RECENT JURISPRUDENCE ON CRIMINAL LAW*

INTRODUCTION

This Article is a survey of recent cases decided by the Supreme Court in relation to the following criminal laws: Articles 266-A and 266-B of the Revised Penal Code ("RPC") on Rape; Republic Act ("R.A.") No. 9262 or the Anti-Violence Against Women and Their Children Act of 2004 ("VAWC Law"); and R.A. No. 9165 or the Comprehensive Dangerous Drugs Act of 2002 ("Dangerous Drugs Act"). All these cases were decided in 2022 and 2023.

I. ARTICLES 266-A & 266-B OF THE REVISED PENAL CODE

A. *People v. Agao*[1]

In this case, the Supreme Court undertook the unprecedented task of identifying the precise physical point of contact that would satisfy the requirements for the crime of consummated rape, finding that the jurisprudence on rape has so far been shrouded in euphemisms that have made it difficult for the Court to dole out consistent rulings.

Efren Agao was charged with two counts of statutory rape under Articles 266-A and 266-B of the RPC, along with R.A. No. 7610, for abusing his partner's daughter, AAA. AAA testified that the first instance of rape happened in July 2010. She awoke to Agao mounting her and trying to insert his penis into her vagina, but due to her resistance he was not able to fully penetrate it, managing only to "introduce the same into the outer fold, also called the *labia majora*."[2] The incident was repeated in January 2012, though Agao was again unable to fully penetrate AAA's vagina because AAA fought back.

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This Article is part of a series published by the JOURNAL, providing updates in jurisprudence across the eight identified fields of the law. The other articles focus on political law, labor law, taxation, civil law, commercial law, remedial law, and judicial ethics.

[1] [Hereinafter "*Agao*"], G.R. No. 248049, Oct. 4, 2022 (Caguioa, *J.*).

[2] *Id.* at 4. This pinpoint citation refers to the copy of this decision uploaded to the Supreme Court Website.

The Regional Trial Court (RTC) found Agao guilty beyond reasonable doubt on both counts. In its decision, the lower court cited the case of *People v. Besmonte*[3] in holding that "carnal knowledge, as an element of rape, does not require full penile penetration[,]"[4] so long as the "penis [...], capable of consummating the sexual act, touches the *labia* or the *pudendum*."[5] The Court of Appeals (CA) affirmed the RTC's conviction, reiterating that full penetration is not necessary to consummate the crime.

The Court, through Justice Alfredo Benjamin S. Caguioa, took Agao's appeal as an opportunity to recalibrate the current threshold for consummated rape. The Court first examined the evolution of its rulings on what constitutes consummated rape, beginning with *People v. Orita*,[6] where it "decisively disabused the notion that perfect penetration and hymenal rupture are necessary for consummation, and clarified that *any penetration* of the female organ by the male organ, *however slight*, is sufficient to warrant conviction."[7] To be more specific, "*[e]ntry of the [labia] or lips of the female organ*, without rupture of the hymen or laceration of the vagina is sufficient."[8] In *People v. Dela Peña*,[9] the Court clarified that this must be in the context of an erect penis capable of penetration, given the "physiologic impossibility of penetration absent an erection."[10] That the mere touching of the *labia* already consummates the crime was reiterated by the Court in several cases thereafter.

In *People v. Campuhan*,[11] the Court outlined the minimum genital contact required as follows: "either (1) the penis touching the *labia majora*, or (2) the penis sliding into the female organ."[12] Thus, the failure of the prosecution to establish that either of the two minimum genital contacts has been met would make the accused liable only for attempted rape or acts of lasciviousness.

The Court in *People v. Francisco*,[13] however, clarified that the two minimum genital contacts are the same, "in that for the penis to even merely touch the *labia majora* or the *labia minora* of the vagina, the penis would have already attained some level of penetration of the female organ."[14]

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[3] [Hereinafter "*Besmonte*"], G.R. No. 196228, 725 SCRA 37, June 4, 2014.
[4] *Agao*, G.R. No. 248049, at 7, *citing Besmonte*, 725 SCRA at 51.
[5] *Id.*
[6] [Hereinafter "*Orita*"], G.R. No. 88724, 184 SCRA 105, Apr. 3, 1990.
[7] *Agao*, G.R. No. 248049, at 13. (Emphases in the original.)
[8] *Id.*, *citing Orita*, 184 SCRA at 114. (Alteration in the original, emphasis supplied.)
[9] [Hereinafter "*Dela Peña*"], G.R. No. 104947, 233 SCRA 573, June 30, 1994.
[10] *Agao*, G.R. No. 248049, at 14, *citing Dela Peña*, 233 SCRA at 579.
[11] G.R. No. 129433, 329 SCRA 270, Mar. 30, 2000.
[12] *Agao*, G.R. No. 248049, at 16.
[13] G.R. No. 134566, 350 SCRA 55, Jan. 22, 2001.
[14] *Agao*, G.R. No. 248049, at 17.

Based on the foregoing cases, the standing definition of consummated rape is when the "erect penis of the accused was, at the very least, introduced to the *labia majora* of the victim's vagina as a precursor for vaginal penetration, regardless of whether the penetration, full or partial, was actually obtained."[15]

To highlight why recalibration was warranted, the Court also discussed cases which diverged from the rulings above. In all these cases, the conviction for consummated rape was modified to only attempted rape because of "the prosecution's failure to establish the manner and nature of penile penetration."[16] The Court observed that these cases illustrated how the minimum genital contact, as established in jurisprudence, was "more of a subjective moving target than a pinned down exposition [...] easily resolvable by informing jurisprudence of the *exact anatomical situs* of the pertinent body parts referred to in settled jurisprudence, which, unlike other inexact matters that surround a rape testimony, are as inarguable as they are true."[17]

The Court then discussed the parts of the vulva or *pudendum* to arrive at a more definite threshold for consummated rape: when the penis "penetrates the *cleft of the labia majora, also known as the vulval or pudendal cleft, or the fleshy outer lip of the vulva*, in even the slightest degree."[18] Thus, the earlier pronouncements considering the mere touching of the *labia majora* as consummated rape must be construed in accordance with this modified definition identifying the vulval cleft as the exact anatomical threshold.

The Court also deemed it fit to lay down the rule for what would constitute consummated rape for pre-pubescent victims, as follows:

> [T]he genital contact threshold for a finding of consummated rape through penile penetration is deemed already met once the entirety of the prosecution evidence establishes a *clear physical indication of the inevitability of the minimum genital contact threshold as clarified here, if it were not for the physical immaturity and underdevelopment of the minor victim's vagina*, which may include repeated touching of the accused's erect penis on the minor victim's vagina and other indicative acts of penetration.[19]

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[15] *Id.* at 18.
[16] *Id.*
[17] *Id.* at 22. (Emphasis supplied.)
[18] *Id.* at 24. (Emphasis supplied.)
[19] *Id.* at 26. (Emphasis supplied.)

To this end, the Court enumerated the following circumstances that may indicate that penile penetration had taken place:

> (i) when the victim testifies that she felt pain in her genitals;
> (ii) when there is bleeding in the same;
> (iii) when the labia minora was observed to be gaping or has redness or otherwise discolored;
> (iv) when the hymenal tags are no longer visible; or
> (v) when the sex organ of the victim has sustained any other type of injury.[20]

Finally, the Court held that the recalibrated threshold may also apply by analogy to rape committed through sexual assault under Article 266-A, paragraph 2.

Applying the foregoing principles to the present case, the Court ruled that the RTC and the CA did not err in convicting Agao. AAA's testimony categorically established that Agao's erect penis touched the center of her vagina, which the trial court properly appreciated as a penetration of her vulval cleft.

II. ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT

A. *Jacinto v. Fouts*[21]

This case reiterated the ruling in *Garcia v. Drilon*[22] that the VAWC Law also extends to lesbian relationships because the law does not make a qualification with respect to the gender of the "person" who has or had a sexual or dating relationship with a woman in cases involving violence against women and their children.

Sandra Jane Gagui Jacinto and Maria Eloisa Sarmiento Fouts were in a 16-year relationship. In one instance after their separation, Jacinto allegedly forced Fouts to take a sedative, which caused the latter to fall asleep. Upon waking up, Fouts found herself naked, with Jacinto on top of her taking photos and videos. She begged for the deletion of the photos and videos and followed Jacinto to her car. Fouts' hand was crushed and her left wrist fractured when Jacinto repeatedly closed the door of the vehicle and pushed her. Her injuries necessitated medical attendance

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[20] *Id.* at 27. (Citations omitted.)
[21] [Hereinafter "*Jacinto*"], G.R. No. 250627, Dec. 7, 2022 (Inting, *J.*).
[22] G.R. No. 179267, 699 SCRA 352, June 25, 2013.

Fouts filed a case against Jacinto for violation of Section 5(a), in relation to paragraph 2, Section 6(a) of the VAWC Law. Jacinto filed a motion to quash on the ground that the facts charged do not constitute an offense because the law does not apply to lesbian relationships. The motion to quash was denied by the RTC, prompting Jacinto to seek recourse with the Supreme Court.

Before the Court, she argued that the pronouncement in *Garcia* regarding the law's applicability to lesbian relationships was mere *obiter dictum*, and that following the principle of *ejusdem generis*, the enumeration in Section 3(a)[23] of the law excludes females from being offenders because the words used after "any person" pertain only to the male sex.

In ruling on whether the VAWC Law applies to lesbian relationships, the Court, through Justice Henri Jean Paul B. Inting, reiterated the pronouncement in *Garcia* that the law protecting women and their children against violence applies to instances where the accused is also a woman. In echoing this doctrine, the Court emphasized the gender-neutral character of the word "person." The Court dismissed Jacinto's argument that this was *obiter dictum*, as the pronouncement in *Garcia* was a categorical ruling addressing the "supposed discriminatory and unjust provisions of R[.]A[.] [No.] 9262 which are [...] violative of the equal protection clause,"[24] which was one of the issues raised therein.

B. *XXX v. People*[25]

This case is a restatement of the ruling in the landmark case of *Acharon v. People*[26] that a violation of Section 5(i) of the VAWC Law is *malum in se* and requires criminal intent.

AAA and XXX were married in 2002. In 2004, XXX left to work as a seafarer. He initially remitted a portion of his salary to AAA, but stopped after his parents became sick. He did not inform AAA that he would stop supporting her, nor did he contact her upon returning to the country in 2007.

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[23] Rep. Act No. 9262 (2004), § 3(a). Anti-Violence Against Women and Their Children Act of 2004. "Violence against women and their children" refers to any act or a series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had a sexual or dating relationship, or with whom he has a common child."

[24] *Jacinto*, G.R. No. 250627, at 8. This pinpoint citation refers to the copy of this resolution uploaded to the Supreme Court Website.

[25] [Hereinafter "*XXX*"], G.R. No. 255877, Mar. 29, 2023 (Gaerlan, *J.*).

[26] [Hereinafter "*Acharon*"], G.R. No. 224946, Nov. 9, 2021.

This led AAA to file a case against XXX for violating Section 5(i) of the VAWC Law. The RTC convicted XXX and the CA affirmed this ruling, finding that XXX's act of denying support already constituted an act of economic abuse.

The Court, through Justice Samuel H. Gaerlan, set aside the lower courts' rulings and acquitted XXX. As clarified in *Acharon*, a conviction for a violation of Section 5(i) requires more than a mere failure to provide support; "there must [...] be evidence on record that the accused willfully or consciously withheld financial support legally due the woman for the purpose of inflicting mental or emotional anguish upon her."[27] Thus, a violation under this Section requires the concurrence of the following elements:

> 1. The offended party is a woman and/or her child or children;
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> 2. The woman is either the wife or former wife of the offender, or is a woman with whom the offender has or had a sexual or dating relationship, or is a woman with whom such offender has a common child. As for the woman's child or children, they may be legitimate or illegitimate, or living within or without the family abode;
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> 3. The offender *willfully refuses to give or consciously denies* the woman and/or her child or children financial support that is legally due her and/or her child or children; and
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> 4. The offender denied the woman and/or her child or children the financial support *for the purpose of causing the woman and/or her child or children mental or emotional anguish*.[28]

In this case, the prosecution anchored its case solely on XXX's failure to provide financial support. It did not prove that such failure was willful and deliberate on XXX's part to cause AAA mental and emotional anguish. As found by the Court, XXX's testimony explaining that he failed to support AAA because he was paying for his parents' medical expenses belies any criminal intent.

The Court also held that certain circumstances, such as the accused's knowledge of the victim's need for the support, should be taken into consideration in determining the presence of intent. Here, AAA did not reach

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[27] *XXX*, G.R. No. 255877, at 8, *citing Acharon*, G.R. No. 224946, at 7. These pinpoint citations refer to the copies of these decisions uploaded to the Supreme Court Website.

[28] *Id.* at 7, *citing Acharon*, G.R. No. 224946, at 8. (Emphasis supplied.)

out to XXX to ask for support. XXX could not have been expected to know that she needed it, especially given that they had no children and outstanding debts, and that AAA had a source of income.

Lastly, the Court discussed the VAWC Law *vis-à-vis* the mutual obligation between spouses to provide support:

> Although R.A. No. 9262 was enacted to protect women, it did not intend to limit or discount their capacity to provide for and support themselves. [...] It would be gravely erroneous to interpret and apply the law in a manner that will perpetuate gender disparities that should not exist.[29]

III. COMPREHENSIVE DANGEROUS DRUGS ACT

A. *Nisperos v. People*[30]

In this case, the Court, through Justice Ricardo R. Rosario, clarified when the witnesses should be available in a buy-bust operation for purposes of complying with the safeguards under the Dangerous Drugs Act.

Mario Nisperos was charged with violating Section 5 of the Dangerous Drugs Act. The RTC convicted him, and his conviction was affirmed by the CA. According to the prosecution, Nisperos was arrested as a result of a buy-bust operation conducted upon the advice of a confidential informant. During the operation, Police Officer I ("PO1") Michael B. Turingan was introduced to Nisperos as an interested buyer. Nisperos handed him one heat-sealed transparent plastic sachet containing a white crystalline substance, and in exchange Turingan paid the agreed amount of PHP 3,000.

The inventory was conducted half an hour after the sale took place because of the late arrival of Department of Justice (DOJ) representative Ferdinand Gangan, who was one of the required witnesses. Aside from DOJ representative Gangan, Nisperos and Barangay Captain Desiderio Taguinod were also present. Notably, DOJ representative Gangan testified that the sachet was initially unmarked. It was only labeled by PO1 Turingan during the inventory. The specimen was turned over to the crime laboratory and then to a forensic chemist who identified the substance as methamphetamine hydrochloride. Finallly, it was turned over to the trial court and admitted in

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[29] *Id.* at 11.

[30] [Hereinafter "*Nisperos*"], G.R. No. 250927, May 25, 2023 (Rosario, *J.*).

evidence.

One of the arguments raised by Nisperos in his petition before the Court was that the chain of custody rule was broken because the required witnesses were not present during his arrest. However, the Court held that the witnesses need only be "*at or near* the place of apprehension."[31] While the witnesses may be present at the time of seizure and confiscation, their presence therein is not necessary. Their presence is only required for the conduct of the inventory, which is statutorily mandated to be done immediately after the seizure. Thus, in recognition of the potential risk to the witnesses, they could just wait within the area, ready to be called upon to witness the inventory.

In the present case, DOJ representative Gangan arrived only half an hour after the transaction transpired. As he was one of the required witnesses, the inventory could not be conducted without him. Consequently, the inventory was belatedly done and amounted to an unjustifiable deviation from the chain of custody rule.

The Court also found that the marking was done irregularly. Under the Dangerous Drugs Board Regulation No. 1, series of 2002, as well as the Implementing Rules and Regulations of the Dangerous Drugs Act, the apprehending or seizing officer must mark the seized items immediately upon seizure and confiscation. The Court in *People v. Sanchez*[32] added that it must be done in the presence of the accused.

Here, the items were only marked during the inventory. Given the anomaly in the first link, no chain of custody was established. The belated marking and the irregular conduct of the inventory compromised the integrity and evidentiary value of the *corpus delicti*. The Court consequently granted the appeal and acquitted Nisperos on the ground of reasonable doubt.

Finally, the Court laid down the following guidelines regarding the marking, inventory, and taking of photographs in cases involving illegal drugs:

1. The marking of the seized dangerous drugs must be done:
    a. Immediately *upon* confiscation;
    b. At the place of confiscation; and

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[31] *Id.* at 6. This pinpoint citation refers to the copy of this decision uploaded to the Supreme Court Website. (Emphasis supplied.)

[32] G.R. No. 231383, 858 SCRA 94, Mar. 7, 2018.

> c. In the presence of the offender (unless the offender eluded the arrest);
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> 2. The conduct of inventory and taking of photographs of the seized dangerous drugs must be done:
> a. Immediately *after* seizure and confiscation;
> b. 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; and
> c. Also in the presence of the insulating witnesses, as follows:
> i. if the seizure occurred during the effectivity of [the Dangerous Drugs Act], or from July 4, 2002 until August 6, 2014, the presence of three (3) witnesses, namely, an elected public official, (2) a Department of Justice (DOJ) representative, *and* a media representative;
> ii. if the seizure occurred after the effectivity of R.A. No. 10640, or from August 7, 2014 onward, the presence of two (2) witnesses, namely, an elected public official; and a National Prosecution Service representative *or* a media representative.
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> 3. In case of deviation from the foregoing, the prosecution must positively acknowledge the same and prove (1) justifiable ground/s for non-compliance and (2) the proper preservation of the integrity and evidentiary value of the seized item/s.[33]

B. *People v. Casa*[34]

This case contains a comprehensive discussion of Section 21 of the Dangerous Drugs Act, as amended by R.A. No. 10640. The analysis was largely taken from the 2022 case of *People v. Taglucop*,[35] which was written by the same *ponente*, Chief Justice Alexander G. Gesmundo.

A buy-bust operation was conducted to entrap Ma. Del Pilar Rosario C. Casa, who was suspected of engaging in the sale of illegal drugs in the Cadawinonan Housing Project in Negros Oriental. After the consummation of the sale and Casa's arrest, PO1 Darelle Jed Delbo, the designated poseur buyer, marked the purchased sachet of *shabu* with the initials "MC-BB 7/21/15." He also confiscated and marked 11 other sachets of *shabu* found in Casa's possession with the initials "MC-P1 7/21/15" to "MC-P11 7/21/15." It was then decided that the inventory would be conducted at the Special

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[33] *Nisperos*, G.R. No. 250927, at 9–10. (Emphases in the original, citations omitted.)
[34] [Hereinafter "*Casa*"], G.R. No. 254208, Mar. 13, 2023 (Gesmundo, *C.J.*).
[35] [Hereinafter "*Taglucop*"], G.R. No. 243577, Mar. 15, 2022.

Operations Group ("SOG") office allegedly for security reasons. The inventory was purportedly done in the presence of Casa and the required witnesses, although Casa's presence was not indicated in the inventory report.

The RTC found Casa guilty of illegal sale and illegal possession of dangerous drugs. The CA affirmed the conviction. Both courts held that the integrity of the drugs was preserved from the time of its seizure to its presentation in court.

On appeal to the Supreme Court, Casa argued for her acquittal based on the following grounds: *first*, the testimony of PO1 Delbo was uncorroborated and contrary to human experience; and *second*, the requisites laid down in Section 21 of the Dangerous Drugs Act were not complied with.

The Supreme Court found merit in Casa's appeal. It agreed with Casa's first assignment of error that PO1 Delbo's testimony was not corroborated by the testimonies of the other witnesses. The testimonies of the other members of the buy-bust team revealed that they did not actually see the sale take place even though they were situated only 10 to 15 meters away and were there precisely for that purpose. As held in the case of *People v. Ordiz*, "sheer reliance on the sole testimony of an alleged poseur-buyer fails to satisfy the quantum of evidence of proof beyond reasonable doubt."[36] The Court also found certain portions of PO1 Delbo's testimony dubious, particularly that Casa was just holding the plastic container with the 11 sachets of *shabu* the whole time and that PO1 Delbo was able to confirm that they were illegal drugs despite having no opportunity to examine them.

The Court likewise found that the deviations from the chain of custody rule warranted Casa's acquittal.

First, the inventory report did not contain all the matters required under the law. The first part of Section 21 enumerates the requirements for the taking of inventory and photographs. This stage requires the presence of the accused or his or her representative, as well as two insulating witnesses: "(1) an elected public official; and (2) either a representative from the [National Prosecution Service (NPS)] or the media."[37] The Court emphasized that, in contrast to the insulating witnesses who are required to sign the inventory report, the accused, or his or her representative or counsel, is not

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[36] *Casa*, G.R. No. 254208, at 11, *citing* People v. Ordiz, G.R. No. 206767, 919 SCRA 149, 164, Sept. 11, 2019. The pinpoint citation for *Casa* refers to the copy of this decision uploaded to the Supreme Court Website.

[37] *Id.* at 14.

required to sign. However, the report must state that all those required to be present were in attendance. In this case, the report failed to state that the accused, or his or her representative or counsel, was present.

Second, the taking of inventory and photographs was conducted at an improper venue. The second part of Section 21 requires:

> [T]he physical inventory and photograph [sic] 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.[38]

In construing this proviso, the Court disregarded the distinction laid down in *Tumabini v. People*[39] between the venue for the taking of inventory and photographs in warrantless seizures and in seizures pursuant to a warrant. Instead, it looked to recent jurisprudence establishing the rule that the taking of the inventory and photographs in both cases must be at the place of seizure.[40]

The rationale for conducting the inventory and taking of photographs at the place of seizure, as explained by Justices Marvic M.V.F. Leonen and Alfredo Benjamin S. Caguioa in their Separate Opinions, is to minimize the risk of contamination of the evidence, which is especially crucial in drug cases where the seized objects themselves are the *corpus delicti*.

As an exception, the taking of inventory and photographs in warrantless seizures may be done at the nearest police station or office of the apprehending team if there is justification that: "(1) [i]t is not practicable to conduct the same at the place of seizure; or (2) [t]he items seized are threatened by immediate or extreme danger at the place of seizure."[41] What constitutes a practicable reason can be gleaned from the rulings of the Court. In some cases, the Court refused to accept the excuse of the growing crowd at the place of seizure.[42] In one case, however, the Court held that the gathering crowd, pouring rain, and unsafe environment justified the conduct

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[38] *Id.* at 16.

[39] G.R. No. 224495, 933 SCRA 60, Feb. 19, 2020.

[40] *Casa*, G.R. No. 254208, at 16–19, *citing* People v. Lim, 839 Phil. 598 (2018); People v. Musor [hereinafter "*Musor*"], G.R. No. 231843, 885 SCRA 154, Nov. 7, 2018; People v. Tubera, 853 Phil. 142 (2019); People v. Dumanjug [hereinafter "*Dumanjug*"], G.R. No. 235468, 907 SCRA 89, July 1, 2019; People v. Salenga [hereinafter "*Salenga*"], G.R. No. 239903, 919 SCRA 342, Sept. 11, 2019; *Taglucop*, G.R. No. 243577.

[41] *Id.* at 19.

[42] *See Musor*, 885 SCRA 154; *Dumanjug*, 907 SCRA 89; *Salenga*, 919 SCRA 342.

of the inventory and the taking of photographs at the nearest police station instead of the place of seizure.[43]

Here, the inventory was conducted at the SOG office without practicable reason. While the police officers claimed that the transfer of venue was necessary "for security purposes," the Court held that a general invocation of this reason, absent any further explanation, does not justify the deviation from the general rule.

Notwithstanding the foregoing, the failure to comply with the first and second parts of Section 21 would not leave the prosecution with no recourse. It may still invoke the saving clause under the third part of Section 21. Under this, the evidence would not be compromised provided that the following requisites are satisfied: "(1) [t]he existence of 'justifiable grounds' allowing departure from the rule on strict compliance; and (2) [t]he integrity and the evidentiary value of the seized items are properly preserved by the apprehending team."[44]

Unfortunately, the prosecution in this case also failed to satisfy the requisites for the successful invocation of the saving clause. With regard to the first requisite, no reason was proffered to justify the departure from the prescribed procedure under Section 21. The witnesses did not explain why there was no statement in the inventory report stating that Casa was present during the inventory. The police officers also gave conflicting justifications on why the inventory was conducted in their office and not in the place of seizure.

As for the second requisite, the Court found that the chain of custody did not remain intact, thereby compromising the integrity and evidentiary value of the *corpus delicti*. The first link was not complied with because the sachets were irregularly marked. Pursuant to the 2014 Revised PNP Manual on Anti-Illegal Drugs Operations and Investigation, "[t]he seizing officer must mark the evidence with his initials indicating therein the date, time and place where the evidence was found/recovered or seized."[45] However, PO1 Delbo's inscription did not indicate the initials of the seizing officer and the time and place of the buy-bust operation.

The prosecution also failed to properly account for the fourth link in the chain of custody, which pertains to the turnover of the evidence from the

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[43] *See Taglucop*, G.R. No. 243577.
[44] *Casa*, G.R. No. 254208, at 29.
[45] *Id.* at 35.

forensic chemist to the court and requires the forensic chemist to testify to details regarding the handling and analysis of the dangerous drug. While such testimony may be dispensed with, the Court in a previous case had established certain minimum stipulations pertaining to the precautionary measures taken by the forensic chemist.[46] In this case, only general stipulations were submitted in lieu of the forensic chemist's testimony.

In light of the foregoing, the Court upheld Casa's constitutional right to be presumed innocent and acquitted her for the failure of the prosecution to prove her guilt beyond reasonable doubt.

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[46] *See* People v. Ubungen, G.R. No. 225497, 873 SCRA 172, July 23, 2018.