



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated June 21, 2023, which reads as follows:*

**“G.R. No. 255594 (*People of the Philippines v. Joselito Perez y Mauhay*).** – The Court **NOTES** the Letter dated April 24, 2023 of JSInsp. Angelina L. Bautista, Acting Superintendent of the New Bilibid Prison, Bureau of Corrections, Muntinlupa City, confirming the confinement therein of accused-appellant since December 8, 2017.

This is an ordinary appeal under Rule 122 of the Rules of Court, as amended, seeking to reverse and set aside the Decision<sup>1</sup> dated January 27, 2020 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 10024. The said issuance affirmed the Decision<sup>2</sup> dated August 8, 2017 issued by Branch 7 of the Regional Trial Court (RTC) of Batangas City in Criminal Case No. 19291 which found Joselito Perez y Mauhay (accused-appellant) guilty beyond reasonable doubt of violation of Section 11, Article II of Republic Act (R.A.) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

**Antecedents**

Accused-appellant was indicted of the crime charged by virtue of an Information dated November 26, 2014 the accusatory portion of which reading as follows:

That on or about November 24, 2014, at around 9:00 in the evening at Brgy. Cuta, Batangas City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, not being authorized by law, did then and there knowingly, willfully and criminally possess or have under his custody and control two (2) heat-sealed transparent plastic sachets containing Methamphetamine Hydrochloride, more commonly known as Shabu, a dangerous drug, containing an aggregate weight of 10.84 grams, which is a clear violation of the above-cited law.

<sup>1</sup> *Rollo*, pp. 4-21. Penned by Associate Justice Louis P. Acosta with Associate Justices Mariflor P. Punzalan Castillo and Nina G. Antonio-Valenzuela concurring.

<sup>2</sup> *CA rollo*, pp. 61-78. Rendered by Presiding Judge Aida C. Santos.

CONTRARY TO LAW.<sup>3</sup>

Upon arraignment, accused-appellant, assisted by counsel, pleaded not guilty to the crime charged. Thus, pre-trial ensued, followed by trial on the merits.

*Version of the Prosecution*

The evidence for the prosecution were summarized in the People's Brief and directly quoted by the CA as follows:

5. On November 24, 2014 at around 8:30 in the evening, while PO1 John Kenneth Badiola Bay and PO3 Mark Ivan Are were conducting surveillance and monitoring at Barangay Cuta, they received a text message from their asset, informing them that alias Tolits was sighted on the corner street of Gerason Ville, Phase 2.

6. PO1 Bay and PO3 Are saw a male person hanging around at said place. They parked their vehicle in front of a bakery and kept watchful eye on that person, they named Tolits. They noticed that a group of youth approached alias Tolits. They also saw the latter showing them a plastic sachet.

7. Thereafter, PO1 Bay and PO3 Are alighted from their vehicle and surreptitiously approached Tolits from behind and saw that he was still holding a plastic sachet containing suspected *shabu*. PO1 Bay arrested accused-appellant and recovered from the latter's possession, two (2) plastic sachets of *shabu*.

8. PO1 Bay marked the two plastic sachets with "JKB 1 11-24-14" and "JKB 2 11-24-14" respectively at the place of incidence. After placing said markings on said pieces of evidence, PO1 Bay placed the sachets in a plastic with ziplock then proceeded to the Barangay Hall of Barangay Cuta.

9. Upon arrival at the Barangay Hall, PO3 Are requested to have the incident recorded in the blotter book of the barangay. Thereafter, PO1 Bay and PO3 Are conducted the inventory in the presence of Mr. Leonidez, the DOJ representative, Celso Perez, the barangay official and Boy Griño, the media representative. PO1 Bay also prepared the Chain of Custody Form, marked as "Exhibit H" at the Barangay Hall.

10. Thereafter, PO1 Bay and PO3 Are proceeded to the Batangas Police Station and prepared the Arrest Report, marked as Exhibit "J". PO1 Bay also prepared his Sworn Statement marked as Exhibit "A". PO3 Are also requested for the entry of their arrival in the police blotter. After preparing said documents, PO1 Bay turned over the evidence to the Crime Laboratory. PO1 Espinosa received the object evidence, which was then subjected to laboratory examination. Said examination yielded positive result for *methamphetamine hydrochloride* or *shabu*.<sup>4</sup>

---

<sup>3</sup> *Rollo*, p. 5.

<sup>4</sup> *Id.* at 5-6.

*Version of the Defense*

Professing innocence, accused-appellant made the following claims which were synthesized by the RTC and quoted by the CA, *viz.*:

Prior to his arrest, [accused-appellant] worked as a tricycle driver for Mr. Manolo Perlada, earning from P250.00 to P300.00 per day.

On November 24, 2014, at around 8:30 in the evening, [accused-appellant] was engaged in a drinking spree with his friends Keiser Garlan, Edison Agtay, and Raymond Dinglasan, about five to ten meters away from his house in Barangay Dumantay when a white van stopped near them. Quickly, six (6) armed men alighted from the vehicle. They rushed to [accused-appellant's] group, shouting, "*Walang tatakbo! Mga pulis ito!*" Police officer Luna approached [accused-appellant] and poked a gun to his face, as he asked him, "*Nasan ang shabu?*" Stunned, [accused-appellant] remonstrated, "*Sir, ano pong shabu? Wala po akong alam sa sinasabi n'yo!*" Alarmed, his friends stood up and left. Meanwhile, while pointing a gun at him, Luna frisked [accused-appellant]. Then finding nothing on his person, he told one of the other police officers, "Sir, negative po." Despite this, the men forcibly boarded him inside the van. While they were travelling, the men kept asking [accused-appellant] about a certain Mylene whom they want to arrest. Because he persistently denied knowing Mylene, the men repeatedly hit him on his right flank.

Upon arrival at the police station (station), they brought him to the second floor where the men discussed what case they are going to file against him. One of the men showed the others two transparent plastic sachets containing what looked like "*tawas*" and told them, "*Ito na lang ikarga natin.*" Dismayed, [accused-appellant] asked, "*Bakit n'yo po ikakarga sa akin 'yan?*" but they simply ignored him. Sometime later, he heard them call up the representatives from the DOJ and the media to go to the barangay hall of Brgy. Cuta (in Batangas City). Then, they brought him to the corner of Gerason Ville in Brgy. Cuta.

At the corner of Gerason Ville, they took his pictures. When [accused-appellant] asked them why they were taking pictures, they replied angrily, "*Huwag ka nang madaming salita!*," prompting him to remain silent. They brought him next to the barangay hall of Brgy. Cuta.

Upon arrival thereat, [accused-appellant] saw the representatives from the DOJ and the media. Councilor Perez recorded his arrest in the barangay blotter. After preparing some documents, they brought him back to the station.<sup>5</sup>

**The RTC Ruling**

In its August 8, 2017 Decision, the RTC found accused-appellant guilty as charged.

---

<sup>5</sup> Id. at 6-8.

The trial court found that, indeed, the prosecution was able to prove not only the validity of accused-appellant's arrest and the presence of all the elements of violation of Section 11, Article II of R.A. No. 9165, but also the apprehending officers' compliance with the rules on chain of custody.

Thus:

**WHEREFORE**, judgment is hereby rendered finding accused **JOSELITO PEREZ y MAUHAY GUILTY** beyond reasonable doubt of violation of **Section 11, Article II of R.A. No. 9165 for his illegal possession of 10.84 grams of methamphetamine hydrochloride**. Accordingly, he is hereby sentenced to suffer **life imprisonment** and to pay a fine of four hundred thousand pesos (P400,000.00), without subsidiary imprisonment in case of insolvency.

The two (2) plastic sachets of methamphetamine hydrochloride with markings "**JKB 1 11-24-14**" and "**JKB 2 11- 24-14**," subject-matter of this case are hereby ordered **CONFISCATED** and **FORFEITED** in favor of the government to be disposed of in accordance with the provisions of Section 21 of the same Act.

In view of the conviction of the accused, let a Commitment Order issue directing the Jail Warden of the Batangas District Jail to immediately **TRANSFER** him to the **NEW BILIBID PRISON** in Muntinlupa City, Metro Manila for the immediate service of his sentence.<sup>6</sup>

Undaunted, accused-appellant interposed an appeal with the CA.

In his Appellant's Brief,<sup>7</sup> accused-appellant excoriated the trial court's finding of guilt against him and asseverated, *inter alia*, that the warrantless search and seizure conducted on him by the apprehending officers was patently invalid and the narration of facts leading to the same was utterly incredible; that the suspicion which led to his arrest was based on an unverified tip from a text message made by an anonymous informant; that the prosecution's claim that Police Office 1 John Kenneth Badiola Bay (PO1 Bay) had sole possession of the seized items containing suspected *shabu* from the place of arrest to the barangay hall, and from the police station to the crime laboratory, is highly suspicious; and that there was no proper turn over of the said items from PO1 Bay to Police Chief Inspector Donna Villa P. Huelgas.

Countermanding these assertions, the Office of the Solicitor General (OSG) contended in its Appellee's Brief that accused-appellant was validly arrested *in flagrante delicto* and the search conducted on him was incidental to said lawful arrest; that the integrity and evidentiary value of the seized items was preserved, as evidenced by the buy-bust team's compliance with the rules on chain of custody; and that accused-appellant failed to support his bare assertion that he was framed.

---

<sup>6</sup> CA rollo, pp. 77-78.

<sup>7</sup> Id. at 37-59.

### The CA Ruling

On January 27, 2020, the CA rendered the herein assailed Decision affirming the ruling of the trial court.

The appellate court ratiocinated that the warrantless search and seizure conducted on the person of accused-appellant, which inevitably led to his arrest, was justified because the police officers saw him in the act of openly peddling drugs to several passersby; that all the elements of the crime of illegal possession of drugs were proven by the prosecution; and that the apprehending officers were able to show strict compliance with the rules on chain of custody.<sup>8</sup>

Ultimately, the CA disposed:

**ACCORDINGLY**, the appeal is hereby **DENIED**. The Decision dated 8 August 2017 of the Regional Trial Court, Fourth Judicial Region, Branch 7, Batangas City in Criminal Case No. 19291 is **AFFIRMED**.

**SO ORDERED.**<sup>9</sup>

Hence, the present recourse.

On June 1, 2020, the CA issued a Minute Resolution<sup>10</sup> giving due course to the Notice of Appeal<sup>11</sup> filed by accused-appellant, thereby ordering the elevation of the records of the instant case to this Court.

In a Resolution<sup>12</sup> dated May 3, 2021, this Court noted the records of the case forwarded by the CA. The parties were then ordered to file their respective supplemental briefs, should they so desire, within 30 days from notice.

On December 27, 2021, accused-appellant, through the Public Attorney's Office, filed a Manifestation In Lieu of Supplemental Brief<sup>13</sup> stating that he would no longer file a supplemental brief because all of his contentions have been exhaustively ventilated in the Appellant's Brief<sup>14</sup> that he submitted to the CA. On February 11, 2022, the OSG filed a similar Manifestation and Motion.<sup>15</sup>

We now resolve the case.

---

<sup>8</sup> *Rollo*, pp. 14-19.

<sup>9</sup> *Id.* at 20.

<sup>10</sup> *CA rollo*, p. 154.

<sup>11</sup> *Id.* at 144-145.

<sup>12</sup> *Rollo*, pp. 28-29.

<sup>13</sup> *Id.* at 32-33.

<sup>14</sup> *CA rollo*, pp. 37-59.

<sup>15</sup> *Rollo*, pp. 37-42.

**Issue**

Whether or not the CA erred when it affirmed accused-appellant's conviction for violation of Section 11, Article II of R.A. No. 9165.

**The Ruling of the Court**

The appeal is meritorious.

## I.

Generally, *no arrest, search, and seizure can be made without a valid warrant issued by a competent judicial authority.*<sup>16</sup> Otherwise, the arrest, search, and seizure becomes unreasonable and any item or article obtained therefrom cannot be used as evidence for any purpose in any proceeding.<sup>17</sup> Certainly, however, there are exceptions to this rule.

An arrest made by a law enforcer or a private person is lawful even in the absence of a warrant: (a) when the person to be arrested has committed, is actually committing, or is about to commit an offense in his or her presence; (b) when an offense has in fact been committed and he or she has reasonable ground to believe that the person to be arrested has committed it; and, (c) when the person to be arrested is a prisoner who has escaped from a penal establishment or place where he or she is serving final judgment or temporarily confined while his or her case is pending, or has escaped while being transferred from one confinement to another.<sup>18</sup>

Here, accused-appellant was arrested under the first mode. According to the police officers who apprehended him, he was caught *in flagrante delicto* holding two plastic sachets containing *shabu*.

Jurisprudence holds that an *in flagrante delicto* arrest requires the confluence of two elements: (a) the person arrested must execute an overt act indicating that he or she has just committed, is actually committing, or is attempting to commit a crime; and (b) the overt act was done in the presence or within the view of the arresting officer.<sup>19</sup>

A cursory review of the records of the instant case readily reveals that accused-appellant was not validly arrested without a warrant. The following testimony of PO1 Bay is not only incredible and improbable, but also raises nagging doubts on the veracity thereof:

Q: You said that while your vehicle was parked in front of the bakery you observed the movements of this person you mentioned in the statement

<sup>16</sup> *People v. Rangaig*, G.R. No. 240447, April 28, 2021.

<sup>17</sup> *Villasana v. People*, G.R. No. 209078, September 4, 2019, 917 SCRA 642, 657.

<sup>18</sup> *People v. Bolasa*, 378 Phil. 1073, 1079 (1999).

<sup>19</sup> *Porteria v. People*, 850 Phil. 259, 272 (2019).

you named him Tolits, how far were you from where this Tolits was at that time?

A: More or less 10 to 15 meters, ma'am.

x x x x

Q: What exactly is this thing being shown by this Tolits to this youth?

A: I saw him showing a plastic sachet, ma'am.

Q: Can you describe that plastic sachet you saw being shown by Tolits to these two (2) to three (3) youths?

A: Square plastic sachet, ma'am.

Q: How did he show it to this youth and where is this plastic sachet place, as you demonstrated you demonstrate your palm open?

A: Yes, ma'am.

Q: Where is that sachet placed?

A: On his right hand, ma'am.

Q: And where is that plastic sachet placed on that right hand of Tolits?

A: On his palm, ma'am.

Q: By the way sir you demonstrate this Tolits showing this sachet to this youth, where was he facing at that time?

A: **He was facing towards** us ma'am, then the youth who were about to enter **was beside** and we were in front of them, ma'am.

Q: So, you were ten (10) to fifteen (15) meters away from Tolits who was showing a plastic sachet to this youth and you are saying that he is facing you?

A: Not totally facing but we saw their movements, the four (4) of them because of the light from the post, ma'am.

Q: How far is this lighting in relation to this Tolits?

A: **They were just standing under the post**, ma'am.

Q: And you said that when you saw this, you immediately alighted from your vehicle, why did you alight from your vehicle?

A: **Because of our instinct** that he is showing an illegal item, ma'am.

Q: Why did you say that this Tolits was showing an illegal items [sic] when you said that he was showing a plastic sachet to this youths?

A: Because this alias Tolits was once **arrested by other police officer**, ma'am.

Q: Other than that fact why do you say that it was an illegal item that was being shown by this Tolits to this youth?

A: **Our asset told us** that he is positive, ma'am.

x x x x

Q: How did you arrest this Tolits?

A: **When we alighted the car we arrested this Tolits, we held him and we saw that he is holding a plastic sachet of shabu, ma'am.**<sup>20</sup>

In *People v. Pagaura*,<sup>21</sup> the Court acquitted a person who was charged with illegal possession of dangerous drugs because it was highly improbable that he was peddling illegal items openly to the public. Thus:

The testimonies of the prosecution witnesses not only appears to be improbable but also incredible. We find it rather foolish that one who peddles illegal drugs, would boldly and unashamedly present his wares to total strangers lest he be caught *in flagrante* when as has been demonstrated in similar cases, such nefarious deals are carried on with utmost secrecy or whispers to avoid detection. x x x Although declarations of law enforcers are accorded weight, their testimonies, to be worthy as evidence, must themselves be credible and not suspect.<sup>22</sup> (Citation omitted)

In the same vein, We find it hard to believe that accused-appellant indiscreetly stood directly under a street lamp, faced an open road, and fearlessly peddled *shabu* to passersby in full view of a police patrol car 10 to 15 meters away from him. These circumstances, if true, made it too convenient for the law enforcers to apprehended accused-appellant. Simply put, the prosecution's version of the events paints accused-appellant as a criminal who was begging to be arrested. Surely, PO1 Bay's narration of accused-appellant's acts is inherently unworthy of belief for being unusual and contrary to human experience.

In view of the implausible testimony of PO1 Bay, it was incumbent upon the prosecution to prove its assertion on accused-appellant's guilt beyond reasonable doubt.<sup>23</sup> However, it failed to do so. Worse, at the time that accused-appellant was arrested, PO1 Bay had no personal knowledge that the latter was actually committing a crime.

PO1 Bay testified that he was sitting inside the police vehicle, which was 10 to 15 meters away from accused-appellant, when he witnessed the latter brandishing from the palm of his hand a small plastic sachet to some passersby. This implored him and his partner, PO3 Mark Ivan Are (PO3 Are), to alight from said patrol car and arrest accused-appellant. It bears noting that PO1 Bay never saw from that distance the actual contents of the said plastic sachet but, rather, relied on his instinct as well as his confidential informant's claim that accused-appellant was peddling illegal drugs.

However, an *in flagrante delicto* arrest cannot have as its basis a person's mere instinct, gut feeling, prescience, or some other precognitive ability. Likewise, an informant's tip is not sufficient as probable cause for warrantless arrests.<sup>24</sup> Rather, law enforcers must have personal knowledge of facts, based

<sup>20</sup> *Rollo*, pp. 11-13.

<sup>21</sup> 334 Phil. 683 (1997).

<sup>22</sup> *Id.* at 688-689.

<sup>23</sup> *Palencia v. People*, G.R. No. 219560, July 1, 2020, 940 SCRA 525, 562.

<sup>24</sup> *People v. Rangaig*, *supra* note 16.



on their observation, that the person sought to be arrested has just committed a crime.<sup>25</sup> Thus, PO1 Bay and PO3 Are had no factual or legal basis to arrest accused-appellant and thereafter search his person.

Since accused-appellant's warrantless arrest was invalid, the *shabu* purportedly seized from him is rendered inadmissible in evidence for being the proverbial fruits of the poisonous tree.<sup>26</sup> Without the confiscated *shabu*, no evidence is left to convict accused-appellant. He must, perforce be acquitted.<sup>27</sup>

In *People v. Alicando*:<sup>28</sup>

We have also adopted the libertarian exclusionary rule known as the "*fruit of the poisonous tree*," a phrase minted by Mr. Justice Felix Frankfurter in the celebrated case of *Nardone v. United States*. According to this rule, once the *primary source* (the "tree") is shown to have been unlawfully obtained, any *secondary or derivative evidence* (the "fruit") derived from it is also inadmissible. Stated otherwise, illegally seized evidence is obtained as a *direct result* of the illegal act, whereas the "*fruit of the poisonous tree*" is the *indirect result* of the same illegal act. The "*fruit of the poisonous tree*" is at least once removed from the illegally seized evidence, but it is equally inadmissible. The rule is based on the principle that evidence illegally obtained by the State should not be used to gain other evidence because the originally illegally obtained evidence *taints* all evidence subsequently obtained x x x.<sup>29</sup> (Citations omitted)

## II.

Too, in illegal drugs cases, it is essential that the identity of the dangerous drug be established with moral certainty, considering that the dangerous drug itself forms an integral part of the *corpus delicti* of the crime.<sup>30</sup> The only way by which the State could lay the foundation of the *corpus delicti* is to establish beyond reasonable doubt the illegal sale or illegal possession of the dangerous drug by preserving the identity of the drug offered as evidence against the accused. The State does so only by ensuring that the drug presented in the trial court was the same substance bought from the accused during the buy-bust operation or recovered from his/her possession at the moment of arrest.<sup>31</sup> Thus, it is of utmost importance that the integrity and identity of the seized drugs must be shown to have been duly preserved.<sup>32</sup>

It is the obligation of the prosecution to establish the chain of custody for evidence sent to testing laboratories — that is, to establish "the identity

<sup>25</sup> *Veridiano v. People*, 810 Phil. 642, 660 (2017).

<sup>26</sup> *Comerciante v. People*, 764 Phil. 627, 633 (2015).

<sup>27</sup> *People v. Comprado*, 829 Phil. 229, 246 (2018).

<sup>28</sup> 321 Phil. 656 (1995).

<sup>29</sup> *Id.* at 690.

<sup>30</sup> *People v. De Dios*, G.R. No. 243664, January 22, 2020, 930 SCRA 41, 47.

<sup>31</sup> *People v. Nepomuceno*, 840 Phil. 356, 364 (2018).

<sup>32</sup> *People v. Ubungen*, 836 Phil. 888, 897 (2018).

and integrity of physical evidence by tracing its continuous whereabouts.”<sup>33</sup> Indeed, the trial court requires a more stringent foundation “entailing a ‘chain of custody’ of the item with *sufficient completeness* to render it *improbable* that the original item has either been exchanged with another or been contaminated or tampered with.”<sup>34</sup> The prosecution must introduce sufficient proof so that a reasonable juror could find that the items seized are in “substantially the same condition” as when they were seized.<sup>35</sup> The government need only show that “it took reasonable precautions to preserve the original condition of the evidence.”<sup>36</sup>

The records show that while PO1 Bay placed the seized plastic sachets containing *shabu* inside a plastic ziplock, he maintained sole custody of the same in his pocket from the place of arrest to the barangay hall where the inventory was conducted. However, it bears noting that while PO1 Bay still kept sole custody of the said items after the inventory when the same were transported from the barangay hall to the police station, and from the police station to the forensic laboratory, no additional details were adduced as to how the integrity of the same was maintained while they were in transit to various locations. There was no elaboration as to whether the items were returned inside the plastic ziplock, or if other precautionary measures were employed to ensure that the evidence were neither tampered nor altered. All that the records state is that “Bay kept the evidence in his custody.”<sup>37</sup>

In *People v. Dela Cruz*,<sup>38</sup> the Court noted that the practice of keeping seized drug items in the custody of a single police officer from the moment of confiscation until the turn over for examination is “a doubtful and suspicious way of ensuring the integrity of the items.”<sup>39</sup>

Thereafter, in *People v. Sultan*,<sup>40</sup> the Court asseverated that “an officer’s act of personally and bodily keeping allegedly seized items, without any clear indication of safeguards other than his or her mere possession, has been viewed as prejudicial to the integrity of the items.”<sup>41</sup>

Indeed, the manner in which the alleged drug items were handled while in transit to the police station and, thereafter, to the forensic laboratory is “unaccounted for”<sup>42</sup> and “fails to assuage doubts”<sup>43</sup> as to their integrity and evidentiary value.

---

<sup>33</sup> *Melendez-Diaz v. Massachusetts*, 557 U.S. 305 (2009).

<sup>34</sup> *United States v. Cardenas*, 864 F.2d 1528 (1989).

<sup>35</sup> *United States v. Harrington*, 923 F.2d 1371 (1991).

<sup>36</sup> *United States v. Prieto*, 549 F.3d 513 (2008).

<sup>37</sup> CA rollo, p. 64.

<sup>38</sup> 744 Phil. 816 (2014).

<sup>39</sup> Id. at 834.

<sup>40</sup> G.R. No. 225210, August 7, 2019, 912 SCRA 446.

<sup>41</sup> Id. at 464.

<sup>42</sup> *People v. Abdullah*, G.R. No. 243941, March 11, 2020, 935 SCRA 665, 679.

<sup>43</sup> *People v. Asaytuno, Jr.*, 867 Phil. 184 (2019).

On this score, the *corpus delicti* was not proven beyond reasonable doubt.

### III.

Another procedural safeguard relative to the rules on chain of custody refers to the the testimony of the forensic chemist as to how he or she received, handled, and forwarded to the evidence custodian the seized items containing suspected *shabu*.

In *People v. Pajarin (Pajarin)*,<sup>44</sup> the Court declared:

[A]s 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. 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>45</sup>

According to the foregoing rule, 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 or she took the precautionary steps required in order 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 or she resealed it after examination of the content; and (3) that he or she placed his or her own marking on the same to ensure that it could not be tampered pending trial.<sup>46</sup> Further, the forensic chemist must also identify the name and method of analysis used in determining the chemical composition of the subject specimen.<sup>47</sup>

In the instant case, the testimony of the forensic chemist, Police Chief Inspector (PCI) Donna Villa P. Huelgas (Huelgas), was dispensed with during the trial. The stipulation of the parties as to PCI Huelgas' dispensed testimony was summarized by the RTC in paragraph form, *viz.*:

Upon receipt, Espinosa turned over the pieces of evidence to the forensic chemist, Police Chief Inspector Donna Villa P. Huelgas (PCI Huelgas), who forthwith conducted a qualitative examination thereof. She reduced her findings, positive for the presence of methamphetamine hydrochloride, to writing under Chemistry Report No. D-1458-14. PCI Huelgas then placed her own markings "D-1458-14 "A" DPH" on the plastic sachet with markings "JKB 1 11-24-14" and markings "D-1458-14 "B" DPH" on the plastic sachet with marking "JKB 2 11-24-14," placed them inside a bigger plastic sachet, put the latter inside a half white envelope on which she placed her marking "D-1458-14 DPH." She then turned over

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

<sup>45</sup> Id. at 466.

<sup>46</sup> *People v. Ubungen*, 836 Phil. 888, 897 (2018).

<sup>47</sup> *People v. Omamos*, G.R. No. 223036, July 10, 2019, 908 SCRA 367, 382.

the specimens so sealed to the Evidence Custodian, SPO4 Joselito S. Mariano, for safekeeping.<sup>48</sup>

It is readily apparent that the foregoing stipulations fall short of the standards laid down in *Pajarin*. There was an abject failure to stipulate that PCI Huelgas received the seized items as properly marked, sealed, and intact.

Certainly, the inadequacy of the stipulations with regard to the dispensed testimony of PCI Huelgas further adds to the police officers' non-compliance with the strict requirements of Section 21, Article II of R.A. No. 9165.

All told, the violation of the rules on the chain of custody, as well as the illegality of accused-appellant's arrest, inevitably lead to the conclusion that he must be acquitted.

#### IV.

*In finis*, the problem on the proliferation of illegal drugs does not license the aggrandizement of governmental power in lieu of civil liberties.<sup>49</sup> Accordingly, courts have been exhorted to be extra vigilant in trying drug cases lest an innocent person is made to suffer the unusually severe penalties for drug offenses.<sup>50</sup> While the law enforcers enjoy the presumption of regularity in the performance of their duties, this presumption cannot prevail over the constitutional right of accused-appellant to be presumed innocent and cannot itself constitute proof beyond reasonable doubt.<sup>51</sup> When the performance of their duties is tainted with irregularities, such presumption is effectively destroyed.<sup>52</sup>

Those who are supposed to enforce the law are not justified in disregarding the rights of the individual in the name of order. Order is too high a price for the loss of liberty.<sup>53</sup>

**WHEREFORE**, the appeal is **GRANTED**. The Decision dated January 27, 2020 of the Court of Appeals in CA-G.R. CR-HC No. 10024 is hereby **REVERSED** and **SET ASIDE**. For failure on the part of the prosecution to prove his guilt beyond reasonable doubt, accused-appellant **Joselito Perez y Mauhay** is **ACQUITTED** of the crime charged in Criminal Case No. 19291. He is **ORDERED IMMEDIATELY RELEASED** from detention unless he is being detained for some other lawful cause.

---

<sup>48</sup> CA rollo, pp. 64-65.

<sup>49</sup> *United States v. Radka*, 904 F.2d 357 (1990).

<sup>50</sup> *People v. Madria*, 839 Phil. 179, 186 (2018).

<sup>51</sup> *People v. Angeles*, G.R. No. 224223, November 20, 2019, 925 SCRA 584, 605.

<sup>52</sup> *People v. Cantalejo*, 604 Phil. 658, 668 (2009).

<sup>53</sup> *People v. Aminudin*, 296 Phil. 424, 435 (1988).

Let a copy of this Resolution be furnished the Director General of the Bureau of Corrections for immediate implementation and to report the action he has taken to this Court within five (5) days from receipt of this Resolution.

Let entry of judgment be issued immediately.

**SO ORDERED.”** (Dimaampao, J. and Singh, J., on official business.)

By authority of the Court:

*Mis-DCBatt*  
**MISAELO DOMINGO C. BATTUNG III**  
*Division Clerk of Court* *07123*

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

COURT OF APPEALS  
 CA-G.R. CR-HC No. 10024  
 1000 Manila

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

The Presiding Judge  
 REGIONAL TRIAL COURT  
 Branch 7, Pallocan West  
 4200 Batangas City  
 (Crim. Case No. 19291)

Gen. Gregorio Pio P. Catapang, Jr. AFP (Ret) CESE  
 Director General  
 BUREAU OF CORRECTIONS  
 New Bilibid Prison  
 1770 Muntinlupa City

The Superintendent  
 New Bilibid Prison  
 BUREAU OF CORRECTIONS  
 1770 Muntinlupa City

Mr. Joselito Perez y Mauhay  
 c/o The Superintendent  
 New Bilibid Prison  
 BUREAU OF CORRECTIONS  
 1770 Muntinlupa City

PGen. Benjamin C. Acorda, Jr.  
 Chief, PHILIPPINE NATIONAL POLICE  
 PNP, National Headquarters  
 Camp Crame, 0801 Quezon City

The Director General  
 PHILIPPINE DRUG ENFORCEMENT AGENCY  
 PDEA Bldg., NIA Northside Road  
 National Government Center  
 Brgy. Pinyahan, 1100 Quezon City

The Chairman  
 DANGEROUS DRUGS BOARD  
 3<sup>rd</sup> Floor DDB-PDEA Bldg.,  
 NIA Northside Road  
 National Government Center  
 Brgy. Pinyahan, 1100 Quezon City

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

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

LIBRARY SERVICES  
 Supreme Court, Manila

Judgment Division  
 JUDICIAL RECORDS OFFICE  
 Supreme Court, Manila

G.R. No. 255594

(370)  
 URES