



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **August 22, 2022** which reads as follows:*

“G.R. No. 253367 (People of the Philippines, plaintiff-appellee v. Albert Omaña y Villegas, accused-appellant). – Assailed in this ordinary appeal¹ is the Decision² dated December 14, 2018 of the Court of Appeals (CA) in CA-G.R. CR HC No. 10178, which affirmed the Decision³ dated November 17, 2017 of the Regional Trial Court of Calamba City, Laguna, Branch 36 (RTC) finding accused-appellant Albert Omaña y Villegas (Omaña) guilty beyond reasonable doubt of the crimes of Illegal Sale of Dangerous Drugs and Illegal Possession of Dangerous Drugs, as defined and penalized respectively under Sections 5 and 11, Article II of Republic Act No. (RA) 9165, otherwise known as the “Comprehensive Dangerous Drugs Act of 2002.”

The Facts

This case stemmed from two (2) separate Informations filed before the RTC charging Omaña with Illegal Sale of Dangerous Drugs and Illegal Possession of Dangerous Drugs, as defined and penalized under Sections 5 and 11, Article II of RA 9165, otherwise known as the “Comprehensive Dangerous Drugs Act of 2002,” the accusatory portions of which read:

Criminal Case No. 24941-2015-C
(Violation of Section 11, Article II of RA 9165)

That on or about June 27, 2015 at Los Baños, Laguna and within the jurisdiction of this Honorable Court, the above-named accused and without any authority of law did, then and there, willfully, unlawfully and feloniously possess One (1) heat sealed transparent plastic sachets (sic) containing Methamphetamine Hydrochloride having a total weight of 0.2 grams [sic], a dangerous drug, in violation of the aforementioned provision of law.

¹ See Notice of Appeal dated January 7, 2019; *rollo*, pp. 30-32.

² *Id.* at 3-29. Penned by Associate Justice Fernanda Lampas Peralta with Associate Justices Rodil V. Zalameda and Henri Jean Paul B. Inting (now Members of this Court), concurring.

³ CA *rollo*, pp. 43-50. Penned by Presiding Judge Glenda R. Mendoza-Ramos.

CONTRARY TO LAW.

June 29, 2015, Calamba City, Laguna⁴

Criminal Case No. 24942-2015-C
(Violation of Section 5, Article II of RA 9165)

That on or about June 27, 2015 at Los Baños, Laguna and within the jurisdiction of this Honorable Court, the above-named accused and without any authority of law did, then and there, willfully, unlawfully and feloniously sell and/or deliver One (1) heat sealed transparent plastic sachet of Methamphetamine Hydrochloride weighing 0.4 gram, a dangerous drug, in violation of the aforementioned provision of law.

CONTRARY TO LAW.

June 29, 2015, Calamba City, Laguna⁵

The prosecution alleged that at around 4:00 in the afternoon of June 27, 2015, a confidential informant (CI) went to the Municipal Police Station (MPS) in Los Baños, Laguna (MPS Los Baños) and reported that Omaña was involved in the selling and distribution of *shabu* in the vicinity of Sitio Ilaya, Barangay Mayondon (target area). On the basis of such information, the police officers organized a buy-bust team designating P/Insp. Laurence C. Abowac (P/Insp. Abowac) as team leader, PO2 Angelo D. Lapinid (PO2 Lapinid) as poseur-buyer, and PO1 Rommel D. Montecillo (PO1 Montecillo) and the rest of the buy-bust team as back-up security. After the briefing, the team went to the target area on the same day to conduct the operation.⁶

After reaching the area at around 4:50 in the afternoon, PO2 Lapinid and the CI approached Omaña while the rest of the team were monitoring inside a tinted vehicle. The CI introduced PO2 Lapinid as buyer and Omaña asked the latter how much *shabu* he would buy. PO2 Lapinid answered “*Tatlong piso lang,*” and handed to Omaña the marked three (3) pieces of ₱100.00⁷ (marked money). Omaña placed the marked money in his pocket while he handed to PO2 Lapinid one (1) heat-sealed plastic sachet containing *shabu*.⁸

As soon as the sale took place, PO2 Lapinid performed the pre-arranged signal prompting PO1 Montecillo and the rest of the buy-bust team to rush to the target area. After introducing himself as a police officer, PO2 Lapinid arrested Omaña. He then conducted a body search and recovered from Omaña the marked money and another heat-sealed plastic sachet containing *shabu*. PO2 Lapinid conducted the marking, inventory and photography of the two (2) plastic sachets of *shabu* at the place of the

⁴ Id. at 43.

⁵ Id.

⁶ Id. at 107.

⁷ The three (3) pieces P100.00 with serial numbers YM173048, ZJ927348, and QT835724 were marked with a “check.”; id. at 45.

⁸ Id. at 107-108.

incident and in the presence of media representative Levy Tatad (Tatad) and Barangay Kagawad Felisa C. Caunca⁹ (Caunca). Thereafter, Omaña was brought to the MPS for further investigation. PO2 Lapinid also brought the two (2) plastic sachets of *shabu* (seized items) to the MPS Los Baños.¹⁰

P/Insp. Abowac prepared a Request for Laboratory Examination. PO2 Lapinid and PO1 Montecillo brought said request and the seized items to the PNP Regional Crime Laboratory Office 4-A, Camp Vicente Lim, Calamba, Laguna (PNP Region 4-A Crime Lab). Upon qualitative examination by forensic chemist, PCI Donna Villa P. Huelgas (PCI Huelgas), the seized items tested positive for methamphetamine hydrochloride, a dangerous drug.¹¹

In his defense, Omaña denied the accusations and invoked frame-up. He averred that he was walking on the street to buy “kusot” which he would use for his plants. Suddenly, a vehicle stopped in front of him and several armed individuals alighted therefrom and forcibly handcuffed him. The armed individuals told Omaña that he was being arrested for selling illegal drugs. He denied the accusations but one of the armed individuals punched him in the stomach causing him to fall on the ground. Thereafter, the armed individuals produced two (2) plastic sachets containing white crystalline substance. Omaña was then forced to board the vehicle and was brought to the barangay hall where a Barangay Kagawad was made to sign a document. Thereafter, Omaña was brought to the MPS Los Baños.¹²

The RTC Ruling

In a Decision¹³ dated November 17, 2017, the RTC convicted Omaña of the crimes of Illegal Sale of Dangerous Drugs and Illegal Possession of Dangerous Drugs. Accordingly, he was sentenced as follows: (a) for Illegal Sale of Dangerous Drugs, Omaña was sentenced to suffer the penalty of life imprisonment, and to pay a fine in the amount of ₱500,000.00 with subsidiary imprisonment in case of insolvency; and (b) for Illegal Possession of Dangerous Drugs, Omaña was sentenced to suffer the penalty of imprisonment for an indeterminate period of twelve (12) years and one (1) day, as minimum, to fifteen (15) years, as maximum, and to pay a fine in the amount of ₱300,000.00 with subsidiary imprisonment in case of insolvency.¹⁴

In convicting Omaña, the RTC found that the prosecution, through the testimony of PO2 Lapinid, had adequately established all the elements of the aforesaid crimes in this case. The prosecution was also able to strengthen its

⁹ “Cuenca” in some parts of the records. See *CA rollo*, pp. 45 and 87.

¹⁰ *CA rollo*, p. 108.

¹¹ *Id.* at 108-109.

¹² *Id.* at 109.

¹³ *Id.* at 43-50.

¹⁴ *Id.* at 49-50.

case by establishing proof of compliance with the requirements of marking, inventory, and photography in the presence of a media representative and Barangay Kagawad in accordance with Section 21 of RA 9165. On the other hand, the RTC found untenable Omaña's defenses of denial and frame-up, as they were not substantiated by clear and convincing evidence.¹⁵

The CA Ruling

In a Decision¹⁶ dated December 14, 2018, the CA affirmed the RTC ruling *in toto*. Mainly affirming the RTC's findings, the CA held that the prosecution was able to establish compliance with the four (4) critical links in the chain of custody of the dangerous drugs. As regards the first and second links, the CA held that the marking, inventory, and photography of the seized items were done in the presence of Omaña, Tatad, and Caunca at the place of the incident. Within twenty-four (24) hours from the time of confiscation, PO2 Lapinid and PO1 Montecillo brought the seized items to the PNP Region 4-A Crime Lab where they were received by personnel, one PO3 Jayme, at around 9:05 in the evening of June 27, 2015. The third and fourth links, according to the CA, were likewise sufficiently established when during the pre-trial conference, the defense entered into a stipulation with the prosecution that the Request for Laboratory Examination and the seized items were turned-over by PO3 Jayme to PCI Huelgas for qualitative examination.¹⁷

The Issue Before the Court

The issue before the Court is whether or not Omaña is guilty beyond reasonable doubt of the crimes charged.

The Court's Ruling

The appeal is meritorious.

At the outset, it must be stressed that in criminal cases, an appeal throws the entire case wide open for review and the reviewing tribunal can correct errors, though unassigned in the appealed judgment, or even reverse the trial court's decision based on grounds other than those that the parties raised as errors. The appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law.¹⁸

¹⁵ Id. at 47-49.

¹⁶ Id. at 106-133.

¹⁷ Id. at 126-130.

¹⁸ *People v. Bernardo*, G.R. No. 242696, November 11, 2020, citing *Arambulo v. People*, G.R. No. 241834, July 24, 2019.

Guided by the foregoing consideration, the Court is constrained to acquit Omaña of the crimes charged, as will be explained below.

In cases for Illegal Sale of Dangerous Drugs¹⁹ and Illegal Possession of Dangerous Drugs under RA 9165,²⁰ the confiscated drug constitutes the very *corpus delicti* of the offense; thus, it is essential that the identity and integrity of the seized drug be established with moral certainty.²¹ Therefore, it is imperative that the prohibited drug confiscated or recovered from the suspect is the very same substance offered in court as exhibit; and that the identity of said drug is established with the same unwavering exactitude as that requisite to make a finding of guilt.²² Failing 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.²³

In the prosecution of Illegal Sale of Dangerous Drugs and Illegal Possession of Dangerous Drugs, the links in the chain of custody that must be established are: (a) the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer; (b) the turnover of the seized illegal drug by the apprehending officer to the investigating officer; (c) the turnover of the illegal drug by the investigating officer to the forensic chemist for laboratory examination; and (d) the turnover and submission of the illegal drug from the forensic chemist to the court.²⁴ Chain of custody means the duly recorded, authorized movements, and custody of the seized drugs at each stage, from the moment of confiscation to the receipt in the forensic laboratory for examination until they are presented to the court.²⁵

To establish the identity of the dangerous drug with moral certainty, the prosecution must be able to account for each link of the chain of custody from the moment the drugs are seized up to their presentation in court as evidence of the crime.²⁶ In other words, every person who touched the seized item must describe how and from whom they received it; where and what happened to it while in the witness' possession; its condition when received

¹⁹ The elements of Illegal Sale of Dangerous Drugs under Section 5, Article II of RA 9165 are: (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. (See *People v. Villalon, Jr.*, G.R. No. 249412, March 15, 2021.)

²⁰ 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 (See *id.*)

²¹ See *People v. Deliña*, G.R. No. 243578, June 30, 2020, citing *People v. Fulinara*, G.R. No. 237975, June 19, 2019.

²² See *People v. Deliña*, G.R. No. 243578, June 30, 2020, citing *People v. Sembrano*, 842 Phil. 120 (2018).

²³ See *People v. Gamboa*, 833 Phil. 1055 (2018), citing *People v. Umipang*, 686 Phil. 1024, 1039-1040 (2012).

²⁴ *People v. Lim*, 839 Phil. 598 (2018).

²⁵ See *People v. Niebres*, G.R. No. 235658, June 22, 2020.

²⁶ *People v. Año*, 828 Phil. 439 (2018).

and at the time it was delivered to the next link in the chain.²⁷ These witnesses would then describe the precautions taken to ensure that there had been no change in the condition of the item and opportunity for someone not in the chain to have possession of the same.²⁸

The court finds that the prosecution failed to establish the fourth link in the chain of custody in this case.

Case law provides that “it is of paramount necessity that the forensic chemist testifies on the details pertaining to 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; description of the 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.”²⁹ Thus, as a rule, the forensic chemist must testify as to these matters in order to show compliance with the fourth link.³⁰

However, the forensic chemist’s testimony may be dispensed with and the parties may stipulate on their testimony provided that such stipulation contains the following: (a) that the forensic chemist received the seized article as marked, properly sealed, and intact; (b) that they resealed it after examination of the content; and (c) that they placed their own marking on the same to ensure that it could not be tampered with pending trial.³¹

In this case, the parties opted to dispense with the testimony of forensic chemist PCI Huelgas and agreed on the following stipulations:

A Request for Laboratory Examination dated June 27, 2015 was received by the personnel of the Crime Laboratory Office from one PO3 Jaime; upon the receipt of the Request for Laboratory Examination and the specimen attached therewith, the Forensic Chemist Donna Villa Huelgas conducted a qualitative examination of the specimen subject of these cases; upon qualitative examination of the specimen with marking “AVO,” “AVO-1” and “AVO-2” the same resulted in a positive test for the presence of Methamphetamine Hydrochloride, a dangerous drug; and after the result of the examination, Forensic Chemist Donna Villa Huelgas executed Chemistry Report No. D-1575-15 to reflect the result of the qualitative examination on the specimen subject of these cases.³²

The foregoing indubitably lacked the required stipulations for the effective dispensation of PCI Huelgas’s testimony. It bears stressing that the

²⁷ See *People v. Escaran*, G.R. No. 212170, June 19, 2019, citing *People v. Gajo*, 824 Phil. 140 (2018).

²⁸ See *Saban v. People*, G.R. No. 253812, June 28, 2021; citations omitted.

²⁹ See *People v. Rivera and Estanislao*, G.R. No. 252886, March 15, 2021, citing *People v. Omamos*, G.R. No. 223036, July 10, 2019.

³⁰ See *id.*

³¹ See *People v. Kasan*, G.R. No. 238334, July 3, 2019, citing *People v. Cabuhuy*, 836 Phil. 903 (2018) and *People v. Pajarin*, 654 Phil. 461 (2011).

³² *Rollo*, p. 26.

prosecution also failed to present any testimonial or documentary evidence to prove the manner by which the seized items were managed, stored, preserved or handled at the crime laboratory after they were examined by PCI Huelgas and before they were delivered to the trial court for identification.³³ All these create reasonable doubt that the items seized from Omaña were the same items offered in evidence before the RTC.

In sum, the prosecution's failure to account for the fourth link in the chain of custody of the items purportedly seized from Omaña fatally compromises the integrity and evidentiary value of the seized items. Hence, Omaña's acquittal is in order.

FOR THESE REASONS, the appeal is **GRANTED**. The Decision dated December 14, 2018 of the Court of Appeals (CA) in CA-G.R. CR HC No. 10178 is hereby **REVERSED** and **SET ASIDE**. Accordingly, accused-appellant Albert Omaña y Villegas is **ACQUITTED** of the crimes of Illegal Sale of Dangerous Drugs and Illegal Possession of Dangerous Drugs, as defined and penalized under Sections 5 and 11, Article II of Republic Act No. 9165.

The Director-General of the Bureau of Corrections is **ORDERED** to: (a) cause the immediate release of accused-appellant Albert Omaña y Villegas, unless he is being lawfully held in custody for any other reason; and (b) inform the Court of the action taken within five (5) days from receipt of this Resolution.

Let entry of judgment be issued immediately.

SO ORDERED."

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA
Deputy Division Clerk of Court ^{mmj}_{jt}

04 APR 2023

³³ See *People v. Rivera and Estanislao*, supra note 29.

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THE DIRECTOR (x)
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THE SUPERINTENDENT (x)
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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 36
Calamba City, Laguna
(Crim. Cases Nos. 24941-2015-C & 24942-2015-C)

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114