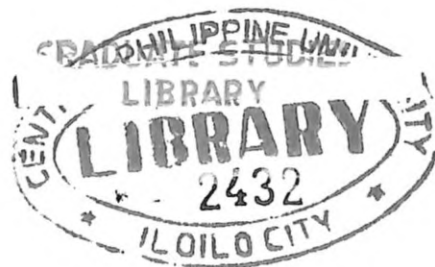


A CONTENT ANALYSIS OF SUPREME COURT DECISIONS ON THE  
ACQUITTAL AND CONVICTION OF DRUG RELATED CASES  
UNDER R.A. 9165 (OTHERWISE KNOWN AS THE  
COMPREHENSIVE DANGEROUS DRUGS  
ACT OF 2002)

A Thesis Presented to  
The Faculty of the College of Law  
CENTRAL PHILIPPINE UNIVERSITY  
Jaro, Iloilo City

In Partial Fulfillment  
Of the Requirements for the Degree  
Juris Doctor (J.D.)



Laurence Susan P. Ortiz

April 2016

A CONTENT ANALYSIS OF SUPREME COURT DECISIONS ON THE  
ACQUITTAL AND CONVICTION OF DRUG RELATED CASES  
UNDER R.A. 9165 (OTHERWISE KNOWN AS THE  
COMPREHENSIVE DANGEROUS DRUGS  
ACT OF 2002)

Laurence Susan P. Ortiz

**ABSTRACT**

This content analysis was conducted to analyze the acquittal and conviction of drug related cases under R.A. 9165 from 2012-2014. During the said period, the Highest Court has decided one hundred forty five (145) cases. The researcher selected fifty-nine (59) samples from the entire population of one hundred forty five (145) cases to represent the same with a 10% margin of error.

From the fifty-nine (59) sample cases analyzed by the researcher forty (40) or (67%) of which the Court has sustained conviction, and nineteen (19) or (33%) were ordered for acquittal. Forty nine (49) cases were filed in violation of Sec. 5 Art. II, of R.A. 9165. This simply showed that Illegal Sale of Dangerous Drugs has already become rampant. Second in rank is violation of sec. 11,

Art. II of R.A. 9165 or Illegal Possession of Dangerous Drugs which was relatively lower than Illegal Sale of Dangerous Drugs. The table showed that only twelve (12) cases were filed in violation of said section. Third, is the violation of Sec. 5, Art II of R.A. 9165 or Illegal Dispensation and Transportation of Dangerous Drugs which was scarcely filed with only two (2) cases. Lastly, the fourth place is the violation of Sec. 15, Art. II, or R.A. 9165 or Illegal Possession of Drug Paraphernalia where only one (1) case was filed during the said period.

Several defenses were taken individually in every case where it was alleged or raised considering that in one case the accused would raise one or more several defenses. The most common defense used in fifty-nine (59) cases is breach on the chain of custody which was raised by the defense in fifty-five (55) cases. It is followed by Illegal Search and Seizure which was raised by the defense in eight (8) cases. Also Frame up and Extortion were used as valid defenses but were relatively raised in seven (7) cases out of fifty-nine (59) sample cases. Further, in few cases, Denial is still raised as a defense. Out of fifty-nine (59) sample cases, the accused raised denial in three (3) cases.

Based on the case analysis on the selected Supreme Court decisions from 2012-2014 on the acquittal and

conviction of drug related cases under R.A. 9165, it was found out that out of the 59 samples analyzed by the researcher, nineteen (19) cases or (33%) were ordered for acquittal and all acquittal arose out of the non-marking, tampering and clear disregard of the law enforcers of the chain of custody. When the prosecution failed to establish the guilt of the accused beyond reasonable doubt, especially the corpus delicti of the dangerous drug, the Court will not hesitate to acquit the accused.

Buy bust operation has become an effective tool for law enforcers in apprehending drug offenders. Law officers are given presumption of regularity in performing their duty.

In both cases of illegal sale and illegal possession of dangerous drugs, the prosecution must show the chain of custody over the dangerous drug in order to establish the corpus delicti, which is the dangerous drug itself.