

SUPREME COURT OF THE PHILIPPINES  
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Republic of the Philippines  
**Supreme Court**  
Manila

**SECOND DIVISION**

**PEOPLE OF THE PHILIPPINES,** **G.R. No. 240664**

Plaintiff-Appellee, Present:

- versus -

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

**JONATHAN MAYLON y**  
**ALVERO alias "JUN PUKE"**  
**and ARNEL ESTRADA y**  
**GLORIAN,**

Accused-Appellants.

Promulgated:

**11 MAR 2019**

*[Signature]*

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**DECISION**

**PERLAS-BERNABE, J.:**

Assailed in this ordinary appeal<sup>1</sup> is the Decision<sup>2</sup> dated February 23, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09141, which affirmed the Decision<sup>3</sup> dated September 16, 2016 of the Regional Trial Court of Marikina City, Branch 263 (RTC) in Criminal Case No. 2014-4405-07-D-MK, finding: (a) accused-appellants Jonathan Maylon y Alvero alias "Jun Puke" (Maylon) and Arnel Estrada y Glorian (Estrada; collectively, accused-appellants) guilty beyond reasonable doubt of violating Section 11, Article II of Republic Act No. (RA) 9165,<sup>4</sup> otherwise known as the "Comprehensive Dangerous Drugs Act of 2002"; and (b) Maylon guilty beyond reasonable doubt of violating Section 5 of the same Act.

<sup>1</sup> See Compliance with Notice of Appeal dated March 19, 2018; *rollo*, pp. 20-22.  
<sup>2</sup> Id. at 2-19. Penned by Associate Justice Jane Aurora C. Lantion with Associate Justices Remedios A. Salazar-Fernando and Ma. Luisa Quijano-Padilla, concurring.  
<sup>3</sup> CA *rollo*, pp. 53-62. Penned by Presiding Judge Armando C. Velasco.  
<sup>4</sup> 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.

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### The Facts

This case stemmed from three (3) separate Informations<sup>5</sup> filed before the RTC accusing Maylon of Illegal Sale and Possession of Dangerous Drugs and Estrada of Illegal Possession of Dangerous Drugs. The prosecution alleged that at around 1:25 in the afternoon of August 10, 2014, operatives of the Station Anti-Illegal Drugs Special Operation Task Group of Marikina City (SAID-SOTG) conducted a buy-bust operation against accused-appellants, during which Maylon allegedly sold one (1) plastic sachet containing 0.05 gram of white crystalline substance to PO3 Junar O. Olveda (PO3 Olveda). PO3 Olveda likewise saw Estrada receive a sachet of *shabu* from Maylon. Thereafter, police operatives arrested accused-appellants and were able to recover: (a) seven (7) plastic sachets containing a total of 0.28 gram of white crystalline substance from Maylon; and (b) another plastic sachet containing 0.05 gram of white crystalline substance from Estrada.<sup>6</sup> They then immediately marked the seized items at the place of arrest. Afterwards, they brought accused-appellants and the seized items to the police station, where they conducted an inventory in the presence of Barangay Kagawad Teresita Publiko (Kagawad Publiko), Councilor Ronnie Acuña (Councilor Acuña), and media representative Cesar Barquilla (media representative Barquilla). Consequently, the seized items were brought to the crime laboratory, where, after examination, the contents thereof yielded positive for the presence of methamphetamine hydrochloride, or *shabu*.<sup>7</sup>

In their defense, accused-appellants claimed that at around 6:00 in the morning of August 10, 2014, Estrada was at a store near his house to buy coffee when police officers called and asked him to board the police mobile. When he inquired as to his violation/s, the police officers ignored him. He then called out to his mother but the police officers made him lie face down and forced him to board the vehicle. They then proceeded to the house of Maylon, where the latter, who was then sleeping, was arrested. Consequently, they were brought to the nearest barangay, where a plastic sachet was shown to them. Afterwards, they were brought to the police station for the filing of criminal charges.<sup>8</sup>

In a Decision<sup>9</sup> dated September 16, 2016, the RTC found accused-appellants guilty of the crimes respectively charged against them, and accordingly, sentenced them as follows: (a) for Illegal Sale of Dangerous Drugs against Maylon, life imprisonment and to pay a fine of ₱500,000.00;

<sup>5</sup> The Information dated August 12, 2014 in Criminal Case No. 2014-4405-D-MK against Maylon was for Section 5, Article II of RA 9165 (Illegal Sale of Dangerous Drugs); records, pp. 2-3; while the Informations dated August 12, 2014 in Criminal Case Nos. 2014-4406-D-MK and 2014-4407-D-MK against Maylon and Estrada were for Section 11, Article II of RA 9165 (Illegal Possession of Drugs), respectively; records, pp. 32-33 and 61-62.

<sup>6</sup> *Rollo*, pp. 5-7. See also Physical Science Report No. MCSO-D-086-14 dated August 10, 2014; records, p. 276.

<sup>7</sup> *Rollo*, pp. 6-7.

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

<sup>9</sup> *CA rollo*, pp. 53-62.

(b) for Illegal Possession of Dangerous Drugs against Maylon, imprisonment of twelve (12) years and one (1) day to twenty (20) years; and (c) for Illegal Possession of Dangerous Drugs against Estrada, imprisonment of twelve (12) years and one (1) day to twenty (20) years and to pay a fine of ₱300,000.00. It found that the prosecution was able to establish accused-appellants' guilt for the crimes charged. It likewise gave credence to the positive testimony of the police operatives which prevails over accused-appellants' self-serving and uncorroborated defense of denial.<sup>10</sup> Aggrieved, accused-appellants appealed<sup>11</sup> to the CA.

In a Decision<sup>12</sup> dated February 23, 2018, the CA affirmed with modification the RTC ruling, and accordingly, sentenced: (a) accused-appellants to each suffer the penalty of imprisonment of twelve (12) years and one (1) day, as minimum, to fourteen (14) years and eight (8) months, as maximum, and to each pay a fine of ₱300,000.00 for Illegal Possession of Dangerous Drugs; and (b) Maylon to suffer the penalty of life imprisonment and to pay a fine of ₱500,000.00 for Illegal Sale of Dangerous Drugs. It found that the prosecution was able to establish all the elements of the crimes charged, as well as the unbroken chain of custody in the handling of the seized items.<sup>13</sup>

Hence, this appeal seeking that accused-appellants' respective convictions be overturned.

### The Court's Ruling

The appeal is without merit.

The elements of Illegal Sale of Dangerous Drugs under Section 5, Article II of RA 9165 are: (a) the identity of the buyer and the seller, the object, and the consideration; and (b) the delivery of the thing sold and the payment. On the other hand, the elements of Illegal Possession of Dangerous Drugs under Section 11, Article II of RA 9165 are: (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.<sup>14</sup> Here, the courts *a quo* correctly found Maylon guilty of the crime of Illegal Sale of Dangerous Drugs, as the records clearly show that he was caught *in flagrante delicto* selling *shabu* to the poseur-buyer, PO3 Olveda, during a legitimate buy-bust operation

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<sup>10</sup> Id. at 61.

<sup>11</sup> See Notice of Appeal dated November 18, 2016; id. at 11-12.

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

<sup>13</sup> Id. at 9-19.

<sup>14</sup> 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).

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conducted by the SAID-SOTG. Similarly, the courts *a quo* correctly ruled that both Maylon and Estrada committed the crime of Illegal Possession of Dangerous Drugs as they freely and consciously possessed plastic sachets containing *shabu* when they were arrested. Since there is no indication that the trial court and the CA overlooked, misunderstood, or misapplied the surrounding facts and circumstances of the case, the Court finds no reason to deviate from their factual findings. In this regard, it should be noted that the trial court was in the best position to assess and determine the credibility of the witnesses presented by both parties.<sup>15</sup>

Further, the Court notes that the buy-bust team had sufficiently complied with the chain of custody rule under Section 21, Article II of RA 9165.

In cases for Illegal Sale and/or Possession of Dangerous Drugs under RA 9165, 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.<sup>16</sup> 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.<sup>17</sup>

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.<sup>18</sup> 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.<sup>19</sup> In this regard, case law recognizes that “marking upon immediate confiscation contemplates even marking at the nearest police station or office of the apprehending team.”<sup>20</sup> Hence, the failure to

<sup>15</sup> 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).

<sup>16</sup> See *People v. Crispo*, *id.*; *People v. Sanchez*, *id.*; *People v. Magsano*, *id.*; *People v. Manansala*, *id.*; *People v. Miranda*, *id.*; *People v. Mamangon*, *id.* See also *People v. Viterbo*, 739 Phil. 593, 601 (2014).

<sup>17</sup> See *People v. Gamboa*, G.R. No. 233702, June 20, 2018, citing *People v. Umipang*, 686 Phil. 1024, 1039-1040 (2012). See also *People v. Manansala*, *id.*

<sup>18</sup> See *People v. Año*, G.R. No. 230070, March 14, 2018; *People v. Crispo*, *supra* note 14; *People v. Sanchez*, *supra* note 14; *People v. Magsano*, *supra* note 14; *People v. Manansala*, *id.*; *People v. Miranda*, *supra* note 14; and *People v. Mamangon*, *supra* note 14. See also *People v. Viterbo*, *supra* note 16.

<sup>19</sup> In this regard, case law recognizes that “marking 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. Tumulak*, 791 Phil. 148, 160-161 [2016]; and *People v. Rollo*, 757 Phil. 346, 357 [2015])

<sup>20</sup> *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).

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.<sup>21</sup>

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 Department of Justice (DOJ), and any elected public official”;<sup>22</sup> or (b) if **after** the amendment of RA 9165 by RA 10640, “[a]n elected public official and a representative of the National Prosecution Service *or* the media.”<sup>23</sup> 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.”<sup>24</sup>

In this case, it is glaring from the records that after accused-appellants were arrested, the buy-bust team immediately took custody of the seized plastic sachets and marked them at the place of arrest. Thereafter, they went to the nearest police station where the inventory<sup>25</sup> and photography<sup>26</sup> of the seized plastic sachets were conducted in the presence of two (2) elected public officials (Kagawad Publiko and Councilor Acuña) and a media representative (media representative Barquilla). While such inventory and photography were not done at the place of arrest but at the police station, the same was warranted under the circumstances. As testified by PO3 Olveda, they had to move to the nearest police station because the relatives of accused-appellants started to cause a commotion, *viz.*:

[Atty. Dela Cruz, Jr.]: Before you left the area, there was no danger in your life?

[PO3 Olveda]: Sir at that time of the inventory, some of his relatives – to avoid some commotion –

[Prosecutor Aga]: Your Honor, we would like to manifest that the witness was acting –

Court: *Anong ibig sabihin ng ganun, parang nanakal?*

[PO3 Olveda]: *Parang susugurin kami ng mga tao o kamag-anak kaya, to avoid any commotion, we decided to continue the inventory at the nearest precinct.*<sup>27</sup>

<sup>21</sup> See *People v. Tumalak*, 791 Phil. 148, 160-161 (2016); and *People v. Rollo*, 757 Phil. 346, 357 (2015).

<sup>22</sup> Section 21 (1), Article II of RA 9165 and its Implementing Rules and Regulations.

<sup>23</sup> Section 21 (1), Article II of RA 9165, as amended by RA 10640

<sup>24</sup> See *People v. Mendoza*, 736 Phil. 749, 764 (2014).

<sup>25</sup> See Inventory of Evidence; records, pp. 281 and 286.

<sup>26</sup> Id. at 282-283.

<sup>27</sup> TSN, June 18, 2015, p. 31.

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Moreover, it is well to note Associate Justice Alfredo Benjamin S. Caguioa's observations during deliberations that the buy-bust team had already secured the presence of an elected public official and a media representative even before they implemented the buy-bust operation, thereby confirming that the amended witnesses requirement under RA 10640 was duly complied with. The testimony of PO3 Virgilio S. Calanoga, Jr. (PO3 Calanoga, Jr.) regarding this matter is revelatory, to wit:

[Atty. Dela Cruz, Jr.]: Now, how long a time did it take the media representative to arrive after the arrest?

[PO3 Calanoga, Jr.]: The media representative – we are grouped of – he is with us when we came to that area, sir.

Q: The media representative was with you in that operation?

A: Yes, sir.

Q: Who else was with you in that operation, apart from [the] media representative?

A: Councilor Acuña, sir.

Q: Councilor Acuña?

A: Yes, sir.

Q: You are saying that Councilor Acuña and the media representative were part of [the buy-bust] operation and you are sure about [that]?

A: They are with us but they are not totally coming with us while we are conducting the operation, sir. They are just waiting for the operation to be finished.

Q: Who called the media representative and the councilor to be part or to join you in the operation against alias "Puke"?

A: The Chief of DAID – ah, Chief SAID, P/C Insp. Flores, sir.

Q: So, when you left your office here in Marikina, you were already with the media representative and Councilor Acuña, you will be there already. And of course, you are sure about that?

A: Yes, sir.<sup>28</sup>

Finally, PO3 Olveda and PO3 Calanoga, Jr. then personally delivered all the evidence seized to Police Chief Inspector Margarita M. Libres of the Eastern Police District Crime Laboratory who performed the necessary tests<sup>29</sup> thereon.<sup>30</sup>

In view of the foregoing, the Court holds that there is sufficient compliance with the chain of custody rule, and thus, the integrity and evidentiary value of the *corpus delicti* have been preserved. Perforce, accused-appellants' conviction must stand.

<sup>28</sup> TSN, August 19, 2015, pp. 14-15.

<sup>29</sup> Records, pp. 274-276.

<sup>30</sup> See Chain of Custody Forms both dated August 10, 2014; id. at 285 and 287.

**WHEREFORE**, the appeal is **DISMISSED**. The Court **ADOPTS** the findings of fact and conclusions of law in the Decision dated February 23, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 09141 and **AFFIRMS** said Decision finding accused-appellant Jonathan Maylon y Alvero **GUILTY** beyond reasonable doubt of the crimes of Illegal Sale and Illegal Possession of Dangerous Drugs, defined and penalized under Sections 5 and 11, Article II of Republic Act No. 9165, respectively, and accused-appellant Arnel Estrada y Glorian **GUILTY** beyond reasonable doubt of the crime of Illegal Possession of Dangerous Drugs, defined and penalized under Section 11, Article II of the same Act. Accordingly, they are hereby sentenced as follows: (a) in Criminal Case No. 2014-4405-D-MK for Illegal Sale of Dangerous Drugs, accused-appellant Jonathan Maylon y Alvero is sentenced to suffer the penalty of life imprisonment and to pay a fine of ₱500,000.00; (b) in Criminal Case No. 2014-4406-D-MK for Illegal Possession of Dangerous Drugs, accused-appellant Jonathan Maylon y Alvero is sentenced to suffer the penalty of imprisonment for an indeterminate period of twelve (12) years and one (1) day, as minimum, to fourteen (14) years and eight (8) months, as maximum, and to pay a fine of ₱300,000.00; and (c) in Criminal Case No. 2014-4407-D-MK for Illegal Possession of Dangerous Drugs, accused-appellant Arnel Estrada y Glorian is sentenced to suffer the penalty of imprisonment for an indeterminate period of twelve (12) years and one (1) day, as minimum, and fourteen (14) years and eight (8) months, as maximum, and to pay a fine of ₱300,000.00.

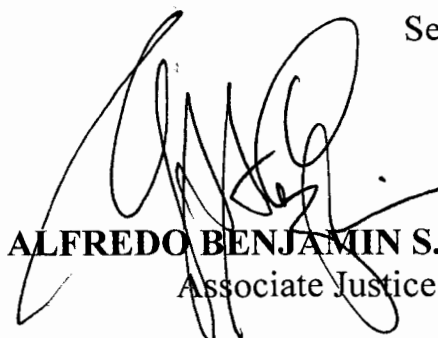
**SO ORDERED.**

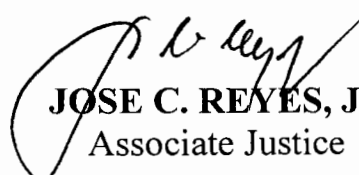
  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice

**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**

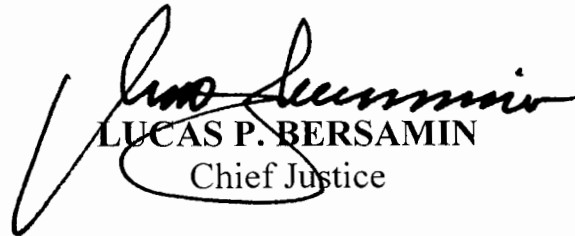
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**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