



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **December 2, 2020** which reads as follows:*

“G.R. No. 223407 — ROSALINA MANZANILLA Y AQUINO and ARLENE ANONUEVO Y CENIDOZA, petitioners, versus PEOPLE OF THE PHILIPPINES, respondent.

After a careful review of the records of the instant case, the Court reverses and sets aside the Decision¹ dated May 29, 2015 (Decision) and Resolution² dated March 10, 2016 (Resolution) of the Court of Appeals – Fifteenth Division (CA), in CA-G.R. CR-HC No. 06241, which affirmed the Decision³ dated April 30, 2013 of Branch 67, Regional Trial Court of Binangonan, Rizal (RTC), in Criminal Case No. 12-212, finding petitioners Rosalina Manzanilla y Aquino and Arlene Anonuevo y Cenidoza guilty beyond reasonable doubt of violating Section 5, Article II of Republic Act No. (RA) 9165, otherwise known as “The Comprehensive Dangerous Drugs Act of 2002,” as amended. The Court acquits the petitioners for the failure of the prosecution to prove their guilt beyond reasonable doubt.

In cases involving dangerous drugs, the prosecution has the burden to prove compliance with the chain of custody requirements under Section 21, Article II of RA 9165, to wit: (1) the seized items must be inventoried and photographed immediately after seizure or confiscation; (2) the physical inventory and photographing must be done in the presence of (a) the accused or his/her representative or

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¹ *Rollo*, pp. 34-44. Penned by then Associate Justice Samuel H. Gaerlan (now a Member of this Court), with Associate Justices Normandie B. Pizarro and Zenaida T. Galapate-Laguilles concurring.

² *Id.* at 32-33.

³ *Id.* at 68-69. Penned by Presiding Judge Dennis Patrick Z. Perez.

counsel, (b) an elected public official, (c) a representative from the media, and (d) a representative from the Department of Justice (DOJ), all of whom shall be required to sign the copies of the inventory and be given a copy of the same; and (3) the seized drugs must be turned over to a forensic laboratory within 24 hours from confiscation for examination.⁴

Strict compliance with the foregoing requirements is necessary in protecting the integrity and identity of the *corpus delicti*, without which the crime of the illegal sale and illegal possession of dangerous drugs cannot be proved beyond reasonable doubt.⁵ Further, it is only by such strict compliance that the grave mischiefs of planting, switching and contamination of evidence may be eradicated and the legitimacy of the buy-bust operation may be proved. In other words, noncompliance with Section 21 is tantamount to a failure to establish an essential element of the crime, and will therefore engender the acquittal of an accused.⁶

Thus, in the cases of *People v. Jimenez*,⁷ *People v. Malazo*,⁸ *People v. Pantallano*,⁹ *People v. Sampa*,¹⁰ and *People v. Claudel*,¹¹ the Court acquitted the respective accused therein, on reasonable doubt, because the police officers failed to comply with all of the foregoing requirements of Section 21. In these cases, none of the required witnesses was present at or near the place of apprehension nor at the police station. The wholesale violation of Section 21 gave rise to reasonable doubt on the integrity and credibility of the seizure and confiscation of the prosecution's evidence, and effectively on the accusation that accused-appellants violated RA 9165.

Following the foregoing cases, the petitioners in the present case should perforce be acquitted because the police officers in this case failed to comply with the mandatory requirements of Section 21.

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⁴ *People v. Dela Cruz*, G.R. No. 234151, December 5, 2018, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64812>>.

⁵ See *People v. Que*, 824 Phil. 882 (2018).

⁶ *People v. Dela Cruz*, 744 Phil. 816, 827 (2014).

⁷ G.R. No. 230721, October 15, 2018, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64688>>.

⁸ G.R. No. 223713, January 7, 2019, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64883>>.

⁹ G.R. No. 233800, March 6, 2019, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65009>>.

¹⁰ G.R. No. 242160, July 8, 2019, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65516>>.

¹¹ G.R. No. 219852, April 3, 2019, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65135>>.

To start, while inventory and photographing of the evidence were conducted either at the police station for investigation, they were done without the presence of two of the three required witnesses — the representatives from the media and the DOJ. **In addition, while there was a signature of an elective official in the inventory receipt, the said elective official testified that she did not personally witness the inventory, and was only able to sign the inventory receipt the following day after the arrest.** In a long line of cases, that includes *People v. Mendoza*,¹² *People v. Reyes*,¹³ *People v. Sagana*,¹⁴ *People v. Calibod*,¹⁵ *People v. Tomawis*,¹⁶ *Hedreyda v. People*,¹⁷ *People v. Sta. Cruz*,¹⁸ *Tañamor v. People*,¹⁹ *People v. Arellaga*,²⁰ and *People v. Casilang*,²¹ the Court has consistently emphasized that the presence of all the required witnesses at the time of the inventory and photography is mandatory and the law imposes the said requirement because their presence serves to protect against the possibility of planting, switching, contamination or loss of the seized drug. The presence of these disinterested witnesses would belie any doubt as to the source, identity, and integrity of the seized drug.

While jurisprudence provides that strict compliance with the requirements of Section 21 is not always possible given the wide range of varying field conditions, the Implementing Rules and Regulations of RA 9165 nonetheless state that “noncompliance with these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures and custody over said items.” Thus, for this saving clause to apply, the prosecution still needs to satisfactorily prove that: (a) there is justifiable ground for non-compliance; and (b) the integrity and evidentiary value of the seized items are properly preserved.²²

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¹² 736 Phil. 749 (2014).

¹³ 797 Phil. 671 (2016).

¹⁴ 815 Phil. 356 (2017).

¹⁵ 820 Phil. 1225 (2017).

¹⁶ 830 Phil. 385 (2018).

¹⁷ G.R. No. 243313, November 27, 2019, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66031>>.

¹⁸ G.R. No. 244256, November 25, 2019, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65946>>.

¹⁹ G.R. No. 228132. March 11, 2020, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66109>>.

²⁰ G.R. No. 231796. August 24, 2020, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66340>>.

²¹ G.R. No. 242159. February 5, 2020, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66075>>.

²² *People v. Ceralde*, 815 Phil. 711, 721 (2017)

In the present case, the prosecution failed to establish any justifiable ground for the police officers' failure to comply with the requirements of Section 21. There is even no showing from the records of the case that the police officers exerted earnest efforts to comply with the requirements of the law. Considering that buy-bust is a planned operation, "police officers are given sufficient time to prepare and consequently, make arrangements beforehand knowing full well that they would have to strictly comply with the set procedure prescribed in Section 21."²³ They are therefore compelled "not only to state reasons for their non-compliance, but must in fact, also convince the Court that they exerted earnest efforts to comply with the mandated procedure, and that under the given circumstance, their actions were reasonable."²⁴ Thus, the failure of the prosecution to justify or explain the police officers' noncompliance in this case further underscores the doubt and suspicion about the truthfulness or legitimacy of the buy-bust operation supposedly conducted against the petitioners and the integrity of the evidence of the *corpus delicti* allegedly confiscated from them.

Despite these, the RTC and CA turned a blind eye to the police officers' complete and utter derogation of Section 21 and instead erroneously relied on the presumption of regularity in the performance of official duty. Judicial reliance on the presumption of regularity in the performance of official duty despite the lapses in the procedures undertaken by the agents of the law is fundamentally unsound because the lapses themselves are affirmative proof of irregularity.²⁵ More importantly, the presumption of regularity in the performance of duty, a mere rule of evidence, cannot overcome the presumption of innocence in favor of the accused guaranteed by no less than our Constitution.²⁶ In this case, the presumption of regularity does not even arise because of the police officers' gross and deliberate disregard of the established procedures under Section 21 of RA 9165.

All told, the blatant and unjustified breaches of procedure committed by the police officers in the seizure, custody, and handling of the seized drug create more than reasonable doubt on the guilt of the petitioners. This leaves the Court without any guarantee as to the integrity of the *corpus delicti* other than the self-serving assurances of the police officers. This is precisely the situation that RA 9165 seeks

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²³ *People v. Crispo*, 828 Phil. 416, 435 (2018).

²⁴ *Id.* at 436.

²⁵ *Edangalino v. People*, G.R. No. 235110, January 8, 2020, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65806>>.

²⁶ *People v. Escaran*, G.R. No. 212170, June 19, 2019, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65324>>.

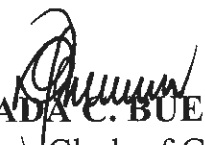

to prevent.²⁷ Thus, absent any proof, beyond reasonable doubt, of the corpus *delicti* of the crime charged, the presumption of the petitioners' innocence must be upheld.

WHEREFORE, the instant appeal is hereby **GRANTED**. The Decision dated May 29, 2015 and Resolution dated March 10, 2016 of the Court of Appeals – Fifteenth Division, in CA-G.R. CR-HC No. 06241 are hereby **REVERSED** and **SET ASIDE**. Accordingly, petitioners Rosalina Manzanilla y Aquino and Arlene Anonuevo y Cenidoza are **ACQUITTED** for failure of the prosecution to establish their guilt beyond reasonable doubt, and are **ORDERED IMMEDIATELY RELEASED** from detention, unless they are being lawfully held for another cause.

Let a copy of this Resolution be furnished the Superintendent of the Correctional Institution for Women in Mandaluyong City for immediate implementation. The said Superintendent is **ORDERED** to **REPORT** to this Court within five (5) days from receipt of this Resolution the action he or she has taken.

SO ORDERED.” *Gaerlan, J., took no part; Hernando, J., designated Additional Member per Raffle dated November 18, 2020.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court 

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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²⁷ *People v. Que*, supra note 5 at 907.



ABRENICA & CARREON
LAW OFFICES
Counsel for Petitioners
31 Abad Santos Street, Industrial
Valley Subdivision, Barangay IVC
1800 Marikina City

Mses. Rosalina A. Manzanilla &
Arlene C. Anonuevo (x)
Petitioners
c/o The Superintendent
Correctional Institution for Women
1550 Mandaluyong City

Court of Appeals (x)
Manila
(CA-G.R. CR-HC No. 06241)

The Solicitor General
134 Amorsolo Street, Legaspi Village
1229 Makati City

The Hon. Presiding Judge
Regional Trial Court, Branch 67
Binangonan, 1940 Rizal
(Crim. Case No. 12-0212)

The Superintendent (x)
Correctional Institution for Women
1550 Mandaluyong City

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Judgment Division (x)
Supreme Court

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