria Elisa Sempio Diy concurring.

<sup>3</sup> *Id.* at 50-52. Penned by Associate Justice Maria Elisa Sempio Diy, with Associate Justices Franchito N. Diamante and Ramon A. Cruz concurring.

<sup>4</sup> *Id.* at 80-84. Penned by Presiding Judge Albert A. Kalalo.

<sup>5</sup> 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, otherwise known as the “COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002,” approved on June 7, 2002.

<sup>6</sup> *People v. Arbuís*, 836 Phil. 1210, 1215 (2018).

<sup>7</sup> *People v. Que*, 824 Phil. 882, 901 (2018).

In the instant case, the Court finds that the integrity and evidentiary value of the seized item had not been preserved. The Court cannot ignore the doubt created in the *corpus delicti* due to the absence of one of the three required witnesses under R.A. 9165, specifically the representative from the media. The prosecution did not even acknowledge, much less explain, this deviation from the chain of custody rule. It must be emphasized that the prosecution has the burden to prove the accused's guilt beyond reasonable doubt, including the identity of the *corpus delicti*. In turn, it is the strict compliance with the requirements of Section 21 which assures courts that the identity of the *corpus delicti* had indeed been preserved. The prosecution, however, failed to prove the same in this case.

While the facts of this case did not involve a buy-bust operation, it must be emphasized that the requirements of Section 21 remain the same. In *Tumabini v. People*,<sup>8</sup> the Court held that Section 21 “operates as long as there is seizure and confiscation of drugs. It does not distinguish between warrantless seizure of the drugs in a buy-bust operation and in the implementation of a search warrant. Accordingly, in every situation where there is a seizure and confiscation of drugs, the presence of the accused, or his/her representative or counsel, a representative from the media and the [Department of Justice], and any elected public official, is required during the physical inventory and taking of photographs of the seized drugs, because they shall be required to sign the copies of the inventory and be given a copy thereof.”<sup>9</sup>

Thus, for the reasons mentioned above and with the integrity and evidentiary value of the *corpus delicti* having been rendered compromised, it necessarily follows that Magpantay must be acquitted on the ground of reasonable doubt for violation of Section 11 of R.A. 9165, as amended.

**WHEREFORE**, the Petition is **GRANTED**. The Decision dated March 14, 2018 and Resolution dated January 30, 2019 in CA-G.R. CR No. 39640 are hereby **REVERSED** and **SET ASIDE**. Accordingly, petitioner Justine Jerome Magpantay y Ibon @ “JJ” is **ACQUITTED** for failure of the prosecution to establish his guilt beyond reasonable doubt, and is **ORDERED IMMEDIATELY RELEASED** from detention, unless he is being lawfully held for another cause.

Let a copy of this Resolution be sent to the Director General of the Bureau of Corrections for immediate implementation. The said Director General is **ORDERED** to report to this Court within five (5) days from receipt of this Resolution the action taken.

Let entry of judgment be issued immediately.

---

<sup>8</sup> G.R. No. 224495, February 19, 2020.

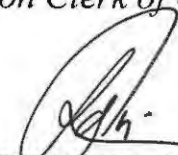
<sup>9</sup> Id. at 9.

**SO ORDERED. (Dimaampao, J., on official leave.)**

By authority of the Court:

**MISAELO DOMINGO C. BATTUNG III**  
*Division Clerk of Court*

By:

  
**RUMAR D. PASION**  
*Deputy Division Clerk of Court*  
JB 1/10/23

Special & Appealed Cases Service  
PUBLIC ATTORNEY'S OFFICE  
DOJ Agencies Building  
East Avenue cor. NIA Road  
Diliman, 1104 Quezon City

PGEN. Rodolfo S. Azurin, Jr.  
CHIEF, PHILIPPINE NATIONAL POLICE  
National Headquarters  
Camp Crame, Quezon City

COURT OF APPEALS  
CA-G.R. CR No. 39640  
1000 Manila

The Director General  
PHILIPPINE DRUG ENFORCEMENT AGENCY  
PDEA Bldg., NIA Northside Road  
National Government Center  
Brgy. Pinyahan, Quezon City

OFFICE OF THE SOLICITOR GENERAL  
134 Amorsolo Street  
1229 Legaspi Village, Makati City

The Chairman  
DANGEROUS DRUGS BOARD  
3<sup>rd</sup> Floor DDB-PDEA Bldg.,  
NIA Northside Road  
National Government Center  
Brgy. Pinyahan, Quezon City

The Presiding Judge  
REGIONAL TRIAL COURT  
Branch 4, 4200 Pallocan West, Batangas City  
(Crim. Case No. 18524)

PHILIPPINE JUDICIAL ACADEMY  
Research Publications and Linkages Office  
Supreme Court, Manila  
[research\_philja@yahoo.com]

The Director General  
BUREAU OF CORRECTIONS  
1770 Muntinlupa City

PUBLIC INFORMATION OFFICE  
Supreme Court, Manila  
[For uploading pursuant to A.M. 12-7-1-SC]

The Superintendent  
New Bilibid Prison  
BUREAU OF CORRECTIONS  
1770 Muntinlupa City

LIBRARY SERVICES  
Supreme Court, Manila

Mr. Justine Jerome Magpantay y Ibon @ "JJ"  
c/o The Superintendent  
New Bilibid Prison  
BUREAU OF CORRECTIONS  
1770 Muntinlupa City

Judgment Division  
JUDICIAL RECORDS OFFICE  
Supreme Court, Manila