



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **13 January 2021** which reads as follows:*

“G.R. No. 246327 (*Ramel De Guzman y Reyes vs. People of the Philippines*). — We acquit.

Petitioner is charged with and convicted of Illegal Possession of Dangerous Drugs committed on August 30, 2015. Republic Act No. 9165 (RA 9165), as amended by Republic Act No. 10640 (RA 10640), therefore, governs the disposition of this case.

In illegal drugs cases, the drug itself constitutes the *corpus delicti* of the offense. The prosecution, therefore, is tasked to establish that the substance illegally possessed by the accused is the same substance presented in court.¹ The chain of custody requirement performs this function by ensuring that unnecessary doubts concerning the identity of the evidence are removed.² It came to fore due to the unique characteristics of illegal drugs which render them indistinct, not readily identifiable, and easily open to tampering, alteration or substitution, by accident or otherwise.³

Chain of custody refers to the 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 the seized items shall include the identity and signature of the person who

¹ See *People v. Caray*, G.R. No. 245391, September 11, 2019.

² See *People v. Gayoso*, 808 Phil. 19, 30 (2017).

³ See *People v. Miranda*, G.R. No. 218126, July 10, 2019.

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held temporary custody thereof, 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.⁴ The prosecution, therefore, must establish the following 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.⁵

We focus on the fourth link.

Here, the parties stipulated on the proposed testimony and dispensed with the presentation of witness Police Chief Inspector Myrna C. Malojo-Todeño (PCI Malojo-Todeño). As it was, however, the stipulation was limited to the seized items' identity and the result of the laboratory examination:

However, in today's Pre-Trial Conference, both parties have agreed that the items seized were the same items submitted for Forensic Examination, the results of which are also admitted. With those admissions, Pros. Edgardo A. Martin, Jr. manifested that he is dispensing the testimony of PCI Myrna Malojo-Todeño but with a condition that the Final Chemistry Report as well as the items submitted for Laboratory Examination will be submitted to the Court.⁶

Surely, this is not sufficient to establish the fourth link of the chain. *People v. Ubungen*⁷ instructs that where parties stipulate on the testimony of the forensic chemist, such stipulation should include the precautionary steps required in order to preserve the integrity and evidentiary value of the seized item, thus: (1) the forensic chemist received the seized item as marked, properly sealed, and intact; (2) he or she resealed it after examination of the content; and (3) he or she placed his or her own marking on the same to ensure that it could not be tampered pending trial.

As stated, the prosecution and the defense herein simply stipulated that the items supposedly seized from petitioner tested positive for *shabu*. The stipulation lacked essential details on whether PCI Malojo-Todeño resealed the seized items after examination and placed her own markings to prevent tampering. Too, nothing on record shows that she took precautionary measures after examination of the seized items to preserve their integrity and

⁴ See *Tumabini v. People*, G.R. No. 224495, February 19, 2020.

⁵ *Supra* note 2.

⁶ Record, p. 59.

⁷ G.R. No. 225497, July 23, 2018.

evidentiary value. Absent any testimony regarding the management, storage, and preservation of the illegal drug allegedly seized herein after its qualitative examination, the fourth link in the chain of custody of the seized items could not be deemed established to a moral certainty.⁸

In *People v. Miranda*,⁹ the Court acquitted appellant Danilo Miranda for the parties' ineffective stipulation of the forensic chemist's proposed testimony, among others. There, the parties' stipulations did not contain vital information that Insp. Mangalip received the seized drugs intact, marked, and properly sealed; that Insp. Mangalip resealed the drug items after examination of the content; and, that Insp. Mangalip placed his own marking on the drug items — leaving a huge gap in the chain of custody of the seized drugs.

So must it be.

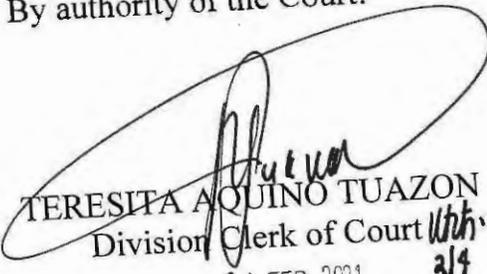
WHEREFORE, the petition is **GRANTED** and the Court of Appeals' Decision dated September 11, 2018 and Resolution dated March 29, 2019 in CA-G.R. CR No. 40338, **REVERSED** and **SET ASIDE**.

Ramel de Guzman y Reyes is **ACQUITTED** of violation of Section 11, Article II of Republic Act No. 9165, as amended by RA 10640 and his bail bond is ordered **CANCELLED**.

Let the corresponding entry of final judgment be immediately issued.

SO ORDERED.

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court
04 FEB 2021
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⁸ *Id.*

⁹ G.R. No. 218126, July 10, 2019.

MARTINEZ VELASQUEZ & ASSOCIATES
LAW OFFICES (reg)
Counsel for Petitioner
2nd Floor, Units 205-206, Maradel Bldg.
2400 Dagupan City

OFFICE OF THE SOLICITOR GENERAL (reg)
134 Amorsolo Street
1229 Legaspi Village
Makati City

RAMEL DE GUZMAN y REYES (reg)
Petitioner
Brgy. Linoc, Binmaley
Pangasinan

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 38
Lingayen, Pangasinan

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COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. CR No. 40338

Please notify the Court of any change in your address.
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