

## THIRD DIVISION

[ G.R. No. 222563, July 23, 2018 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
REYNALDO ROJAS Y VILLABLANCA, JR., ACCUSED-APPELLANT.**

### D E C I S I O N

**BERSAMIN, J.:**

The failure of the arresting officers to explain the lapses in their compliance with the safeguards imposed by law for preserving the integrity of the confiscated substances as evidence of the *corpus delicti* entitles the accused to acquittal on the ground of failure of the State to establish guilt beyond reasonable doubt.

#### The Case

Reynaldo Rojas y Villablanca, Jr. (Reynaldo) assails the decision promulgated on August 20, 2015,<sup>[1]</sup> whereby the Court of Appeals (CA) affirmed the decision rendered on November 8, 2012 in Criminal Case No. 5856 (21884) and Criminal Case No. 5857 (21885) by the Regional Trial Court (RTC), Branch 13, in Zamboanga City finding him guilty beyond reasonable doubt of violations of Section 5 and Section 11, Article II of Republic Act No. 9165 (*Comprehensive Dangerous Drugs Act of 2002*).<sup>[2]</sup>

#### Antecedents

The informations filed against Reynaldo alleged thusly:

#### **Criminal Case No. 5856 (21884)**

That on or about August 11, 2005, in the City of Zamboanga, Philippines, and within the Jurisdiction of this Honorable Court, the above named accused not being authorized by law to sell, deliver, transport, distribute or give away to another any dangerous drugs did then and there willfully, unlawfully, and feloniously sell and deliver to PO1 Albert Gonzales Santiago PNP Zamboanga City Mobile Group, who acted as poseur buyer one (1) piece heat-sealed transparent plastic sachet containing white crystalline substance weighing 0.0162 gram which when subjected to qualitative examination gave positive result to the test for the presence of methamphetamine hydrochloride (*shabu*) accused knowing the same to be a dangerous drugs in flagrant violation of the above mentioned law.

Contrary to Law.<sup>[3]</sup>

#### **Criminal Case No. 5857 (21885)**

That on or about August 11, 2005, in the City of Zamboanga, Philippines, and within the Jurisdiction of this Honorable Court, the above named accused not being authorized by law did then and there willfully, unlawfully, and feloniously have in his possession and under his custody and control (1) piece heat-sealed transparent plastic sachet containing white crystalline substance weighing 0.0145 gram which when subjected to qualitative examination gave positive result to the test for the presence of methamphetamine hydrochloride (*shabu*) accused knowing the same to be a dangerous drugs in flagrant violation of the above mentioned law.

Contrary to Law.<sup>[4]</sup>

The respective versions of the parties were summarized by the CA in the following manner:

*The version of the Prosecution*

Culled from the testimonies of the prosecution's witnesses, namely: PO2 Albert Santiago (PO2 Santiago), SPO3 Ireneo Bunac (SPO3 Bunac), and PSI Melvin Manuel (PSI Manuel), and from the documentary evidence submitted in court are the following antecedents:

At around 9:00 o'clock in the evening of 11 August 2005, a civilian informant arrived at the Zamboanga City Mobile Office (ZCMO) of the Philippine National Police at Sta. Barbara, Zamboanga City and reported to SPO3 Bunac that a certain "Jung-jung" was selling *shabu* at Presa Camino Nuevo. Consequently, SPO3 Bunac informed their Acting Commander PSI Diomarie Albarico about the report and the latter instructed him to conduct a short briefing for a possible buy-bust operation against a certain "Jung-jung."

During the briefing, it was agreed that PO2 Santiago would act as the poseur-buyer, SPO3 Bunac would be the arresting officer and the rest of the buy-bust team would serve as the back-up. It was further agreed that PO2 Santiago would buy *shabu* using the P100.00 marked money with serial no. FX 030478 and the pre-arranged signal would be the removal of PO2 Santiago's bull cap.

After the briefing, the buy-bust team together with the confidential informant immediately proceeded to the target area at Presa Camino Nuevo using four (4) motorcycles. They parked their motorcycles along the highway as Presa Camino Nuevo is located at the interior portion of Canelar St. Then they walked towards the target area passing through the rip-rap along the river and the foot-bridge until they reached the house of "Jung-jung."

At the target area, the buy-bust team saw "Jung-jung," the suspected drug pusher, standing outside his house and the confidential informant approached "Jung-jung" while PO2 Santiago followed the confidential informant. The latter talked with "Jung-jung" in chavacano dialect and

PO2 Santiago was introduced to "Jung-jung" informing the latter that PO2 Santiago wanted to buy *shabu*. PO2 Santiago handed the P100.00 to "Jung-jung" and the latter took from the right pocket of his jacket a sachet of suspected *shabu* and handed it to PO2 Santiago. When PO2 received it, he executed the pre-arranged signal by removing his bull cap.

Consequently, SPO3 Bunac rushed towards PO2 Santiago and arrested "Jung-jung." SPO3 Bunac recovered from "Jung-jung" the P100.00 marked money and another one (1) heat-sealed transparent plastic sachet of suspected *shabu* from the right pocket of "Jung-jung." SPO3 Bunac called, through his hand held radio, their vehicle, LRU Alpha, in order to conduct "Jung-jung." The buy-bust team brought "Jung-jung" to the highway where the LRU Alpha was waiting. On their way to their office in ZCMO, they passed by first at the Barangay Hall of Camino Nuevo for inventory. At the Barangay Hall, SPO3 Bunac conducted an inventory in the presence of "Jung-jung," Barangay Captain Antonio Delles (Delles), and the rest of the buy-bust team and he let Barangay Captain Delles sign the Inventory of Seized/Confiscated Items. Thereafter, they proceeded to their office at Sta. Barbara. It was later learned that the real name of "Jung-jung" is Reynaldo Rojas, the accused-appellant in this case.

At the ZCMO, PO2 Santiago marked the sachet of suspected *shabu* subject of the buy-bust operation with his initials "AGS" which stands for Antonio Gonzales Santiago. He then turned it over to their investigator PO3 Daniel Taub (PO3 Taub). Likewise, SPO3 Bunac marked with his initials "IPB" the other sachet of suspected *shabu* found in the possession of the accused-appellant and turned it over also to investigator PO3 Taub.

The testimony of PSI Manuel was dispensed with by the parties after the defense stipulated on the following: that he is an expert in the field of chemistry; that the Regional Crime Laboratory Office-09 received on 12 August 2005 a written request from Zamboanga City Mobile Group (ZCMG) 09 for the examination of two (2) plastic sachets containing white crystalline substance suspected to be *shabu* marked with "AGS, DLT-BB" and "IPB, DLT-P," respectively, and that the Chemistry Report on the quantitative and qualitative examinations of the two (2) sachets show that the sachet with "AGS, DLT-BB" has a weight of 0.0162 gram while the other sachet with "IPB, DLT-P" has a weight of 0.0145 gram and both sachets were positive to the test of the presence of methamphetamine hydrochloride or *shabu*.

#### *The version of the Defense*

The defense presented its lone witness, the accused-appellant himself. From his testimony are the following antecedents:

At around 9:00 to 10:00 o'clock in the evening of 11 August 2005, accused-appellant, who was sick at that time, was at the store located about 150 meters from their house at Presa, Canelar to buy medicine. When he was about to go home, he saw six (6) persons from a distance

of 20-25 meters from where he was and he also saw a motorized tricycle entering the alley. He noticed that there were five (5) armed men in civilian attire inside the tricycle. While the tricycle entered, he saw the six (6) persons scamper to different directions and some of them ran towards him. He was scared when two (2) of the armed men alighted from the tricycle and went towards him. He went to particular corner but the two (2) armed men approached him and asked him where were those persons who ran away. He told these armed men that he did not know where they went but they insisted and forced him to tell them where those persons were. Then a motorcycle arrived and the driver thereof, who was also armed, pointed to him and said "that is the one." The armed men forced him to go with them because he was allegedly the companion of a certain "Ben," a tough guy from their neighborhood.

Accused-appellant was then brought by the armed men to the police station. Thereat, he was made to enter a particular room and one of the policemen asked him where this certain "Ben" was hiding. He could not disclose where this "Ben" was at that time because he was afraid that "Ben" might turn against him and kill him. He was then told by one of the policemen that if he could not tell them where this "Ben" was hiding, he could settle his problem and he would be released if he paid P10,000.00. He asked the policemen what his fault was and the policemen told him it was about drugs. He told the policemen that he did not have P10,000.00 because he and his father were only construction workers. Then one of the policemen lowered the amount demanded from P10,000.00 to P5,000.00 and he was given until the following morning to pay the reduced amount. He wanted to contact his father but he was not allowed to use any of the cellphones of the policemen. He was then assured by the policemen that his relatives would be notified and would visit him the following morning. However, nobody visited him the following morning and he was brought to the hall of justice. He was also told by the policemen that a drug case would be filed against him so that they could report some kind of an accomplishment considering that the policemen failed to arrest "Ben."

From the hall of justice, accused-appellant was brought to the city jail. His relatives knew of his arrest when Pinky Guanzon, who is also a friend of accused-appellant, informed the neighbor of accused-appellant's father. Pinky Guanzon saw the incident leading to the arrest of accused-appellant although she did not know at that time that the person arrested was accused-appellant. Pinky Guanzon is allegedly already in Cebu and she could not testify for the accused-appellant.

Accused-appellant denied that the policemen were able to buy *shabu* from him and another sachet of *shabu* was taken from his possession. He likewise denied that an inventory was conducted by the policemen in relation to the case.<sup>[5]</sup>

### **Judgment of the RTC**

As stated, the RTC convicted Reynaldo as charged, disposing:

**WHEREFORE, IN THE LIGHT OF ALL THE FOREGOING**, this Court finds:

- (1) In Criminal Case No. 5856 **(21884)**, accused **REYNALDO ROJAS Y VILLABLANCA, JR., guilty** beyond reasonable doubt for violating Section 5, Article II of the Comprehensive Dangerous Drugs Act of 2002 (R.A. 9165) and sentences him to suffer the penalty of LIFE IMPRISONMENT and pay a fine of FIVE HUNDRED THOUSAND PESOS (P500,00.00) [sic] without subsidiary imprisonment in case of insolvency; and
- (2) In Criminal Case No. 5857 **(21885)**, accused **REYNALDO ROJAS Y VILLABLANCA, JR., guilty** beyond reasonable doubt for violating Section 11, Article II of the Comprehensive Dangerous Drugs Act of 2002 (R.A. 9165) and sentences him to suffer the penalty of 12 YEARS AND 1 DAY TO 14 YEARS OF IMPRISONMENT and pay a fine of Three hundred THOUSAND PESOS (P300,000.00) without subsidiary imprisonment in case of insolvency.

**SO ORDERED.**<sup>[6]</sup>

The RTC considered the testimonies of the Prosecution's witnesses credible but dismissed the version of Reynaldo as ridiculous. It observed that Reynaldo's claim of frame-up and his denial were uncorroborated; and concluded that the evidence of the Prosecution proved the guilt of the accused for the crimes charged beyond reasonable doubt.

### **Decision of the CA**

On appeal, the CA affirmed Reynaldo's conviction, holding that the State established all the elements of the crimes charged; and that the chain of custody of the seized drugs was preserved, thereby securing the integrity of the confiscated drugs. It decreed:

WHEREFORE, the appeal is DENIED and the assailed Decision dated 08 November 2012 of Branch 4 of the Regional Trial Court of Zamboanga City, in Criminal Case Nos. 5856 (21884) and 5857 (21885) is hereby AFFIRMED.

**SO ORDERED.**<sup>[7]</sup>

Hence, this appeal.

The Office of the Solicitor General (OSG), representing the People, and the Public Attorney's Office (PAO), representing Reynaldo, separately manifested that they were no longer filing supplemental briefs, and prayed that their respective briefs in the CA be considered in resolving the appeal.<sup>[8]</sup>

### **Issue**

In his appellant's brief, Reynaldo insisted that he had been framed up, and had nothing to do with the seized drugs; that the police operatives had not observed the