



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 5, 2021 which reads as follows:

“G.R. No. 245924 – PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus JERIC O. GIMANG, accused-appellant.

After a careful review of the records of the case and the issues submitted by the parties, the Court **AFFIRMS** the Decision¹ dated November 22, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 01819-MIN.

Section 21, Article II of Republic Act No. (RA) 9165² as amended by RA 10640,³ the applicable law at the time of the commission of the crimes, requires, among others, that: (1) the seized items be physically inventoried and photographed immediately after seizure or confiscation; (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 from the National Prosecution Service (NPS) or a representative from the media, who shall sign the copies of the inventory and be given a copy thereof; and (3) the physical inventory and photographing be done at the (a) place where the search warrant is served, (b) nearest police station, or (c) nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizure.

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¹ *Rollo*, pp. 5-41. Penned by Associate Justice Walter S. Ong with Associate Justices Oscar V. Badelles and Evalyn M. Arellano-Morales, concurring.

² 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 (2002).

³ Entitled “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.”

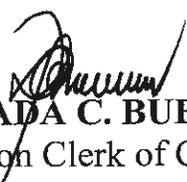
In this case, the prosecution was able to prove compliance with the foregoing requirements: (1) the seized items were marked, inventoried and photographed by the police officers around ten (10) minutes after the arrest of accused-appellant;⁴ (2) the marking, inventory, and photography of the seized drugs were done in the presence of the accused-appellant, Barangay Kagawad Taguranao and NPS representative Victory Joyce Tagalog who signed the copies of the inventory and were given a copy thereof; and (3) the marking, inventory, and photography of the seized items were done at the place of arrest.

Further, the prosecution was also able to establish an unbroken chain of custody over the sachets of shabu, that is, from the seizure, confiscation, and marking of the sachets of shabu up to the delivery of the same to the crime laboratory, and presentation before the Regional Trial Court.⁵ Thus, the integrity and evidentiary value of the seized drugs were preserved.⁶

WHEREFORE, premises considered, the appeal⁷ is **DISMISSED** for lack of merit. The Court hereby **ADOPTS** the findings of fact and conclusions of law in the Decision dated November 22, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 01819-MIN. The Decision finding accused-appellant **JERIC O. GIMANG** guilty beyond reasonable doubt for violating Sections 5 and 11, Article II of Republic Act No. 9165, otherwise known as the Dangerous Drugs Act of 2002, as amended by Republic Act No. 10640 is **AFFIRMED**.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court _{tr nk}

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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⁴ *Rollo*, p. 9.

⁵ See *Jacson v. People*, GR No. 199644, June 19, 2019, 904 SCRA 537.

⁶ *People v. Galicia*, G.R. No. 218402, February 14, 2018, 855 SCRA 456, 478-479.

⁷ *Rollo*, pp. 42-43.



The Solicitor General
134 Amorsolo Street, Legaspi Village
1229 Makati City

Court of Appeals
9000 Cagayan de Oro City
(CA-G.R. CR HC No. 01819-MIN)

The Hon. Presiding Judge
Regional Trial Court, Branch 11
Sindangan, 7112 Zamboanga del Norte
(Crim. Case Nos. S-5627 & S-5628)

PUBLIC ATTORNEY'S OFFICE
Regional Special and Appealed
Cases Unit
Counsel for Accused-Appellant
BJS Building, Tiano Bros. cor. San
Agustin Streets
9000 Cagayan de Oro City

Mr. Jeric O. Gimang
Accused-Appellant
c/o The Director General
Bureau of Corrections
1770 Muntinlupa City

The Director General
Bureau of Corrections
1770 Muntinlupa City

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