

## THIRD DIVISION

[ G.R. No. 224297, February 13, 2019 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
EDGARDO ROYOL Y ASICO, ACCUSED-APPELLANT.**

### DECISION

**LEONEN, J.:**

Complete and utter noncompliance with the chain of custody requirements of Republic Act No. 9165, or the Comprehensive Dangerous Drugs Act of 2002 (Comprehensive Dangerous Drugs Act), inescapably leads to an accused's acquittal. Conviction cannot be sustained by a mere presumption of regularity and the approximation of compliance.

This resolves an Appeal from a conviction for violation of Section 5<sup>[1]</sup> of Republic Act No. 9165, for the illegal sale of dangerous drugs.

In an Information, accused-appellant Edgardo A. Royol (Royol), a garbage collector, <sup>[2]</sup> was charged with violating Section 5 of the Comprehensive Dangerous Drugs Act, as follows:

That on or about November 27, 2007 at around 10:05 o'clock in the morning, in the Municipality of Bamban, Province of Tarlac, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused did then and there willfully, unlawfully and criminally sell one half[-]sized (1/2) bricks (*sic*) of dried marijuana fruiting tops in the amount of One Thousand Pesos to poseur buyer PO2 Mark Anthony Baquiran PNP weighing 500.28 grams, a dangerous drug without being authorized by law.

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

The prosecution presented two (2) witnesses: (1) the alleged poseur-buyer, then Police Officer 2 Mark Anthony Baquiran (PO2 Baquiran); and (2) the arresting officer, Police Inspector Sonny Los Banos Silva (Inspector Silva).<sup>[4]</sup>

According to the prosecution, at around 9:00 a.m. on November 27, 2007, a confidential informant went to the Tarlac Provincial Police Office in Camp Makabulos, Tarlac City and reported that Royol had been selling illegal drugs in Barangay Lourdes, Bamban, Tarlac. The informant allegedly told PO2 Baquiran that he was due to meet Royol that morning.<sup>[5]</sup>

A buy-bust team was formed with PO2 Baquiran as poseur-buyer, and Inspector Silva, Police Officer 1 Francis Capinding, and Police Officer 2 Christopher Soriano (PO2 Soriano) as arresting officers. Four (4) other members of the team were

tasked as back-up. PO2 Baquiran was provided with two (2) marked P500.00 bills. It was also agreed that PO2 Baquiran would scratch his head to signal to the rest of the team that the sale of drugs had been consummated.<sup>[6]</sup>

The buy-bust team proceeded to the bridge in Barangay Lourdes, the informant's supposed meeting place with Royol. Royol arrived some 20 minutes after PO2 Baquiran positioned himself in the area. Upon meeting Royol, PO2 Baquiran showed him the two (2) marked P500.00 bills and told him that he intended to purchase half a kilogram of marijuana. Royol exchanged half a brick of marijuana with PO2 Baquiran's marked bills. PO2 Baquiran then scratched his head.<sup>[7]</sup>

Upon seeing PO2 Baquiran make the pre-arranged signal, the other members of the buy-bust team rushed to arrest Royol. Royol gave chase but was shortly apprehended by Inspector Silva and PO2 Soriano. He was then brought to the Tarlac Provincial Police Office, where the brick of marijuana was supposedly marked. PO2 Baquiran then personally brought the marijuana to the Tarlac Provincial Crime Laboratory Office, where, upon examination by Police Inspector Jebie C. Timario, it tested positive for marijuana.<sup>[8]</sup>

Royol testified in his defense. He recalled that in the morning of November 27, 2007, while collecting garbage, two (2) men approached him asking if he knew a certain Edgardo Saguisag (Saguisag). They left him after he said that he did not know the man. A few minutes later, the men returned with two (2) teenagers who pointed to him as Saguisag. The men then ordered him to raise his hands. He was handcuffed and made to lie face on the floor. He asked the men why they handcuffed him, but they did not reply. Instead, they searched his pockets, found P140.00, and took it. They then compelled him to board a red car and brought him to Makabulos. He was also shown marijuana and asked if it was his, to which he answered in the negative.<sup>[9]</sup>

In its five (5)-page Decision dated December 13, 2010,<sup>[10]</sup> the Regional Trial Court found Royol guilty as charged and rendered judgment as follows:

WHEREFORE, the prosecution having proven the guilt of the accused beyond reasonable doubt of violation of Section 5, Article II of Republic Act No. 9165, the Court hereby orders the accused to suffer the penalty of life imprisonment and to pay a fine of P500,000.00[.]

SO ORDERED.<sup>[11]</sup>

The Court of Appeals, in its assailed May 8, 2015 Decision,<sup>[12]</sup> affirmed the Regional Trial Court's ruling *in toto*.

Thus, Royol filed his Notice of Appeal.<sup>[13]</sup>

The issue for this Court's resolution is whether or not the prosecution established accused-appellant Edgardo A. Royol's guilt beyond reasonable doubt for violating Section 5 of Republic Act No. 9165, or the Comprehensive Dangerous Drugs Act.

The elements required to sustain convictions for violation of Section 5 of the Comprehensive Dangerous Drugs Act are settled. In *People v. Morales*:<sup>[14]</sup>

In actions involving the illegal sale of dangerous drugs, the following elements must first be established: (1) proof that the transaction of sale took place and (2) the presentation in court of the *corpus delicti* or the illicit drug as evidence.<sup>[15]</sup> (Emphasis in the original)

Concerning *corpus delicti*, Section 21 of Republic Act No. 9165, as amended by Republic Act No. 10640 in 2014, makes specific stipulations on the custody and disposition of confiscated, seized, and/or surrendered drugs and/or drug paraphernalia. Particularly, concerning custody before filing a criminal case, Section 21, as amended, provides:

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. — 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 dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment **shall, immediately after seizure and confiscation**, conduct a physical inventory of the seized items and photograph the same in the presence of the accused or the persons from whom such items were confiscated and/or seized, or his/her representative or counsel, with an elected public official and a representative of the National Prosecution Service or the media 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, finally, That noncompliance of 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.*
- (2) Within twenty-four (24) hours upon confiscation/seizure of dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment, the same shall be submitted to the PDEA Forensic Laboratory for a qualitative and quantitative examination;
- (3) A certification of the forensic laboratory examination results, which shall be done under oath by the forensic laboratory examiner, shall be issued immediately upon the receipt of the subject item/s: Provided, That when the volume of dangerous

drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals does not allow the completion of testing within the time frame, a partial laboratory examination report shall be provisionally issued stating therein the quantities of dangerous drugs still to be examined by the forensic laboratory: *Provided, however,* That a final certification shall be issued immediately upon completion of the said examination and certification[.] (Emphasis supplied)

Conformably, *People v. Nandi*<sup>[16]</sup> specified four (4) links that must be established in a confiscated item's chain of custody:

[F]irst, 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 from the forensic chemist to the court.<sup>[17]</sup>

*People v. Holgado*<sup>[18]</sup> explained that compliance with the chain of custody requirements protects the integrity of the confiscated, seized, and/or surrendered drugs and/or drug paraphernalia in four (4) aspects:

[F]irst, the nature of the substances or items seized; second, the quantity (e.g., weight) of the substances or items seized; third, the relation of the substances or items seized to the incident allegedly causing their seizure; and fourth, the relation of the substances or items seized to the person/s alleged to have been in possession of or peddling them. Compliance with this requirement forecloses opportunities for planting, contaminating, or tampering of evidence in any manner.<sup>[19]</sup>

## II

In *Morales*,<sup>[20]</sup> this Court categorically declared that failing to comply with Article II, Section 21(1) of Comprehensive Dangerous Drugs Act implies "a concomitant failure on the part of the prosecution to establish the identity of the *corpus delicti*["<sup>[21]</sup> It "produce[s] doubts as to the origins of the [seized paraphernalia]."<sup>[22]</sup> This is in keeping with the basic standard for establishing guilt in criminal proceedings: proof beyond reasonable doubt.

While not requiring absolute certainty, proof beyond reasonable doubt demands moral certainty. Compliance with this standard is a matter of compliance with a constitutional imperative:

This rule places upon the prosecution the task of establishing the guilt of an accused, relying on the strength of its own evidence, and not banking on the weakness of the defense of an accused. Requiring proof beyond reasonable doubt finds basis not only in the due process clause of the Constitution, but similarly, in the right of an accused to be "presumed innocent until the contrary is proved." "Undoubtedly, it is the constitutional presumption of innocence that lays such burden upon the

prosecution." Should the prosecution fail to discharge its burden, it follows, as a matter of course, that an accused must be acquitted. As explained in *Basilio v. People of the Philippines*:

We ruled in *People v. Ganguso*:

An accused has in his favor the presumption of innocence which the Bill of Rights guarantees. Unless his guilt is shown beyond reasonable doubt, he must be acquitted. This reasonable doubt standard is demanded by the due process clause of the Constitution which protects the accused from conviction except upon proof beyond reasonable doubt of every fact necessary to constitute the crime with which he is charged. The burden of proof is on the prosecution, and unless it discharges that burden the accused need not even offer evidence in his behalf, and he would be entitled to an acquittal. Proof beyond reasonable doubt does not, of course, mean such degree of proof as, excluding the possibility of error, produce absolute certainty. Moral certainty only is required, or that degree of proof which produces conviction in an unprejudiced mind. The conscience must be satisfied that the accused is responsible for the offense charged.

Well-entrenched in jurisprudence is the rule that the conviction of the accused must rest, not on the weakness of the defense, but on the strength of the prosecution. The burden is on the prosecution to prove guilt beyond reasonable doubt, not on the accused to prove his innocence.<sup>[23]</sup> (Emphasis in the original)

Since compliance with the chain of custody requirements under Section 21 ensures the integrity of the seized items, it follows that noncompliance with these requirements tarnishes the credibility of the *corpus delicti*, which is at the core of prosecutions under the Comprehensive Dangerous Drugs Act. Such noncompliance casts doubt on the very claim that an offense against the law was committed:<sup>[24]</sup>

Worse, the Prosecution failed to establish the identity of the prohibited drug that constituted the *corpus delicti* itself. The omission naturally raises grave doubt about any search being actually conducted and warrants the suspicion that the prohibited drugs were planted evidence.

In every criminal prosecution for possession of illegal drugs, the Prosecution must account for the custody of the incriminating evidence from the moment of seizure and confiscation until the moment it is offered in evidence. That account goes to the weight of evidence. *It is not enough that the evidence offered has probative value on the issues, for the evidence must also be sufficiently connected to and tied with the facts in issue. The evidence is not relevant merely because it is available but that it has an **actual connection with the transaction involved and with the parties thereto.*** This is the reason why authentication and laying a foundation for the introduction of evidence are important.

<sup>[25]</sup> (Emphasis supplied, citations omitted)