

SECOND DIVISION

[G.R. No. 224223, November 20, 2019]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
NORMAN ANGELES Y MIRANDA, ACCUSED-APPELLANT.**

DECISION

INTING, J.:

This is an appeal^[1] from the Court of Appeals (CA) Decision^[2] dated May 22, 2015 in CA-G.R. CR-HC No. 06678, which affirmed the Decision^[3] dated January 30, 2014 of Branch 67, Regional Trial Court (RTC), Binangonan, Rizal, finding Norman Angeles y Miranda (appellant) guilty beyond reasonable doubt of violation of Section 5, Article II of Republic Act No. (RA) 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

The appellant was charged in an Information^[4] for the Illegal Sale of Dangerous Drugs, as follows:

That on or about the 26th day of October 2012 in the Municipality of Binangonan, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without having been authorized by law, did then and there willfully, unlawfully and knowingly sell, deliver and give away to POI Raul G. Paran, 0.05 gram of white crystalline substance contained in one (1) heat-sealed transparent plastic sachet, which substance was found positive to the test of Methamphetamine Hydrochloride, also known as "*shabu*", a dangerous drug, in consideration of the amount of Php 200.00, in violation of the above-cited law.

CONTRARY TO LAW.^[5]

On November 22, 2012, the appellant entered a plea of not guilty to the offense charged.^[6] After the termination of the pre-trial, trial on the merits ensued.

Version of the Prosecution

On October 26, 2012, at around 9:30 p.m., the Philippine National Police (PNP) received an information from a confidential informant (CI) that the appellant is engaged in selling illegal *drugs* in Brgy. Layunan, Binangonan, Rizal. The information was recorded in a blotter and reported to the Officer-in-Charge (OIC), who then ordered Police Officer I Raul Paran (POI Paran) and POI Rommel Bilog (POI Bilog) to verify the report and conduct a buy-bust operation.^[7]

After the police officers prepared the marked money and assembled the buy-bust team, they proceeded to the target area. Upon arrival at Valencia St.,

Brgy. Layunan, Binangonan, Rizal, PO1 Paran and the CI bought P200.00 worth of *shabu* from alias "Norman," who handed a plastic sachet to the CI.^[8] Thereafter, PO1 Paran executed the pre-arranged signal and introduced himself as a police officer to the appellant. PO1 Bilog rushed to the area and assisted PO1 Paran in arresting the appellant. PO1 Paran confiscated the marked money from the appellant and recovered the sachet of white crystalline substance from the CI. PO1 Paran marked the sachet with the marking "NOR." The police officers then conducted an inventory in the presence of a media representative, Tata Rey Abella of DWDO Radio.^[9] After which, they brought the appellant to the police station and detained him. PO1 Paran personally brought the seized plastic sachet of white crystalline substance to the crime laboratory. After the laboratory examination, the forensic chemist found the specimen positive for 0.05 gram of Methamphetamine Hydrochloride or *shabu*, an illegal drug.^[10]

Version of the Defense

The appellant interposed the defense of denial.

Appellant insisted that no buy-bust operation took place. He testified that on October 26, 2012, between 8:00 p.m. to 9:00 p.m., he was lying in his bed when he noticed three men inside their compound. ^[11] A man suddenly pointed a gun at him, frisked him, searched his house, and arrested him without any valid reason.^[12] Appellant asserted that he was illegally charged, tried, and convicted for an offense that he never committed.

The Ruling of the RTC

The RTC found the appellant guilty beyond reasonable doubt of illegal sale of 0.05 gram of *shabu*, sentenced him to suffer life imprisonment, and ordered him to pay a fine of P500,000.00. The dispositive portion of the Decision reads:

In light of the above, we find the accused Nom1an Angeles GUILTY beyond reasonable doubt of violating Section 5, Article II, R.A. No. 9165 and sentence him to suffer a penalty of life imprisonment and to pay a fine of P500,000.00. Let the drug samples in this case be forwarded to the Philippine Drug Enforcement Agency (PDEA) for proper disposition. Furnish PDEA with a copy of this Decision per OCA Circular No. 70-2007.

SO ORDERED.^[13]

The RTC ruled that the testimonies of the prosecution witnesses do not suffer any discrepancy; thus, they should be given full weight and credit. It further found that all the elements of illegal sale of dangerous drugs were proven by the prosecution beyond reasonable doubt, and that the chain of custody over the seized sachet with *shabu* was properly established.

Unfazed, the appellant appealed to the CA.

In the Appellant's Brief,^[14] the appellant argued that the chain of custody was broken from the beginning when the prosecution failed to present the CI. The

appellant insisted that the prosecution should have presented the CI, who handed over the sachet of *shabu* to POI Paran for marking purposes. Accordingly, the first link to the chain of custody was immediately broken.^[15] The appellant likewise faulted the police officers for failing to comply with the requirements under Section 21, Article II of RA 9165, and to provide an explanation for the noncompliance thereto,^[16] Further, he maintained that the operation was not a valid entrapment. but an instigation which is proscribed by the law. ^[17]

On the other hand, the Office of the Solicitor General (OSG) pointed out in the Appellee's Brief ^[18] that the chain of custody was never broken. It asserted that it is common knowledge and practice that law enforcement agencies do not allow their confidential informants to be presented in court since it will expose their cover and identities; thus, the agency will lose their assets.^[19] It highlighted that the testimonies of the prosecution witnesses are more than sufficient to prove that an illegal sale of *shabu* took place. Moreover, the OSG maintained that all the elements of the offense charged were proven with moral certainty. It argued that the operation was a valid buy-bust operation, and not an instigation.^[20] Accordingly, the act of the operatives in asking the appellant if he has *shabu* for sale and purchasing it from the latter is not an instigation.

The Ruling of the CA

On June 10, 2015, the CA dismissed the appeal for lack of merit. The CA agreed with the RTC that the chain of custody was never broken despite the non-presentation of the CI. It upheld the credibility of the prosecution witnesses' testimonies^[21] that established the chain of custody of the subject seized sachet of *shabu*-from its confiscation from the appellant until it was forwarded to the crime laboratory. Also, it ruled that the operation was not an instigation, and that the appellant was caught in flagrante delicto during a valid entrapment operation.^[22] The CA disposed of the case as follows:

WHEREFORE, the appeal is DISMISSED. The Decision dated January 30, 2014. is AFFIRMED with MODIFICATION in that accused-appellant is not eligible for parole. The Decision is affirmed in all other respects.

SO ORDERED.^[23]

Aggrieved, the appellant appealed to the Court.^[24]

Our Ruling

The Court grants the appeal.

The main issues in the case hinge on the determination of whether the elements of illegal sale of dangerous drugs were all satisfied, and whether the integrity and evidentiary value of the sachet containing *shabu* were duly preserved by complying with the requirements provided under Section 21, Article II of RA 9165.

The appellant was charged with an offense involving a 0.05 gram of *shabu*, defined

and punished under Section 5, Article II of RA 9165. In any criminal prosecution, the accused is to be presumed innocent unless proven guilty beyond reasonable doubt. No less than our Constitution under paragraph 2 of Section 14, Article III mandates that the accused shall be presumed innocent until the contrary is proved. In addition, Section 2, Rule 134 of the Rules of Court specifically provides that "*[i]n a criminal case, the accused is entitled to an acquittal, unless his guilt is shown beyond reasonable doubt.*"

In resolving a criminal case, the burden of proof rests with the prosecution, which must rely on the strength of its own evidence and not on the weakness of the defense.^[25] Proof beyond reasonable doubt, or that quantum of proof sufficient to produce a moral certainty as to convince and satisfy the conscience of those who act in judgment is indispensable to overturn the constitutional presumption of innocence.^[26]

In prosecutions involving narcotics, the narcotic substance itself constitutes the *corpus delicti* of the offense and the fact of its existence is *vita* to sustain a judgment of conviction beyond reasonable doubt.^[27]

In *People v. Guerrero*^[28] the Court discussed:

x x x "by the very nature of anti-narcotics operations, the need for entrapment procedures, the use of shady characters as informants, the ease with which sticks of marijuana or grams of heroin can be planted in pockets or hands of unsuspecting provincial hicks, and the secrecy that inevitably shrouds all drug deals, the possibility of abuse is great." Thus, while it is time that a buy-bust operation is legally effective and proven procedure, sanctioned by law, for apprehending drug peddlers and distributors, the law nevertheless requires strict compliance with procedures laid down by it to ensure that rights are safeguarded.^[29]

In deciding cases involving minuscule amounts of illegal drugs, courts are reminded to exercise a higher level of scrutiny.^[30] The Court mandated that there should be stricter compliance with the rules when the amount of the dangerous drug is minute due to the possibility that the seized item could be tampered.^[31] In the case at bench, the seized plastic sachet of *shabu* is 0.05 gram; thus, the Court has every reason to carefully scrutinize whether the law enforcers complied with the procedures outlined by the law. The Court is aware that, in some instances, law enforcers resort to the practice of planting evidence to extract information from or even to harass civilians.^[32] The Court has repeatedly been issuing warnings to trial courts to exercise extra vigilance in trying drug cases, lest an innocent person is made to suffer the unusually severe penalties for drug offenses.^[33]

To successfully prosecute a case for illegal sale of dangerous drugs the following elements must be proven beyond reasonable doubt: (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.^[34] The delivery of the illicit drugs to the *poseur*-buyer and the receipt of the marked money by the seller successfully consummate the buy-bust transaction.^[35] What is material, therefore, is the proof that the transaction transpired, coupled with the presentation in court of the

corpus delicti, as evidence.^[36]

In cases involving dangerous drugs, the dangerous drug itself constitutes the *corpus delicti*; thus, its identity and integrity must be shown by the State to have been preserved.^[37] Consequently, the prosecution has to account for all the links in the chain of custody of the dangerous drug, from the moment of seizure from the accused until it is presented in court as proof of *corpus delicti*.^[38] Hence, the necessity of observing the chain of custody requirement under Section 21, Article II of RA 9165, and its Implementing Rules and Regulations (IRR). These specific procedural requirements must be followed by the law enforcers and the prosecution must adduce evidence that has to be observed in proving the elements of the defined offense. The intention of the law is to prevent abuse by the law enforcers who have all the power and control during an operation.

Section 1(b) of Dangerous Drugs Board Regulation No. 1 Series of 2002 which implements RA 9165, provides for the definition of *chain of custody*, viz.:

Sec. 1. Definition of Terms- x x x

b. "Chain of Custody" means the duly recorded authorized movements and custody of seized drugs or controlled chemicals or plant sources of dangerous drugs or laboratory equipment of each stage, from the time of seizure/confiscation to receipt in the forensic laboratory to safekeeping to presentation in court for destruction. Such records of movements and custody of seized item shall include the identity and signature of the person who held temporary custody of the seized item, the date and the time when such transfer of custody were made in the course of safekeeping and use in court as evidence, and the final disposition.
(Italics supplied)

The purpose of the chain of custody requirement is to ensure that the integrity and evidentiary value of the seized items are preserved, so much so that unnecessary doubts as to the identity of the evidence are removed.^[39] To avoid any doubt, the prosecution must show the continuous whereabouts of the exhibit at least between the time it came into possession of the police officers and until it was tested in the laboratory to determine its composition up to the time it was offered in evidence.^[40] This includes testimony about every link in the chain, from the moment the item was picked up to the time it is offered into evidence, in such a way that every person who touched the exhibit would describe how and from whom it was received, where it was and what happened to it while in the witness' possession, the condition in which it was received and the condition in which it was delivered to the next link in the chain.^[41] These witnesses would then describe the precautions taken to ensure that there had been no change in the condition of the item and no opportunity for someone not in the chain to have possession of the same.^[42]

Under Section 3 of Dangerous Drugs Board Regulation No. 2, Series of 2003,^[43] chain of custody refers to procedures to account for each specimen by tracking its handling and storage from point of collection to final disposal. These procedures require that the applicant's identity is confirmed and that a Custody and Control Form is used from the time of the collection of the specimen to receipt by the