



Republic of the Philippines
Supreme Court
Baguio City

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated April 19, 2023 which reads as follows:

“G.R. No. 257964 (*People of the Philippines v. Geoffrey Savalle y Bernardo*).—Accused-appellant Geoffrey Savalle y Bernardo (Savalle) challenges the July 13, 2020 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR HC No. 11988 dismissing his appeal and affirming the October 2, 2018 Decision² of the Regional Trial Court (RTC) of the City of Manila, Branch 13.

The RTC and the CA found Savalle guilty³ beyond reasonable doubt of Illegal Sale of Dangerous Drugs under Section 5, Article II, of Republic Act No. (RA) 9165⁴ or the “Comprehensive Dangerous Drugs Act of 2002.”

The Antecedents

The June 3, 2015 Information⁵ charged Savalle as follows:

That on or about the **May 28, 2015**, in the City of Manila, Philippines, the said accused, not having been authorized by law to sell, trade, deliver, transport or distribute any dangerous drug, did then and there willfully, unlawfully and knowingly sell to a police officer/poseur-buyer **one (1) brown paper bag marked as “EXH A AEV 052815”, containing one (1) self-sealing transparent plastic bag marked as “EXH A-1-a AEV 052815” containing (1067.4) ONE ZERO SIX SEVEN POINT FOUR GRAMS** of white crystalline substance containing Methamphetamine Hydrochloride, commonly known as “shabu”, a dangerous drug.

¹ *Rollo*, pp. 8-31. Penned by Associate Justice Fernanda Lampas Peralta and concurred in by Associate Justices Myra V. Garcia-Fernandez and Ruben Reynaldo G. Roxas.

² *Id.* at 33-39. Penned by Judge Emilio Rodolfo Y. Legaspi III.

³ *Id.* at 23, 38.

⁴ 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.

⁵ Records, pp. 1-2.

Contrary to law.⁶

Savalle pleaded not guilty to the crime charged.⁷ After the termination of the preliminary conference⁸ and pre-trial,⁹ trial on the merits ensued.

In addition to its documentary evidence, the prosecution presented the testimonies of Intelligence Officer (IO) 1 Angelito Villaspin (IO1 Villaspin) and Charlie Magno, the photographer during marking and inventory.¹⁰ Furthermore, the testimonies of back-up arresting officer Agent Michael Luis Ballelos (Agent Ballelos), *Kagawad* Marites M. Palma (Palma), *Kagawad* Edwin C. Bernal (Bernal), media representative Alex Mendoza (Mendoza), and forensic chemist Dana Recah Feliz P. Yee (Chemist Yee) were dispensed with, given the parties' agreement to stipulate on certain facts.¹¹ The parties also stipulated on the identity of the accused being the same as the person charged in the Information, as well as the court's jurisdiction over the offense.¹²

On the other hand, the defense presented the testimonies of accused-appellant and his common-law spouse, Rosalinda Belda.¹³

Version of the Prosecution

At around 12:00 noon of May 28, 2015, the National Capital Region (NCR) Office of the Philippine Drug Enforcement Agency (PDEA) received information from a regular confidential informant (RCI) that a certain "Geoff," who was engaged in drug-related operations in the nearby areas of Makati City, was looking for a buyer for one kilo of shabu.¹⁴ Giving credence to the assurance of the RCI that he has earned the trust of Geoff and can arrange a deal with the latter, team leader Agent Aldwin Pagaragan thus organized a team to conduct a buy-bust operation.¹⁵ At around 2:00 p.m., a briefing was conducted where IO1 Villaspin was designated to act as poseur-buyer, Agent Ballelos as back-up arresting officer, and with at least four other agents accompanying the team.¹⁶ They also pre-determined therein that a missed-call will serve as their signal for a consummated transaction.¹⁷

Over a phone call and upon the RCI's endorsement, IO1 Villaspin managed to arrange a deal with Geoff for the delivery of one kilo of shabu at

⁶ Id. at 1.

⁷ Id. at 41-43.

⁸ Id. at 58-60.

⁹ Id. at 65-68.

¹⁰ TSN, November 23, 2016; TSN, February 21, 2018.

¹¹ Records, pp. 66, 92-93, 110-111.

¹² Id. at 60.

¹³ Records, p. 167, 174-175; TSN, June 29 2018; TSN, September 21, 2018.

¹⁴ Prosecution's Exhibits, p. 5; TSN, November 23, 2016, p. 4.

¹⁵ Prosecution's Exhibits, p. 5; TSN, November 23, 2016, p. 5.

¹⁶ Prosecution's Exhibits, pp. 5 and 8; TSN, November 23, 2016, p. 5.

¹⁷ Prosecution's Exhibits, pp. 5 and 8; TSN, November 23, 2016, p. 6.

Makati Cinema Square for ₱900,000.00.¹⁸ At around 4:00 p.m., the team left for the office and proceeded to the agreed pick-up place but eventually moved to the corner of Pedro Gil Avenue and Quirino Avenue when the RCI received another call from Geoff regarding a change of venue.¹⁹

By 6:00 p.m., a red Mitsubishi Lancer with plate number UUI 962, supposedly driven by Geoff arrived.²⁰ IO1 Villaspin and the RCI boarded the vehicle upon Geoff's instructions.²¹ After a short introduction, Geoff then asked if the agreed price was already available, for which IO1 Villaspin responded in the affirmative, and with a request that the package be exhibited first before payment.²² IO1 Villaspin opened the brown paper bag handed over by Geoff and saw a transparent plastic bag containing white crystalline substance.²³ After exchanging their own brown paper bag containing six pieces of marked money laid on top of the boodle money, IO1 Villaspin simultaneously missed-called Agent Ballelos.²⁴ IO1 Villaspin grabbed Geoff's car keys to prevent the latter from escaping while Agent Ballelos opened the door of the vehicle to arrest him.²⁵

Upon the instruction of their team leader to leave the area, the buy-bust team returned to their office in *Barangay* Pinyahan, Quezon City (PDEA Office) for the marking, inventory, and photographing of the seized items.²⁶ These were completed in front of Savalle, upon the arrival of witnesses *Kagawads* Palma and Bernal, as well as Mendoza.²⁷ Within the same night and after the preparation of other request forms and related documents, IO1 Villaspin submitted the seized evidence to the PDEA Laboratory Service for chemical analysis.²⁸ As indicated in Chemistry Report No. PDEA DD015-082 which was executed by Chemist Yee, the brown paper bag marked "EXH A AEV 052815" and containing a self-sealing transparent plastic bag marked as "EXH A-1 AEV 052815," bore a net weight of 1,067.4 grams and yielded a positive result for methamphetamine hydrochloride or shabu, a dangerous drug.²⁹

Version of the Defense

Accused-appellant denied the charge against him. According to Savalle, he was framed by the police since no buy-bust operation took place on the

¹⁸ Prosecution's Exhibits, pp. 5, 8; TSN, November 23, 2016, p. 12.

¹⁹ Prosecution's Exhibits, pp. 5-6 and 8; TSN, November 23, 2016, pp. 12-15.

²⁰ Prosecution's Exhibits, pp. 6 and 8; TSN, November 23, 2016, p. 15.

²¹ Prosecution's Exhibits, pp. 6 and 8; TSN, November 23, 2016, p. 15.

²² Prosecution's Exhibits, pp. 6 and 8; TSN, November 23, 2016, p. 16.

²³ Prosecution's Exhibits, p. 6; TSN, November 23, 2016, p. 17.

²⁴ Prosecution's Exhibits, pp. 6 and 22; TSN, November 23, 2016, pp. 6, 17, 19.

²⁵ Prosecution's Exhibits, pp. 6 and 8; TSN, November 23, 2016, pp. 17-18; records, p. 92.

²⁶ Prosecution's Exhibits, pp. 6, 9, 15 and 23; TSN, November 23, 2016, pp. 4, 20; records, pp. 92-93.

²⁷ Prosecution's Exhibits, pp. 6, 9, 15 and 23; TSN, November 23, 2016, pp. 23-25, 36; records, pp. 110-111.

²⁸ Prosecution's Exhibits, pp. 11, 12, 14 and 16; TSN, November 23, 2016, p. 40-50; records, p. 66.

²⁹ Prosecution's Exhibits, p. 2; records, pp. 66-67.

day of the alleged incident. Rather, as a plumber and aluminum glass installer, he was contacted by a certain Peter on May 28, 2015, for a new job order.³⁰ Based on the instructions he received, he was to proceed to a Waltermart near his house in Makati where he will be picked up and brought to where he will actually perform the plumbing service.³¹ At 12:00 noon of the same day, he met a woman who handed him a car key and who further instructed him to drive a vehicle parked nearby so that he may follow the former.³² Before he could start the parked car however, the PDEA agents boarded the vehicle, accosted him, placed a sack on his head, and handcuffed him.³³ At around 8:00 to 9:00 p.m., he realized that he was at the PDEA Office. The agents presented before him a plastic bag containing shabu.³⁴ He was then interviewed by the *kagawads* and the media, made to sign various documents, and subjected to drug test and physical examination.³⁵

Ruling of the Regional Trial Court

In its October 2, 2018 Decision,³⁶ the RTC found Savalle guilty beyond reasonable doubt of pushing shabu under Sec. 5, Art. II of RA 9165. It held that the prosecution witnesses successfully proved that (a) a buy-bust operation indeed took place, and (b) that the shabu subject of the sale were brought to and duly-identified in open court.³⁷ It also found that there was an unbroken chain of custody of the shabu, based on the totality of the evidence presented by the prosecution.³⁸ On the other hand, Savalle was faulted (a) for failing to impute ill motive on the part of IO1 Villaspin to falsely testify against him, and (b) for failing to present the personalities involved in his narration of events, thus rendering his defense uncorroborated and unbelievable.³⁹ The trial court thus ruled:

WHEREFORE, in view of the foregoing, this Court finds the accused GEOFFREY SAVALLE y BERNARDO GUILTY beyond reasonable doubt as principal for violation of Section 5 of Republic Act No. 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002 (for pushing shabu) as charged and is sentenced to suffer the penalty of LIFE IMPRISONMENT and to pay a Fine in the amount of ₱500,000.00.

The plastic bag containing 1,067.4 grams of methamphetamine hydrochloride or shabu is ordered confiscated in favor of the government to be disposed of in accordance with law.

³⁰ TSN, June 29, 2018, pp. 3-4.

³¹ Id. at 4-5.

³² Id. at 6, 8.

³³ Id. at 8-11.

³⁴ Id. at 12.

³⁵ Id. at 12-13.

³⁶ *Rollo*, pp. 33-39.

³⁷ Id. at 37.

³⁸ Id.

³⁹ Id. at 37-38.

Issue a mittimus order committing GEOFFREY SAVALLE y BERNARDO to the National Bilibid Prisons for service of sentence.

Send copies of this Decision to the Director General of the Philippine Drug Enforcement Agency (PDEA), to the Director of the National Bureau of Investigation (NBI) and to the Director of the Manila Police District (MPD).

SO ORDERED.⁴⁰

On appeal to the CA,⁴¹ Savalle argued that the trial court erred in convicting him of Illegal Sale of Dangerous Drugs despite the following: (a) the fabricated buy-bust operation evidenced by patently incredible and inconsistent testimonies of PDEA operatives; (b) the unlawful arrest and consequent inadmissibility of the evidence seized from him; (c) the PDEA operatives' non-compliance with Sec. 21, Art. II of RA 9165; (d) the patently broken chain of custody of the seized items; (e) the prosecution's failure to establish the elements of an illegal sale; and (f) the failure to give weight to the defense of denial and frame-up.⁴²

Ruling of the Court of Appeals

In its July 13, 2020 Decision,⁴³ the appellate court found no merit in Savalle's contentions. The decretal portion of the appellate court's Decision reads:

WHEREFORE, the Decision dated October 2, 2018 of the trial court is affirmed.

SO ORDERED.⁴⁴

As to the various asseverations of accused-appellant, the CA nonetheless found that (a) a buy-bust operation was validly conducted, as evidenced by the testimonies of IO1 Villaspin and Agent Ballelos, which were consistent on the material details;⁴⁵ (b) a valid *in flagrante delicto* arrest was performed as a consequence;⁴⁶ (c) Sec. 21, Art. II of RA 9165 was complied with given that all the required witnesses (*i.e.*, an elected official and media representative) were present during the marking and inventory of the seized items at the PDEA Office;⁴⁷ and that (d) the chain of custody requirement was likewise complied with. This was based on the testimonies of the PDEA agents, the Inventory, and the Chemistry Report which taken together, established that the self-sealing transparent bag containing 1,067.4 grams of shabu was duly

⁴⁰ Id. at 38.

⁴¹ CA *rollo*, pp. 16-17 and 53-79.

⁴² Id. at 55-56.

⁴³ *Rollo*, pp. 8-30.

⁴⁴ Id. at 30.

⁴⁵ Id. at 17-19.

⁴⁶ Id. at 20-24.

⁴⁷ Id. at 19 and 27-28.

preserved from its marking up to its identification in court.⁴⁸ Ultimately, the CA held that Savalle's defenses of denial, frame-up, extortion, and alibi cannot prevail over the above positive evidence of the prosecution.⁴⁹

Aggrieved, Savalle elevated his case via a Notice of Appeal⁵⁰ to this Court.

Issue

Did the CA err in sustaining the conviction of accused-appellant for Illegal Sale of Dangerous Drugs?

Our Ruling

The appeal is meritorious. Accordingly, Savalle is acquitted.

Accused-appellant was charged with the crime of Illegal Sale of Dangerous Drugs, defined and penalized under Sec. 5, Art. II of RA 9165. In the context of a buy-bust operation, the elements of this crime are (1) that the transaction or sale took place between the accused and the poseur buyer; and **(2) that the dangerous drugs subject of the transaction or sale is presented in court as evidence of the *corpus delicti*.**⁵¹ This is because in drug cases, the dangerous drug itself is the very *corpus delicti* of the violation of the law.⁵² Thus, while it is true that a buy-bust operation is a legally effective and proven procedure sanctioned by law for the apprehension of drug peddlers, strict compliance with the procedures laid down by law and jurisprudence must be ensured.⁵³

Among these procedures is the rule on chain of custody, which was designed to safeguard the integrity of the confiscated drug in buy-bust operations. The failure to comply with the same, without justifiable reasons has warranted the acquittal of an accused.⁵⁴ In this regard, the chain of custody rule requires the prosecution to sufficiently establish four links: *first*, **the seizure and marking, if practicable, 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

⁴⁸ Id. at 25-27 and 29.

⁴⁹ Id. at 30.

⁵⁰ Id. at 3-4.

⁵¹ *People v. Adobar*, 832 Phil. 731, 748 (2018), citing *People v. Gonzales*, 708 Phil. 121, 127 (2013), further citing *People v. Kamad*, 624 Phil. 289, 300 (2010).

⁵² *People v. Musor*, 842 Phil. 1159, 1171 (2018), citing *People v. Guzon*, 719 Phil. 441, 450-451 (2013).

⁵³ Id., citing *People v. Mantalaba*, 669 Phil. 461, 471 (2011).

⁵⁴ *People v. Salenga*, G.R. No. 239903, September 11, 2019.

for laboratory examination; and *fourth*, the turnover and submission of the marked illegal drug seized from the forensic chemist to the court.⁵⁵

Anent the first link in the chain, Sec. 21, Art. II of RA 9165, as amended by RA 10640⁵⁶ states:

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.* — x x x

(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:** x x x (Emphasis supplied)

The Court has likewise held that convictions cannot be sustained in the face of unjustified deviations from the strict requirements of Sec. 21.⁵⁷ Therefore, contrary to the CA's findings, Savalle's contentions that the marking of the evidence was not properly done at the place of arrest, is impressed with merit.⁵⁸

The Court has maintained the general rule that physical inventory and photographing must be conducted at the place of seizure, even in case of a warrantless arrest.⁵⁹ While Sec. 21 expressly allows the conduct of these activities at the nearest police station or office of the apprehending team, the Court has also clarified that this may be availed of only when the above is not practicable,⁶⁰ or unless there is a threat of immediate or extreme danger at the place of seizure.⁶¹

In this regard, the Court has further recognized that immediate inventory and photographing at the place of arrest "**may be excused in**

⁵⁵ *People v. Pagaspas*, G.R. No. 252029, November 15, 2021, citing *People v. Castillo*, G.R. No. 238339, August 7, 2019. Emphasis supplied.

⁵⁶ Entitled "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, 2004.

⁵⁷ *People v. Pagaspas*, supra.

⁵⁸ *Rollo*, p. 27.

⁵⁹ *People v. Tagluocop*, G.R. No. 243577, March 15, 2022.

⁶⁰ *Id.*, citing *People v. Musor*, supra.

⁶¹ *Id.*, citing *People v. Lim*, 839 Phil. 598, 621 (2018).

instances when the safety and security of the apprehending officers and the witnesses required by law or of the items seized are threatened by immediate or extreme danger such as retaliatory action of those who have the resources and capability to mount a counter-assault.”⁶² However, the Court has also nuanced that this concern for safety may not be premised on (a) the flimsy excuse of police officers that the crowd was getting bigger;⁶³ (b) an unexplained feeling when the buy-bust team is composed of more members than the suspects;⁶⁴ or (c) self-serving insinuations which are unsubstantiated or uncorroborated by other evidence.⁶⁵

Here, a perusal of IO1 Villaspin’s testimony during his direct and cross-examination would show that the buy-bust team’s deviation was based merely on their team leader’s orders, and the perception that the area was crowded which could then cause traffic, *viz.* :

Q: And could you tell to this Court the reason why you conducted the inventory of the seized properties and the items at the PDEA office not in the alleged crime scene?

A: It was the call of my team leader, sir, and also to put us both the suspect and the operatives in safety, sir.⁶⁶

x x x x

Q: Immediately after you arrested the accused, you proceeded back to your office in Pinyahan, Quezon City?

A: Yes, Your Honor.

Q: After your team leader decided to do so?

A: Yes, Your Honor.

Q: Why did you not conduct the inventory in the corner of Quirino Highway Pedro Gil Street?

A: **In the first place, Your Honor, it was instructed by our team leader to proceed to our office and aside from that, for the safety of both operatives and accused. And also, that area is very crowded and it will cause a heavy traffic *maybe*, Your Honor.**⁶⁷ (Emphasis supplied)

Given the foregoing, the prosecution’s bare invocation of safety and security, neither satisfies the threshold of non-practicability nor immediate

⁶² See *People v. Salenga*, supra note 54, citing *People v. Lim*, supra at 620, and further citing *People v. Mola*, 830 Phil. 364, 375 (2018); emphasis supplied. We are aware that the Court in *People v. Taglucop*, supra, accepted the police officers’ explanation that they had to transfer to the police station for marking and inventory because the place was “unsafe.” While the Court therein cited how the place of arrest was crowded, the Court also made a distinct finding that there was ongoing rain on that day. The Court expressly differentiated its ruling from the cases of *Salenga* and *Lim* after considering the fact that the seized items were “crystallized substances which were susceptible to contamination from water or rain.” Water or rain as an additional circumstance however, is not present in this case.

⁶³ See *People v. Salenga*, supra note 54.

⁶⁴ See *People v. Lim*, supra at 624.

⁶⁵ See *People v. Mola*, supra at 378.

⁶⁶ TSN, November 23, 2016, p. 68.

⁶⁷ *Id.* at 81.

and extreme danger required to justify the holding of the marking and inventory at the PDEA office.

Lastly, Sec. 2-6 of the 2014 Revised Philippine National Police (PNP) Manual on Anti-Illegal Drugs Operations and Investigation (PNP Manual),⁶⁸ prescribes that the seized drug be weighed and marked with complete details during inventory, to wit:

2.33. During handling, custody and disposition of evidence, provisions of Section 21, RA 9165 and its IRR as amended by RA 10640 shall be strictly observed.

2.34. Photographs of pieces of evidence must be taken immediately upon discovery of such, without moving or altering its original position including the process of recording **the inventory and the weighing of illegal drugs in the presence of required witnesses**, as stipulated in Section 21, Art. II, RA 9165, as amended by RA 10640.

2.35. **The Seizing Officer must mark the evidence with his initials indicating therein the date, time, and place where the evidence was found/recovered or seized.**

x x x x

2.39. x x x

a. Drug Evidence

x x x x

5) All the illegal drugs and/or CPECs shall be properly marked for identification, weighed when possible or counted, sealed, packed and labeled. **The exact weight of the illegal drugs seized or recovered should be recorded in the Inventory and Chain of Custody Forms or Evidence Vouchers.**⁶⁹ (Emphasis supplied).

Upon a careful examination of the records of the present case, the prosecution committed unexplained deviations from the above guidelines. A perusal of the Inventory of Seized Properties/Items would show that there was no indicated weight for the amount of white crystalline substance found inside the self-sealing transparent plastic bag which was further placed in the brown Waltermart paper bag.⁷⁰ Rather, the weight for the illegal drug, *i.e.*, **1, 067.4 grams**, was only revealed in Chemistry Report No. PDEA DD015-082, or when the evidence was already at the third link in the chain.⁷¹

⁶⁸ The 2014 PNP Manual is the applicable regulation at the time of the buy-bust operation, which was conducted in 2015.

⁶⁹ PNP Manual, Section 2-6, Items 2.33, 2.34, 2.35 and 2.39 (a)(5). Emphasis supplied.

⁷⁰ Prosecution's Exhibits, pp. 14-15.

⁷¹ Prosecution's Exhibits, p. 2; records, pp. 66-67.

The Court has discussed how the quantity (*e.g.*, weight) of the substance or items seized is one of the aspects that must be ensured to protect the integrity of the *corpus delicti*, in relation to the chain of custody requirement.⁷² Here, considering (a) that the marking, inventory, and photographing were done at the PDEA office where the relevant measuring equipment were presumably available or accessible to the police officers, and (b) that there is even a slight variance between the weight of the drug in the Chemistry Report *vis-à-vis* the amount agreed upon during the initial phone call for the sale (*i.e.*, one kilo or exactly 1000 grams), and declared in the other documents submitted by the prosecution,⁷³ then doubt may be entertained as to whether the identity and integrity of the illegal drug seized were truly preserved.

Notably, the prosecution likewise did not indicate the time and place of seizure when it marked the said bags,⁷⁴ nor meet the defense's contention as to their failure to execute and submit a Chain of Custody Form.⁷⁵

At this juncture, considering that inexcusable irregularities attended the first link in the chain of custody, then it becomes futile to discuss whether the rest of the links in the chain have been proven since there is already the possibility of planting or tampering at the point of seizure.⁷⁶

Savalle's defenses of denial and frame-up are concededly weak given that his common-law wife's testimony only affirmed his occupation as a plumber, and that he failed to present the other personalities who could have corroborated his narration. Notwithstanding such weakness, the prosecution however failed in its positive duty to both acknowledge and justify its non-compliance with the procedural requirements enshrined to safeguard the *corpus delicti*.⁷⁷ In *People v. Sanchez*,⁷⁸ the Court reminds:

If the prosecution cannot establish, in the first place, the appellant's guilt beyond reasonable doubt, the need for the defense to adduce evidence in its behalf in fact never arises. Thus, however weak the defense evidence might be, the prosecution's whole case still falls. To hark back to the well-entrenched dictum in criminal and constitution law: the evidence for the prosecution must

⁷² See *People v. Holgado*, 741 Phil. 78, 93 (2014); see also *Calma v. People*, 820 Phil. 858, 873 (2017); *People v. Abetong*, 735 Phil. 476, 490 (2014); *People v. Pornillos*, 718 Phil. 675, 678 (2013); *People v. Guzon*, 719 Phil. 441, 457-458 (2013) where the Court in these cases found discrepancies between the weight of the drug during seizure and in the various stages of the chain of custody. The Court ruled that variance in the weight of the seized drugs results in the prosecution's failure to preserve the identity of the *corpus delicti*.

⁷³ Prosecution's Exhibits, pp. 5, 8.

⁷⁴ *Id.* at 14-15.

⁷⁵ TSN, November 23, 2016, pp. 69-70; CA rollo, 74-75, 115-119.

⁷⁶ See *People v. Salenga*, supra note 54, citing *People v. Adobar*, supra note 51 at 758.

⁷⁷ See *People v. Jugo*, 824 Phil. 743, 756-757 (2018).

⁷⁸ 590 Phil. 214 (2008).

stand or fall on its own weight and cannot be allowed to draw strength from the weakness of the defense. x x x.⁷⁹

WHEREFORE, the appeal is **GRANTED**. The assailed July 13, 2020 Decision of the Court of Appeals in CA-G.R. CR HC No. 11988 is **REVERSED AND SET ASIDE**. Geoffrey Savalle y Bernardo is **ACQUITTED** for failure of the prosecution to prove his guilt beyond reasonable doubt. He is ordered to be **RELEASED** from detention immediately, unless he is confined for other lawful cause.

Let a copy of this Resolution be furnished to the Director General of the Bureau of Corrections, Muntinlupa City, for immediate implementation. 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 September 28, 2022, stating that the issues and arguments raised in the appellant's brief had already been addressed at length in the appellee's brief and had all been judiciously considered and passed upon by the Court of Appeals in its assailed decision and praying that it be excused from filing a supplemental brief in the instant case, is **NOTED** and **GRANTED**; the accused-appellant's Manifestation (in lieu of supplemental brief), pursuant to the Resolution dated September 28, 2022; and the Letter dated December 29, 2022 of C/SInsp. Arlene I. Casilihan, Deputy Chief, Inmate Documents and Processing Division, Bureau of Corrections, Muntinlupa City, in compliance with the Resolution dated September 28, 2022, informing the Court that the accused-appellant was received for confinement in the Institution on February 21, 2020, are both **NOTED**.

SO ORDERED."

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court^{tds}

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

119 & 313
MAY 03 2023

⁷⁹ Id. at 244.

The Solicitor General
134 Amorsolo Street, Legaspi Village
1229 Makati City

Court of Appeals (x)
1000 Manila
(CA-G.R. CR-HC No. 11988)

The Hon. Presiding Judge
Regional Trial Court, Branch 13
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(Crim. Case No. 15-316946)

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