



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES, G.R. No. 250610
Plaintiff-appellee,

Present:

-versus-

LEONEN, J., *Chairperson*,
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J., and
KHO, JR., *JJ.*

FRANCIS VALENCIA y
LORENZO and RYAN
ANTIPUESTO,
Accused-appellants.

Promulgated:
JUL 10 2023

X-----X

DECISION

LEONEN, J.:

Receipts showing the chain of custody cannot be altered or modified while the specimen is in transit to the next custodian. Even a minimal change in the marking stated in these documents is fatal to the identity and integrity of the *corpus delicti*.

This resolves the appeal filed by Francis Valencia (Valencia) and Ryan Antipuesto (Antipuesto), challenging the Decision¹ of the Court of Appeals that affirmed their conviction of illegal sale of dangerous drugs under Section 5² of Republic Act No. 9165 or the Comprehensive

¹ Rollo, pp. 5–27. The May 31, 2019 Decision docketed as CA G.R. CEB CR-HC No. 02906 was penned by Associate Justice Edgardo L. Delos Santos and concurred in by Associate Justices Marilyn B. Lagura-Yap and Dorothy P. Montejo-Gonzaga, Eighteenth Division, Court of Appeals, Cebu City.

² Republic Act No. 9165 (2002), sec. 5. *Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential*

Dangerous Drugs Act of 2002.

The accusatory portion of the Information reads:

That on or about the 16th day of January, 2016, in the City of Dumaguete, Philippines, and within the jurisdiction of this Honorable Court, the said accused conspiring together and mutually aiding one another not being then authorized by law, did, then and there willfully,

Chemicals. - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.

The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any controlled precursor and essential chemical, or shall act as a broker in such transactions.

If the sale, trading, administration, dispensation, delivery, distribution or transportation of any dangerous drug and/or controlled precursor and essential chemical transpires within one hundred (100) meters from the school, the maximum penalty shall be imposed in every case.

For drug pushers who use minors or mentally incapacitated individuals as runners, couriers and messengers, or in any other capacity directly connected to the dangerous drugs and/or controlled precursors and essential chemical trade, the maximum penalty shall be imposed in every case.

If the victim of the offense is a minor or a mentally incapacitated individual, or should a dangerous drug and/or a controlled precursor and essential chemical involved in any offense herein provided be the proximate cause of death of a victim thereof, the maximum penalty provided for under this Section shall be imposed.

The maximum penalty provided for under this Section shall be imposed upon any person who organizes, manages or acts as a "financier" of any of the illegal activities prescribed in this Section.

The penalty of twelve (12) years and one (1) day to twenty (20) years of imprisonment and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person, who acts as a "protector/coddler" of any violator of the provisions under this Section. Section 5. Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals. - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.

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unlawfully and criminally sell and/or deliver to poseur buyer one (1) heat-sealed transparent plastic sachet containing 12.53 grams of Methamphetamine Hydrochloride, commonly called "shabu[.]" a dangerous drug.

That accused Francis Valencia y Lorenzo is found positive for use of Methamphetamine as reflected in Chemistry Report No. DT-028-16.

Contrary to law.³

Upon arraignment, Valencia and Antipuesto pleaded not guilty. Trial then ensued.⁴

The prosecution presented Dumaguete City Police Officer I Crisanto Panggoy (Panggoy), Police Officer I Harris Basañez (Basañez), Police Officer III Michelle Cañete (Cañete), Philippine Drug Enforcement Agency Agent Francisfil Tangerang (Tangeres), Barangay Chairperson Angelita Ragay (Ragay), media representative Neil Rio (Rio), and forensic chemist Police Chief Inspector Josephine Suico Llena (Llena).⁵

They testified that sometime in early January of 2016, the Provincial Anti-Illegal Drugs Special Operations Task Group of the Negros Oriental Provincial Police Office received reports that Antipuesto was engaging in illegal drug trade. Police Senior Inspector Ryan Jay Orapa (Orapa) directed Panggoy and Basañez to conduct surveillance on Antipuesto.⁶

After conducting surveillance and confirming Antipuesto's involvement in illegal drugs, Panggoy and Basañez arranged a buy-bust operation through a confidential informant.⁷ On the evening of January 15, 2016, the confidential informant introduced Panggoy to Antipuesto, who agreed to sell PHP 10,000.00 worth of shabu. They agreed to meet the next day at around 4:00 p.m. at Triple B Resto Bar.⁸

On January 16, 2016, at around 3:00 p.m., Orapa led a briefing for the buy-bust operation, where Panggoy was designated as the poseur buyer while Basañez was assigned as the immediate back-up. Panggoy was given a PHP 500 bill, which he bundled with cut-up pieces of paper to make it appear like the PHP 10,000.00 payment. During the briefing, Antipuesto called the confidential informant, who informed him that the meeting would be held at the exit gate of Dumaguete City Port.⁹

³ *Rollo*, pp. 5-6.

⁴ *Id.* at 6.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* at 7.

⁹ *Id.*

At around 3:40 p.m., Panggoy made a coordination request with the Philippine Drug Enforcement Agency, which was received by Tangerang. Tangerang forwarded the request to their regional office, which issued PDEA Coordination Control Number 20002-012016-0229. Tangerang forwarded the control number to Panggoy and recorded it in the local blotter of the Philippine Drug Enforcement Agency.¹⁰

Upon receipt of the coordination control number, Panggoy proceeded alone to the Dumaguete City Port exit gate onboard a motorcycle, while the other members of the team also went to and positioned themselves in the target area.¹¹

A few minutes past 4:00 p.m., Antipuesto arrived at the meeting point with Valencia. Panggoy approached them and asked for the shabu. Antipuesto instructed Valencia to show the shabu. Valencia then brought out a large heat-sealed transparent plastic sachet with white crystalline substance and said it was worth PHP 10,000.00. Valencia handed the sachet to Panggoy, who handed the buy-bust money to Antipuesto after examining the sachet and concluding the contents to be shabu.¹²

Panggoy then took Antipuesto's hand and announced an arrest. However, Antipuesto resisted and escaped. The other members of the team ran after Antipuesto to no avail. Panggoy successfully apprehended Valencia and then gave custody over the latter to Basañez.¹³

Panggoy marked the plastic sachet with "FLV/RA-BB-01-16-16."¹⁴ He then placed it inside a brown evidence envelope, which he kept in his sole possession at all times.¹⁵

Due to the number of large vehicles exiting the port, the team held the inventory and photographing of the evidence at the Dumaguete City Police Station. The inventory was performed in the presence of Valencia, Ragay, Rio, and Department of Justice representative Assistant Prosecutor Milmon Bryce Tenorio. Panggoy prepared the inventory of property seized, which was signed by the witnesses while Basañez took photographs of the inventory.¹⁶

After conducting the inventory and photographing, Panggoy returned the heat-sealed plastic sachet inside the brown evidence envelope, which he tape-sealed and signed. He kept sole possession and custody over the

¹⁰ *Id.*

¹¹ *Id.* at 7-8.

¹² *Id.* at 8.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.* at 9.

¹⁶ *Id.*

envelope until he brought it, along with Valencia, to the Negros Oriental Provincial Crime Laboratory for examination.¹⁷

At around 6:30 p.m., Cañete received the sealed brown envelope at the crime laboratory. She compared the contents of the envelope with the letter request and then returned the plastic sachet inside. She allowed Panggoy to alter the marking stated in the letter from “FLV/RA-BB-01-16-2016” to “FLV/RA-BB-01-16-16.”¹⁸ She then resealed and re-signed the envelope and kept it in a locker, which only she could access. She then collected a urine sample from Valencia, which she kept inside a refrigerator in the crime laboratory.¹⁹

At around 7:45 p.m., Cañete submitted the brown evidence envelope and the urine sample to Llena for testing. Upon qualitative examination, it was found that the white crystalline substance inside the heat-sealed plastic sachet marked “FLV/RA-BB-01-16-16” tested positive for shabu. The urine sample likewise tested positive for shabu. Llena then kept the specimens in the crime laboratory’s evidence vault, which only she could access until she eventually presented them in court.²⁰

While the case was pending trial, Antipuesto was apprehended pursuant to a warrant of arrest issued by the trial court.²¹

The defense presented an entirely different narration of events. It presented Valencia, Antipuesto, Reyna Abordo (Abordo), and Charles Clavano (Clavano) as witnesses.²²

Valencia recalled that at past 2:00 p.m. on January 16, 2016, he was sleeping in his boarding house when he was awakened by the kicking of the door to his room. Armed persons wearing civilian attire entered the room and asked Valencia if he knew a person named “Ryan,” to which Valencia responded in the negative. They searched Valencia’s room and then asked him to accompany them to answer more questions. They then brought Valencia to the National Bureau of Investigation.²³

Abordo testified that she saw people kicking the door of Valencia’s boarding house and making a mess inside his room. She then saw them leave with Valencia.²⁴

¹⁷ *Id.*

¹⁸ TSN, Police Officer III Michelle Cañete, September 28, 2017, pp. 13–15.

¹⁹ *Rollo*, p. 10.

²⁰ *Id.*

²¹ *Id.*

²² *Id.* at 11.

²³ *Id.*

²⁴ *Id.*

After arriving at the National Bureau of Investigation, the officers repeatedly asked Valencia questions about Ryan and threatened to arrest him should he refuse to give information. They also asked Valencia if he had shabu with him, which he denied. They then brought him to the Dumaguete City Police Station, where pieces of evidence were already laid down on a table. Barangay Chairperson Ragay was present at the police station.²⁵

Valencia told Ragay that nothing was seized from him, to which Ragay replied that she was only doing her job to sign something. A person from the media took a photograph of Valencia. He was then brought to the provincial hospital for a medical examination and back to the police station, where he was detained.²⁶

Meanwhile, Antipuesto explained that on January 16, 2016, he was drinking with his best friend Clavano in Daro, Dumaguete City, from around 1:00 p.m. to 5:00 p.m. Antipuesto then went home and was informed by his mother that one Francis Valencia was arrested. Antipuesto maintained that he only learned about the case against him when he received the subpoena.²⁷

In its Judgment,²⁸ the trial court convicted Valencia and Antipuesto of violating Section 5 of the Comprehensive Dangerous Drugs Act. The dispositive portion of the Judgment reads:

WHEREFORE, in the light of the foregoing, the accused FRANCIS LORENZO VALENCIA and RYAN ANTIPUESTO are hereby GUILTY beyond reasonable doubt of the offense of illegal sale of 12.53 grams of shabu in violation of Section 5, Article II of [Republic Act No.] 9165 and are hereby each sentenced to suffer a penalty of life imprisonment and to pay a fine of Five Hundred Thousand Pesos (P500,000.00).

The one (1) heat-sealed transparent sachet with markings "FLV/RA BB-01-16-16" containing 12.53 grams of shabu is hereby confiscated and forfeited in favor of the government and to be disposed of in accordance with law.

In the service of sentence, the accused FRANCISCO LORENZO VALENCIA and RYAN ANTIPUESTO shall be credited with the full time during which they have undergone preventive imprisonment, provide they agree voluntarily in writing to abide by the same disciplinary rules imposed upon convicted prisoners.

SO ORDERED.²⁹

²⁵ *Id.*

²⁶ *Id.* at 12.

²⁷ *Id.*

²⁸ *CA rollo*, pp. 44–58. The December 18, 2017 Judgment docketed as Crim. Case No. 2016-23399 was penned by Judge Rafael Crescencio C. Tan, Jr. of the Regional Trial Court of Negros Oriental, Seventh Judicial Region, Branch 30, Dumaguete City.

²⁹ *Id.* at 57–58.

The trial court found that Valencia and Antipuesto conspired with one another to sell illegal drugs and found them liable as co-principals regardless of their participation.³⁰ It held that Valencia was validly arrested *in flagrante delicto* while selling illegal drugs with Antipuesto.³¹ His urine sample tested positive for shabu, which the trial court considered only as a qualifying aggravating circumstance.³² The trial court found that the prosecution complied with the requirements of Republic Act No. 9165 and preserved the integrity of the *corpus delicti*.³³ It gave credence to testimonies of the police officers and disregarded the defense witnesses for allegedly being biased.³⁴ It also found that Valencia and Antipuesto failed to file any administrative or criminal complaints against the police officers, making their defense unworthy of belief.³⁵

In its Decision,³⁶ the Court of Appeals affirmed the Judgment of the trial court *in toto*. The dispositive portion of the Decision reads:

WHEREFORE, appeal is DENIED. The Judgment of the Regional Trial Court, Branch 30, Dumaguete City dated December 18, 2017 finding appellants FRANCIS LORENZO VALENCIA AND RYAN ANTIPUESTO guilty beyond reasonable doubt of illegal sale of dangerous drugs in violation of Section 5 of [Republic Act No.] 9165 is hereby AFFIRMED *en toto*.

SO ORDERED.³⁷

The Court of Appeals gave credence to Panggoy's testimony as poseur buyer regarding the material details of the entrapment operations.³⁸ It held that the police officers are presumed to have expertise on their approaches in apprehending drug dealers. It ruled that the buy-bust operation was legitimate since it was shown that the police office coordinated with the Philippine Drug Enforcement Agency prior to its entrapment.³⁹

The Court of Appeals also held that there was substantial compliance with Section 21 of Republic Act No. 9165. The seized drug was immediately marked at the Dumaguete Port.⁴⁰ While the inventory was done

³⁰ *Id.* at 16, 55.

³¹ *Id.*

³² *Id.* at 17.

³³ *Id.*

³⁴ *Id.* at 18.

³⁵ *Id.*

³⁶ *Rollo*, pp. 5–27. The May 31, 2019 Decision docketed as CA G.R. CEB CR-HC No. 02906 was penned by Associate Justice Edgardo L. Delos Santos and concurred in by Associate Justices Marilyn B. Lagura-Yap and Dorothy P. Montejo-Gonzaga, Eighteenth Division, Court of Appeals, Cebu City.

³⁷ *Id.* at 26.

³⁸ *CA rollo*, pp. 16–18.

³⁹ *Id.* at 19.

⁴⁰ *Id.* at 23.

at the police station, the Court of Appeals found that the police officers justified the need to do so. The third and fourth links were also established with testimony and documentary evidence.⁴¹ Thus, the appellate court held that the prosecution established a continuous chain of custody.⁴²

Valencia and Antipuesto filed their Notice of Appeal.⁴³ On September 18, 2019, the Court of Appeals gave due course and transmitted the records to this Court.⁴⁴

On July 1, 2020, the Court noted the records, directed the parties to file their respective supplemental briefs, and required the Superintendent of the New Bilibid Prison of the Bureau of Corrections to confirm the confinement of accused-appellants.⁴⁵ On September 27, 2020, the Superintendent of the New Bilibid Prison, Police Chief Inspector Rushty M. Maming, confirmed the confinement of Valencia since September 26, 2019.⁴⁶

On October 19, 2020, the Office of the Solicitor General submitted a Manifestation, indicating that it would no longer file a supplemental brief since all relevant issues had already been adequately discussed in the Appellant's Brief.⁴⁷

On July 2, 2021, Valencia and Antipuesto filed their Supplemental Brief, where they raised the noncompliance of the arresting officers with Section 21 of Republic Act No. 9165. They stress that the witnesses were not present during the entrapment operations and were only present at the police station during the inventory.⁴⁸ They argue that since it was a planned operation, the statutory witnesses should have seen the alleged buy-bust operation and the actual arrest.⁴⁹ They also assail the inventory of the dangerous drugs, alleging that the seized drugs were not weighed at that time. They conclude that the identity and integrity of the *corpus delicti* have not been established, thus, they are not guilty beyond reasonable doubt.⁵⁰

Valencia and Antipuesto posit that the police officers violated Section 21(a) of Republic Act No. 9165. They point out that the marking, inventory, and photographing of the seized evidence were conducted in a place other than the place of arrest.⁵¹ They argue that this was not justified because

⁴¹ *Id.* at 24.

⁴² *Id.* at 25.

⁴³ *Rollo*, p. 28.

⁴⁴ *Id.* at 31–32.

⁴⁵ *Id.* at 36.

⁴⁶ *Rollo*, p. 39-C.

⁴⁷ *Id.* at 39-F–39-I.

⁴⁸ *Id.* at 43.

⁴⁹ *Id.* at 44.

⁵⁰ *Id.* at 45.

⁵¹ *CA rollo*, p. 32.

there was no threat against the lives of the police officers.⁵² They also point out inconsistencies in the testimonies of the prosecution. They assail the validity of the buy-bust operation, there being no evidence showing prior surveillance. Other than “a certain Ryan,” the police officers had no idea who their targets were.⁵³

Meanwhile, the prosecution argues that there was substantial compliance with the chain of custody requirements. They argue that the conduct of the inventory at the police station was practicable and necessary due to the congestion of vehicles at the exit of the Dumaguete City Port.⁵⁴ Moreover, the chain of custody was also established by testimonial and documentary evidence. Thus, accused-appellants were properly convicted of illegal sale of dangerous drugs.⁵⁵

The issue here is whether the guilt of accused-appellants Valencia and Antipuesto has been established beyond reasonable doubt.

We acquit accused-appellants.

For conviction of the crime of illegal sale of dangerous drugs to prosper, the prosecution must prove beyond reasonable doubt that (1) the transaction took place and (2) the identity and integrity of *corpus delicti* were established.⁵⁶

Accused-appellants contend that neither requisite was proven by the prosecution.

First, they deny that the transaction and prior surveillance took place.⁵⁷ They argue that the use of the initials “FLV-RA” in the marking was highly irregular because the police could not have known the initials of accused-appellant Ryan Antipuesto, who escaped arrest.⁵⁸ Moreover, it was not established that the police officers knew the identity of the seller given that the confidential tip only referred to a “certain Ryan” who lives in Dumaguete City.⁵⁹

We are not convinced.

⁵² *Id.* at 35.

⁵³ *Id.* at 38–41.

⁵⁴ *Id.* at 85.

⁵⁵ *Id.* at 85–91.

⁵⁶ *People v. Dela Cruz*, 744 Phil. 816, 825 (2014) [Per J. Leonen, Second Division].

⁵⁷ *CA rollo*, p. 38.

⁵⁸ *Id.* at 36–37.

⁵⁹ *Id.* at 39–40.

Prior surveillance is not necessary to sustain a conviction involving a buy-bust sale.⁶⁰ This is because the confidential informant usually accompanies the buy-bust team and introduces the poseur buyer to the seller.⁶¹ Law enforcement officers are given discretion in apprehending drug dealers.⁶² Thus, there is no fixed procedure in conducting buy-bust operations.⁶³

Here, there was prior surveillance. The night before the operation, the confidential informant introduced Panggoy to accused-appellant Antipuesto as an interested buyer of shabu.⁶⁴ They agreed to set the final details of the transaction the next day.⁶⁵ Basañez corroborated Panggoy's testimony who saw the prior surveillance from afar.⁶⁶ Even without the confidential informant during the actual buy-bust operation, Panggoy was already familiar with accused-appellant Antipuesto. Basañez testified that he saw Panggoy wave at Antipuesto before the transaction.⁶⁷

Defense of alibi is weak in relation to a testimony identifying accused-appellants.⁶⁸ Panggoy positively identified accused-appellants as sellers of the illegal drugs, which was corroborated by Basañez.⁶⁹ Their straightforward narration, replete with details of the operation, lead us to believe that prior surveillance and buy-bust operation have been conducted. Their testimonies were more credible than the alibi of accused-appellants and the supporting testimonies of their close friends.⁷⁰ Corroborating testimonies from friends and relatives of the accused are viewed with skepticism due to their natural interest favoring the accused.⁷¹

Nonetheless, it is not sufficient to prove that the transaction happened. The prosecution must also establish the identity and integrity of the *corpus delicti* beyond reasonable doubt.⁷²

Section 21 of Republic Act No. 9165 provides the requirements for the custody and disposition of the confiscated dangerous drugs and other paraphernalia. It states the chain of custody in the handling of illegal drugs, the required documentation and witnesses attesting to the seizure, qualitative and quantitative examination, their presentation in court, and their disposal.

⁶⁰ *People v. Tranca*, 305 Phil. 492, 501 (1994) [Per J. Davide, First Division].

⁶¹ *People v. Bay*, 294 Phil. 741, 754 (1993) [Per J. Melo, Third Division].

⁶² *Cruz v. People*, 597 Phil. 722, 730 (2009) [Per J. Carpio, First Division].

⁶³ *People v. Cruda*, 287 Phil. 138, 143 (1992) [Per J. Gutierrez, First Division].

⁶⁴ TSN, Police Officer I Harris Basañez, November 15, 2017, p. 3.

⁶⁵ TSN, Police Officer I Crisanto Panggoy, November 13, 2017, pp. 4–5; TSN, Police Officer I Harris Basañez, November 15, 2017, pp. 4–5.

⁶⁶ TSN, Police Officer I Crisanto Panggoy, November 13, 2017, p. 5.

⁶⁷ *Id.* at 4–5.

⁶⁸ *People v. Avillana*, 387 Phil. 760, 767 (2000) [Per J. Pardo, First Division].

⁶⁹ TSN, Police Officer I Crisanto Panggoy, November 13, 2017, pp. 4–5.

⁷⁰ TSN, Charles Clavano, November 28, 2017, p. 3; TSN, Reyna Abordo, November 27, 2017, p. 8.

⁷¹ *People v. Bancud*, G.R. No. 249853, September 14, 2021 [Per J. Lopez, First Division].

⁷² *People v. Nandi*, 639 Phil. 134, 142 (2010) [Per J. Mendoza, Second Division].

Compliance with the requirements of Section 21 ensures the integrity of the *corpus delicti* in prosecutions under Republic Act No. 9165.⁷³

Here, the offense was committed during the effectivity of the amendments to Section 21 under Republic Act No. 10640. As amended, the provision reads in part:

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

⁷³ *People v. Holgado*, 741 Phil. 78, 93 (2014) [Per J. Leonen, Third Division].

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[.]⁷⁴

Prior to the amendments, the phrase “[p]rovided, 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” was not in the original wording of Section 21 of Republic Act No. 9165. Instead, it was included in the 2002 Implementing Rules and Regulations.⁷⁵ Congress amended the law in 2014 and incorporated this venue *proviso* in the text of the law to streamline the required number of witnesses and include an alternative venue for physical inventory and photographing for warrantless arrests and seizures.⁷⁶

Paragraph 1 of Section 21 has three separate *provisos*: the first pertains to the immediate conduct of physical inventory and photographing in the presence of the required witnesses; the second refers to proper resort to alternative locations of these processes; and the third contains the saving clause in case of noncompliance with parts 1 and 2.⁷⁷ We discuss each *proviso*.

While marking is not expressly stated in Section 21, it is a crucial step which identifies the *corpus delicti*. It separates the marked illegal drugs “from the corpus of all other similar or related evidence from the time of seizure from the accused until disposition at the end of criminal

⁷⁴ Republic Act No. 10640, sec. 21.

⁷⁵ 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 PDEA 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:

(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[.] (Emphasis supplied)

⁷⁶ *People v. Lim*, 839 Phil. 598, 617–619 (2018) [Per J. Peralta, *En Banc*], citing Sponsorship Speech on Senate Bill No. 2273 of Senator Grace Poe.

⁷⁷ *People v. Casa*, G.R. No. 254208, August 16, 2022 [Per C.J. Gesmundo, *En Banc*].

proceedings.”⁷⁸ Marking should be done immediately upon seizure as it “preserves the integrity of the evidence as it enters the chain” of custody.⁷⁹ Failure to immediately mark the seized illegal drugs casts reasonable doubt on the *corpus delicti* and leads to acquittal of the accused.⁸⁰

The second *proviso* in Section 21, as amended, refers to the taking of inventory and photographs and its alternative venues. It must be emphasized that the law requires these processes to be conducted immediately at the place of arrest or seizure. This means that the required witnesses must be present *at or near* the place of operations in order to comply with the immediate taking of the inventory.⁸¹ In *Nisperos v. People*,⁸² the Court clarified that these witnesses need not necessarily witness the arrest of the accused and seizure of the drugs due to the serious risk to their lives and the operations.

Notwithstanding the *proviso* on alternative venue, the law does not give absolute discretion on the arresting officers to dispense with the immediate conduct of these processes at the place of arrest or seizure.⁸³ Only when it is impracticable to do so or when there is extreme danger that the law allows for resort to alternative venue, as in *People v. Casa*:

As current jurisprudence stand, in case of warrantless seizures, the inventory and taking of photographs generally must be conducted at the place of seizure. The exception to this rule where the physical inventory and taking of photographs of the seized item may be conducted at the nearest police station or at the nearest office of the apprehending officer or team is when the police officers provide justification that:

1. It is not practicable to conduct the same at the place of seizure; or
2. The items seized are threatened by immediate or extreme danger at the place of seizure.

Nevertheless, in *People v. Pacnisen*, the Court reminded that “[i]n buy-bust situations, or warrantless arrests, the physical inventory and photographing are allowed to be done at the nearest police station or at the office of the apprehending officer/team, whichever is practicable. But even in these alternative places, such inventory and photographing are still required to be done in the presence of the accused and the [insulating] witnesses.”

Notably, the Revised Philippine National Police Operational Procedures dated September 2021 (2021 PNP Manual) is in accordance

⁷⁸ *People v. Hementiza*, 807 Phil. 1017, 1030–1031 (2017) [Per J. Mendoza, Second Division].

⁷⁹ *People v. Sampa*, G.R. No. 242160, July 8, 2019 [Per J. J.C. Reyes, Second Division].

⁸⁰ *People v. Bintaib*, 829 Phil. 13, 27 (2018) [Per J. Martires, Third Division].

⁸¹ *Nisperos v. People*, G.R. No. 250927, November 29, 2022 [Per J. Rosario, *En Banc*].

⁸² *Id.*

⁸³ *People v. Sampa*, G.R. No. 242160, July 8, 2019 [Per J. J.C. Reyes, Second Division].

with this interpretation of the second part of Sec. 21 (1) of R.A. No. 9165, as amended, regarding warrantless seizures, to wit:

2.8 Rules on Anti-Illegal Drugs Operations

xxx xxx xxx

1) Drug Evidence

a) Upon seizure or confiscation of dangerous drugs or CPECs, laboratory equipment, apparatus and paraphernalia, the operating unit's seizing officer/inventory officer must conduct the photographing, marking and physical inventory in the place of operation in the presence of:

(1) The suspect/s or the person/s from whom such items were confiscated and/or seized or his/her representative or counsel;

(2) An elected public official; and

(3) Representative from the National Prosecution Service (NPS) or media, who shall affix their signatures and who shall be given copies of the inventory. The Chain of Custody Form for Drug Evidence, Non-Drug Evidence and for Laboratory (Annexes "T", "U" and "V"), whichever is applicable, shall also be accomplished together with the Certificate of Inventory of Seized Items (Annex "W").

b) For seized or recovered drugs covered by search warrants, the photographing, marking and inventory must be done in the place where the search warrant was served.

c) For warrantless seizures like buy-bust operations, the photographing, markings, and physical inventory must be done at the place of apprehension, unless for justifiable reasons, the photographing, markings, and physical inventory may be made at the nearest police station or office of the apprehending officer or team, ensuring that the integrity and evidentiary value of the seized items remain intact and preserved. Such justification or explanation as well as the steps taken to preserve the integrity and evidentiary value of the seized/confiscated items shall be clearly stated in a sworn affidavit of justification/explanation of the apprehending/seizing officers.⁸⁴ (Citations omitted)



⁸⁴ *People v. Casa*, G.R. No. 254208, August 16, 2022 [Per C.J. Gesmundo, *En Banc*].

Moreover, *Casa* illuminates that the law compels the apprehending officers to provide a practicable reason to conduct the inventory and photographing at the nearest police station or office. Without one, they must immediately conduct these processes at the place of arrest or seizure. This is to limit the time frame of the transfer of the contraband between the accused and the arresting officer. This also provides an “independent and impartial source of evidence” in the chain of custody.⁸⁵ The reason must be “sensible, practicable, consistent and not merely generic or afterthought excuses.”⁸⁶

The third *proviso* in Section 21 refers to the saving clause in cases of noncompliance with the requirements. The prosecution must first acknowledge and justify the deviation before they can invoke the saving clause:

Certainly, the prosecution bears the burden of proof to show valid cause for non-compliance with the procedure laid down in Section 21 of R.A. 9165, as amended. It has the positive duty to demonstrate observance thereto in such a way that, during the proceedings before the trial court, it must initiate in acknowledging and justifying any perceived deviations from the requirements of the law. Its failure to follow the mandated procedure must be adequately explained and must be proven as a fact in accordance with the rules on evidence. The rules require that the apprehending officers do not simply mention a justifiable ground, but also clearly state this ground in their sworn affidavit, coupled with a statement on the steps they took to preserve the integrity of the seized item. A stricter adherence to Section 21 is required where the quantity of illegal drugs seized is miniscule since it is highly susceptible to planting, tampering, or alteration.⁸⁷

The prosecution cannot rely on the presumption of regularity in the conduct of operations when invoking the saving clause under Section 21.⁸⁸ Noncompliance with the standard requirements outlined under the law already shows irregularity in the performance of duties.⁸⁹ When there is deviation from Section 21, the prosecution has the burden to prove that the integrity and the evidentiary value of the seized items are properly preserved, as in *People v. Casa*:

Accordingly, before the prosecution can invoke the saving clause, they must satisfy the two requisites:

1. The existence of “justifiable grounds” allowing departure from the rule on strict compliance; and

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *People v. Sanico*, 876 Phil. 514, 525–526 (2020) [Per J. Peralta, First Division].

⁸⁸ *Tumabini v. People*, 871 Phil. 289, 308 (2020) [Per J. Gesmundo, Third Division], citing *People v. Carlit*, 816 Phil. 940 (2017) [Per J. Peralta, Third Division].

⁸⁹ *People v. Comoso*, 851 Phil. 965, 981 (2019) [Per J. Leonen, Third Division], citing *People v. Kamad*, 624 Phil. 289 (2010) [Per J. Brion, Second Division].

2. The integrity and the evidentiary value of the seized items are properly preserved by the apprehending team.

Whenever the first prong is not complied with, the prosecution shall not be allowed to invoke the saving clause to salvage its case. In *Valencia v. People*, it was underscored that the arresting officers are under obligation, should they be unable to comply with the procedures laid down under Sec. 21, Art. II of R.A. No. 9165, to explain why the procedure was not followed and prove that the reason provided a justifiable ground. Otherwise, the requisites under the law would merely be fancy ornaments that may or may not be disregarded by the arresting officers at their own convenience.

Similarly, in *People v. Acub*, the Court also did not apply the first prong of the saving clause because, despite the blatant lapses, the prosecution did not explain the arresting officers' failure to comply with the requirements in Sec. 21.

On the other hand, the *second prong requires that the integrity and the evidentiary value of the seized items are properly preserved* by the apprehending team. According to *People v. Adobar*, *the integrity of the seized illegal drugs, despite noncompliance with Sec. 21, requires establishing the four links in the chain of custody: first, the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer; second, the turnover of the illegal drug seized by the apprehending officer to the investigating officer; third, the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and fourth, the turnover and submission of the marked illegal drug seized from the forensic chemist to the court.*⁹⁰ (Emphasis supplied, citations omitted)

The prosecution must establish every link in the chain of custody, accounting for the *corpus delicti*'s movement:

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 condition of the item and no opportunity for someone not in the chain to have possession of the same.

While testimony about a perfect chain is not always the standard because it is almost always impossible to obtain, *an unbroken chain of custody becomes indispensable and essential when the item of real evidence is not distinctive and is not readily identifiable*, or when its

⁹⁰ *People v. Casa*, G.R. No. 254208, August 16, 2022 [Per C.J. Gesmundo, *En Banc*].

condition at the time of testing or trial is critical, or when a witness has failed to observe its uniqueness. The same standard likewise obtains in case the evidence is susceptible to alteration, tampering, contamination and even substitution and exchange. In other words, the exhibit's level of susceptibility to fungibility, alteration or tampering — without regard to whether the same is advertent or otherwise not — dictates the level of strictness in the application of the chain of custody rule.⁹¹ (Emphasis supplied, citations omitted)

Moreover, in determining whether deviations in the chain of custody is justified, the following considerations are relevant: “the degree of preparation of the conduct of pre-arranged activities . . ., the amount of illicit items seized from the accused, and the degree of involvement of the accused in the drug trade.”⁹²

Here, the taking of inventory and photographing were only conducted at the police station and not at the place of arrest or seizure.⁹³ It was not shown that the witnesses were at or near the place of arrest to witness the taking of the inventory. This was in blatant disregard of the immediacy requirement under Section 21 of Republic Act No. 9165. Panggoy testified that they did these processes at the police station because large vehicles were exiting the port.⁹⁴ Aside from this generic statement, there was no sufficient explanation as to how the exiting vehicles prevented them from taking photographs and doing physical inventory where the arrest and seizure happened.

More importantly, there were glaring irregularities in the chain of custody, originating from the marking of the seized contraband. The fatal error involved a struck-out portion of the stated marking in a document showing the chain of custody. This alteration broke the chain, tainting the identity and integrity of the *corpus delicti*.

Marking of the seized contraband is an important component of the first link of chain of custody. The apprehending officer places identifying marks on the seized item, usually with their initials and signature. The entire chain of custody is founded on the correct marking of the specimen because the marking serves as a reference point for all succeeding handling of the dangerous drugs.⁹⁵ Owing to its crucial purpose, marking should be immediately done right after the seizure of the dangerous drugs. This obviates unnecessary doubts on the first custodial link. Failure to mark at the point of seizure endangers the integrity of the chain of custody.⁹⁶

⁹¹ *People v. Mallilin*, 576 Phil. 576, 587–588 (2008) [Per J. Tinga, Second Division].

⁹² J. Leonen, Separate Opinion in *Nisperos v. People*, G.R. No. 250927, November 29, 2022 [Per J. Rosario, *En Banc*].

⁹³ *CA rollo*, pp. 33–37.

⁹⁴ TSN, Police Officer I Crisanto Panggoy, November 15, 2017, p. 13.

⁹⁵ *People v. Enriquez*, 718 Phil. 352, 367 (2013) [Per J. Leonardo de Castro, First Division], *citing* *People v. Zakaria*, 699 Phil. 367 (2012) [Per J. Bersamin, First Division].

⁹⁶ *Id.*

In *Tumabini v. People*,⁹⁷ the marked contraband must be placed in an envelope or an evidence bag unless it requires a different type of handling:

[A]side from marking, the seized items should be placed in an envelope or an evidence bag unless the type and quantity of these items require a different type of handling and/or container. The evidence bag or container shall accordingly be signed by the handling officer and turned over to the next officer in the chain of custody. The purpose of placing the seized item in an envelope or an evidence bag is to ensure that the item is secured from tampering, especially when the seized item is susceptible to alteration or damage.⁹⁸

Records show that the marking was immediately done right after accused-appellant Valencia's arrest. Panggoy testified that he marked a transparent plastic sachet with white crystalline substance seized from accused-appellant Valencia and placed it in a brown envelope that was brought to the station.⁹⁹ We are inclined to believe his detailed account over leading questions asked to witnesses Ragay and Rio, which Valencia argues to have proven that the marking was done at the police station and not at the place of arrest.¹⁰⁰

While we believe that the marking was done at the place of arrest, there is a glaring error which tainted the entire chain of custody. Records state that the seized drugs had the marking "FLV-RA-06-16-16." During the direct examination of Panggoy, however, he stated that he marked the item as "FLV-RA-06-16-2016."¹⁰¹

Q: So what did you do when you were already secured by two (2) other personnel? What were you doing at that time? What were you doing, if you did anything?

A: After a short while, ma'am, I marked the item.

Q: What is the marking of the item that you placed?

A: **FLV-RA-06-16-2016.**

Q: Now Mr. Witness, why did you mark it with FLV and then with RA?

A: It means Francis Lorenzo and Ryan Antipuesto, ma'am.

Q: From whom did you learn the true name of the persons whose initials you wrote in the markings?

A: Our informant told us and during the arrest, I verified their true identity.¹⁰² (Emphasis supplied)

⁹⁷ G.R. No. 224495, February 19, 2020 [Per J. Gesmundo, Third Division].

⁹⁸ *Id.*

⁹⁹ TSN, Police Officer I Crisanto Panggoy, November 15, 2017, pp. 11, 23, 25–26.

¹⁰⁰ *Rollo*, p. 43.

¹⁰¹ TSN, Police Officer I Crisanto Panggoy, November 15, 2017, p. 11.

¹⁰² TSN, Police Officer I Crisanto Panggoy, November 15, 2017, p. 11.

Moreover, the Letter Request for crime laboratory examination signed by their team leader, Senior Police Officer I Carlo E. Desano, identified the specimen for forensic examination as “[o]ne (1) Big heat Sealed Transparent plastic sachet containing suspected shabu powder/granules marked as *FLV/RA-BB-01-16-2016* with signature.”¹⁰³ However, the Letter was altered, such that in the last four digits, the “20” has been struck off, making it appear that the Letter Request pertained to a specimen with the marking “*FLV-RA-06-16-16.*” This error became apparent in the third link of the chain of custody, or during the transfer of the illegal drugs from the investigating officer to the forensic chemist.¹⁰⁴ Cañete received the Letter Request and specimen for forensic examination but acknowledged that the marking in the specimen did not match the marking indicated in the Letter Request. Despite the discrepancy, she made the fatal mistake of allowing Panggoy to alter the marking stated in the Letter Request from the apprehending team:

Q: You said a while ago that after you opened the tape-sealed brown envelope, checked the markings inside, compared it to the markings stated in the memorandum request, you placed inside the sachet or the specimen, sealed the brown envelope and placed your signature, correct?

A: Yes, ma’am.

....

Q: Pulling out the content of this particular brown envelope which is a heat-sealed transparent sachet containing big white crystalline substance marked as our Exhibit “D-2” with markings *FLV/RA-BB-01-16-16* with signature. Now, Madam witness, please tell this Honorable Court what relation has that sachet with the sachet that you received from Pangoy on January 16, 2016?

A: This is the same sachet that I received from PO1 Panggoy, ma’am because the markings is the same in the memorandum request.

Q: Okay, comparing or presenting to you again the memorandum request, I have noticed, Madam witness, that in the markings as stated in this request, there is an erasure, correct, particularly the date instead of 2016, the 20 was erased to make it appear as 16, correct?

A: Yes, ma’am.

Q: As shown in that request as reflected, now may I know, Madam witness, if you have personal knowledge as to the correction of that particular portion of the markings?

A: Yes, ma’am.

Q: Who made the correction?

A: It was PO1 Panggoy since . . .

¹⁰³ RTC rollo, p. 93.

¹⁰⁴ *People v. Del Rosario*, G.R. No. 235658, June 22, 2020 [Per J. Gesmundo, Third Division], citing *People v. Asaytuno*, G.R. No. 245972, December 02, 2019 [Per J. Leonen, Third Division].

- Q: Where did Panggoy correct that, at what place did he correct that particular portion of the markings as stated in the request? Where was he that time?
- A: He was there in the office, ma'am, when ah, after I checked the markings and then there was ah, *the markings on the specimen was not the same in the letter request so I corrected the memorandum request so that the markings in the specimen will be the same as reflected in the request.*
- Q: You said a while ago that it was Panggoy who made and then later on you said that you corrected the request so just to be clarified, between you and Panggoy, who made that erasure?
- A: It was PO1 Panggoy since he was the one who brought the letter request, ma'am.
- Q: And at what place did he make that correction?
- A: Inside the crime lab office, ma'am.
- Q: Are you sure then that this sachet in front of you right now is the very same sachet?
- A: Yes, ma'am.¹⁰⁵

The ease in which Panggoy was allowed to make the alteration can be attributed to the lack of a designated investigating officer. The name of the investigating officer does not appear in the records.

The turnover of the apprehending officer to the investigating officer of the seized illegal drugs is the second link in the chain of custody.¹⁰⁶ The assigned investigator "shall keep and preserve notes to record the actual conduct of the operation including valuable information that can be used in the prosecution of the case or in the conduct of future operations."¹⁰⁷ Generally, a separate officer is in charge of the investigation and preparation of the required documents in relation to the criminal case.¹⁰⁸ However, an arresting officer could also be designated as the investigating officer.¹⁰⁹

Here, it does not appear that a separate investigating officer had been assigned. From Panggoy's testimony, it appears that he was not only the poseur buyer; records show that he was also the seizing officer and the evidence custodian.¹¹⁰ He arrested accused-appellant Valencia, seized and marked the sachet of white crystalline substance, and kept it in his custody. At the police station, he prepared the inventory form, and subsequently, the

¹⁰⁵ TSN, Police Officer III Michelle Cañete, September 28, 2017, pp. 13–15.

¹⁰⁶ *People v. Nandi*, 639 Phil. 134, 144–145 (2010) [Per J. Mendoza, Second Division].

¹⁰⁷ Revised Philippine National Police Manual on Anti-Illegal Drugs Operations and Investigations, Chapter 2, sec. 2.19.

¹⁰⁸ *Tumabini v. People*, G.R. No. 224495, February 19, 2020 [Per J. Gesmundo, Third Division].

¹⁰⁹ *People v. Hementiza*, 807 Phil. 1017, 1034–1035 (2017) [Per J. Mendoza, Second Division].

¹¹⁰ RTC *rollo*, p. 21.

Letter Request for the specimen's transfer to the crime laboratory, and finally delivered it to Cañete.¹¹¹

While Panggoy was responsible as seizing officer and evidence custodian, he had no authority to modify the Letter Request reflecting the chain of custody. Otherwise, it would be very easy to manipulate the paper trail recording the movement of the *corpus delicti*.

Cañete had no personal knowledge whether the specimen submitted for testing was the same sachet seized from accused-appellants. Upon seeing that the actual marking on the specimen did not match the marking stated in the Letter Request, she should not have accepted the same. Allowing the alteration in the Letter Request broke the third link in the chain of custody. Thus, when the forensic chemist examined and presented the specimen to the trial court, it was no longer certain that they were the same drugs seized from accused-appellants.

The paper trail or receipts recording the movement of seized specimen are important evidence showing the chain of custody. These documents must accurately reflect the marking written on the confiscated drugs and the series of transfers. Succeeding handlers of the seized contraband will have to rely on the marking stated in these documents and compare it with the actual marking on the specimen. To preserve the chain of custody, the specimen must bear the reference marking stated in the paper trail. If properly accomplished and made integral in the records, these receipts can assist the courts in verifying the identity of the *corpus delicti*.¹¹² There being reasonable doubt on the integrity and identity of the *corpus delicti*, we acquit accused-appellants.

ACCORDINGLY, the May 31, 2019 Decision of the Court of Appeals in CA-G.R. CEB CR-HC No. 02906 is hereby **REVERSED** and **SET ASIDE**. Accused-appellants Francis Valencia y Lorenzo and Ryan Antipuesto are **ACQUITTED** of the crime of illegal sale of dangerous drugs and are ordered **RELEASED** from confinement unless they are being held for some other legal grounds.

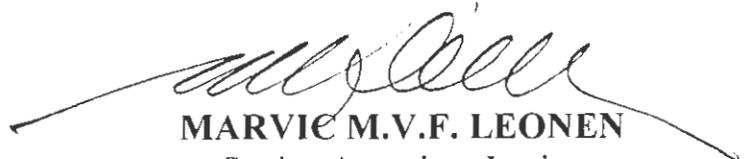
Let a copy of this Decision be furnished to the Director General of the Bureau of Corrections for immediate implementation. The Director General is directed to report the action he has taken to this Court within five (5) days from receipt of this Decision. For their information, copies shall also be furnished to the Chief of the Philippine National Police and the Director General of the Philippine Drug Enforcement Agency. 

¹¹¹ TSN, Police Officer I Crisanto Panggoy, November 15, 2017, pp. 13–16.

¹¹² *People v. Honasan*, G.R. No. 240922, August 7, 2019 [Per J. Inting, Third Division].

Let entry of judgment be issued immediately.

SO ORDERED.

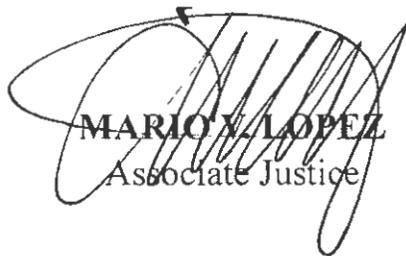


MARVIC M.V.F. LEONEN
Senior Associate Justice

WE CONCUR:



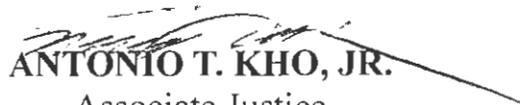
AMY C. LAZARO-JAVIER
Associate Justice



MARIO V. LOPEZ
Associate Justice



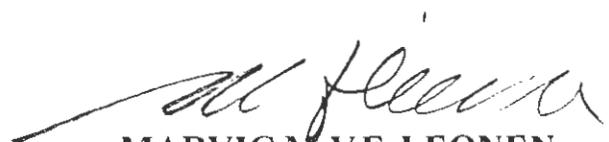
JHOSEP V. LOPEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice

ATTESTATION

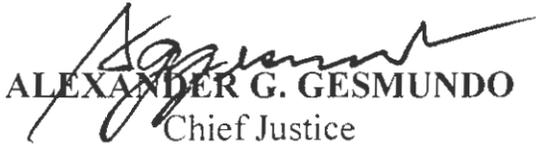
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALEXANDER G. GESMUNDO
Chief Justice