

FIRST DIVISION

[G.R. No. 244327, October 14, 2019]

ROWENA PADAS Y GARCIA @ "WENG", PETITIONER, V. PEOPLE OF THE PHILIPPINES, RESPONDENT.

DECISION

GESMUNDO, J.:[*]

This is an appeal by *certiorari*^[1] seeking to reverse and set aside the September 27, 2018 Decision^[2] and January 23, 2019 Resolution^[3] of the Court of Appeals (CA) in CA-G.R. CR No. 40322. The CA affirmed the June 5, 2017 Decision^[4] of the Regional Trial Court of Manila, Branch 2 (RTC), finding Rowena Padas y Garcia @ "Weng" (*petitioner*) guilty beyond reasonable doubt of Illegal Possession of Dangerous Drugs under Section 11(3), Article II of Republic Act (R.A.) No. 9165, also known as the "Comprehensive Dangerous Drugs Act of 2002."

The Antecedents

In an Information^[5] filed before the RTC, petitioner was charged with Illegal Possession of Dangerous Drugs, in violation of Section 11(3), Article II of R.A. No. 9165. The accusatory portion of the Information states:

CRIMINAL CASE NO. 13-298456

That on or about July 20, 2013, in the City of Manila, Philippines, the said accused, not being authorized by law to possess any dangerous drug, did then and there willfully, unlawfully and knowingly have in her possession and under her custody and control three (3) heat-sealed transparent plastic sachets with the following recorded net weight to wit:

1. 'RGP' - containing ZERO POINT ZERO TWO (0.02) GRAM
2. 'RGP-1' -containing ZERO POINT ZERO TWO (0.02) GRAM
3. 'RGP-2'- containing ZERO POINT ZERO FOUR (0.04) GRAM

Or all in the total net weight of ZERO POINT ZERO EIGHT (0.08) gram of white crystalline substance commonly known as 'SHABU', containing Methamphetamine Hydrochloride, a dangerous drug.

Contrary to law.^[6]

Upon arraignment, petitioner pleaded not guilty to the crime charged. Thereafter, trial ensued.^[7]

Evidence of the Prosecution

On July 20, 2013, Police Officer I Acemond Villanueva (*PO1 Villanueva*) and Senior Police Officer II Mario Sanchez (*SPO2 Sanchez*) went to Bohol Street, Balic Balic,

Sampaloc on board a tricycle to conduct a surveillance against one alias "Manok." The purpose of the surveillance was to familiarize themselves with the area. After about an hour of not seeing their supposed target, PO1 Villanueva and SPO2 Sanchez decided to leave. As they were about to leave while still on board the tricycle, PO1 Villanueva and SPO2 Sanchez allegedly saw a woman taking out, from her right front pocket, one (1) heat-sealed transparent plastic sachet containing white crystalline substance. The woman, later identified as petitioner, was showing the plastic sachet to an unidentified man. Upon seeing this, PO1 Villanueva and SPO2 Sanchez alighted from the tricycle and arrested petitioner. The unidentified man, however, escaped. PO1 Villanueva marked the plastic sachet with "RGP" and the two other sachets found in petitioner's possession with "RGP-1" and "RGP-2." The physical inventory and taking of photographs of the seized evidence were conducted at the place of arrest in the presence of petitioner and Rene Crisostomo (*Crisostomo*), a media representative.^[8]

PO1 Villanueva then brought petitioner and the seized evidence to the police station. Police Officer III Boy Niño Baladjay (*PO3 Baladjay*), the investigator on duty, prepared the request for laboratory examination, booking sheet, and arrest report. PO1 Villanueva thereafter brought the seized evidence to the crime laboratory. Police Chief investigator Mark Alain Ballesteros (*PCI Ballesteros*) conducted an examination of the three (3) heat-sealed plastic sachets with markings "RGP," "RGP-1," and "RGP-2," weighing 0.02 gram, 0.02 gram, and 0.04 gram, respectively. PCI Ballesteros found the contents of the sachet positive for methamphetamine hydrochloride or *shabu*.^[9]

Evidence of the Defense

Petitioner testified that on July 20, 2013, while she was washing clothes in front of her house, a police officer placed his hand on her shoulder and forced her to board a vehicle. At that time, she saw at least five (5) police officers nearby. Inside the vehicle, she was ordered to empty her pockets. The police officer took her money amounting to P1,500.00, a silver bracelet, and a pair of silver earrings. Petitioner claimed that her husband saw her being apprehended and that she refused to file a complaint against the police officers due to fear.^[10]

The RTC Ruling

In its June 5, 2017 Decision^[11] the RTC found petitioner guilty beyond reasonable doubt of illegal possession of dangerous drugs and sentenced her to suffer the indeterminate penalty of twelve (12) years and one (1) day of imprisonment, as minimum, to seventeen (17) years and four (4) months of imprisonment, as maximum, and to pay a fine of P300,000.00.^[12]

The RTC held that the chain of custody of the seized evidence was adequately established by the prosecution. It gave credence to PO1 Villanueva's testimony regarding the marking of the plastic sachets and their subsequent turnover to PCI Ballesteros for forensic examination. It noted the defense's admission that the specimens submitted to the court were the same evidence examined by PCI Ballesteros. It ruled that non-compliance with Section 21 of R.A. No. 9165 by the police officers was not fatal, especially because the integrity and evidentiary value of the seized evidence were preserved. It gave no credence to petitioner's defense of denial and alibi, as against PO1 Villanueva's positive identification of petitioner.^[13]

Aggrieved, petitioner appealed to the CA.

The CA Ruling

In its September 27, 2018 Decision,^[14] the CA affirmed *in toto* the conviction of petitioner for illegal possession of dangerous drugs. It ruled that PO1 Villanueva's testimony was clear and convincing and that all the elements of the crime and links in the chain of custody were established by the prosecution. It noted the defense's failure to show any ill motive on the part of the police officers and to present petitioner's husband despite the former's testimony that he was present at the time of her arrest.^[15]

Petitioner filed a Motion for Reconsideration,^[16] which the CA denied in its January 23, 2019 Resolution.^[17] Hence, this appeal.

Issues

I.

WHETHER THE COURT OF APPEALS GRAVELY ERRED IN AFFIRMING THE CONVICTION OF PETITIONER DESPITE THE UNCORROBORATED TESTIMONY OF PO1 VILLANUEVA.

II.

WHETHER THE COURT OF APPEALS GRAVELY ERRED IN AFFIRMING THE CONVICTION OF PETITIONER DESPITE HER UNLAWFUL WARRANTLESS ARREST.

III.

WHETHER THE COURT OF APPEALS GRAVELY ERRED IN GIVING FULL WEIGHT AND CREDENCE TO THE PROSECUTION'S EVIDENCE DESPITE THE ARRESTING OFFICER'S NON-COMPLIANCE WITH THE REQUIREMENTS FOR THE PROPER CUSTODY OF SEIZED DANGEROUS DRUGS UNDER SECTION 21, R.A. NO. 9165 AND FOR FAILURE TO PROVE THE DRUGS' INTEGRITY AND IDENTITY.

IV.

WHETHER THE COURT OF APPEALS GRAVELY ERRED IN AFFIRMING THE CONVICTION OF PETITIONER DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HER GUILT BEYOND REASONABLE DOUBT.^[18]

The Court's Ruling

The appeal is meritorious.

In every criminal prosecution, the Constitution affords the accused presumption of innocence until his or her guilt for the crime charged is proven beyond reasonable doubt.^[19] The prosecution bears the burden of overcoming this presumption and proving the liability of the accused by presenting evidence which shows that all the elements of the crime charged are present.^[20]

To successfully prosecute a case of illegal possession of dangerous drugs, the following elements must be established: (1) the accused is in possession of an item or object which is identified to be a prohibited drug; (2) such possession is not authorized by law; and (3) the accused freely and consciously possessed the drug. [21]

Apart from showing the presence of the above-cited elements, it is of utmost importance to likewise establish with moral certainty the identity of the confiscated drug. [22] To remove any doubt or uncertainty on the identity and integrity of the seized drug, it is imperative to show that the substance illegally possessed and sold by the accused is the same substance offered and identified in court. [23] This requirement is known as the Chain of Custody Rule under R.A. No. 9165 created to safeguard doubts concerning the identity of the seized drugs. [24]

Chain of custody means the duly recorded, authorized movements, and custody of the seized drugs at each state, from the moment of confiscation to the receipt in the forensic laboratory for examination until it is presented to the court. [25] Under Section 21 of R.A. No. 9165:

(1) The apprehending 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.

The Chain of Custody Rule was further expounded under Section 21(a), Article II of the Implementing Rules and Regulations (*IRR*) of R.A. No. 9165:

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;

x x x x

Before its amendment by R.A. No. 10640, R.A. No. 9165 required the apprehending team, after seizure and confiscation, to immediately conduct a physical inventory of, and photograph, the seized drugs in the presence of (a) the accused or the persons