

SECOND DIVISION

[G.R. No. 207396, August 09, 2017]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DELIA SAUNAR, ACCUSED-APPELLANT.

DECISION

LEONEN, J.:

A miniscule amount of dangerous drugs alleged to have been taken from the accused is highly susceptible to planting, tampering, or alteration. In these cases, "law enforcers should not trifle with the legal requirement to ensure integrity in the chain of custody of seized dangerous drugs and drug paraphernalia."^[1]

This resolves an appeal from the September 26, 2012 Decision^[2] of the Court of Appeals, which affirmed the conviction of Delia Saunar (Saunar) for illegal sale of dangerous drugs.

In the Information dated April 24, 2006,^[3] Saunar was charged with violation of Article II, Section 5 of Republic Act No. 9165. The accusatory portion of the Information read:

That on or about the 27th day of February 2006 at around 6:20 p.m. at Brgy. Kinali, [Municipality of Polangui, Province of Albay, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously deliver, dispense and sell two heat[-] sealed plastic sachets [of] methamphetamine hydrochloride (shabu) weighing 0.0526 gram and 0.0509 gram to a poseur buyer, without authority of law, to the detriment of the public welfare.

ACTS CONTRARY TO LAW.^[4]

On June 8, 2006, Saunar was arraigned.^[5] She pleaded not guilty to the charge. Afterwards, pre-trial and trial ensued.^[6]

Based on the collective testimonies of its witnesses, the prosecution alleged that on January 5, 2006, the Special Operation Team of the 5th Regional Criminal Investigation and Detection Group learned about the illegal drug activities of a certain "Lolita" Saunar^[7] in Polangui, Albay.^[8] The authorities acted on this tip and conducted surveillance operations on Saunar.^[9]

Before noon on February 27, 2006, the authorities received a report regarding Saunar's whereabouts.^[10] Captain Cesar Dalonos (Capt. Dalonos) formed a team composed of PO2 Ami Montales (PO2 Montales), SPO4 Rolando Barroga, SPO4

Fernando Cardona, and SPO2 Roger Seladis to conduct a buy-bust operation. PO2 Montales was designated as the poseur-buyer.^[11]

At around 6:00 p.m., the buy-bust team proceeded to Saunar's residence.^[12] PO2 Montales and the informant met Saunar by the gate while the rest of the police operatives positioned themselves a few meters from Saunar's house.^[13] PO2 Montales introduced herself as a buyer of *shabu* and handed Saunar the marked money.^[14] After a brief conversation, Saunar went inside the house. She returned moments later "with two (2) transparent plastic sachets containing white crystalline substance."^[15] PO2 Montales examined the plastic sachets and gave the pre-arranged signal by removing her sunglasses.^[16] This indicated the consummation of the transaction to the other members of the buy-bust team.^[17]

The buy-bust team closed in and arrested Saunar.^[18] PO2 Montales then frisked Saunar to recover the marked money but only found a Nokia 5210, which she confiscated.^[19] No photograph of the seized items was taken at the crime scene.^[20] Saunar was then brought to Camp Simeon Ola for investigation.^[21] It was only after the arrest that the authorities discovered that Saunar's real name was Delia.^[22]

Upon reaching Camp Simeon Ola, PO2 Montales prepared a seizure receipt, which Saunar refused to sign.^[23] Meanwhile, Capt. Dalanos invited representatives from the media and the Department of Justice and a barangay official to witness the marking and inventory.^[24]

PO2 Montales marked the two (2) plastic sachets with her initials "AOM1" and "AOM2."^[25] Afterwards, the seized items were inventoried and then placed in a larger transparent plastic bag.^[26] The marking and inventory were both done in the presence of the three (3) witnesses from the media, the barangay, and the Department of Justice.^[27] PO2 Montales brought the seized items to the crime laboratory for scientific examination.^[28] The contents of the two (2) plastic sachets weighed 0.0496 grams and 0.0487 grams.^[29] They tested positive for *shabu*.^[30]

While the police officers were preparing the necessary documents for Saunar's prosecution, the seized cellular phone received several calls and text messages from different people who were looking for Saunar to place P1,000.00 and P2,000.00 worth of orders on something called "LADA." PO2 Montales introduced herself as Saunar's sister and tried to set up a meeting with them. However, the callers refused to talk to anyone but Saunar.^[31]

For her defense, Saunar asserted that she was merely framed-up.^[32] She testified that on the day of the alleged incident, the authorities raided her house looking for *shabu*. However, they only found her cellphone.^[33] Although the police officers found nothing, Saunar was brought to Camp Simeon Ola and was forced to sign a seizure receipt, which indicated that two (2) sachets of *shabu* were taken from her. Saunar did not sign this seizure receipt.^[34]

In the Judgment^[35] dated March 21, 2011, the Regional Trial Court found Saunar

guilty beyond reasonable doubt of illegal sale of dangerous drugs.^[36] Accordingly, she was sentenced to suffer the penalty of life imprisonment and required to pay a fine of P500,000.00:^[37]

WHEREFORE, judgment is hereby rendered:

1. FINDING the accused, DELIA SAUNAR y DOLOM, GUILTY beyond reasonable doubt of the crime of Violation of Section 5, Article II, Republic Act No. 9165, otherwise known as "The Comprehensive Dangerous Drugs Act of 2002" for selling and/or delivering two (2) small transparent plastic sachets containing 0.0496 gram and 0.0487 gram respectively of methamphetamine hydrochloride or "shabu," a dangerous drug, without authority of law; thereby, sentencing her to suffer the penalty of life imprisonment and to pay a fine of Five [H]undred Thousand Pesos (P500,000.00);

2. The two (2) small transparent plastic sachets containing 0.0496 gram and 0.0487 gram respectively of methamphetamine hydrochloride or "shabu" . . . involved in this case, are DIRECTED to be disposed/destroyed in accordance with Sec. 21, R.A. No. 9165 and in the presence of a representative from this court. Within twenty-four (24) hours from such destruction, the pertinent certification shall be submitted to this court.

Furnish a copy of this judgment to the Philippine Drug Enforcement [Agency] (PDEA), Central Office, Manila.

SO ORDERED.^[38]

In its September 26, 2012 Decision,^[39] the Court of Appeals affirmed Saunar's conviction.

On October 9, 2012, Saunar filed a Notice of Appeal,^[40] which was given due course by the Court of Appeals.^[41]

In the Resolution^[42] dated August 5, 2013, this Court noted the records forwarded by the Court of Appeals and required the parties to file their respective supplemental briefs if they so desired.

On September 25, 2013, the Office of the Solicitor General, on behalf of the People of the Philippines, manifested that it would no longer file a supplemental brief.^[43] A similar motion was made by Saunar on October 1, 2013.^[44]

In her Appellant's Brief,^[45] accused-appellant argues that the trial court glossed over the procedural errors committed by the apprehending officers. In particular, she argues that the authorities failed to comply with the chain of custody rule. Accused-appellant claims that there were gaps in the handling of the items allegedly seized from her.^[46]

On the other hand, the Office of the Solicitor General argues in its Appellee's

Brief^[47] that although the requirements in Republic Act No. 9165 were not strictly complied with, the prosecution sufficiently established the identity, integrity, and evidentiary value of the seized drugs.^[48]

The sole issue for this Court's resolution is whether the guilt of accused-appellant Delia Saunar for violation of Section 5 of Republic Act No. 9165 was proven beyond reasonable doubt.

The crime of sale of illegal drugs is consummated "the moment the buyer receives the drug from the seller."^[49] The prosecution must prove beyond reasonable doubt that the transaction actually took place by establishing the following elements: "(1) the identity of the buyer and the seller, the object and the consideration; and (2) the delivery of the thing sold and the payment."^[50]

Aside from this, the *corpus delicti* must be presented as evidence in court.^[51] In cases involving dangerous drugs, "the *corpus delicti* is the dangerous drug itself."^[52] Hence, its identity and integrity must likewise be established beyond reasonable doubt.^[53] The obligation of the prosecution is to ensure that the illegal drugs offered in court are the very same items seized from the accused.^[54] This would entail the presentation of evidence on how the seized drugs were handled and preserved from the moment they were confiscated from the accused until their presentation in court.^[55] Non-compliance with this requirement creates doubt regarding the origin of the dangerous drugs.^[56]

The chain of custody rule provides the manner by which law enforcers should handle seized dangerous drugs. Section 21 of Republic Act No. 9165, as amended by Republic Act No. 10640, 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 [Philippine Drug Enforcement Agency] 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 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[.]

Although "chain of custody" is not specifically defined under the law, the term essentially refers to:

"[T]he duly recorded authorized movements and custody of seized drugs or controlled chemicals or plant sources of dangerous drugs or laboratory equipment of each stage, from the time of seizure/confiscation to receipt in the forensic laboratory to safekeeping to presentation in court for destruction." Such record of movements and custody of seized item shall include the identity and signature of the person who held temporary custody of the seized item, the date and time when such transfer of custody were made in the course of safekeeping and use in court as evidence, and the final disposition.^[57] (Citation omitted)

The "duly recorded authorized movements" of the seized dangerous drugs may be ascertained through the testimonies of every person who handled them. *Mallillin v. People*^[58] is instructive:

As a method of authenticating evidence, the chain of custody rule requires that the admission of an exhibit be preceded by evidence sufficient to support a finding that the matter in question is what the proponent claims it to be. *It would include testimony about every link in the chain, from the moment the item was picked up to the time it is offered into evidence, in such a way that every person who touched the exhibit would describe how and from whom it was received, where it was and what happened to it while in the witness' possession, the condition in which it was received and the condition in which it was delivered to the next link in the chain. These witnesses would then describe the precautions taken to ensure that there had been no change in the*