



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **03 March 2021** which reads as follows:*

**“G.R. No. 251444 (*People of the Philippines v. Maui Labay y Macarimbang*). – We acquit.**

In cases of Illegal Sale and Illegal Possession of Dangerous Drugs, the dangerous drugs seized from the accused constitute the *corpus delicti* of the offense. The integrity and identity of the seized drugs must be shown to have been duly preserved from the moment they were confiscated until presented in court.<sup>1</sup>

To ensure the integrity of the seized drugs, the prosecution must account for each link in its chain of custody:<sup>2</sup> *first*, the seizure and marking of the illegal drugs recovered from the accused by the apprehending officer; *second*, the turnover of the illegal drugs seized by the apprehending officer to the investigating officer; *third*, the turnover by the investigating officer of the illegal drugs to the forensic chemist for laboratory examination;

---

<sup>1</sup> *Fajardo v. People*, 691 Phil. 752, 758-759 (2012), citing *People v. Gutierrez*, 614 Phil. 285, 293 (2009).

<sup>2</sup> As defined in Section 1(b) of Dangerous Drugs Board Regulation No. 1, Series of 2002:

x x x x

b. “Chain of Custody” means 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 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[.]

x x x

and *fourth*, the turnover and submission of the marked illegal drugs seized by the forensic chemist to the court.<sup>3</sup>

The Informations here alleged that the crimes charged were committed on October 4, 2016. The governing law, therefore, is Republic Act No. 10640 (RA 10640),<sup>4</sup> amending Republic Act No. 9165 (RA 9165). Section 1 of RA 10640, amending Section 21 of RA 9165 outlines the mandatory procedural safeguards in the preservation of the *corpus delicti*, viz.:

SECTION 1. Section 21 of Republic Act No. 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002", is hereby amended to read as follows:

SEC. 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:

(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 person/s 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.***

x x x x

(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 examined by the forensic laboratory: *Provided, however, That a**

<sup>3</sup> *People v. Dahil*, 750 Phil. 212, 231 (2015).

<sup>4</sup> AN ACT TO FURTHER STRENGTHEN THE ANTI-DRUG CAMPAIGN OF THE GOVERNMENT, AMENDING FOR THE PURPOSE SECTION 21 OF REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002." Amendment to R.A. No. 9165 (Anti-Drug Campaign of the Government), Republic Act No. 10640, July 15, 2014).

final certification shall be issued immediately upon completion of the said examination and certification.

Here, the prosecution failed to establish an unbroken chain of custody.

*For one*, Police Officer 1 Jeremias Ramos (PO1 Ramos) testified that he had sole custody of the confiscated items from the time they were seized until the same had been turned over to the forensic laboratory. There is **nothing** on the records, however, showing how PO1 Ramos properly handled or stored the seized items prior to its qualitative examination.

In *People v. Beran*,<sup>5</sup> the arresting officer failed to explain how he preserved his exclusive custody of the seized item until he turned it over to the forensic chemist. The Court ruled that the integrity and evidentiary value of the seized item had been **fatally compromised**, warranting the accused's acquittal.

Also, in *People v. Gayoso*,<sup>6</sup> the Court acquitted Gayoso for the prosecution's failure to adduce evidence how the seizing officers properly handled and preserved the drug kept under their custody until it was turned over to the forensic chemist for qualitative examination. Thus, it cannot be reasonably concluded that the confiscated item was the same one seized from Gayoso and eventually presented in court as evidence.

*For another*, PO1 Ramos claimed that one "Senior Police Officer 1 Jocelyn Sibal (SPO1 Sibal)" purportedly received the seized drugs at Laguna Provincial Crime Laboratory Office. But "SPO1 Sibal" did not take the stand to attest that he/she, indeed, personally received the items from PO1 Ramos. Likewise, "SPO1 Sibal" did not have the opportunity to testify on the circumstances surrounding: a) the condition of specimens upon purported receipt thereof; b) the proper handling of the specimens while they were in his/her custody; c) the exact time he/she turned over the specimens to Forensic Chemist Grace Plantilla-Bombasi (Forensic Chemist Plantilla-Bombasi) who performed the qualitative examination over the same; and d) the condition of the specimens upon being handed to Forensic Chemist Plantilla-Bombasi. Surely, this is another gap in the chain of custody of the *corpus delicti*.

*People v. Gajo*<sup>7</sup> ordained that persons who had custody of the seized item should be able to testify on precautionary measures taken to ensure that its integrity and evidentiary value remained intact from the time it was confiscated until presented in court as evidence, thus:

---

<sup>5</sup> 724 Phil. 788, 821 (2014).

<sup>6</sup> 808 Phil. 19, 36 (2017).

<sup>7</sup> 824 Phil. 140, 154 (2018).

x x x to establish an unbroken chain of custody, every person who touched the seized illegal drug must describe how and from whom it was received; its condition upon receipt, including its condition upon delivery to the next link in the chain.

*Finally*, both the prosecution and defense stipulated on and dispensed with the testimony of Forensic Chemist Plantilla-Bombasi during the pre-trial on March 30, 2017.<sup>8</sup> The stipulation focused on the following: 1) the Laguna Provincial Crime Laboratory Office received ten (10) pieces heat sealed plastic sachets; 2) Forensic Chemist Plantilla-Bombasi conducted a qualitative examination of the specimens which tested positive for *methamphetamine hydrochloride*; and 3) Forensic Chemist Plantilla-Bombasi had no personal knowledge from whom the specimens subject of the qualitative examination had been seized.

**The stipulation did not bear: 1) the condition of the specimens before Forensic Chemist Plantilla-Bombasi received them; 2) whether Forensic Chemist Plantilla-Bombasi labeled the specimens to prevent any case of alteration or tampering; 3) whether the specimens had been placed in a secured container or evidence bag; 4) the exact location where the specimens had been stored; 5) the precautionary steps that Forensic Chemist Plantilla-Bombasi undertook in preserving the integrity and evidentiary value of the seized drugs while it remained in her possession; and 7) the proper handling of the seized items upon their retrieval from an unknown place where they had been kept until the same reached the court.**

Indeed, **no explanation** was given regarding the custody of the seized drugs in the interim – from the moment the seized items were received for laboratory examination until they were presented in court.

In *People v. Galisim*,<sup>9</sup> the prosecution and the defense dispensed with Forensic Chemist PCI Cariño's testimony. The Court noted that although Physical Science Report No. D-54-11E was offered in evidence, nothing therein showed the **manner by which the specimens were handled before forensic chemist PCI Cariño received them, and how these items left his possession to ensure they will not be substituted or tampered with during trial**. The Court, thus, ruled that the fourth link in the chain of custody of the illegal drugs could not be reasonably established, thus, warranting Galisim's acquittal from the charges of Illegal Sale and Illegal Possession of Dangerous Drugs.

---

<sup>8</sup> Record, pp. 000045-000046.

<sup>9</sup> G.R. No. 231305, September 11, 2019.

The Court noted in *People v. Mola*,<sup>10</sup> that the turnover and submission of the seized item from the forensic chemist to the court was not established. Neither was there any evidence indicating how the sachet of *shabu* was stored and kept during and after the laboratory examination, let alone, identifying the person/s who had custody of the item before it was presented in court as evidence. In that case, the Court also acquitted the accused from violation of RA 9165. So must it be in the present case.

Verily, the prosecution witnesses here failed to describe the precautions taken to ensure that there had been no change in the condition of the items and no opportunity for someone not in the chain to have possession of the same. The prosecution, therefore, cannot apply the saving mechanism of Section 21 of the Implementing Rules and Regulations of RA 9165 because it miserably failed to prove that the integrity and the evidentiary value of the seized items were preserved.<sup>11</sup>

Finally, the prosecution cannot depart from the issue of a broken chain of custody by relying on the presumption of regularity in the performance of official functions. For to allow the presumption to prevail notwithstanding clear errors on the part of the police is to negate the safeguards precisely placed by law to ensure that no abuse is committed.<sup>12</sup> Here, the presumption was overturned by compelling evidence of the serious breaches of the chain of custody rule.

**WHEREFORE**, the appeal is **GRANTED**. The Decision dated August 27, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 10882 is **REVERSED** and **SET ASIDE**. Accused-appellant Maui Labay y Macarimbang is **ACQUITTED** in Criminal Case Nos. **27848-2016-C and 27849-2016-C**.

The Director of the Bureau of Corrections is **ORDERED** to cause the **IMMEDIATE RELEASE** from custody of accused-appellant Maui Labay y Macarimbang unless she is being held for some other lawful cause and inform the Court of the action taken within five (5) days from notice.

Let an entry of judgment be issued immediately.

**SO ORDERED.** (Rosario, J., on leave)

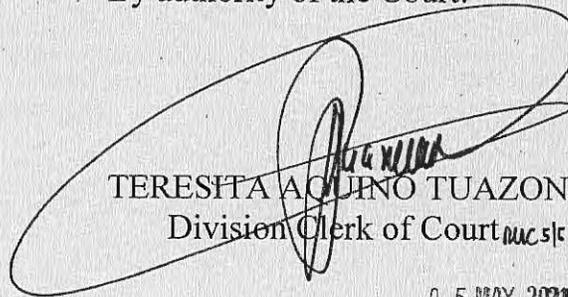
---

<sup>10</sup> 830 Phil. 364, 381 (2018).

<sup>11</sup> *People v. Fulinara*, G.R. No. 237975, June 19, 2019.

<sup>12</sup> See *People v. Macud*, 822 Phil. 1016, 1042 (2017).

By authority of the Court:



TERESITA AQUINO TUAZON  
Division Clerk of Court *mac slt*

0 5 MAY 2021

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

PUBLIC ATTORNEY'S OFFICE (reg)  
Special & Appealed Cases Service  
Department of Justice  
PAO-DOJ Agencies Building  
NIA Road corner East Avenue  
1104 Diliman, Quezon City

MAUI LABAY y MACARIMBANG (x)  
Accused-Appellant  
c/o The Superintendent  
Correctional Institution for Women  
1550 Mandaluyong City

THE SUPERINTENDENT (x)  
Correctional Institution for Women  
1550 Mandaluyong City

THE DIRECTOR (x)  
Bureau of Corrections  
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 37  
Calamba City, Laguna  
(Crim. Case Nos. 27848-2016-C & 27849-2016-C)

JUDGMENT DIVISION (x)  
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)  
LIBRARY SERVICES (x)  
[For uploading pursuant to A.M. No. 12-7-SC]

OFFICE OF THE CHIEF ATTORNEY (x)  
OFFICE OF THE REPORTER (x)  
PHILIPPINE JUDICIAL ACADEMY (x)  
Supreme Court, Manila

COURT OF APPEALS (x)  
Ma. Orosa Street  
Ermita, 1000 Manila  
CA-G.R. CR-HC No. 10882

*Please notify the Court of any change in your address.*  
GR251444. 3/03/2021A(100)URES(a)

**A(100)URES(a)**