FIRST DIVISION

[G.R. No. 264409. April 13, 2026]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ANTONIO SARIO *Y* SERRANO AND MACARIO PEREZ, JR. *Y* MERCADO, ACCUSED;

ANTONIO SARIO *Y* SERRANO, ACCUSED-APPELLANT.

D E C I S I O N

ROSARIO, J.:

This is an ordinary appeal[1] assailing the Decision[2] of the Court of Appeals (CA), which affirmed the conviction of accused-appellant Antonio S. Sario (Sario) for: (1) illegal sale of 0.07 gram of methamphetamine hydrochloride or *shabu*; and (2) illegal possession of 11.47 grams of *shabu*.

The facts are as follows:

On July 22, 2017, Sario, along with one Macario M. Perez, Jr. (Perez), was arrested pursuant to an alleged buy-bust operation conducted by officers of the Philippine National Police (PNP).[3] The arrest led to the filing of three separate Informations before the Regional Trial Court (RTC) of Calamba City, Laguna.

The first Information, docketed as Criminal Case No. 30023-17-C, charged Sario and Perez of illegal sale of 0.07 gram of *shabu* as punished under Section 5 of Republic Act No. 9165, or the Comprehensive Dangerous Drugs Act of 2002.[4] The accusatory portion of the Information reads:

> That on or about ***July 22, 2017*** at *Los Baños, Laguna* and within the jurisdiction of this Honorable Court, [Sario and Perez], conspiring and confederating with one another, did then and there willfully, unlawfully and feloniously sell and deliver one plastic sachet of [*shabu*], weighing 0.07 gram, a dangerous drug, without corresponding authority of law.
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> CONTRARY TO LAW.[5] (Emphasis in the original)

The second Information, docketed as Criminal Case No. 30024-17-C, charged Sario of illegal possession of 11.47 grams of *shabu* as punished under Section 11 of Republic

Act No. 9165.[6] The accusatory portion of the Information reads:

> That on or about ***July 22, 2017 at Los Baños, Laguna*** and within the jurisdiction of this Honorable Court, [Sario], did then and there willfully, unlawfully and feloniously possess two plastic sachets of [*shabu*], weighing 11.47 grams, a dangerous drug, without corresponding authority of law.
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> CONTRARY TO LAW.[7] (Emphasis in the original)

The third Information, docketed as Criminal Case No. 30025-17-C, charged Perez of illegal possession of *shabu*.[8]

The Informations were consolidated before the RTC. When arraigned, Sario and Perez initially entered not guilty pleas to the charges against them.[9] Trial ensued.[10]

While at the trial stage, however, Perez entered into a plea-bargaining agreement with the prosecution.[11] Accordingly, Perez withdrew his pleas of not guilty in Criminal Case Nos. 30023-17-C and 30025-17-C, and replaced the same with pleas of guilty, albeit to two counts of illegal possession of drug paraphernalia.[12] In a May 9, 2018 Order,[13] the RTC approved of Perez's pleas of guilty and handed a corresponding judgment of conviction against the latter.[14]

The prosecution's version was relayed by the following witnesses:

1. Police Officer I Eryl B. Estrada (PO1 Estrada) – an officer of the PNP who assumed the role as the poseur buyer of the buy-bust operation;

2. Police Officer III Mark Ivan A. Are (PO3 Are) – an officer of the PNP who acted as team leader of the buy-bust operation;[15] and

3. Police Chief Inspector Donna Villa Huelgas (PCINSP Huelgas) – a forensic chemist of the PNP who conducted a laboratory examination on the *shabu* seized during the buy-bust operation.[16]

The prosecution's version was summarized by the CA as follows:

> At around 8:45 [p.m.] of July 21, 2017, a confidential informant went to the Los Baños Municipal Police Station and relayed the information that a certain Antonio and his cohort are engaged in the illegal sale of dangerous drugs in [Barangay] San Antonio, Los Baños, Laguna. Upon the directive of station chief [Police Superintendent] Arvin B. Arevalo, a buy-bust team was formed consisting of [nine] members with PO3 Are as team leader and PO1 Estrada as [poseur buyer]. During the team briefing, a [PHP] 500.00 bill with serial number LF143983 was marked with "EE" to serve as buy-bust money. It was agreed upon that the pre-arranged signal that the sale has

already been consummated was the removal of [PO1] Estrada's helmet. The team prepared a Pre-Operation Report and a Coordination Form which were sent to the Philippine Drug Enforcement Agency (PDEA) Regional Office 4A.

After the briefing, the buy-bust team, together with the confidential informant and media representative Liberato Tatad [(Tatad)] of *People's Balita*, proceeded to [Barangay] San Antonio, Los Baños, Laguna. [PO1 Estrada] and the confidential informant rode a motorcycle while the rest of the team boarded tinted four[-]wheel vehicles. [PO1 Estrada] and the confidential informant proceeded to the target area while the rest of the buy-bust team positioned themselves in strategic places.

At around 12:30 a.m. of July 22, 2017, the buy-bust team reached the target place which was near the San Antonio Elementary School. Thereat, [PO1 Estrada] and the confidential informant saw [two] men standing along the road. The confidential informant identified the men as [Sario] and his cohort [Perez]. When they approached the [two] men, [Perez] immediately asked the confidential informant the purpose of their visit. The confidential informant introduced [PO1 Estrada] to the [two] men and said that he would like to score some *shabu*. [Perez] asked [PO1 Estrada] how much *shabu* he would buy. The latter answered that he would purchase [PHP] 500.00 worth of *shabu* and simultaneously handed to [Perez] the buy-bust money. [Perez] gave the marked [PHP] 500.00 bill to appellant Sario. The latter took a plastic sachet containing white crystalline substance from his pocket and handed it to [Perez]. The plastic sachet was then given to [PO1 Estrada].

Upon consummation of the sale, [PO1 Estrada] executed the pre-arranged signal of removing his helmet. The rest of the buy-bust team rushed to the crime scene. [PO1 Estrada], together with PO3 Are, placed [Sario and Perez] under arrest. In the presence of [Tatad] and [Barangay] San Antonio [Kagawad] Dominador Calpito [(Calpito)], [PO1 Estrada] asked [Sario] to bring out the contents of his pockets. [Sario] complied and produced [two] transparent plastic sachets containing white crystalline substance suspected to be *shabu*, the buy-bust money and [three] [PHP] 100.00 bills. [Perez] was likewise directed to empty his pockets, thereby producing [one] transparent plastic sachet containing white crystalline substance suspected to be *shabu*.

At the buy-bust scene and in the presence of [Sario], [Perez], [Tatad] and [Calpito], [PO1 Estrada] marked the plastic sachet bought from [Sario] with "AS-BB" while the [two] plastic sachets recovered from his possession were marked with "AS1" and "AS2[.]" On the other band, the plastic sachet seized from [Perez] was marked with "MP1[.]" The markings AS and MP correspond to [Sario's] and [Perez's] initials, respectively.

The inventory and photographs of the confiscated items were likewise undertaken by [PO1 Estrada] at the crime scene. [Two] separate Receipts of Physical Inventory dated July 22, 2017 were prepared, [one] for the items

recovered from [Sario] and another for that seized from [Perez]. The receipts were signed by [Tatad] and [Calpito]. [Sario and Perez], however, did not sign the inventory receipts. Nevertheless, they were provided with a copy thereof. The photographs taken by [PO1 Estrada] show that the inventory of the confiscated items was done in the presence of the witnesses, [Sario, and Perez].

After the marking and inventory, [PO1 Estrada] placed the seized items inside a transparent evidence bag which he marked with "EE 07/22/2017[.]" [PO1 Estrada] held the items in his possession while the buy-bust team, together with [Sario and Perez], proceeded to the police station. Thereat, [PO1 Estrada] prepared the necessary documentation such as the Requests for Laboratory Examination, Requests for Drug testing[,] and *Sinumpaang Salaysay*. The confiscated items were personally brought by [PO1 Estrada] to the Regional Crime Laboratory Office 4A situated at Camp Vicente Lim, Calamba City, Laguna[,] where they were received by [Police Office III] Jorween M. Villela at 4:30 a.m. of July 22, 2017. Immediately thereafter, [PCINSP] Huelgas conducted the necessary quantitative and qualitative examination on the confiscated items.

The testimony of [PCINSP] Huelgas was dispensed with after the parties entered into a stipulation of facts as follows: 1) [PCINSP] Huelgas is qualified as an expert witness; 2) on July 22, 2017, [two] Requests for Laboratory Examination dated July 22, 2017 and the subject specimens attached thereto marked with MP1, AS-BB, AS1[,] and AS2 were received by the personnel of the Regional Crime Laboratory Office; 3) [PCINSP] Huelgas conducted a qualitative examination on the subject specimens; 4) she reduced her findings in Chemistry Report No. 0-1106-17[,] which states that a qualitative examination of the specimens marked with AS-BB, AS1 [,] and AS2 weighing 0.07 gram, 5.52 grams[,] and 5.95 grams, respectively, all gave positive result for the presence of [*shabu*], a dangerous drug; and in Chemistry Report No. 0-1107-17[,] which states that a qualitative examination of the specimen marked with MP1 weighing 0.04 gram also gave positive result for the presence of [*shabu*]; and 5) she has no personal knowledge as to the recovery by the arresting officers of the subject specimens from Sario and Perez.

The testimony of PO3 Are was also dispensed with after the parties stipulated that if he would be placed on the witness stand, he would be able to corroborate the narration given by [PO1 Estrada].[17] (Citations omitted)

The defense's version, on the other hand, was conveyed by Sario, who proffered a frame-up story. The gist of his testimony was summarized by the CA, as follows:

[Sario] testified that he is a resident of [Barangay] Pansol, Calamba, Laguna. On July 21, 2017, he brought his motorcycle to be fixed at the house of his friend Totoy, a motorcycle mechanic. While waiting thereat,

armed men in civilian clothes arrived and introduced themselves as police officers. The men said that they were looking for a certain Manny. [Sario] answered that he does not know such a person. The armed men then suddenly went inside the house without showing any search or arrest warrant. [Sario] and the other persons in the house were ordered to sit and bend over on the floor while the police officers searched the house. After conducting the search, [Sario] and his companion were brought to the Los Baños Police Station.

At around 2:00 [a.m.] of July 22, 2017, the police officers, accompanied by a [barangay] official, took [Sario] and his companion back to Totoy's house. The police officers brought out a small plastic sachet containing *shabu* and a marked peso bill. At an alley in front of the house, pictures of appellant and his companion, together with the plastic sachet and marked money, were taken. The [barangay] official signed some documents before appellant and his companion were brought back to the police station.

On cross-examination, [Sario] stated that he was never involved in illegal drugs. He met [Perez] for the first time at the police station.[18] (Citations omitted)

On September 19, 2018, the RTC rendered a Decision[19] finding Sario guilty of both illegal sale of *shabu* and illegal possession of *shabu*. The dispositive portion of the RTC Decision reads:

WHEREFORE ... [Sario] is found **GUILTY** beyond reasonable doubt in Criminal Case No. 30023-2017-C. The Court hereby sentences him to suffer the penalty of LIFE IMPRISONMENT and a fine of [PHP 500,000.00].

In Criminal Case No. 30024-2017-C, this Court also found [Sario] [guilty] beyond reasonable doubt ... The Court sentences him to suffer the penalty of LIFE IMPRISONMENT and to pay the fine of [PHP 400,000.00].

. . . .

SO ORDERED.[20] (Emphasis in the original)

Sario appealed to the CA.

On June 29, 2020, the CA rendered a Decision[21] denying Sario's appeal and affirming the Decision of the RTC.[22] Hence, this appeal by Sario.

Here, the accused-appellant reiterates the same issues he raised in his appeal before the CA.[23] He argues that the prosecution's evidence is weak and does not justify his convictions for illegal sale and illegal possession of shabu, to wit:

1. The prosecution was unable to prove an unbroken chain of custody over the *shabu* allegedly sold and possessed by the accused-appellant, to wit:

    a. The markings placed on the seized *shabu* were irregular as they merely indicate the initials of the accused-appellant and Perez. This violated Section 13(c) of the 2010 Philippine National Police Manual on Anti-Illegal Drugs Operation and Investigation (PNP Manual),[24] which requires drug evidence to be marked with the seizing officer's initials, as well as the time and place of seizure.[25]

    b. PO1 Estrada did not turn over the seized *shabu* to the investigator who supposedly prepared the post buy-bust operation documents.[26] Instead, the seized drugs and request for laboratory examination were transmitted to a certain Police Officer III Jerwin Villela (PO3 Villela), who, unfortunately, was not presented as a prosecution witness.[27]

    c. The stipulated testimony of PCINSP Huelgas is inadequate as it does not disclose the measures she undertook to preserve the identity and integrity of the seized *shabu* during and after the laboratory examination.[28] Moreover, it appears that the seized *shabu* was never deposited with an evidence custodian after such examination.[29]

2. The prosecution's evidence also betrays the buy-bust team's various violations of Section 21 of Republic Act No. 9165, as amended.

    a. The conduct of inventory was not witnessed by an elected public official.[30]

    b. The inventory receipt does not contain the signature of the accused-appellant.[31]

Our Ruling

We grant the appeal.

I

At the outset, We stress that all the issues raised by the accused-appellant—except for those that relate to the non-presentation of PO3 Villela and the inadequacy of the stipulated testimony of PCINSP Huelgas—have no merit and were already adequately rebuffed by the CA. In this regard, We quote with approval the relevant disquisition by the appellate court:

> Records show that after the arrest of [the accused-appellant] and upon the directive of poseur-buyer PO1 Estrada, [the accused-appellant] brought out the contents of his pockets, thereby producing [two] sachets of white crystalline substance and the buy-bust money. At the crime scene and in the presence of [the accused-appellant], [Barangay Kagawad] Dominador Calpito and media representative Liberato Tatad, poseur-buyer PO1 Estrada marked the sachet bought from [the accused-appellant] with "AS-BB" and the ones found in his possession with "AS1" and "AS2." The seized items were Iikewise inventoried and photographed by poseur-buyer PO1 Estrada at the buy-bust scene. Thereafter, he placed the confiscated items inside an evidence bag which he marked with ["]EE 07/22/2017["].
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> The subject sachets were in the possession of poseur-buyer PO1 Estrada when the buy-bust team, together with [the accused-appellant] and [Perez], proceeded to the police station where the necessary documentation was undertaken. While poseur-buyer PO1 Estrada himself prepared the Requests for Laboratory Examination, Requests for Drug Testing and *Sinumpaang Salaysay*, the confiscated sachets of *shabu* remained under his custody. Thereafter, he personally brought the subject items to the Regional Crime Laboratory 4A in Camp Vicente Lim, Calamba where they were received by [PO3 Villela] at around 4:30 [a.m.] of July 22, 2017. [PCINSP] Huelgas then conducted the necessary physical, chemical and confirmatory tests on the specimens to determine the presence of dangerous drugs. . .
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> *The alleged irregularities pointed out by [the accused-appellant] such as the absence of his signature on the Receipt of Physical Inventory and the inappropriate markings made thereon are inconsequential. While the inventory receipt was not signed by [the accused-appellant], the photographs presented by the prosecution clearly demonstrate his presence[,] as well as that of the witnesses required by law during the inventory taking. Further, it is not unusual that the accused in cases involving violation of [Republic Act No.] 9165 would refuse to sign the inventory of the items confiscated from them. Such refusal to sign alone cannot then be the basis to exculpate an accused from liability for dealing with illegal drugs. Also, a perusal of the records would show that the plastic sachets bought and confiscated from [the accused-appellant] were properly marked with "AS-BB[,]" "AS1[,]" and "AS2[,]" ["]AS["] being the initials of [the accused-appellant]. These markings sufficiently served to separate the subject items from the corpus of all other similar or related evidence, thereby preventing switching or contamination of evidence.*[32] (Emphasis supplied, citations omitted)

II

Notwithstanding the foregoing, however, We are constrained to acquit the accused-appellant in view of the failure of the prosecution to prove beyond reasonable doubt the third and fourth links of the chain of custody over the seized *shabu*.

In all criminal cases involving violations of Republic Act No. 9165, the State is obligated to establish beyond reasonable doubt, not only the elements of the charged offense, but also the identity and existence of the dangerous drugs involved. This is because, in such cases, the dangerous drugs themselves serve as the *corpus delicti* of the crime.[33] Consequently, without sufficient evidence proving that the drugs presented are the exact ones seized from the accused, a conviction can never be justified.[34] In *People v. Lorenzo*,[35] it was taught:

> In both illegal sale and illegal possession of prohibited drugs, conviction cannot be sustained if there is a persistent doubt on the identity of the drug. The identity of the prohibited drug must be established with moral certainty. Apart from showing that the elements of possession or sale are present, the fact that the substance illegally possessed and sold in the first place is the same substance offered in court as exhibit must likewise be established with the same degree of certitude as that needed to sustain a guilty verdict.[36]

To establish the identity and existence of the drugs in question, the prosecution needs to present evidence showing a continuous and unbroken chain of custody over the said substances. In the seminal case of *Mallillin v. People*,[37] We broke down what such evidence demands:

> As a method of authenticating evidence, the chain of custody rule requires that the admission of an exhibit be preceded by evidence sufficient to support a finding that the matter in question is what the proponent claims it to be. *It would include testimony about every link in the chain, from the moment the item was picked up to the time it is offered into evidence, in such a way that every person who touched the exhibit would describe how and from whom it was received, where it was and what happened to it while in the witness' possession, the condition in which it was received and the condition in which it was delivered to the next link in the chain. These witnesses would then describe the precautions taken to ensure that there had been no change in the condition of the item and no opportunity for someone not in the chain to have possession of the same.*[38] (Emphasis supplied, citations omitted)

In *People v. Kamad*,[39] on the other hand, We identified the four essential links that make up the chain of custody of drugs seized during an official operation, to wit:

> [*F*]*irst*, 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.[40]

After consideration of the issues raised in this appeal, coupled with a thorough examination of the available records, We find that the prosecution was not able to establish the *third* and *fourth* links of the chain of custody over the *shabu* allegedly seized during the buy-bust operation.

To start, the prosecution's evidence failed to fully account for the third link—specifically, the turnover of the allegedly seized *shabu* from PO3 Villela to the forensic chemist, PCINSP Huelgas. While the records indicate that PO1 Estrada personally delivered such *shabu* to the Regional Crime Laboratory, where they received by PO3 Villela,[41] the prosecution inexplicably failed to present PO3 Villela as a witness to testify on the circumstances of such receipt. The non-presentation of PO3 Villela thus results in a fatal break in the continuity of the custodial chain. Tn *People V. Hernandez*, [42] We characterized a similar omission by the prosecution as a breach in the third link of the custodial chain:

> Anent the third link, PO1 Villarino testified that he and PO2 Elauria personally delivered the drug specimens to the crime laboratory, together with the Requests for Laboratory Examination and Drug Test. *While it appears that the requests were stamp received by PO2 Comia, the faller was not presented in court to shed light on the condition of the contraband when it was received, as well as the necessary precautions employed lo ensure that the seized illegal drugs were not contaminated, changed, or altered while in PO2 Comia's custody. This is in clear disregard of the mandate that every link in the chain must be clearly established, describing how and from whom the seized evidence was received, its condition when delivered to the next link in the chain and the precautions taken to ensure its integrity.*[43] (Emphasis supplied, citations omitted)

Indeed, with the absence of PO3 Villela's testimony, there is no evidence on record that could establish the condition of the seized *shabu* from the moment it was received by said officer up to the time it was retrieved for examination by PCINSP Huelgas. As they stand, the records are completely silent as to what precautions have been employed by PO3 Villela to ensure that the seized *shabu* were not contaminated, changed, or altered prior to its retrieval by PCINSP Huelgas. The Court will not, as it cannot, speculate on such matters not supported by the evidence.

In addition, the prosecution's evidence further reveals a void with respect to the fourth link of the chain of custody over the allegedly seized *shabu*.

In this case, there was also a complete absence of evidence indicating how the seized *shabu* was handled after its qualitative examination by PCINSP Huelgas and before its submission to the trial court. Indeed, the prosecution's only evidence to establish the fourth link of the custodial chain was the stipulated testimony of PCINSP Huelgas. Unfortunately, however, PCINSP Huelgas's testimony only established the following facts:

> [1.] The qualification of [PCINSP] Huelgas[;]
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> [2.] [that] [two] Requests for Laboratory Examination both dated July 22, 2017 were received by the personnel of the Regional Crime Laboratory Office, Calamba City, Laguna from one PO3 Ville[l]a; upon receipt of the Requests for Laboratory Examination and the specimen attached therewith, [PCINSP Huelgas] conducted a qualitative examination of the specimen subject of these cases; upon qualitative examination conducted on the specimen with marking "MP1," "AS-BB," "AS1[,]" and "AS2," the same resulted in a positive test for the presence of [*shabu*], a dangerous drug; and, after the result of the examination, [PCINSP Huelgas] executed Chemistry Report No. D-1106-17 and D-1107-17 respectively to reflect the result of the qualitative examination on the specimen subject of these cases[;] [and]
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> [3.] . . . [that PCINSP Huelgas] has no personal knowledge of the recovery of the subject specimens from [the accused-appellant and Perez] by the arresting officers.[44]

As can be gleaned, the stipulated testimony lacks any specific details regarding *how* the seized *shabu* was handled—such as the measures that were observed to ensure its integrity—after PCINSP Huelgas conducted her qualitative examination. Indeed, the records provide no information on crucial details relating to the management, storage, or preservation of the seized *shabu* after the said examination. As with the matters left hanging by the non-presentation of PO3 Villela, the Court cannot fill in such missing details on mere assumptions and without supporting evidence.

The silence of the records on how the seized *shabu* have been handled after their qualitative examination and prior to their submission to the trial court compromised the fourth link of the-custodial chain. In *People v. Supat*,[45] We emphasized that, under these circumstances, the drugs presented in evidence cannot be considered as reliable enough to stand as proof of the *corpus delicti* of the drug charges:

> [*T*]*he Court does not see from the records the details on how the specimen was handled from the time it was submitted for laboratory examination up to time ii was formally offered to the court. Forensic Chemist PSI Huelgas did not testify on how she handled the seized item during examination and before it was transferred to the court — which testimony is required to ensure that that there was no change in the condition of the seized drug and no opportunity for someone not in the chain to have possession while in her custody.* In this case, instead of the forensic chemist turning over the substance to the court and testifying, the parties merely stipulated on the existence and due execution of the Chemistry Report No. D-1127-05, Final Chemistry Report No. D-1127-05, Chemistry Report findings and conclusions, and the name and signature of PSI Huelgas. However, these stipulations do not prove how the drugs were handled by said chemist.
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> . . . .

> As in *Sanchez, the Court finds that while the parties indeed made the stipulations in question, such stipulations do not relate to or do not cover the specific manner by which the seized items were handled while in their possession. . . .*
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> As the seized drugs themselves are the *corpus delicti* of the crimes charged, it is of utmost importance that there be no doubt or uncertainty as to their [identity] and integrity. The State, and no other party, has the responsibility to explain the lapses in the procedures taken to preserve the chain of custody of the dangerous drugs. *Without the explanation by the State, the evidence of the corpus delicti is unreliable, and the acquittal of the accused should follow on the ground that [their] guilt has not been shown beyond reasonable doubt.*[46] (Emphasis supplied, citations omitted)

In fine, the absence of evidence regarding: (1) the turnover of the allegedly seized *shabu* from PO3 Villela to PCINSP Huelgas, and (2) the handling of the same *shabu* after its qualitative examination, created critical gaps in the custodial chain. These gaps render the *shabu* submitted to the trial court by the prosecution as unreliable, as they make it impossible to exclude the likelihood of contamination, substitution, or alteration during the period that the substance was in the custody of PO3 Villela and PCINSP Huelgas. We cannot, either by law or in good conscience, consider and accept *that* kind of evidence as unassailable proof of the *corpus delicti*. The *shabu* submitted by the prosecution was never shown—with moral certainty—to be the very same one allegedly sold and possessed by the accused-appellant. Consequently, for lack of proof of the *corpus delicti*, the Court has no other recourse but to render a judgment of acquittal.

III

Finally, We rule that the accused-appellant's acquittal should likewise benefit Perez.

Rule 122, Section 11(a) of the Rules of Court allows a judgment on appeal taken by one or more of several accused to affect those who did not appeal if it is favorable and applicable to the latter. Thus, an acquittal obtained on appeal by one accused may likewise result in the acquittal of a co-accused who did not appeal, provided that the judgment is anchored on a ground applicable to both. In *People v. Cordova*,[47] the Court made use of this provision even when the accused, who did not appeal previously, pleaded guilty to, and had already been convicted of, a lesser offense.[48]

In this case, We find that the accused-appellant's acquittal may as well be applied to Perez.

As discussed in the preceding section, the accused-appellant's acquittal was premised on the prosecution's failure to establish the third and fourth links of the custodial chain over the *shabu* seized by the police during the buy-bust operation. Necessarily, the ruling renders defective and deficient all *shabu* presented by the prosecution in the

cases *a quo*, including those related to the charges against Perez. Accordingly, Perez should and must benefit from this Decision in accordance with Rule 122, Section 11(a) of the Rules of Court.

ACCORDINGLY, the instant appeal is **GRANTED**. The June 29, 2020 Decision of the Court of Appeals in CA-G.R. CR[-]HC No. 12743 is **REVERSED** and **SET ASIDE**. Accused-appellant Antonio Sario *y* Serrano is **ACQUITTED** in Criminal Case Nos. 30023-17-C and 30024-17-C, filed before Branch 36, Regional Trial Court, Calamba City, Laguna, and is ordered **RELEASED** from confinement unless he is being held for some other lawful cause.

Moreover, the May 9, 2018 Order of Branch 36, Regional Trial Court, Calamba City, Laguna, in Criminal Case Nos. 30023-17-C and 30025-17-C is **SET ASIDE**. Accused Macario M. Perez, Jr. is **ACQUITTED** in Criminal Case Nos. 30023-17-C and 30025-17-C on the ground of reasonable doubt. He is ordered **RELEASED** from confinement unless he is being held for some other lawful cause.

Let a copy of this Decision be furnished to the Director General of the Bureau of Corrections for immediate implementation. The Director General is directed to report to this Court, within five days from receipt of this Decision, the action he has taken. Copies shall also be furnished to the Chief of the Philippine National Poi ice and the Director General of the Philippine Drug Enforcement Agency for their information.

Let entry of final judgment be issued immediately.

SO ORDERED.

Gesmundo, C.J. (Chairperson), Hernando, Zalameda, and *Marquez, JJ.*, concur.

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[1] *Rollo*, pp. 3-5. *See* Notice of Appeal dated July 27, 2020.

[2] *Id.* at 8-25. The June 29, 2020 Decision in CA-G.R. CR[-]HC No. 12743 was penned by Associate Justice Ramon R. Garcia and concurred in by Associate Justices Maria Elisa Sempio Diy and Carlita B. Calpatura of the Eighth Division, Court of Appeals, Manila.

[3] RTC records, pp. 5-6, *Sinumpaang Salaysay* dated July 24, 2017, executed by Police Officer I Eryl B. Estrada.

[4] Republic Act No. 9165, sec. 5 provides:

> Sec. 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 [PHP 500,000.00] to (PHP 10,000,000.00] 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 ... or shall act as a broker in any of such transactions.

[5] RTC records (Criminal Case No. 30023-17-C), p. 1F.

[6] Republic Act No. 9165, sec. 11, second par., item 1 provides:

> Sec. 11. Possession of Dangerous Drugs. — The penalty of life imprisonment to death and a fine ranging from [PHP 500,000.00] to [PHP 10,000,000.00] shall be imposed upon any person, who, unless authorized by law, shall possess any dangerous drug in the following quantities, regardless of the degree of purity thereof:
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> . . . .
>
> Otherwise, if the quantity involved is less than the foregoing quantities, the penalties shall be graduated as follows:
>
> (1) Life imprisonment and a fine ranging from [PHP 400,000.00] to [PHP 500,000.00], if the quantity of [*shabu*] is [10] grams or more but less than [50] grams.

[7] RTC records (Criminal Case No. 30024-17-C), p. 1.

[8] RTC records(Criminal Case No. 30023-17-C), pp. 1A-1B. The exact text of the Information in Criminal Case No. 30025-17-C cannot be discerned from the *rollo*, CA *rollo*, and RTC records.

[9] *Rollo*, p. 10.

[10] *Id.*

[11] *Id.* at 13.

[12] As punished under Republic Act No. 9165 (2002), sec. 12. The provision states:

> Sec. 12. Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous Drugs. — The penalty of imprisonment ranging from [six] months and [one] day to [four] years and a fine ranging from [PHP 10,000.00] to [PHP 50,000.00] shall be imposed upon any person, who, unless authorized by law, shall possess or have under his/her control any equipment, instrument, apparatus and other paraphernalia fit or intended for smoking, consuming, administering, injecting, ingesting, or introducing any dangerous drug into the body: Provided, That in the case of medical practitioners and various professionals who are required to carry

such equipment, instrument, apparatus and other paraphernalia in the practice of their profession, the Board shall prescribe the necessary implementing guidelines thereof.

The possession of such equipment, instrument, apparatus and other paraphernalia fit or intended for any of the purposes enumerated in the preceding paragraph shall be prima facie evidence that the possessor has smoked, consumed, administered to himself/herself, injected, ingested or used a dangerous drug and shall be presumed to have violated Section 15 of this Act.

[13] RTC records (Criminal Case No. 30023-17-C), pp. 59-60. The May 9, 2018 Order in Criminal Case Nos. 30023-17-C and 30025-17-C was penned by Presiding Judge Glenda R. Mendoza-Ramos of Branch 36, Regional Trial Court, Calamba City, Laguna.

[14] *Rollo*, pp. 13-14.

[15] *Id.* at 13. The presentation of P03 Are as a witness was dispensed with after the prosecution and defense stipulated on his testimony.

[16] *Id.* at 12. The presentation of PCINSP Huelgas as a witness was dispensed with after the prosecution and defense stipulated on her testimony.

[17] *Id.* at 10-13.

[18] *Id.* at 13.

[19] *Id.* at 27-34. The September 19, 2018 Decision in Criminal Case Nos. 30023-2017-C and 30024-2017-C was penned by Presiding Judge Glenda R. Mendoza-Ramos of Branch 36, Regional Trial Court, Calamba City, Laguna.

[20] *Id.* at 33-34.

[21] *Id.* at 8-25.

[22] *Id.* at 24.

[23] CA *rollo*, pp. 29-50.

[24] 2010 Philippine National Police Manual on Anti-Illegal Drugs Operation and Investigation, sec. 13(c) provides:

Sec. 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.

[25] CA *rollo*, pp. 39-40.

[26] *Id.*

[27] *Id.* at 40.

[28] *Id.*

[29] *Id.*

[30] *Id.* at 43.

[31] *Id.*

[32] *Rollo*, pp. 21-22.

[33] **Sales v. People**, 602 Phil. 1047, 1056 (2009) [Per J. Carpio-Morales, Second Division].

[34] *Id.*

[35] 633 Phil. 393 (2010) [Per J. Perez, Second Division].

[36] *Id.* at 403.

[37] 576 Phil. 576 (2008) [Per J. Tinga, Second Division].

[38] *Id.* at 587.

[39] 624 Phil. 289 (2010) [Per J. Brion, Second Division].

[40] *Id.* at 304.

[41] *Rollo*, p. 12.

[42] 923 Phil. 236 (2022) [Per J. Hernando, First Division].

[43] *Id.* at 243-244.

[44] RTC records (Criminal Case No. 30023-17-C), pp. 41-42.

[45] 832 Phil. 590 (2018) [Per J. Caguioa, Second Division].

[46] *Id.* at 615-617.

[47] 950 Phil. 362 (2024) [Per J. Singh, Third Division].

[48] *Id.* at 386.

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