

## SECOND DIVISION

[ G.R. No. 215340, July 13, 2016 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
GLORIA CAIZ Y TALVO, ACCUSED-APPELLANT.**

### DECISION

**LEONEN, J.:**

Failure to prove the preservation of the integrity of the corpus delicti in dangerous drugs cases will lead to the acquittal of the accused on the ground of reasonable doubt.

Two Informations were filed against accused-appellant Gloria Caiz y Talvo (Caiz) for violation of Sections 5 and 11 of Republic Act No. 9165.<sup>[1]</sup>

The accusatory portion of the Information for violation of Section 5 of Republic Act No. 9165 states:

That on or about 11:00 o'clock in the morning of February 20, 2008 at Zone 1, Brgy. Pinmaludpod, Urdaneta City, Pangasinan and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously sell one (1) heat sealed transparent plastic sachet containing Methamphetamine Hydrochloride (SHABU) weighing 0.05 gram, a dangerous drug.

CONTRARY to Sec. 5, Art. II of Republic Act 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002."<sup>[2]</sup>

The accusatory portion of the Information for violation of Section 11 of Republic Act No. 9165 states:

That on or about 11:00 o'clock in the morning of February 20, 2008 at Zone 1, Brgy. Pinmaludpod, Urdaneta City, Pangasinan and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously have in her possession, control and custody two (2) heat sealed transparent plastic sachet containing methamphetamine hydrochloride (SHABU) weighing 0.05 gram and 0.04 gram, with a total weight of 0.09 gram.

CONTRARY to Art. II, Sec. 11 of Republic Act 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002."<sup>[3]</sup>

During the trial, Police Officer I Nesely Valle (PO1 Valle), Senior Police Officer I Ronald Patricio (SPO1 Patricio), and Police Officer III Michael Datuin (PO3 Datuin) were presented as witnesses.<sup>[4]</sup> They testified on the events "before, during[, ] and

after the buy-bust operation[.]”<sup>[5]</sup> Police Officer II Jeffrey Tajon (PO2 Tajon) of the Philippine National Police Crime Laboratory testified that he "received the request for laboratory examination at around 5:00 o'clock in the afternoon of February 20, 2008.”<sup>[6]</sup>

PO1 Valle testified that on February 20, 2008, at around 7:00 a.m., an informant reported to the Special Operations Group of the Philippine National Police in Lingayen about the rampant sale of methamphetamine hydrochloride (shabu) in Barangay Pinmaludpod, Urdaneta City.<sup>[7]</sup>

A buy-bust operation team was immediately organized by the Special Operations Group. SPO1 Patricio and PO1 Valle were the poseur buyers, while Senior Police Officer II Meginio Garcia (SPO2 Garcia) prepared the marked money.<sup>[8]</sup>

The Philippine National Police coordinated with the Urdaneta City Police Community Precinct at Barangay Pinmaludpod for the conduct of the buy-bust operation.<sup>[9]</sup> The buy-bust operation was scheduled on the same day, February 20, 2008.<sup>[10]</sup>

On February 20, 2008, the buy-bust team conducted a verification surveillance in Barangay Pinmaludpod and were able to observe Caiz's activities.<sup>[11]</sup>

After the verification surveillance, SPO1 Patricio, PO1 Valle, and the confidential informant went to Caiz's house at around 11:00 a.m. to conduct the buy-bust operation.<sup>[12]</sup> The informant introduced SPO1 Patricio and PO1 Valle to Caiz. As poseur buyers, SPO1 Patricio and PO1 Valle told Caiz that they would like to purchase P600.00 worth of shabu.<sup>[13]</sup> The marked money used consisted of one (1) P500.00 bill and one (1) P100.00 bill.<sup>[14]</sup> These bills were marked before the buy-bust operation.<sup>[15]</sup> The marking used was "RDP,"<sup>[16]</sup> the initials of SPO1 Patricio.<sup>[17]</sup>

After Caiz received the marked money, she handed a "small transparent plastic sachet containing white crystalline substance"<sup>[18]</sup> to SPO1 Patricio. SPO1 Patricio then removed his bonnet, which was the prearranged signal of the operation. SPO1 Patricio and PO1 Valle identified themselves to Caiz as police officers and proceeded to arrest her.<sup>[19]</sup>

Caiz was informed of her constitutional rights.<sup>[20]</sup> PO1 Valle frisked her right after she was arrested<sup>[21]</sup> and recovered the marked money and "two (2) more plastic sachets containing shabu from . . . [Caiz's] pocket."<sup>[22]</sup> Caiz was then brought to the Philippine National Police office in Lingayen<sup>[23]</sup> for interrogation and documentation.<sup>[24]</sup>

The items recovered from Caiz "were turned over by PO1 Valle to SPO1 Patricio for marking purposes[.]”<sup>[25]</sup>

The plastic sachet sold to the police officers was marked "RDP.”<sup>[26]</sup> The two (2) other plastic sachets confiscated from Caiz were marked "RDP1”<sup>[27]</sup> and "RDP2.”<sup>[28]</sup>

PO1 Valle testified that the seized sachets were marked by SPO1 Patricio

immediately after Caiz was arrested.<sup>[29]</sup> On the other hand, SPO1 Patricio testified that the seized sachets were marked at the police station.<sup>[30]</sup>

After marking, SPO1 Patricio "surrendered the [marked plastic sachets] to their investigator, PO3 Michael Datuin[,] at their Lingayen Office for transmittal to the crime laboratory."<sup>[31]</sup>

Forensic Chemist Police Senior Inspector Emelda Besarra Roderos issued an initial laboratory report stating that the contents of the heat-sealed transparent plastic sachet weighed 0.05 gram and tested positive for shabu.<sup>[32]</sup>

Caiz presented a different version of the facts. She testified that on February 20, 2008, at around 10:00 a.m.,<sup>[33]</sup> "she was putting her grandson to sleep . . . when she saw somebody enter her aunt's yard."<sup>[34]</sup>

She shouted and went to her mother's house.<sup>[35]</sup> However, two (2) men were following her and asking for the marked money.<sup>[36]</sup>

Caiz informed the men that she had nothing.<sup>[37]</sup> Inside her mother's house, she was "strip-searched by PO1 Valle."<sup>[38]</sup> Still, PO1 Valle was unable to retrieve anything from her.<sup>[39]</sup> She was then invited by the police officers to go to the police station.<sup>[40]</sup> She could not refuse because a gun was pointed at her so they first went to the Barangay Hall at Pinmaludpod, Urdaneta City.<sup>[41]</sup> Caiz narrated that she stayed inside the vehicle and that there was another person left with her inside the vehicle. That person, whom she did not name, showed her the plastic sachets allegedly confiscated from her.<sup>[42]</sup> Caiz stated that it was the first time she saw the plastic sachets.<sup>[43]</sup>

They then went to the office of the Special Operations Group of the Philippine National Police Office in Lingayen. Caiz testified that while she was there, "she was offered a meal and allowed to watch TV."<sup>[44]</sup> After, they proceeded to the Urdaneta City Police Station. Caiz alleged that the seized sachets were marked at the police station.<sup>[45]</sup> A medical examination was conducted on her at a hospital.<sup>[46]</sup>

After two (2) days of incarceration at the police station,<sup>[47]</sup> Caiz was brought to the prosecutor's office and was made to sign documents. She was then "committed to the Urdaneta City District Jail."<sup>[48]</sup>

In the Decision dated July 18, 2012,<sup>[49]</sup> the trial court found Caiz guilty of violating Section 5 of Republic Act No. 9165, but dismissed the case for violation of Section 11.

The trial court reasoned that Caiz was positively identified by the prosecution's witnesses as the seller of shabu. She sold "one heat-sealed plastic sachet containing white crystalline substance"<sup>[50]</sup> to PO1 Valle. The sachet was found to contain 0.05 gram of shabu. The seized sachet and the marked money were presented in court.<sup>[51]</sup>

The trial court held that the charge against Caiz for illegal possession of dangerous drugs was to be absorbed by the crime of illegal sale, thus:

As to the charge of illegal possession of dangerous drugs against said accused, the same is already absorbed in the crime of illegal sale. Based on the testimonies of the prosecution witnesses, accused was arrested and frisked immediately after the consummation of the sale transaction resulting in the recovery of two more plastic sachets of shabu from her pocket. The fact that the arresting officer recovered other plastic sachets containing shabu from the pocket of the accused during said illegal sale transaction is already immaterial - and will not justify the filing of a separate case of illegal possession as enunciated by the Court in the case of *People vs. Lacerna*. . . . Possession of prohibited drugs is generally inherent in the crime of illegal sale of dangerous drugs and that conviction for both offenses is not feasible.<sup>[52]</sup> (Citations omitted)

The dispositive portion of the Regional Trial Court Decision reads:

WHEREFORE, judgment is hereby rendered finding the accused GUILTY beyond reasonable doubt of the crime of Illegal Sale of Dangerous Drugs and the court sentences her to suffer the penalty of life imprisonment and to pay a fine of Php500,000.00.

The case of Illegal Possession of Dangerous Drugs filed against said accused is hereby DISMISSED.

The prohibited drugs presented in court as evidence is ordered forfeited in favor of the government and shall be forwarded to the PDEA Office for the proper disposition.

SO ORDERED.<sup>[53]</sup>

In her appeal before the Court of Appeals, Caiz argued that there were several procedural lapses committed by the police officers.<sup>[54]</sup> Section 86<sup>[55]</sup> of the Implementing Rules and Regulations of Republic Act No. 9165 requires coordination with the Philippine Drug Enforcement Agency, which the police officers did not do. The place where the seized sachets were marked was not proven because the police officers gave different testimonies.<sup>[56]</sup>

Further, the confiscation receipts prepared by SPO1 Patricio were not signed by Caiz, her representative or counsel, a representative from the media, a representative from the Department of Justice, or any public official.<sup>[57]</sup> Caiz was not given a copy.<sup>[58]</sup>

Caiz claimed that there were no photographs of the seized sachets and the booking sheet of accused was prepared on the day after she was arrested.<sup>[59]</sup> The police officer who received the request for laboratory examination and the forensic chemist were not presented in court.<sup>[60]</sup> She also alleged that the prosecution was unable to show "who had the custody and safekeeping of the drugs after their examination and pending their presentation in court."<sup>[61]</sup>

On the other hand, the Office of the Solicitor General argued that the trial court correctly convicted Caiz because the prosecution was able to prove that the sale of illegal drugs took place, and the items seized were presented in evidence.<sup>[62]</sup>

In addition, the required procedure in handling the seized items was substantially complied with. The police officers who conducted the buy-bust operation coordinated with the Philippine Drug Enforcement Agency.<sup>[63]</sup> The Office of the Solicitor General likewise argued that non-compliance with Section 21 of Republic Act No. 9165 "would not necessarily render the evidence obtained from the drug operation as inadmissible, but it would only affect the merit or probative value of such evidence."<sup>[64]</sup>

The Office of the Solicitor General claimed that although there were inconsistencies in the testimonies of PO1 Valle and SPO1 Patricio on where the seized item was marked, the inconsistency "[did] not affect the credibility of the witnesses."<sup>[65]</sup> The inconsistencies in their testimonies referred to trivial and insignificant matters.<sup>[66]</sup>

On the confiscation receipts, the Office of the Solicitor-General cited *People v. Rosialda*<sup>[67]</sup> in that "[t]he failure of the prosecution to show that the police officers conducted the required physical inventory and photograph of the evidence confiscated pursuant to said guidelines, is not fatal and does not automatically render accused-appellant's arrest illegal or the items seized/confiscated from him inadmissible."<sup>[68]</sup>

On the non-presentation of the forensic chemist, the Office of the Solicitor General cited *People v. Amansec*<sup>[69]</sup> and argued that the laboratory reports and chemistry reports are sufficient to prove that the chain of custody was not broken.<sup>[70]</sup>

The Court of Appeals affirmed the ruling of the Regional Trial Court.<sup>[71]</sup> It held that Caiz failed to present evidence that the chain of custody was broken.<sup>[72]</sup> It further held that non-compliance with Article II, Section 21 of Republic Act No. 9165 does not justify Caiz's acquittal. "What is of utmost importance is the preservation of the integrity and the evidentiary value of the seized items, as the same would be utilized in the determination of the guilt or innocence of the accused."<sup>[73]</sup>

The dispositive portion of the Court of Appeals Decision reads:

**WHEREFORE**, the foregoing considered, the instant appeal is hereby **DISMISSED** and the appealed Decision dated July 18, 2012 **AFFIRMED** *in toto*. No costs.

**SO ORDERED.**<sup>[74]</sup> (Emphasis in the original)

Caiz filed a Notice of Appeal on September 26, 2014.<sup>[75]</sup>

The Notice of Appeal was noted and given due course in the Court of Appeals' October 20, 2014 Resolution.<sup>[76]</sup> The case records were elevated to this Court on December 1, 2014.<sup>[77]</sup>