

SECOND DIVISION

[G.R. No. 218107, September 09, 2019]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOSE JAMILLO QUILATAN Y DELA CRUZ, ACCUSED-APPELLANT.

DECISION

CAGUIOA, J:

Before the Court is an appeal^[1] filed by accused-appellant Jose Jamillo Quilatan y Dela Cruz (Quilatan) from the Decision^[2] dated May 30, 2014 of the Court of Appeals^[3] (CA), which affirmed the Decision^[4] dated February 25, 2013 of the Regional Trial Court^[5] (RTC) finding Quilatan guilty beyond reasonable doubt of violating Sections 5^[6] and 11,^[7] Article II of Republic Act No. (RA) 9165, ^[8] otherwise known as the *Comprehensive Dangerous Drugs Act of 2002*.

The twin Informations^[9] filed against Quilatan read as follows:

Criminal Case No. 09-0667

The undersigned State Prosecutor accuses JOSE JAMILLO QUILATAN y DELA CRUZ of the crime of Violation of Sec. 5[,] Art. II of R.A. 9165 as otherwise known as the Comprehensive Dangerous Drugs Act of 2002, committed as follows:

That on or about the 15th day of June 2009, in the City of Parañaque, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, not being lawfully authorized by law, did then and there willfully, unlawfully and feloniously sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport a one (1) heat-sealed transparent plastic sachet weighing 0.12 gram to Police Poseur[-]Buyer PO2 ELBERT OCAMPO, which content of the said plastic sachet when tested was found positive to be Methamphetamine Hyd[r]ochloride, a dangerous drug.

CONTRARY TO LAW.^[10]

Criminal Case No. 09-0668

The undersigned State Prosecutor accuses JOSE JAMILLO QUILATAN y DELACRUZ, of the crime of Violation of Sec. 11 of Art. II of R.A. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, committed as follows:

That on or about the 15th day of June 2009, in the City of Parañaque, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, not being lawfully authorized to possess dangerous drugs, did then and there willfully, unlawfully and feloniously have in his possession and under his control and custody one (1) heat-sealed transparent plastic sachet containing white crystalline substance weighing 0.12 gram which, when tested was found positive to be [Methamphetamine] Hydrochloride (shabu) a dangerous drug.

CONTRARY TO LAW.^[11]

The common starting point of the conflicting narrations of factual antecedents is the date of the buy-bust operation.

According to the version of the prosecution, on June 15, 2009 at around 4:30 p.m., the Parañaque City Police Station Anti-Illegal Drugs Special Operation Task Group received a report from a female informant/asset about the illegal drug activities of Quilatan.^[12] She stated that she knew Quilatan personally and that she would accompany the police operatives to help ensure that he would get caught by them.^[13] A buy-bust team was then formed composed of PO2 Elbert Ocampo (PO2 Ocampo), who was designated as poseur-buyer, SPO1 Luminog Lumabao^[14] (SPO1 Lumabao), who was designated as the immediate back-up, and five (5) other team members as back-ups: P/Insp. Roque Tome, SPO4 Alberto Sanggalang, SPO1 Ricky Macaraeg, PO3 Fernan Acbang, and PO2 Domingo Julaton.^[15] After coordinating with the Philippine Drug Enforcement Agency, the buy-bust team, together with the informant, went to the target area in Tramo St., Brgy. San Dionisio, Parañaque City at around 9:15 p.m. that same day.^[16] PO2 Ocampo and the informant first alighted from their vehicle^[17] and the rest of the buy-bust team discreetly followed them.^[18] At the site, near a drug store,^[19] they saw Quilatan wearing a black sando and fatigue pants and they approached him.^[20] After seeing the informant, Quilatan asked "*iiskor ka ba?*" and the informant replied by saying "*itong kasama k[*o*]*ng taxi driver tropa ko kukuha ng halagang limang daang piso.*"^[21] PO2 Ocampo then handed the marked money to Quilatan.^[22] After counting the same, Quilatan took out from his right pocket a plastic sachet containing a white crystalline substance and handed the same to PO2 Ocampo.^[23] After consummating the sale, PO2 Ocampo alerted his team and gave the pre-arranged signal by removing his cap.^[24] Seeing that SPO1 Lumabao was already rushing to the scene, PO2 Ocampo grabbed the hand of Quilatan and revealed his identity as a police officer.^[25] PO2 Ocampo then checked Quilatan's right hand and recovered another plastic sachet containing a white crystalline substance.^[26] When SPO1 Lumabao approached Quilatan, he searched the latter's pocket and recovered the marked money.^[27] Their team leader then decided they should proceed to the Barangay Hall of San Dionisio, Parañaque City,^[28] and there, in the presence of Quilatan and Brgy. Desk Officer Rodolfo Enrique, PO2 Ocampo marked and prepared an inventory of the items recovered from Quilatan.^[29] Thereafter, they went back to the police station where a request for laboratory examination was made, which, together with the seized items, was brought personally by PO2 Ocampo to the Philippine National*

Police Crime Laboratory of Southern Police District in Brgy. San Antonio, Makati City.
[30] Upon testing, the specimens turned out positive for methamphetamine hydrochloride.[31]

However, in Quilatan's version of the story, he alleged that at around 7:30 p.m. on June 15, 2009, he was riding his motorcycle on his way to the house of his in-laws in San Dionisio, Parañaque City to fetch his wife.[32] He was not able to reach his destination because his path was suddenly blocked by a car and he was then arrested for driving without a helmet.[33] They asked for his license and for his papers for the motorcycle and he was thereafter invited to the police headquarters for a supposed verification.[34] Upon arriving at the station, he asked to call his wife to inform her and to ask her to come to the police station.[35] When Quilatan's wife arrived, a police officer informed Quilatan not to worry anymore since they had already spoken to his wife.[36] Quilatan's wife thereafter informed him that the police officers were asking for Ten Thousand Pesos (P10,000.00) to settle his case.[37] Quilatan objected to the amount and argued with the police officers by asserting that his violation was merely his failure to wear a helmet while driving.[38] However, the police officers got angry and, to his surprise, someone said "*Nagtutulak din yan ng droga.*"[39] Even if Quilatan denied this accusation and stated that he did not know what they were talking about, the police officers insisted that he was positively identified by someone they knew and then he was detained.[40] At around 4:30 a.m. the following day, the police officers brought Quilatan to the Barangay Hall, arranged items on top of a table, and took pictures thereof in his presence and in the presence of a certain *tanod*. [41] There was no elected public official, media representative, or representative from the Department of Justice (DOJ) present while they conducted the inventory. Quilatan was again detained after this.[42]

During trial, PO2 Ocampo and SPO1 Lumabao testified for the prosecution, while only Quilatan testified in his defense.[43]

In a Decision^[44] dated February 25, 2013, the RTC gave credence to the testimonies of the prosecution witnesses and ruled that the prosecution was able to establish beyond reasonable doubt all the elements of the offenses charged. It further ruled that Quilatan's alibi was self-serving, especially since no other witnesses were presented to corroborate his testimony and no complaint was filed against the police officers relative to his alleged illegal arrest. The RTC stated that, in the face of the presumption of regularity in the performance of official functions in favor of the police officers, Quilatan's alibi could not prevail. Accordingly, the RTC ruled as follows:

WHEREFORE, premises considered, judgement is hereby rendered as follows:

1. In ***Criminal Case No. 09-0667 for Violation of Sec. 5, Art. II, RA 9165***, the court finds accused **JOSE JAMILLO QUILATAN y DELA CRUZ GUILTY** beyond reasonable doubt and is hereby sentenced to suffer the penalty of ***life imprisonment*** and ***to pay a fine of Php 500,000.00***;

2. In ***Criminal Case No. 09-0668 for Violation of Sec. 11, Art. II, RA 9165***, the court finds accused **JOSE JAMILLO QUILATAN y DELA CRUZ, GUILTY** beyond reasonable doubt and is hereby sentenced to suffer the penalty of ***imprisonment 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 Php 300,000.00.***

It appearing that accused **JOSE JAMILLO QUILATAN y DELACRUZ** is detained at the Parañaque City Jail and considering the penalty imposed, the OIC-Branch Clerk of Court is directed to prepare the *Mittimus* for the immediate transfer of said accused from the Parañaque City Jail to the New Bilibid Prisons, Muntinlupa City.

The specimen[s] are forfeited in favor of the government and the OIC-Branch Clerk of Court is likewise directed to immediately turn over the same to the [PDEA] for proper disposal pursuant to Supreme Court OCA Circular No. 51-2003.

SO ORDERED.^[45]

Quilatan appealed^[46] to the CA, interposing the lone issue of whether the trial court gravely erred in convicting him notwithstanding the apprehending team's non-compliance with Section 21 of RA 9165.

In a Decision^[47] dated May 30, 2014, the CA ruled that the prosecution was able to establish beyond reasonable doubt an unbroken link in the chain of custody of the seized items and that their integrity and evidentiary value had been preserved. The fact that there was no representative from the media or the DOJ did not affect the integrity or evidentiary value of the seized items. Besides, Quilatan's defense of frame-up, like alibi, is viewed with disfavor since it can easily be concocted and is a common ploy in most prosecutions for violations of the Dangerous Drugs Law. In view of these findings, the CA dismissed the appeal and affirmed the RTC Decision. Hence, the instant appeal before the Court.

The issue in the case at bar is whether the prosecution proved Quilatan's guilt for violation of Sections 5 and 11 of RA 9165 beyond reasonable doubt.

We answer in the negative.

In prosecutions involving narcotics, the narcotic substance itself constitutes the *corpus delicti* of the offense and the fact of its existence is vital to sustain a judgment of conviction beyond reasonable doubt. The identity of the narcotic substance must therefore be established beyond reasonable doubt.^[48]

Section 21^[49] of RA 9165, the applicable law at the time of the alleged commission of the crime, lays down the procedure to be followed by a buy-bust team in the seizure, initial custody, and handling of confiscated illegal drugs and/or paraphernalia. Section 21(a),^[50] Article II of the Implementing Rules and Regulations of RA 9165 (IRR), in turn, filled in the details as to place of inventory and added a saving clause in case of non-compliance with the requirements under

justifiable grounds.^[51]

The requirements outlined in Section 21 of RA 9165 and its IRR are not mere suggestions or recommendations. Undoubtedly, the buy-bust team is not at a liberty to select only parts it wants to comply with and conveniently ignore the rest of the requirements. Unjustified deviations from the prescribed procedure will result to the creation of reasonable doubt as to the identity and integrity of the illegal drugs and, consequently, reasonable doubt as to the guilt of the accused.^[52]

Among the essential requirements of Section 21 of RA 9165 and its IRR are the presence of the three required witnesses - namely, a media representative, a representative from the DOJ, and any elected public official - and the immediate conduct of the physical inventory and photographing of the seized items in the specified places allowed under the law. **Here, however, the buy-bust team miserably failed to comply with these requirements.**

A perusal of the records and the evidence presented by the prosecution would show that, even believing its version of a buy-bust operation, the buy-bust team made no effort at all to secure the three required witnesses. The Joint Affidavit^[53] of PO2 Ocampo and SPO1 Lumabao included a summary of the prosecution's narration of events:

N[A], matapos makuha ang lahat ng detalye tungkol sa aktibidadis (*sic*) [ni Quilatan] agad ipinaalam ng aming team leader PI TOME sa aming hepe PSSUPT ALFREDO VALDEZ kung kaya't inatasan kami na magsagawa ng buy[-]bust operation sa lugar na nabanggit kung kaya't agad kami nakipag-ugnayan sa PDEA, upang maging lihetimo (*sic*) ang [aming] gagawing operasyon.

NA, bago pa isagawa ang operasyon ay nagsagawa muna kami ng maikling briefing sa aming opesina (*sic*) at ako (PO2 OCAMPO) ang naatasang umaktong poseur[-]buyer at binigay sa akin ang isang pirasong isang (*sic*) dalawang daang piso na may serial no. DT755573 at tatlong pirasong isang daang piso [na] may mga serial no. LQ134794, PP742266 at NP749150 na parehong may markang "EO" sa kanang itaas na parte ng mga nasabing pera at at (*sic*) ang aming napagkasunduang pre-arrange[d] signal ay ang "PAGTANGGAL NG SUMBRERO" bilang hudyat ng matagumpay na bilihan ng shabu at ako (SPO1 LUMABAO) ang naatasang immediate back[-]up kay PO2 OCAMPO.

NA, matapos maitala sa aming police blotter ang aming gagawing operasyon humigit kumulang **9:15 ng gabi ika-15 June 2009** sakay ng aming pribadong sasakyan sa pamumuno ni PI TOME ay nagtungo [sa] Tramo St[.], Brgy[.] San Dionisio, Lungsod ng Parañaque upang magsagawa ng buy[-]bust operasyon at sa isang saglit n[g aming] paglalakbay papunta sa aming target na lugar ay narating namin ang kanto ng Tramo St[.], Brgy[.] San Dionisio, Parañaque City at gaya ng aming napagkasunduan ay ako (PO2 OCAMPO) kasama ng isang asset ay unang b[u]maba ng sasakyan habang lihim na nakasunod sa amin ang iba naming kasamahan.^[54]