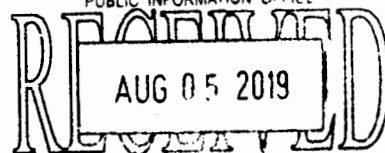




SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



Republic of the Philippines
Supreme Court
Manila

BY: 16
TIME: 9: 15

SECOND DIVISION

RIEL ARANAS y DIMAALA,
Petitioner,

G.R. No. 242315

Present:

- versus -

CARPIO, J., Chairperson,
PERLAS-BERNABE,
CAGUIOA,
J. REYES, JR., and
LAZARO-JAVIER, JJ.

**PEOPLE OF THE
PHILIPPINES,**
Respondent.

Promulgated:

03 JUL 2019

X-----*M. Cabalag*-----X

DECISION

PERLAS-BERNABE, J.:

Before this Court is a petition for review on *certiorari*¹ seeking to annul and set aside the Decision² dated June 29, 2018 and the Resolution³ dated September 18, 2018 of the Court of Appeals (CA) in CA-G.R. CR No. 40301, which affirmed the Judgment⁴ dated July 14, 2017 of the Regional Trial Court of Batangas City, Branch 84 (RTC) in Criminal Case No. 19781 finding petitioner Riel Aranas y Dimaala (petitioner) guilty beyond reasonable doubt of violating Section 11, Article II of Republic Act No. (RA) 9165,⁵ otherwise known as the “Comprehensive Dangerous Drugs Act of 2002.”

¹ Rollo, pp. 12-25.

² Id. at 30-45. Penned by Associate Justice Ramon R. Garcia with Associate Justices Myra V. Garcia-Fernandez and Germano Francisco D. Legaspi, concurring.

³ Id. at 47-48.

⁴ Id. at 62-69. Penned by Presiding Judge Dorcas P. Ferriols-Perez.

⁵ 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.

N

The Facts

This case stemmed from an Information⁶ filed before the RTC charging petitioner with the crime of Illegal Possession of Dangerous Drugs, defined and penalized under Section 11, Article II of RA 9165. The prosecution alleged that at around six (6) o'clock in the morning of May 13, 2015, the members of the Tingloy Police Station proceeded to the residence of petitioner located at Barangay Sto. Tomas, Tingloy, Batangas to implement Search Warrant No. 15-20⁷ dated May 7, 2015 (search warrant) issued by the Regional Trial Court of Batangas City, Branch 3 for an alleged violation of RA 9165. Upon arriving thereat, Police Officer 1 (PO1) Benjie⁸ Casapao and PO1 Rolando Togonon (PO1 Togonon) read the contents of the said warrant to petitioner, searched his house, and accordingly, found two (2) plastic sachets of suspected *shabu* inside a *Katialis* ointment container, as well as a rolled aluminum foil and lighter on the wall. After placing petitioner under arrest, the police officers marked, inventoried, and photographed the seized items in the presence of petitioner, Barangay Chairman Aileen Mendoza (Brgy. Chairman Mendoza), media representative Benedicto Griño (Griño), and Department of Justice (DOJ) representative Judith Buhay (Buhay). Afterwards, they brought petitioner and the seized items to the police station to prepare the request for laboratory examination.⁹ Subsequently, PO1 Togonon delivered the letter-request and the two (2) plastic sachets of suspected *shabu* to the Batangas Provincial Crime Laboratory Office, where, after examination,¹⁰ the contents thereof yielded positive for the presence of methamphetamine hydrochloride or *shabu*, a dangerous drug.¹¹

For his part, petitioner interposed the defense of denial, claiming that at around three (3) o'clock in the morning of May 13, 2015, some police officers suddenly barged into his house and began searching its premises against his consent. After the search, they found illegal drugs at the second floor of his house and consequently, brought him to the police station.¹²

In a Judgment¹³ dated July 14, 2017, the RTC found petitioner guilty beyond reasonable doubt of the crime charged, and accordingly, sentenced him to suffer the indeterminate penalty of imprisonment of twelve (12) years and one (1) day, as minimum, to thirteen (13) years and one (1) day, as maximum, and to pay a fine in the amount of ₱300,000.00.¹⁴ It held that as opposed to petitioner's bare denials, the prosecution adduced sufficient

⁶ Dated May 14, 2015. Records, pp. 1-2.

⁷ Signed by Executive Judge Ruben A. Galvez. Id. at 10.

⁸ "Bernie" in some parts of the records.

⁹ Dated May 13, 2015. Records, p. 21.

¹⁰ See Chemistry Report No. BD-130-2015 dated May 13, 2015 signed by Police Chief Inspector Herminia Carandang Llacuna; id. at 23.

¹¹ See *rollo*, pp. 33-34 and 63-64.

¹² See id. at 35 and 65-66.

¹³ Id. at 62-69.

¹⁴ Id. at 69.

proof to show that all the elements of the crime were present, and that the chain of custody over the seized dangerous drugs remained unbroken.¹⁵ Aggrieved, petitioner appealed¹⁶ to the CA.

In a Decision¹⁷ dated June 29, 2018, the CA affirmed petitioner's conviction,¹⁸ ruling that the integrity and evidentiary value of the seized drugs were properly preserved from the time they were recovered in petitioner's house until they were handed over to Police Senior Inspector Herminia Carandang Llacuna (PSI Llacuna), Forensic Chemist, for laboratory examination, who, in turn, delivered the same to Evidence Custodian Joel Barcelona (EC Barcelona) for safekeeping.¹⁹ Moreover, it found the minor inconsistencies in the testimonies of the prosecution witnesses to be trivial matters that bear little significance to the case.²⁰ Undaunted, petitioner sought reconsideration,²¹ which was, however, denied in a Resolution²² dated September 18, 2018; hence, this petition.

The Court's Ruling

The petition lacks merit.

In every prosecution of the crime of Illegal Possession of Dangerous Drugs under Section 11, Article II of RA 9165, the following elements must be proven beyond reasonable doubt: (a) the accused was in possession of an item or object identified as a prohibited drug; (b) such possession was not authorized by law; and (c) the accused freely and consciously possessed the said drug.^{23*}

Here, the courts *a quo* correctly ruled that the prosecution was able to establish with moral certainty all the foregoing elements, considering that: (a) by virtue of a valid search warrant, the police officers recovered, among others, two (2) plastic sachets of suspected *shabu* from petitioner's house; (b) petitioner failed to prove that his possession of the seized dangerous drugs was authorized by law; and (c) petitioner freely and consciously possessed the same because he hid them inside a *Katialis* ointment container.²⁴ In this regard, it should be noted that the trial court was in the

¹⁵ See *id.* at 66-69.

¹⁶ See Notice of Appeal dated July 17, 2017; records, pp. 218-219.

¹⁷ *Rollo*, pp. 30-45.

¹⁸ *Id.* at 44.

¹⁹ See *id.* at 42-43.

²⁰ See *id.* at 41-42.

²¹ See motion for reconsideration dated July 25, 2018; CA *rollo*, pp. 86-92.

²² *Rollo*, pp. 47-48.

²³ See *People v. Crispo*, G.R. No. 230065, March 14, 2018; *People v. Sanchez*, G.R. No. 231383, March 7, 2018; *People v. Magsano*, G.R. No. 231050, February 28, 2018; *People v. Manansala*, G.R. No. 229092, February 21, 2018; *People v. Miranda*, G.R. No. 229671, January 31, 2018; and *People v. Mamangon*, G.R. No. 229102, January 29, 2018; all cases citing *People v. Sumili*, 753 Phil. 342, 348 (2015) and *People v. Bio*, 753 Phil. 730, 736 (2015).

²⁴ *Rollo*, p. 39.

best position to assess and determine the credibility of the witnesses presented by both parties.²⁵ Hence, since there is no indication that the said courts overlooked, misunderstood, or misapplied the surrounding facts and circumstances of the case, the Court finds no reason to deviate from their factual findings.

Further, the Court notes that the police officers sufficiently complied with the chain of custody rule under Section 21, Article II of RA 9165, as amended by RA 10640.²⁶

In cases for Illegal Sale and/or Possession of Dangerous Drugs under RA 9165, as amended by RA 10640, it is essential that the identity of the dangerous drug be established with moral certainty, considering that the dangerous drug itself forms an integral part of the *corpus delicti* of the crime.²⁷ Failing to prove the integrity of the *corpus delicti* renders the evidence for the State insufficient to prove the guilt of the accused beyond reasonable doubt and, hence, warrants an acquittal.²⁸

Notably, to establish the identity of the dangerous drug with moral certainty, the prosecution must be able to account for each link of the chain of custody from the moment the drugs are seized up to their presentation in court as evidence of the crime.²⁹ As part of the chain of custody procedure, the law requires, *inter alia*, that the marking, physical inventory, and photography of the seized items be conducted immediately after seizure and confiscation of the same.³⁰ The law further requires that the said inventory and photography be done in the presence of the accused or the person from whom the items were seized, or his representative or counsel, as well as certain required witnesses, namely: (a) if **prior** to the amendment of RA 9165 by RA 10640, a representative from the media AND the DOJ, and any

²⁵ See *Cahulogan v. People*, G.R. No. 225695, March 21, 2018, citing *Peralta v. People*, G.R. No. 221991, August 30, 2017, further citing *People v. Matibag*, 757 Phil. 286, 293 (2015).

²⁶ 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,'" approved on July 15, 2014.

²⁷ See *People v. Crispo*, supra note 23; *People v. Sanchez*, supra note 23; *People v. Magsano*, supra note 23; *People v. Manansala*, supra note 23; *People v. Miranda*, supra note 23; and *People v. Mamangon*, supra note 23. See also *People v. Viterbo*, 739 Phil. 593, 601 (2014).

²⁸ See *People v. Gamboa*, G.R. No. 233702, June 20, 2018, citing *People v. Umipang*, 686 Phil. 1024, 1039-1040 (2012).

²⁹ See *People v. Año*, G.R. No. 230070, March 14, 2018; *People v. Crispo*, supra note 23; *People v. Sanchez*, supra note 23; *People v. Magsano*, supra note 23; *People v. Manansala*, supra note 23; *People v. Miranda*, supra note 23; and *People v. Mamangon*, supra note 23. See also *People v. Viterbo*, supra note 27.


³⁰ In this regard, case law recognizes that "[m]arking upon immediate confiscation contemplates even marking at the nearest police station or office of the apprehending team." (*People v. Mamalumpon*, 767 Phil. 845, 855 [2015], citing *Imson v. People*, 669 Phil. 262, 270-271 [2011]. See also *People v. Ocfemia*, 718 Phil. 330, 348 [2013], citing *People v. Resurreccion*, 618 Phil. 520, 532 [2009].) Hence, the failure to immediately mark the confiscated items at the place of arrest neither renders them inadmissible in evidence nor impairs the integrity of the seized drugs, as the conduct of marking at the nearest police station or office of the apprehending team is sufficient compliance with the rules on chain of custody. (See *People v. Tumalak*, 791 Phil. 148, 160-161 [2016]; and *People v. Rollo*, 757 Phil. 346, 357 [2015].)

elected public official;³¹ or (b) if **after** the amendment of RA 9165 by RA 10640, an elected public official and a representative of the National Prosecution Service³² OR the media.³³ The law requires the presence of these witnesses primarily “to ensure the establishment of the chain of custody and remove any suspicion of switching, planting, or contamination of evidence.”³⁴

Records show that after petitioner was arrested, the police officers immediately took custody of the seized items. They also conducted the requisite marking, inventory, and photography thereof in the presence of an elected public official, *i.e.*, Brgy. Chairman Mendoza; a media representative, *i.e.*, Griño; and a DOJ representative, *i.e.*, Buhay, right at the place where petitioner was arrested.³⁵ Subsequently, PO1 Togonon delivered the seized items to PSI Llacuna for laboratory examination, who, in turn, brought the same to EC Barcelona for safekeeping. In light of the foregoing, the Court holds that the chain of custody over the seized dangerous drugs remained unbroken, and that the integrity and evidentiary value of the *corpus delicti* have been properly preserved. Perforce, petitioner’s conviction must stand.

WHEREFORE, the petition is **DENIED**. the Decision dated June 29, 2018 and the Resolution dated September 18, 2018 of the Court of Appeals in CA-G.R. CR No. 40301 are hereby **AFFIRMED**. Petitioner Riel Aranas y Dimaala is found **GUILTY** beyond reasonable doubt of the crime of Illegal Possession of Dangerous Drugs, defined and penalized under Section 11, Article II of Republic Act No. 9165, as amended by Republic Act No. 10640, and accordingly, sentenced to suffer the penalty of imprisonment for an indeterminate period of twelve (12) years and one (1) day, as minimum, to thirteen (13) years and one (1) day, as maximum, and to pay a fine in the amount of ₱300,000.00

SO ORDERED.


ESTELA M. PERLAS-BERNABE
Associate Justice

³¹ Section 21 (1), Article II of RA 9165 and its Implementing Rules and Regulations.

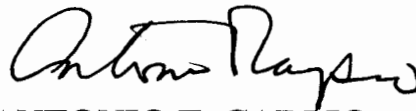
³² Which falls under the DOJ. (See Section 1 of Presidential Decree No. 1275, entitled “REORGANIZING THE PROSECUTION STAFF OF THE DEPARTMENT OF JUSTICE, REGIONALIZING THE PROSECUTION SERVICE, AND CREATING THE NATIONAL PROSECUTION SERVICE” [April 11, 1978] and Section 3 of RA 10071, entitled “AN ACT STRENGTHENING AND RATIONALIZING THE NATIONAL PROSECUTION SERVICE” otherwise known as the “PROSECUTION SERVICE ACT OF 2010” [lapsed into law on April 8, 2010].)

³³ Section 21 (1), Article II of RA 9165, as amended by RA 10640.

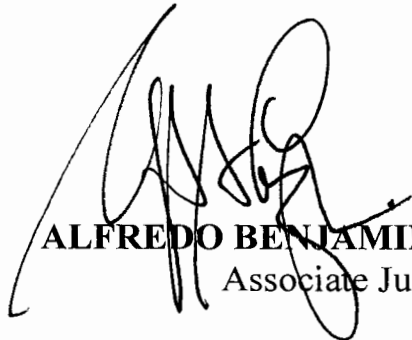
³⁴ See *People v. Miranda*, supra note 23. See also *People v. Mendoza*, 736 Phil. 749, 764 (2014).

³⁵ In conformity with the witness requirement under Section 21 (1), Article II of RA 9165, as amended by RA 10640.

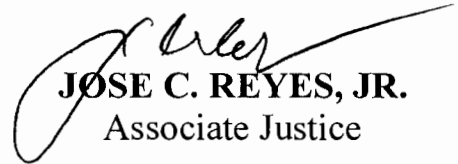
WE CONCUR:



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



JOSE C. REYES, JR.
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice

ATTESTATION

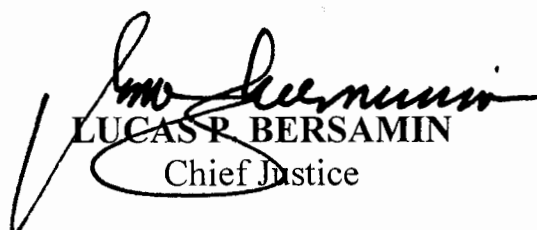
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



LUCAS P. BERSAMIN
Chief Justice