

FIRST DIVISION

[G.R. No. 239781, February 05, 2020]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ERIC
PADUA Y ALVAREZ A.K.A. JERICK PADUA Y ALVAREZ, [*]
ACCUSED-APPELLANT.**

R E S O L U T I O N

PERALTA, C.J.:

On appeal is the April 6, 2017 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 07432, which affirmed the February 26, 2015 Decision^[2] of Regional Trial Court (RTC), Branch 204, Muntinlupa City, in Criminal Case No. 09-096, finding accused-appellant Eric Alvarez Padua (*Padua*), a.k.a. Jerick Alvarez Padua, guilty of violating Section 5, Article II of Republic Act (R.A.) No. 9165, or the *Comprehensive Dangerous Drugs Act of 2002*.

The accusatory portion of the Information^[3] reads:

That on or about the 5th day of February 2009, in the City of Muntinlupa, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, not being authorized by law, did then and there, willfully, unlawfully, and feloniously sell, deliver, and give away to another a Methylamphetamine Hydrochloride, a dangerous drug, contained in one (1) heat-sealed transparent plastic sachet weighing 0.01 gram, in violation of the above-cited law.

During arraignment, Padua pleaded not guilty when the Information was read to him in Tagalog, a dialect known and understood by him.

At the pre-trial conference, the prosecution and defense proposed and made the following admissions: (1) that the person in court who responds to the name Jerick Padua y Alvarez @ "Eric" is the same Jerick Padua y Alvarez @ "Eric" who is the accused in this case; (2) that this court has jurisdiction over the person of the accused and over this case; (3) that PS/Insp. Richard Allan Mangalip is a member of the PNP Crime Laboratory, Makati City, as of February 6, 2009, and that he is an expert in Forensic Chemistry; (4) that pursuant to the Request for Laboratory Examination, PS/Insp. Mangalip conducted a laboratory examination on the accompanying specimen which consists of one (1) small heat-sealed transparent plastic sachet with markings "JP" containing 0.01 gram of white crystalline substance, the same examination yielded positive result of the presence of Methylamphetamine Hydrochloride, a dangerous drug; and (5) the execution and authenticity of Physical Science Report No. D-078-095.^[4]

The prosecution presented as its witnesses: Police Officer (PO) 1 Bob Yangson, the poseur-buyer in the buy-bust operation conducted against Padua, and PO2 Rondivar

Hernaez, the backup officer of the said operation. On the other hand, the defense presented the accused and her sister, Lycka Alvarez Padua.

Version of the Prosecution

The antecedent facts, as narrated by the Office of the Solicitor General (OSG), are as follows:

On February 5, 2009, acting on a tip from an asset, Police Senior Superintendent Elmer Jamias instructed PO2 Hernaez to conduct surveillance in Upper Sucat, Purok 1 Highway and to monitor appellant, who was said to be engaged in selling illegal drugs. Upon verification, PO2 Hernaez confirmed that indeed, appellant was selling illegal drugs.

Thereafter, PO2 Hernaez looked for an asset to help the police buy illegal drugs from appellant. After PO2 Hernaez found an asset to facilitate the transaction, Police Chief Inspector Eduardo Paningbatan directed PO2 Hernaez to act as backup to PO1 Yangson, who would be acting as poseur-buyer.

PO2 Hernaez and the rest of the team prepared a [Pre-] Operational Report and a Coordination Form that was submitted to the Philippine Drug Enforcement Agency (PDEA). Police Chief Inspector Paningbatan handed the buy-bust money, consisting of one bill worth Two Hundred Pesos (Php200.00) and another bill worth One Hundred Pesos (Php100.00). The initials "BY" were placed on the buy-bust money.

Later in the evening, the buy-bust team, composed of PO2 Hernaez, PO1 Yangson, PO3 Gastanes, SPO1 Zamora, PO3 Bornilla, PO3 Villareal, PO2 Salvador Genova, and PO3 Bonifacio Aquino, arrived at Purok 1, Sucat. PO1 Yangson and the asset went to the jeepney terminal along the highway in Upper Sucat, while PO2 Hernaez was positioned ten to fifteen meters away from them.

PO1 Yangson and the asset talked to appellant. Thereafter, appellant handed a plastic sachet to PO1 Yangson, who took the same and, in turn, gave the buy-bust money. At that moment, PO1 Yangson lighted a cigarette, the pre-arranged signal that the transaction was consummated. PO2 Hernaez immediately approached appellant and arrested him. PO1 Yangson showed to PO2 Hernaez a small heat-sealed transparent plastic sachet containing white crystalline substance. Afterwards, PO1 Yangson introduced himself as a police officer and informed appellant of his constitutional rights.

After bringing appellant to the police station, the arresting officers conducted an inventory of the item seized during the buy-bust operation. They took a picture of the plastic sachet and PO1 Yangson placed the markings "JP" thereon. Thereafter, PO2 Hernaez and PO1 Yangson brought the item to the crime laboratory. The specimen tested positive for the presence of Methamphetamine Hydrochloride.^[5]

Version of the Defense

On February 5, 2009, appellant was on his way out from his house when he met two men, who asked him if he is Jerick Padua. He denied that he is Jerick and said that his name is Eric. One of the men, who was wearing a white shirt, told him that they are police officers, and that they are inviting him to the police station for questioning.^[6]

Believing that he committed no wrong, appellant accepted the invitation of the police officers and went with them. Appellant was then brought to the police office located at the Muntinlupa City Hall. After about thirty minutes, the police officer, who was wearing a white shirt, handed him a document and asked him to sign it. He was told that it was merely for blotter purposes.^[7]

When he refused, another police officer punched him and forced him to sign the document. Minutes later, his sister, Lycka Padua, arrived and talked to the police officers. Appellant later learned that the police officers were asking for Twenty Thousand Pesos (P20,000.00) from his sister to settle the matter.^[8]

Appellant's sister, Lycka Padua, corroborated appellant's testimony and averred that she was washing the dishes with her sister Ericka when they heard voices of several men. They peeped through the window and saw these men approach appellant's house. These men asked her brother, herein appellant, if he is Jerick Padua, conducted a body search on him, and brought him to the city hall. When their father arrived, she told him what happened and she was directed by her father to follow Padua. At the city hall, she saw appellant seated on a bench, handcuffed, and his statement being documented. She then learned that the police officers were charging appellant for selling illegal drugs and was told to post bail for his brother's liberty. Their family, however, could not raise the amount required.^[9]

Ruling of the RTC

After trial, the RTC handed a guilty verdict on Padua for violating Section 5, Article II of R.A. No. 9165, or the *Comprehensive Dangerous Drugs Act of 2002*. The *fallo* of the February 26, 2015 RTC Decision states:

WHEREFORE, premises considered and finding the accused GUILTY beyond reasonable doubt of the crime herein charged, ERIC PADUA y ALVAREZ a.k.a. JERICK PADUA y ALVARES is sentenced to LIFE IMPRISONMENT and to pay a FINE of Php500,000.00.

The preventive imprisonment undergone by the accused shall be credited in his favor.

The drug evidence are ordered transmitted to the Philippine Drug Enforcement Agency (PDEA) for proper disposition.

Let a commitment order be issued committing accused to the New Bilibid Prisons for the service of his sentence pending any appeal that he may file in this case.

SO ORDERED.^[10]

The RTC ruled that the prosecution was able to establish the identity of the buyer, the seller, the money paid to the seller, and the delivery of the prohibited drug. The RTC found the prosecution evidence worthy of credence and had no reason to

disbelieve the testimony of the police officers, in the absence of any ill motive that can be ascribed to them to charge the appellant with violation of Section 5 of R.A. No. 9165.

The RTC, likewise, held that the prohibited drug seized was preserved and its integrity was not compromised.

Ruling of the CA

On appeal, the CA affirmed the RTC Decision. It agreed with the findings of the trial court that the prosecution adequately established all the elements of illegal sale of a dangerous drug as the collective evidence presented during the trial showed that a valid buy-bust operation was conducted. Padua resorted to denial and could not present any proof or justification that he was fully authorized by law to possess the same.

The CA was unconvinced with appellant's contention that the prosecution failed to prove the identity and integrity of the seized prohibited drugs. The CA held that the prosecution was able to demonstrate that the integrity and evidentiary value of the confiscated drugs were not compromised. The witnesses for the prosecution were able to testify on every link in the chain of custody, establishing the crucial link in the chain from the time the seized items were first discovered until they were brought for examination and offered in evidence in court.

Appellant's mere denial of the accusations against him was not given any credence by the CA. The CA accorded the police officers the presumption of regularity in the performance of their official duty.

Before Us, both Padua and the People manifested that they would no longer file their Supplemental Brief, taking into account the thorough and substantial discussions of the issues in their respective appeal briefs before the CA.^[11]

Essentially, appellant Padua maintains that the case records are bereft of evidence showing that the buy-bust team followed the procedure mandated in Section 21(1), Article II of R.A. No. 9165.

Our Ruling

The appeal is meritorious. Appellant Padua should be acquitted for failure of the prosecution to prove his guilt beyond reasonable doubt.

Appellant Padua was charged with the crime of illegal sale of dangerous drugs, defined and penalized under Section 5, Article II of R.A. No. 9165. In order to convict a person charged with the crime of illegal sale of dangerous drugs under Section 5, Article II of R.A. No. 9165, the prosecution is required to prove the following elements: (1) the identity of the buyer and the seller, the object and the consideration; and (2) the delivery of the thing sold and the payment therefor.^[12]

In prosecution of drug-related cases, the State bears not only the burden of proving these elements, but also of proving the *corpus delicti* or the body of the crime. The dangerous drug itself is the very *corpus delicti* of the violation of the law.^[13] Therefore, compliance with the chain of custody rule is crucial. Chain of custody means the duly recorded authorized movements and custody of seized drugs or