



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

CARLO VILLAMOR y GEMINA,\*  
Petitioner,

G.R. No. 243811

Present:

CAGUIOA, J., *Chairperson*,  
INTING,  
GAERLAN,  
DIMAAMPAO, and  
SINGH, JJ.

- versus -

PEOPLE OF THE PHILIPPINES,  
Respondent.

Promulgated:

July 4, 2022

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DECISION

CAGUIOA, J.:

Before this Court is a Petition for Review on *Certiorari*<sup>1</sup> (Petition) under Rule 45 of the Rules of Court questioning the Decision<sup>2</sup> dated August 31, 2018 and Resolution<sup>3</sup> dated December 18, 2018 of the Court of Appeals (CA), Special Sixteenth Division and Former Special Sixteenth Division, respectively, in CA-G.R. CR No. 39787, which affirmed *in toto* the Decision<sup>4</sup> dated February 23, 2015<sup>5</sup> rendered by the Regional Trial Court (RTC), Branch 7, Batangas City in Criminal Case No. 17480, which found herein petitioner **Carlo Villamor y Gemina** (petitioner) guilty beyond reasonable doubt of violating Section 11, Article II of Republic Act No. (R.A.) 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

\* “Carlo Villamor y Gemina alias ‘Caloy’” and “Carlos Villamor @ ‘Caloy’” in some parts of the record.

<sup>1</sup> *Rollo*, pp. 12-23, excluding Annexes.

<sup>2</sup> *Id.* at 29-45. Penned by Associate Justice Stephen C. Cruz with Associate Justices Zenaida T. Galapate-Laguilles and Geraldine C. Fiel-Macaraig, concurring.

<sup>3</sup> *Id.* at 47-48.

<sup>4</sup> *Id.* at 68-89. Penned by Presiding Judge Aida C. Santos.

<sup>5</sup> However, the CA indicated that the Regional Trial Court Decision is dated February 23, 2016. The date of promulgation is on March 1, 2016.

### The Facts

An Information<sup>6</sup> for Illegal Possession of Dangerous Drugs was filed against petitioner, the accusatory portion of which reads:

That on or about June 12, 2012 at around 6:00 o'clock in the morning at Sitio Tramo, Brgy. Balagtas, 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 three (3) heat sealed transparent plastic sachets containing 0.16 gram of Methamphetamine Hydrochloride, more commonly known as 'Shabu', a dangerous drug and one (1) tape-sealed transparent plastic sachet containing traces of the same substance, which is a clear violation of the above-cited law.

CONTRARY TO LAW.<sup>7</sup>

When arraigned, petitioner pleaded "NOT GUILTY" to the offense charged.<sup>8</sup>

#### *Version of the Prosecution*

On the strength of the intelligence gathered through careful surveillance of the subject, SPO1 Ernesto Cabrera (SPO1 Cabrera) applied with the Executive Judge of the RTC Batangas City, the Hon. Ruben A. Galvez for the issuance of a search warrant against petitioner.<sup>9</sup>

After the search warrant was issued, SPO1 Rivero Reyes (SPO1 Reyes) prepared the coordination form and the pre-operation report for the implementation of the search warrant against petitioner and sent the same to the Philippine Drug Enforcement Agency where Agent Belansing<sup>10</sup> received them.<sup>11</sup>

On June 12, 2012, team leader SPO2 Reynaldo Salazar conducted a briefing. The members of the team were also given their assignments. According to the search warrant, the subject matter of the search is an unestimated amount of methamphetamine hydrochloride, some drug paraphernalia, and equipment.<sup>12</sup>

Upon arrival at the area, the designated person coordinated with the barangay official and Barangay Councilor Mario Ginhawa<sup>13</sup> (Councilor Ginhawa) who accompanied them to the place. Media representative Lito

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<sup>6</sup> Records, pp. 1-2.

<sup>7</sup> Id. at 1.

<sup>8</sup> *Rollo*, p. 30.

<sup>9</sup> Id. at 31.

<sup>10</sup> The full name of Agent Belansing was not mentioned in the records.

<sup>11</sup> *Rollo*, p. 31.

<sup>12</sup> Id.

<sup>13</sup> "Maguinawa" and "Guinhawa" in some parts of the record.

Rendora (Rendora) and Department of Justice (DOJ) representative Prosecutor Evelyn Jovellanos (Prosecutor Jovellanos) eventually joined them. At the area, the police secured the perimeter and looked for the target house. A barangay tanod pointed to the house of petitioner. In the presence of the barangay official, SPO1 Cabrera knocked on the door. A woman opened it and he told her that the police officers are going to conduct a search in the house as they have a search warrant in the name of petitioner. The woman, later identified to be Lizalyn Magadia, wife of petitioner, permitted them to enter the house. Petitioner, who was also present inside the house at the time the police arrived, signed the search warrant after it was read to them.<sup>14</sup>

PO1 Jeffrey Falcutila (PO1 Falcutila), PO1 Earl Malibiran (PO1 Malibiran), Rendora, Prosecutor Jovellanos and Councilor Ginhawa all entered the house. While these witnesses were observing him, PO1 Falcutila conducted the initial search of the only bedroom in the house, but he did not find illegal drugs, paraphernalia and equipment there. PO1 Falcutila continued searching in the living room. There, on top of the refrigerator and beneath a mantle, he discovered three (3) plastic sachets containing white crystalline substance suspected to be *shabu*, one (1) transparent plastic sachet with suspected *shabu* residue and one (1) small aluminum foil. Upon this discovery, petitioner suddenly fled, but as the area had been secured, the police caught him just outside the house. They brought him back inside the house and in the presence of the witnesses — Rendora, Prosecutor Jovellanos and Councilor Ginhawa — PO1 Falcutila immediately placed identification markings on the three (3) plastic sachets containing the white crystalline substance, the transparent plastic sachet with suspected *shabu* residue, and the single aluminum foil. PO1 Falcutila then put them inside a safety-sealed plastic container.<sup>15</sup>

Afterwards, in the presence of petitioner and his wife, SPO1 Cabrera prepared the Certificate of Inventory and requested the witnesses to affix their signatures thereon. While Rendora, Prosecutor Jovellanos and Councilor Ginhawa were affixing their signatures on the said document, SPO1 Reyes took pictures. SPO1 Cabrera also prepared the Receipt of Property Seized and the Certificate of Good Conduct of Search. After the preparation of the said documents and the conduct of the inventory, PO1 Falcutila placed them inside an evidence kit and kept the same in his custody from the house of petitioner to their office. They gave a copy of the Receipt of Property Seized to the wife of petitioner. They told petitioner that he violated the Comprehensive Dangerous Drugs Act of 2002, apprised him of his constitutional rights, and brought him to the office.<sup>16</sup>

Back at the office, SPO1 Reyes prepared the Return of Search Warrant<sup>17</sup> and submitted the same to the issuing court, RTC Batangas City, Branch 3,

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<sup>14</sup> *Rollo*, pp. 31-32.

<sup>15</sup> *Id.* at 32.

<sup>16</sup> *Id.* at 84-85.

<sup>17</sup> *Records*, p. 5.



while SPO1 Cabrera prepared the letter-request for laboratory examination, letter-request for drug test, and request for medical examination of petitioner. PO1 Malibiran prepared the Arrest Report.<sup>18</sup>

Shortly thereafter, SPO1 Cabrera, PO1 Falcutila, PO1 Malibiran and SPO1 Reyes went to the Provincial Crime Laboratory to deliver the evidence for laboratory examination. PO1 Falcutila personally handed over the request together with the specimens to the Forensic Chemist, Police Senior Inspector Herminia Carandang Llacuna (P/SI Llacuna) who signed the letter-request, and recorded the turn-over of the evidence in the Crime Laboratory's General Logbook and Chain of Custody form. Immediately thereafter, P/SI Llacuna conducted a qualitative examination of the said specimens. After the examination, she sealed each of the four (4) plastic sachets, marked each of them, put them all inside a bigger plastic sachet, reduced her findings (positive for the presence of methamphetamine hydrochloride) into writing, and turned over the evidence and the original copy of the chemistry report to Evidence Custodian SPO3 Lito Vargas (SPO3 Vargas) for safekeeping.<sup>19</sup>

On October 2, 2012, on the strength of the subpoena *duces tecum* issued by the court, P/SI Llacuna withdrew the evidence from the custody of SPO3 Vargas, as shown in the Crime Laboratory's Turn-over of Evidence Logbook and Chain of Custody form. On the same day, she turned over the evidence to Atty. Jose Michael D. Masangkay (Atty. Masangkay), the Branch Clerk of Court of RTC Batangas City, Branch 7, as shown in the Acknowledgment Receipt which bears the printed name of P/SI Llacuna and Atty. Masangkay's signature.<sup>20</sup>

In open court, PO1 Falcutila affirmed that from the time he seized the pieces of evidence from the house of petitioner until he was confronted with them, there is no difference in the appearance and condition of the said specimens. Likewise, when she was shown the pieces of evidence, P/SI Llacuna categorically declared that there is no difference and no sign of alteration in the four (4) specimens, except for the additional markings in red pen.<sup>21</sup>

#### *Version of the Defense*

Petitioner vehemently denied the charge against him. He narrated that on June 12, 2012 at 5:00 o'clock in the morning, he was sleeping at home with his wife, when they heard police officers knocking at the door and window calling his name. Without opening the door yet, his wife asked them why they were looking for her husband. All of a sudden, the police officers kicked their door. As they successfully entered their house, the police officers brought petitioner, his wife, and their children outside their house. While they were being guarded by two (2) other police officers, the other police officers started searching their

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<sup>18</sup> *Rollo*, pp. 32-33.

<sup>19</sup> *Id.* at 33.

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

<sup>21</sup> *Id.*



house, and they heard that their things were being thrown. At that time, the police officers were coming in and out of their house. After one and a half (1½) hours, Prosecutor Jovellanos, Councilor Ginhawa, and a media man arrived. Upon their arrival, the police officers searched again their house, but petitioner and his family were still outside their house. He alleged that the said seized items were not found inside his house and they were planted by the police officers. He asked help from Councilor Ginhawa and Prosecutor Jovellanos, but to no avail.<sup>22</sup>

Further, petitioner recalled that the police officers were only doing this because sometime in February 2012, he had a heated argument with a police officer Eje in a cockfight, where he worked as a “*tagapusta*.”<sup>23</sup>

### Ruling of the RTC

In a Decision dated February 23, 2015, the RTC convicted petitioner for violation of Section 11, Article II of R.A. 9165, to wit:

**WHEREFORE**, judgment is hereby rendered finding accused **CARLO VILLAMOR y GEMINA GUILTY** beyond reasonable doubt of illegal possession of methamphetamine hydrochloride in violation of Section 11, Article II of R.A. No. 9165. He is hereby sentenced to suffer imprisonment of **twelve (12) years and one (1) day to fourteen (14) years and to pay a fine of three hundred thousand pesos (P300,000.00)**, without subsidiary imprisonment in case of insolvency.

x x x x

**SO ORDERED.**<sup>24</sup> (Emphasis in the original)

The RTC ruled that the prosecution was able to prove all the elements of the crime of illegal possession of dangerous drugs.<sup>25</sup> As an incident to his lawful arrest by virtue of the discovery of illegal drugs in his house after the implementation of the search warrant, petitioner was found in possession of three (3) heat-sealed transparent sachets containing 0.16 gram of methamphetamine hydrochloride and one (1) tape-sealed transparent plastic sachet containing traces of the same substance.<sup>26</sup> The RTC further ruled that the prosecution established a continuous and unbroken chain of custody from the time the seized drugs were confiscated until the same were delivered to the Court.<sup>27</sup> All the required witnesses were present during the marking, taking of photographs, and inventory of the evidence.<sup>28</sup> Lastly, it held that the defense of denial, like alibi, has been invariably viewed by the courts with disfavor for it can just as easily be concocted and is a common and standard defense ploy in

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<sup>22</sup> Id. at 34.

<sup>23</sup> Id.

<sup>24</sup> Id. at 88.

<sup>25</sup> Id. at 80.

<sup>26</sup> Id.

<sup>27</sup> Id. at 83.

<sup>28</sup> Id. at 87.



most cases involving violation of the Comprehensive Dangerous Drugs Act of 2002.<sup>29</sup>

### **Ruling of the CA**

In a Decision dated August 31, 2018, the CA affirmed *in toto* the conviction of petitioner for violation of Section 11, Article II of R.A. 9165, to wit:

**WHEREFORE**, the instant appeal is **DENIED**. The Decision dated February 23, 2016 of the Regional Trial Court of Batangas City, Branch 7, in Criminal Case No. 17480, finding Carlo Villamor y Gemina guilty beyond reasonable doubt of violating Section 11, Article II of Republic Act No. 9165, is **AFFIRMED *in toto***.

**SO ORDERED.**<sup>30</sup> (Emphasis and italics in the original)

The CA likewise ruled that all the elements of illegal possession of dangerous drugs were clearly established by the evidence.<sup>31</sup> Petitioner's argument that he did not witness the search is untenable as the photographs taken by the police officers show that the location where petitioner was seated was actually just in front of and within the viewing distance of the refrigerator where the subject plastic sachets of *shabu* were found.<sup>32</sup> The record is also bereft of any evidence showing that petitioner had the legal authority to possess the plastic sachets of *shabu*.<sup>33</sup> His possession of the said plastic sachets is a clear indication that he had full knowledge of and that he freely and consciously possessed the illegal drugs contained therein.<sup>34</sup>

Hence, petitioner filed a Petition.

In a Resolution<sup>35</sup> dated September 18, 2019, the Court ordered the respondent People of the Philippines, through the Office of the Solicitor General (OSG) to file a Comment<sup>36</sup> on the Petition. The OSG then filed its Comment on January 3, 2020.

### **Issue**

Whether the CA committed reversible error in affirming the conviction of petitioner for violation of Section 11, Article II of R.A. 9165.

### **The Court's Ruling**

The Petition lacks merit.

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<sup>29</sup> Id.

<sup>30</sup> Id. at 44-45.

<sup>31</sup> Id. at 37.

<sup>32</sup> Id. at 38.

<sup>33</sup> Id. at 39.

<sup>34</sup> Id.

<sup>35</sup> Id. at 118-119.

<sup>36</sup> Id. at 127-145.



At the outset, the Court notes that the issues raised in the Petition are factual and evidentiary in nature, which are outside the Court's scope of review in Rule 45 petitions. In this regard, it is settled that the assessment of the credibility of witnesses is a task most properly within the domain of trial courts due to the unique opportunity afforded them to observe the witnesses when placed on the witness stand.<sup>37</sup> While questions of fact have been entertained by the Court in justifiable circumstances, petitioner herein failed to establish that the instant case falls within the allowable exceptions. Hence, not being a trier of facts but of law, the Court must necessarily defer to the concurrent findings of fact of the CA and the RTC.<sup>38</sup>

Be that as it may, the Court finds no reversible error committed by the CA in affirming petitioner's guilt for violation of Section 11, Article II of R.A. 9165. Thus, the Court affirms petitioner's conviction for violation of Section 11, Article II of R.A. 9165.

In order to exculpate himself from liability, petitioner raises the following arguments: *First*, he insists that the records do not show that during the implementation of the search warrant, the same was witnessed by himself, or any of his family members. He claims that he and his family members were sent outside their house.<sup>39</sup> Hence, the search of his house was in violation of Section 8,<sup>40</sup> Rule 126 of the Rules of Court as the same was not witnessed by petitioner himself or any of his family members.<sup>41</sup> *Second*, he claims that both SPO1 Cabrera and PO1 Falcutila were claiming responsibility for possessing the seized drugs, thus creating confusion and uncertainty in the handling of the same. According to petitioner, this created a material gap in the chain of custody.<sup>42</sup> *Third*, he argues that the search was already conducted before Councilor Ginhawa, Prosecutor Jovellanos and the media representative arrived.<sup>43</sup> Thus, the police officers failed to strictly comply with the requirements of Section 21<sup>44</sup> of R.A. 9165.

<sup>37</sup> *People v. Gahi*, 727 Phil. 642, 658 (2014).

<sup>38</sup> *Miro v. Vda. de Erederos*, 721 Phil. 772, 785 (2013).

<sup>39</sup> *Rollo*, p. 18.

<sup>40</sup> **SEC. 8.** *Search of house, room, or premises to be made in presence of two witnesses.* — No search of a house, room, or any other premises shall be made except in the presence of the lawful occupant thereof or any member of his family or in the absence of the latter, two witnesses of sufficient age and discretion residing in the same locality. (7a)

<sup>41</sup> *Rollo*, pp. 18-19.

<sup>42</sup> *Id.* at 137-138.

<sup>43</sup> *Id.* at 18.

<sup>44</sup> The said section reads as follows:

**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 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 Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof[.]

These arguments are without merit.

*The search made by the police officers was lawful*

At the outset, petitioner questions his conviction because of the alleged irregularities in the implementation of the search warrant issued against him.<sup>45</sup> He claims that he and his family were sent outside of their house when the search was being conducted.<sup>46</sup> Thus, their alleged absence during the search inside the house taints the search with vice of unreasonableness and renders the seized articles inadmissible as evidence.<sup>47</sup>

However, the records clearly reveal otherwise.<sup>48</sup>

PO1 Falcutila, one of the police officers who made the actual search that led to the discovery of the illegal drugs, testified that the same was made in petitioner's presence, thus:

THE FISCAL:

Q So, he was just at the sala all the time, and you said that you, yourself when you were allowed entry you conducted your search, what part of the house did you first searched?

A The room of the subject, ma'am.

Q Which is the room of Caloy, how did you know?

A It is the only room in their house, ma'am.

Q What was the result of your search in the room of Caloy?

A Negative, ma'am.

x x x x

Q After this failure to find the subject, what did you do, if you find anything?

A We continue[d] the search and we arrived at the living room, ma'am.

Q What part of the house did you next searched after [c]onducting the search on the living room?

A Sala, ma'am.

**Q What happened to the search [i]n the sala?**

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<sup>45</sup> *Rollo*, p. 37.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*





- A **We found one refrigerator and after searching the top of it[,] we found a mantel and we removed the mantel.**
- Q **What happened when you removed the mantel on top of the refrigerator?**
- A **I found three (3) plastic sachet[s] with white crystalline [s]ubstance, one (1) transparent plastic sachet with suspected shabu residue and one small aluminum foil.**
- Q When you found these items after uncovering it from the mantel, there was the DOJ representative, the media, the barangay official at that time when you were conducting the search at the living room?
- A They are observing us in the searching, ma'am.
- Q Where were they at that time?
- A Inside the house, ma'am.
- Q **How about Carlo Villamor, where was he?**
- A **Sitting in the sala, ma'am.**<sup>49</sup> (Emphasis supplied)

Petitioner further claims that PO1 Falcutila's testimony would actually show that he was not present when the search and discovery of the illegal drugs were made, since he was sitting in the *sala* when the drugs were found on top of his refrigerator.<sup>50</sup>

However, petitioner's argument is clearly contradicted by the evidence presented by the prosecution. PO1 Falcutila stated that they discovered the drugs on the top of the refrigerator when they were searching the *sala*.<sup>51</sup> Thus, the refrigerator is in petitioner's *sala*, where petitioner was the whole time the search was being made.<sup>52</sup> For his part, PO1 Malibiran described petitioner's dwelling in such a way that the refrigerator is clearly in the *sala* where petitioner was, thus:

PROS. MURIA:

Can you tell us what appliances or furnitures [*sic*] can be found in the sala?

- A There is a sala set made of bamboo, center table, in the kitchen there is a **refrigerator** then... [*sic*]
- Q ... . sir, I was only asking for the furnitures [*sic*] in the sala.
- A It includes all together in the sala, ma'am.

<sup>49</sup> TSN, February 6, 2013, pp. 13-15.

<sup>50</sup> *Rollo*, p. 135.

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

**Q So, you are saying with that size of the sala that you describe it also includes the kitchen?**

**A Yes, ma'am.**<sup>53</sup> (Emphasis supplied)

To be certain, as pointed out by the CA, the photographs taken by the police officers during the inventory of the items found on top of petitioner's refrigerator provided a clear illustration of the narrowness of the house and petitioner's proximity from the same refrigerator where the subject plastic sachets were found.<sup>54</sup> In fact, it can be seen from the pictures, the location where petitioner was seated was actually just in front of and within the viewing distance from where the refrigerator stood.<sup>55</sup>

Based on the foregoing, it is without doubt that petitioner was present during the search conducted at the *sala* by the police officers. Thus, the search made by the police officers was lawful.

*The police officers were able to strictly comply with the requirements of Section 21*

In the prosecution of any crime involving illegal drugs, aside from proof beyond reasonable doubt that the offense was committed, there must be proof of the identity and integrity of the *corpus delicti* — the dangerous drug itself.<sup>56</sup> There must be an accounting of the following links in its chain of custody: *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>57</sup>

In this relation, as part of the chain of custody, Section 21, Article II of R.A. 9165, imposes upon the members of the buy-bust team to strictly comply with the following requirements: (1) the seized items must be inventoried and photographed immediately after seizure or confiscation; and (2) the physical inventory and photographing must be done in the presence of (a) the accused or his/her representative or counsel, (b) an elected public official, (c) a representative from the media, and (d) a representative from the DOJ, all of whom shall be required to sign the copies of the inventory and be given a copy thereof.<sup>58</sup>

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<sup>53</sup> TSN, January 28, 2015, p. 15.

<sup>54</sup> *Rollo*, p. 38.

<sup>55</sup> *Id.*

<sup>56</sup> *People v. Barte*, 806 Phil. 533, 542 (2017).

<sup>57</sup> *Jacson v. People*, G.R. No. 199644, June 19, 2019, 904 SCRA 537, 548.

<sup>58</sup> *People v. De Leon*, 844 Phil. 145, 156 (2018).



Strict compliance with Section 21 is mandatory, and any deviation therefrom must be acknowledged and explained or justified by the prosecution.<sup>59</sup>

In the instant case, the police officers were able to follow to the letter the strict requirements of Section 21. The prosecution was able to establish an unbroken chain of custody over the sachets of *shabu* and drug paraphernalia, that is, from the seizure, confiscation, and marking of the sachets of *shabu* and drug paraphernalia up to the delivery of the same to the crime laboratory, and presentation before the RTC.

The implementation of the search warrant and the conduct of the inventory and photographing in the house of petitioner were witnessed by the barangay councilor, media representative, and DOJ representative who were already with the search team even before they entered the house of petitioner. As testified by PO1 Falcutila:

Q: So by the way[,] you mentioned these persons, where these persons came, because according to you the police officers conducted a briefing before going to the barangay hall? [*sic*]

A: We contacted the media representative thru a cellphone before we proceeded to the place, he was with us in going to the place, sir.

Q: Where did he arrive first?

A: At the Camp, sir.

Q: How about the DOJ representative?

A: I cannot remember the DOJ representative but when we went to the house, she is with us, sir. I don't know sir if she has her own vehicle, sir.

Q: When for the first time did you meet this DOJ representative?

A: **Before we enter the house, all the representatives were present, sir.** [*sic*]

Q: So you arrived first and the DOJ representative arrived later on?

A: Yes, sir.

Q: What happened next officer?

A: When the Barangay Councilor arrived, our officer told us that we have to discuss the search warrant to the subject, sir.<sup>60</sup> [*sic*] (Emphasis supplied)

This is further supported by the testimony of PO1 Malibiran:

Q Who were present during the conduct of the inventory?

A The investigator, SPO1 Falcutila, the media representative, Brgy.

<sup>59</sup> *Limbo v. People*, G.R. No. 238299, July 1, 2019, 907 SCRA 129.

<sup>60</sup> TSN, August 4, 2014, pp. 6-7.



Councilor, the DOJ representative Fiscal [Jovellanos], ma'am.<sup>61</sup>

Further, as correctly ruled by the RTC, all the links in the chain of custody were established by the prosecution's evidence and duly supported by the evidence on records, *viz.*:

Measured against these guidelines, the prosecution established a continuous and unbroken chain of custody from the time the plastic sachets containing white crystalline substance were confiscated by PO[1] Falcutila from the house of the accused until the same was delivered to this Court. The evidence shows that PO1 Falcutila, in the presence of the accused, his wife Lizalyn Magadia, DOJ representative Evelyn Jovellanos, media representative [Lito Rendora], barangay councilor Mario Guinhawa, SPO1 Cabrera, and SPO[1] Reyes, placed his markings "CGV-1, CGV-2, and CGV-3 on the three plastic sachets containing white crystalline substance, CVG-4 on the transparent plastic sachet with suspected shabu residue, and CGV-5 on the single aluminum foil. PO1 Falcutila then put them inside a safety-sealed plastic.

Afterwards, in the presence of Carlo and his wife, SPO1 Cabrera prepared the Certificate of Inventory and requested the witnesses to affix their signatures thereon. While Lito Rendora, Prosecutor Jovellanos and Councilor Guinhawa were affixing their signatures on the said document, SPO1 Reyes took pictures. SPO1 Cabrera also prepared the Receipt of Property Seized and the Certificate of Good Conduct of Search. After the preparation of the said documents and the conduct of the inventory, PO1 Falcutila placed them inside an evidence kit and kept the same in his custody from the house of Carlo Villamor to their Office. They gave a copy of the Receipt of Property Seized to the wife of Carlo Villamor. They told Caloy that he violated the dangerous drugs (law), apprised him of his constitutional rights, and brought him to the office.

Back at the office, SPO1 Rivero Reyes (SPO1 Reyes) prepared the Return of Search Warrant and submitted the same to the issuing court, RTC Batangas City, Branch 3 over which Hon. Ruben A. Galvez presides, while SPO1 Cabrera prepared the letter-request for laboratory examination, letter-request for drug-test and request for medical examination of Carlo Villamor. PO1 Malibiran prepared the Arrest Report.

Shortly thereafter, SPO1 Cabrera, PO[1] Falcutila, PO[1] Malibiran and SPO1 Reyes went to the Provincial Crime Laboratory to deliver the evidence for laboratory examination. PO1 Falcutila personally handed over the request together with the specimens to the Forensic Chemist, Police Senior Inspector Herminia Carandang-Llacuna (PSI Llacuna) who signed the letter request and recorded the turn-over of the evidence in the Crime Laboratory's General Logbook and Chain of Custody form. Immediately thereafter, P/SI Llacuna conducted a qualitative examination of the said specimens. After the examination, she sealed each of the four plastic sachets; marked each of them with BD-309-2012 "A-1" HCL 12 June '12, BD-309-2012 "A-2" HCL 12 June '12, BD-309-2012 "A-3" HCL 12 June '12, and BD-309-2012 "A-4" HCL 12 June '12; put them all inside a bigger plastic sachet which she marked BD-309-2012 PSI Herminia Carandang Llacuna; reduced her findings (positive for the presence of methamphetamine hydrochloride) to writing under Chemistry Report No. BD-309-2012; and turned over the evidence and

<sup>61</sup> TSN, January 28, 2015, p. 20.

the original copy of the chemistry report to Evidence Custodian SPO3 Lito Vargas for safekeeping.

On October 2, 2012, on the strength of the subpoena *duces tecum* issued by this Court, P/SI Llacuna withdrew the evidence from the custody of SPO3 Lito Vargas, as shown in the Crime Laboratory's Turnover of Evidence Logbook and Chain of Custody form. On the same day, she turned over the evidence to Atty. Jose Michael D. Masangkay, the Branch Clerk of Court of RTC Batangas City, Branch 7, as shown in the Acknowledgement Receipt which bear the printed name of P/SI Llacuna and Atty. Masangkay's signature.

In open court, PO1 Falcutila affirmed that from the time he seized the pieces of evidence from the house of the accused until he was confronted with them, there is no difference in the appearance and condition of the said specimens. Likewise, when shown the pieces of evidence, P/SI Llacuna categorically declared that there is no difference and no sign of alteration in the four (4) specimens except for the additional markings in red pen.

The evidence shows that from the time PO1 Falcutila confiscated the specimens from the house of the accused until he delivered [them] personally to P/SI Llacuna at the Batangas Provincial Crime Laboratory, only he and no other police officer kept custody of the same. Only briefly did he show them to the two investigators assigned to the case, SPO1 Cabrera and SPO1 Reyes, for the purpose of the conduct of inventory and picture-taking, respectively. **Thus, at no point in time was there a significant gap in the chain of custody of the said piece of evidence so as to cast reasonable doubt that the evidence seized from the accused might not be the same evidence submitted to the Court. Moreover, all the witnesses required to be present during the marking, taking of photographs, and inventory of the evidence were present. Their presence during the crucial points in the processing of the specimens seized from the house of the accused highlights the fact that the integrity and evidentiary value of the specimen has been diligently and properly preserved.**<sup>62</sup> (Emphasis supplied and italics in the original)

As to petitioner's claim of alleged inconsistency in the handling of the seized illegal drugs due to the testimonies of PO1 Falcutila and SPO1 Cabrera in that they both claimed responsibility for transporting the seized drugs, the Court agrees with the OSG that it must be pointed out that both officers were together and present during the entire operation, from the actual search to the turnover of the same to the Crime Laboratory.<sup>63</sup> In addition, PO1 Falcutila categorically testified that he was the one who kept the seized illegal drugs in an evidence kit and that he alone was in possession of this kit.<sup>64</sup> Also, although it was SPO1 Cabrera who prepared the letter-request for laboratory examination, letter-request for drug test, and request for medical examination of petitioner,<sup>65</sup> it was still PO1 Falcutila who personally handed over the request together with the specimens to the Forensic Chemist, P/SI Llacuna who signed the letter-request, and recorded the turn-over of the evidence in the

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<sup>62</sup> *Rollo*, pp. 83-87.

<sup>63</sup> *Id.* at 141.

<sup>64</sup> *Id.*

<sup>65</sup> *Id.* at 32-33.

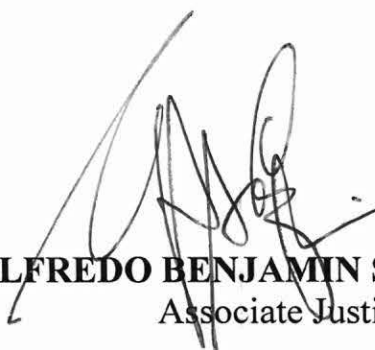


Crime Laboratory's General Logbook and Chain of Custody form.<sup>66</sup> Thus, PO1 Falcutila remained in custody of the illegal drugs from the moment of seizure at the house of petitioner until he submitted it to the Crime Laboratory. Moreover, the presence of both officers even safeguarded the evidence further, as the trial court correctly found that their integrity and evidentiary value were properly preserved.<sup>67</sup> Thus, the imagined inconsistency alleged by petitioner deserves scant consideration.<sup>68</sup>

This case therefore belies any claim that the requirements of R.A. 9165 are difficult to comply with. It is an exemplar of how the law can be easily followed if the police officers are thorough enough. More importantly, it shows that if police officers diligently perform their duties and obligations, justice would be rightfully served. The Court thus commends the police officers involved in this case for upholding the law and enforcing it as it is.

**WHEREFORE**, premises considered, the petition is **DENIED** for lack of merit. The Court hereby **ADOPTS** the findings of fact and conclusions of law in the Decision dated August 31, 2018 and Resolution dated December 18, 2018 of the Court of Appeals, Special Sixteenth Division and Former Special Sixteenth Division, respectively, in CA-G.R. CR No. 39787. The Decision finding petitioner **CARLO VILLAMOR y GEMINA** guilty beyond reasonable doubt for violating Section 11, Article II of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002 is **AFFIRMED**.

**SO ORDERED.**



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

WE CONCUR:




**HENRI JEAN PAUL B. INTING**  
Associate Justice


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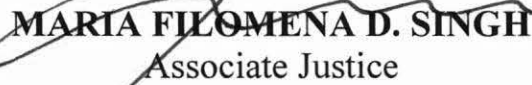
<sup>66</sup> Id. at 33.

<sup>67</sup> Id. at 141.

<sup>68</sup> Id. at 141-142.

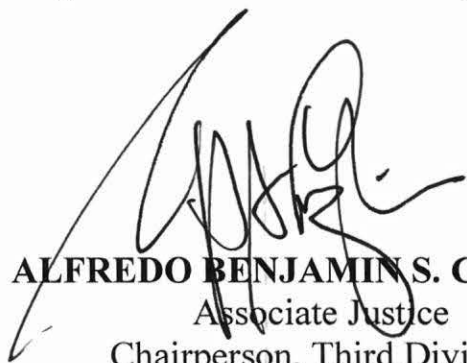
  
**SAMUEL H. GAERLAN**  
Associate Justice

  
**JAPAR B. DIMAAMPAO**  
Associate Justice

  
**MARIA FILOMENA D. SINGH**  
Associate Justice

**ATTESTATION**

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice  
Chairperson, Third Division

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**ALEXANDER G. GESMUNDO**  
Chief Justice