



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **December 7, 2022** which reads as follows:*

**“G.R. No. 258652 (PEOPLE OF THE PHILIPPINES, Plaintiff-appellee v. CRISTINA CAPUZ y PATRICIO a.k.a. “SETA CRUZ,” Accused-appellant).** —Before this Court is an Appeal<sup>1</sup> by accused-appellant Cristina Capuz y Patricio (Cristina) a.k.a. “Seta Cruz,” assailing the Decision<sup>2</sup> dated March 23, 2021 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 13227. The CA affirmed the Decision<sup>3</sup> dated August 5, 2019 of the Regional Trial Court (RTC) of Navotas City, Branch 288, convicting Cristina for Violation of Section 5,<sup>4</sup> Article II of Republic Act (RA) No. 9165.<sup>5</sup>

**ANTECEDENTS**

On April 4, 2011, at around 11:30 a.m., PI Milan V. Naz of the District Anti-Illegal Drugs – Special Operation Task Group, Navotas City Police Station, organized a buy-bust operation against *alias* “Seta Cruz” and *alias* “Boy Ramos” who were reportedly selling illegal drugs at Agora Market, North Bay Boulevard South, Navotas City. PO3 Fidel B. Cabinta (PO3 Cabinta) was designated as the poseur-buyer, with SPO1 Fernando T. Gomboc (SPO1 Gomboc) and PO3 Melgan D. Lorenzo (PO3 Lorenzo) as back-up officers. The team prepared 2 pieces of ₱1,000.00-bills marked with

<sup>1</sup> *Rollo*, pp. 3–4.

<sup>2</sup> *Id.* at 8–18. Penned by Associate Justice Germano Francisco D. Legaspi, with the concurrence of Associate Justices Marlene Gonzales-Sison and Alfredo D. Ampuan.

<sup>3</sup> *CA rollo*, pp. 43–50. Penned by Presiding Judge Ronald Q. Torrijos.

<sup>4</sup> SECTION 5. *Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.*

<sup>5</sup> AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES. Approved on June 7, 2002.

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“FBC” and arranged them with the bundle of boodle money making it appear as ₱30,000.00. At around 2:30 p.m., the team, together with their regular confidential informant, proceeded to Agora Market via a tricycle driven by PO3 Lorenzo.<sup>6</sup>

The team positioned themselves within the vicinity of the market and waited. After 30 minutes, a woman and a man, later identified as Cristina and Orlando Capuz y Maniviran (Orlando), arrived. The informant introduced PO3 Cabinta as the buyer of *shabu*. Cristina asked how much he would buy and PO3 Cabinta answered “*Isang B ang kukunin ko.*” In street parlance, “B” stood for “*isang bulto*” or one bag of *shabu* weighing more or less five grams. Cristina said that the price of one *bulto* is ₱30,000.00 and PO3 Cabinta showed her the buy-bust money in his belt bag. Cristina then instructed PO3 Cabinta to go to Anthurium Street and wait there. The team went to Anthurium Street and waited in a tricycle. After more than an hour, Orlando arrived at Anthurium Street and reassured PO3 Cabinta that Cristina has the *shabu*. Soon after, Cristina and another woman, later identified as Mariza Andrada y Bautista (Mariza) approached them. As PO3 Cabinta alighted from the tricycle, Cristina opened a Carefree plastic wrapper and showed him 5 small sachets containing white crystalline substance. Cristina took 1 sachet, handed it to Mariza, and gave the plastic wrapper to PO3 Cabinta. In exchange, PO3 Cabinta gave the buy-bust money to Cristina, and transferred the belt bag from his chest to his waist to signal the consummation of the transaction.<sup>7</sup>

PO3 Cabinta introduced himself as a police officer and arrested Cristina, while PO3 Lorenzo arrested Mariza. Orlando ran away, but was caught by SPO1 Gomboc. Because Orlando was resisting arrest, the buy-bust team and the suspects boarded the tricycle and fled the area.<sup>8</sup> Later, a police vehicle arrived and the team transferred in the vehicle. While parked at Anthurium Street, PO3 Cabinta marked the wrapper with “FBC/CCP 4-4-11,” and the 4 sachets he bought from Cristina “FBC/CCP-1 4-4-11,” “FBC/CCP-2 4-4-11,” “FBC/CCP-3 4-4-11,” and “FBC/CCP-4 4-4-11.” PO3 Cabinta also took pictures of the drugs. The suspects were brought to the police station where the seized items were turned over to PO3 Ariosto Rana (PO3 Rana)<sup>9</sup> for investigation. The items were inventoried and photographed in the presence of media representative Maeng Santos (Santos), Cristina, and her relatives.<sup>10</sup> Later, PO3 Rana delivered the drugs and a Request for Laboratory Examination<sup>11</sup> to the Northern Police District Crime Laboratory Office where they were received by PO1 JS Pataneg (PO1 Pataneg) who immediately turned over the specimens to PCI Stella Garciano (PCI Garciano).<sup>12</sup> After the forensic examination, PCI Garciano issued Physical Science Report

<sup>6</sup> *Rollo*, pp. 9-10.

<sup>7</sup> *Id.* at 10.

<sup>8</sup> *Id.* at 10-11.

<sup>9</sup> *CA rollo*, p. 45, sometimes referred to as SPO2 Ariosto Rana.

<sup>10</sup> *Rollo*, pp. 11 & 15.

<sup>11</sup> *CA rollo*, p. 11, referred to as Exhibit “C.”

<sup>12</sup> *Rollo*, pp. 16-17; *CA rollo*, p. 45.

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No. D-112-11 stating that the four specimens yielded positive result for methamphetamine hydrochloride,<sup>13</sup> a dangerous drug.<sup>14</sup>

Thus, Cristina was charged with violation of Section 5, Article II of RA No. 9165 in the following Information:

That on or about the 4<sup>th</sup> day of April, 2011, in the City of Navotas, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being a private person and without authority of law did then and there, willfully, unlawfully and feloniously sell and deliver to **PO3 FIDEL B. CABINTA**, who acted as a poseur buyer in consideration of [P]2,000.00 in two (2) pieces of one (1) thousand peso bill[s] bearing serial numbers DH-037901 and WE-447386 place [*sic*] on top of boodle money used as buy bust money and marked as 'FBC,' One (1) plastic wrapper labeled CAREFREE with markings 'FBC/CCP 4-4-11' containing four (4) heat sealed transparent plastic sachets each containing white crystalline substance with the following markings and recorded net weights:

- 'A-1 (FBC/CCP-1 4-4-11) = 1.11 grams'
- 'A-2 (FBC/CCP-2 4-4-11) = 0.91 grams' [*sic*]
- 'A-3 (FBC/CCP-3 4-4-11) = 1.35 grams'
- 'A-4 (FBC/CCP-4 4-4-11) = 1.20 grams'

which substance when subjected to chemistry examination gave positive result for Methamphetamine hydrochloride, otherwise known as 'Shabu', a dangerous drug.

CONTRARY TO LAW.<sup>15</sup>

Arraigned, Cristina pleaded not guilty.<sup>16</sup> At the pre-trial conference, the prosecution and the defense stipulated on the following:

- 1) identity of accused-appellant;
- 2) jurisdiction of the court;
- 3) that accused-appellant was not authorized to possess or sell shabu; and
- 4) that admissions can be made concerning the manner and nature of the testimony to be given by the forensic chemist as soon as the specimen/s and other evidence related thereto are with the court.<sup>17</sup>

<sup>13</sup> *Rollo*, p. 9; *CA rollo*, p. 27, referred to as Methamphetamine Hydrochloride, otherwise known as *shabu*.

<sup>14</sup> *Rollo*, p. 11; *CA rollo*, *id.*

<sup>15</sup> *Rollo*, pp. 8-9.

<sup>16</sup> *Id.* at 9.

<sup>17</sup> *Id.* at 9.

Trial then ensued.

PO3 Cabinta testified how Cristina was apprehended during the buy-bust operation, and narrated in detail how he preserved the confiscated items while in his custody.<sup>18</sup> PO3 Rana and PCI Garciano were presented as witnesses, but their testimonies were dispensed with after the parties stipulated that:

**As to PO3 Rana:**

- (i) he is a member of the Philippine National Police assigned at District Anti-Illegal Drugs Special Operation Task group, Northern Police District, NBBS, Navotas City Police Station at the time of the arrest;
- (ii) he is the duty investigator on case;
- (iii) he can identify the Turn-Over Confiscated/Seized Evidence he executed as well as his signature thereon;
- (iv) he executed an Affidavit of Attestation and can identify his signature thereon;
- (v) based on the Turn-over Confiscated/Seized Evidence, he received the specimens from PO3 Cabinta, PO3 Lorenzo and SPO1 Gomboc; and,
- ([vi]) he has no personal knowledge of the alleged commission of the offense charged.<sup>19</sup>

**As to PCI Garciano:**

- (i) she is a Forensic Chemist of the Eastern Police District Crime Laboratory Office;
- (ii) she examined the specimens subject matter of the case and found these positive for Shabu;
- (iii) she can identify the specimens[;]
- (iv) she can identify the chemistry report she prepared in relation to her examination showing the specimen to be positive for shabu;
- (v) she can identify the letter request for examination along with the stamp receipts thereon and the "receiving" signatures;
- (vi) she can identify the initial laboratory report; and
- (vii) she has no personal knowledge and she does not know from whom, where, when and the manner these specimen [*sic*] were seized or recovered.<sup>20</sup>

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<sup>18</sup> CA *rollo*, pp. 44-45.

<sup>19</sup> *Id.* at 45.

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

Cristina denied the accusation against her, and testified that at the time of her arrest, she was at her neighbor's house talking with Mariza about a fight between their sons. A woman in handcuffs, along with men in civilian clothes, arrived. The woman pointed to Cristina and Mariza, and the men brought them along. They boarded a van to Langaray District Police Station where they were separately detained. The following day, the policemen showed Cristina the drugs allegedly seized from her. She later learned that the drugs were confiscated from Mariza.<sup>21</sup>

On August 5, 2019, the RTC found Cristina guilty of selling dangerous drugs.<sup>22</sup> The dispositive portion of the Decision reads:

**WHEREFORE**, premises considered, the court finds the accused Cristina Capuz y Patricio "GUILTY" beyond reasonable doubt of violating Section 5, Article II of [RA] No. 9165 and she is sentenced to suffer the penalty of life imprisonment and to pay a fine of Five Hundred Thousand Pesos ([P]500,000.00).

The dangerous drugs subject of this case are ordered to be safely delivered to the Philippine Drug Enforcement Agency for proper disposition.

**SO ORDERED.**<sup>23</sup>

On Appeal, Cristina maintained that the integrity and evidentiary value of the seized evidence were not preserved. The apprehending team failed to immediately mark the drugs. Neither a Department of Justice (DOJ) representative nor an elected public official witnessed the conduct of the inventory and photography. Lastly, PCI Garciano's stipulations of facts lack the precautionary measures to preserve the specimens as the forensic chemist.<sup>24</sup> The Office of the Solicitor General countered that the guilt of accused-appellant was proved beyond reasonable doubt, and the apprehending team substantially complied with the requirements of Section 21 of RA No. 9165.<sup>25</sup>

<sup>21</sup> *Rollo*, pp. 11-12; *CA rollo*, p. 46.

<sup>22</sup> *CA rollo*, pp. 43-50.

<sup>23</sup> *Id.* at 50.

<sup>24</sup> *Id.* at 24-41. Accused-appellant assigned the following errors of the trial court:

- I. THE COURT *A QUO* GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED DESPITE THE IMPROBABILITY THAT A BUY-BUST WAS CONDUCTED AGAINST HER.
- II. THE COURT *A QUO* GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF VIOLATION OF SECTION 5, ARTICLE II OF [RA] NO. 9165 DESPITE THE ABSENCE OF THE OTHER MANDATORY WITNESSES DURING THE INVENTORY
- III. THE COURT *A QUO* GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF VIOLATION OF SECTION 5, ARTICLE II OF [RA] NO. 9165 DESPITE THE PROSECUTION'S FAILURE TO ESTABLISH AN UNBROKEN CHAIN OF CUSTODY. *Id.* at 36.

<sup>25</sup> *Id.* at 61-73.

On March 23, 2021, the CA denied the Appeal.<sup>26</sup>

Hence, this recourse. In their Manifestations, the parties recused from the filing of Supplemental Briefs to avoid repetition of the arguments already discussed in their respective Plaintiff-appellee and Accused-appellant's Briefs.<sup>27</sup> Cristina interposes a broken chain of custody.<sup>28</sup>

## RULING

We acquit.

For an accused to be convicted of illegal sale of dangerous drugs, the prosecution must establish: (1) the identities of the buyer and the seller, the object and the consideration; and (2) the delivery of the thing sold, and its payment.<sup>29</sup> The *corpus delicti* is the dangerous drug itself. Proof beyond reasonable doubt is necessary to prove that the seized item is the very same object tested to be positive for dangerous drugs and presented in court. Since the existence of the dangerous drug is crucial to a judgment of conviction, it is indispensable that the identity of the prohibited drug be established with the same unwavering exactitude as that required to make a finding of guilt. To this end, the prosecution must establish an unbroken chain of custody of the seized items.<sup>30</sup>

Notably, the alleged crime happened on April 4, 2011, or before RA No. 10640<sup>31</sup> amended RA No. 9165. Thus, the original provisions of Section 21 and its Implementing Rules and Regulations (IRR), shall apply:

### [Section 21, Article II of RA No. 9165]

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.* – 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:

<sup>26</sup> *Rollo*, pp. 8-18.

The CA disposed as follows:

**WHEREFORE**, premises considered, the instant appeal is **DENIED**. The Decision dated August 5, 2019 of the Regional Trial Court of Navotas City, Branch 288 in Criminal Case No. 11-0483-MN is **AFFIRMED**.

**SO ORDERED.** *Id.* at 17.

<sup>27</sup> *Rollo*, pp. 34-37 & 39-43, respectively.

<sup>28</sup> *CA rollo*, pp. 30-40.

<sup>29</sup> *People v. Flor*, 824 Phil. 46, 53 (2018) [Per *v.* Del Castillo, First Division].

<sup>30</sup> *People v. Enad*, 780 Phil. 346, 357-358 (2016) [Per *J.* Peralta, Third Division].

<sup>31</sup> AN ACT TO FURTHER STRENGTHEN THE ANTI-DRUG CAMPAIGN OF THE GOVERNMENT, AMENDING FOR THE PURPOSE SECTION 21 OF [RA] NO. 9165, OTHERWISE KNOWN AS THE 'COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002'. Approved on July 15, 2014. A copy of the law was published on July 23, 2014 in the respective issues of *The Philippine Star* (Vol. XXVIII, No. 359, Philippine Star Metro section, p. 21), and the *Manila Bulletin* (Vol. 499, No. 23, World News section, p. 6). Hence, RA No. 10640 became effective on August 7, 2014

(1) The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory 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, **a representative from the media and the [DOJ], and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof.** (Emphasis supplied)

**[Section 21(a), Article II of the IRR of RA No. 9165]**

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.* – The PDEA shall take charge and have custody of all dangerous drugs, x x x so confiscated, seized and/or surrendered, for proper disposition in the following manner:

(a) The apprehending officer/team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory 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, **a representative from the media and the [DOJ], and any elected public official** who shall be required to sign 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, further*, that non-compliance with these requirements under justifiable grounds, as long as the integrity and evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items[.] (Emphasis supplied)

Hence, the prosecution must satisfactorily establish the movement and custody of the seized drugs through the following links: *first*, the confiscation and marking of the specimens seized from the accused by the apprehending officer; *second*, the turnover of the seized items by the apprehending officer to the investigating officer; *third*, the investigating officer's turnover of the specimens to the forensic chemist for examination; and *fourth*, the submission of the items by the forensic chemist to the court.<sup>32</sup> Here, we find that the identity of the *corpus delicti* had been compromised. The prosecution failed to establish that the illegal drugs seized from Cristina were the same drugs presented before the trial court.

Foremost, there was failure to immediately mark the drugs at the place of arrest. PO3 Cabinta testified that he marked the seized drugs inside a police vehicle. The 4 sachets of *shabu* remained unmarked from the moment they were confiscated from Cristina until the apprehending team boarded the tricycle and transferred to the police car that arrived later. The belated marking of the drugs resulted in a significant gap in the first link of the chain of

<sup>32</sup> *People v. Bugtong*, 806 Phil. 628, 638–639 (2018) [Per J. Del Castillo, First Division].

custody. In *People v. Ismael*,<sup>33</sup> the Court highlighted the importance of marking the seized drugs immediately upon arrest, to wit:

The first stage in the chain of custody rule is the marking of the dangerous drugs or related items. Marking, which is the affixing on the dangerous drugs or related items by the apprehending officer or poseur-buyer of his initials or signature or other identifying signs, should be made in the presence of the apprehended violator immediately upon arrest. The importance of the prompt marking cannot be denied, because the succeeding handlers of dangerous drugs or related items will use the marking as reference. Also, the marking operates to set apart as evidence the dangerous drugs or related items from other materials from the moment they are confiscated until they are disposed of at the close of the criminal proceedings, thereby forestalling switching, planting or contamination of evidence. In short, the marking immediately upon confiscation or recovery of dangerous drugs or related items is indispensable in the preservation of their integrity and evidentiary value.<sup>34</sup>

PO3 Cabinta reasoned that the drug was belatedly marked because one of the arrested suspects, Orlando, was resisting arrest.<sup>35</sup> This explanation is untenable. There was no allegation, much less proof, that the police officers could not subdue Orlando. In contrast, the prosecution proved that although Orlando tried to flee, he was caught by SPO1 Gomboc. The apprehending team, which was composed of three trained police officers, effectively restrained the suspect before they proceeded to leave the place of arrest. Cristina, who was arrested by PO3 Cabinta, neither resisted arrest nor refused to surrender. There was no showing of any danger that necessitated the team's immediate departure from the place of apprehension. We have invariably ruled that failure to mark the drug immediately after it was seized from the accused, absent any explanation or reasonable justification, casts doubt on the prosecution's evidence.<sup>36</sup> As in this case, we find no justifiable explanation for the apprehending officers' failure to mark the 4 sachets of *shabu* immediately upon their confiscation and before transport.

Also, the absence of an elected public official and a DOJ representative during the inventory and photography of the confiscated drugs was not explained. Here, only media representative Santos witnessed the conduct of the inventory process.<sup>37</sup> The buy-bust operation, which was arranged and scheduled in advance, failed to ensure the presence of an elected public official and a DOJ representative during the inventory and photography of the seized drugs in relation to Section 21, Article II of RA No. 9165.

<sup>33</sup> 806 Phil. 21 (2017) [Per J. Del Castillo, First Division].

<sup>34</sup> *Id.* at 31-32, citing *People v. Gonzales*, 703 Phil. 121, 130-131 (2013) [Per J. Bersamin, First Division].

<sup>35</sup> *Rollo*, pp. 10-11.

<sup>36</sup> *People v. Magayon*, G.R. No. 238874, September 16, 2020 [Per J. Lazaro-Javier, First Division]; *People v. Delina*, G.R. No. 243578, June 30, 2020 [Per J. J. Reyes, Jr., First Division]; *People v. Ramos*, G.R. No. 236455, February 19, 2020 [Per C.J. Carabta, First Division]; *People v. Claudel*, G.R. No. 219852, April 3, 2019 [Per J. Caguioa, Second Division]; and *People v. Cadungog*, G.R. No. 229926, April 3, 2019 [Per J. Carpio, Second Division].

<sup>37</sup> *Rollo*, p. 15.

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Indeed, non-compliance with the requirements of Section 21 may only be permitted if the prosecution proves that the apprehending officers exerted genuine and sufficient efforts to secure the presence of such witnesses, although they eventually failed to appear.<sup>38</sup> In *People v. Lim*,<sup>39</sup> we explained that in case the presence of any or all the insulating witnesses was not obtained, the prosecution must allege and prove, not only the reasons for their absence, but also the fact that earnest efforts were made to secure their attendance.<sup>40</sup> In this case, PO3 Cabinta's explanation that the "chief investigator tried to contact the concerned personnel but only the media representative arrived,"<sup>41</sup> is a flimsy excuse. There was only the slightest attempt on the part of the buy-bust team to comply with the law and its implementing rules. The team failed to provide concrete justification showing that the integrity of the evidence had all along been preserved.

In addition, the records do not reflect how the drugs were handled after PCI Garciano completed her qualitative examination and before the drugs were submitted to the RTC. We have ruled, in *People v. Ubungen*,<sup>42</sup> that in case of a stipulation by the parties to dispense with the attendance and testimony of the forensic chemist, it should be stated that the forensic chemist took precautionary steps to preserve the integrity and evidentiary value of the seized items, thus: (1) that the forensic chemist received the seized articles as marked, properly sealed, and intact; (2) that he resealed them after examination of the contents; and (3) that he placed his own markings on the specimens to ensure that they could not be tampered pending trial.<sup>43</sup> Here, there was stipulation of facts on the testimony of forensic chemist PCI Garciano, but it was silent on the required particulars.<sup>44</sup> Apparently, the prosecution did not disclose the identities of the person who had custody of the sachets after they were examined by PCI Garciano, the person who received the specimens for safekeeping pending its presentation in court, as well as the person who submitted the drugs to the trial court. The prosecution failed to prove the continuous custody of the dangerous drugs from the time they were confiscated until they were offered in evidence.

Finally, we stress that while 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 presumed innocent. The presumption of regularity is disputable and cannot be regarded as binding truth.<sup>45</sup> When the performance of duty is tainted with irregularities, such

<sup>38</sup> *People v. Sendad*, G.R. No. 242025 November 20, 2019, 925 SCRA 707, 717 [Per J. Perlas-Bernabe, Second Division]; *People v. Flores*, G.R. No. 241261, July 29, 2019, 911 SCRA 383, 392 [Per J. Perlas-Bernabe, Second Division]; *People v. Rodriguez*, G.R. No. 233535, July 1, 2019, 907 SCRA 55, 65 [Per J. Del Castillo, First Division]; *People v. Maralit*, 838 Phil. 191, 208 (2018) [Per J. A. Reyes, Jr., Second Division]; and *People v. Sipin*, 833 Phil. 67, 92-92 (2018) [Per J. Peralta, Second Division].

<sup>39</sup> 839 Phil. 598 (2018) [Per J. Peralta, *En Banc*].

<sup>40</sup> *People v. Ramos*, 826 Phil. 931, 996 (2018) [Per J. Perlas-Bernabe, Second Division]; and *People v. Umipang*, 686 Phil. 1024, 1052-1053 (2012) [Per J. Sereno, Second Division].

<sup>41</sup> CA rollo, p. 35.

<sup>42</sup> 836 Phil. 888 (2018) [Per J. Martires, Third Division], citing *People v. Pujarin*, 654 Phil. 461, 466 (2011) [Per J. Abad, Second Division].

<sup>43</sup> *People v. Ubungen*, *supra* at 901.

<sup>44</sup> CA rollo, p. 45.

<sup>45</sup> *Mullillin v. People*, 576 Phil. 576, 593 (2008) [Per J. Tinga, Second Division].

presumption is effectively destroyed.<sup>46</sup> We reiterate that the provisions of Section 21, Article II of RA No. 9165 embody the constitutional aim to prevent the imprisonment of an innocent man. The Court cannot tolerate the lax approach of law enforcers in handling the very *corpus delicti* of the crime. Hence, Cristina must be acquitted of the charge against her given the prosecution's failure to prove an unbroken chain of custody.

**FOR THESE REASONS**, the Appeal is **GRANTED**. The March 23, 2021 Decision of the Court of Appeals in CA-G.R. CR-HC No. 13227 is **REVERSED**. Accused-appellant Cristina Capuz y Patricio is **ACQUITTED** and is **ORDERED IMMEDIATELY RELEASED** from detention, unless she is being lawfully held for another cause.

Let entry of judgment be issued immediately.

Let a copy of this Resolution be furnished the Director of the Bureau of Corrections, Muntinlupa City for immediate implementation. The Director is directed to report to this Court the action taken within five (5) days from receipt of this Resolution.

**SO ORDERED.”**

By authority of the Court:

TERESITA AQUINO TUAZON  
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA  
Deputy Division Clerk of Court <sup>mm</sup> <sub>sb</sub>

03 AUG 2023

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<sup>46</sup> *People v. Dela Cruz*, 589 Phil. 259, 272 (2008) [Per J. Tinga, Second Division].

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Accused-Appellant  
c/o The Superintendent  
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THE DIRECTOR (x)  
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HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 288  
Navotas City  
(Crim. Case No. 11-0483-MN)

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