



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated March 18, 2021 which reads as follows:*

**“G.R. No. 246199 (People of the Philippines, Plaintiff-Appellee, v. Jayson Francisco y Santos, a.k.a. Reginald De Guzman y Siobal Accused-Appellant).** – On appeal is the Decision<sup>1</sup> promulgated on 15 October 2018 by the Court of Appeals (CA) in CA-G.R. CR-HC No. 09695, which affirmed the Decision<sup>2</sup> dated 27 July 2017 of Branch 165, Regional Trial Court (RTC) of Marikina City in Criminal Case No. 2012-3976-D-MK. The RTC found accused-appellant Jayson Francisco y Santos a.k.a. Reginald De Guzman y Siobal guilty for violation of Section 5, Article II of Republic Act No. (RA) 9165 or the Comprehensive Dangerous Drugs Act of 2002.

**Antecedents**

An Information for violation of Section 5, Article II of RA 9165 was filed against appellant:

That on or about the 29<sup>th</sup> day of December 2011, in the City of Marikina, Philippines, and within the jurisdiction of this Honorable Court, the accused, without authority law and legal jurisdiction, did then and there, willfully, unlawfully and knowingly sell, deliver, dispatch in transit and transport, One (1) heat-sealed transparent plastic sachet containing 0.02 grams of white crystalline substance, found positive for Methamphetamine Hydrochloride, a dangerous drug.

CONTRARY TO LAW.<sup>3</sup>

- over – seven (7) pages ...

168-A1

<sup>1</sup> *Rollo*, pp. 3-12; penned by Associate Justice Mario V. Lopez (now a Member of this Court) and concurred in by Associate Justices Jhosep Y. Lopez (now a Member of this Court), and Gabriel T. Robeniol of the Special Fifteenth Division, Court of Appeals, Manila.

<sup>2</sup> *CA rollo*, pp. 58-75; penned by Judge Acerey C. Pacheco.

<sup>3</sup> *Id.* at p. 58.

Appellant entered his plea of “not guilty” during arraignment. During pre-trial conference, the parties stipulated on the identity of the accused as the same person charged in the Information, and that the subject incident happened in Marikina City. After which, trial on the merits ensued.

### Version of the Prosecution

On 29 December 2011, a confidential asset tipped the Station Anti-Illegal Drug of Marikina City that a certain Jayson Francisco was selling *shabu* in his residence at No. 47 E. Jacinto Street, *Brgy.* Sto. Nino, Marikina City. A buy-bust team was formed consisting of SPO2 Ronald Rioja, PO3 Edwin Umalla, PO2 Felmor Arizobal, PO2 Geronimo Caparas, PO2 Bartolome Rosales and PO1 Albert Magluyan who will serve as a poseur-buyer. The team prepared a Pre-Operational Report and Coordination Form. PO1 Magluyan also marked two (2) Php500.00 bills with his initials “APM”.<sup>4</sup>

The team went to the given address and found a man sitting outside who the informant identified as Jayson Francisco, the appellant in this case. The informant and PO1 Magluyan was introduced as a buyer of *shabu*. PO1 Magluyan offered to buy Php1,000.00 worth of *shabu* but accused-appellant said he only had one sachet worth Php500.00.<sup>5</sup> PO1 Magluyan agreed and immediately after the exchange, he introduced himself as a police officer and arrested accused-appellant. While at the place of arrest, PO1 Magluyan marked the sachet he bought with “JSF 12-29-11”. An inventory was also prepared before the accused, a media representative Edwin Moreno and *Kagawad* Norito Nicolas.

Appellant was brought to the police station where he was photographed together with the seized item. While in custody of the seized item, PO1 Magluyan prepared requests for laboratory examination and drug tests with the Crime Laboratory and then handed the seized item to PCI Carino of the Crime Laboratory. After confirming that the sachet indeed contained *shabu*, the corresponding charge was filed against appellant.<sup>6</sup>

### Version of the Defense

Appellant denied the charges against him and insisted that his real name is not Jayson Francisco but Reginald S. De Guzman as

- over -

168-A1

---

<sup>4</sup> *Id.* at 59.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 60.

shown in his birth certificate. That on the day of the incident, armed men went to his house looking for a certain Jayson Francisco. He told them that he is not Jayson Francisco but the police still brought him to the precinct where an asset arrived and identified him as Jayson Francisco.<sup>7</sup>

### **Ruling of the RTC**

On 27 July 2017, The RTC found appellant guilty of violating Section 5, Article II of RA 9165 in Crim. Case No. 2012-3976-D-MK. It ruled that the chain of custody was preserved from the time the evidence was confiscated, to the time it was examined at the crime laboratory, up until the time it was presented and finally offered in evidence.<sup>8</sup> As for the identity of the appellant, he simply misrepresented himself as Jayson Francisco during the proceedings but this cannot defeat the positive identification made by the prosecution witnesses.<sup>9</sup>

The dispositive portion of the RTC's Decision reads:

WHEREFORE, finding accused JAYSON FRANCISCO y SANTOS a.k.a. REGINALD DE GUZMAN y SIOBAL GUILTY beyond reasonable doubt of violating Section 5, Article II of Republic Act No. 9165, he is hereby sentenced to suffer the penalty of LIFE IMPRISONMENT and to pay a fine of Php 500,000.00. The period of detention of the accused shall be fully credited in his favor.

The dangerous drug submitted as evidence in this case is hereby ordered to be immediately transmitted to the Philippine Drug Enforcement Agency for appropriate disposition.

SO ORDERED.<sup>10</sup>

### **Ruling of the CA**

On appeal, appellant claimed that the buy-bust operation was a sham<sup>11</sup> and that the prosecution failed to preserve the integrity and evidentiary value of the seized item.<sup>12</sup>

The CA, however, found the appeal bereft of merit and affirmed the RTC's ruling that the prosecution sufficiently proved the sale of

- over -

168-A1

---

<sup>7</sup> *Id.* at 64.

<sup>8</sup> *Id.* at 70.

<sup>9</sup> *Id.* at 74

<sup>10</sup> *Id.* at 75.

<sup>11</sup> *Id.* at 47.

<sup>12</sup> *Id.* at 50.

dangerous drug between the poseur-buyer and appellant. It also ruled that the prosecution satisfactorily established the movement and custody of the seized drugs through the following links:

- (1) At the crime scene, PO1 Magluyan bought the sachet of *shabu* from the appellant which he marked it with “JSF 12/29/11”;
- (2) The contraband and marked money were inventoried and photographed in the presence of the appellant, a media representative and a *barangay kagawad*;
- (3) A request for laboratory examination of the seized item was prepared and signed by PCI Benjamin G. Mabalot while custody of the seized items remained with PO1 Magluyan; PO1 Magluyan personally delivered the confiscated item and the request for laboratory examination to the crime laboratory;
- (4) PCI Isidro L. Carino of the Crime Laboratory received the letter request and the seized item and subsequently performed a qualitative examination on the specimen;
- (5) Physical Sciences Report No. D-438-11E confirmed that the contents of the marked item seized from the appellant was Methamphetamine hydrochloride, a dangerous drug;
- (6) The forensic chemist brought the contraband to court, he submitted it and presented it to the court.<sup>13</sup>

On the real name of the accused, the CA quoted the RTC’s Decision that appellant represented himself to be Jayson Francisco during inquest, arraignment and trial. He even signed the Certificate of Arraignment as “Jayson Santos Francisco,” and in the ensuing hearings, wrote the same name and affixed the same signature as indicated in the certificates of notice at least twelve (12) times from 2012 to 2016. In any event, appellant was the one and same person arrested during the buy-bust operation and positively identified by the prosecution witness as the seller of the illegal drugs seized.

### Issues

In his brief, appellant assigned the following errors:

- over -

168-A1

---

<sup>13</sup> *Rollo*, pp. 9-10.

- I. The Court *a quo* gravely erred in finding that the accused-appellant is guilty of the crime charged on the basis of inadmissible evidence obtained subsequent to an unlawful arrest.
- II. The Court *a quo* gravely erred in convicting the accused-appellant despite the arresting officer's utter failure to preserve the identity and integrity of the alleged seized drug evidence.<sup>14</sup>

### **Ruling of the Court**

We find merit in the appeal and reverse the rulings of the RTC and the CA due to the lapses made by the apprehending team that broke the chain of custody.

Section 5 of RA 9165, applicable at the time of the commission of the offense, reads in pertinent part:

*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. x x x

The State bears the burden of proving the following elements: (1) the identity of the buyer, as well as the seller, the object and consideration of the sale; and (2) the delivery of the thing sold and the payment therefor. What is material is proof that the transaction or sale took place as a matter of fact, coupled with the presentation in court of the dangerous drug seized as evidence.<sup>15</sup>

The manner of handling and disposing of the seized drugs is prescribed in Section 21(1) of RA 9165, which reads:

“(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

- over -

168-A1

---

<sup>14</sup> CA rollo p. 40.

<sup>15</sup> *People v. Lopez*, G.R. No. 247974, 13 July 2020 [Per J. Caguioa]; citations omitted.

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[.]

A plain reading of Section 21(1) requires the apprehending team to conduct a physical inventory of the seized items and to photograph the same (1) in the presence of the accused or the persons from whom such items were confiscated and/or seized, or his/her representative or counsel, (2) with an elected public official (3) a representative of the Department of Justice and 4) the media who shall be required to sign the copies of the inventory and be given a copy thereof.<sup>16</sup> The presence of these required witnesses is imperative, not only during the physical inventory and taking of pictures, but also during the actual seizure of items. The requirement of conducting the inventory and taking of photographs "immediately after seizure and confiscation" necessarily means that the required witnesses must also be present during the seizure or confiscation.<sup>17</sup>

In this case, although the inventory was done immediately at the place of arrest and was witnessed by representatives of the media and the *barangay*, it was not witnessed by a representative of the Department of Justice. Likewise, the accused and the seized items were photographed at the police of station, not at the place of arrest. These substantial deviations created gaps and loopholes in the chain of custody that raises serious doubt on whether the illegal drugs presented in court are the same illegal drugs seized from the appellant.<sup>18</sup>

Indeed, this process may be excused in some cases for justifiable reasons. But this time, the prosecution failed to offer any justification on why the process was not witnessed by the DOJ representative and why the photographs were taken somewhere else.

The burden of proving the guilt of an accused rests on the strength of evidence of the prosecution and not on the weakness of the defense. The testimonies of the prosecution witnesses showed that they failed to follow the mandated procedure and that they did not offer a justifiable ground for their failure to have the inventory witnessed by the required persons. After all, a stricter adherence to Section 21 is required considering the quantity of illegal drugs seized

- over -

168-A1

---

<sup>16</sup> *Tumabini v. People*, G.R. No. 224495, 19 February 2020 [Per J. Gesmundo].

<sup>17</sup> *People v. Merando*, G.R. No. 232620, 05 August 2019 [Per J. Leonen].


<sup>18</sup> *See People v. Sali*, G.R. No. 236596 (Resolution), 29 January 2020 [Per CJ. Peralta].

is miniscule, and hence, highly susceptible to planting, tampering, or alteration.<sup>19</sup>

**WHEREFORE**, the appeal is hereby **GRANTED**. The assailed Decision promulgated on 15 October 2018 by the Court of Appeals in CA-G.R. CR-HC No. 09695 is **REVERSED and SET ASIDE**. Accused-appellant **JAYSON FRANCISCO y SANTOS, a.k.a. REGINALD DE GUZMAN y SIOBAL** is **ACQUITTED** on reasonable doubt and is **ORDERED IMMEDIATELY RELEASED** from detention unless he is being lawfully held for another cause. Let entry of final judgment be issued immediately.

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *gbc 111*

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
**168-A<sub>1</sub>**

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

Court of Appeals (x)  
Manila  
(CA-G.R. CR HC No. 09695)

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

The Hon. Presiding Judge  
Regional Trial Court, Branch 165  
1800 Marikina City  
(Crim. Case No. 2012-3976-D-MK)

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

PUBLIC ATTORNEY'S OFFICE  
Special and Appealed Cases Service  
Counsel for Accused-Appellant  
DOJ Agencies Building  
Diliman, 1101 Quezon City

Philippine Judicial Academy (x)  
Supreme Court

Mr. Jayson S. Francisco a.k.a  
Reginald S. De Guzman (x)  
Accused-Appellant  
c/o The Director General  
Bureau of Corrections  
1770 Muntinlupa City

Judgment Division (x)  
Supreme Court

UR

NAF

<sup>19</sup> See *People v. Sanico*, G.R. No. 240431, 07 July 2020 Per CJ. Peralta].

