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Wilton Villalpando
 WILTON VILLALPANDO
 Division Clerk of Court
 Third Division
 JUL 22 2016

Republic of the Philippines
 Supreme Court
 Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
 Plaintiff-Appellee,

G.R. No. 208353

Present:

VELASCO, JR., J.,
Chairperson,
 PERALTA,
 PEREZ,
 REYES, and
 CAGUIOA, JJ.*

- versus -

STEVE SIATON y BATE,
 Accused-Appellant.

Promulgated:

July 4, 2016

Wilton Villalpando

X ----- X

DECISION

PEREZ, J.:

On appeal is the Decision¹ of the Court of Appeals (CA) dated May 23, 2013 in CA-G.R. CR-H.C. No. 00799. The CA affirmed the July 31, 2007 Judgment² of the Regional Trial Court (RTC), Branch 28, Mandaue City, that found the accused-appellant Steve Siaton y Bate (accused-appellant) guilty beyond reasonable doubt of violation of Section 5, Article II of R.A. No. 9165 (The Comprehensive Dangerous Drugs Act of 2002), meriting him the penalty of life imprisonment.

* Designated as Additional Member in lieu of Justice Francis H. Jardeleza per raffle dated June 22, 2016.

¹ *Rollo*, pp. 3-18; penned by Associate Justice Ma. Luisa C. Quijano-Padilla, concurred by Associate Justices Ramon Paul. L. Hernando and Carmelita Salandanan-Manahan.

² *CA rollo*, pp. 34-41.

Wilton Villalpando

The Information which was filed against him on August 7, 2002 reads:

“That on or about the 5th day of August, 2002, in the City of Mandaue, Philippines, and within the jurisdiction of this Honorable Court, the aforementioned accused, with deliberate intent, and without being authorized by law, did then and there wil[l]fully, unlawfully and feloniously sell, deliver and give away to another “shabu” or methylamphetamine hydrochloride, a dangerous drug, weighing 0.04 gram, without legal authority.

CONTRARY TO LAW.”³

The Facts

Accused-appellant was charged and convicted by the lower courts for selling shabu, in violation of Section 5, Article II of R.A. No. 9165 or the Comprehensive Dangerous Drugs Act of 2002, which provides:

“Section 5. Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals. - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.”

The antecedent facts were culled from the records of the case, particularly the Appellee’s Brief⁴ for the version of the prosecution and the Appellant’s Brief⁵ for the version of the defense.

For the Prosecution

On August 5, 2002, at about 2:25 in the afternoon, Police Officer 1 Jojit Ching Ranile (PO1 Ranile), accompanied by a confidential asset and other police operatives, conducted surveillance in Looc, Mandaue City. One of the objectives of the surveillance was to ascertain whether or not accused-appellant Steve Siaton was selling shabu. To validate the information, the confidential asset conducted a test buy. The asset bought shabu from accused-appellant while in the presence of PO1 Ranile.

³ Records, p. 1.

⁴ CA rollo, pp. 54-67.

⁵ Id. at 17-33.

After the confirmation of the item to be shabu, the police operatives planned to conduct a buy-bust operation. Prior to the said operation, PO1 Ranile, Senior Police Officer 2 Jun Bataluna (SPO2 Bataluna), Police Officer 2 Alain Carado (PO2 Carado) and Police Senior Inspector Allan Mondares Damole (P/Sr. Insp. Damole), had a briefing and pre-operation conference at Station 4, Mandaue City Police Office. During the said pre-operation briefing, they agreed that PO1 Ranile would act as the poseur-buyer. After which, PO1 Ranile and Police Officer 1 Robert Junn Cuyos (PO1 Cuyos) proceeded to Looc, Mandaue City. When PO1 Ranile saw accused-appellant Steve Siaton, he approached him and asked if he could buy a sachet of shabu. Steve Siaton readily replied "How much?" PO1 Ranile showed him the marked money in the amount of ₱100.00 and said "One Peso," which means One-Hundred Pesos in drug parlance. Without any hesitation, accused-appellant answered yes and picked out a small pack of suspected shabu and delivered the same to PO1 Ranile. In turn, the officer handed over the marked ₱100.00 bill. After which, he gave the pre-arranged signal by holding his nose. Whereupon, PO1 Cuyos, who was on stand by, immediately approached the accused-appellant and held his left arm and said "Bay, don't resist because this is police."⁶

During the arrest, PO1 Ranile informed accused-appellant of his constitutional rights. When they reached the police station, he prepared a request for laboratory examination of the pack of shabu, which was marked "SBS," which stood for Steve Bate Siaton. PO1 Ranile delivered the confiscated pack to the crime laboratory, where it was eventually found to be positive for shabu.⁷

For the Defense

Accused-appellant testified that on August 5, 2002 at 2 o'clock in the afternoon, he was playing a computer game at the store of his aunt located across the chapel of San Roque Looc, Mandaue City. Thereafter, an unknown short, chubby and curly haired person approached him while he was playing. The unknown person asked him where he could obtain shabu. Accused-appellant replied that he did not know. Said person briefly left him and entered a house about 100 meters away from the store of his aunt. While accused-appellant was still playing, the unknown person came back, sat beside him and asked him what game he was playing. Accused-appellant explained the game he was playing and after 10 minutes, 3 more unknown persons, who turned out to be policemen, arrived. The policemen held him by his neck and arms, while they held the unknown person, by the shoulders. Despite accused-appellant's struggles and complaints, the policemen remained silent and forced him to go with them. Accused-appellant,

⁶ Id. at 57-58.

⁷ Id.



together with the unknown person, were brought to Precinct 4, where he was frisked. The policemen only recovered FIVE PESOS (P5.00) from him and he was eventually detained in jail.⁸

The RTC Decision

On July 31, 2007, the RTC found Steve Siaton guilty of the offense charged and imposed upon him the penalty of Life Imprisonment. The dispositive portion of the RTC Judgment is as follows:

“**WHEREFORE**, this Joint Judgment is hereby rendered finding the accused STEVE SIATON Y BATE GUILTY beyond reasonable doubt for violation of Section 5, Article II of RA 9165. Accordingly, the Court hereby imposes upon accused the penalty of life imprisonment together with the accessory penalties of the law.

The period of detention of [the] accused at the Mandaue City Jail shall be given full credit.

The Court hereby orders the destruction of the pack of shabu marked ‘Exhibit A’.

IT IS SO ORDERED.”⁹

Aggrieved, accused-appellant sought the reversal of the foregoing decision by questioning the validity of the buy-bust operation conducted by the police officers and by bringing to fore several inconsistencies in the prosecution witnesses’ testimonies. Accused-appellant contended that the inconsistencies regarding the vehicle used during the buy-bust operation rendered questionable the truthfulness of all the statements regarding the operation. The defense likewise claimed that the absence of a pre-operation report, which would have detailed how the buy-bust operation would have been conducted, also marred the operation. Lastly, accused-appellant put in issue the lack of inventory and photographs at the time of seizure.

The CA Decision

The CA, in its assailed decision, affirmed the judgment of conviction of the RTC. The CA ruled that the testimonies of the two police officers offered by the prosecution clearly showed that the chain of custody remained unbroken. The court likewise held that there was a substantial compliance with the law and that the integrity of the seized illegal drug was well preserved. The dispositive portion of the decision reads:

⁸ Id. at 22-23.

⁹ Id. at 40-41.



“**WHEREFORE**, in view thereof, the appeal is **DENIED**. The judgment dated July 31, 2007 of the Regional Trial Court, Branch 28, Mandaue City in Criminal Case No. DU-9504 finding the accused-appellant Steve Siaton Y Bate guilty of the crime charged is hereby **AFFIRMED**.

SO ORDERED.”¹⁰

In a Resolution¹¹ dated September 23, 2013, We required the parties to file their respective supplemental briefs. The prosecution manifested that it is no longer filing any supplemental brief.¹² The issues raised in appellant’s supplemental brief¹³ were similar to those previously raised to the appellate court. The appellant raises the following assignment of errors:

- I. THE TRIAL COURT ERRED IN UPHOLDING THE EXISTENCE AND VALIDITY OF THE BUY[-]BUST OPERATION CONDUCTED BY THE POLICE OFFICERS
- II. THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED DESPITE THE FACT THAT HIS GUILT WAS NOT PROVEN BEYOND REASONABLE DOUBT.¹⁴

Ruling of this Court

Before this Court disposes of the case, it should be underscored that appeals in criminal cases throw the whole case open for review and it is the duty of the appellate court to correct, cite and appreciate errors in the appealed judgment whether they are assigned or unassigned.¹⁵ Considering that what is at stake is the liberty of the accused, this Court thoroughly reviewed the records of the case and finds that the appeal is meritorious.

The crucial issue in this case is whether, to establish *corpus delicti*, the integrity and evidentiary value of the seized substance have been preserved in an unbroken chain of custody. A thorough review of the records of this case leads this Court to conclude that the prosecution failed to establish the *corpus delicti* of the crime charged.

Elements of illegal sale of dangerous drugs

¹⁰ *Rollo*, p. 17.

¹¹ *Id.* at 23.

¹² *Id.* at 27.

¹³ *Id.* at 35.

¹⁴ *CA rollo*, p. 19.

¹⁵ *People v. Balagat*, 604 Phil 529, 534 (2009).

For a prosecution of illegal sale of dangerous drugs to prosper, the following elements must be established:

- (1) [T]he identity of the buyer and the seller, the object, and the consideration; and
- (2) [T]he delivery of the thing sold and the payment therefor.¹⁶

To elucidate on the foregoing elements, this Court has said that “in prosecutions for illegal sale of drugs, what is material is proof that the transaction or sale actually took place, coupled with the presentation in court of the *corpus delicti* as evidence.”¹⁷ The dangerous drug itself constitutes the very *corpus delicti* of the offense and to sustain a conviction, the identity and integrity of the *corpus delicti* must be shown to have been preserved. This requirement necessarily arises from the “illegal drug’s unique characteristic that renders it indistinct, not readily identifiable, and easily open to tampering, alteration or substitution either by accident or otherwise.”¹⁸ In drugs cases, it is essential that the identity of the prohibited drug be established beyond reasonable doubt. The mere fact of unauthorized possession or sale is not sufficient to sustain a finding of guilt. The fact that the substance said to be illegally sold is the very same substance offered in court as exhibit must be established.¹⁹ The chain of custody requirement performs this function. In the case at bar, We found several glaring gaps in the chain of custody; thus, We hold that the prosecution failed to establish an important element of the offense, which is the identity of the object.

Chain of custody

The Guidelines on the Custody and Disposition of Seized Dangerous Drugs, Controlled Precursors and Essential Chemicals and Laboratory Equipment²⁰ defines “chain of custody” as follows:

Section 1 (b) - “Chain of Custody” means the duly recorded authorized movements and custody of seized drugs or controlled chemicals or plant sources of dangerous drugs or laboratory equipment of each stage, from the time of seizure/confiscation to receipt in the forensic laboratory to safekeeping to presentation in court for destruction. Such record of movements and custody of seized item shall include the identity and signature of the person who held temporary custody of the seized item, the date and time when such transfer of custody were made in the course of safekeeping and use in court as evidence, and the final disposition[.]

¹⁶ *People v. Amansec*, 678 Phil. 831, 860 (2011).

¹⁷ *People v. Lazaro Jr.*, 619 Phil. 235, 249 (2009).

¹⁸ *People v. Beran*, G.R. No. 203028, January 15, 2014, 714 SCRA 165, 189.

¹⁹ *Mallillin v. People*, 576 Phil. 576, 587 (2008).

²⁰ Dangerous Drugs Board (DDB) Regulation No. 1, Series of 2002.

In *Mallillin v. People*,²¹ We explained that 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. Ideally, the evidence presented by the prosecution should include testimony about every link in the chain, from the moment the item was picked up to the time it was offered into evidence. The prosecution should present evidence establishing the chain of custody 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.”²² In addition, these witnesses should describe the precautions taken to ensure that there had been no change in the condition of the item and that there had been no opportunity for someone not in the chain to have possession of the same.²³

Jurisprudence²⁴ has been instructive in illustrating the links in the chain that need to be established, to wit:

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 by the forensic chemist to the court.

While testimony about a perfect chain is not always the standard because it is almost always impossible to obtain an unbroken chain of custody, it becomes essential when the evidence is susceptible to alteration, tampering, contamination and even substitution and exchange. “In other words, the exhibit’s level of susceptibility to fungibility, alteration or tampering without regard to whether the same is advertent or otherwise not dictates the level of strictness in the application of the chain of custody rule.”²⁵

A close examination of the records of the case will readily make it evident that the lower courts failed to take note of vital gaps in the first, third and fourth links in the chain of custody.

²¹ Supra note 19.

²² Id.

²³ *People v. Martinez, et al.*, 652 Phil. 347, 369 (2010).

²⁴ *People v. Remigio*, 700 Phil. 452, 468 (2012).

²⁵ *People v. Climaco*, 687 Phil. 593, 605 (2012).

a. Seizure and marking (1st Link)

The required procedure on the seizure of drugs is embodied in Section 21, paragraph 1, Article II of R.A. No. 9165, which states:

- 1) The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory 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, 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[.]

This is implemented by Section 21(a), Article II of the *Implementing Rules and Regulations* of R.A. No. 9165, which reads:

- (a) The apprehending officer/team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory 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, 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: x x x *Provided, further* that non-compliance with these requirements under **justifiable grounds**, as long as the **integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team**, shall not render void and invalid such seizures of and custody over said items[.] [Emphasis supplied]

The first stage in the chain of custody is the marking of the dangerous drugs. Marking, “which is the affixing on the dangerous drugs or [substance] by the apprehending officer or the poseur-buyer of his initials or signature or other identifying signs, should be made in the presence of the apprehended violator immediately upon arrest.”²⁶ The marking operates to set apart as evidence the dangerous drugs or related items from other material from the moment they are confiscated until they are disposed of at the close of the criminal proceedings, thereby preventing switching, planting or contamination of evidence.²⁷

The records of the present case are bereft of evidence showing that the buy-bust team followed the outlined procedure. Other than the markings PO1 Ranile placed, it is clear that no physical inventory and no photograph

²⁶ *People v. Gonzales*, 708 Phil. 121, 130-131 (2013).

²⁷ *Id.* at 131.

of the seized items were taken in the presence of the accused-appellant or his counsel, a representative from the media and the Department of Justice (DOJ), and an elective official. Prosecution witness PO1 Ranile testified in very general and vague terms as to the procedure undertaken, to wit:²⁸

xxxx

Q: Then the shabu which you were able to buy from the accused, what did you do with it?

A: I delivered it to the crime laboratory for examination.

Q: Was there a request made?

A: Yes.

Q: And you were the one who delivered the request?

A: Yes.

Q: The shabu which you bought from the accused, can you identify it?

A: Yes.

Q: Why can you identify it?

A: Because of the marking and I was the one who made the marking on the plastic.

Q: What marking did you place on the plastic?

A: SBS.

Q: What is the meaning of SBS?

A: Steve Bate Siaton.

Q: I am showing to you a document marked as Exh. B which is a request for the laboratory examination signed by Allan [Damole] PS Insp[.], what relation has this to the request made for laboratory examination on the pack of shabu?

A: This is the one.

Q: And on the stamp "Received" marked as Exh. B-1, there is a signature of one Police Officer Ranile, whose signature is that?

A: Mine.

Q: Showing to you a plastic pack containing white substance where there appears to be the marking SBS dated August 5, 2002, what relation has this pack to the one you received?

A: That is the same.

Q: What is the result of the examination?

A: Positive.

Q: How did you come to know that the result was positive?

A: Upon seeing the result from the crime laboratory which says it was positive.

Q: I am showing to you the [C]hemistry [R]eport No. D-1646-2002 marked as Exh. C with submarkings, what relation has this to the result you saw?

A: This is the one.

xxxx

Q: Was there a coordination with PDEA at the time of his arrest?

A: No. At that time, we didn't know the procedure yet.

Q: There were no photographs taken of the items?

A: No.

Q: And there was no inventory?

A: None.

It should be noted that when PO1 Ranile claimed that he marked the seized substance, no mention was made of when the marking was done and whether it was made in the presence of accused or any other person. To corroborate the testimony of PO1 Ranile, the prosecution only presented the testimony of PO1 Cuyos²⁹ but the same likewise failed to elaborate on the procedure undertaken, to wit:

xxxx

Q: The pack of shabu which was received by PO1 Ranile after that transaction, what was done with it?

A: We made a request and sent it to the crime laboratory.

Q: Who sent the request to the crime laboratory?

A: It was PO1 Ranile.

Q: And did you come to know the result?

A: Yes. It was positive for shabu.

Given that the prosecution only relied on these vague testimonies and nothing more, We conclude that the first link was not sufficiently established. It is true that the law now includes a proviso to the effect that non-compliance with the requirements shall not render void and invalid such seizures of and custody over said items provided that: (1) such noncompliance was due to justifiable grounds and (2) the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team. However, the prosecution did not show that there were justifiable grounds for deviating from the procedure. The omission became more glaring considering that the prosecution asserted that the buy-bust operation entailed careful planning, including a couple of test

²⁹ TSN, January 19, 2004, p. 7.



buys conducted prior to the operation.

b. Turnover to investigating officer (2nd Link)

PO1 Ranile was both the investigating officer and apprehending officer in this case. As can be gleaned from the above quoted testimonies, it was PO1 Ranile, the poseur-buyer, who took possession of the seized shabu. It was likewise PO1 Ranile who turned the seized substance over to the forensic laboratory for testing. In other words, the seized substance did not change hands. In this sense, it can be said that there was no break in the 2nd link.

c. Turnover for laboratory examination (3rd Link)

Section 21, paragraphs 2 and 3, Article II of R.A. 9165 lay down the proper procedure to be followed in order to sufficiently establish the 3rd link in the chain of custody, to wit:

2) Within twenty-four (24) hours upon confiscation/seizure of dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment, the same shall be submitted to the PDEA Forensic Laboratory for a qualitative and quantitative examination;

3) A certification of the forensic laboratory examination results, which shall be done under oath by the forensic laboratory examiner, shall be issued within twenty-four (24) hours after the receipt of the subject item/s: *Provided*, That when the volume of the dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals does not allow the completion of testing within the time frame, a partial laboratory examination report shall be provisionally issued stating therein the quantities of dangerous drugs still to be examined by the forensic laboratory: *Provided, however*, That a final certification shall be issued on the completed forensic laboratory examination on the same within the next twenty-four (24) hours[.]

The testimonies of PO1 Ranile and PO1 Cuyos as quoted above barely give any details about the turnover to the laboratory. It was just haphazardly claimed that it was PO1 Ranile who turned over the substance to the crime laboratory. To support this claim, the prosecution presented a Request for Laboratory Examination.³⁰ However, the testimonies were silent as to who received the seized substance from PO1 Ranile. An examination of the Request addressed to the laboratory would show that said document was issued by P/Sr. Insp. Damole and delivered to the crime laboratory by

³⁰

Records p. 67.



PO1 Ranile. As can be gleaned from Exhibit B-1³¹ of the prosecution, the Request and the accompanying specimen was received by the Police Officer 1 Abesia (PO1 Abesia) on August 5, 2002, 9:36 p.m. It is curious to note that the one who received the Request along with the specimen was not the chemist who conducted the examination.³² The prosecution failed to show how the specimen was handled while under the custody of PO1 Abesia and how the same was subsequently turned over to Jude Daniel M. Mendoza (Jude Mendoza), the chemist who conducted the examination. Such glaring gaps in the chain of custody seriously taints the integrity of the *corpus delicti*.

The substance tested positive for shabu according to the Chemistry Report³³ signed by the forensic chemist; but for unknown reasons, he failed to testify despite being subpoenaed³⁴ by the trial court several times. It should be noted that it was highly irregular for the trial court not to have issued a warrant for the arrest of Jude Mendoza, despite his repeated unexplained absences. His absence remained unexplained and it would seem that the trial court had no qualms about it. On the other hand, when PO1 Ranile and PO1 Cuyos failed to testify, the trial court issued warrants³⁵ for their arrest and sought explanations for their absences. In a similar case,³⁶ We considered the failure of the forensic chemist to show up for trial despite the numerous subpoenas sent as an indicator of an irregularity in the 3rd link.

During the pre-trial conference and as embodied in the pre-trial Order dated January 14, 2003,³⁷ accused-appellant, assisted by counsel, admitted the existence of the chemistry report and the competence of the forensic chemist.³⁸ Peculiarly, the prosecution, specifically Prosecutor Felixberto M. Geromo (Prosecutor Geromo); admitted that “the chemistry report is not subscribed and it only contains the result of the qualitative examination of the items mentioned therein.”³⁹ Such admission is telling. The credibility and accuracy of the chemistry report are hinged on the signature of the medical technologist. Without said signature, the possibilities for falsification or fabrication of the report are abundant. Subsequently, on May 6, 2003, the trial court without giving any explanation and upon motion of Prosecutor Geromo, ordered the striking out of said stipulation from the pre-trial order.⁴⁰ Said Order likewise had groundbreaking implications. It would then seem that the chemistry report was subscribed by the medical

³¹ Id.

³² Id. at 69.

³³ Id. at 68.

³⁴ Id. at 21, 31 & 33.

³⁵ Id. at 36.

³⁶ *People v. Dahil*, G.R. No. 212196, January 12, 2015, 745 SCRA 221.

³⁷ Records p. 18.

³⁸ Id.

³⁹ Id.

⁴⁰ Id. at 26.

technologist only 4 months after the pre-trial was concluded. This Court believes that it is rather improbable for the prosecution, due to mere oversight, to stipulate that the report was unsigned when in reality it was signed, especially since a stipulation such as that would have been too detrimental to their case. Once entered into, stipulations will not be set aside unless for good cause.⁴¹ While Prosecutor Geromo wised up to be relieved of the effect of the stipulation made, he did not allege that these were false or misleading or were obtained through force or fraud. Once the stipulations are reduced into writing and signed by the parties and their counsels, they become binding on the parties who made them. They become judicial admissions of the facts stipulated⁴² and even if placed at a disadvantageous position, a party may not be allowed to rescind them unilaterally.⁴³ More importantly, Section 4 of Rule 118 of the Revised Rules of Court on Criminal Procedure provides:

Sec. 4. Pre-trial order – After the pre-trial conference, the court shall issue an order reciting the actions taken, the facts stipulated, and evidence marked. Such order shall bind the parties, limit the trial to matters not disposed of, and control the course of the action during the trial, unless modified by the court to prevent manifest injustice.

The Pre-trial Order was modified 4 months after the conclusion of the pre-trial conference for no apparent reason. The parties are bound by stipulations and admissions made in the Pre-trial Order and absent any showing of manifest injustice, it was highly irregular for the trial court to have allowed the prosecutor to withdraw the admission made. For the foregoing glaring irregularities, We hold that an unbroken third link was not sufficiently established.

d. Submission to the court (4th Link)

The prosecution merely claimed that Prosecutor Geromo obtained the specimen from the laboratory.⁴⁴ However, considering that the chemist who conducted the examination was unable to testify due to his unjustifiable absences, there is no way of knowing how the drugs were kept while in his custody until it was transferred to the court. The forensic chemist should have personally testified on the safekeeping of the drugs but the parties resorted to a general stipulation on the chemist's competence and the existence of the chemistry report. Instead of the forensic chemist turning over the substance to the court and testifying, it was Prosecutor Geromo who obtained the specimen from the laboratory and turned it over to the court. We are faced with another question – who turned over the specimen to

⁴¹ *Bayas v. Sandiganbayan*, 440 Phil. 55, 59 (2002).

⁴² *Schreiber v. Rickert*, 50 NE 2d 879, October 12, 1943.

⁴³ *Dequito v. Llamas*, 160-A Phil. 7 (1975).

⁴⁴ Records, p. 26.

Prosecutor Geromo? Regrettably, the records are again wanting of any details regarding the custody of the seized drug during the interim – from the time it was turned over to the laboratory up to its presentation in court. Since there was no showing that precautions were taken to ensure that there was no change in the condition of the specimen and no opportunity for someone not in the chain to have possession thereof, the Court can only conclude that the integrity of the *corpus delicti* was not preserved.

No presumption of Regularity

In view of the foregoing, the court is of the considered view that the chain of custody of the seized substance was compromised. It may be true that where no ill motive can be attributed to the police officers, the presumption of regularity in the performance of official duty should prevail. However, such presumption obtains only where there is no deviation from the regular performance of duty.⁴⁵ A presumption of regularity in the performance of official duty applies when nothing in the record suggests that the law enforcers deviated from the standard conduct of official duty required by law. Conversely, where the official act is irregular on its face, the presumption cannot arise.⁴⁶ Hence, given the obvious evidentiary gaps in the chain of custody, the presumption of regularity in the performance of duties cannot be applied in this case. When challenged by the evidence of a flawed chain of custody, the presumption of regularity cannot prevail over the presumption of innocence of the accused.⁴⁷

Considering that the integrity of 3 of the 4 links laid down by jurisprudence has been cast in doubt, and in line with the consistent holding of this Court, this doubt must be resolved in favor of the accused-appellant.

WHEREFORE, the foregoing premises considered, the Decision dated May 23, 2013 of the Court of Appeals in CA-G.R. CR-H.C. No. 00799 is **REVERSED** and **SET ASIDE**. For failure of the prosecution to prove his guilt beyond reasonable doubt, Steve Siaton y Bate is hereby **ACQUITTED** of the charge of violation of Section 5, Article II of RA No. 9165. His immediate **RELEASE** from detention is hereby **ORDERED**, unless he is being held for another lawful cause. Let a copy of this Decision be furnished the Director of the Bureau of Corrections, Muntinlupa City for immediate implementation, who is then also directed to report to this Court the action he has taken within five (5) days from his receipt of this Decision.

SO ORDERED.

⁴⁵ *People v. Obmiranis*, 594 Phil. 561, 578 (2008).

⁴⁶ *People v. Holgado*, G.R. No 207992, August 11, 2014, 732 SCRA 554, 572.

⁴⁷ *People v. Peralta*, 627 Phil. 570, 580 (2010).



JOSE PORTUGAL PEREZ
Associate Justice

WE CONCUR:



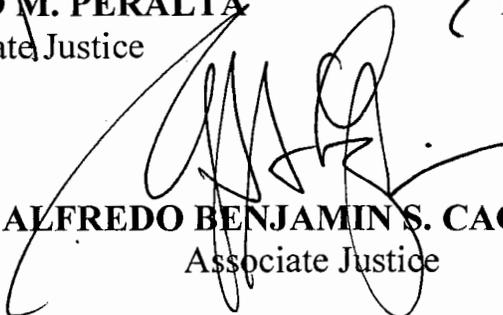
PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson



DIOSDADO M. PERALTA
Associate Justice



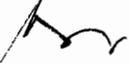
BIENVENIDO L. REYES
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

ATTESTATION

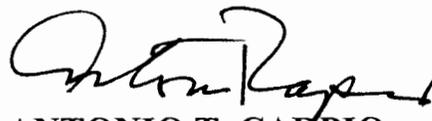
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

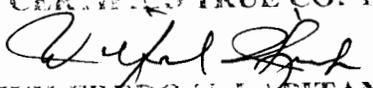


PRESBITERO J. VELASCO, JR.
Associate Justice
Third Division, Chairperson

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.


ANTONIO T. CARPIO
Acting Chief Justice

CERTIFIED TRUE COPY

WILFREDO V. LAPITAN
Division Clerk of Court
Third Division
JUL 22 2016