

# FIRST DIVISION

[ G.R. No. 193862, October 01, 2019 ]

**ELIZABETH SARANILLAS-DELA CRUZ AND HENRY DELA CRUZ,  
PETITIONERS, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.**

## DECISION

**BERSAMIN, C.J.:**

The observance of the rule on chain of custody is essential in the preservation of the integrity of the dangerous drugs as evidence of the *corpus delicti*. The law requires that any deviation from the rule must be upon justifiable grounds, and must nonetheless not negate the integrity and evidentiary value of the dangerous drugs as evidence of guilt; otherwise, the conviction will be overturned.

### The Case

This appeal seeks the review and reversal of the decision promulgated on October 2, 2006,<sup>[1]</sup> whereby the Court of Appeals (CA) affirmed the judgment rendered on July 29, 2005 by the Regional Trial Court (RTC), Branch 103, in Quezon City convicting both petitioners (and a third accused)<sup>[2]</sup> of the crime of illegal sale of dangerous drugs as defined and punished by Section 5 of Republic Act No. 9165 (*Comprehensive Dangerous Drugs Act*); and petitioner Henry Dela Cruz alone of the crime of illegal possession of dangerous drugs as defined and punished by Section 11 of the same law.<sup>[3]</sup>

In the meanwhile, on August 10, 2018, the Court received the written communication dated August 8, 2018 from Chief Superintendent Marites D. Luceño, Superintendent of the Correctional Institution for Women in Mandaluyong City, informing about the death of petitioner Elizabeth Saranillas-Dela Cruz on June 12, 2017.<sup>[4]</sup> Her death, which occurred prior to the finality of her conviction, totally extinguished the criminal liability of said petitioner pursuant to Article 89(1) of the *Revised Penal Code*.<sup>[5]</sup> Consequently, this appeal is limited to the appeal of Henry Dela Cruz.

### Antecedents

The information in Criminal Case No. Q-03-116540 charging both petitioners and their co-accused with the crime of illegal sale of dangerous drugs reads as follows:

That on or about the 6<sup>th</sup> day of April, 2003 in Quezon City, Philippines, the said accused, conspiring together, confederating with and mutually helping one another, not being authorized by law to sell, dispense, deliver, transport or distribute any dangerous drug, did then and there,

wil[l]fully and unlawfully sell, dispense, deliver, transport, distribute or act as a broker in the said transaction, 0.03 gram of Methylamphetamine hydrochloride, a dangerous drug.

CONTRARY TO LAW.<sup>[6]</sup>

The information in Criminal Case No. Q-03-116542 charged only Dela Cruz with illegal possession of drugs, to wit:

That on or about the 6<sup>th</sup> day of April, 2003 in Quezon City, Philippines, the said accused not being authorized by law to possess or use any dangerous drug, did then and there, wil[l]fully, unlawfully and knowingly have in her/his/their possession and control, 0.05 grams of Methylamphetamine hydrochloride, a dangerous drug.

CONTRARY TO LAW.<sup>[7]</sup>

Dela Cruz entered his pleas of *not guilty* to each information.

The CA summarized the facts, as follows:

About 12:00 midnight of April 5, 2003, while PO1 Jose Teraña, PO2 Zamura, and PO2 Pamilar were on duty at the Police Station 1, Galas, Quezon City, an informant went to their headquarters to inform them that a male and two female persons were engaged in selling illegal drugs at No. 106, Manunggal Street, Barangay Tatalon, Quezon City. PO2 Zamura referred the matter to their Senior Police Officer 3 Hector Hernandez, who immediately called a meeting and created a team to conduct a buy-bust operation whereby PO1 Jose Teraña was designated as a poseur-buyer and was given one hundred pesos as buy-bust money, while PO2 Zamura and PO2 Pamilar would act as back-up. Thereafter, the rest of the team left the precinct on board a Tamaraw FX and proceeded to the area.

Upon their arrival, PO1 Teraña and the informant went directly to appellant's house wherein they saw appellant Elizabeth together with appellants Henry and Corazon while his companions posted themselves at a seeing distance. The informant told "*Mommy Beth*" (appellant Elizabeth) that they are interested to buy shabu. She then asked how much. PO1 Teraña replied "*piso*" (a drug idiom for P100.00). Appellant Elizabeth thereafter, demanded money. After receiving the marked money, "*Mommy Beth*" whispered something to appellant Henry, from his pocket, he got a small sachet containing white crystalline substance and handed it over to "*Mommy Beth*" who in turn gave it to PO1 Teraña. PO1 Teraña pinched the sachet to determine its content. After lighting a cigarette which is the pre-arranged signal for the back-up men, the appellants were arrested. PO1 Teraña frisked the appellants and recovered the buy-bust money from appellant Elizabeth and found one

sachet each from the respective pockets of appellants Henry and Corazon. At the time of the frisking, the informant had left already.

Thereafter, the appellants were brought to the headquarters and the sachets containing the white crystalline powder recovered from the appellants were marked. The specimen subject of the buy-bust operation was marked as "JT"; the specimen recovered from appellant Henry was marked as "JT-HD-1"; and the specimen recovered from appellant Corazon was marked as "JT-CC-2". The suspected shabu was brought to the Philippine National Police Crime Laboratory in Camp Crame, Quezon City, for examination. Forensic Chemical Officer, Engr. Paul Jerome S. Puentespina concluded that the specimens contained Methylamphetamine hydrochloride, a dangerous drug.

Countervailing the prosecution version, the defense witnesses testified that no such buy-bust operation was conducted on the date and time in question. Rather it was on April 4, 2003 between 7:00 p.m. and 8:00 p.m. and not on April 6, 2003 at 3:30 a.m. when four (4) policemen entered the house of appellant-spouse Elizabeth and Henry.

x x x x

Appellant Henry testified that when the police raided their house, he was at the third floor preparing the beddings of his grandchildren when he heard a commotion taking place at the ground floor near the stairs. He then looked down and asked his wife, appellant Elizabeth about it, but before she could answer, two policemen came up to him (whom he identified as PO1 Teraña and PO3 Hernandez) and told him to bring out the shabu. Subsequently, the police brought him to the ground floor joining appellant Elizabeth. Afterwhich (sic), the police went up again and conducted a search for about 10 minutes. Thereafter, he and appellant Elizabeth, together with appellant Corazon, were all forced to go to the police station. He vehemently denied that they were peddling and in possession of illegal drugs.<sup>[8]</sup> x x x x

As stated, the RTC rendered judgment after trial finding Dela Cruz and the others guilty as charged,<sup>[9]</sup> to wit:

**ACCORDINGLY**, judgment is hereby rendered finding **xxx HENRY DELACRUZ y Revillon and xxx GUILTY** beyond reasonable doubt of the crime of drug pushing and finding **xxx HENRY DELACRUZ y Revillon xxx GUILTY** beyond reasonable doubt of the crimes of drug possession and they are hereby respectively sentenced as follows:

1. In **03-116540** - [he is] sentenced to a jail term of **LIFE IMPRISONMENT** and to pay a fine of P500,000.00 xxx;

x x x

3. In **03-116542** - accused Henry dela Cruz y Revillon is sentenced to a jail term of **TWELVE (12) YEARS and ONE (1) DAY, as minimum, and THIRTEEN (13) YEARS, as maximum** and to pay a fine of P300,000.00.

The drugs involved in these cases are hereby ordered transmitted to the PDEA thru DDB for proper disposition.

**SO ORDERED.**

Dela Cruz appealed, but the CA affirmed his convictions.

### **Issues**

Dela Cruz submits that the CA gravely erred:

#### **I**

IN HOLDING THAT ACCUSED-PETITIONERS ARE GUILTY BEYOND REASONABLE DOUBT OF THE CRIMES CHARGED IN THE INFORMATION

#### **II**

IN HOLDING THAT THE TESTIMONY OF ACCUSED-PETITIONER HENRY, THE HUSBAND OF ACCUSED-PETITIONER ELIZABETH, THAT HE WAS BROUGHT TO THE POLICE STATION IN ORDER FOR HIM TO PINPOINT (SIC) THE DRUG PUSHERS IN THE AREA CANNOT BE BELIEVED BECAUSE ACCORDING TO THE COURT, IT IS VERY MUCH AWARE OF THE COMMON PRACTICE OF POLICE OFFICERS IN USING AN ASSET TO IDENTIFY THE DRUG CRIMINALS IN A CERTAIN AREA; THE COURT FURTHER SAID THAT IF THIS WAS TRUE, THEN THERE IS NO MORE NEED ON THE PART OF POLICE OFFICERS HERNANDEZ AND TERAÑA TO ARREST HIS WIFE, ACCUSED-PETITIONER ELIZABETH AND CONRAZON CUNANAN AS WELL AS SEARCH THEIR ENTIRE HOUSE

#### **III**

IN FINDING THAT THE COURT SEES NO ILL MOTIVE ON THE PART OF THE POLICE OFFICERS IN ARRESTING ACCUSED-PETITIONERS AND CORAZON CUNANAN

#### **IV**

IN NOT FINDING THAT SINCE IT IS ONLY THE SERIAL NUMBER OF THE SO-CALLED BUY-BUST MONEY AND A XEROX COPY THAT WAS TESTIFIED TO, THE ORIGINAL NOT HAVING BEEN ACTUALLY INTRODUCED AND PRESENTED, THE SERIAL NUMBER AND XEROX COPY SHOULD NOT HAVE BEEN ADMITTED IN EVIDENCE IN ADDITION TO THE FACT THAT THEY ARE THE FRUITS OF A POISONOUS TREE THEIR ARREST BEING ILLEGAL

#### **V**

IN NOT FINDING THAT THE ACCUSED-PETITIONERS TOGETHER WITH CORAZON CUNANAN Y BILBANO WERE NOT READ THEIR

CONSTITUTIONAL RIGHTS UNDER THE MIRANDA DOCTRINE WHILE THEY WERE IN FACT BEING ARRESTED

VI

IN NOT FINDING THAT SINCE THE POLICE OFFICERS DID NOT DUST THE BUY-BUST MONEY WITH FLUORESCENT POWDER, THE ARREST OF THE ACCUSED-PETITIONERS TOGETHER WITH CORAZON CUNANAN Y BILBANO IN THE ALLEGED BUY-BUST OPERATION IS NOT CREDIBLE

VII

IN NOT FINDING THAT SINCE THE ASSET SO-CALLED OR INFORMANT WAS NOT PRESENTED AS WITNESS AND HE BEING THE ONLY PERSON WHO COULD CORROBORATE THE STATEMENTS OF THE POLICE OFFICERS, WAS A VIOLATION OF DUE PROCESS, AND IF, AS ALLEGED, HE REGULARLY BUYS SHABU FROM ACCUSED-PETITIONER ELIZABETH, THERE IS NO SHOWING OF ANY PRIOR ARREST BY THE POLICE OF THE ASSET AND/OR ACCUSED-PETITIONER ELIZABETH

VIII

IN NOT FINDING THAT THE SEARCHES MADE, ESPECIALLY ON THE PERSON OF CORAZON CUNANAN AND THE ALLEGED EMPTYING OF HER POCKETS WHERE ONE SACHET OF SHABU WAS ALLEGEDLY CONFISCATED FROM HER IS ABSOLUTELY ILLEGAL BECAUSE FROM THE TESTIMONIES OF THE POLICE OFFICERS, SHE WAS NOT DOING ANYTHING SUSPICIOUS TO WARRANT THE SAME

IX

IN MAKING SPECULATIVE OPINIONS AND CONCLUSIONS NOT BASED ON EVIDENCE IN THE PROCEEDINGS WHICH SHOWS IN BOLD RELIEF THE MINDSET, PREJUDICE AND BIAS OF THE PRESIDING JUDGE AGAINST ACCUSED-PETITIONERS TOGETHER WITH CORAZON CUNANAN Y BILBANO

X

IN NOT FINDING THAT THERE IS NO EVIDENCE OR TESTIMONY TO THE EFFECT THAT THE POLICE OFFICER WHO CONFISCATED THE ALLEGED SHABU WAS THE ONE WHO SUBMITTED THE SAME TO THE PNP LABORATORY FOR FORENSIC EXAMINATION

XII

THE PUNISHMENT METED OUT TO THE ACCUSED-PETITIONERS WHICH ARE LIFE IMPRISONMENT AND P500,000.00 EACH, AS FINE, AND 12 YEARS AND ONE DAY, AS MINIMUM, AND 13 YEARS, AS MAXIMUM, ARE UNCONSTITUTIONAL AND AGAINST SEC. 19, ART. III OF THE CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES AS A CRUEL, DEGRADING OR INHUMAN PUNISHMENT BECAUSE OF ALLEGEDLY SELLING ONLY A SACHET OF SO-CALLED SHABU<sup>[10]</sup>

**Ruling of the Court**

The appeal has merit.