



Republic of the Philippines
 Supreme Court
 Manila

SECOND DIVISION

PEOPLE OF THE G.R. No. 252886
 PHILIPPINES,

Plaintiff-Appellee, Present:

- versus -

PERLAS-BERNABE, S.A.J.,
 Chairperson,

MANOLITO RIVERA y
 SUAREZ, a.k.a. "DOC AGA"
 and MARY GRACE
 ESTANISLAO a.k.a.
 "GRACE,"

GESMUNDO,
 LAZARO-JAVIER,
 LOPEZ, and
 ROSARIO, JJ.

Accused-Appellants.

Promulgated:

MAR 15 2021

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DECISION

PERLAS-BERNABE, J.:

Assailed in this ordinary appeal¹ is the Decision² dated October 25, 2019 of the Court of Appeals (CA) in CA-G.R. CR HC No. 09670, which affirmed with modification the Consolidated Decision³ dated June 30, 2017 of the Regional Trial Court of Marikina City, Branch 193, and accordingly, found: (a) accused-appellant Manolito Rivera y Suarez a.k.a. "Doc Aga" (Rivera) guilty beyond reasonable doubt of Illegal Sale of Dangerous Drugs, as defined and penalized under Section 5, Article II of Republic Act No. (RA) 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002;" and (b) accused-appellant Mary Grace Estanislao a.k.a. "Grace" (Estanislao) guilty beyond reasonable doubt of Illegal Possession of Dangerous Drugs and Illegal Possession of Drug Paraphernalia, as defined

¹ Rollo, pp. 24-25.

² Id. at 3-23. Penned by Associate Justice Ronaldo Roberto B. Martin with Associate Justices Fernanda Lampas Peralta and Danton Q. Bueser, concurring.

³ CA rollo, pp. 48-62. Penned by Judge Alice C. Gutierrez.

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Paraphernalia, as defined and penalized under Sections 11 and 12, Article II of the same Act, respectively.

The Facts

This case stemmed from three (3) separate Informations⁴ filed before the Regional Trial Court of Marikina City, Branch 193 (RTC) charging: (a) accused-appellants Rivera and Estanislao (accused-appellants) of the crime of Illegal Sale of Dangerous Drugs and Illegal Possession of Drug Paraphernalia; and (b) Estanislao of the crime of Illegal Possession of Dangerous Drugs, the accusatory portions of which read:

Criminal Case No. 2014-4454-D-MK
(Illegal Sale of Dangerous Drugs)

That on or about the 22nd day of September 2014, in the City of Marikina, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together, they [sic] mutually helping and aiding one another, without being authorized by law to possess or otherwise use any dangerous drugs, did then and there willfully, unlawfully and knowingly sell, trade, deliver and/or distribute to PO3 DEOGRACIAS N. BASANG, acting as poseur buyer, one (1) small plastic sachet containing 0.11 gram of Methamphetamine Hydrochloride, a dangerous drug, in violation of the above-cited law.

CONTRARY TO LAW.⁵

Criminal Case No. 2014-4456-D-MK
(Illegal Possession of Drug Paraphernalia)

That on or about the 22nd day of September 2014, in the City of Marikina, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together, they [sic] mutually helping and aiding each other, without being authorized by law did then and there willfully, unlawfully, feloniously and knowingly, have in their possession, direct custody and control of instrument, apparatus and other paraphernalia fit or intended for smoking, consuming, administering, injecting, ingesting or introducing any dangerous drugs into the body, consisting of two (2) improvised glass pipes marked as "MGE-12 9/22/14 and MGE 13 9/22/14.

CONTRARY TO LAW.⁶

Criminal Case No. 2014-4455-D-MK
(Illegal Possession of Dangerous Drugs)

That on or about the 22nd day of September 2014, in the City of Marikina, Philippines, and within the jurisdiction of this Honorable Court,

⁴ *Rollo*, pp. 4-5.

⁵ *CA rollo*, p. 119.

⁶ *Id.*

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the above-named accused, without being authorized by law to possess or otherwise use any dangerous drugs, did then and there willfully, unlawfully and knowingly have in her possession, direct custody and control five (5) small heat sealed transparent plastic sachets containing a total of 2.80 grams of white crystalline substance which yielded positive result for the presence of methamphetamine hydrochloride, a dangerous drug, in violation of the cited-law.

CONTRARY TO LAW.⁷

The prosecution alleged that at around 5:30 in the afternoon of September 22, 2014, acting on a tip from a confidential informant (CI) that a certain “Doc Aga” and “Grace” – later on identified as Rivera and Estanislao – were selling illegal drugs at their residence in No. 5 Bangkaan Street, Concepcion Uno, Marikina City, members of the Marikina Police Station prepared to conduct a buy-bust operation against them, with PO3 Deogracias Basang (PO3 Basang) as the poseur-buyer. At the target area, the CI knocked at the door of the said house while calling “Doc Aga.” After Rivera opened the door, the CI introduced PO3 Basang as the buyer, who then informed the former that he will buy ₱500.00 worth of *shabu*. Thereafter, Rivera shouted to Estanislao, “*Grace baba ka dito bigyan mo ako ng taryang limang daan,*” to which the latter complied. After Rivera handed a heat-sealed plastic sachet containing 0.11 gram of white crystalline substance to PO3 Basang, the latter secretly performed the pre-arranged signal, *i.e.*, calling PO1 Angie B. Oca’s mobile phone, resulting in the arrest of accused-appellants.⁸

When PO3 Basang searched accused-appellants subsequent to their arrest, he recovered: (a) from Rivera, the buy-bust money; and (b) from Estanislao, her green bag which contained five (5) plastic sachets with a total weight of 2.80 grams of white crystalline substance, all of which were placed in a small brown envelope, one (1) empty transparent plastic sachet, a pair of stainless scissors, a polka-dotted coin purse, four (4) pieces of aluminum foil strips, two (2) improvised water pipes, two (2) disposable lighters, and a cellular phone. Immediately thereafter, PO3 Basang conducted the marking, inventory, and photography of the seized items at the place of arrest and in the presence of accused-appellants, Barangay Captain Enriquez Cruz, Vice Mayor Fabian Cadiz, and a representative from the media. Subsequently, accused-appellants and the seized items, which were in the custody of PO3 Basang, were brought to the police station, where the necessary paperworks were prepared. PO3 Basang then brought accused-appellants to the hospital for a routine examination, and the seized items to the crime laboratory, which were received by forensic chemist PCI Margarita M. Libres (PCI Libres). Upon qualitative examination, the seized items tested positive for methamphetamine hydrochloride or *shabu*, a dangerous drug.⁹ During trial,

⁷ Id. at 120.

⁸ *Rollo*, pp. 8-9.

⁹ Id. at. 9-10.

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however, the parties opted to dispense with PCI Libres' testimony, and in lieu thereof, entered into stipulations as to its supposed contents.¹⁰

On the other hand, Rivera raised the defense of frame-up, claiming that during that time, he was alone in his house watching television when he heard a noise coming from the house of his brother, Luisito. When he went to Luisito's house, he saw two (2) men shouting, "*We are police officers, don't run!*" Thereafter, the policemen brought him upstairs where he saw three (3) other persons, one of which was Estanislao. He claimed that he heard one of them ask Estanislao if she knew a certain "Burnik" and "Jed," which Estanislao answered in the negative. He averred that the police officers frisked him and Estanislao and took their money and wallet, and when they were later brought downstairs, the police officers brought out *shabu* and *shabu* paraphernalia and began taking pictures of them.¹¹

For her part, Estanislao claimed that while she was waiting for Luisito in front of the latter's house, around five (5) or six (6) persons arrived and suddenly shouted, "*Huwag kang tatakbo, mga pulis kami.*" She averred that a policewoman held her while a policeman kicked the door of Luisito's house, where she was forced in. She claimed that when she asked the policewoman why she was being restrained, she was told "*Sumunod ka na lang kung ayaw mong masaktan. Sumunod ka na lang, manahimik ka.*" She huddled in a corner of the house while the police searched it. Later, the policemen brought Rivera down from the second floor. Finally, she averred that she was scared that time since the police officers were armed, and because the policewoman holding her was threatening her.¹²

The RTC Ruling

In a Consolidated Decision¹³ dated June 30, 2017, the RTC ruled as follows: (a) in Criminal Case No. 2014-4454-D-MK for Illegal Sale of Dangerous Drugs, Rivera was found **guilty**, and accordingly, sentenced to suffer the penalty of life imprisonment and to pay a fine in the amount of ₱500,000.00, while Estanislao was **acquitted** on the ground of reasonable doubt; (b) in Criminal Case No. 2014-4455-D-MK for Illegal Possession of Dangerous Drugs, Estanislao was found **guilty**, and accordingly, sentenced to suffer the penalty of imprisonment of twelve (12) years and one (1) day, as minimum, to twenty (20) years, as maximum and to pay a fine in the amount of ₱350,000.00; and (c) in Criminal Case No. 2014-4456-D-MK for Illegal Possession of Drug Paraphernalia, accused-appellants were found **guilty**, and accordingly, sentenced each to suffer the penalty of imprisonment of six (6)

¹⁰ Id. at 5-8.

¹¹ Id. at 10.

¹² Id. at 11-12.

¹³ CA rollo, pp. 48-62.

months and one (1) day, as minimum, and four (4) years, as maximum, and to pay a fine in the amount of ₱30,000.00.¹⁴

In convicting accused-appellants for the aforesaid charges, the RTC found that the prosecution was able to establish all the elements of the crimes charged, and that the integrity and evidentiary value of the seized items were preserved from the moment of seizure up to the time they were delivered to the crime laboratory for examination. However, the RTC acquitted Estanislao of the crime of Illegal Sale of Dangerous Drugs. In so ruling, the RTC opined that the prosecution witnesses failed to categorically testify that she was also involved in the sale, as their testimonies reveal that Rivera merely instructed her to get the pouch containing the illegal drugs.¹⁵

Dissatisfied, accused-appellants appealed to the CA.

The CA Ruling

In a Decision¹⁶ dated October 25, 2019, the CA **affirmed with modification** the RTC ruling, **acquitting** Rivera in Criminal Case No. 2014-4456-D-MK for Illegal Possession of Drug Paraphernalia on the ground of reasonable doubt.¹⁷ In affirming the convictions, the CA held that the prosecution was able to establish all the elements thereof, and that the integrity and evidentiary value of the seized items were preserved. It gave full weight and credence to the positive testimonies of the police officers, there being no showing of any ill-motive on their part to falsely testify against accused-appellants, or that they had improperly performed their duties in arresting the latter. On the other hand, in acquitting Rivera in Criminal Case No. 2014-4456-D-MK, the CA held that the drug paraphernalia were recovered from Estanislao alone.¹⁸

Hence, this appeal.

The Issue Before the Court

The core issue for the Court's resolution is whether or not accused-appellants are guilty beyond reasonable doubt of the crimes charged.

The Court's Ruling

The appeal is meritorious.

¹⁴ Id. at 62.

¹⁵ Id. at 61-62.

¹⁶ *Rollo*, pp. 3-23.

¹⁷ Id. at 22-23.

¹⁸ Id. at 13-22.



At the outset, it must be stressed that an appeal in criminal cases opens the entire case for review and, thus, it is the duty of the reviewing tribunal to correct, cite, and appreciate errors in the appealed judgment whether they are assigned or unassigned.¹⁹ The appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law.²⁰

The elements of Illegal Sale of Dangerous Drugs under Section 5, Article II of RA 9165 are: (a) the identity of the buyer and the seller, the object, and the consideration; and (b) the delivery of the thing sold and the payment; while the elements of Illegal Possession of Dangerous Drugs under Section 11, Article II of RA 9165 are: (a) the accused was in possession of an item or object identified as a prohibited drug; (b) such possession was not authorized by law; and (c) the accused freely and consciously possessed the said drug.²¹ Similarly, a violation of illegal possession of paraphernalia is deemed consummated the moment the accused is found in possession of said articles without the necessary license or prescription.²²

Jurisprudence states that in these cases, it is essential that the identity of the seized drug/paraphernalia be established with moral certainty. Thus, in order to obviate any unnecessary doubts on such identity, the prosecution has to show an unbroken chain of custody over the same. It must be able to account for each link in the chain of custody over the dangerous drug/paraphernalia from the moment of seizure up to its presentation in court as evidence of the *corpus delicti*.²³

As held in *Dela Riva v. People*,²⁴ the chain of custody is divided into four (4) links: *first*, the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer; *second*, the turnover of the illegal drug seized by the apprehending officer to the investigating officer; *third*, the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and *fourth*, the turnover and submission of the marked illegal drug seized by the forensic chemist to the court.²⁵

As regards the ***fourth link***, case law provides that “it is of paramount necessity that the forensic chemist testifies on the details pertaining to the handling and analysis of the dangerous drug submitted for examination, *i.e.*, when and from whom the dangerous drug was received; what identifying labels or other things accompanied it; description of the specimen; and the

¹⁹ See *People v. Dahil*, 750 Phil. 212, 225 (2015).

²⁰ *People v. Comboy*, 782 Phil. 187, 196 (2016).

²¹ See *People v. De Dios*, G.R. No. 243664, January 22, 2020.

²² *People v. Ching*, 819 Phil. 575-576 (2017).

²³ *Id.* at 576.

²⁴ 769 Phil. 872 (2015).

²⁵ *Id.* at 886-887.

container it was in. Further, the forensic chemist must also identify the name and method of analysis used in determining the chemical composition of the subject specimen.”²⁶

Thus, as a rule, the forensic chemist must testify as to the foregoing matters in order to show compliance with the *fourth link*. Nonetheless, in *People v. Pajarin*,²⁷ the Court ruled that in case of a stipulation by the parties to dispense with the attendance and testimony of the forensic chemist, it should be stipulated that the forensic chemist would have testified that he took the precautionary steps required in order to preserve the integrity and evidentiary value of the seized item, to wit:

[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.²⁸

In other words, if the forensic chemist’s testimony is dispensed with, the parties must agree to stipulate that: (a) the forensic chemist received the seized article as marked, properly sealed, and intact; (b) he/she resealed it after examination of the contents; and (c) he/she placed his/her own marking on the same to ensure that it could not be tampered pending trial. Absent such stipulations, the fourth link cannot be established, thus, resulting in acquittal/s.²⁹

It must be recalled that during trial, the parties opted to dispense with the testimony of PCI Libres, the forensic chemist, and in lieu thereof, entered into the following stipulations of facts:

1. That she is the same Police Chief Inspector Forensic Chemist Margarita M. Libres of the PNP Eastern Police District Crime Laboratory with Office at Marikina Sports Complex, Brgy. Sta Elena, Marikina City.
2. That on September 22, 2014, she received a Request for Laboratory Examination on seized evidence from the Director of the PNP Crime Laboratory, Marikina City for the examination of the items allegedly confiscated from accused Manolito Rivera y Suarez and Mary Grace Estanislao;
3. That she received the following specimens:

²⁶ See *People v. Omamos*, G.R. No. 223036, July 10, 2019.

²⁷ 654 Phil. 461 (2011).

²⁸ Id. at 466.

²⁹ See *People v. Leño*, G.R. No. 246461, July 28, 2020, citing *People v. Uhungen*, G.R. No. 225497, July 23, 2018, 873 SCRA 172 and *People v. Pajarin*, supra 27.

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- A. One (1) piece of heat-sealed transparent plastic sachet containing white crystalline substance suspected as shabu marked as "BUYBUST AGA & GRACE 9/22/14" weighing 0.11 gram;
 - B. One (1) piece heat sealed transparent plastic sachet containing white crystalline substance suspected as shabu marked as "MGE-1 9/22/14" weighing 2.10 grams;
 - C. One (1) piece heat sealed transparent plastic sachet containing white crystalline substance suspected as shabu marked as "MGE-2 9/22/14" weighing 0.40 gram;
 - D. One (1) piece heat sealed transparent plastic sachet containing white crystalline substance suspected as shabu marked as "MGE-3 9/22/14" weighing 0.10 gram;
 - E. One (1) piece heat sealed transparent plastic sachet containing white crystalline substance suspected as shabu marked as "MGE-4 9/22/14" weighing 0.10 gram;
 - F. One (1) piece heat sealed transparent plastic sachet containing white crystalline substance suspected as shabu marked as "MGE-5 9/22/14" weighing 0.10 gram;
 - G. One (1) piece disposable lighter, color white, with markings "MGE-14 9/22/14";
 - H. One (1) piece disposable lighter, color green, with markings "MGE-15 9/22/14";
 - I. One (1) piece improvised water pipe with markings "MGE-12 9/22/14";
 - J. One (1) piece improvised water pipe with markings "MGE-13 9/22/14";
4. That pursuant to the said laboratory examination request, she conducted examination of the above-stated specimens "A", "B", "C", "D", "E", "F", "G", "H", "I" and "J";
 5. That after a qualitative examination conducted by her, the substances contained in the specimens "A", "B", "C", "D", "E", "F", "I" and "J" gave positive result to the tests for the presence of Methamphetamine Hydrochloride, a dangerous drug;
 6. That the results of her findings with regard to the specimens "A", "B", "C", "D", "E", "F", "I" and "J" were reduced into writing under Physical Science Report No. MCSO-D-111-14 dated September 22, 2014;
 7. That the specimens "A", "B", "C", "D", "E", "F", "I" and "J" were the same items that were turned over to her by PO3 Deogracias Basang;
 8. That after a qualitative examination conducted by her, the specimens "G" and "H" gave negative results to the tests for the presence of dangerous drugs;



9. That the specimens “G” and “H” were the same items that were turned over to her by PO3 Deogracias Basang;

x x x x³⁰

From the foregoing, it would then appear that while the parties stipulated as to the manner the seized items were received by the chemist and as to the results of the examination thereof, there were no such stipulations as to the manner the seized items were managed, stored, preserved or handled at the crime laboratory after it was examined by PCI Libres and before it was delivered to the trial court for identification.³¹

Absent these required stipulations, the *fourth link* of the chain of custody could not be reasonably established. The lapses committed by the prosecution and the law enforcers herein could not be considered minor. Indeed, establishing every link in the chain of custody is crucial to the preservation of the integrity, identity, and evidentiary value of the seized items. Failure to demonstrate compliance with even just one of these links creates reasonable doubt that the items confiscated from the accused are the same items offered in evidence,³² as in this case.

In sum, the prosecution’s failure to account for the fourth link in the chain of custody of the items purportedly seized from accused-appellants fatally compromises the integrity and evidentiary value of the items purportedly seized from accused-appellants. Hence, their acquittal is in order.

WHEREFORE, the appeal is **GRANTED**. The Decision dated October 25, 2019 of the Court of Appeals in CA-G.R. CR HC No. 09670 is hereby **REVERSED** and **SET ASIDE**. Accordingly, accused-appellants Manolito Rivera y Suarez a.k.a. “Doc Aga” and Mary Grace Estanislao a.k.a. “Grace” are **ACQUITTED** of the crimes charged.

The Director of the Bureau of Corrections, Muntinlupa City is **ORDERED** to: (a) cause their immediate release, unless they are being lawfully held in custody for any other reason; and (b) inform the Court of the action taken within five (5) days from receipt of this Decision.

Let entry of judgment be issued immediately.

³⁰ CA rollo, pp. 120-122. It appears that the CA erroneously removed specimen “F” in its Decision dated October 25, 2019 (rollo, p. 6).

³¹ See *People v. Omamos*, supra note 26.

³² *People v. Ubungen*, supra note 29, at 187.

SO ORDERED.

u.p. Bern
ESTELA M. PERLAS-BERNABE
Senior Associate Justice

WE CONCUR:

A. G. Gesmundo
ALEXANDER G. GESMUNDO
Associate Justice

A. C. Lazaro-Javier
AMY C. LAZARO-JAVIER
Associate Justice

M. V. Lopez
MARIO V. LOPEZ
Associate Justice

R. R. Rosario
RICARDO R. ROSARIO
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.

u.p. Bern
ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson, Second 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.

D. M. Peralta
DIOSDADO M. PERALTA
Chief Justice