



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated April 12, 2023, which reads as follows:*

**“G.R. No. 257204 (People of the Philippines, *Plaintiff-Appellee*, vs. Mariano Chingtoco y Osano and Henry Ordan y Elchico, *Accused-Appellants*). – The Court resolves to NOTE:**

- (1) the Letter dated February 15, 2023 of CCInsp. Josemari D. Alambro, Acting Superintendent of the New Bilibid Prison (NBP), Maximum Security Compound, Bureau of Corrections, (BuCor) Muntinlupa City, confirming the confinement therein of accused-appellants since July 10, 2018; and
- (2) the Letters dated February 16, 2023 and February 17, 2023 of C/Insp. Arlene I. Casilihan, Deputy Chief, PDL Documents and Processing Division, BuCor, Muntinlupa City, confirming the confinement of accused-appellants since July 10, 2018 at the NBP.

Before the Court is an ordinary appeal<sup>1</sup> filed by Mariano Chingtoco y Osano (Mariano) and Henry Ordan y Elchico (Henry) (collectively, accused-appellants) assailing the Decision<sup>2</sup> dated July 17, 2020, of the Court of Appeals (CA) in CA-G.R. CR-HC No. 11518. The CA affirmed the Judgment<sup>3</sup> dated June 14, 2018, of Branch 37, Regional Trial Court (RTC), Calamba City, Laguna, that found accused-appellants guilty beyond reasonable doubt of violation of Section 5,<sup>4</sup> in relation to Section 26,<sup>5</sup> Article II of Republic Act No.

<sup>1</sup> See Notice of Appeal; *rollo*, pp. 3–4.

<sup>2</sup> Id. at 8–16. Penned by Associate Justice Danton Q. Bueser as concurred in by Associate Justices Geraldine C. Fiel-Macaraig and Tita Marilyn B. Payoyo-Villordon.

<sup>3</sup> Id. at 18–39. Penned by Presiding Judge Caesar C. Buenagua.

<sup>4</sup> Section 5, Article II of Republic Act No. (RA) 9165 provides:

Section 5. *Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.* – The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.

<sup>5</sup> Section 26, Article II, RA 9165 provides:

(RA) 9165<sup>6</sup> in Criminal Case No. 23679-2014-C but acquitted Mariano of violation of Section 11,<sup>7</sup> Article II of the same law in Criminal Case No. 23678-2014-C.<sup>8</sup>

*The Antecedents*

The case stemmed from an Information charging accused-appellants with Illegal Sale of Dangerous Drugs. The accusatory portion of the Information reads:

Criminal Case No. 23679-2014-C  
[for violation of Section 5, in relation to Section 26, Article II of RA 9165]

That on November 2, 2014 at Brgy. Pansol, Calamba City, Province of Laguna and within the jurisdiction of this Honorable Court, the above-named accused conspiring, confederating and mutually helping one another, without authority of law, did then and there willfully, unlawfully and feloniously sell to a poseur buyer a quantity of methamphetamine hydrochloride otherwise known as “*shabu*,” a dangerous drug, having a total weight of 2.20 grams, in violation of the aforementioned law.

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

Meanwhile, Mariano was separately charged with Illegal Possession of Dangerous Drugs under the following Information:

Criminal Case No. 23678-2014-C  
[For violation of Section 11, Article II of R.A. No. 9165]

That on November 2, 2014 at Brgy. Pansol, Calamba City, Province of Laguna and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there willfully, unlawfully and feloniously possess twenty-one (21) plastic sachets of methamphetamine hydrochloride otherwise known as “*shabu*,” a dangerous drug, having a total weight of 54.53 grams, in violation of the aforementioned law.

CONTRARY TO LAW.<sup>10</sup>

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Section 26. *Attempt or Conspiracy*. – Any attempt or conspiracy to commit the following unlawful acts shall be penalized by the same penalty prescribed for the commission of the same as provided under this Act:

- (a) Importation of any dangerous drug and/or controlled precursor and essential chemical;
  - (b) Sale, trading, administration, dispensation, delivery, distribution and transportation of any dangerous drug and/or controlled precursor and essential chemical;
  - (c) Maintenance of a den, dive or resort where any dangerous drug is used in any form;
  - (d) Manufacture of any dangerous drug and/or controlled precursor and essential chemical;
- and
- (e) Cultivation or culture of plants which are sources of dangerous drug.

<sup>6</sup> Otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

<sup>7</sup> Section 11. *Possession of Dangerous Drugs*. – The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall possess any dangerous drug in the following quantities, regardless of the degree of purity thereof,

<sup>8</sup> *Rollo*, p. 39.

<sup>9</sup> As culled from the RTC Decision; *id.* at 18.

<sup>10</sup> As culled from the RTC Decision; *id.* at 19.

Upon arraignment, accused-appellants pleaded “not guilty” to the charges.<sup>11</sup>

Trial ensued.

*Version of the Prosecution*

On November 2, 2014, Senior Police Officer 3 Virgilio S. Borero (SPO3 Borero) received information from a confidential informant (CI) that a certain “Mar,” later identified as Mariano, will deliver *shabu* in *Barangay* Pansol, Calamba City, Laguna. SPO3 Borero relayed the information to the station’s District Supervisor, Police Chief Inspector Leopoldo M. Ferrer (PCI Ferrer). After a briefing, PCI Ferrer formed a buy-bust team composed of Police Officer 1 Jeremias Ramos (PO1 Ramos) as the *poseur-buyer*; PO1 Alvin Santos (PO1 Santos) as the back-up security; and the other police officers as perimeter security. At the target area, the CI introduced PO1 Ramos to Mariano as the buyer of *shabu* worth ₱5,000.00. After the agreement, PO1 Ramos gave the buy-bust money to Mariano. Thereafter, Mariano counted the bills and instructed Henry to get a sachet from a bag. Henry took a sachet from a bag and handed it to PO1 Ramos. Upon receipt of the plastic sachet, PO1 Ramos called his fellow police officers to inform them of the consummation of the sale. PO1 Santos and the other members of the buy-team came out from hiding and surrounded the area.<sup>12</sup>

During accused-appellants’ arrest, PO1 Santos confiscated a clutch bag. Thereafter, PCI Ferrer arrived. Then PO1 Santos prepared the inventory of the seized items contained in the clutch bag in the presence of a media representative Arlene Mariposque (Mariposque) and *barangay* chairperson Sally Dela Cruz (Dela Cruz). The police officers then brought accused-appellants and the seized items to the police station in *Barangay* Turbina so that a blotter/entry of the incident could be made. In the meantime, PO1 Santos had possession of the seized items from the confiscation until the time they reached the police station. Later, PO1 Santos delivered the seized items to the crime laboratory for qualitative examination. Upon examination by PCI Donna Villa P. Huelgas (PCI Huelgas), the specimens tested positive for marijuana and methamphetamine hydrochloride or *shabu*.<sup>13</sup>

*Version of the Defense*

Accused-appellants denied the charges.

Mariano testified that on November 2, 2014, he was with Henry on board a Toyota Rav4 on their way to Calamba City to have their windshield repaired. A group of armed men suddenly blocked their way and ordered them to pull over. They alighted from their vehicle and the armed men directed

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<sup>11</sup> Id.

<sup>12</sup> Id. at 9-10, 20-21.

<sup>13</sup> Id. at 10, 21-23.

them to lie on the ground. A man, later identified as PO1 Santos, forced him to call a certain “Boss Dan.” After he denied knowing the latter, the men threatened to file charges against him if he did not cooperate. After about an hour, the *barangay* captain arrived. A man told the *barangay* captain that the drugs on the table were taken from them. Soon after, the armed men, Mariano, and Henry motored towards the direction of Sta. Cruz and proceeded to Mariano’s house. Upon arrival at Mariano’s house, the men introduced themselves as police officers to Mariano’s wife. Mariano denied selling illegal drugs. He also denied that several plastic sachets of illegal drugs were found in his possession.<sup>14</sup>

Henry corroborated Mariano’s testimony. He averred that a group of men, who introduced themselves as police officers, forcibly handcuffed them. After less than an hour, the armed men brought them to Sta. Cruz, Laguna and later to Mariano’s house. He only learned of the charges against him during the inquest proceedings. He denied the accusations against him that he conspired with Mariano in selling drugs to a *poseur-buyer*.<sup>15</sup>

#### *The Ruling of the RTC*

In the Judgment<sup>16</sup> dated June 14, 2018, the RTC found accused-appellants guilty of Illegal Sale of Dangerous Drugs in Criminal Case No. 23679-2014-C. The RTC declared that PO1 Ramos (the *poseur-buyer*) positively identified accused-appellants as illegal sellers of drugs and established the sale of a plastic sachet of drugs in exchange for ₱5,000.00.<sup>17</sup> Moreover, it ruled that the prosecution was able to demonstrate the preservation of the integrity and evidentiary value of the seized drugs; and that PO1 Ramos marked and turned over the seized drugs to PO1 Santos, who took custody thereof until their delivery to the crime laboratory for examination.<sup>18</sup>

However, the RTC acquitted Mariano in Criminal Case No. 23678-2014-C of the charge of Illegal Possession of Dangerous Drugs. It decreed as follows:

IN VIEW OF THE FOREGOING, in Criminal Case No. 23678-2014-C, for failure of the prosecution to prove the guilt of accused MARIANO CHINGTOCO y OSANO beyond reasonable doubt, the aforementioned accused is ACQUITTED of the offense charged.

In Criminal Case No. 23679-2014-C, the Court finds accused, MARIANO CHINGTOCO y OSANO and HENRY ORDAN y ELCHICO, GUILTY BEYOND REASONABLE DOUBT of violating Section 5 in relation to Section 26, Article II of Republic Act No. 9165. The aforementioned accused are hereby sentenced to suffer the penalty of LIFE

<sup>14</sup> Id. at 23.

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

<sup>16</sup> Id. at 18–39.

<sup>17</sup> Id. at 26.

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

IMPRISONMENT and to PAY A FINE OF FIVE HUNDRED THOUSAND (PHP500,000.00) PESOS.

The Branch Clerk of Court is hereby ordered to turnover [*sic*] to PDEA the methamphetamine hydrochloride (*shabu*) and paraphernalia submitted in evidence for this case.

SO ORDERED.<sup>19</sup>

Aggrieved, accused-appellants appealed to the CA.<sup>20</sup>

*The Ruling of the CA*

In the assailed Decision,<sup>21</sup> the CA affirmed *in toto* the ruling of the RTC. It noted that the prosecution sufficiently established compliance with the chain of custody rule.<sup>22</sup> Thus:

The first link was shown when PO1 Ramos testified that he marked the plastic sachet subject of sale with “JR-BB” at the place of arrest. The second and third links were established when PO1 Ramos showed the plastic sachet to PO1 Santos to be included in the inventory. From the crime scene to the police station, PO1 Santos had custody of the plastic sachet. Ideally, the plastic sachet should be turned over to the investigator, [but] this did not break the chain of custody because PO1 Santos was in possession of the said plastic sachet from the crime scene to the police station until the same was submitted to the crime laboratory for qualitative analysis. These foregoing facts demonstrate the manner the seized item was handled until its turn over to the crime laboratory.

In sum, the pieces of evidence presented by the prosecution far outweigh the arguments presented by the accused-appellant[’s] defense. In compliance with the chain of custody rule, there was an inventory conducted, photographs were taken, seized items were marked and the markings corresponded with the documentary and testimonial evidence. The place and time items were marked and inventoried were also identified. Thus, the trial court did not rely on mere presumption, but considered the totality of evidence.

WHEREFORE, premises considered, the Decision dated June 24, 2018 rendered by the Regional Trial Court, Branch 37 Calamba City in Criminal Cases Nos. 23678-2014-C and 23679-2014-C “People of the Philippines vs. Mariano Chingtoco y Osano and Henry Ordan y Elchico” is hereby AFFIRMED in TOTO.

SO ORDERED.<sup>23</sup>

Hence, the present appeal.<sup>24</sup>

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<sup>19</sup> Id. at 39.

<sup>20</sup> CA *rollo*, p. 13.

<sup>21</sup> *Rollo*, pp. 8-16.

<sup>22</sup> Id. at 14-15.

<sup>23</sup> Id. at 15-16.

<sup>24</sup> Id. at 3-4.

*The Issue*

The core issue for the Court's consideration is whether accused-appellants are guilty beyond reasonable doubt of Illegal Sale of Dangerous Drugs.

*The Court's Ruling*

The Court grants the appeal.

Settled is the rule that the drug itself constitutes the *corpus delicti* in illegal drug cases. As such, the prosecution must "establish that the substance illegally sold and possessed by the accused is the same substance presented in court. Proof beyond reasonable doubt demands that unwavering exactitude be observed in establishing the *corpus delicti*." The chain of custody rule "ensures that unnecessary doubts concerning the identity of the evidence are removed."<sup>25</sup>

Accused-appellants were both convicted of Illegal Sale of Dangerous Drugs under Section 5, Article II in relation to Section 26, Article II of RA 9165 for an offense that occurred on November 2, 2014. The applicable law is RA 9165, as amended by RA 10640.<sup>26</sup> It provides:

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

<sup>25</sup> *People v. Leño*, G.R. No. 246461, July 28, 2020.

<sup>26</sup> 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 on July 15, 2014, and effective on August 7, 2014.

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. Leaño*,<sup>27</sup> the Court emphasized that “[t]o ensure the integrity of the seized drug item, the prosecution must account for each link in its chain of custody.”<sup>28</sup> The Chain of Custody consists of the following steps: “*first*, the seizure and marking 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 for laboratory examination; and *fourth*, the turnover and submission of the marked illegal drug seized by the forensic chemist to the court.”<sup>29</sup> The prescribed procedure must be strictly complied with “because of the illegal drug’s unique characteristic rendering it indistinct and susceptible to tampering, alteration or substitution.”<sup>30</sup>

In *Mallillin v. People*,<sup>31</sup> the Court explained the importance of the chain of custody, *viz.*:

As a method of authenticating evidence, the chain of custody rule requires that the admission of an exhibit be preceded by evidence sufficient to support a finding that the matter in question is what the proponent claims it to be. It would include testimony about every link in the chain, from the moment the item was picked up to the time it is offered into evidence, in such a way that every person who touched the exhibit would describe how and from whom it was received, where it was and what happened to it while in the witness’ possession, the condition in which it was received and the condition in which it was delivered to the next link in the chain. These witnesses would then describe the precautions taken to ensure that there had been no change in the condition of the item and no opportunity for someone not in the chain to have possession of the same.<sup>32</sup>

In *Nisperos v. People*,<sup>33</sup> the Court reminded that in case of any deviation from the rules, it is imperative that the prosecution positively acknowledge the same and prove the following: (1) justifiable ground/s for non-compliance; and (2) the proper preservation of the integrity and evidentiary value of the seized item/s.<sup>34</sup>

It must be emphasized that “while the law enforcers enjoy the presumption of regularity in the performance of their duties, this presumption cannot prevail over the constitutional right of the accused to be

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<sup>27</sup> Supra note 25.

<sup>28</sup> Id.

<sup>29</sup> Id.

<sup>30</sup> *People v. Kamad*, 624 Phil. 289, 301-302 (2010).

<sup>31</sup> 576 Phil. 576 (2008).

<sup>32</sup> Id. at 587.

<sup>33</sup> G.R. No. 250927, November 29, 2022.

<sup>34</sup> Id.

presumed innocent.” The presumption is destroyed when the law enforcers’ performance of their duties is tainted with irregularities, as in this case.<sup>35</sup>

Here, the second link in the chain of custody is missing. The prosecution did not offer any testimony as to the turnover of the illegal drug seized by the apprehending officer, PO1 Santos, to the investigating officer.

The second link in the chain refers to the turnover of the seized item by the apprehending officer to the investigating officer who has to prepare it for submission to the crime laboratory for examination.<sup>36</sup> The investigating officer must account on how he or she handled the evidence, including the measures he or she employed to ensure that the item was not tampered, switched, contaminated, or substituted while in his or her custody.<sup>37</sup> Certainly, the investigating officer must have possession of the illegal drug seized for the conduct of the proper investigation and preparation of the necessary documents.<sup>38</sup>

In the case, the prosecution simply mentioned that PO1 Santos had possession of the seized items from the time of their confiscation, their arrival at the police station, until their delivery to the crime laboratory for qualitative examination. There is a dearth of evidence as to whether the seized items were delivered to an investigator and how the latter handled them. The seized items, therefore, were not transferred to the investigating officer. The investigating officer could not have properly performed his investigation without having the *corpus delicti* in hand. Thus, the second link in the chain of custody is missing which casts uncertainty on the integrity of the seized items.<sup>39</sup>

The prosecution also failed to prove the *fourth link* in the chain of custody as PCI Huelgas did not testify in court. Instead, the parties merely entered into general stipulations on her testimony.<sup>40</sup> While stipulations regarding prosecution witnesses are allowed, these stipulations must be complete and must establish that the integrity and evidentiary value of the seized items were preserved.<sup>41</sup> *People v. Villalon, Jr.*<sup>42</sup> discusses the vital pieces of information necessary in proving the fourth link in the chain of custody of the seized dangerous drug:

In drug related cases, “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

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<sup>35</sup> See *People v. Aranas*, G.R. No. 247550 (Notice), April 28, 2021.

<sup>36</sup> *People v. Peliño*, G.R. No. 227995, January 15, 2020.

<sup>37</sup> Id.

<sup>38</sup> *People v. Amarin*, G.R. No. 224884, December 10, 2019.

<sup>39</sup> Id.

<sup>40</sup> *Rollo*, pp. 19-20.

<sup>41</sup> *People v. Casa*, G.R. No. 254208, August 16, 2022.

<sup>42</sup> G.R. No. 249412, March 15, 2021.



analysis used in determining the chemical composition of the subject specimen.”<sup>43</sup> (Emphasis and italics omitted.)

*People v. Pajarin*<sup>44</sup> stressed that “as a rule, the police chemist who examines a seized substance should ordinarily testify that he received the seized article as marked, properly sealed and intact; that he resealed it after examination of the content; and that he placed his own marking on the same to ensure that it could not be tampered pending trial.”<sup>45</sup> The Court held that “in case the parties stipulate to dispense with the attendance of the police chemist, they should stipulate that the latter would have testified that he took the precautionary steps mentioned.”<sup>46</sup> The record of the present case fails to show this.

In the case, the testimony of PCI Huelgas was dispensed with because the prosecution and the defense stipulated on her proposed testimony. Specifically, the parties agreed on the following: that PCI Huelgas is an expert witness; that pursuant to the Letter-Request for Laboratory Examination dated November 2, 2014, she conducted a qualitative examination of the specimens enclosed in the letter; and that per Chemistry Report No. D-1263-14, the specimens turned out to be positive for *shabu*.<sup>47</sup>

However, the stipulation is not sufficient to establish the fourth link of the chain as nothing was mentioned regarding the following necessary pieces of information: (1) the condition of the specimens when PCI Huelgas received them; (2) the description of the method utilized in analyzing the chemical composition of the drug samples; (3) whether she resealed the specimens after examination of the content and placed her own marking on the drug items; and (4) the manner of handling and storage of the specimens before, during, and after the chemical examination. There was likewise no showing that she took precautionary measures after examination of the seized drug items to preserve their integrity and evidentiary value.<sup>48</sup>

In *People v. Dahil*,<sup>49</sup> the Court acquitted the accused therein for the lack of a testimony by the forensic chemist regarding the handling of the drug specimen submitted to her for laboratory examination.<sup>50</sup>

Similarly, in *People v. Miranda*,<sup>51</sup> the Court acquitted the accused therein, citing the incomplete stipulation of the forensic chemist’s proposed testimony. It discussed:

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<sup>43</sup> Id.

<sup>44</sup> 654 Phil. 461, 466 (2011).

<sup>45</sup> Id.

<sup>46</sup> Id.

<sup>47</sup> *Rollo*, pp. 19-20.

<sup>48</sup> See *People v. Fandialan*, G.R. No. 254412, July 6, 2022.

<sup>49</sup> 750 Phil. 212 (2015).

<sup>50</sup> Id. at 237-238.

<sup>51</sup> G.R. No. 218126, July 10, 2019.

x x x Notably, the parties stipulated that Insp. Richard Mangalip was a qualified forensic chemist and that he had no personal knowledge about the source of the drug items but only conducted laboratory examination thereon. By reason of this stipulation, the parties agreed to dispense with his testimony.

*People v. Cabuhay* ordained that the parties' stipulation to dispense with the testimony of the forensic chemist should include:

In *People v. Pajarin*, the Court ruled that in case of a stipulation by the parties to dispense with the attendance and testimony of the forensic chemist, it should be stipulated that the forensic chemist would have testified that he had taken the precautionary steps required to preserve the integrity and evidentiary value of the seized item, thus: (1) that the forensic chemist received the seized article as marked, properly sealed, and intact; (2) that he resealed it after examination of the content; and (3) that he placed his own marking on the same to ensure that it could not be tampered with pending trial. x x x

Here, the parties' stipulation to dispense with the testimony of the forensic chemist did not contain the vital pieces of information required in *Cabuhay*: *i.e.*, Insp. Mangalip received the seized drugs as marked, properly sealed, and intact; Insp. Mangalip resealed the drug items after examination of the content; and, Insp. Mangalip placed his own marking on the drug items — thus leaving a huge gap in the chain of custody of the seized drugs. *People v. Ubungen* emphasized that stipulation on the testimony of a forensic chemist should cover the management, storage, and preservation of the seized drugs, thus:

Clear from the foregoing is the lack of the stipulations required for the proper and effective dispensation of the testimony of the forensic chemist. While the stipulations between the parties herein may be viewed as referring to the handling of the specimen at the forensic laboratory and to the analytical results obtained, they do not cover the manner the specimen was handled before it came to the possession of the forensic chemist and after it left her possession. *Absent any testimony regarding the management, storage, and preservation of the illegal drug allegedly seized herein after its qualitative examination, the fourth link in the chain of custody of the said illegal drug could not be reasonably established.*<sup>52</sup> (Emphasis in the original)

Lastly, in the recent case of *People v. Casa*,<sup>53</sup> the Court found that the utter lack of details on the condition and handling of the seized drugs from the period *after* their examination until they were brought to the trial court results in a gap in the chain. In *Casa*, the forensic chemist did not testify in court and the parties merely entered into general stipulations on her testimony.

<sup>52</sup> Id., citing *People v. Cabuhay*, 836 Phil. 903, 918 (2018) and *People v. Ubungen*, 836 Phil. 888, 902 (2018), further citing *People v. Pajarin*, 654 Phil. 461, 466 (2011).

<sup>53</sup> Supra.

However, the Court reminded that stipulations must state that the laboratory personnel documented the chain of custody each time a specimen is handled or transferred until its disposal. The stipulation must also specify how the seized items were handled, stored, and safeguarded pending its presentation in court.<sup>54</sup>

The same rule applies to the case.

The Court cannot rely on guesswork as to what precautions were taken by PCI Huelgas to ensure that there was no change in the condition of the seized drugs. In this circumstance, the Court could only hope that there was no opportunity for someone who is not in the chain to have possession of the seized drugs. There being no assurance that the drugs presented as evidence before the trial court are exactly what the prosecution claims them to be, no conviction can be expected from the Court.

Here, the prosecution's failure to establish with moral certainty the identity and the unbroken chain of custody of the dangerous drugs allegedly seized from accused-appellants creates reasonable doubt as to whether the said illegal drugs were the same drugs presented in court. This undoubtedly compromises the identity, integrity, and evidentiary value of the *corpus delicti* of the offenses charged. Hence, acquittal is in order.

**WHEREFORE**, the appeal is **GRANTED**. The Decision dated July 17, 2020 of the Court of Appeals in CA-G.R. CR-HC No. 11518 is **REVERSED** and **SET ASIDE**. Accordingly, accused-appellants Mariano Chingtoco y Osano and Henry Ordan y Elchico are **ACQUITTED** of violation of Section 5, Article II in relation to Section 26, Article II of Republic Act No. 9165 for failure of the prosecution to prove their guilt beyond reasonable doubt, and are ordered immediately **RELEASED** from detention, unless they are confined for any other lawful cause.

The Director General of the Bureau of Corrections, Muntinlupa City is **DIRECTED** to cause the immediate release of accused-appellants Mariano Chingtoco y Osano and Henry Ordan y Elchico from custody unless they are being held for some other lawful cause, and to submit his report on the action taken within five (5) days from notice.

Let an entry of final judgment be issued immediately.

**SO ORDERED.**"

By authority of the Court:

*Misael Domingo C. Battung III*  
**MISAEL DOMINGO C. BATTUNG III**  
Division Clerk of Court *1806.2.13*

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<sup>54</sup> Id.

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The Presiding Judge  
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Branch 37, Calamba City, Laguna  
(Crim. Case Nos. 23678-2014-C and 23679-2014-C)

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