



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated May 3, 2021 which reads as follows:

“G.R. No. 244325 – ROY TUAZON Y SAGALES, petitioner, versus PEOPLE OF THE PHILIPPINES, respondent.

After a careful review of the records of the instant case, the Court hereby **REVERSES** the Decision¹ dated July 31, 2018 and Resolution² dated January 22, 2019 of the Court of Appeals (CA) in CA-G.R. CR No. 40370, which affirmed the Decision³ dated July 27, 2017 of the Regional Trial Court of Makati City, Branch 65 (RTC) in Criminal Case No. R-MKT-17-00138-CR, finding petitioner Roy Tuazon y Sagales (Tuazon) guilty beyond reasonable doubt of violating Section 13, Article II of Republic Act No. (R.A.) 9165, otherwise known as the “Comprehensive Dangerous Drugs Act of 2002,”⁴ as amended.

Section 21, Article II of R.A. 9165, which was amended by R.A. 10640 in 2014, requires that: 1) the seized illicit drugs be inventoried and photographed at the place of seizure or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable; 2) the physical inventory and photographing be done in the presence of (a) the accused or his/her representative or counsel, (b) an elected public official, and (c) a representative of the National Prosecution Service (NPS) or the media; and 3) the accused

- over – four (4) pages ...

118

¹ *Rollo*, pp. 37-51. Penned by Associate Justice Josep Y. Lopez (now a Member of this Court) with Associate Justices Japar B. Dimaampao and Manuel M. Barrios.

² *Id.* at 53-55.

³ *CA rollo*, pp. 35-38. Penned by Judge Gina M. Bibat-Palamos.

⁴ Entitled, “AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES,” approved on June 7, 2002.

or his/her representative and all of the aforesaid witnesses be required to sign the copies of the inventory and be given a copy thereof.⁵ Failure to comply with the chain of custody calls into question the very integrity and evidentiary value of the *corpus delicti* and results in the acquittal of the accused.⁶

The mandatory procedure in Section 21 applies to warrantless seizures even when the same was not made in relation to a buy-bust operation. Thus, in the cases of *Mariñas v. People*,⁷ *Ramos v. People*,⁸ *Santos v. People*,⁹ *Hedreyda v. People*,¹⁰ *Limbo v. People*,¹¹ and *Fuentes v. People*,¹² where accused was caught *in flagrante delicto* for possession of illicit drugs, as in this case, the Court applied the requirements of Section 21 of R.A. 9165 and acquitted the accused for failure of the apprehending officers to secure the required witnesses during the conduct of the inventory and photography of the seized items. The Court has consistently emphasized that the presence of the enumerated witnesses during the seizure and inventory of the seized items is required by law to ensure the establishment of the chain of custody and remove any suspicion of switching, planting, or contamination of evidence.¹³

In the instant case, Police Officer 1 Christopher B. Dang-it admitted during his cross-examination that although Barangay Captain Jeline M. Olfato (Brgy. Capt. Olfato) was present, the inventory and photographing was not done in the presence of a representative of the NPS nor of the media.¹⁴ In addition, a perusal of the records categorically shows that neither Tuazon nor his representative signed the inventory.¹⁵ In fact, the inventory was only signed by the apprehending officers and Brgy. Capt. Olfato.¹⁶

- over -

118

⁵ *People v. Fayo y Rubio*, G.R. No. 239887, October 2, 2019 accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/6677>>.

⁶ *People v. Tubera*, G.R. No. 216941, June 10, 2019, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65306>>.

⁷ G.R. No. 232891, July 23, 2018, 873 SCRA 472,

⁸ G.R. No. 233572, July 30, 2018, 874 SCRA 595.

⁹ G.R. No. 232950, August 13, 2018, 877 SCRA 160.

¹⁰ G.R. No. 243313, November 27, 2019, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66031>>.

¹¹ G.R. No. 238299, July 1, 2019, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65440>>.

¹² G.R. No. 228718, January 7, 2019, 890 SCRA 75.

¹³ *People v. Guieb*, G.R. No. 233100, February 14, 2018, 855 SCRA 620, 637.

¹⁴ Transcript of Stenographic Notes, April 20, 2017, p. 127.

¹⁵ Records, p. 67.

¹⁶ Id.

The Court recognizes that there are instances wherein departure from the aforesaid mandatory procedures is permissible. Section 21¹⁷ of R.A. 9165, as amended by R.A. 10640, expressly provides that “x x x non[-]compliance 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.” A plain reading of the provision unequivocally shows, however, that the law requires that the prosecution to first 1) recognize any lapses on the part of the police officers and 2) justify the same, before the saving clause may be given effect. Unfortunately, the prosecution miserably failed to do so in the instant case.

The unexplained and unjustified lapses cast reasonable doubt as to the identity and integrity of the illicit drugs seized and, consequently, reasonable doubt as to the guilt of Tuazon. In view of the foregoing, Tuazon must be acquitted because the prosecution failed to prove the *corpus delicti* of the offense charged.

WHEREFORE, in view of the foregoing, the appeal is hereby **GRANTED**. The July 31, 2018 Decision and January 22, 2019 Resolution of the Court of Appeals in CA-G.R. CR No. 40370 are hereby **REVERSED** and **SET ASIDE**. Accordingly, petitioner Roy Tuazon y Sagales is hereby **ACQUITTED** of the crime charged on the ground of reasonable doubt and is **ORDERED IMMEDIATELY**

- over -

118

¹⁷ The said section reads 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 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.

RELEASED from detention unless he is being lawfully held for another cause. Let an entry of final judgment be issued immediately.

Let a copy of this Resolution be furnished the Director General of the Bureau of Corrections of Muntinlupa City for immediate implementation. The said Director is **ORDERED** to **REPORT** to this Court within five (5) days from receipt of this Resolution the action he has taken.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court Wd30

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
118

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(CA-G.R. CR No. 40370)

The Solicitor General
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The Hon. Presiding Judge
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