

## SECOND DIVISION

[ G.R. No. 243386, September 02, 2019 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
HILARIO DE CASTRO Y SANTOS ALIAS "DACOY," ACCUSED-  
APPELLANT.**

### DECISION

**CAGUIOA, J:**

This is an Appeal<sup>[1]</sup> under Section 13(c), Rule 124 of the Rules of Court from the Decision<sup>[2]</sup> dated February 6, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC. No. 07962, which affirmed the Decision<sup>[3]</sup> dated November 16, 2015 rendered by the Regional Trial Court, Branch 203, Muntinlupa City (RTC) in Criminal Case No. 10-501 and Criminal Case No. 10-502, finding accused-appellant Hilario De Castro y Santos alias "Dacoy" (De Castro) guilty beyond reasonable doubt of violating Sections 5 and 11, Article II of Republic Act No. (RA) 9165,<sup>[4]</sup> otherwise known as the Comprehensive Dangerous Drugs Act of 2002, as amended.

#### The Facts

The two separate Informations<sup>[5]</sup> filed against De Castro for violation of Sections 5 and 11, Article II of RA 9165 pertinently read:

**[Criminal Case No. 10-501 (Illegal Possession of Dangerous  
Drugs)].**

On or about the 4<sup>th</sup> day of August 2010, in the City of Muntinlupa, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, who is not authorized by law, to possess any dangerous drug, did then and there willfully and unlawfully and feloniously have in his possession, custody and control Methylamphetamine Hydrochloride, a dangerous drug weighing 0.12 gram contained in two (2) small heat-sealed transparent plastic sachets placed inside a yellow plastic container, in violation of the above-cited law.

Contrary to law.<sup>[6]</sup>

**[Criminal Case No. 10-502 (Illegal Sale of Dangerous Drugs)].**

That on or about the 4<sup>th</sup> day of August 2010, 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, feloniously and unlawfully sell, trade, deliver and give away to another, Methylamphetamine Hydrochloride, a dangerous drug weighing 0.02

gram contained in one (1) small heat-sealed transparent plastic sachet, in violation of the above-cited law.

Contrary to law.<sup>[7]</sup>

Upon arraignment, De Castro pleaded not guilty to both charges.<sup>[8]</sup>

#### *Version of the Prosecution*

The version of the prosecution, as summarized by the CA, is as follows:

The prosecution presented the following persons as witnesses: PCI Richard Allan Mangalip ("PCI Mangalip;" Forensic Chemist); PO3 Aires Abian ("PO3 Abian;" Evidence Custodian); NUP Bernardo Bucayan ("NUP Bucayan;" Receiving Officer); PO3 Manuel Amodia Jr. ("PO3 Amodia[;"], Apprehending Officer").

The Prosecution and the Defense entered into stipulations, and dispensed with the testimonies of PCI Mangalip, PO3 Abian, and NUP Bucayan.

The evidence of the Prosecution is summarized thus: on 4 August 2010, at around 2:00 a.m., PINSP Domingo J. Diaz ("PINSP Diaz") instructed the police to conduct the buy-bust operation after receiving a tip from the Informant that the appellant De Castro was selling *shabu* for P300.00; PINSP. Diaz formed the buy-bust team (i.e.: PO3 Amodia, poseur-buyer; and PO2 Rondivar Hernaez ["PO2 Hernaez"], back-up/arresting officer); the police prepared the Pre-Operational Report, and Coordination Form and PINSP Diaz signed these two documents; the police brought the Pre-Operational Report, the Coordination Form, and the Certificate of Coordination, to the Philippine Drug Enforcement Agency ("PDEA") as evidenced by Control Number PDEA-MMRO 0810-00029, to comply with the requirement of a legitimate buy-bust operation; the police prepared the buy-bust money consisting of three pieces genuine P100.00 bills, and recorded the operation in the logbook; after the police accomplished the documents, the police and the Informant went to Purok 2, Montillano Street, Alabang Muntinlupa City ("target site").

PO3 Amodia and the Informant arrived at the target site at 3:00 a.m.; PO3 Amodia and the Informant saw a shirtless man standing on the stairs outside a house; the shirtless man (who later turned out to be appellant De Castro), approached PO3 Amodia and the Informant; the Informant told the appellant De Castro that they (the Informant and PO3 Amodia) wanted to buy P300.00 worth of *shabu*; the Informant introduced PO3 Amodia to the appellant De Castro as the Informant's cousin; PO3 Amodia handed the appellant [D]e Castro the buy-bust money; after receiving the buy-bust money, the appellant De Castro folded the bills, and inserted the bills in the right waist of the appellant De Castro's shorts; the appellant [D]e Castro then drew from his (the appellant De Castro's) left waist the small, yellow, plastic container, opened the container, took out one small transparent plastic sachet containing a white crystalline substance suspected to be *shabu*, and handed the plastic sachet to PO3 Amodia; PO3 Amodia accepted the

plastic sachet and executed the pre-arranged signal that the transaction had been consummated; PO3 Amodia introduced himself to the appellant De Castro as a policeman, and grabbed the appellant De Castro's right hand which was then holding the plastic container; PO2 Hernaez frisked the appellant De Castro and recovered the buy-bust money; PO3 Amodia retrieved from the appellant De Castro's plastic container, two more plastic sachets; PO3 Amodia arrested the appellant De Castro, and informed the appellant De Castro of his constitutional rights, and the reason for the appellant De Castro's arrest; at the place of arrest and seizure PO3 Amodia marked the plastic container with "HDC," and the transparent plastic sachets with "HDC-2" and "HDC-3;" the police brought the appellant De Castro to the Crime Investigation Division Office ("CID Office") for proper inventory and documentation, to avoid commotion; PO3 Amodia was in custody of the seized contraband from the place of arrest, to the CID Office.

At the CID Office, the police prepared the Certificate of Inventory; several attempts to summon representatives from the media, the Department of Justice ("DOJ"), and an elected public official were futile, thus, the police were forced to proceed with the inventory even without the representatives from the media, the Department of Justice ("DOJ"), and an elected public official; PO2 Forastero prepared the Booking and Information Sheet, and the Spot Report, and the PDEA received two documents; the police prepared the Request for Laboratory Examination on Seized Evidence, and PINSP Diaz signed it; PO3 Amodia and PO2 Hernaez brought the Request for Laboratory Examination on Seized Evidence, and the seized contraband, to the Southern Police District ("SPD") Crime Laboratory; PO3 Amodia was in possession of the seized contraband from the CID Office, to the SPD Crime Laboratory; PO2 Hernaez delivered and submitted to Receiving Officer Bucayan the Request for Laboratory Examination, and the seized contraband; although PO2 Hernaez was the one who signed the "delivered by" portion of the Request for Laboratory Examination (because it was PO2 Hernaez who had an ID at the time), it was actually Apprehending Office PO3 Amodia who handed the seized contraband to the SPD Crime Laboratory; the seized contraband delivered to the SPD Crime Laboratory was never altered; Forensic Chemist PCI Mangalip conducted the laboratory examination, and found that the seized contraband tested positive for methamphetamine hydrochloride, as evidenced by the Physical Science Report No. D-268-10S; Evidence Custodian PO3 Abian received from Forensic Chemist PCI Mangalip the seized contraband bearing the security seals and markings.<sup>[9]</sup>

#### *Version of the Defense*

On the other hand, the defense presented De Castro as the sole witness and the defense's version, as summarized by the CA, is as follows:

The evidence of the Defense is summarized thus: on 3 August 2010, at around 7:00 p.m. the appellant De Castro, who was then an Ice Delivery Truck Driver, parked the ice delivery truck at Cas[t]ro, Alabang, Muntinlupa, when a white vehicle arrived and parked in front of appellant

De Castro's truck; three men (who later turned out to be policemen) alighted from the white vehicle, and suddenly grabbed and searched the appellant De Castro; appellant De Castro asked the three men what was going on, but the three men just told the appellant De Castro to go with them (the three men); when the police were not able to find anything on the appellant De Castro, the police told the appellant [D]e Castro to board the vehicle; inside the vehicle, the appellant De Castro saw five men in handcuffs; the appellant De Castro again asked for the reason for his arrest, but nobody answered the appellant De Castro; upon arrival at the CID Office, the police took the names of the arrested men, including appellant De Castro; at around 10:00 p.m., the police transferred the men to Block 2, Alabang Precinct, where the police detained the men; at midnight, the police released the other five men, leaving the appellant De Castro under detention.

On 5 August 2010, at around 3:00 p.m., PO2 Hernaez, one of the police who apprehended the appellant De Castro, brought the appellant De Castro to the Office of the Prosecutor for inquest proceeding; the police returned the appellant [D]e Castro to Block 2, Alabang Precinct, and then transferred the appellant De Castro to the Muntinlupa City Jail; the appellant De Castro later learned that the police had charged him with violation of Section[s] 11 and Section 5, R.A. 9165; the appellant De Castro denied that he sold illegal drugs, and claimed that the police arrested him on 3 August 2010, and not on August 2010 (as claimed by the police).<sup>[10]</sup>

### **Ruling of the RTC**

In the consolidated Decision dated November 16, 2015, the RTC ruled that the prosecution successfully proved the existence of all the elements of illegal sale and illegal possession of dangerous drugs.<sup>[11]</sup> It further ruled that the buy-bust operation was well-documented, from the Pre-Operational Report, Coordination with the Philippine Drug Enforcement Agency (PDEA), photocopying of the buy-bust money, the briefing, and the actual operation.<sup>[12]</sup> Therefore, the police officers' conduct was within the acceptable standard of fair and honorable administration of justice.<sup>[13]</sup> It held that the accused's defense of denial cannot prevail over the affirmative and credible testimony of PO3 Amodia pointing to the accused as the seller of the prohibited drugs.<sup>[14]</sup> Lastly, it ruled that there was substantial compliance with the legal requirements on the handling of the seized items.<sup>[15]</sup> Their integrity and evidentiary value were not diminished.<sup>[16]</sup> The chain of custody of the drugs subject matter of these cases had not been shown to have been broken.<sup>[17]</sup>

The dispositive portion of the Decision reads:

WHEREFORE, premises considered, the Court finds accused Hilario De Castro y Santos @ Dacoy GUILTY beyond reasonable doubt in Criminal Case No. 10-501 for violation of Section 11, Article II of R.A. No. 9165 and sentences him to imprisonment of Twelve (12) years and one (1) day as *minimum* to fourteen (14) years and eight (8) months as *maximum*

and a fine of P300,000.00; and in Criminal Case No. 10-502 for violation of Section 5, Article II of R.A. No. 9165 and sentences him to *life imprisonment* and a fine of P500,000.00.

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

x x x x

SO ORDERED.<sup>[18]</sup>

Aggrieved, De Castro appealed to the CA.

### **Ruling of the CA**

In the assailed Decision dated February 6, 2018, the CA affirmed De Castro's conviction. The dispositive portion of the Decision reads:

We **DISMISS** the appeal, and **AFFIRM** the assailed Decision dated 16 November 2015 of the Regional Trial Court, Branch 203, Muntinlupa City in Criminal Case No. 10-501, and Criminal Case No. 10-502.

**IT IS SO ORDERED.**<sup>[19]</sup>

The CA ruled that all the elements of the crime of illegal possession of dangerous drugs and illegal sale of dangerous drugs were proven.<sup>[20]</sup> It further ruled that non-compliance with the requirements under Section 21 does not invalidate the seizure and custody of the contraband.<sup>[21]</sup> What is important is that the integrity and evidentiary value of the seized items were preserved.<sup>[22]</sup> Lastly, it ruled that De Castro failed to show that the police officers deviated from the regular performance of their duties, hence the presumption of regularity in performance by police officers was sustained.<sup>[23]</sup>

Hence, the instant appeal.

### **Issue**

Whether De Castro's guilt for violation of Sections 5 and 11 of RA 9165 was proven beyond reasonable doubt.

### **The Court's Ruling**

The appeal is granted. De Castro is accordingly acquitted.

In cases involving dangerous drugs, the confiscated drug constitutes the very *corpus delicti* of the offense<sup>[24]</sup> and the fact of its existence is vital to sustain a judgment of conviction.<sup>[25]</sup> It is essential, therefore, that the identity and integrity of the seized drugs must be established with moral certainty.<sup>[26]</sup> Thus, in order to obviate any unnecessary doubt on their identity, the prosecution has to show an unbroken chain