

THIRD DIVISION

[G.R. No. 238339, August 07, 2019]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOMAR CASTILLO Y MARANAN, ACCUSED-APPELLANT.

DECISION

LEONEN, J.:

"The requirement of conducting inventory and taking of photographs immediately after seizure and confiscation necessarily means that the required witnesses must also be present during the seizure and confiscation."^[1] The presence of third-party witnesses is not an empty formality in the conduct of buy-bust operations. It is not a mere rubberstamp to validate the actions taken and self-serving assurances proffered by law enforcement officers. Far from a passive gesture, the attendance of third-party witnesses ensures the identity, origin, and integrity of the items seized.

This Court resolves an appeal^[2] from the Decision^[3] of the Court of Appeals. The Court of Appeals affirmed with modifications the Regional Trial Court Decision^[4] finding Jomar Castillo y Maranan guilty beyond reasonable doubt for violation of Section 5 (illegal sale of dangerous drugs) and Section 11 (illegal possession of dangerous drugs) of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

On October 27, 2006, two (2) separate Informations were filed against Castillo, respectively charging him with violation of Sections 5 and 11 of the Comprehensive Dangerous Drugs Act.

The accusatory portion of the Information charging him with illegal possession of dangerous drugs read:

CRIMINAL CASE NO. 0537-2006

"That on or about the 26th day of October 2006, at about 12:00 o'clock (sic) noon, at Barangay 7, Lipa City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there willfully, unlawfully and feloniously have in his custody, control and possession .14 gram/s of Methamphetamine Hydrochloride, locally known as "shabu", a dangerous drug contained in four (4) plastic sachet/s.

Contrary to law."^[5]

The accusatory portion of the Information charging him with illegal sale of dangerous drugs read:

CRIMINAL CASE NO. 0538-2006

"That on or about the 26th day of October 2006, at about 12:00 o'clock (sic) noon, at Barangay 7, Lipa City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there willfully, unlawfully sell, deliver, dispose or give away to a police informer poseur-buyer, 0.05 gram/s of Methamphetamine Hydrochloride locally known as "shabu", which is a dangerous drug contained in one (1) plastic sachet/s.

Contrary to law."^[6] (Citation omitted)

On arraignment, Castillo pleaded not guilty to both charges. Trial on the merits then followed.^[7]

The prosecution presented seven (7) witnesses: three (3) police officers, Senior Police Officer 2 Danilo Yema (SPO2 Yema), SPO1 Danilo Quinio (SPO1 Quinio), and SPO2 Cleofe Pera (SPO2 Pera), from the Lipa City Police Station; two (2) police officers, Lito Vargas and Herbert Bereña, from the Batangas Provincial Crime Laboratory; Rodel Limbo (Limbo), the representative from the Department of Justice; and Police Senior Inspector Rose Acero Marino (Police Senior Inspector Marino), the forensic chemist.^[8]

According to the prosecution, a week prior to October 26, 2006, the Lipa City Police Station obtained information that Castillo was selling illegal drugs. After SPO2 Yema had confirmed the tip with the barangay captain and Castillo's neighbors, a buy bust team was formed.^[9]

At 12:00 noon on October 26, 2006, the team composed of SPO2 Yema, SPO1 Quinio, SPO3 Whency Aro, SPO2 Pera, and SPO3 Fortunato Katigbak, together with a civilian asset, arrived near a covered basketball court in Barangay 7, Lipa City to conduct the buy-bust operation against Castillo. Assigned to be the poseur-buyer, the asset was given the marked money consisting of a one-piece P100.00 bill and a one-piece "P200.00 bill."^[10]

Upon seeing Castillo, the asset approached him while the police officers watched from their vehicle about 10 meters away from the basketball court. The officers saw the asset hand over the marked money to Castillo. Castillo, in turn, pulled out of his pocket a plastic playing cards case and from it, took out a small sachet, which he gave to the asset. After the exchange, the asset touched his head, signaling that the transaction had been consummated.^[11]

At the signal, the police officers alighted from the vehicle and approached the asset and Castillo. The asset gave the plastic sachet to SPO2 Yema while SPO1 Quinio seized the marked money from Castillo. After a body search on Castillo, SPO2 Yema recovered four (4) plastic sachets containing crystalline substances suspected to be shabu, which were all placed inside a plastic case of playing cards.^[12]

The officers brought the items inside their vehicle, which was still parked near the place of arrest. There, SPO2 Yema marked the plastic sachet subject of the buy-bust "DRY-JMC-BB," and the other four (4) plastic sachets recovered from the body search "DRY-JMC-P-1" to "DRY JMC-P-4." The plastic playing cards case was marked "DRY-JMC-P." Afterwards, the officers brought Castillo to the Lipa City Police Station.
^[13]

There, the prosecution further narrated, the seized items were photographed along with the marked money and Castillo. The seized items were also inventoried, as witnessed by Limbo, the Department of Justice representative, Barangay Chair Christopher Latayan (Barangay Chair Latayan), SPO2 Yema, and Castillo, who all signed the Certificate of Inventory. SPO2 Yema and SPO1 Quinio then prepared and signed a Joint Affidavit of Arrest.^[14]

SPO2 Pera also prepared a Letter-Request for Laboratory Examination of the substances seized. Police Officer Cesario Mandahuyan brought the letter-request, together with the seized items, to the Provincial Crime Laboratory Office.^[15] Upon examination, the forensic chemist, Police Senior Inspector Marino, reported that the confiscated substances yielded positive results for shabu.^[16]

In his defense, Castillo testified that at around 12:00 noon on October 26, 2006, he was waiting for his peers at the basketball court in Sinagtala, Barangay 7 to play basketball when a vehicle arrived.^[17] Two (2) police officers alighted from it and approached him. They poked a gun at his side, arrested him, and brought him to the Lipa City Police Station.^[18]

There, Castillo saw what appeared to be shabu on a table. One (1) of the police officers forced him to point to the substance while his photo was being taken. Afterwards, he was detained.^[19]

Castillo testified that the arresting officers were the same officers who had previously arrested him in a holdup incident months prior, only to release him three (3) days later to look for the other three (3) people involved in the incident.^[20] He added that he had hidden from the police officers until he was arrested in what was supposedly a buy-bust operation.^[21]

In its July 25, 2013 Joint Decision,^[22] the Regional Trial Court found Castillo guilty beyond reasonable doubt of the offenses charged. The dispositive portion of the Decision read:

WHEREFORE, premises considered, the Court finds the accused Jamar Castillo y Maranan **GUILTY** of the offenses charged for violation of Sections 5 and 11 of Article II of Republic Act 9165, and is hereby sentenced to suffer the penalty of:

- a) Criminal Case No. 0537-2006 (Section 11, Article II of R.A. 9165) - Imprisonment for a period of Twelve (12) years and one (1) day as minimum to seventeen (17) years and four (4) months as maximum and to pay a fine of P300,000.00.
- b) Criminal Case No. 0538-2006 (Section 5, Article II of R.A. 9165) - Life Imprisonment and to pay a fine of P500,000.00; and

The period of the accused preventive imprisonment shall be credited in the service of his sentence.

The methamphetamine hydrochloride subject of these cases are ordered to be turned over to the PDEA Region IV Office for proper disposition under proper receipt.

Let a Commitment Order be issued for the transfer of the accused Jomar Castillo y Maranan from the BJMP Lipa City Jail to the New Bilibid Prisons, Muntinlupa City, Metro Manila.

SO ORDERED.^[23] (Emphasis in the original)

The Regional Trial Court found that the prosecution established the elements of the crimes charged. For the charge of illegal sale of dangerous drugs, the trial court noted how SPO2 Yema and SPO1 Quinio testified on the exchange of shabu and the marked money representing the consideration for the shabu.^[24] For the charge of illegal possession, it noted the officers' testimonies on the confiscation of four (4) plastic sachets of shabu from Castillo upon the body search.^[25] It maintained that the integrity of the confiscated items was preserved.^[26]

In its October 25, 2013 Order,^[27] the Regional Trial Court denied Castillo's Motion for Reconsideration.

On appeal before the Court of Appeals,^[28] Castillo argued that the buy-bust operation did not actually happen. Assuming that it did take place, he claimed that the prosecution failed to establish the police officers' compliance with the Comprehensive Dangerous Drugs Act's chain of custody requirements.^[29] He pointed out supposed gaps in the chain of custody, including, among others, irregularities in the seized items' marking and the belated presence of the Department of Justice representative, only arriving at the police station when the inventory had already been prepared.^[30]

In its Brief,^[31] the Office of the Solicitor General maintained that the integrity of the seized items had been preserved and that the requisite chain of custody was followed.^[32]

In its assailed September 29, 2017 Decision,^[33] the Court of Appeals affirmed Castillo's conviction with modifications. The dispositive portion of the Decision read:

WHEREFORE, premises considered, the appeal is **DENIED**. The Joint Decision dated 25 July 2013 of Branch 12, Regional Trial Court of Lipa City in Criminal Case Nos. 0537-2006 & 0538-2006 is **AFFIRMED with MODIFICATIONS**, to wit:

1. In *Criminal Case No. 0537-2006*, accused-appellant **JOMAR CASTILLO Y MARANAN** is sentenced to suffer the penalty of imprisonment of 12 years and 1 day as minimum to 14 years and 8 months as maximum and ordered to pay a FINE of Three Hundred Thousand Pesos (Php300,000.00.).
2. In *Criminal Case No. 0538-2006*, accused-appellant **JOMAR CASTILLO Y MARANAN** is not eligible for parole.

SO ORDERED.^[34] (Emphasis in the original)

The Court of Appeals maintained that all the elements of illegal sale and illegal possession of dangerous drugs were proven.^[35] It held that SPO2 Yema substantially complied with the requisites in marking the seized items.^[36] It also found that there was no break in the chain of custody of the items seized.^[37] While the police officers did not strictly comply with the requirements of Section 21 of the Comprehensive Dangerous Drugs Act, the Court of Appeals ruled that this did not affect the evidentiary weight of the drugs seized from Castillo.^[38] It further noted that the non-presentation of the poseur-buyer is fatal only if there is no other eyewitness to the illicit transaction.^[39]

Castillo filed a Notice of Appeal,^[40] which was given due course by the Court of Appeals.^[41] In this Court's June 4, 2018 Resolution,^[42] the parties were allowed to file supplemental briefs. However, both the Office of the Solicitor General, on behalf of plaintiff-appellee People of the Philippines,^[43] and accused-appellant^[44] manifested that they would no longer file supplemental briefs.

For this Court's resolution is the issue of whether or not the prosecution has established beyond reasonable doubt accused-appellant Jomar Castillo y Maranan's guilt for violation of Article II, Sections 5 and 11 of the Comprehensive Dangerous Drugs Act.

Accused-appellant's conviction must be reversed and set aside. There remains reasonable doubt on his guilt for the crimes charged.

I

To secure a conviction in a criminal case, the prosecution must prove the guilt of an accused beyond reasonable doubt. Proof beyond reasonable doubt requires that "every fact necessary to constitute [a] crime . . . be established."^[45] While not requiring absolute certainty, this standard requires that the prosecution establish moral certainty, "or that degree of proof which produces conviction in an unprejudiced mind."^[46] The need to establish guilt beyond reasonable doubt proceeds from the due process clause and the constitutional right of an accused to be presumed innocent.^[47]

For there to be a successful prosecution for the illegal sale of dangerous drugs, punished under Section 5^[48] of the Comprehensive Dangerous Drugs Act, the following elements must be established: "(1) the identity of the buyer and the seller, the object and consideration of the sale; and (2) the delivery of the thing sold and the payment therefor."^[49]

As to the illegal possession of dangerous drugs, punished under Section 11^[50] of the Comprehensive Dangerous Drugs Act, it must be established that "(1) the accused was in possession of an item or an object identified to be a prohibited or regulated drug, (2) such possession is not authorized by law, and (3) the accused was freely and consciously aware of being in possession of the drug."^[51]

In both illegal sale and illegal possession of dangerous drugs, "the illicit drugs confiscated from the accused comprise the *corpus delicti* of the charges."^[52] Thus, their identity and integrity must be established beyond reasonable doubt.^[53] It is