



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **22 June 2020** which reads as follows:*

“**G.R. No. 242823** (*People of the Philippines v. Genie Maranan y Federizo*). – This is an appeal filed by accused-appellant Genie Maranan y Federizo (Maranan) from the Decision¹ dated March 15, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09031, affirming the Decision² dated December 20, 2016 of the Regional Trial Court (RTC), Branch 4, Pallocan West, Batangas City in Crim. Case No. 17395, finding accused-appellant Maranan guilty beyond reasonable doubt of the crime of violation of Section 5, Article II of Republic Act (RA) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

The records of this case were elevated to this Court on November 15, 2018,³ pursuant to the CA Resolution⁴ dated July 16, 2018 which gave due course to the notice of appeal filed by accused-appellant Maranan.

In compliance with the Court’s Resolution⁵ dated January 7, 2019, both parties filed their respective Manifestations in lieu of Supplemental Brief, the Office of the Solicitor General’s Manifestation and Motion,⁶ dated March 19, 2019, stating that it is not the filing of a supplemental brief with this Court which is the propriety of the accused-appellant’s conviction of violation of Section 5, Article II of RA No. 9165. In addition, this has already been exhaustively discussed in the appellee’s brief; and the accused-appellant’s manifestation⁷ dated March 29, 2019, re-pleading and adopting all the defenses and arguments in the brief for accused-appellant, both

¹ *Rollo*, pp. 2-19. Penned by Associate Justice Socorro B. Inting, with Associate Justices Apolinario D. Bruselas, Jr. and Rafael Antonio M. Santos, concurring.

² *CA rollo*, pp. 61-65. Penned by Judge Albert A. Kalalo.

³ *Rollo*, p. 1.

⁴ *CA rollo*, p. 137.

⁵ *Rollo*, p. 26.

⁶ *Id.* at 28-29.

⁷ *Id.* at 32-33.

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praying that their respective manifestations be considered as sufficient compliance.

After a careful review of the records of the case, the Court resolves to **GRANT** the appeal.

Section 21 (a), Article II of the Implementing Rules and Regulations (IRR) of RA No. 9165, states:

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.

(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 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: 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 the 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)

The above-quoted provision requires that the physical inventory and photography be done not only in the presence of the accused or the person from whom the items were seized, or his representative or counsel, but also a representative from the media and the Department of Justice (DOJ) and elected public official. The latter three (3) witnesses is required prior to the amendment of RA No. 9165 by RA No. 10640.⁸ The three (3)-witness rule applies in this case. The law requires the presence of these witnesses primarily to ensure the establishment of the chain of custody and remove any suspicion of switching, planting, or contamination of evidence.⁹

Non-compliance may be permitted if the prosecution proves that the apprehending officers exerted genuine and sufficient efforts to secure the presence of such witnesses, albeit they eventually failed to appear.¹⁰ In this case, there was a deviation from the witness requirement as the conduct of the inventory and photography was not witnessed by a media representative. There was no showing that the police officers attempted to contact the required witness or exerted efforts to secure the presence of such witness. The absence of a media representative during the conduct of

⁸ Entitled "AN ACT TO FURTHER STRENGTHEN THE ANTI-DRUG CAMPAIGN OF THE GOVERNMENT, AMENDING FOR THE PURPOSE SECTION 21 OF REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE 'COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002,'" approved on July 15, 2014.

⁹ *People v. Barrion*, G.R. No. 240541, January 21, 2019.

¹⁰ *Id.*

inventory was not even acknowledged by the prosecution witness. Thus, mere statement that the inventory of the confiscated item was conducted in the presence of the accused-appellant, Public Prosecutor Nestor Gajete and Barangay Kagawad Apolonio Dimaano, without giving any reason or explanation as to the absence or non-appearance of a representative from media, is unacceptable as justified ground for non-compliance. These considerations arise from the fact that police officers are ordinarily given sufficient time – beginning from the moment they have received the information about the activities of the accused until the time of his arrest – to prepare for a buy-bust operation and consequently, make the necessary arrangements beforehand, knowing fully well that they would have to strictly comply with the chain of custody rule.¹¹

The CA, thus, erred in concluding that the absence of a representative from the media during the inventory-taking was not fatal to the prosecution's case considering that the integrity of the seized drug has been maintained.

In view of this unjustified deviation from the chain of custody rule, the Court is therefore constrained to conclude that the integrity and evidentiary value of the item purportedly seized from Maranan was compromised or impaired, which consequently warrants his acquittal.

WHEREFORE, the appeal is **GRANTED**. The Decision dated March 15, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 09031, is hereby **REVERSED** and **SET ASIDE**. Accordingly, accused-appellant Genie Maranan y Federizo is **ACQUITTED** of the crime charged.

The Director of the Bureau of Corrections, Muntinlupa City is **ORDERED** to: (a) cause the immediate release of Genie Maranan y Federizo, unless he is being held in custody for any other lawful reason; and (b) inform the Court of the action taken within five (5) days from receipt of this Resolution.

Let entry of judgment be issued.

SO ORDERED." (*J. Gaerlan, designated Additional Member per Special Order No. 2780 dated May 11, 2020, on leave.*)

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court

24 AUG 2020

¹¹ Id., citing *People v. Crispo*, G.R. No. 230065, March 14, 2018. 859 SCRA 356.

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Accused-Appellant
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THE DIRECTOR (x)
Bureau of Corrections
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 4
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(Crim. Case No. 17395)

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