



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated July 28, 2020 which reads as follows:

“G.R. No. 243582 – PEOPLE OF THE PHILIPPINES vs. EDRALYN DELFINO Y VALDEZ

This appeal assails the Decision¹ dated July 31, 2018 of the Court of Appeals (CA) in CA-G.R. CEB CR-HC No. 02586, affirming the conviction of Edralyn Delfino y Valdez (appellant) for violations of Sections 5 and 12, Article II of Republic Act No. 9165 (RA 9165).²

The Proceedings Before the Trial Court

The Charge

Under two (2) separate Informations, appellant was charged, respectively, with violations of Section 5 (illegal sale of dangerous drugs) and Section 12 (illegal possession of drug paraphernalia), both of Article II, RA 9165, *viz.*:

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¹ Penned by Associate Justice Edgardo L. Delos Santos (now a member of this Court) and concurred in by Associate Justices Edward B. Contreras and Dorothy P. Montejo-Gonzaga, all members of Nineteenth Division, *rollo*, pp. 4-24.

² Comprehensive Dangerous Drugs Acts of 2002.

Criminal Case No. 2015-23016³

That at about 10:10 o'clock in the evening of June 24, 2015, more or less, at Barangay Lipayo, in the Municipality of Dauin, Negros Oriental, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without authority from law, did then and there willfully, knowingly, unlawfully and feloniously **SELL, GIVE AWAY and DELIVER**, two (2) transparent plastic sachets containing Methamphetamine hydrochloride, locally known as Shabu, a dangerous drug, both with a net weight of 0.01 gram each to a government poseur-buyer, or a total of 0.02 gram to the damage and prejudice of the Republic of the Philippines.

CONTRARY to Section 5 Article II of Republic Act No. 9165.

Criminal Case No. 2015-23015⁴

That at about 10:10 o'clock in the evening of June 24, 2015, at Barangay Lipayo, in the Municipality of Dauin, Province of Negros Oriental, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused without any lawful authority, did then and there knowingly, willfully, unlawfully and feloniously **HAVE IN HER POSSESSION AND CONTROL** after a buy bust operation the following drug paraphernalia fit or intended for smoking, consuming, administering or introducing dangerous drug into the body, to wit:

1. Two (2) pieces tin foils.
2. Two pieces disposable lighters.

CONTRARY to Section 12 Article II Republic Act No. 9165.

The case was raffled to the Regional Trial Court (RTC) – Branch 30, Dumaguete City.

On arraignment, appellant pleaded “not guilty” to both charges.⁵

During the joint trial, Police Officers 3 Annalyn Daymil Benigay (PO3 Benigay), Diego Lasola Tuble (PO3 Tuble), and PO1 Fe Alas-as (PO1 Alasas) of the Philippine National Police (PNP) Dauin, Negros Oriental, PO2 Robert John Palma (PO2 Palma), and Police Chief Inspector (PCI) Josephine Suico Llena of the PNP Negros Oriental Provincial Crime Laboratory Office, Agent Francisfil

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³ Amended Information dated July 10, 2015, record, p. 82

⁴ Information dated June 25, 2015, *id.* at 2-3.

⁵ *Id.* at 94.

Tangeres of the Philippine Drug Enforcement Agency (PDEA) – Negros Oriental Provincial Office, Department of Justice (DOJ) representative Lemuel Lagahit, DYGB FM and Fil Products media representative Neil Rio, and Lipayo Barangay Captain Virgilio Alama testified for the prosecution. On the other hand, appellant Edralyn Delfino alone testified for the defense.⁶

The Prosecution's Version

On June 2, 2015, a confidential informant sent a text message to SPO4 Joel Alcala (SPO4 Alcala) of Dauin Police Station that a certain “Matet” was selling *shabu* in Barangay Lipayo, Dauin, Negros Oriental.⁷ SPO4 Alcala relayed the message to Police Senior Inspector (PSI) Edwin Tuble, who in turn, instructed PO3 Benigay and PO3 Tuble, both intelligence operatives and members of the Municipal Anti-Illegal Drugs Special Operations Task Group (MAIDSOTG) to conduct a surveillance operation on Matet.⁸ PO3 Benigay and PO3 Tuble complied. Based on surveillance result, they confirmed Matet was indeed engaged in the sale of illegal drugs.⁹

On June 24, 2015, around 5:00 p.m., SPO4 Alcala briefed the team composed of PO3 Benigay, PO3 Tuble, and PO1 Alas-as regarding a buy-bust operation on Matet. SPO4 Alcala contacted the informant and coordinated with the PDEA. PO3 Benigay got assigned as poseur-buyer, and PO3 Tuble, as immediate back-up.¹⁰ PO3 Benigay prepared the buy-bust money, *i.e.* one (1) genuine five hundred peso bill marked with her initials “AB”.¹¹ They agreed on a pre-arranged signal: PO3 Benigay would switch on her flashlight once the sale had been consummated.¹²

The buy-bust team and the informant arrived at the target place in Lipayao, Dauin, Negros Oriental around 9:00 p.m. PO3 Benigay and the informant posted themselves along the road where Matet usually met her customers. The rest of the team positioned themselves at strategic areas to view the transaction.¹³ Around 50 minutes later, PO3 Benigay and the informant saw Matet and approached her. The

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⁶ *Rollo*, pp. 6-11.

⁷ TSN, January 4, 2017. p. 3.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.* at 4.

¹¹ *Id.* at 6.

¹² *Id.* at 9.

¹³ *Id.* at 7.

informant introduced PO3 Benigay to Matet as buyer of *shabu*.¹⁴ Matet asked PO3 Benigay what she wanted. In response, PO3 Benigay asked Matet what items she had and the cost. Matet replied she had two (2) sachets, one worth ₱300.00, and the other, ₱200.00.¹⁵ PO3 Benigay agreed to buy both and immediately handed Matet the ₱500.00 buy-bust money. Matet took the ₱500.00, slid it into her left front pocket, and handed over the two (2) sachets to PO3 Benigay. PO3 Benigay closely examined the sachets and believing it was *shabu*, she immediately switched on her flashlight to alert her back up.¹⁶

PO3 Benigay then introduced herself as a police officer and informed Matet of her constitutional rights. She arrested Matet but the latter resisted. PO3 Tuble immediately closed in and assisted PO3 Benigay in restraining Matet. Asked to give her complete name, Matet replied “Edralyn Valdez Delfino,” herein appellant.¹⁷

Thereupon, PO3 Benigay did a body search on appellant. She recovered the ₱500.00 buy-bust money from appellant’s left front pocket. She also seized two (2) pieces disposable lighters, two (2) pieces tin foil and one (1) unit cellphone¹⁸ from appellant’s right side pocket.

PO3 Benigay immediately marked the two (2) seized sachets with “EVD-6-24-BB-1” and “EVD-6-24-15-BB-2” respectively.¹⁹ She also marked the other seized items as follows: “EVD-6-24-15-BB-3” for the two (2) pieces of tin foils; “EVD-6-24-15-P-1” for the two (2) pieces disposable lighters; and “EVD-6-24-15-P-2” for the cellphone.²⁰ SPO4 Alcala instructed the MAIDSOTG members to contact the Barangay Chairman of Lipayao, a DOJ representative, and a media representative. While waiting for these witnesses, PO3 Benigay got back into the car because it was raining. Inside the car, she prepared the inventory.²¹ When the witnesses arrived, PO3 Benigay showed them the seized items and Inventory Receipt for their signatures.²² Meanwhile, PO1 Alas-as took pictures of the confiscated items.²³

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¹⁴ *Id.* at 8.

¹⁵ *Id.*

¹⁶ *Id.* at 9.

¹⁷ *Rollo*, p. 9.

¹⁸ TSN, January 4, 2017, p. 11.

¹⁹ *Id.*

²⁰ *Rollo*, p. 9.

²¹ TSN, January 4, 2017, p. 12.

²² *Id.*

²³ TSN, January 9, 2017, p. 6.

Thereafter, the team went back to the police station. PO3 Benigay prepared a Memorandum Request for Laboratory Examination which was signed by SPO4 Alcala.²⁴ Around 1:50 a.m. of June 25, 2015, she turned over the specimens and Request for Laboratory Examination to PO2 Palma of the PNP Dumaguete Crime Laboratory.²⁵ PO2 Palma checked the markings on the sachets and the Memorandum Request. He placed the two (2) plastic sachets inside a brown envelope which he sealed with a masking tape. He further secured the envelope inside a locked cabinet which only he could access. Around 2:45 a.m. of the same day, PO2 Palma turned over the specimens to PCI Llena. Per Chemistry Report No. D-235-15, PCI Llena found that the specimens tested positive for *methamphetamine hydrochloride*, a dangerous drug.²⁶ PCI Llena secured the specimens inside a locked steel cabinet in the evidence room.²⁷

The prosecution offered the following evidence: 1) Investigation Data Form;²⁸ 2) Joint Affidavit of Arrest;²⁹ 3) Pre-Operation Report;³⁰ 4) Coordination Form;³¹ 5) Certificate of Coordination Form;³² 6) Receipt Inventory of Property/Seized Items;³³ 7) Photographs during the Inventory;³⁴ 8) Scanned copy of the marked money with serial number KJ308028;³⁵ 9) Request for Laboratory Examination;³⁶ 10) Chemistry Report No. D-235-15; and 11) Chain of Custody Form.³⁷

The Defense's Version

On June 24, 2015, around 10:00 p.m., appellant was on her way home from the beach. While she was walking along Barangay Lipayao, Dauin, police officers suddenly accosted her.³⁸ PO3 Tuble pinned her hands behind her back and showed her a plastic sachet he was holding.³⁹ PO3 Tuble asked her "what is this?" She replied "that is not mine." But PO3 Tuble insisted "that is from you."⁴⁰

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²⁴ TSN, January 4, 2017, p. 16.

²⁵ *Id.* at 18.

²⁶ Record, p. 52.

²⁷ *Id.*

²⁸ *Id.* at 9.

²⁹ *Id.* at 12-13.

³⁰ *Id.* at 14.

³¹ *Id.* at 22.

³² *Id.* at 26.

³³ *Id.* at 16.

³⁴ *Id.* at 18.

³⁵ *Id.* at 20.

³⁶ *Id.* at 50.

³⁷ *Id.* at 69.

³⁸ TSN, February 6, 2017, p. 3.

³⁹ *Rollo*, p. 10.

⁴⁰ TSN, p. 4, February 6, 2017.

The police officers brought her to a patrol car where lighters and tin foils were already laid out. The police officers insisted that she admit owning the seized items so they could help her. She refused.⁴¹

The police officers then brought her to the Dauin Police Station.⁴²

The Trial Court's Ruling

As borne in its Joint Judgment⁴³ dated March 10, 2017, the trial court rendered a verdict of conviction in both cases, thus:

WHEREFORE, in the light of the foregoing, the Court hereby renders judgment as follows:

1. In Criminal Case No. 2015-23016, the accused EDRALYN DELFINO y VALDEZ is hereby found GUILTY beyond reasonable doubt of the offense of illegal sale of 0.02 gram of *shabu* in violation of Section 5, Article II of RA 9165 and is hereby sentenced to suffer a penalty of life imprisonment and to pay a fine of Five Hundred Thousand Pesos (P500,000.00).

The two (2) heat-sealed transparent plastic sachets with markings "EVD-6-24-15-BB-1" and "EVD-6-24-15-BB-2" each containing 0.01 gram or a total of 0.02 gram of *shabu*, are hereby confiscated and forfeited in favor of the government and to be disposed of in accordance with law.

2. In Criminal Case No. 2015-23015, the accused EDRALYN DELFINO y VALDEZ is hereby found GUILTY beyond reasonable doubt of the offense of illegal possession of dangerous drug paraphernalia (two [2] pieces of tin foils and two [2] pieces disposable lighters) in violation of Section 12, Article II of RA 9165 and is hereby sentenced to suffer a penalty of six (6) months and one (1) day as minimum term to two (2) years as maximum term and to pay a fine of Ten Thousand Pesos (P10,000.00).

The two (2) pieces tin foils and the two (2) disposable lighters, subject of this case, are hereby confiscated and forfeited in favor of the government and to be disposed of in accordance with law.

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⁴¹ *Rollo*, p. 10.

⁴² TSN, February 6, 2017, p. 6

⁴³ Penned by Judge Rafael Crescencio C. Tan, Jr., CA *rollo*, pp. 8-20.

In the service of sentence, the accused EDRALYN DELFINO y VALDEZ shall be credited with the full time during which she has undergone preventive imprisonment, provided she agrees voluntarily in writing to abide by the same disciplinary rules imposed upon convicted prisoners.

SO ORDERED.⁴⁴

The trial court gave full credence to the testimonies of the prosecution witnesses and rejected appellant's denial.⁴⁵ It held that the integrity and evidentiary value of the dangerous drugs and drug paraphernalia had been duly preserved from the time they were seized up until they were presented in court.⁴⁶

The Proceedings before the CA

On appeal, appellant faulted the trial court when it purportedly overlooked the buy-bust team's failure to observe the mandatory safeguards under Section 21 of RA 9165, as amended, viz.: 1) the inventory was not conducted in her presence; and 2) the photographs only showed the signing of inventory receipt by the witnesses but not the actual conduct of the inventory.⁴⁷

For its part, the Office of the Solicitor General (OSG), through Assistant Solicitor General Thomas Laragan, Senior State Solicitors Carminda Punzalan-Gaite and Maria Victoria Sardillo, countered, in the main: 1) the elements of illegal sale of dangerous drugs and illegal possession of drug paraphernalia were all proven;⁴⁸ 2) the integrity and evidentiary value of seized items were duly preserved;⁴⁹ 3) the documentary evidence corroborated the testimonies of the prosecution witnesses;⁵⁰ and 4) the police officers regularly performed their duties in effecting appellant's arrest and the seizure of the dangerous drugs and drug paraphernalia.⁵¹

The CA's Ruling

In its assailed Decision⁵² dated July 31, 2018, the CA affirmed.⁵³

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⁴⁴ *Id.* at 19-20.

⁴⁵ *Id.* at 16.

⁴⁶ *Id.* at 18.

⁴⁷ *Id.* at 46-47.

⁴⁸ *Id.* at 110-111.

⁴⁹ *Id.* at 93.

⁵⁰ *Id.* at 105.

⁵¹ *Id.* at 107-108.

⁵² *Rollo*, pp. 4-24.

⁵³ *Id.* at 23.

The Present Appeal

Appellant now seeks affirmative relief from the Court and pleads anew for her acquittal.

In compliance with *Resolution*⁵⁴ dated February 4, 2019, both appellant and the People adopted, in lieu of supplemental briefs, their respective briefs filed before the CA.⁵⁵

Issue

Did the CA err when it affirmed appellant's conviction for violations of Sections 5 and 12, Article II of RA 9165?

Ruling

We acquit.

Appellant was charged with violations of Section 5 (illegal sale of dangerous drugs) and Section 12 (illegal possession of drug paraphernalia), Article II of RA 9165 allegedly committed on June 24, 2015. The applicable law is RA 10640,⁵⁶ amending RA 9165.

In cases involving violations of RA 9165, as amended, the *corpus delicti* refers to the drug and/or drug paraphernalia itself. It is, therefore, the duty of the prosecution to prove that the seized items from appellant were the same items presented in court.⁵⁷

Section 1 of RA 10640, amending Section 21 of RA 9165 outlines the mandatory procedural safeguards in the preservation of the *corpus delicti*. This makes up the chain of custody rule, *viz.*:

RA 10640, Section 1:

Section 21 of Republic Act No. 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002", is hereby amended to read as follows:

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⁵⁴ *Id.* at 32.

⁵⁵ (OSG's Manifestation dated April 24, 2019) *id.* at 35-36; (Appellant's Manifestation dated April 8, 2019), *id.* at 42-43.

⁵⁶ 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,

⁵⁷ See *People v. Bumanglag*, G.R. No. 228884, August 19, 2019.

SEC. 21. Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment. — The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner: (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: **Provided, finally, That noncompliance of 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 and custody over said items.**⁵⁸

XXX XXX XXX

(Emphasis supplied)

Here, the police officers disregarded the safeguards provided under Section 21 of RA 9165, as amended, *sans* any justifiable cause.

First. Records show that the required witnesses were present only *after* appellant had already been arrested, the dangerous drugs and drug paraphernalia, already seized, marked. PO3 Benigay and PO3 Tuble mentioned, thus:

PO3 Benigay on direct:

Q: So after you marked the sachets, what did you do next?

A: SPO4 Joel Alcala instructed somebody to call for the witnesses, ma'am.

Q: And did the witnesses arrive?

A: Yes, ma'am.

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⁵⁸ RA 10640, Section 1, amending Section 21 of RA 9165.

Q: Where were you waiting by the way?

A: Inside the police car patrol, ma'am, because at that time it was raining, ma'am.

Q: It was raining?

A: Yes, ma'am.

Q: Where was this patrol car parked?

A: At the place where we conducted the arrest, ma'am.

Q: At the place of the incident?

A: Yes ma'am.

Q: Did these witnesses arrive?

A: Yes ma'am.

Q: So what happened when they arrived?

A: I immediately showed to them the accused, ma'am, the confiscated items and also the inventory receipt that I wrote ma'am.⁵⁹

PO3 Benigay on cross:

Q: Now, Madam witness, you conducted the inventory at the police station?

A: No sir. At the place of arrest, sir.

Q: You waited for the witnesses to arrive before you started conducting the inventory?

A: While waiting, sir, I wrote this inventory.

Q: You already wrote this inventory?

A: Yes sir.⁶⁰

PO3 Tuble on direct:

Q: After she was arrested xxx what happened next?

A: Annalyn Benigay conducted markings on the confiscated items, ma'am.

Q: And after the markings were done, what happened next?

A: SPO4 Alcala instructed our MAIDSOTG personnel members to contact the barangay chairman of the said place, Virgilio Alama, the DOJ and the media to witness the inventory.

Q: Okay, and did these witnesses indeed arrive?

A: Yes, ma'am.

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⁵⁹ TSN, January 4, 2017, pp. 11-12.

⁶⁰ *Id.* at 26.

Q: What happened next when they arrived?

A: PO3 Benigay showed the confiscated items xxx to the witnesses during the inventory, ma'am.

xxx xxx xxx

PO3 Tuble on cross:

Q: In this conduct of the inventory, did you sign it, sign the inventory, I mean?

A: Only PO3 Benigay and the witnesses, ma'am.⁶¹

In *People v. Tomawis*,⁶² the Court declared that the insulating witnesses required under Section 21 of RA 9165, as amended ought to be present *as early as the time of arrest, viz.:*

Section 21 plainly requires the apprehending team to conduct a physical inventory of the seized items and the photographing of the same immediately after seizure and confiscation. x x x

The phrase “immediately after seizure and confiscation” means that the physical inventory and photographing of the drugs were intended by the law to be made immediately after, or at the place of apprehension. And only if this is not practicable, the IRR allows that the inventory and photographing could be done as soon as the buy-bust team reaches the nearest police station or the nearest office of the apprehending officer/team. **By the same token, however, this also means that the three required witnesses should already be physically present at the time of apprehension** — a requirement that can easily be complied with by the buy-bust team considering that the buy-bust operation is, by its nature, a planned activity. Simply put, the buy-bust team has enough time and opportunity to bring with them said witnesses.

x x x x

The presence of the three witnesses must be secured not only during the inventory but more importantly at the time of the warrantless arrest. It is at this point in which the presence of the three witnesses is most needed, as it is their presence at the time of seizure and confiscation that would belie any doubt as to the source, identity, and integrity of the seized drug. If the buy-bust operation is legitimately conducted, the presence of the insulating witnesses would also controvert the usual defense of frame-up as the witnesses would be able to testify that the buy-bust operation and inventory of the seized drugs were done in their presence in accordance with Section 21 of RA 9165.

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⁶¹ TSN, January 5, 2017, p. 10.
⁶² See G.R. No. 228890, April 18, 2018, 862 SCRA 131.

The practice of police operatives of not bringing to the intended place of arrest the three witnesses, when they could easily do so — and “calling them in” to the place of inventory to witness the inventory and photographing of the drugs only after the buy-bust operation has already been finished — **does not achieve the purpose of the law in having these witnesses prevent or insulate against the planting of drugs.**⁶³ (Emphasis and underscoring supplied, citations omitted)

Further, in *People v. Castillo*,⁶⁴ the Court elucidated that the presence of the insulating witnesses *at the onset* during the arrest and seizure ensures that the items subsequently inventoried, photographed, examined, and presented in Court are the same items initially obtained from the accused, *viz.*:

Here, the absence of witnesses during seizure and marking casts reasonable doubt on the actual origin and identity of the drugs introduced in evidence as those allegedly seized from accused-appellant. Ultimately, this same absence casts reasonable doubt on accused-appellant's guilt for the offenses with which he is charged.

x x x x

Having third-party witnesses present only during the subsequent physical inventory and photographing renders the whole requirement of their presence futile. Securing third-party witnesses **provides a layer of protection** to the integrity of the items seized and **forecloses any opportunity for the planting** of dangerous drugs. Having their presence only at a very late stage reduces them to passive automatons, x x x. (Emphasis supplied)

Here, none of the required witnesses were present at the time of appellant's arrest, or the subsequent seizure and marking of the alleged *shabu* and drug paraphernalia. Hence, there was no way they could attest to the validity of the arrest let alone the integrity of seized items.⁶⁵

Surely, the fact that only the arresting police officers were present during the questioned arrest and seizure casts serious doubt on the validity thereof. In such an environment, police impunity becomes inherent⁶⁶ so much so that even where evidence was planted, it would be **virtually impossible** for appellant to overcome the oft-favored testimony of police officers through mere denial.⁶⁷

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⁶³ *Id.* at 146-150.

⁶⁴ See G.R. No. 238339, August 7, 2019.

⁶⁵ *Id.*

⁶⁶ See *People v. Luna*, G.R. No. 219164, March 21, 2018, 860 SCRA 1, 26.

⁶⁷ *Id.*

Notably, the buy-bust team here received the confidential information on June 2, 2015 -- *twenty-two (22) days* before the actual buy-bust operation took place on June 24, 2015. Undeniably, the buy-bust team had more than enough time to make the necessary arrangements to ensure the presence of the insulating witnesses at the time of appellant's arrest.⁶⁸ But the buy-bust team did not.⁶⁹

Considering there was already a gap even at the very outset beginning right at the point of seizure, there is no way the chain of custody could even be established.⁷⁰

*People v. Luna*⁷¹ is in point:

To demonstrate, even if the movement of the seized items was to be recorded beginning only from SPO1 Soriano, the poseur-buyer, **presenting a continuous chain until the items are produced in court does nothing to ensure that no foul play or no planting was involved at the point of contact with accused-appellant Luna.** In other words, if there is already non-compliance with Section 21 of RA 9165 and no justifiable grounds are presented therefor, **proving a chain of custody beginning only with the poseur-buyer is pointless because the planting of evidence is naturally done at the point of seizure. Once more, the entire rationale of placing witnesses at the scene and conducting an inventory and photographing in their presence immediately after seizure of the dangerous drugs is to guarantee with moral certainty that the items were indeed recovered from the accused and not planted by the police officers.**

Prescinding from the foregoing, the Court finds that the prosecution utterly failed to discharge its duty to acknowledge and explain the reasons for lapses in the procedure laid down by law. Accordingly, without the successful triggering of the saving clause, the seizure and custody over the dangerous drugs in this case must be perforce be invalidated.⁷² (Emphasis supplied)

Further, in *People v. Cabezudo*,⁷³ the Court found, among other things, that the arresting officers miserably failed to comply with the chain of custody rule because two (2) of the three (3) required witnesses were not present during the actual inventory and photograph of the seized items but rather were only called-in to sign after the inventory receipt was already completed.

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⁶⁸ See *People v. Manabat*, G.R. No. 242947, July 17, 2019.

⁶⁹ See *People v. Posos*, G.R. No. 226492, October 2, 2019.

⁷⁰ *People v. Luna*, supra.

⁷¹ G.R. No. 219164, March 21, 2018, 860 SCRA 1.

⁷² *Id.* at 26.

⁷³ See G.R. No. 232357, November 28, 2018.

Similarly, *People v. Galuken*⁷⁴ ordained that the “calling in” of the required witnesses at the place of inventory albeit only for the purpose of signing the Inventory Receipt is not sufficient compliance to the mandatory requirements of the law, thus:

[n]one of the required witnesses was present at the place of arrest. **The police officers merely called-in a Barangay Kagawad and media representative when they were already at the police station to sign the inventory receipt which they had already prepared prior to the arrival of said witnesses. Thus, it is clear that they failed to comply with the mandatory requirements of the law.**

x x x x

Time and again, the Court has held that the practice of police operatives of not bringing to the intended place of arrest the three witnesses, when they could easily do so — and “calling them in” to the place of inventory to witness the inventory and photographing of the drugs only after the buy-bust operation has already been finished — **does not achieve the purpose of the law in having these witnesses prevent or insulate against the planting of drugs.** (Emphasis supplied)

Too, the Court in *People v. Gabunada*⁷⁵ emphasized that the presence of the required witnesses during the conduct of the inventory is to ensure that the evils of switching, planting, or contamination of evidence will be adequately prevented, thus:

In this case, it would initially appear that the policemen complied with the witness requirement under RA 9165, as amended by RA 10640, considering that the Inventory of Seized Properties/Items contains the signatures of an elected public official, *i.e.*, Kgd. Sinque, and a media representative, *i.e.*, Ernie Dela Cruz (Dela Cruz). **However, a more circumspect examination of the records would show that Dela Cruz was not present during the conduct of inventory and photography of the seized items. In fact, Dela Cruz himself admitted on re-direct and re-cross examination that one of the arresting police officers merely brought the aforementioned inventory form to him for his signature.**

x x x x

As discussed, the witness requirement mandates the presence of the required witnesses **during** the conduct of the inventory. x x x Hence, non-compliance therewith puts the onus on the prosecution to provide a justifiable reason therefor, especially

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⁷⁴ See G.R. No. 216754, July 17, 2019.

⁷⁵ See G.R. No. 242827, September 9, 2019.

considering that the rule exists to ensure that protection is given to those whose life and liberty are put at risk. Unfortunately, no such explanation was proffered by the prosecution to justify this **glaring procedural lapse. In view of this unjustified deviation from the chain of custody rule, the Court is therefore constrained to conclude that the integrity and evidentiary value of the items purportedly seized from Gabunada were compromised, which consequently warrants her acquittal.** (Emphasis and underscoring supplied)

Given the overwhelming procedural lapses which caused serious uncertainty in the identity and integrity of the seized dangerous drugs and drug paraphernalia,⁷⁶ a verdict of acquittal is in order.⁷⁷



WHEREFORE, the appeal is **GRANTED**. The Decision dated July 31, 2018 of the Court of Appeals in CA-G.R. CEB CR-HC No. 02586 is **REVERSED** and **SET ASIDE**. Appellant **EDRALYN DELFINO y VALDEZ** is **ACQUITTED** in Criminal Case No. 2015-23016 and Criminal Case No. 2015-23015.

The Court **DIRECTS** the Superintendent of the Correctional Institution for Women, Mandaluyong City to cause the immediate release from custody of appellant **Edralyn Delfino y Valdez** unless she is being held for some other lawful cause; and inform the Court of the action taken within five (5) days from notice.

Let an entry of final judgment be issued immediately.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court 
131-B

- over -

⁷⁶ See *People v. Garcia*, 599 Phil. 416, 426-427 (2009).

⁷⁷ See *People v. Dahil*, 750 Phil. 212-239 (2015).



The Solicitor General
134 Amorsolo Street, Legaspi Village
1229 Makati City

Court of Appeals
6000 Cebu City
(CA-G.R. CEB CR HC No. 02586)

The Hon. Presiding Judge
Regional Trial Court, Branch 30
Dumaguete City, 6200 Negros Oriental
(Crim. Case Nos. 2015-23015
to 23016)

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Ms. Edralyn V. Delfino (x)
Accused-Appellant
c/o The Superintendent
Correctional Institution for Women
1550 Mandaluyong City

The Superintendent (x)
Correctional Institution for Women
1550 Mandaluyong City

The Director General (x)
Bureau of Corrections
1770 Muntinlupa City

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-7-1-SC)

Judgment Division (x)
Supreme Court



131-B

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