



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **06 July 2020** which reads as follows:*

“G.R. No. 235019 (*People of the Philippines, plaintiff-appelle, v. Catherine Mayor y Rama, accused-appellant*). –Before the Court is an appeal of the Court of Appeals’ (CA) Decision¹ dated May 29, 2017 in CA-G.R. CR-HC No. 07647 affirming the Decision² dated May 22, 2015 of Branch 53, Regional Trial Court (RTC), City of Manila in Criminal Case Nos. 09-267052 and 09-267053 finding Catherine Mayor y Rama (accused-appellant) guilty beyond reasonable doubt for violating Sections 5 and 11 (3), Article II of Republic Act No. (RA) 9165.³

The Antecedents

Accused-appellant was charged with Illegal Sale and Possession of a Dangerous Drug, methamphetamine hydrochloride, otherwise known as *shabu*, in the following informations:

Criminal Case No. 09-267052

That on or about February 19, 2009, in the City of Manila, Philippines, the said accused, not having been authorized by law to sell, dispense, deliver, transport, or distribute any dangerous drugs, did then and there willfully (sic), unlawfully, and knowingly sell and/or offer for sale, one (1) small heat-sealed transparent plastic sachet which was thereafter marked as “CRM-1” containing white crystalline substance weighing ZERO POINT ZERO FIVE TWO (0.052) gram of

¹ *Rollo*, pp. 2-13; penned by Associate Justice Rosmari D. Carandang (now a member of the Court), with Associate Justices Ramon Paul L. Hernando (now a member of the Court) and Jhosep Y. Lopez, concurring.

² *CA rollo*, pp. 60-64.

³ Otherwise known as the *Comprehensive Dangerous Drugs Act of 2002*.

Methylamphetamine (sic) Hydrochloride, a dangerous drug.⁴

Criminal Case No. 09-267053

That on or about February 19, 2009, in the City of Manila, Philippines, the said accused, not having been authorized by law to possess any dangerous drug, did then and there willfully (sic), unlawfully, and knowingly have in her possession and under her custody and control two (2) heat-sealed transparent plastic sachets which were thereafter marked as "CRM-2" and "CRM-3" containing white crystalline substance weighing ZERO POINT ZERO EIGHT ZERO (0.080) gram and ZERO POINT ZERO SIX ZERO (0.060) gram, respectively, of Methylamphetamine (sic) Hydrochloride, a dangerous drug.⁵

On arraignment, accused-appellant pleaded not guilty to both charges.⁶

During trial, the prosecution presented as witnesses (1) Police Chief Inspector Erickson Calabocal (PCI Calabocal), forensic chemist, Manila Police Department (MPD) Crime Laboratory; and (2) members of the buy-bust operation team, namely: (1) Police Officer III (PO3) Rolando Ladres (PO3 Ladres), (2) PO3 Rodel Nicdao (PO3 Nicdao), (3) PO3 Renato Gregorio (PO3 Gregorio), and (4) PO3 Malverick Quinio (PO3 Quinio).⁷

Version of the Prosecution

On February 19, 2009, the Station Anti-Illegal Drugs, MPD, Police Station 11, Meisic Police Station (Meisic-SAID), through its Station Commander, Police Superintendent Nelson Yabut, received a tip from an informant about the rampant illegal drug sales in Old Matadero Street, Binondo, Manila by a certain Lita or Ilet (alias Ilet).

Acting on the tip, Meisic-SAID, headed by Police Senior Inspector Harris Ebes, organized a buy-bust operation team. The team prepared one ₱500.00 bill, which PO3 Ladres, as the designated *poseur-buyer*, marked with his initials (marked money).⁸ The other members of

⁴ CA rollo, p. 60.

⁵ CA rollo, pp. 60-61.

⁶ *Id.* at 61.

⁷ Rollo, p. 4.

⁸ CA rollo, p. 61.

the team served as back-up operatives.

At around 10:30 p.m. on even date, upon the team's arrival at the designated area, PO3 Ladres and the informant proceeded to the house identified as alias Ilet's residence. Upon their arrival, the informant approached alias Ilet and introduced PO3 Ladres as someone who was interested in buying *shabu*. After PO3 Ladres handed her the marked money, alias Ilet took out a small plastic sachet containing a white crystalline substance. Immediately after, PO3 Ladres executed the pre-arranged signal to the buy-bust team, prompting them to proceed to his location and assist with alias Ilet's arrest. Although alias Ilet initially ran from the arresting officers, a *barangay kagawad* eventually convinced her to go with the operatives.

In the process of apprehending alias Ilet, later on identified as accused-appellant, PO3 Nicdao retrieved from her the marked money and two additional heat-sealed plastic sachets also containing amounts of white crystalline substance.⁹

At the police station, PO3 Ladres conducted the inventory of the seized items in the presence of the SAID Chief, buy-bust team members, and accused-appellant. He marked the three heat-sealed plastic sachets "CRM-1," "CRM-2," and "CRM-3," respectively.¹⁰

Thereafter, he turned over the items to PO3 Quinio, who then prepared the following documents: (a) Booking Sheet and Arrest Report, and (b) Memorandum to the Philippine National Police (PNP) Chief.¹¹

Forensic Chemist PCI Calabocal examined the specimen submitted to the MPD Crime Laboratory. The results thereof, as recorded in Chemistry Report No. D-115-09, confirmed that the contents of all three plastic sachets were *shabu*.

Version of the Defense

On the other hand, accused-appellant, as the lone witness for the defense, testified that on February 19, 2009, police officers came by her house and invited her to go with them. However, at the precinct, the police officers asked ₱100,000.00 from her in exchange of her freedom.

⁹ CA rollo, p. 62.

¹⁰ *Id.*

¹¹ *Id.*

Since she failed to give the requested amount, the police officers told her that she will be charged with the violation of Section 5 of RA No. 9165.

The RTC Ruling

In the Decision dated May 22, 2015, the RTC found accused-appellant guilty beyond reasonable doubt of the offenses charged, sentencing her as follows:

WHEREFORE, in view of the foregoing, judgment is hereby rendered -

1. In Crim. Case No. 09-267052, finding accused CATHERINE MAYOR y RAMA GUILTY beyond reasonable doubt of the offense defined and punished in Sec. 5, Article II, [RA] 9165, and is hereby sentenced to suffer *Life Imprisonment* and to pay fine in the amount of *₱500,000.00*; and

2. In Crim. Case No. 09-267053, inding accused CATHERINE MAYOR y RAMA GUILTY beyond reasonable doubt of the offense defined and punished in Sec. 11(3), Article II, [RA] 9165, and is hereby sentenced to suffer imprisonment of *Twelve (12) years and one (1) day*, as minimum, to *Fifteen (15) years*, as maximum, and to pay fine in the amount of *₱300,000.00*.

Cost against the accused.

SO ORDERED. (Emphasis supplied.)

On appeal to the CA, accused-appellant asserted that the police officers' contradicting testimonies show that "the alleged buy-bust operation was fabricated" to frame her up.¹² Further, the authorities did not comply with the chain of custody rule, as required by Section 21 of RA No. 9165.

The CA Ruling

In the assailed Decision, the CA affirmed the RTC, *viz.*:

WHEREFORE, the appeal is DISMISSED. The assailed

¹² *Id.* at 55.

RTC Decision in Criminal Case Nos. 09267052 and 09-267053 dated May 22, 2015 is hereby AFFIRMED.

SO ORDERED.¹³

Hence, this final appeal raising the same arguments brought before the CA.¹⁴

Our Ruling

The appeal is meritorious.

A conviction for illegal sale or illegal possession of dangerous drugs shall be justified only if the *corpus delicti*—the body of the crime whose focal point is the confiscated prohibited drug or substance—is established by proof beyond reasonable doubt. This quantum of evidence requires the prosecution to show that the identity and integrity of the illegal drugs seized have been duly preserved and establish with certainty that the illegal drug presented in court is the same illegal drug actually recovered from the accused.¹⁵

To remove any doubt concerning the identity of the drugs, all movements and custody of seized drugs from the time of confiscation, to receipt in the forensic laboratory, to safekeeping, until its presentation in court for destruction must duly recorded and accounted for. This is known as the chain of custody rule.¹⁶

Among others, the chain of custody rule requires the presence of “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.”¹⁷ In the present case,

¹³ *Rollo*, p. 12.

¹⁴ *Id.* at 27-28; In her Manifestation In Lieu of Supplemental Brief, accused-appellant expressed that she will no longer file a supplemental brief because she had already argued all the relevant issues in the Appellant’s Brief (CA rollo pp. 35-59) filed before the CA.

¹⁵ *People v. Ameril*, 799 Phil. 485 (2016), citing *People vs. Denoman*, 612 Phil. 1165 (2009).

¹⁶ *Id.*

¹⁷ Section 21(1), Article II, RA 9165. On July 15, 2014, this provision was amended by RA10640 to read as follows: “x x x with an elected public official and a representative from the National Prosecution Service OR the media...”

accused-appellant pointed out that only a media representative was present during inventory-taking.

Verily, non-compliance with these procedures is not fatal to the case. However, the prosecution must fully explain any departure from the general rule and show that the integrity and the evidentiary value of the seized items are nonetheless properly preserved by the apprehending officers.¹⁸ Stated differently, there can be no substantial compliance with the procedural requirements if there are no circumstances justifying the police officers' deviation from the rules.

After a careful review of the records, the police officers did not offer any excuse or reason that could justify their irregular compliance with the chain of custody rule. Notably, the Office of the Solicitor General (OSG), representing the People, did not dispute the absence of the required DOJ representative and *barangay* official and brushed off the police authorities' deficiency by arguing that "non-compliance with the procedural requirements under justifiable grounds shall not render void and invalid the seizure and custody of the seized items as long as the integrity and the evidentiary value of the seized items are properly preserved."¹⁹

Thus, in the absence of a sufficient explanation, the CA erred when it found merit in the OSG's contention and upheld accused-appellant's conviction. Certainly, compliance could not have been substantial if the authorities failed to justify the irregularities attending the performance of their functions. On this score, Our ruling in *People v. Miranda*²⁰ is instructive, *viz.*:

Therefore, as the requirements are clearly set forth in the law, then *the State retains the positive duty to account for any lapses in the chain of custody of the drugs/items seized from the accused*, regardless of whether or not the defense raises the same in the proceedings a quo; otherwise, it risks the possibility of having a conviction overturned on grounds that go into the evidence's integrity and evidentiary value, albeit the same are raised only for the first time on appeal, or even not raised, become apparent upon further review. (Emphasis supplied)

¹⁸ *People v. Jaafar*, 803 Phil. 582 (2017).

¹⁹ CA rollo, p. 94.

²⁰ G.R. No. 229671, January 31, 2018, 854 SCRA 42.

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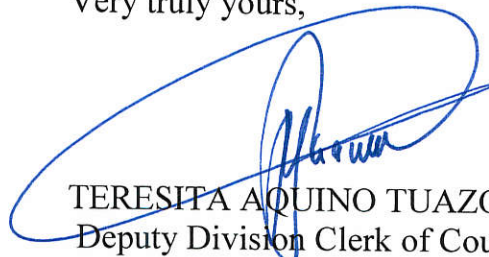
WHEREFORE, the assailed Court of Appeals' Decision dated May 29, 2017 in CA-G.R. CR-HC No. 07647 is **REVERSED AND SET ASIDE**. Accused-appellant Catherine Mayor y Rama is hereby **ACQUITTED** for failure of the prosecution to prove her guilt beyond reasonable doubt in Criminal Case Nos. 09-267052 and 09-267053.

The Superintendent of the Correctional Institution for Women, Bureau of Corrections, Mandaluyong City is **ORDERED** to: (a) cause the immediate release of the above-named accused-appellant, unless she is being held in the custody for any other lawful reason; and (b) inform the Court of the action taken within five (5) days from receipt of this Resolution.

Let entry of judgment be issued.

SO ORDERED." (Gaerlan, *J.*, designated as additional member, per Special Order No. 2780 dated May 11, 2020. Hernando, *J.*, no part due to prior action in the Court of Appeals, Leonen, *J.*, designated additional member per Raffle dated December 17, 2019).

Very truly yours,



TERESITA AQUINO TUAZON
Deputy Division Clerk of Court

16 SEP 2020

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