



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **January 26, 2021** which reads as follows:*

**“G.R. No. 238520 (PEOPLE OF THE PHILIPPINES, plaintiff-appellee v. ALVIN BELEN y MASANGKAY, accused-appellant).** – This resolves the appeal filed by accused-appellant Alvin Belen y Masangkay (Belen) praying for the reversal of the November 24, 2017 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 08763, which affirmed the November 7, 2016 Decision<sup>2</sup> of the Regional Trial Court (RTC), Branch 227 of Quezon City, finding him guilty beyond reasonable doubt of violation of Section 5, Article II of Republic Act (R.A.) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

**Antecedents**

In an Information<sup>3</sup> dated April 2, 2009, Belen was charged with violation of Section 5, Article II of R.A. No. 9165, committed as follows:

That on or about the 31<sup>st</sup> day of March, 2009, in Quezon City, accused, without lawful authority did then and there willfully and unlawfully sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport or act as broker in the said transaction, a dangerous drug, to wit: 0.03 (zero point zero three) gram of white crystalline substance containing Methylamphetamine Hydrochloride, a dangerous drug.

Contrary to law.<sup>4</sup>

- over – fourteen (14) pages ...

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<sup>1</sup> *Rollo*, pp. 2-12; penned by Associate Justice Socorro B. Inting, with Associate Justices Marlene B. Gonzales-Sison and Rafael Antonio M. Santos, concurring.

<sup>2</sup> *CA rollo*, pp. 32-39; rendered by Presiding Judge Elvira D.C. Panganiban

<sup>3</sup> *Id.* at 2.

<sup>4</sup> *Id.* at 32.

On June 4, 2009, Belen was arraigned and pleaded not guilty to the charge. Pre-trial ensued, followed by the trial on the merits.<sup>5</sup>

The prosecution related the following version of events:

At around 8 o'clock in the morning of March 31, 2009, a confidential informant appeared at the Station Anti-Illegal Drugs (SAID) of Kamuning Police Station to report about the rampant sale of illegal drugs in Barangay Pinyahan, Quezon City by a certain "Pandoy". Senior Police Officer 2 Nelson Binala (SPO2 Binala) relayed the information to Police Senior Inspector Christopher Luyun (PSI Luyun). In turn, PSI Luyun validated the report and instructed Police Officer 1 Eduardo Almario (PO1 Almario) to coordinate with the Philippine Drug Enforcement Agency (PDEA).<sup>6</sup>

Thereafter, a buy-bust team was formed. SPO2 Binala was designated as the poseur-buyer. He marked a ₱500.00 bill with his initials "NSB" on the lower left portion. PO3 Ariel Eufemio (PO3 Eufemio) and PO1 Almario were assigned as back-ups.<sup>7</sup>

Meanwhile, at around 6 o'clock in the evening, Pandoy notified the confidential informant that he is in Quiapo and will instead send a certain Alvin (accused-appellant Belen) to deliver *shabu* worth ₱500.00.<sup>8</sup> Then, at 9 o'clock in the evening, the buy-bust team and the confidential informant proceeded to Jollibee East Avenue corner V. Luna.<sup>9</sup> SPO2 Binala and the informant waited for Belen, while PO3 Eufemio positioned himself 10 meters away from the target place.

A few minutes later, Belen arrived. SPO2 Binala approached him and introduced himself as Pandoy's friend who will buy the *shabu*. He asked Belen if the specimen was of good quality, and the latter answered in the affirmative. Thereafter, SPO2 Binala gave Belen the ₱500.00 bill. In exchange, Belen handed SPO2 Binala a plastic sachet containing white crystalline substance. Upon receiving the item, SPO2 Binala stretched his arms to signal the operatives to swoop in. PO3 Eufemio and the rest of the team rushed to the scene, informed Belen of his constitutional rights and arrested him. SPO2 Binala searched Belen and recovered the marked money. He likewise marked the plastic sachet with his initials in the presence of Belen and

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<sup>5</sup> Id.

<sup>6</sup> Id. at 34.

<sup>7</sup> Id. at 35.

<sup>8</sup> Id. at 34.

<sup>9</sup> Id.

the team. After which, the arresting officers took Belen to the police station.<sup>10</sup>

At the police station, SPO2 Binala prepared the inventory of the seized evidence which was signed and witnessed by *Kagawad* Julius Duenas (*Kagawad* Duenas). However, Belen refused to sign the document. Then, the arresting officers took photographs of Belen and the specimen, and turned them over to police investigator PO3 Joey Cortez (PO3 Cortez). In turn, PO3 Cortez prepared the Referral Letter to the City Prosecutor, Joint Affidavit of Arrest executed by SPO2 Binala and PO3 Eufemio, Affidavit of Attestation executed by PO3 Cortez, Request for Laboratory Examination, Request for Drug Test Examination, printout of Belen's photograph and the specimen's photograph.

Subsequently, at 9:20 in the morning of April 1, 2009, SPO2 Binala submitted the request for laboratory examination, together with the seized item to Engineer Leonard Jabonillo (Engineer Jabonillo), Forensic Chemist of the Quezon City Police District Crime Laboratory. The substance yielded positive for methamphetamine hydrochloride, a dangerous drug.

On the other hand, Belen claimed that he was framed up and falsely charged. He related that at around 8 o'clock in the morning of March 29, 2009, he was waiting for passengers at the jeepney terminal in Commonwealth Market, Quezon City. Suddenly, a man in civilian clothes placed his arm around Belen's shoulders and brought him inside a van with no plate number. Belen asked the man why he was being taken, and the latter curtly replied, "*dun ka nalang magpaliwanag sa presinto.*" He identified the man as SPO2 Binala. He was then taken to the police station, where he was asked if he has a family. He answered that his wife had just given birth. Then, SPO2 Binala demanded ₱30,000.00 from him in exchange for his liberty. However, he told SPO2 Binala that he had no money, hence, the latter detained him and charged him with violation of Section 5 of R.A. No. 9165.<sup>11</sup> He alleged that he was already at the police station before March 31, 2009, contrary to the prosecution's statement that he was arrested in East Avenue on said date.<sup>12</sup>

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<sup>10</sup> Id. at 35-36.

<sup>11</sup> Id. at 36.

<sup>12</sup> Id. at 34.

### Ruling of the RTC

On November 7, 2016, the RTC rendered a Decision<sup>13</sup> convicting Belen of violation of Section 5 of R.A. No. 9165. The RTC held that the prosecution proved Belen's guilt beyond reasonable doubt. It observed that the arresting officers were consistent in all material aspects of their testimonies. It likewise concluded that the prosecution established an unbroken chain of custody of the seized item from the time of arrest until the delivery to the Crime Laboratory.<sup>14</sup>

Moreover, the RTC noted that Belen failed to establish any ill-motive or malice against the arresting officers.<sup>15</sup> It further declared that the arresting officers substantially complied with the requirements of Section 21 of R.A. No. 9165. It overlooked the absence of members from the media and Department of Justice (DOJ), and gave credence to the arresting officers' excuse that it was difficult to invite said witnesses considering that the arrest was made at 9 o'clock in the evening.<sup>16</sup> Thus, it disposed of the case as follows:

WHEREFORE, IN THE LIGHT OF THE FOREGOING, judgment is hereby rendered finding accused ALVIN BELEN y MASANGKAY GUILTY beyond reasonable doubt of the offense charged for violation of Section 5, Art. II, R.A. 9165 for having sold 0.03 gram of Methylamphetamine Hydrochloride and he is hereby sentenced to suffer the penalty of LIFE IMPRISONMENT AND TO PAY A FINE OF FIVE HUNDRED THOUSAND (P500,000.00) PESOS.

In the service of his sentence, herein accused shall be credited with the full time during which he has undergone preventive imprisonment, provided he agrees voluntarily in writing to abide by the same disciplinary rules imposed upon convicted prisoners.

The Officer-in-Charge of this Court is hereby ordered to records the dispositive portion of this Decision in Criminal docket of the Court and to turn over the subject specimen covered by Chemistry Report No. D-150-2009 so that the same shall be included in PDEA's next scheduled date of burning and destruction.

She is also ordered to prepare the Mittimus and the necessary documents of the immediate transfer of the accused's

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<sup>13</sup> Id. at 32-39.

<sup>14</sup> Id. at 37.

<sup>15</sup> Id.

<sup>16</sup> Id. at 38.

custody to the Bureau of Corrections in Muntinlupa City, pursuant to OCA Circular No. 4-92-A, amending OCA Circular No. 4-92, and further amended by OCA Circular No. 63-97.

SO ORDERED.<sup>17</sup>

Aggrieved, Belen filed a Notice of Appeal<sup>18</sup> with the RTC.

### **Ruling of the CA**

In a Decision<sup>19</sup> dated November 24, 2017, the CA affirmed the conviction meted by the RTC. The CA held that the prosecution established with moral certainty all the elements for illegal sale of dangerous drugs. It noted that Belen was caught *in flagrante delicto* delivering *shabu* to SPO2 Binala in exchange for ₱500.00. In turn, SPO2 Binala positively identified Belen as the seller, and confirmed that the seized drug was the same object sold to him by Belen.<sup>20</sup> Moreover, the CA found no ill-motive on the part of the arresting officers to testify falsely against Belen. It opined that Belen's failure to file cases against the officers for planting evidence, reinforces their claim that Belen was caught *in flagrante delicto*.<sup>21</sup>

In addition, the CA excused the officers' non-compliance with the required procedure under Section 21 of R.A. No. 9165, and held that the integrity of the seized drug remained intact.<sup>22</sup> It further declared that the absence of representatives from the media and the DOJ is not fatal to the prosecution's case.<sup>23</sup> It concluded that the chain of custody was not broken and stated that the movement of the drugs, from its confiscation to examination until its eventual presentation in court was supported by the documentary evidence submitted by the prosecution.<sup>24</sup>

The dispositive portion of the CA Decision reads:

WHEREFORE, premises considered, the appeal is DENIED for lack of merit. Accordingly, the Judgment dated November 7, 2016 of the Regional Trial Court of Quezon City, Branch 227, convicting ALVIN BELEN y MASANGKAY in Criminal Case No. Q-09-158049 for violation of Section 5,

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<sup>17</sup> Id. at 38-39.

<sup>18</sup> Id. at 10.

<sup>19</sup> *Rollo*, pp. 2-12.

<sup>20</sup> Id. at 7-8.

<sup>21</sup> Id. at 8.

<sup>22</sup> Id.

<sup>23</sup> Id. at 9.

<sup>24</sup> Id. at 9-10.

Article II of Republic Act No. 9165 and sentencing him to suffer the penalty of life imprisonment and a fine of P500,000.00 is hereby AFFIRMED.

SO ORDERED.<sup>25</sup>

Dissatisfied with the ruling, Belen filed a Notice of Appeal.<sup>26</sup>

On appeal before this Court, both parties filed separate Manifestations,<sup>27</sup> stating that they are adopting the Briefs<sup>28</sup> they filed before the CA in lieu of their Supplemental Briefs.

### Issues

Seeking his exoneration from the charge, Belen alleges that there were significant breaks in the chain of custody of the seized item.<sup>29</sup> He contends that the officers who handled the seized item failed to specify how they preserved and safeguarded it.<sup>30</sup> Similarly, he claims that the evidence custodian to whom the item was allegedly endorsed after the laboratory examination was not identified or presented in court.<sup>31</sup> Furthermore, he laments that the arresting officers failed to comply with the required procedure under Section 21 of R.A. No. 9165. There were no representatives from the media and DOJ during the conduct of the inventory.<sup>32</sup> The prosecution offered no cogent reason for their absence, except for their alleged unavailability, sans proof that the arresting officers exerted efforts to ensure said witnesses' presence.<sup>33</sup> Finally, he asserts that the presumption of regularity in the performance of duties by the arresting officers cannot prevail over the presumption of innocence which he enjoys.<sup>34</sup>

On the other hand, the People, through the Office of the Solicitor General (OSG) counters that the prosecution proved all the elements for the illegal sale of dangerous drugs.<sup>35</sup> Likewise, it asserts that the prosecution was able to establish an unbroken chain of custody.<sup>36</sup> Moreover, it maintains that the arresting officers' failure to

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<sup>25</sup> Id. at 11.

<sup>26</sup> Id. at 13-14.

<sup>27</sup> Id. at 22-24; 26-28.

<sup>28</sup> Id.

<sup>29</sup> CA *rollo*, p. 26.

<sup>30</sup> Id.

<sup>31</sup> Id. at 27.

<sup>32</sup> Id. at 28.

<sup>33</sup> Id.

<sup>34</sup> Id. at 25.

<sup>35</sup> Id. at 59.

<sup>36</sup> Id. at 62.

strictly abide by Section 21 of R.A. No. 9165 may be excused, considering that the integrity and evidentiary value of the seized item was well-preserved.<sup>37</sup> SPO2 Binala explained that representatives from the media and DOJ were invited, but were not available at the time.<sup>38</sup> Besides, the buy-bust team substantially complied with the rules by inviting *Kagawad* Duenas to witness the inventory.<sup>39</sup> The OSG retorts that it is too late for Belen to attack the manner of the custody and disposition of the seized items as well as the purported non-compliance with Section 21.<sup>40</sup> It avers that Belen failed to raise such issues before the trial court, and hence, can no longer do so on appeal.<sup>41</sup> Furthermore, the OSG contends that Belen failed to overcome the presumption of regularity in the handling of the evidence by the arresting officers.<sup>42</sup> Also, Belen's defenses of denial or frame-up should be viewed with disfavor, and may not prevail over the positive identification of the prosecution witnesses.<sup>43</sup>

### Ruling of the Court

#### *The appeal is granted.*

It must be noted at the outset that **the right of the government to curb the proliferation of dangerous drugs should not be achieved by transgressing the accused's constitutional right to be presumed innocent until his/her guilt is established beyond reasonable doubt.** Consequently, in a prosecution for the illegal sale of dangerous drugs, there must be clear proof of the identities of the buyer and the seller, the object of the sale and its consideration, as well as the delivery of the thing sold and the payment therefor.<sup>44</sup> In addition to proving the elements, the State must likewise establish the *corpus delicti*, which is the dangerous drug seized from the accused during the illegal sale.<sup>45</sup> The **prosecution must prove that the dangerous drug illegally sold is the same substance offered in court,<sup>46</sup> and that its identity and integrity were well-preserved.<sup>47</sup>** This rule finds greater significance in view of the drug's unique

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<sup>37</sup> Id. at 65.

<sup>38</sup> Id.

<sup>39</sup> Id.

<sup>40</sup> Id. at 63; 65.

<sup>41</sup> Id. at 65.

<sup>42</sup> Id. at 63.

<sup>43</sup> Id. at 65-66.

<sup>44</sup> *People v. Ismael*, 806 Phil. 21,29 (2017), citing *People v. Alberto*, 625 Phil. 545, 554 (2010), citing *People v. Dumlao*, 584 Phil. 732, 739 (2009).

<sup>45</sup> Id.

<sup>46</sup> *People v. Del Mundo, et al.*, 818 Phil. 55, 584-585 (2017).

<sup>47</sup> *People v. Hementiza*, 807 Phil. 1017, 1026-1027 (2017); *People v. Alcuizar*, 662 Phil. 794, 801 (2011).

characteristic which renders it easily susceptible to tampering, alteration or substitution.<sup>48</sup>

Towards this end, Section 21 of R.A. No. 9165 (prior to its amendment under R.A. No. 10640), lays down the procedure for the proper custody and disposition of the seized dangerous drug and paraphernalia, to wit:

**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:

(1) The apprehending 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;

(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;

x x x x

Essentially, the law mandates that immediately after the seizure and confiscation of the dangerous drug, the arresting officers must conduct a physical inventory of the seized item and photograph the same in the presence of the accused, or his representative or counsel, a representative from the media and the DOJ, and any elected public official. The witnesses shall be required to sign the inventory and be furnished with a copy of the same. Then, the seized drug must be turned over for examination at the Philippine National Police Crime Laboratory within twenty-four (24 hours) from confiscation.<sup>49</sup>

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<sup>48</sup> Id. at 1027; id.

<sup>49</sup> *People v. Crispo, et al.*, 828 Phil. 416, 430 (2018).

Significantly, the procedure in Section 21 is a matter of substantive law. As such, it may not be brushed aside as a simple procedural technicality or ignored as an impediment to the conviction of illegal drug suspects.<sup>50</sup> In line with this, the requirement of securing the attendance of an elected public official, member of the media and representative from the DOJ must be strictly followed as the said witnesses serve as insulating forces that prevent the evils of contaminating, switching or planting evidence.<sup>51</sup>

Notably, in *People v. Ching*,<sup>52</sup> the arresting officers failed to take photographs and conduct an inventory in the presence of a representative from the media and the DOJ.<sup>53</sup> Likewise, in *People v. Año*,<sup>54</sup> there was no member from the media and official from the DOJ who witnessed the inventory and photography of the seized drugs.<sup>55</sup> In both cases, the Court held that such omissions left unjustified gaps in the chain of custody of the seized item, which therefore militate against a finding of guilt beyond reasonable doubt.

The Court adopted an even stricter stance in *People v. Manabat*,<sup>56</sup> where it stressed that the witnesses must also be physically present at the time of apprehension:

As held in the fairly recent case of *People v. Tomawis*, the Court explained that **the presence of the three witnesses must be secured not only during the inventory but more importantly at the time of the warrantless arrest.** It is at this point in which the presence of the three witnesses is most needed, as it is their presence at the time of seizure and confiscation that would belie any doubt as to the source, identity, and integrity of the seized drug, viz.:

The presence of the witnesses from the DOJ, media, and from public elective office is necessary to protect against the possibility of planting, contamination, or loss of the seized drug. Using the language of the Court in *People v. Mendoza*, without the **insulating presence** of the representative from the media or the DOJ and any elected public official during the seizure and marking of the drugs, the evils of switching, “planting” or contamination of the evidence that had tainted the buy-busts conducted under the regime of RA No. 6425 (Dangerous Drugs Act of 1972) again reared their ugly heads as to negate the integrity and credibility of

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<sup>50</sup> Id. at 436-437, citing *People v. Manabat*, G.R. No. 242947, July 17, 2019.

<sup>51</sup> Id. at 430.

<sup>52</sup> 819 Phil. 565 (2017).

<sup>53</sup> Id. at 580.

<sup>54</sup> 828 Phil. 439 (2018).

<sup>55</sup> Id. at 451, citing *People v. Lintag*, 794 Phil. 411, 418 (2016).

<sup>56</sup> *Supra*.

the seizure and confiscation of the subject sachet that was evidence of the *corpus delicti*, and thus adversely affected the trustworthiness of the incrimination of the accused.

The presence of the three witnesses must be secured not only during the inventory but more importantly **at the time of the warrantless arrest**. It is at this point in which the presence of the three witnesses is most needed, as it is their presence at the time of seizure and confiscation that would belie any doubt as to the source, identity, and integrity of the seized drug. If the buy-bust operation is legitimately conducted, the presence of the insulating witnesses would also controvert the usual defense of frame-up as the witnesses would be able testify that the buy-bust operation and inventory of the seized drugs were done in their presence in accordance with Section 21 of RA 9165.

The practice of police operatives of not bringing to the intended place of arrest the three witnesses, when they could easily do so - and “calling them in” to the place of inventory to witness the inventory and photographing of the drugs only after the buy-bust operation has already been finished - does not achieve the purpose of the law in having these witnesses prevent or insulate against the planting of drugs.<sup>57</sup> (Citations omitted and emphasis in the original)

Evidently, the three-witness rule is not an empty requirement or a meaningless mandate. As articulated in *People v. Malabanan*,<sup>58</sup> if the identity and integrity of the seized item is questionable at its inception, then, the manner in which it is subsequently handled becomes irrelevant as lingering doubt would perpetually mar the *corpus delicti*.<sup>59</sup> Furthermore, as cautioned in *People v. Miranda*,<sup>60</sup> “[t]he sheer ease of planting drug evidence *vis-a-vis* the severity of the imposable penalties in drugs cases compels strict compliance with the chain of custody rule.”<sup>61</sup>

Regrettably, in this case, the arresting officers failed to comply with the procedure set forth in Section 21. There was no member of the media and DOJ during the arrest, marking, inventory and photography of the seized item. Likewise, the elected official was not present during the arrest, and belatedly appeared during the inventory of the seized item.

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<sup>57</sup> Id.

<sup>58</sup> G.R. No. 241950, April 10, 2019.

<sup>59</sup> Id.

<sup>60</sup> G.R. No. 218126, July 10, 2019.

<sup>61</sup> Id.

In justifying their omission, the arresting officers brazenly claimed that the buy-bust was conducted late in the evening. This excuse is utterly unacceptable. In fact, said reasoning was repeatedly rejected by the Court in various cases, such as, *People v. Lim*,<sup>62</sup> *People v. Gumban*,<sup>63</sup> *People v. Maneclang*,<sup>64</sup> and *People v. Dela Cruz*.<sup>65</sup>

To make matters worse, the apprehending team had more than enough time to secure the attendance of representatives from the media and the DOJ. As borne by the records, they received the tip in as early as 8 o'clock in the morning. Then, they set out to entrap the accused at 9 o'clock in the evening, thereby giving them an entire day to secure the attendance of the required witnesses. It is further strange that the arresting officers' excuse that it was too late in the evening to ensure the presence of the media and DOJ did not seem to pose a problem in inviting an elected official. Obviously, the excuse offered by the arresting officers fails to persuade.

It cannot be gainsaid that in *People v. Lim*,<sup>66</sup> the Court emphasized that the prosecution bears the burden of alleging and proving that the absence of the witnesses was due to justifiable reasons. It must prove that the arresting officers exerted genuine and earnest efforts to secure the attendance of the required witnesses.<sup>67</sup> It must adequately explain and establish as a fact, the reasons behind the officers' failure to follow the mandated procedures. In this regard, mere statements of unavailability, unaccompanied by actual serious attempts to contact the witnesses shall be deemed unacceptable.<sup>68</sup> Unfortunately, in the case at bar, the prosecution failed to fulfill said burden.

In addition to the arresting officers' failure to comply with Section 21, the Court further notes another break in the chain of custody of the seized item. The records reveal that the prosecution stipulated on the testimony of Engineer Jabonilla regarding his examination of the seized item. However, a perusal of the stipulations exposes gaps in the handling and management of the seized item after the examination. Particularly, Engineer Jabonilla vaguely stated that (i) he received a Request for Laboratory Examination with the

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<sup>62</sup> G.R. No. 231989, September 4, 2018.

<sup>63</sup> G.R. No. 224210, January 23, 2019.

<sup>64</sup> G.R. No. 230337, June 17, 2019.

<sup>65</sup> G.R. No. 234151, December 5, 2018.

<sup>66</sup> *Supra*.

<sup>67</sup> *Id.*, citing *People v. Ramos*, 826 Phil. 981, 996-997 (2018).

<sup>68</sup> *Id.*, citing *People v. Crispo, et al.*, *supra* note 49 at 430 and *People v. Sanchez*, 827 Phil. 457, 471 (2018).

specimen from SPO2 Binala on April 1, 2009 at 9:20 in the morning; (ii) that he conducted a qualitative examination on the said specimen, which tested positive for methylamphetamine hydrochloride; (iii) that he indicated his findings in his Final Chemistry Report; and (iv) that he placed the small plastic sachet containing the specimen inside a bigger plastic sachet. This was the last act included in the stipulations. There was a complete dearth of evidence regarding what happened to the drug after its examination. Engineer Jabonilla did not identify the person to whom he delivered the specimen after examination.

As warned in *People v. Miranda*,<sup>69</sup> any stipulation regarding the testimony of the forensic chemist must include vital information regarding the management, storage, and preservation of the illegal drug allegedly seized after its qualitative examination. Otherwise, the fourth link in the chain of custody of the said illegal drug could not be reasonably established. Here, there was a lacuna in information pertaining to whom Engineer Jabonilla delivered the seized item, and what happened to the seized item after it was examined.

Amidst the arresting officers' lapses and mishaps, the prosecution conveniently harps on the presumption of regularity in the performance of the former's duties, and their substantial compliance with the rules. However, it must be noted that the presumption of regularity enjoyed by the arresting officers shall not prevail over the constitutional right of the accused to be presumed innocent.<sup>70</sup> In fact, in *People v. Dela Cruz*,<sup>71</sup> and *People v. Garcia*,<sup>72</sup> the Court rejected blanket claims of presumption of regularity in case of the officers' flagrant disregard of the rules.<sup>73</sup>

Worse, the minuscule amount of the allegedly seized item (0.03 gram) further foments doubt on Belen's guilt. In *People v. Que*,<sup>74</sup> *People v. Sipin*,<sup>75</sup> and *People v. Abelarde*,<sup>76</sup> the Court expressed its concern over the meager amount of dangerous drugs confiscated from the accused. Although generally the weight of drugs does not lead to a pronouncement of innocence, however, it may create doubt on the accused's culpability if said drugs were confiscated through questionable procedures.<sup>77</sup>

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<sup>69</sup> Supra note 60.

<sup>70</sup> *People v. Hementiza*, supra note 47 at 1033-1034.

<sup>71</sup> G.R. No. 234151, December 5, 2018.

<sup>72</sup> G.R. No. 215344, June 10, 2019.

<sup>73</sup> Id.

<sup>74</sup> 824 Phil. 82 (2018).

<sup>75</sup> G.R. No. 224290, June 11, 2018.

<sup>76</sup> 824 Phil. 122 (2018).

<sup>77</sup> *People v. Que*, supra at 899-900.

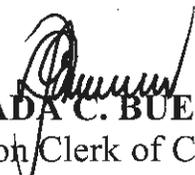
All told, R.A. No. 9165 was enacted as part of the government's effort to safeguard the integrity of our territory and the well-being of the citizens from the harmful effects of dangerous drugs. However, the aggressive campaign against dangerous drugs does not warrant a notorious violation of the rights of an accused. In view of the arresting officers' failure to comply with the rules set forth by the law, heavy doubt persists regarding the identity and integrity of the *corpus delicti*. As such, an acquittal must ensue.

**WHEREFORE**, the appeal is **GRANTED**. The assailed November 24, 2017 Decision of the Court of Appeals in CA-GR. CR-HC No. 08763 is **REVERSED** and **SET ASIDE**. Accordingly, accused-appellant Alvin Belen y Masangkay is hereby **ACQUITTED** due to the failure of the prosecution to prove his guilt beyond reasonable doubt.

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

**SO ORDERED."**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *off. 2/16*

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
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Manila  
(CA-G.R. CR HC No. 08763)

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Regional Trial Court, Branch 227  
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(Crim. Case No. Q-09-158049)

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