



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **16 November 2020** which reads as follows:*

**“G.R. No. 245487 (*People of the Philippines v. Valentino Lachica y Zaragosa*)**. — The conviction of accused-appellant Valentino Lachica y Zaragosa (Lachica) for Illegal Sale and Possession of Dangerous Drugs is the subject of review in this appeal assailing the Court of Appeals’ (CA) Decision<sup>1</sup> dated August 31, 2018 in CA-G.R. CR HC No. 09692, which affirmed the findings of the Regional Trial Court (RTC).

**ANTECEDENTS**

In two (2) separate Informations,<sup>2</sup> Lachica was charged with Illegal Sale and Possession of Dangerous Drugs, as follows:

[CRIMINAL CASE NO. 15-317500, ILLEGAL SALE]

That on or about June 9, 2015, in the City of Manila, Philippines, the said accused, not having been authorized by law to sell, trade, deliver, transport or distribute any dangerous drug, did then and there willfully, unlawfully and knowingly sell or offer for sale one (1) heat-sealed transparent plastic sachet containing ZERO POINT ONE NINE TWO (0.192) gram of white crystalline substance marked as “VLZ” containing Methamphetamine Hydrochloride commonly known as “shabu[,”] a dangerous drug.

Contrary to law.

[CRIMINAL CASE NO. 15-317501, ILLEGAL POSSESSION]

That on or about June 9, 2015, in the City of Manila, Philippines, the said accused, not having been authorized by law to possess any dangerous drug, did then and there willfully, unlawfully and knowingly have in his possession and under her custody and

<sup>1</sup> CA *rollo*, pp. 107-123; penned by Associate Justice Stephen C. Cruz, with the concurrence of Associate Justices Zenaida T. Galapate-Laguilles and Geraldine C. Fiel-Macaraig.

<sup>2</sup> *Id.* at 67-68.

control one (1) heat-sealed transparent plastic sachet containing ZERO POINT ONE FIVE FIVE (0.155) gram of white crystalline substance containing Methamphetamine Hydrochloride marked as “JRP-1” otherwise known as “shabu[,”] a dangerous drug.

Contrary to law.<sup>3</sup>

The prosecution alleged that on July 9, 2015, the Station Anti-Illegal Drugs (SAID) unit of the Pandacan Police Station 10 received information from a confidential informant (CI) that Lachica was selling dangerous drugs in Zamora Street, Pandacan, Manila. Upon receiving the information, a buy-bust operation was planned by the SAID operatives with Officer Jason Salonga (Officer Salonga) as *poseur-buyer*. Accompanied by the CI, the team went to Zamora Street. After a few minutes, they saw Lachica. The CI then introduced Officer Salonga to Lachica as the prospective buyer of ₱200.00 worth of *shabu* (methamphetamine hydrochloride). Officer Salonga gave ₱200.00 to Lachica, who then handed a heat-sealed transparent plastic sachet containing white crystalline substance. Thereafter, Officer Salonga executed the pre-arranged signal that the transaction has been consummated. The rest of the team rushed in to arrest Lachica who tried to escape. However, Officer Salonga was able to grab Lachica and handcuffed him. Officer Salonga then frisked Lachica and found one plastic sachet containing white crystalline substance from his pocket.

The team returned to the police station with Lachica in tow. From the place of arrest to the police station, Officer Salonga kept one heat-sealed plastic sachet sold to him by Lachica in his right pocket, and the one recovered from Lachica’s possession in his left pocket. Inside the police station, the seized items were marked and photographed. The inventory was conducted in the presence of the suspect and a media representative. Afterwards, Officer Salonga submitted the contrabands to the investigator, Officer Luis Rufo (Officer Rufo), who then brought the seized items to the Manila Police Department Crime Laboratory.<sup>4</sup> Officer Rufo handed the seized items to the forensic chemist, PCI Elisa Reyes Arturo (PCI Arturo). The result of the laboratory examination showed that the contents of the two (2) heat-sealed plastic sachets tested positive for *shabu*.<sup>5</sup>

The defense countered that the evidence against Lachica was planted. On the date of the incident, Lachica was in front of his mother’s house at K-22 Interior Zamora, Pandacan, Manila, when a police officer suddenly approached and invited him to the police station for questioning. Lachica voluntarily went to the police station. Thereat, Lachica was frisked, but the police officers found nothing. The police officers started

<sup>3</sup> *Id.* at 67-68.

<sup>4</sup> *Id.* at 68-69.

<sup>5</sup> *Id.* at 71.

pointing at two 100-peso bills and two (2) plastic sachets, and told Lachica that it would be used as evidence against him. The investigator detained Lachica and informed him that he was being charged with violation of Sections 5 and 11, Article II of Republic Act (RA) No. 9165.<sup>6</sup>

On July 14, 2017,<sup>7</sup> the RTC found Lachica guilty of both crimes. It held that the prosecution established all the elements of the offenses and the integrity of the chain of custody. It accorded full credence to the testimonies of the police officers and found no ill-motive on their part to falsely testify against Lachica. Lastly, it ruled that the police officers were presumed to have performed their duties in a regular manner and that Lachica's failure to file appropriate criminal and administrative charges against them negated his defense of frame-up, thus:

PREMISES CONSIDERED, after a judicious evaluation of the facts and evidence presented before it, the Court finds accused VALENTINO LACHICA y ZARAGOSA, GUILTY beyond reasonable doubt in Criminal Case No. 15-317500 for violation of Section 5, RA 9165 and imposes upon him the penalty of LIFE IMPRISONMENT and to pay a fine of FIVE HUNDRED THOUSAND PESOS (Php500,000).

The ZERO POINT ONE NINE TWO (0.192) gram of shabu subject of the case is ordered confiscated in favor of the Government.

In Criminal Case No. 15-317501, after a judicious evaluation of the facts and evidence presented before it, the Court finds accused VALENTINO LACHICA y ZARAGOSA, GUILTY beyond reasonable doubt of the offense of violation of Section 11, RA 9165 and imposes upon him the penalty of TWELVE (12) YEARS AND ONE (1) DAY and to pay a fine of THREE HUNDRED THOUSAND PESOS (Php300,000).

The ZERO POINT ONE FIVE FIVE (0.155) gram of shabu subject matter of the case is ordered confiscated in favor of the Government.

**SO ORDERED.**<sup>8</sup> (Emphasis in the original.)

Aggrieved, Lachica elevated the case to the CA. On August 31, 2018,<sup>9</sup> the CA affirmed the RTC's findings. The CA reasoned that "*although, admittedly, there were some procedural lapse[s]*"<sup>10</sup> the totality of the testimonial, documentary and object evidence "*adequately support*"<sup>11</sup> a finding that the chain of custody was preserved. Hence, this appeal.<sup>12</sup> Lachica argues that the prosecution failed to establish the

<sup>6</sup> *Id.* at 72.

<sup>7</sup> *Id.* at 67-75.

<sup>8</sup> *Id.* at 75.

<sup>9</sup> *Id.* at 122.

<sup>10</sup> *Id.* at 120.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* at 134-135.

integrity of the chain of custody; and that the CA and the RTC erred in giving credence to the testimonies of the prosecution witnesses.

## RULING

We acquit.

In *Illegal Sale and Possession of Dangerous Drugs*, the contraband itself constitutes the very *corpus delicti* of the offenses and the fact of its existence is vital to a judgment of conviction.<sup>13</sup> Thus, it is essential to ensure that the substance recovered from the accused is the same substance offered in court.<sup>14</sup> Indeed, the prosecution must satisfactorily establish the movement and custody of the seized drug through the following links: (1) the confiscation and marking of the specimen seized from the accused by the apprehending officer; (2) the turnover of the seized item by the apprehending officer to the investigating officer; (3) the investigating officer's turnover of the specimen to the forensic chemist for examination; and (4) the submission of the item by the forensic chemist to the court.<sup>15</sup> Here, the records reveal a broken chain of custody.

In *People v. Lim*,<sup>16</sup> this Court 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, thus:

It is well to note that the absence of these required witnesses does not *per se* render the confiscated items inadmissible. However, a justifiable reason for such failure or a **showing of any genuine and sufficient effort to secure the required witnesses** under Section 21 of RA 9165 must be adduced. In *People v. Umipang*, the Court held that the prosecution must show that **earnest efforts** were employed in contacting the representatives enumerated under the law for “a sheer statement that representatives were unavailable without so much as an explanation on whether serious attempts were employed to look for other representatives, given the circumstances is to be regarded as a flimsy excuse.” Verily, mere statements of unavailability, absent actual serious attempts to contact the required witnesses are unacceptable as justified grounds 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

<sup>13</sup> *People v. Partoza*, 605 Phil. 883, 891 (2009). See also *People v. Cariño*, G.R. No. 233336, January 14, 2019; *People v. Crispo*, 828 Phil. 416, 436-437 (2018); See *People v. Sanchez*, 827 Phil. 457, 472-473 (2018); *People v. Magsano*, 826 Phil. 947, 964-965 (2018); *People v. Manansala*, 826 Phil. 578, 586 (2018); *People v. Miranda*, 824 Phil. 1042, 1055-1054 (2018); and *People v. Mamangon*, 824 Phil. 728, 741 (2018).

<sup>14</sup> *People v. Ismael*, 806 Phil. 21, 30-31 (2017), citing *Mallillin v. People*, 576 Phil. 576, 587 (2008).

<sup>15</sup> *People v. Bugtong*, 826 Phil. 628, 638-639 (2018).

<sup>16</sup> G.R. No. 231989, September 4, 2018.

a buy-bust operation and consequently, make the necessary arrangements beforehand knowing full [sic] well that they would have to strictly comply with the set procedure prescribed in Section 21 of RA 9165. As such, police officers are 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 circumstances, their actions were reasonable.<sup>17</sup> (Emphases and underscoring in the original; citations omitted.)

Later, this Court emphasized the importance of the presence of the insulating witnesses during the physical inventory and the photograph of the seized items.<sup>18</sup> Indeed, the presence of these witnesses is the first requirement to ensure the preservation of the identity and evidentiary value of the seized drugs.<sup>19</sup> In *People v. Caray*,<sup>20</sup> we ruled that the *corpus delicti* cannot be deemed preserved absent any acceptable explanation for the deviation from the procedural requirements of the chain of custody rule. Similarly, in *Matabilas v. People*,<sup>21</sup> sheer statements of unavailability of the insulating witnesses, without actual serious attempt to contact them, cannot justify non-compliance.

In this case, the absence of an elected public official as an insulating witness to the inventory and photograph of the seized items<sup>22</sup> puts serious doubt as to the integrity of the chain of custody. To be sure, only a media representative signed the inventory. However, the operatives failed to provide any justification for non-compliance, or proof showing that the integrity of the evidence had all along been preserved. They did not describe the precautions taken to ensure that there had been no change in the condition of the items and no opportunity for someone not in the chain to have possession of the same. The utter disregard of the required procedures created a huge gap in the chain of custody.

The records also show a fatal procedural lapse in the first link of the chain of custody. Officer Salonga attested that when he recovered the seized drugs from Lachica, he placed one in his right pocket and the other on his left pocket before marking them.<sup>23</sup> Officer Salonga then kept custody of the seized items by keeping them in his pocket from the place of arrest to the police station. It was only at the police station that the

<sup>17</sup> *Id.*, citing *People v. Ramos*, 826 Phil. 981, 996-997 (2018).

<sup>18</sup> *People v. Rodriguez*, G.R. No. 233535, July 1, 2019.

<sup>19</sup> *People v. Flores*, G.R. No. 241261, July 29, 2019; *People v. Rodriguez*, G.R. No. 233535, July 1, 2019; and *People v. Maralit*, G.R. No. 232381, August 1, 2018.

<sup>20</sup> G.R. No. 245391, September 11, 2019.

<sup>21</sup> G.R. No. 243615, November 11, 2019.

<sup>22</sup> The offense was allegedly committed on June 9, 2015. Hence, the applicable law is RA No. 9165, as amended by RA No. 10640, which mandated that the conduct of physical inventory and photograph of the seized items must be in the presence of (1) the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, (2) with an elected public official, and (3) a representative of the National Prosecution Service or the media who shall sign the copies of the inventory and be given a copy thereof. (RA No. 10640 took effect on July 23, 2014. See OCA Circular No. 77-2015 dated April 23, 2015).

<sup>23</sup> *CA rollo*, p. 70.

items were marked. This gives rise to a reasonable doubt whether the chain of custody was preserved while the items were in his custody. Worse, it was not explained why the seized items were not immediately marked. Verily, keeping the seized drugs in his pocket, without any other safeguards, rendered it extremely vulnerable to switching or planting.

Lastly, it must be stressed that while the 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 and it cannot by itself constitute proof of guilt beyond reasonable doubt. The presumption of regularity is disputable and cannot be regarded as binding truth.<sup>24</sup> Indeed, when the performance of duty is tainted with irregularities, such presumption is effectively destroyed.<sup>25</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, Lachica must be acquitted of the charges against him given the prosecution's failure to prove an unbroken chain of custody.

**FOR THESE REASONS**, the appeal is **GRANTED**. The Court of Appeals' Decision dated August 31, 2018 in CA-G.R. CR HC No. 09692 is **REVERSED** and **SET ASIDE**. Valentino Lachica y Zaragosa is **ACQUITTED** in Criminal Case Nos. 15-317500 and 15-317501, and is **ORDERED IMMEDIATELY RELEASED** from detention, unless he is being lawfully held for another cause. Let entry of judgment be issued immediately.

Let a copy of this Resolution be furnished to 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 days from receipt of this Resolution.

**SO ORDERED.** (Rosario, J., designated additional Member per Special Order No. 2797 dated November 5, 2020.)"

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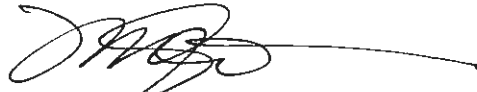
<sup>24</sup> *People v. Cañete*, 433 Phil. 781, 794 (2002); and *Mallillin v. People*, 576 Phil. 576, 593 (2008).

<sup>25</sup> *People v. Dela Cruz*, 589 Phil. 259, 272 (2008).

By authority of the Court:

TERESITA AQUINO TUAZON  
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA  
Deputy Division Clerk of Court  
10 MAY 2021

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Manila  
(Crim. Case Nos. 15-317500 & 15-317501)

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GR245487. 11/16/20 (200 & 232)URES(a)

**(200 & 232)URES(a)**