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Republic of the Philippines
Supreme Court
Manila

EN BANC

TONY BACLIG II y ARCIAGA,
Petitioner,

G.R. No. 252644

Present:

GESMUNDO, C.J.,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
GAERLAN,
ROSARIO,
LOPEZ,
DIMAAMPAO,
MARQUEZ,
KHO, JR.,
SINGH,* and
VILLANUEVA, JJ.

- versus -

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:
April 8, 2026

X-----x

DECISION

INTING, J.:

Assailed in this Petition for Review on *Certiorari*¹ is the Decision² dated September 27, 2019, and the Resolution³ dated June 4, 2020, of

* On leave.

¹ *Rollo*, pp. 13-31.

² *Id.* at 33-46. Penned by Associate Justice Louis P. Acosta and concurred in by Associate Justices Apolinario D. Bruselas, Jr. and Nina G. Antonio-Valenzuela of the Seventh Division, Court of Appeals, Manila.

³ *Id.* at 48-49. Penned by Associate Justice Louis P. Acosta and concurred in by Associate Justices Apolinario D. Bruselas, Jr. and Nina G. Antonio-Valenzuela of the Former Seventh Division, Court of Appeals, Manila.

the Court of Appeals (CA) in CA-G.R. CR No. 41931. The CA affirmed the Decision⁴ dated May 25, 2018, of Branch 51, Regional Trial Court (RTC), Tayug, Pangasinan, in Criminal Case No. T-6505 that found petitioner Tony Baclig II y Arciaga (petitioner) guilty beyond reasonable doubt of Illegal Possession of Firearm and Ammunition, as penalized under Section 28, paragraphs (a) and (e) of Republic Act No. 10591.⁵

The Antecedents

The instant Petition stemmed from an Information⁶ charging petitioner with Illegal Possession of Firearm and Ammunition. The accusatory portion of the Information reads:

That on or about 11:45 in the evening of October 2, 2016 particularly at the side portion of the provincial road (near the PANELCO III sub-station) of [Barangay] Barangobong, [M]unicipality of Tayug, province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously have in his possession, control and custody one (1) caliber .45 Taurus pistol with serial no. NVI66034 marked as "ECF[.]" two (2) magazines marked as "ECF1" and "ECF2[.]" and thirteen (13) live ammunition marked as "ECF3" to "ECF15[.]" without first securing the necessary permit or license to possess the same.

CONTRARY to Presidential Decree No. 1866, as amended by Republic Act [No.] 8294 and as further amended by [Republic Act No.] 10591.⁷

Upon arraignment, petitioner entered a plea of "Not Guilty" to the crime charged.⁸

During the pre-trial, the parties stipulated on the following matters: (1) the identity of petitioner; (2) the genuineness and due execution of the documentary evidence marked by the prosecution, subject to cross-examination; (3) that petitioner was arrested without a warrant; and (4) that petitioner was a retired member of the Citizen Armed Force Geographical Unit (CAFGU).⁹

⁴ *Id.* at 68–77. Penned by Presiding Judge Rusty M. Naya.

⁵ The Comprehensive Firearms and Ammunition Regulation Act, approved on May 29, 2013.

⁶ RTC records, p. 1.

⁷ *Id.*

⁸ *Id.* at 23.

⁹ *Id.* at 33.

Trial ensued.

Version of the Prosecution

The prosecution presented as witnesses (1) Police Officer III Esteban C. Fernandez III (PO3 Fernandez) and (2) PO III Ferdinand J. Langit (PO3 Langit). The testimony of Senior Police Officer II Carlito E. Andrada, Jr. (SPO2 Andrada) was dispensed with after the parties agreed that the purpose of his proposed testimony is (1) to corroborate the Joint Affidavit of Arrest¹⁰ he executed with PO3 Fernandez and (2) to identify his signature therein.¹¹

The following were alleged in the Joint Affidavit of Arrest: In the evening of October 2, 2016, PO3 Fernandez and SPO2 Andrada were on board their Philippine National Police (PNP) service vehicle, doing mobile patrol duty. At around 11:15 p.m., they chanced upon a vehicular accident along the provincial road of Barangay Barangobong. They stopped to help a motorcycle rider, later identified as petitioner, who fell at the east bound side portion of the road.¹²

While assisting petitioner, SPO2 Andrada switched on his flashlight and pointed it towards the former. SPO2 Andrada then asked for the driver's license of petitioner. When petitioner opened his sling bag to get his driver's license, the police officers saw a handgun inside which PO3 Fernandez immediately confiscated. The firearm was a .45 caliber Taurus pistol loaded with seven pieces of live ammunition. When petitioner failed to show to the police officers his license to possess and carry the firearm, the police officers immediately arrested him. Thereafter, PO3 Fernandez conducted a body search on petitioner and recovered another magazine loaded with six bullets. During the arrest, the police officers informed petitioner (1) the reason for his arrest and (2) of his constitutional rights in a dialect known to and understood by him.¹³

Using his initials,¹⁴ PO3 Fernandez marked the seized items as follows: (1) "ECF" for the .45 caliber Taurus pistol, with serial no. NVI66034;

¹⁰ *Id.* at 4.

¹¹ *Id.* at 88.

¹² *Id.* at 4.

¹³ *Id.*

¹⁴ TSN, PO3 Esteban Fernandez III, June 28, 2017, p. 5. "ECF" stands for Esteban C. Fernandez.

(2) "ECF1" and "ECF2" for the two magazines; and (3) "ECF3" to "ECF15," respectively, for the 13 bullets.¹⁵

Thereafter, the police officers brought petitioner to the Eastern Pangasinan District Hospital for medical treatment.¹⁶ Then, they brought him to the Tayug Police Station along with the confiscated items. The police officers also requested the Firearms and Explosives Office to certify if petitioner is a license holder for the seized firearm¹⁷ and to conduct a ballistic laboratory examination on all the confiscated items.¹⁸

On cross-examination, PO3 Fernandez explained that he purposely marked the subject firearm on its bottom part to prevent collision and to prove that it is the same firearm he saw and confiscated. He stated that petitioner was conscious when they were helping him. He clarified that he saw the subject firearm when petitioner opened the zipper of his sling bag after he asked the latter for an identification card.¹⁹

Meanwhile, PO3 Langit, assigned at the Urdaneta City PNP Crime Laboratory Office, testified that after he examined and conducted a ballistic test on the firearm, he prepared the Firearms Identification Report No. FAIS-243-2016-U.²⁰ When the firearm and ammunition were shown to him in open court, he identified them through the serial number of the firearm and the engravings on the ammunition, and affirmed that they were the same firearm and ammunition he examined, as indicated in his report.²¹

Version of the Defense

Petitioner testified that at around 11 p.m. of October 2, 2016, while he was riding his motorcycle, he accidentally fell and became unconscious. When he regained his consciousness, he saw police officers assisting him. Thereafter, the police officers asked for his driver's license. As he was about to take out his wallet from his sling bag, he noticed that the bag zippers were open. After he showed his identification card to the police officers, the latter told him to show them the other contents of his bag. There, he was surprised to find a gun inside his bag. The police officers then took the

¹⁵ RTC records, p. 5.

¹⁶ *Id.* at 4.

¹⁷ *Id.* at 6.

¹⁸ *Id.* at 7.

¹⁹ TSN, PO3 Esteban Fernandez III, June 28, 2017, pp. 6-9.

²⁰ RTC records, p. 63.

²¹ TSN, PO3 Ferdinand Langit, January 15, 2018, pp. 16-17.

gun and his sling bag. After bringing him to the hospital for the treatment of his wounds, the police officers brought him to the police station and marked the gun thereat.²²

On cross-examination, he stated that he was a heavy equipment operator and caretaker of the compound of his employer. He maintained that he did not know how the gun ended up in his bag as his employment did not require him to use any firearm.²³

The Ruling of the RTC

In the Decision dated May 25, 2018, the RTC found petitioner guilty beyond reasonable doubt of Illegal Possession of Firearm and Ammunition. The dispositive portion of the Decision reads:

WHEREFORE, premises considered, the accused TONY BACLIG II y ARCIAGA is found guilty of the crime charged and is meted an indeterminate prison term of Ten (10) Years and One (1) Day to Ten (10) Years and Eight (8) Months.

Moreover, the firearm and ammunition subject of this case are hereby forfeited in favor of the government, the same to be dealt with in accordance with law.

SO ORDERED.²⁴

The RTC ruled that the prosecution proved all the elements of the crime. It ruled that the police officers discovered the firearm in plain view without any intention to look for it. The existence of the subject firearm and ammunition were established through PO3 Fernandez's testimony. Likewise, the Firearms and Explosives Office, Camp Crame, Quezon City, certified that petitioner is not a licensed or registered firearm holder of any kind or caliber. It also ruled that the Certification was not controverted or objected to by the defense.²⁵

Aggrieved, petitioner appealed to the CA.²⁶

²² RTC records, pp. 99-101.

²³ TSN, Tony Baclig II, March 7, 2018, pp. 26-29.

²⁴ *Rollo*, p. 77.

²⁵ *Id.* at 76.

²⁶ RTC records, p. 133.

In his Brief,²⁷ he argued that the subject firearm and ammunition allegedly obtained from his bag were not readily apparent; thus, they are inadmissible in evidence for being “fruits of the poisonous tree” because the police officers took active steps to look for them. Moreover, he argued that the identities of the items were not preserved considering the prosecution’s failure to comply with Department of Justice (DOJ) Circular No. 67 and the Revised PNP Operational Procedures.²⁸

On the other hand, the People of the Philippines, through the Office of the Solicitor General (OSG), countered in its Brief²⁹ that petitioner’s guilt was proved beyond reasonable doubt. The OSG noted that the police officers did not actively look for the subject firearm and merely discovered it by chance when petitioner voluntarily opened his bag to show his identification card. It also argued that the firearm was properly marked and identified during trial.³⁰

The Ruling of the CA

In a Decision dated September 27, 2019, the CA affirmed *in toto* the RTC Decision.³¹

The CA agreed with the RTC that at the time of the incident, the police officers were not conducting a search. Petitioner’s accident was a legitimate reason for the police officers to approach him and ask for his driver’s license. Under the circumstances, the discovery of the firearm when petitioner opened his bag was unplanned. Thus, the police officers validly arrested petitioner when he failed to produce his license to possess and carry the firearm.³²

In addition, the CA found that the testimony of PO3 Fernandez, the seizure and inventory receipt,³³ the request for verification of firearms,³⁴ the request for ballistic examination,³⁵ and the Firearms Identification Report No. FAIS-243-2016-U,³⁶ taken together, duly established the existence and identities of the subject firearm and ammunition. It gave no credence to, for

²⁷ *Rollo*, pp. 50–67.

²⁸ *Id.* at 55–65.

²⁹ *Id.* at 78–93.

³⁰ *Id.* at 86–90.

³¹ *Id.* at 45.

³² *Id.* at 41.

³³ RTC records, p. 5.

³⁴ *Id.* at 6.

³⁵ *Id.* at 7.

³⁶ *Id.* at 63.

being unsubstantiated, petitioner's insinuation that the police officers placed the subject firearm inside his bag while he was unconscious.³⁷

The assailed CA Resolution denied petitioner's motion for reconsideration.

Undaunted, petitioner filed the present Petition.

Petitioner reiterates that (1) the subject firearm and ammunition allegedly obtained from his bag are inadmissible in evidence and (2) the identity of the seized items were not preserved for the prosecution's failure to: (i) comply with DOJ Circular No. 67 and the Revised PNP Operational Procedures; and (ii) account how these were safeguarded by the police officers.³⁸

In its Comment,³⁹ the OSG argues that the police officers lawfully arrested petitioner without a warrant for being caught *in flagrante delicto*, making the subsequent search valid as an incident to the arrest. It agrees with the CA's finding that the prosecution was able to properly document the handling of the seized items.⁴⁰

The Issue

The core issue for the Court's consideration is whether the CA correctly upheld petitioner's conviction for Illegal Possession of Firearm and Ammunition.

The Ruling of the Court

The Petition is meritorious.

The subject firearm and ammunition were validly seized and are admissible in evidence. However, there exists reasonable doubt on whether the items presented in court were the same items seized from petitioner.

³⁷ *Rollo*, pp. 42-44.

³⁸ *Id.* at 21-27.

³⁹ *Id.* at 115-127.

⁴⁰ *Id.* at 121-123.

The CA correctly ruled that the subject firearm and ammunition were validly seized

The right of the people to be secure against unreasonable searches and seizures of whatever nature and for any purpose is inviolable,⁴¹ and without a warrant duly issued by a judge, any evidence obtained arising from an unreasonable search and seizure is inadmissible in evidence for any purpose in any proceeding.⁴²

Nonetheless, jurisprudence has provided instances when a warrantless search is valid, to wit: (1) a warrantless search incidental to a lawful arrest; (2) seizure of evidence in plain view; (3) search of a moving vehicle; (4) consented warrantless searches; (5) customs search; (6) stop and frisk; and (7) exigent and emergency circumstances.⁴³

In the present case, after a judicious review of the records, the Court rules that the firearm loaded with seven bullets were validly seized from petitioner arising from the plain view search of his person.

Under the “plain view” doctrine, the following requisites must concur: (1) the law enforcement officer in search of the evidence has a prior justification for an intrusion or is in a position from which he or she can view a particular area; (2) the discovery of evidence in plain view is inadvertent; and (3) it is immediately apparent to the officer that the item he or she observes may be evidence of a crime, contraband or otherwise subject to seizure.⁴⁴

Here, it is undisputed that the police officers were conducting a mobile patrol when they saw the motor vehicle accident involving petitioner with his motorcycle. As police officers, they were expected to assist petitioner and investigate the cause of the accident. When petitioner opened his sling bag to get his driver’s license to identify himself, the police officers noticed the gun inside the sling bag. Undoubtedly, the police officers had a prior justification to approach petitioner that led to their inadvertent discovery of the subject firearm. When petitioner failed to show a valid license to possess and carry the subject firearm, it became readily apparent to the police officers that

⁴¹ CONST., art. 3, sec. 2.

⁴² CONST., art. 3, sec. 3(2).

⁴³ *Evardo v. People*, 902 Phil. 414, 426 (2021) [Per J. Leonen, Third Division].

⁴⁴ *Carbonel v. People*, 937 Phil. 369, 378 (2023) [Per J. Kho, Jr., Second Division], citing *People v. Lagman*, 593 Phil. 617, 628 (2008) [Per J. Carpio Morales, *En Banc*].

he had no right to possess it. Verily, the police officers were justified to seize the firearm, which is the primary evidence of petitioner's violation of Republic Act No. 10591.

Moreover, as a consequence of petitioner's apparent violation of Republic Act No. 10591, the police officers were justified in arresting petitioner without a warrant, consistent with Rule 113, Section 5(a) of the Revised Rules of Criminal Procedure which allows peace officers to effect an arrest without a warrant "when, in their presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense."

Having ascertained that petitioner was validly arrested without a warrant, the Court proceeds to examine the subsequent search and seizure of the other magazine loaded with six bullets.

Rule 126, Section 13 of the Revised Rules of Criminal Procedure provides:

Section 13. *Search incident to a lawful arrest.* — A person lawfully arrested may be searched for dangerous weapons or anything which may have been used or constitute proof in the commission of an offense without a search warrant.

A warrantless search and seizure incident to a lawful arrest ensures that the (a) law enforcers are protected from the injury that may be inflicted on them by the person arrested; and (b) integrity of the evidence under the control and within the reach of the arrestee will not be destroyed.⁴⁵ Incidentally, the search must be limited only on the person of the person arrested and within the area of his immediate control, and not in a place other than the place of arrest.⁴⁶

Here, the police officers validly searched and seized the other magazine with six bullets considering that it was recovered while within petitioner's immediate reach, after he was lawfully arrested.

Verily, the CA correctly ruled that the seized items are admissible in evidence.

⁴⁵ See *People v. Calantiao*, 736 Phil. 661, 670 (2014) [Per J. Leonardo-De Castro, First Division], citing *Valeroso v. Court of Appeals*, 614 Phil. 236, 252 (2009) [Per J. Nachura, Third Division].

⁴⁶ C.J. Teehankee, Concurring Opinion in *Nolasco v. Paño*, 231 Phil. 458, 464 (1987) [Per J. Melencio-Herrera, *En Banc*].

Reasonable doubt exists as to the integrity of the seized items

With respect to the integrity of the evidence, petitioner asserts that the Joint Affidavit of Arrest⁴⁷ failed to specify the measures undertaken by the police officers to secure the seized firearm and ammunition from the time of their confiscation until they were brought to the Tayug Police Station. Likewise, the prosecution failed to account on the manner in which the seized items were transported to the crime laboratory, the identity of the receiving personnel, and the procedures observed in their safekeeping following examination.⁴⁸

In *Togado v. People*,⁴⁹ the Court stressed that Republic Act No. 10591 does *not* contain any provision on the chain of custody and the proper handling of seized firearms and ammunition. The PNP, however, is guided by its own manual, specifically in the handling and preservation of the integrity of confiscated firearms.⁵⁰

In *Javier v. People*,⁵¹ the Court acquitted the accused therein of illegal possession of a bladed weapon on the ground that the police officers failed to comply with the PNP Manual.⁵² Similarly, in *People v. Togon, Jr.*,⁵³ the accused therein was acquitted for the failure of the police officers to prove that they complied with the chain of custody rule under the PNP Manual.⁵⁴

In both cases, the Court highlighted that the PNP Manual already outlines the investigation procedures and the preservation of physical evidence from the marking and the laboratory examination until its presentation in court. These procedures essentially go into the proper handling of the evidence to ensure that the chain of custody is properly maintained, to wit:

i. Chain of Custody

A list of all persons who came into possession of an item of evidence, continuity of possession, or the chain of custody, must be established whenever evidence is presented in court as an exhibit. Adherence to standard procedures in recording the location of evidence, marking it for identification, and properly completing evidence

⁴⁷ RTC records, p. 4.

⁴⁸ *Rollo*, p. 26.

⁴⁹ 957 Phil. 135 (2024) [Per J. Leonen, *En Banc*].

⁵⁰ *Id.* at 146.

⁵¹ 935 Phil. 675 (2023) [Per J. Inting, Third Division].

⁵² *Id.* at 683.

⁵³ 913 Phil. 51 (2021) [Per J. Inting, Second Division].

⁵⁴ *Id.* at 64.

submission forms for laboratory analysis is critical to chain of custody. Every person who handled or examined the evidence and where it is at all times must be accounted for.

As a rule, all seized evidence must be in the custody of the evidence custodian and deposited in the evidence room or designated place for safekeeping.

[. . .]

j. Transmittal of Evidence to Crime Laboratory

Proper handling of physical evidence is necessary to obtain the maximum possible information upon which scientific examination shall be based, and to prevent exclusion as evidence in court. Specimens which truly represent the material found at the scene, unaltered, unspoiled or otherwise unchanged in handling will provide more and better information upon examination. Legal requirements make it necessary to account for all physical pieces of evidence from the time it is collected until it is presented in court. With these in mind, the following principles should be observed in handling all types of evidence:

6. *The chain of custody of evidence must be maintained. Account for evidence from the time it is collected until it is produced in court. Any break in this chain of custody may make the material inadmissible as evidence in court.*⁵⁵ (Italics supplied)

In the instant case, while the seized firearm has a serial number—“NVI66034,” it still remains undisputed that the seized firearm and the ammunition were only marked at the police station,⁵⁶ and not at the place of arrest, without any justifiable reason.

As aptly pointed out by Associate Justice Alfredo Benjamin S. Caguioa (Justice Caguioa), while the prosecution presented testimonial and documentary evidence to identify the seized firearm, its unexplained failure to immediately mark the item at the place of seizure constitutes a material evidentiary lapse. This omission undermines the assurance that the firearm allegedly confiscated from the accused is the very same item presented in court. The resulting evidentiary gap is crucial, particularly because the prosecution bears the burden of proving beyond reasonable doubt not only the accused’s lack of legal authority to possess the firearm, but also the firearm’s very existence—both indispensable elements of an offense under Republic Act No. 10591.⁵⁷

⁵⁵ *Javier v. People*, 935 Phil. 675, 681–682 (2023) [Per J. Inting, Third Division].

⁵⁶ TSN, PO3 Esteban Fernandez III, June 28, 2017, p. 5; RTC records, p. 10.

⁵⁷ See Reflections of Associate Justice Alfredo Benjamin S. Caguioa, dated October 8, 2025, p. 1, citing *Bacod v. People*, 932 Phil. 104, 116–119 (2022) [Per J. Caguioa, Third Division].

The Chain of Custody Doctrine: A Contextual and Calibrated Approach

As a rule, object evidence must follow a proper chain of custody, as the link between the object and the subject of the inquiry or the fact to be proved must be established. The chain of custody rule, however, is most commonly applied and discussed in drugs cases, in light of the specific provision of law governing the same and the nature of the objects involved. In particular, Section 21 of Republic Act No. 9165 aims to address the inherent risks associated with dangerous drugs substances that are non-unique, easily substitutable, and vulnerable to tampering.⁵⁸ As such, Section 21 thereof requires strict compliance with inventory, marking, and custodial procedures, non-observance of which, unless justified, may result in acquittal.⁵⁹

This stringent framework, however, cannot be transposed directly to prosecutions involving firearms. As jurisprudence has recognized, firearms and ammunition are physically unique, identifiable by serial numbers, engravings, and make, and therefore relatively resistant to change, substantially reducing the likelihood of substitution or commingling.⁶⁰ Thus, a different evidentiary calibration is warranted.⁶¹

In *People v. Olarte*,⁶² the Court emphasized:

If the proffered evidence is unique, readily identifiable, and relatively resistant to change, that foundation need only consist of testimony by a witness with knowledge that the evidence is what the proponent claims; otherwise, the chain of custody rule has to be resorted to and complied with by the proponent to satisfy the evidentiary requirement of relevancy.⁶³

*Togado*⁶⁴ later on clarified that while the firearm itself must be presented in court as the best evidence of its existence, the required safeguards consist of marking, photographing, authentication, and preservation of integrity. Noncompliance with these safeguards does not automatically warrant acquittal; however, unexplained and uncorroborated lapses may generate reasonable doubt.⁶⁵

⁵⁸ *People v. Lim*, 839 Phil. 598, 614 (2018) [Per J. Peralta, *En Banc*].

⁵⁹ *Supra* note 57, at 2.

⁶⁰ *Reyes v. People*, 932 Phil. 1163, 1172–1173 (2023) [Per J. Kho, Jr., *En Banc*].

⁶¹ *Supra* note 57, at 2.

⁶² 848 Phil. 821 (2019) [Per J. Gesmundo, First Division].

⁶³ *Id.* at 853–854.

⁶⁴ *Togado v. People*, 957 Phil. 135 (2024) [Per J. Leonen, *En Banc*].

⁶⁵ *Supra* note 57, at 2.

Accordingly, the detailed custodial requirements applicable to drugs cases under Section 21 of Republic Act No. 9165 cannot be uniformly imposed in firearms cases. Given the non-fungible nature of firearms, the prosecution only needs to prove that the items presented in court are the same ones seized from the accused. While it is beneficial to demonstrate how the firearm was handled from seizure to presentation, courts should not impose unreasonable procedural rigidity where its identity and integrity are otherwise established by the prosecution.⁶⁶

The Problem of Evidence Planting

The risk of evidence planting generally arises at the point of initial police contact with the accused. In seizures effected pursuant to a search warrant, this risk materializes during the implementation of the warrant, whereas in warrantless seizures, it arises at the moment of arrest or search. To guard against the possibility of evidence planting, safeguards have been instituted, including the presence of witnesses during the execution of search warrants, the use of body-worn cameras by law enforcement officers, and the proper documentation of seized items at the place of arrest or seizure—specifically through immediate marking, the conduct of an inventory, and the taking of photographs of the evidence.⁶⁷

Marking means the apprehending officer or the poseur-buyer places their initials and signatures on the seized item. The marking of the evidence serves to separate the marked evidence from the *corpus* of all other similar or related evidence from the time they are seized from the accused until they are disposed of at the end of the criminal proceedings, thus, preventing switching, planting, or contamination of evidence.⁶⁸

Conducting an inventory refers to “the formal process of listing down or documenting all the items seized from the accused.”⁶⁹ An Inventory Sheet typically includes the following information: (a) time, date, and place of occurrence/seizure; (b) identity of person/s arrested; (c) identity of the seizing officer and all persons who witnessed the marking and inventory; (d) type of operation, e.g., warrantless seizure, buy-bust, etc.; (e) description of the vehicle, vessel, place or person searched; (f) description of packaging, seals and other identifying marks; (g) quantity of the seized items; and (h) description of the substance found.⁷⁰ The inventory must be conducted in the presence of the accused, his or her representative or counsel, and the

⁶⁶ *Id.* at 2–3.

⁶⁷ *Id.* at 3.

⁶⁸ *People v. Casa*, 928 Phil. 356, 390 (2022) [Per C.J. Gesmundo, *En Banc*].

⁶⁹ *Supra* note 57, at 3.

⁷⁰ Revised Philippine National Police Procedures, p. 67.

insulating witnesses, who are likewise required to sign the Inventory Sheet as an added safeguard against planting of evidence.⁷¹

The photographing of evidence, on the other hand, serves to document and visually confirm the existence of the seized items at the time of seizure, whether during the implementation of a search warrant or at the moment of arrest.⁷²

In drugs cases—as laid down in *Nisperos v. People*⁷³ and *People v. Casa*⁷⁴—the marking, inventory, and photographing of the seized items must, as a general rule, be conducted at the place of arrest, regardless of the nature of the operation—be it pursuant to a search warrant, a warrantless seizure, or a buy-bust operation—in order to minimize the risk of evidence planting. In all cases, the marking and taking of inventory and photographs of the seized items must be done in the presence of insulating witnesses, except only in case of warrantless seizures—other than buy-bust or entrapment operations which are, in practice, akin to warrant-based searches—where the presence of such witnesses may not be readily secured due to the unplanned and unpredictable nature of the operation. Even in such cases, however, the requirements of immediate marking, conduct of inventory, and taking of photographs of the seized items at the place of arrest should still be observed.⁷⁵

Except for minor nuances dictated by their distinct statutory frameworks, the same evidentiary safeguards apply, by analogy, to cases involving firearms and ammunition, as these items are likewise susceptible to planting.⁷⁶

Search Warrants v. Warrantless Seizures

It bears underscoring that the application of the foregoing requirements in cases involving illegal possession of firearms and ammunition cases must likewise be contextualized according to the nature of the seizure—whether effected pursuant to a valid search warrant or arising from an *in flagrante delicto* arrest.⁷⁷

⁷¹ *Supra* note 57, at 3.

⁷² *Id.*

⁷³ 931 Phil. 945 (2022) [Per J. Rosario, *En Banc*].

⁷⁴ 928 Phil. 356 (2022) [Per C.J. Gesmundo, *En Banc*].

⁷⁵ *Supra* note 57, at 4.

⁷⁶ *Id.*

⁷⁷ *Id.*

Where firearms are seized by virtue of a lawful search warrant, the operation is generally premeditated and conducted under judicial authority. Unlike Republic Act No. 9165, Republic Act No. 10591 does not prescribe the manner, place, or required witnesses for the marking, inventory, and photograph-taking of seized firearms and ammunition. Nevertheless, Rule 126, Section 8 of the Revised Rules of Criminal Procedure mandates that a search of a house, room, or premises be conducted in the presence of the lawful occupant thereof, or any member of their family, or, in their absence, two witnesses of sufficient age and discretion residing in the same locality. This requirement is echoed in Rule 2, Section 2.7(h) of the 2021 PNP Manual. Accordingly, it is not unreasonable to require that the seizure, marking, inventory, and photograph-taking of seized firearms and ammunition be conducted at the place of seizure and in the presence of the required witnesses, unless the police officers are able to provide sufficient justification for documenting the seized items elsewhere.⁷⁸

By contrast, the surrounding circumstances in warrantless seizures, including those arising from plain view, stop-and-frisk, or checkpoint operations, are often spontaneous and unpredictable. In such instances, it would be impractical and legally unsound to demand the same degree of procedural rigidity applicable to warrant-based searches. Nonetheless, consistent with jurisprudence in drugs cases, while the presence of insulating witnesses may be excused, the warrantless nature of the seizure does not dispense with the requirement of immediate marking of the seized items, the conduct of an inventory, and the taking of photographs at the place of arrest, unless the police officers are able to offer sufficient justification for noncompliance.⁷⁹

The foregoing approaches ensure substantial compliance with the evidentiary objectives of the chain of custody rule against planting of evidence without unduly hampering legitimate police operations.⁸⁰

As applied in the case of Baclig

The circumstances in the present case unmistakably fall within the category of a spontaneous *in flagrante delicto* apprehension. The police officers approached Baclig only after a vehicular accident. When Baclig opened his bag to retrieve his identification, the firearm became plainly visible, thereby justifying his immediate arrest and the seizure of the firearm under the plain view doctrine.

⁷⁸ *Id.* at 4-5.

⁷⁹ *Id.* at 5.

⁸⁰ *Id.*

The seized firearm bore a distinct serial number, was subjected to ballistics examination, and was eventually presented in court. Nonetheless, the arresting officers' failure to immediately mark the firearm at the place of seizure—an omission left wholly unexplained by the prosecution—constitutes an unresolved break in the evidentiary chain. While a less stringent standard governs firearms cases, the complete absence of any justification for dispensing with this basic safeguard necessarily engenders doubt as to the identity and integrity of the seized item.⁸¹

Consistent with *Togado*, such an evidentiary lapse does not *per se* warrant acquittal.⁸² However, where the prosecution's case hinges on the alleged existence and identity of the subject firearm or ammunition, and where the procedural safeguards essential in establishing such identity and integrity are neither observed nor explained, acquittal becomes the inevitable legal consequence. The burden of proving guilt beyond reasonable doubt—whether in prosecutions involving dangerous drugs or firearms and ammunition—rests solely on the strength of the evidence presented by the prosecution.⁸³

In view of the foregoing, the Court adopts the following guidelines⁸⁴ proposed by Justice Caguioa to standardize the treatment of seized firearms in prosecutions under Republic Act No. 10591:

1. The firearm or ammunition subject of the charge must be presented in court as the best evidence of its existence and classification.
2. Unlike in drugs cases, a detailed chain of custody is not mandatory in firearm cases. However, reasonable measures must be undertaken to preserve the identity and integrity of the seized firearm or ammunition.
3. Similar to drugs, firearms and ammunition are also susceptible to planting. Thus, the following steps must be undertaken by police officers and must be established by the prosecution:
 - a. Where firearms are seized through a search warrant or during a buy-bust operation:

⁸¹ *Id.*

⁸² *Togado v. People*, 957 Phil. 135, 154–155 (2024) [Per J. Leonen, *En Banc*].

⁸³ *Supra* note 57, at 5.

⁸⁴ *Id.* at 6.

- i. Immediate marking of the firearm, conducting of inventory, and taking of photographs, at the place of seizure, in the presence of witnesses required under the Rules of Court.
- b. Where firearms are seized after a warrantless arrest:
 - i. Immediate marking of the firearm, conducting of inventory, and taking of photographs at the place of arrest.

Substantial noncompliance without justification may affect admissibility of evidence.

4. Procedural irregularities, such as delayed marking or incomplete documentation, do not automatically result in acquittal. However, if such lapses remain unexplained, and if identity and integrity cannot be otherwise established, reasonable doubt may arise.

These guidelines seek to strike a judicious balance between safeguarding the constitutional rights of the accused and preserving the viability of legitimate prosecutions for illegal possession of firearms.⁸⁵

While the nature of firearms as physical evidence permits a less rigid application of the chain of custody rule, reasonable and justifiable adherence to fundamental evidentiary safeguards remains indispensable. An accused cannot be convicted on the basis of compromised or unexplained evidence, even in the face of otherwise persuasive testimonial proof.⁸⁶

The Court, thus, reinforces the doctrinal principle that, although firearms cases are not governed by the strict evidentiary standards applicable to dangerous drugs, they must, nonetheless, conform to the constitutional mandate that guilt be established beyond reasonable doubt.⁸⁷

In fine, the Court acquits Baclig, solely on the ground that there is reasonable doubt as to the identity and integrity of the firearm and ammunition, arising from the unjustified failure to mark them at the place of seizure.

⁸⁵ *Id.*

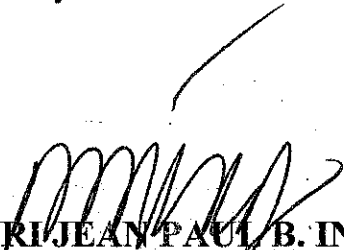
⁸⁶ *Id.*

⁸⁷ *Id.* at 6-7.

ACCORDINGLY, the Petition for Review on *Certiorari* is **GRANTED**. The Decision dated September 27, 2019, and the Resolution dated June 4, 2020, of the Court Appeals in CA-G.R. CR No. 41931 are **REVERSED** and **SET ASIDE**. Petitioner Tony Bacilig II y Arciaga is **ACQUITTED** of violation of Section 28, paragraphs (a) and (e) of Republic Act No. 10591 for failure of the prosecution to prove his guilt beyond reasonable doubt.

Let entry of judgment be issued immediately.

SO ORDERED.




HENRIJEAN PAUL B. INTING
Associate Justice

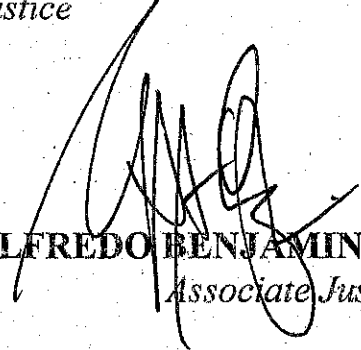
WE CONCUR:



ALEXANDER G. GESMUNDO
Chief Justice



MARVIC M.V.F. LEONEN
Senior Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



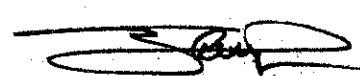
RAMON PAUL L. HERNANDO
Associate Justice




AMY C. LAZARO-JAVIER
Associate Justice



RODIL V. ZALAMEDA
Associate Justice



SAMUEL H. GAERLAN
Associate Justice




RICARDO R. ROSARIO
Associate Justice



JHOSEPH LOPEZ
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice



JOSE MIDAS P. MARQUEZ
Associate Justice

On leave
but left a concurring vote



ANTONIO T. KHO, JR.
Associate Justice



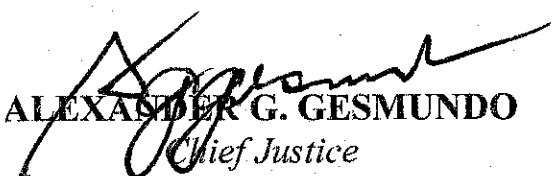
MARIA FILOMENA D. SINGH
Associate Justice



PAUL B. VILLANUEVA
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.



ALEXANDER G. GESMUNDO
Chief Justice

