



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 3, 2021** which reads as follows:*

**“G.R. No. 250005 – PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus ROSE MARIE IGLESIAS Y ADARLE a.k.a. “ROSE,” and REY FERNANDO Y INOCENCIO, accused-appellants.**

After a careful review of the records of the instant case, the Court **REVERSES AND SETS ASIDE** the Decision<sup>1</sup> dated May 16, 2019 of the Court of Appeals – Special First Division (CA) in CA-G.R. CR-H.C. No. 10386, which affirmed the Consolidated Decision<sup>2</sup> dated November 10, 2017 of the Branch 193, Regional Trial Court of Marikina City, (RTC) in Criminal Cases Nos. 2017-5809-D-MK and 2017-5810-D-MK, finding accused-appellants Rose Marie Iglesias y Adarle a.k.a. “Rose” and Rey Fernando y Inocencio (accused-appellants) guilty beyond reasonable doubt of violation of Sections 5 and 11 of Republic Act No. (RA) 9165, otherwise known as the “Comprehensive Dangerous Drugs Act of 2002.”

The elements of Illegal Sale of Dangerous Drugs under Section 5 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 while the elements of Illegal Possession of Dangerous Drugs under Section 11 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>3</sup>

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<sup>1</sup> *Rollo*, pp. 8-18. Penned by Associate Justice Franchito N. Diamante with Associate Justices Maria Elisa Sempio Diy and Jhoseph Y. Lopez concurring.

<sup>2</sup> *CA rollo*, pp. 52-64. Penned by Judge Alice C. Gutierrez

<sup>3</sup> *People v. Cuevas*, G.R. No. 238906, November 5, 2018, 884 SCRA 308, 313-314.

In both offenses, the prosecution must prove beyond reasonable doubt not only every element of the crime or offense charged but must also establish the identity of the *corpus delicti*, *i.e.*, the seized drugs.<sup>4</sup> It is, therefore, the duty of the prosecution to prove that the drugs seized from the accused were the same items presented in court.<sup>5</sup> The chain of custody requirement performs this function by ensuring that unnecessary doubts as to the identity of the drugs seized are removed, thus:

As a method of authenticating evidence, the chain of custody rule requires that the admission of an exhibit be preceded by evidence sufficient to support a finding that the matter in question is what the proponent claims it to be. It would include testimony about every link in the chain, from the moment the item was picked up to the time it is offered into evidence, in such a way that every person who touched the exhibit would describe how and from whom it was received, where it was and what happened to it while in the witness' possession, the condition in which it was received and the condition in which it was delivered to the next link in the chain. These witnesses would then describe the precautions taken to ensure that there had been no change in the condition of the item and no opportunity for someone not in the chain to have possession of the same.<sup>6</sup>

Section 21 (1)<sup>7</sup> of RA 9165, as amended by RA 10640,<sup>8</sup> the applicable law at the time of the commission of the alleged crimes in this case,<sup>9</sup> lays down the procedure to be followed in the seizure and custody of the dangerous drugs. As to the conduct of physical inventory and taking of photograph of the seized items in drugs cases, Section 21, RA 9165, as amended, requires the presence of witnesses

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<sup>4</sup> *People v. Arbuis*, G.R. No. 234154, July 23, 2018, 873 SCRA 543, 549.

<sup>5</sup> *People v. Burdeos*, G.R. No. 218434, July 17, 2019, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65487>>.

<sup>6</sup> *Mallillin v. People*, G.R. No. 172953, April 30, 2008, 553 SCRA 619, 632-633.

<sup>7</sup> The relevant provision reads:

(1) The apprehending team having initial custody and control of the dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment shall, immediately after seizure and confiscation, conduct a physical inventory of the seized items 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, with an elected public official and a representative of the National Prosecution Service or the media who shall be required to sign the copies of the inventory and be given a copy thereof: Provided, That the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures x x x.

<sup>8</sup> 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," dated July 15, 2014.

<sup>9</sup> The offenses subject of this appeal were allegedly committed on June 26, 2017.

aside from the accused or the persons from whom such items were confiscated and seized or his/her counsel, particularly: (1) an elected public official; and (2) a representative of the National Prosecution Service or the media. Thereafter, all of them should sign copies of the inventory and be given a copy thereof.<sup>10</sup> It is to be noted that RA 10640 simplified the number of witnesses in anti-drug operations.

What is more, jurisprudence has recognized the following links that must be established in the chain of custody: *first*, the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer; *second*, the turnover of the illegal drug seized by the apprehending officer to the investigating officer; *third*, the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and *fourth*, the turnover and submission of the marked illegal drug seized from the forensic chemist to the court.<sup>11</sup>

In the present case, the prosecution sufficiently established only the first link in the chain of custody. PO1 Lyra F. Fornal (PO1 Fornal), assisted by the buy-bust team, effected the arrests immediately after accused-appellants sold to her the plastic sachet containing white crystalline substance. PO1 Fornal narrated how she immediately marked the seized items. The same were also immediately inventoried and photographed in the presence of accused-appellants, a barangay official, and a media representative. All these were done at the site of arrest.

The prosecution, however, failed to account for the subsequent links in the chain of custody. Upon review of the Request for Laboratory Examination,<sup>12</sup> it indicates that a certain SPO4 Garces received the confiscated items from PO1 Fornal before their turnover to the forensic chemist. This is highly contrary to PO1 Fornal's testimony where she explained that she had been in possession of the seized drugs from the time of the arrest until she brought the items to the crime laboratory for qualitative examination and received by PCI Margarita M. Libres (PCI Libres).<sup>13</sup> This gap in the chain of custody casts serious doubt on whether the *corpus delicti* of the crimes charged against the accused-appellants had been properly preserved.

Moreover, it is true that the credible and positive testimony of a single prosecution witness is sufficient to warrant a conviction,<sup>14</sup> but

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<sup>10</sup> *People v. Rendon*, G.R. No. 227873, November 14, 2018, 885 SCRA 566, 573-574.

<sup>11</sup> *People v. Kamad*, 624 Phil. 289, 304 (2010).

<sup>12</sup> Records, p. 14.

<sup>13</sup> TSN dated September 4, 2017, p. 12.

<sup>14</sup> *People v. Angeles*, G.R. No. 218947, June 20, 2018, 867 SCRA 281, 296.

this holding will not apply in this case, given that PO1 Fornal's testimony in court did not establish all the links in the chain of custody of the illegal drugs. To recall, the trial court dispensed with the testimony of the forensic chemist in view of the stipulation entered into by the prosecution and the defense in an Order<sup>15</sup> dated August 7, 2017.

It was held in *People v. Pajarin*<sup>16</sup> that, in case of a stipulation by the parties to dispense with the attendance and testimony of the forensic chemist, it should be stipulated that the forensic chemist would have testified that he had taken the precautionary steps required to preserve the integrity and evidentiary value of the seized item, to wit:

1. that the forensic chemist received the seized article as marked, properly sealed, and intact;
2. that he resealed it after examination of the content; and
3. that he placed his own marking on the same to ensure that it could not be tampered with pending trial.<sup>17</sup>

In a long line of cases, namely, *People v. Ubungen*,<sup>18</sup> *People v. Cabuhay*,<sup>19</sup> *People v. Galisim*,<sup>20</sup> *People v. Salmeron*,<sup>21</sup> *People v. Luminda*,<sup>22</sup> *People v. Ambrosio*,<sup>23</sup> *People v. Leaño*,<sup>24</sup> and *People v. Buniel*,<sup>25</sup> this Court ordered the acquittal of the accused based on reasonable doubt because the parties' stipulation did not state that the forensic chemist had taken the above-mentioned precautionary steps. The same conclusion should also be reached in this case.

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<sup>15</sup> Records, pp. 52-54.

<sup>16</sup> 654 Phil. 461 (2011).

<sup>17</sup> Id. at 466.

<sup>18</sup> G.R. No. 225497, July 23, 2018, 873 SCRA 172.

<sup>19</sup> G.R. No. 225590, July 23, 2018, 873 SCRA 189.

<sup>20</sup> G.R. No. 231305, September 11, 2019, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65739>>.

<sup>21</sup> G.R. No. 246477, October 2, 2019, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65858>>.

<sup>22</sup> G.R. No. 229661, November 20, 2019, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65944>>.

<sup>23</sup> G.R. No. 234051, November 27, 2019, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66027>>.

<sup>24</sup> G.R. No. 246461, July 28, 2020, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66404>>.

<sup>25</sup> G.R. No. 243796, September 8, 2020, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66601>>.

A perusal of the Order dated August 7, 2017,<sup>26</sup> wherein the testimony of the forensic chemist was dispensed with, does not show how PCI Libres took the necessary precautions to preserve the integrity and evidentiary value of the seized drugs while they remained in her possession and before they were submitted to court, viz.:

1. That she is the same Police Chief Inspector Forensic Chemist Margarita M. Libres of the PNP Eastern Police District Crime Laboratory with office at Marikina Sports Complex, Brgy. Sta. Elena, Marikina City;
2. That on June 27, 2017, she received a Request for Laboratory Examination on seized evidence from the arresting officer PO1 Lyra Fornal of SDEU, Marikina City Police Station, Justice Hall Bldg., Marikina City for the examination of the items allegedly confiscated from accused Rose Marie Iglesias y Adarle and Rey Fernando y Inocencio;
3. That she received the following specimen:  
  
One (1) heat sealed transparent plastic sachet containing 0.04 gram of white crystalline substance suspected as shabu marked as "RMI-BB 06/26/17" which she denominated as Specimen A;

x x x x

4. That pursuant to said laboratory examination request, she conducted examination of the above-stated Specimens A to G;
5. That after a qualitative examination conducted by her, the substances contained on the above Specimens A to G gave positive result to the test for the presence of Methamphetamine hydrochloride, a dangerous drug.
6. That the results of her findings with regard to the specimens were reduced into writing under Physical Science Report No. MCSO-D-037-17;
7. That the specimens A to G were the same items that were turned over to her by PO1 Lyra Fornal;
8. That she would be able to identify the specimens submitted as the same specimens submitted to her by PO1 Lyra Fornal and that the same specimens were the specimens she subjected to examination;

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<sup>26</sup> Records, pp. 52-54.

9. That she would be able to identify the documents as the same documents she executed in relation to this case.<sup>27</sup>

Clear from the foregoing is the lack of the stipulations required to dispense the testimony of the forensic chemist effectively. There is no information how PCI Libres handled the seized drugs during examination and before they were transferred to the court — which is necessary to ensure that there was no change in condition of the seized drugs and no opportunity for someone not in the chain to have possession while in her custody. Thus, it cannot be said with certainty that the drugs have never been compromised or altered.

More, nothing in the Physical Science Report No. MCSO-D-037-17<sup>28</sup> showed how the specimens had left the possession of PCI Libres to ensure their integrity before they were brought to the court. The records did not reveal what happened after the seized items were tested at the forensic laboratory and how PCI Libres handled, stored, and safeguarded the seized drugs during and after the laboratory examination until the specimens were presented in court. The stipulation on the testimony of the forensic chemist should cover the management, storage, and preservation of the seized illegal drugs; otherwise, the fourth link in the chain of custody could not be reasonably established.<sup>29</sup> Verily, the missing pieces of information here should merit the acquittal of accused-appellants.

In sum, the failure to include in the stipulations the precautions taken by PCI Libres after she completed her qualitative examination of the illegal drugs, as well as the manner they were handled after they were left in her custody and before they were presented in court, renders the stipulations in her testimony inadequate to prove the unbroken chain of custody of the seized items. The records were bereft of any evidence of what happened to the seized items in the interim — during and after the laboratory examination until the same were admitted and identified in court. Evidently, the prosecution has failed to demonstrate an unbroken chain of custody of the seized drugs.

Establishing every link in the chain of custody is crucial to preserving the integrity, identity, and evidentiary value of the seized illegal drugs. Failure to demonstrate compliance with even just one of

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<sup>27</sup> Id. at 52-53.

<sup>28</sup> Id. at 15.

<sup>29</sup> See *People v. Alon-Alon*, G.R. No. 237803, November 27, 2019, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65917>>.

the links creates a reasonable doubt that the substance confiscated from the accused is the same substance offered in evidence.<sup>30</sup> The last link of the chain is just as important as the first, second, and third link to establish and identify the continuous whereabouts of the seized items.


Thus, for the reasons mentioned above and with the integrity and evidentiary value of the *corpus delicti* of the crimes for which accused-appellants were charged having been rendered compromised, it necessarily follows that the accused-appellants must be acquitted.

**WHEREFORE**, the instant appeal is hereby **GRANTED**. The Decision dated May 16, 2019 of the Court of Appeals – Special First Division in CA-G.R. CR H.C. No. 10386, is hereby **REVERSED** and **SET ASIDE**. Accordingly, accused-appellants Rose Marie Iglesias y Adarle a.k.a. “Rose” and Rey Fernando y Inocencio are **ACQUITTED** for failure of the prosecution to establish their guilt beyond reasonable doubt, and are **ORDERED IMMEDIATELY RELEASED** from detention, unless they are being lawfully held for another cause.

Let a copy of this Resolution be furnished the Superintendent of the Correctional Institution for Women, Mandaluyong City, and the Director of Bureau of Corrections, Muntinlupa City, for immediate implementation. The said Superintendent and Director are **ORDERED** to **REPORT** to this Court within five (5) days from receipt of this Resolution the action they have taken.

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *ms/17*

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
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<sup>30</sup> *People v. Ubungen*, supra note 18, at 187.



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Court of Appeals (x)  
Manila  
(CA-G.R. CR HC No. 10386)

The Hon. Presiding Judge  
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(Crim. Case Nos. 2017-5809-D-MK  
& 2017-5810-D-MK)

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