

FIRST DIVISION

[G.R. No. 228132, March 11, 2020]

MICHAEL TAÑAMOR Y ACIBO, PETITIONER, V. PEOPLE OF THE PHILIPPINES, RESPONDENT.

DECISION

CAGUIOA, J:

Before the Court is a Petition for Review^[1] under Rule 45 filed by petitioner Michael Tañamor y Acibo (petitioner) assailing the Decision^[2] dated April 27, 2016 of the Court of Appeals (CA) in CA-G.R. CEB CR-HC No. 02070, which affirmed the Judgment^[3] dated April 6, 2015 of the Regional Trial Court of Dumaguete City, Branch 30 (RTC) in Criminal Case No. 2014-22151, which found petitioner guilty beyond reasonable doubt of violating Section 5, Article II of Republic Act No. (RA) 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002," as amended.

The Facts

An Information docketed as Criminal Case No. 2014-22151 was filed against petitioner in this case, the accusatory portion of which reads:

"That on or about the 25th day of February 2014 in the City of Dumaguete, Negros Oriental, Philippines and within the jurisdiction of this Honorable Court, the said accused, MICHAEL TAÑAMOR y' ACIBO and JUNFIL PIÑERO. a.k.a. JUN PHIL PIÑERO a.k.a. PILO a.k.a. JOHN FEL T. PIÑERO, in conspiracy, not being authorized by law, did then and there willfully, unlawfully and criminally sell and deliver to a poseur-buyer three (3) heat sealed transparent plastic sachets containing white crystalline substance with an approximate weight of 0.61 gram of methamphetamine hydrochloride, commonly known "shabu", a dangerous drug under R.A. No. 9165.

Contrary to [S]ection 5 in relation to Section 26 Article II of RA 9165."^[4]

The RTC was able to acquire jurisdiction over the person of petitioner only, as his co-accused, Junfil Piñero (Piñero), managed to escape during the buy-bust operation and has since remained at large. During arraignment, petitioner pleaded not guilty to the charge and trial ensued thereafter.^[5]

Evidence of the Prosecution

The prosecution presented the testimonies of Police Chief Inspector Josephine Llena (PCI Llena), Police Officer 2 Marvin Buenaflor (PO2 Buenaflor), Department of Justice (DOJ) representative Anthony Chilius Benlot (DOJ representative Benlot), Police Officer 1 Ricknie Briones (PO1 Briones), Barangay Kagawad Jujemar Salud

Flores Canete (Kagawad Cañete), Intelligence Officer 1 Julieta Amatong (IO1 Amatong) and media practitioner Neil Rio (media practitioner Rio).^[6] Petitioner, on the other hand, testified and presented the testimonies of his father, Eleno Tañamor (Eleno), and his father's friend, one Elias Laturnas (Elias).^[7]

The prosecution sought to establish that petitioner was apprehended following a legitimate buy-bust operation. Its witnesses testified as follows:

In January 2014, in the course of a debriefing on arrested persons at the Provincial Anti-Illegal Drugs Special Operations Task Group (PAIDSOTG) of the Negros Oriental Provincial Police Office, an informant came forward about a certain Mike and Pilo who, conspiring with each other, were engaged in illegal drug trade.^[8] Acting on said information, the Chief of PAIDSOTG instructed PO2 Buenaflor and PO1 Briones to conduct a series of surveillance operations on these two. Upon surveillance, said officers alleged that they were able to find out that the real names of Mike and Pilo were Michael Tañamor and Junfil Piñero, respectively, as well as confirm their involvement with the drug trade. Through an asset, a test-buy was also conducted, where the asset was able to purchase two sachets of *shabu* from petitioner and Piñero, which prompted the operatives to plan the buy-bust proper, beginning with the negotiation of a drug deal by PO2 Buenaflor and PO1 Briones.^[9]

In the afternoon of February 25, 2014, PO2 Buenaflor and PO1 Briones, with the aid of another asset, met with petitioner and Piñero in Barangay Tinago, where the asset introduced the officers to the latter. A sale was agreed upon where the police officers would purchase P4,000.00 worth of *shabu*, with the actual sale scheduled at 6:00 o'clock in the evening of the same day. Upon the officers' return to the station, the PAIDSOTG Chief called for a preoperational briefing, where PO2 Buenaflor was designated as the poseurbuyer and given one P500.00 bill as marked money, to be placed on top of a bundle of cut up pieces of paper. After the briefing, PO2 Buenaflor coordinated with the Philippine Drug Enforcement Agency (PDEA) Regional Office 7.^[10]

Thereafter, PO2 Buenaflor and PO1 Briones boarded a motorcycle and proceeded to the target site. After some time, the two officers saw petitioner and Piñero from a distance, transacting with another male person. The officers approached Piñero and asked him for the item they had agreed upon earlier in the day. Piñero took three pieces of elongated transparent plastic sachets containing *shabu* and gave them to PO2 Buenaflor, who, in turn, took the marked money from his pocket and handed them over to Piñero. Piñero, however, instructed petitioner to receive the money from PO2 Buenaflor. As soon as petitioner received the money, PO2 Buenaflor immediately held Piñero's hand and declared an arrest. Piñero, however, slipped and managed to escape despite hot pursuit. PO1 Briones, on the other hand, arrested petitioner and informed him of the nature of the charge against him as well as his constitutional rights. From petitioner was recovered the marked money.^[11]

Upon PO2 Buenaflor's return, he marked the three confiscated sachets and placed them inside a brown envelope, over which he kept sole custody. For fear of retaliation from petitioner's relatives, some of whom allegedly lived in the area, the buy-bust team decided to conduct the inventory at the Dumaguete City Police Station. There, PO2 Buenaflor conducted the inventory in the presence of petitioner, as well as Kagawad Cañete, DOJ representative Benlot and media practitioner Rio, all of whom signed the Receipt of Property Seized. With the Memorandum Request

for Crime Laboratory and Drug Test, PO2 Buenaflor brought the tape-sealed brown envelope and petitioner to the Negros Oriental Provincial Crime Laboratory for examination.^[12]

At the laboratory, PCI Llena received custody of the seized items, conducted qualitative examination over the same and concluded in her Chemistry Report No. D-069-14 that they tested positive for Methamphetamine Hydrochloride. PCI Llena likewise conducted a screening and confirmatory test on the urine sample taken from petitioner, which also tested positive for Methamphetamine Hydrochloride.^[13]

Evidence of the Defense

In his defense, petitioner denied ownership of the items that were allegedly seized and submitted instead that no buy-bust operation took place before his arrest.

Petitioner specifically alleged that at 10:00 o'clock in the morning of February 25, 2014, he was at LL Eatery in Barangay Motong, eating breakfast when, without provocation, he was approached by two male persons who held his hands and forcibly brought him to a nearby vehicle with plate number FEF570. Petitioner testified that he was told to just cooperate and that the persons just wanted to ask him some questions. He added that at the time he was taken, there were more than five people in the same eatery, but that none of them was able to come to his aid.^[14]

He further submitted that on board the vehicle, he was forcibly searched without the benefit of a search warrant and that several personal items were recovered from him, including his cellular phone, a cellular phone battery and one P500.00 bill, which he intended to use as payment of his breakfast. Allegedly finding nothing from his personal items which would point to any illegal activity, one police officer named Gerald Manlan, whom he recognized as his neighbor, showed him three sachets containing white substance, after which the persons in the vehicle threatened him with an allegation of ownership of the same if he did not cooperate. He was thereafter brought to a house in Sibulan, where he was repeatedly interrogated about his knowledge of a certain "Edfox." Petitioner alleged that the persons who detained him kept insisting that he knew "Edfox" despite petitioner's persistent denial. Petitioner further alleged that he was kept in that house for over eight hours, after which he was brought to the police station.

At the station, petitioner alleged that he was made to enter a room with the same persons who took him and there he saw these persons cut some pieces of paper and place them under the P500.00 bill they recovered from him earlier. He also saw the three sealed sachets which were shown him earlier in the vehicle and petitioner was told to just relax. He allegedly saw the witnesses arrived then.^[15]

To corroborate his son's testimony, Eleno testified that in the morning of February 25, 2014, after one of his younger children came home to tell him that his son, petitioner, was taken at the LL Eatery by unidentified persons, he immediately went to the police station to check whether his son had been arrested. He was informed that petitioner was not at the station. Eleno then asked one of the police officers therein to record in its police blotter the forcible taking of petitioner, but the officer refused to do so, saying that the taking might have been related to a drug case.^[16] Eleno kept going to different police stations to see if petitioner was there. At about 8:00 o'clock in the evening, Eleno saw petitioner at the Dumaguete City Police

Station, where the latter was about to be brought to the hospital for a medical check-up. Finally, about a month after petitioner was taken, Eleno said he met his friend, Elias, who told him that he saw petitioner being accosted by two persons and dragged out of LL Eatery sometime in February.^[17]

Ruling of the RTC

After trial on the merits, the RTC convicted petitioner of the crime charged in its Judgment dated April 6, 2015, with the dispositive portion reading thus:

WHEREFORE, in the light of the foregoing, the accused MICHAEL TAÑAMOR y ACIBO is hereby found GUILTY beyond reasonable doubt of the offense of illegal sale of 0.61 gram of *shabu* in violation of Section 5, in relation to Section 26, Article II of RA 9165 and is hereby sentenced to suffer a penalty of life imprisonment and to pay a fine of Five Hundred Thousand Pesos (P500,000.00).

The three (3) heat-sealed transparent plastic sachets with markings "MT/JP-BBI-02-25-14," "MT/JP-BB2-02-25-14" and "MT/JP-BB3-02-25-14," with signatures respectively, and containing an approximate weight of 0.61 gram of *shabu* are hereby confiscated and forfeited in favor of the government and to be disposed of in accordance with law.

In the service of sentence, the accused MICHAEL TAÑAMOR y ACIBO shall be credited with the full time during which he has undergone preventive imprisonment, provided he agrees voluntarily in writing to abide by the same disciplinary rules imposed upon convicted prisoners.

SO ORDERED.^[18]

In finding petitioner guilty, the RTC weighed the contradicting versions of the recital of facts of the prosecution and the defense and found the former's version more credible.^[19] The RTC gave credence to the consistent and straightforward narration of PO2 Buenaflor and POI Briones, who testified, and deemed them trustworthy.^[20] It held that petitioner was unable to overturn the general presumption of regularity of official duty in the arresting officers' favor. It also found that petitioner evidently acted in common concert with co-accused Piñero in the act of the illegal sale of *shabu*, by the former's act of receiving the buy-bust money pursuant to Piñero's instructions and that petitioner was rightly charged as a co-principal.^[21]

The RTC also upheld the presumption of regularity in the performance of official duty of the arresting officers, citing petitioner's failure to adduce clear and convincing evidence to overturn the same. It found petitioner's arrest valid, as it was made pursuant to a buy-bust operation, and that in any case, petitioner was already estopped from challenging its validity by virtue of his failure to do so before he entered his plea during arraignment. The RTC further dismissed as irrelevant the pointed irregularity in the disposition and preservation of the subject drug in the case, holding instead that the officers complied with the law and the integrity of the drug was preserved.^[22] It noted the fact that the qualitative examination conducted on petitioner's urine sample tested positive for Methamphetamine Hydrochloride although it added that the same neither constituted an element of the crime charged nor materially affected the same.^[23] Finally, the RTC dismissed petitioner's

defenses for being mere words and supported only by testimonies of two biased persons, who did not actually witness the arrest.^[24]

Aggrieved, petitioner filed an appeal to the CA, mainly alleging that the RTC erred in not giving due weight to his defenses.^[25]

Ruling of the CA

In the questioned CA Decision dated April 27, 2016, the CA was unpersuaded by petitioner's contentions and affirmed his conviction.^[26] It found that the elements of the crime of illegal sale of drugs were sufficiently established. It also held that with respect to the inventory having been conducted in a place other than the site of arrest, it was nevertheless proper, given that Section 21 of the Implementing Rules and Regulations (IRR) of RA 9165 allows for the inventory to be done at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in cases of warrantless seizure.^[27] It likewise added that such substantial compliance was recognized by this Court as sufficient, owing to varied field conditions.^[28] It further dismissed petitioner's denial and allegations of frame-up based on his failure to offer supporting evidence, including the lack of witnesses, who could corroborate his story.^[29]

Petitioner filed a Motion for Reconsideration^[30] but the same was denied by the CA for lack of merit through its Resolution^[31] dated September 30, 2016.

Hence, the instant Petition.

Issue

The sole issue for the Court's resolution is whether the lower courts erred in convicting petitioner for violating Section 5, Article II of RA 9165.

The Court's Ruling

The Petition is meritorious. The unjustified, let alone admitted departures from the chain of custody, particularly the undertaking of the inventory elsewhere than in the place of arrest and the absence of the insulating witnesses at the time of seizure, lead the Court to no sounder conclusion than petitioner's acquittal.

In drug cases, the State bears the burden not only of proving the elements of the crime, but also its body or *corpus delicti*, which in these cases pertains to the dangerous drug itself.^[32] In cases involving illegal drugs, buy-bust operation has been declared as a valid and effective procedure for apprehending drug peddlers and distributors^[33] and a legally sanctioned means of trapping lawbreakers in felonious acts.^[34] Nevertheless, precisely due to the peculiar nature of a buy-bust operation, the law concomitantly requires strict compliance with procedures laid down by it to ensure that all the rights of the accused are guaranteed and the credibility of the *corpus delicti* safeguarded, in sober recognition of the fact that the character of anti-narcotics operations and the decided ease with which illegal drugs may be planted open them to a great possibility of abuse.^[35]

A long line of cases decided by the Court has demonstrated that the exacting procedures for observation during a buy-bust operation more often rise or fall on