

FIRST DIVISION

[G.R. No. 215712, August 07, 2019]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CAROL T. YGOY, ACCUSED-APPELLANT.

DECISION

BERSAMIN, C.J.:

Lapses in the compliance with the statutory safeguards for preserving the chain of custody of the confiscated dangerous drugs lead to doubt about the integrity of the evidence of the *corpus delicti*. Hence, the lapses, if unexplained by the arresting officers, raise doubt about the integrity of the evidence of guilt, and the accused must be acquitted on ground of reasonable doubt.

The Case

This appeal seeks to reverse and undo the decision promulgated on December 20, 2013,^[1] whereby the Court of Appeals (CA) partially affirmed the judgment rendered on August 25, 2010 decision by the Regional Trial Court (RTC), Branch 10, in Cebu City insofar as finding accused-appellant Carol T. Ygoy guilty of violation of Section 5, Article II of Republic Act No. 9165 (*Comprehensive Dangerous Drugs Act of 2002*) was concerned.^[2]

Antecedents

The accusatory portions of the informations charging the accused-appellant with violations of Section 5 and Section 12 of R.A. No. 9165 read thusly:

Criminal Case No. CBU-65732

That on or about the 28th day of March 2003, at about 8:30 P.M., in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with deliberate intent, and without authority of law, did then and there sell, deliver, or give away to a poseur buyer:

One (1) heat sealed plastic sachet of white crystalline substance weighing 0.02 gram locally know (sic) as "SHABU", containing methamphetamine Hydrochloride, a dangerous drug/s.

CONTRARY TO LAW.^[3]

Criminal Case No. CBU-65733

That on or about the 28th day of March 2003, at about 8:30 P.M., in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with deliberate intent, and without authority any

lawful purpose, did then and there have in her possession and control, the following:

- a.) sixteen (16) pcs. empty packs with white crystalline residue,
- b.) four (4) disposable lighters,
- c.) two (2) improvised burners with traces of white residue, all believed to be in possession of CTY,

fit or intended for smoking, consuming, administering, ingesting or introducing any dangerous drug into the body.

CONTRARY TO LAW.^[4]

Ygoy pleaded *not guilty* to the charges.

The respective versions of the parties were summarized by the CA in the decision under review to be as follows:

Version of the Prosecution

To prove the charges leveled (sic) against the accused-appellant, the prosecution presented SPO1 Elmo Rosales, Police Senior Inspector/Engr. Mutchit G. Salinas and PO3 Dindo Lumapak, whose testimonies were summarized by the trial court as follows:

On 28 March 2003, the members of the Drug Enforcement Unit, Cebu City Police Office, hatched a plan to conduct a buy-bust operation against a certain Carol Ygoy, the accused-appellant herein, operating at Barangay Cabantan St., Mabolo, Cebu City. In preparation of the said operation, the chief of DEU, Police Senior Inspector Abella and his men, prepared buy-bust money of Php 100.00 peso bill bearing serial number 456936 and dusted with fluorescent (ultra-violet) powder. During the briefing that followed, SPO1 Elmo Rosales was designated as poseur buyer and was given the dusted buy bust money. He will be accompanied with their asset.

The team was composed of SPO1 Elmo Rosales, team leader, PO2 Gil Garcia, PO1 Dindo Lumapak, PO1 Patrick Mumar and PO2 Cirilo Luague. Prior to 28 March 2003, Rosales went to the area to familiarize the same and stayed at a nearby store for thirty (30) minutes, with their asset. As soon as their asset saw the subject, the former immediately pointed to him that the said person is Carol Ygoy.

After the briefing at the office, the team members immediately left for Cabantan. Upon reaching the area, Rosales posted himself a few meters away from the gate of the accused-appellant's rented house, while their asset approached the accused-appellant who was standing two meters outside the gate. Rosales overheard the accused-appellant asking their asset how much shabu the latter would buy and who was his companion. Their asset replied that it is his companion, referring to Rosales, who would like to buy shabu. The accused-appellant then handed to Rosales, one plastic packet of shabu and in turn, Rosales handed to the accused-appellant the Php 100.00 buy-bust money, bearing serial number LM

456936. Rosales then touched the back portion of his head to signal his teammates that the buy-bust transaction had been consummated. While his teammates were approaching, Rosales introduced himself to the accused-appellant that he is a police officer and that she is under arrest. The accused-appellant, however, ran inside her house, but Rosales and the rest of the team followed suit. She was trapped inside her room where another person was sniffing shabu. Rosales and the other members of the team arrested her for selling shabu and the other person for sniffing shabu. As a consequence of said arrest, Rosales made a cursory examination and found several shabu paraphernalia, including sixteen pieces with shabu residue. Rosales then directed the accused to empty her pockets and saw the Php 100.00 dusted buy-bust money at her left front side pocket, while on the right front side pocket, they recovered two plastic packets of white crystalline substance. Rosales confiscated these items and brought the arrested persons and the confiscated items to their office.

Rosales prepared a letter-request for the laboratory examination of the hands of the accused-appellant and the buy-bust money, as well as the plastic packet of shabu which were marked with accused-appellant's initials, CTY. The accused-appellant, the buy-bust money, the plastic packet of shabu and the two letter-requests, for laboratory examination were brought to the PNP Regional Crime Laboratory by PO2 Gil Garcia at around 11:00 PM, and were received by PO1 Rosales, the clerk on duty. The prosecution witnesses identified the accused-appellant, the buy-bust money and the plastic packet of *shabu* bearing the initials of the accused-appellant (CTY).

The accused was transferred to the Chemistry Section and was referred to P/Senior Inspector Mutchit G. Salinas, who prepared a sketch on the hands of the accused-appellant, asked her whether she wanted her hands examined. The latter answered in the affirmative. Salinas then placed accused-appellant's hands under the ultra-violet lamp and saw scanned portions of accused-appellant's hand to be positive for fluorescent powder and marked the sketch as to what portion of accused-appellant's hands had the mark.

Salinas presented in court the letter-request for ultra-violet, the sketch of accused-appellant's hands, the buy-bust money with fluorescent powder and her Chemistry Report No. PE-010-2003.

In addition, Salinas also declared that pursuant to the letter-request for laboratory examination, she examined the contents of the plastic packet of shabu. After getting the sample from the contents and subjecting the same to the color test and confirmatory test, the result showed that the sample taken was positive for the presence of methamphetamine hydrochloride. She then reduced her findings in a report, Chemistry Report No. D-551-03.

Aside from the testimonies of SPO1 Elmo Rosales, Engr. Mutchit G. Salinas and PO3 Dindo Lumapak, the prosecution intended to present PO1 Rosaldo. The prosecution opted, however, to dispense with the testimony of PO1 Rosaldo in view of the admission by the defense that PO1

Rosaldo, as clerk on duty at the PNP Regional Crime Laboratory, received the letter-requests and specimens from PO1 Garcia.

Version of the Defense

On the other hand, the defense presented the accused-appellant and her son Japhet Ygoy to refute the allegations in the two informations. The defense witnesses' testimonies may be summarized as follows:

At about 8:30 in the evening of 28 March 2003, accused-appellant was putting clothes on her then ten-year-old son Jasper inside her bedroom, as she had just finished giving him a bath. She heard a knocking at their door and upon opening it, she saw three persons outside, one of whom she recognized to be Weweng Cabanag, a friend of her younger brother Joselito, but to whom she is not close with.

Weweng asked accused-appellant where her brother was since his room was locked, but she replied that she does not know. Weweng signaled her to approach him and asked her to buy shabu for them and to use this stuff inside their house. The accused-appellant thought that Weweng believed that being a friend of her brother, she would accede to his request. The accused-appellant, however, refused Weweng's request and the latter got angry. Accused-appellant's son, who was inside the house, saw his mother and Weweng talked with each other but could not hear however their conversation.

At this instant, somebody knocked at accused-appellant's door. She opened it and a certain Zaldy Magma entered, bringing the softdrinks she had earlier requested the latter to buy. Zaldy placed the same on the table and was about to get out, when a commotion outside her house ensued. Weweng and his companion prevented her from getting out of the house and thereafter three other persons entered the premises. These persons, who turned out to be policemen, told them to shut up and not to make noise. These policemen immediately entered and searched her room without asking her permission. At this point, accused-appellant's son, Japhet Jabe Ygoy, was beside the accused-appellant and was hugging her.

The accused-appellant asked the policemen whether they have authority to search her room, but she was told to shut up. The policemen found nothing and decided to bring her to Gorordo police station. Accused-appellant, accompanied by her son, was subsequently brought to the said office. At their office, the policemen asked accused-appellant whether she knows Jocelyn, whose husband has one arm (amputated). She replied that Jocelyn's house is a bit farther from her house. They also asked money from her, but she said she had none. One of those policemen signaled his companion to bring her out of the office, and they placed powder on her hands. Accused-appellant's son could not see what the policemen did to his mother since he could only see that her mother was directed to enter a room. He could not see nor know what happened inside the room. Accused-appellant was then brought to another office, later known to be a laboratory examination room/office at Gorordo police station. A woman then examined her hands by placing light. The