



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-appellee,

G.R. No. 257747

Present:

- versus -

GESMUNDO, C.J., Chairperson,
HERNANDO
ZALAMEDA,
ROSARIO, and
MARQUEZ, JJ.

AMALIA SORIANO y
REALINGO a.k.a. "AMY",
Accused-appellant.

Promulgated:

FEB 05 2025

X ----- X

DECISION

ROSARIO, J.:

Where there is no proof that an evidence bag was used to store seized drug evidence, the primary consideration for courts is the manner in which the evidence was handled and transferred from one officer to another in the chain of custody, taking into account the type and amount of drugs involved, and whether the circumstances warrant a different type of handling or container.

This is an ordinary appeal of the Court of Appeals (CA) Decision¹ which affirmed the Regional Trial Court (RTC) Joint Judgment² convicting

¹ Rollo, pp. 9–22. The November 27, 2020 Decision in CA-G.R. CR-HC No. 10190 was penned by Associate Justice Remedios A. Salazar-Fernando and concurred in by Associate Justices Nina G. Antonio-Valenzuela and Tita Marilyn B. Villordon of the First Division, Court of Appeals, Manila.

² *Id.* at 24–31. The August 15, 2017 Joint Judgment in Criminal Case Nos. 16273 and 16274 was penned by Presiding Judge Arniel A. Dating of Branch 41, Daet, Camarines Norte.

Amalia Soriano y Realingo (Soriano) of violation of Section 11 of Republic Act No. 9165³ for illegally possessing 16.9618 grams of *shabu*.

I

Soriano was charged with violation of Sections 11 and 12 of Republic Act No. 9165 in Criminal Case Nos. 16274 and 16273, respectively, but was later acquitted of the latter charge due to the failure of the prosecution to prove that the seized items in said case were intended to be used as drug paraphernalia. Hence, the present appeal involves only her conviction for violation of Section 11 in Criminal Case No. 16274, as charged under the following Information:

Criminal Case No. 16274

That on or about 6:30 in the morning of July 1, 2014 in Purok 1, Barangay Mantagbac (IV), Municipality of Daet, Province of Camarines Norte, Philippines, and within the jurisdiction of this Honorable Court, [Soriano], did there and then willfully, unlawfully[,] and feloniously have in her possession, custody[,] and control the following, to wit:

[One] matchbox with markings 'JAT 7-1-14' marked as specimen A containing [three] pieces of heat sealed transparent plastic sachets each containing white crystalline substance with markings 'JAT1 7-1-14' to 'JAT3 7-1-14' and marked as specimens A1 to A3 respectively;

[One] red pouch with markings 'JAT4 7-1-14' marked as specimen B containing [eight] pieces of heat sealed transparent plastic sachets each containing white crystalline substance with markings 'JAT5 7-1-14' to 'JAT127-1-14' and marked as specimen B1 to B8 respectively;

One coin purse colored red, yellow, green and black stripes with markings 'JAT13 7-1-14' marked as specimen C containing [five] pieces of heat sealed transparent plastic sachets each containing white crystalline substance with markings 'JAT14 7-1-14' to 'JAT 18 7-1-14' and marked as specimens C1 to C5 respectively;

[One] golden Gucci wallet box with markings 'JAT19 7-1-14' marked as specimen D containing [four] pieces of heat sealed transparent plastic sachets each containing white crystalline substance with markings 'JAT20 7-1-14' to 'JAT23 7-1-14' and marked as specimens D1 to D4 respectively.

The recorded net weights (in gram) are the following:

A1 - 0.1920	B3 - 0.1996	B8 - 0.2049	C5 - 3.6583
A2 - 0.1075	B4 - 0.1998	C1 - 0.8452	D1 - 0.1492
A3 - 0.1681	B5 - 0.1836	C2 - 0.6610	D2 - 0.0621
B1 - 0.7220	B6 - 0.1714	C3 - 3.5151	D3 - 0.1561

³ Comprehensive Dangerous Drugs Act of 2002.

✓

B2 - 0.8130 B7 - 0.2521 C4 - 4.6077 D4 - 0.0931

which[,] after qualitative examination conducted on the above-cited specimens[,] gave positive result to the tests for the presence of methamphetamine hydrochloride otherwise known as shabu, a dangerous drug, having a total net weight of 16.9618 grams, per Chemistry Report No. D-67-14, without authority of law.

CONTRARY TO LAW.⁴

Upon arraignment, Soriano pleaded *not guilty*. Thereafter, the cases were consolidated and jointly tried on the merits.⁵

The CA summarizes the facts as follows:

On June 30, 2014, Judge Arniel A. Dating... issued Search Warrant No. D-2014-15 authorizing the search and seizure of undetermined quantity of methamphetamine hydrochloride in the house of accused-appellant Soriano at Purok I, Brgy. Mantagbac, Daet[,], Camarines Norte.

Th[e] following day, July 1, 2014, at around 6:10 [a.m.], elements of the Intel Operatives of Daet Municipal Police Station, armed with the said search warrant, went to accused-appellant Soriano's house located at the aforementioned address. The team was composed of [Police Officer (PO)] 1 [Jesus Togores (PO1 Togores)], as the designated searcher, PO1 [Marian Guinto, (PO1 Guinto)] as the arresting officer[,] and [PO2 Ronald Gutierrez (PO2 Gutierrez)], as the photographer.

During the search, PO1 Togores found a matchbox containing [three] sachets with white crystalline substance on top of the bed. Then, he came upon a Zest-O box containing drug paraphernalia, such as scissors, aluminum foil, plastic sachets[,] and a tooter. On top of the table near the door of the bedroom, he recovered the following: a multi colored pouch containing [five] sachets with white crystalline substance, a red pouch containing [eight] sachets with white crystalline substance and a gold wallet box containing [four] sachets with white crystalline substance. All in all, the search yielded [20] plastic sachets of suspected shabu.

After the search, PO1 Togores laid all the confiscated items on the floor, marked and inventoried the seized items in the presence of accused-appellant Soriano, Department of Justice (DOJ) representative, Dennis Lladoc, media representative Ricky Pera[,] and Barangay Kagawad Edwin Agura. Thereafter, accused-appellant Soriano and the seized items were brought to the police station for investigation and further proceedings. All throughout, the seized items remained in the custody of PO1 Togores.

At the police station, the police operatives entered the operation in the police blotter and prepared the Request for Laboratory Examination. PO1 Togores then brought the seized items to the RTC of Daet, Camarines Norte to make the required return of the search warrant. Subsequently, PO1

⁴ CA rollo, pp. 93-94.

⁵ Rollo, p. 12.

Togores personally brought the letter request for laboratory examination and the seized specimens to the Camarines Norte Provincial Crime Laboratory Office for examination. The letter request and the specimens were received by PCI Gorospe from PO1 Togores. PCI Gorospe conducted qualitative and quantitative examinations on the specimens and the result yielded positive for the presence of methamphetamine hydrochloride, a dangerous drug. She issued Chemistry Report No. D-67-1412 in connection therewith.

....

[A]ccused-appellant Soriano... vehemently denied the accusations against her. She testified that on July 1, 2014, at around 5:00 [a.m.], she was in the comfort room when her grandchild called and informed her that several men entered their house. She went out to check and she saw [four] men who introduced themselves as police officers. They told her to remain standing in front of the comfort room, while the men searched their house. Before 6:00 [a.m.], PO1 Togores arrived and showed the search warrant to her. Thereafter, PO1 Togores searched her house but he found nothing. Despite this fact, she was brought to the provincial hospital for medical examination, and then to the police station where she was detained[.]⁶

In its Joint Judgment,⁷ the RTC convicted Soriano only of violation of Section 11 of Republic Act No. 9165, to wit:

WHEREFORE, under the foregoing considerations, accused Amalia Soriano y Realingo aka 'Amy', the prosecution having proven her guilt beyond reasonable doubt in Criminal Case No. 16274 for violation of Section 11, Article II of [Republic Act No.] 9165 affecting 16.9618 grams of methamphetamine hydrochloride, or shabu, a dangerous drug, she is hereby sentenced to suffer the indeterminate penalty of imprisonment from [30] years to life imprisonment and to pay the fine of [PHP 500,00.00].

With respect to Criminal Case No. 16273, said accused is hereby acquitted.

....

SO ORDERED.⁸ (Emphasis in the original)

Aggrieved, Soriano appealed before the CA and filed her Brief⁹ dated June 16, 2019, where she argued that the prosecution failed to establish the *corpus delicti* of the crime due to the inadequate and inconsistent testimonies of the prosecution witnesses as regards the chain of custody. In particular, the testimony of PO1 Togores was bereft of details on how the seized items were safeguarded. Nothing was said on whether they were placed in a secured container or evidence bag. Further, she posits that the non-admission into

⁶ *Id.* at 12-14.

⁷ *Id.* at 24-31.

⁸ *Id.* at 31.

⁹ CA Rollo, pp. 74-89.

MA

evidence of the RTC's Order dated July 1, 2014 spells non-compliance with Rule 126, Section 12 of the Rules of Court, which is fatal to the establishment of the *corpus delicti*.

The People, through the Office of the Solicitor General (OSG), likewise filed their Brief¹⁰ dated November 21, 2019, contending that PO1 Togores testified that nobody but him touched the drug items from the time he recovered them until they reached the crime laboratory. As regards the Return of Search Warrant, it was but proper for Police/Inspector (P/Insp.) Villaluz to sign the same since he was the one who applied for the issuance of the search warrant and it was he who submitted the return, which did not indicate that he was in custody of the drug items. The prosecution should likewise not be blamed for any factual flaw in the Order dated July 1, 2014 since it had no hand in the preparation thereof.

In finding that the chain of custody remained unbroken and the integrity and evidentiary value of the seized drugs preserved, the CA gave credence to the following testimony of PO1 Togores that the drug specimens were in his possession from the moment of seizure up to the time they were handed to the forensic chemist:

“Q: After you have finished the search and you find [sic] all these items, what happened next if any, Mr. Witness?

A: I put it [sic] on the floor in front of the witness [sic] and the suspect to have it [sic] inventoried.

....

Q: When you mentioned earlier that you marked these items in front of the suspect and the witness [sic], what markings are you referring to, Mr. Witness?

A: My initial, JAT and the date 7-1-14.

....

Q: After you made these markings you mentioned that you inventoried the items in front of the witnesses. What do you mean when you say you inventoried these items, sir?

A: I wrote it in the certificate of inventory.

Q: What happened next if any, sir?

A: I let it signed by the witnesses, the certificate of inventory.

Q: After you have made the inventory, what happened next, Mr. witness?

A: We went to the police station to have it entered into the blotter.

Q: From the house of [Soriano]... to your police station, where were the items found if you know, sir?

¹⁰ *Id.* at 112-126.

A: They were with me.

Q: After you have the incident entered into the blotter, what happened next if any, Mr. Witness?

A: I returned the search warrant to the issuing court.

Q: During the entire time that you were in the police station, where were the items found from the house of the accused?

A: I was carrying it [sic]:

Q: Then when you made the return of the search warrant, where were these items?

A: Still with me.

Q: During the return, did anybody touch any of the items, sir, if any?

A: I was the one holding it [sic]. They just looked at it [sic] when I presented the items in court.

Q: After you made the search warrant, what happened next if any?

A: I brought it [sic] in [sic] the crime laboratory.

Q: Where is that crime laboratory you are referring to, sir?

A: Camp Wenceslao, Barangay Dog[on]gan.

Q: What happened next if any, sir, when you arrived at Camp Wenceslao in the crime laboratory?

A: I have it [sic] received by Ma'am Gorospe.

....

Q: You said that you gave these items to Ma'am Gorospe, the chief of the crime laboratory, have you seen these items again from that time?

A: No more, ma'am

Q: But if you will see these items again, will you recognize them, sir?

A: Yes, ma'am.

Q: How will you recognize these items, sir?

....

A: I have markings, ma'am."¹¹

On the part of the forensic chemist, she found that the specimen markings matched the ones in the request for laboratory examination. She also placed her own markings after conducting the examination. She then placed the specimens in a brown envelope, sealed it with masking tape, marked it, and placed it in a locked steel cabinet, thereby ensuring that said specimens would not be interchanged with other specimens.¹²

¹¹ *Rollo*, pp. 16-18, citing TSN, P01 Jesus Togores, March 1, 2016, pp. 6-10.

¹² *Id.* at 19.

Thus, in its assailed Decision, the CA denied the appeal and affirmed the Joint Judgment *in toto*.¹³ Hence, this appeal.

The parties having dispensed with the filing of supplemental briefs¹⁴ and having adopted their respective appellate briefs, We now resolve.

II

This case calls Us to determine whether the failure to use an evidence bag or appropriate container for seized drug evidence is fatal to a prosecution for illegal possession of dangerous drugs. For this purpose, We trace the history of the use of the evidence bag in drugs cases.

Prior to the enactment of Republic Act No. 9165, the 1999 Philippine National Police Drug Enforcement Manual (1999 PNP Manual) mandated the use of an evidence bag or envelope to store seized drug items, to wit:

Guidelines/ Procedures to be observed by members of the team:

....

- Subject of the offense must be duly photographed on the place where it was discovered prior to its seizure; **it shall be placed in an evidence bag/envelop** and recorded in the Inventory of Property seized form indicating therein the subject of the offense, the quantity, time and date and place of its seizure;¹⁵ (Emphasis supplied)

Said manual likewise directed its use not only in buy-bust operations but also in the service of search warrants:

ANTI-DRUG OPERATIONAL PROCEDURES

....

V. SPECIFIC RULES

....

B. Conduct of Operation: ...

1. **Buy-Bust Operation** - in the conduct of buy-bust operation, the following are the procedures to be observed:

....

¹³ *Id.* at 13.

¹⁴ *Id.* at 38-46.

¹⁵ 1999 PNP Drug Enforcement Manual (PNPM-D-O-3-1-99 [NG]), p. 67.

W

- o. Only the evidence custodian shall secure and preserve the evidence in an **evidence bag or in appropriate container** and thereafter deliver the same to the PNP CLG for laboratory examination.
- 2. **Service of Search Warrant** - the following are the procedures in effecting the service of search warrant:

- p. Only the duly designated evidence custodian shall secure and preserve the evidence in an **evidence bag or appropriate container** and thereafter ensure its immediate presentation before the court that issued the search warrant[.]¹⁶ (Emphasis supplied)

With the enactment of Republic Act No. 9165 in 2002, the Dangerous Drugs Board (DDB), pursuant to its mandate under Section 81(b) thereof, promulgated Board Regulation No. 1, series of 2002,¹⁷ Section 5 of which mandates the designated dangerous drugs custodian¹⁸ to store drug evidence in plastic heated envelopes to be placed in evidence vaults, and bulk marijuana in separate storage facilities.

In 2008, the Court first mentioned the use of the envelope or evidence bag in the now oft-cited case of *People v. Sanchez*,¹⁹ to wit:

For greater specificity, 'marking' means the placing by the apprehending officer or the poseur-buyer of his/her initials and signature on the item/s seized. If the physical inventory and photograph are made at the nearest police station or office as allowed by the rules, the inventory and photography of the seized items must be made in accordance with [Section] 2 of Board [Regulation] No. 1, Series of 2002, but in every case, the apprehended violator or counsel must be present. Again, this is in keeping with the desired level of integrity that the handling process requires. **Thereafter, the seized items shall be placed in an envelope or an evidence bag unless the type and quantity of the seized items require a different type of handling and/or container. The evidence bag or container shall accordingly be signed by the handling officer and turned over to the next officer in the chain of custody.** (Emphasis supplied)

While the 1999 PNP Manual commands the duly designated evidence custodian to use an evidence bag or appropriate container, the 2010 *PNP*

¹⁶ *Id.* at 111–113.

¹⁷ Guidelines on the Custody and Disposition of Seized Dangerous Drugs, Controlled Precursors and Essential Chemicals, and Laboratory Equipment.

¹⁸ DDB Board Regulation No. 10, series of 2007, sec. 2(e) defines an evidence custodian as the person primarily responsible for the custody and safekeeping of evidence.

¹⁹ 590 Phil. 214, 241–242 (2008) [Per J. Brion, Second Division], cited by *People v. Martinez*, 652 Phil. 347, 377 (2010) [Per J. Mendoza, Second Division] and *Dolera v. People*, 614 Phil. 655, 668–669 (2009) [Per J. Carpio-Morales, Second Division].

Manual on Anti-Illegal Drugs Operation and Investigation (2010 PNP Manual) instructs the seizing officer to do so:

Section 13. Handling, Custody and Disposition of Drug Evidence

....

- c. The seizing officer must mark the evidence with his initials indicating therein the date, time and place where the evidence was found and seized. **The seizing officer shall secure and preserve the evidence in a suitable evidence bag or in an appropriate container for further laboratory examinations.**” (Emphasis and underscoring supplied.)

Interestingly, the 2014 *Revised PNP Manual on Anti-Illegal Drugs Operations and Investigation* dispensed with the term “evidence bag” for drug evidence and merely states that “[a]ll the illegal drugs . . . shall be properly marked for identification, weighed when possible or counted, sealed, packed and labeled.”²⁰ It, however, mentions that smaller pieces of non-drug evidence shall be placed inside the evidence bag.²¹

After the search and seizure of the drug items subject of this case and during the effectivity of Republic Act No. 10640, the Philippine Drug Enforcement Agency (PDEA), pursuant to its mandate under Section 2, Republic Act No. 10640, promulgated the *Guidelines on the Implementing Rules and Regulations (IRR) of Section 21 of Republic Act No. 9165 as amended by Republic Act No. 10640* dated May 28, 2015 (2015 PDEA Guidelines), Section A.1.7 of which states that “[t]o prevent switching or contamination, the seized items, which are fungible and indistinct in character, and which have been marked after the seizure, **shall be sealed in a container or evidence bag** and signed by the apprehending/seizing officer for submission to the forensic laboratory for examination.” However, the Guidelines are silent as to the effect of failure to use a container or evidence bag for the seized drugs. It merely reiterates the proviso in Section 21, Republic Act No. 9165, as amended, that “noncompliance, under justifiable grounds, with the requirements of Section 21(1), Republic Act No. 9165, as amended, shall not render void and invalid such seizures and custody over the items provided the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team.”²²

In *Tumabini v. People*,²³ We ruled:

[A]side from marking, the seized items should be placed in an envelope or an evidence bag unless the type and quantity of these items require a different type of handling and/or container. The evidence bag or container

²⁰ 2014 Revised PNP Manual on Anti-Illegal Drugs Operations and Investigation, p. 13.

²¹ *Id.* at 15.

²² 2015 PDEA Guidelines, sec. A.1.9

²³ 871 Phil. 289 (2020) [Per J. Gesmundo, Third Division].

shall accordingly be signed by the handling officer and turned over to the next officer in the chain of custody. The purpose of placing the seized item in an envelope or an evidence bag is to ensure that the item is secured from tampering, especially when the seized item is susceptible to alteration or damage.²⁴

In *People v. Alvarado*,²⁵ We found that “[d]espite the submission of a duly accomplished Chain of Custody Form, the prosecution failed to establish that the plastic sachets containing *shabu* were properly handled and sealed in a container or evidence bag during the transfer to the police station and until their submission to the crime laboratory.”²⁶

In *Ramos v. People*,²⁷ where several sachets of suspected drugs were confiscated from two persons, We held that “the arresting officers should have secured these items by placing them in a singular evidence bag or plastic container to avoid tampering, planting[,] or alteration. It was only when the arresting officers reached the police station that the seized drugs... were belatedly placed in a SAID-SAOTG evidence bag.”²⁸

However, this case must be distinguished from the aforementioned cases. Here, the 20 heat-sealed plastic sachets of *shabu* were already contained in four containers albeit not of the apprehending team, to wit:

Container / Marking / Exhibit No.	Drug specimen and weight	Marking / Exhibit
Matchbox JAT 7-1-14 (A) (Exh. “M”)	A1 - 0.1920 g A2 - 0.1075 g A3 - 0.1681 g	JAT1 7-1-14 (Exh. “M-1-b”) JAT2 7-1-14 (Exh. “M-1-a”) JAT3 7-1-14 (Exh. “M-1-c”)
Red pouch JAT4 7-1-14 (B) (Exhibit “M-3”)	B1 - 0.7220 g B2 - 0.8130 g B3 - 0.1996 g B4 - 0.1998 g B5 - 0.1836 g B6 - 0.1714 g B7 - 0.2521 g B8 - 0.2049 g	JAT5 7-1-14 (Exh. “M-3-a”) JAT6 7-1-14 (Exh. “M-3-b”) JAT7 7-1-14 (Exh. “M-3-c”) JAT8 7-1-14 (Exh. “M-3-d”) JAT9 7-1-14 (Exh. “M-3-e”) JAT10 7-1-14 (Exh. “M-3-f”) JAT11 7-1-14 (Exh. “M-3-g”) JAT12 7-1-14 (Exh. “M-3-h”)
Coin purse JAT13 7-1-14 (C) (Exhibit “M-2”)	C1 - 0.8452 g C2 - 0.6610 g C3 - 3.5151 g C4 - 4.6077 g C5 - 3.6583 g	JAT14 7-1-14 (Exh. “M-2-a”) JAT15 7-1-14 (Exh. “M-2-b”) JAT16 7-1-14 (Exh. “M-2-c”) JAT17 7-1-14 (Exh. “M-2-d”) JAT18 7-1-14 (Exh. “M-2-e”)
Gucci wallet JAT19 7-1-14 (D)	D1 - 0.1492 g D2 - 0.0621 g	JAT20 7-1-14 (Exh. “M-4-a”) JAT21 7-1-14 (Exh. “M-4-b”)

²⁴ *Id.* at 321.

²⁵ 830 Phil. 785 (2018) [Per J. Gesmundo, Third Division].

²⁶ *Id.* at 809.

²⁷ 826 Phil. 663 (2018) [Per J. Gesmundo, Third Division].

²⁸ *Id.* at 685.

(Exhibit "M-4")	D3 - 0.1561 g D4 - 0.0931 g	JAT22 7-1-14 (Exh. "M-4-c") JAT23 7-1-14 (Exh. "M-4-d") ²⁹
-----------------	--------------------------------	--

Since the drug specimens were found in their respective containers, as specifically alleged in the Information in Criminal Case No. 16274, and since the containers were marked upon seizure, there was little point in transferring and combining all specimens in a singular evidence bag or container. More importantly, the testimonies of the prosecution witnesses, given due credence by the lower courts, adequately established an unbroken chain of custody.

While it was not shown that the seized items were placed in an evidence bag, the use of such a container is not automatically fatal since it is not required under Section 21, Republic Act No. 9165 and the chain of custody rule.³⁰ In a myriad of cases, this Court convicted the accused regardless of whether the seizing officer used an evidence bag since the prosecution was able to prove that the integrity and evidentiary value of the seized drugs were otherwise preserved. In *People v. Magayon*,³¹ for instance, 74 heat-sealed plastic packets containing marijuana were found in three separate containers: one leather bag and two plastic bags. Despite no mention of an evidence bag, We held that the testimonies of the arresting officer and the forensic chemist sufficiently established every link in the chain of custody from the time the drugs were seized and inventoried right after the search at the place of the search, to the time they were brought to the police station for the booking, investigation, and forensic analysis, up until their presentation in court.³²

Verily, since the purpose of the envelope or evidence bag is to prevent switching or contamination of the seized drugs, it is not so much the type or designation of the container used to store the drug evidence that matters but **the manner in which said evidence was handled and transferred from one officer to another in the chain of custody**. Indeed, if the drug evidence is improperly handled or transferred, then even the use of an evidence bag or appropriate container would not validate custody of the evidence.

Our ruling in *People v. Habana*,³³ while not explicitly referring to an evidence bag, is instructive:

Usually, the police officer who seizes the suspected substance turns it over to a supervising officer, who would then send it by courier to the police crime laboratory for testing. Since it is unavoidable that possession of the substance changes hand a number of times, **it is imperative for the officer who seized the substance from the suspect to place [their]**

²⁹ CA rollo, pp. 94–95
³⁰ *People v. Malanot*, G.R. No. 252270, February 15, 2022 (Notice, First Division); *People v. Distor*, G.R. No. 249860, June 30, 2021 (Notice, First Division), both citing *Reyes v. People*, G.R. No. 239583, August 15, 2018 (Notice, First Division).
³¹ 885 Phil. 579 (2020) [Per J. Lazaro-Javier, First Division].
³² *Id.* at 613.
³³ 628 Phil. 334 (2010) [Per J. Abad, Second Division].

marking on its plastic container and seal the same, preferably with adhesive tape that cannot be removed without leaving a tear on the plastic container. At the trial, the officer can then identify the seized substance and the procedure he observed to preserve its integrity until it reaches the crime laboratory.

If the substance is not in a plastic container, the officer should put it in one and seal the same. In this way the substance would assuredly reach the laboratory in the same condition it was seized from the accused. Further, after the laboratory technician tests and verifies the nature of the substance in the container, [they] should put [their] own mark on the plastic container and seal it again with a new seal since the police officer's seal has been broken. At the trial, the technician can then describe the sealed condition of the plastic container when it was handed to [them] and testify on the procedure [they] took afterwards to preserve its integrity.

If the sealing of the seized substance has not been made, the prosecution would have to present every police officer, messenger, laboratory technician, and storage personnel, the entire chain of custody, no matter how briefly one's possession has been. Each of them has to testify that the substance, although unsealed, has not been tampered with or substituted while in [their] care.³⁴ (Emphasis supplied)

Here, aside from the seized drugs being already contained in heat-sealed plastic packets and marked, which packets were likewise contained in marked containers, the prosecution witnesses sufficiently narrated how said items were carefully handled and transferred from one person to another until they reached the trial court.

Further, as held in *Ramos*, a more exacting standard is required of law enforcers when only a miniscule amount of dangerous drugs are seized from the accused.³⁵ Similarly, in *People v. Veloo*,³⁶ We declared that "as long as the integrity of the drug specimens is preserved, the application of the chain of custody rule for considerable amounts of drugs need not necessarily be of the same level of strictness as that applied to miniscule amounts which are more prone to tampering, loss[,] or mistake."³⁷ We also held in said case that the fact that the drugs were in heat-sealed packets, as in this case, already minimized, if not eliminated, such risks.³⁸ Here, 16.9618 grams of *shabu* is hardly miniscule for that type of drugs. In fact, conviction for illegal possession of such an amount no longer merits an indeterminate penalty, as erroneously imposed by the RTC, but the maximum penalty of life imprisonment.

Section 11 of Republic Act No. 9165 states that if the quantity of methamphetamine hydrochloride or *shabu* is 10 grams or more but less than

³⁴ *Id.* at 341–342.

³⁵ *Ramos v. People*, 826 Phil. 663, 685 (2018) [Per J. Gesmundo, Third Division].

³⁶ 899 Phil. 688 (2021) [Per C.J. Peralta, First Division].


³⁷ *Id.* at 700–701.

³⁸ *Id.*

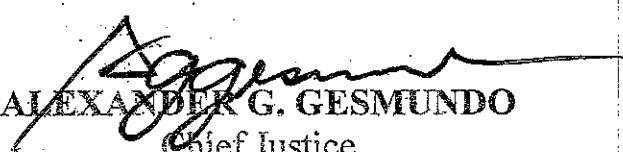
50 grams, the penalty shall be life imprisonment and a fine ranging from PHP 400,000.00 to PHP 500,000.00. Since the total quantity of drugs involved is 16.9618 grams of *shabu*, We must modify the penalty imposed to life imprisonment and a fine of PHP 500,000.00.


ACCORDINGLY, the appeal is **DISMISSED**. The November 27, 2020 Decision of the Court of Appeals in CA-G.R. CR-HC No. 10190 is **AFFIRMED** with **MODIFICATION**. Accused-appellant Amalia Soriano y Realingo a.k.a. "Amy" is found **GUILTY** beyond reasonable doubt of violation of Section 11 of Republic Act No. 9165 and is hereby sentenced to suffer the penalty of life imprisonment and **TO PAY** a fine of PHP 500,000.00.

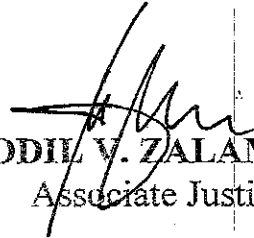
SO ORDERED.

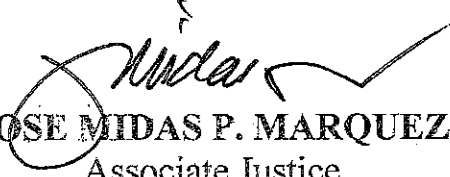

RICARDO R. ROSARIO
Associate Justice

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice


RAMON PAUL L. HERNANDO
Associate Justice


RODIL V. ZALAMEDA
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, 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.


ALEXANDER G. GESMUNDO
Chief Justice