

THIRD DIVISION

[G.R. No. 206880, June 29, 2016]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ENRIQUE MIRANDA, JR. Y PAÑA @ "ERIKA" AND ALVIN ALGA Y
MIRANDA @ "ALVIN," ACCUSED-APPELLANTS.**

D E C I S I O N

PEREZ, J.:

For review is the Decision^[1] of the Court of Appeals in CA-G.R. CR-H.C. No. 04266 dated 27 June 2012, which denied the appeal of appellants Enrique Miranda, Jr. y Paña (Miranda) *alias* Erika and Alvin Alga y Miranda (Alga) *alias* Alvin and affirmed the Judgment^[2] dated 7 December 2009 of the Regional Trial Court (RTC) of Malolos City, Bulacan, Branch 76, in Criminal Case Nos. 3937-M-2003 and 3938-M-2003, finding appellants guilty beyond reasonable doubt of violation of Sections 5 and 11, Article II of Republic Act (R.A.) No. 9165, or the Comprehensive Dangerous Drugs Act of 2002.

The facts according to the prosecution are as follows:

On 7 October 2003, around nine o'clock in the morning, Police Chief Inspector Celedonio I. Morales (PCI Morales) received a word from a confidential informant that Miranda is engaged in illegal drug trade in *Barangay* Tabang, Plaridel Bulacan, and instructed said informant to make a transaction with the latter. The informant returned at five o'clock in the afternoon with the news that he had made such transaction with appellant Miranda to be executed at the latter's apartment between half past the hour, of seven to eight o'clock in the evening. PCI Morales immediately conducted a pre-operational briefing and formed a buy-bust team composed of Police Officer 1 Niño Yang (PO1 Yang), PO1 Danilo de Guzman (PO1 De Guzman), four (4) other police officers and the confidential informant. PO1 Yang was to act as the *poseur buyer*, PO1 De Guzman as the immediate back-up officer and the rest as perimeter security. The buy-bust money was two (2) One Hundred Peso (P100.00) bills marked with the initials "NY."^[3]

The buy-bust team proceeded to Miranda's place. The informant and PO1 Yang knocked on the door which appellant Alga opened. Alga then called Miranda who appeared dressed in a woman's clothing. The informant introduced PO1 Yang to Alga as the prospective buyer and PO1 Yang conveyed his intention to purchase Two Hundred Pesos (P200.00) worth of *shabu*. After Alga directed Miranda to give the *shabu*, the latter brought out and opened his make-up kit which contained five (5) plastic sachets containing white crystalline substance and gave one (1) sachet to PO1 Yang. Upon giving Miranda the two (2) One Hundred Peso (P100.00) bills as payment, PO1 Yang ignited his lighter, the pre-arranged signal for the buy-bust team to rush to the scene. PO1 Yang then introduced himself as police officer. Both appellants were placed under arrest, informed of their constitutional rights and the

reason for their arrest. Miranda was bodily searched and four (4) plastic sachets containing white crystalline substance were recovered. Alga was likewise frisked by PO1 De Guzman which search yielded the buy-bust money. Both appellants were brought to the police station for investigation and thereafter to the crime laboratory for drug tests. Miranda's urine sample tested positive for the presence of Methylamphetamine hydrochloride and marijuana while Alga's was found positive for Methylamphetamine hydrochloride.^[4]

The seized drugs were marked and turned over to PO2 Nachor who prepared a request for their laboratory examination. Four (4) of the five (5) heat-sealed plastic sachets containing white crystalline substance were confirmed to be positive for *shabu*^[5]

Miranda and Alga were jointly charged with violation of Sections 5 of Article II of R.A. No. 9165, to wit:

CRIMINAL CASE NO. 3937-M-2003

That on or about the 7th day of October 2003, in the [M]unicipality of Plaridel, Province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law and legal justification, did then and there willfully, unlawfully and feloniously sell, trade, deliver, give away, dispatch in transit and transport dangerous drug consisting of one (1) heat-sealed transparent plastic sachet of Methylamphetamine hydrochloride weighing 0.044 gram in conspiracy with each other.^[6]

Miranda was likewise charged with violation of Section 11 of Article II of R.A. No. 9165, to wit:

CRIMINAL CASE NO. 3938-M-2003

That on or about the 7th day of October 2003, in the [M]unicipality of Plaridel, Province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law and legal justification, did then and there willfully, unlawfully and feloniously have in his possession and control dangerous drug consisting of three (3) heat-sealed transparent plastic sachet of Methylamphetamine hydrochloride weighing 0.059 gram.^[7]

Upon arraignment, appellants pleaded not guilty to the offenses charged. Joint trial ensued.

The defense presented a different version of the incident. According to both appellants, corroborated by Miranda's brother, no actual buy-bust operation transpired. Instead on the date of the alleged entrapment operation, around six o'clock in the evening Alga had just arrived at Miranda's house where he had been living and was about to enter the gate, while Miranda was cooking inside, when seven (7) armed men barged in and placed both of them in handcuffs. After the men searched the house, they transported appellants to the police station and then subjected them to a drug test. Miranda claimed that at the time of specimen-taking for said drug test, he noticed that the urine specimen receptacle was not empty and had some liquid inside it.^[8]

After trial on the merits, the RTC rendered a Decision on 7 December 2009, the dispositive portion of which states:

WHEREFORE, the court renders judgment as follows:

(1) In Criminal Case No. 3937-M-2003, for having established the guilt of accused **ENRIQUE MIRANDA, JR. y PAÑA @ Erika** and **ALVIN ALGA y MIRANDA @ Alvin** beyond reasonable doubt, said accused are hereby **CONVICTED** for the charge with sale of dangerous drugs in violation of Section 5, Article II of Republic Act No. 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002" and are each sentenced to the penalty of **LIFE IMPRISONMENT** and for each to pay the fine of [F]ive [H]undred [T]housand pesos (PhP500,000.00);

(2) In Criminal Case No. 3938-M-2003, for having established the guilt of the accused **ENRIQUE MIRANDA, JR. y PAÑA @ Erika** beyond reasonable doubt, said accused is hereby **CONVICTED** for the charge with possession and control of dangerous drugs in violation of Section 11, Article II of the same law and is hereby sentenced to serve the penalty of, applying the Indeterminate Sentence Law, **IMPRISONMENT of TWELVE (12) YEARS AND ONE (1) DAY, AS THE MINIMUM PERIOD, TO THIRTEEN (13) YEARS AS THE MAXIMUM PERIOD**, and to pay the **FINE** of Five Hundred Thousand Pesos (PhP500,000.00);

As to the specimen subject matter of the two (2) above-entitled criminal cases and which are all listed in Chemistry Report No. D-757-2003, the same are hereby confiscated in favor of the government. The Branch Clerk of Court is hereby directed to dispose of the said specimen in accordance with the existing procedure, rules and regulations.

Furnish both the public prosecutor and defense counsel of this joint judgment including both the accused.^[9]

The RTC ruled that through the testimony of PO1 Yang, the prosecution was able to establish the concurrence of all the elements of illegal sale and possession of dangerous drugs. The RTC found no evil motive on the part of the police officers to falsely testify against appellants. Despite the defenses of denial, vigorous assertions of frame-up and evidence planting interposed by appellants, the failure of the police officers to conduct an inventory of the seized drugs and to take photographs of the same, requirements of Section 21 of R.A. No. 9165, the RTC held that their guilt was proven beyond reasonable doubt.

Before the Court of Appeals, appellants again decried the non-observance of the requirements of Section 21, R.A. No. 9165. The Court of Appeals ruled that despite this non-compliance, the integrity and the evidentiary value of the seized drugs have been preserved. The Court of Appeals however reduced the fine required of Miranda in the case for illegal possession of dangerous drugs from P500,000.00 to P300,000.00.^[10]

Now, before this Court on final review, after due consideration, we resolve to ACQUIT appellants on the ground of reasonable doubt.

Our Constitution mandates that an accused shall be presumed innocent until the contrary is proven beyond reasonable doubt. The burden lies with the prosecution to overcome this presumption of innocence by presenting the required quantum of evidence; the prosecution must rest on its own merits and must not rely on the weakness of the defense. If the prosecution fails to meet the required evidence, the defense does not need to present evidence on its behalf, the presumption prevails and the accused should be acquitted.^[11]

We find that the RTC and the Court of Appeals failed to consider the serious infirmity of the buy-bust team's non-observance of the rules of procedure for handling illegal drug items, particularly the requirement of an inventory and photographs of the same. In illegal drugs cases, the identity of the drugs seized must be established with the same unwavering exactitude as that required arriving at a finding of guilt.

^[12] The case against appellants hinges on the ability of the prosecution to prove that the illegal drugs presented in court are the same ones that were recovered from the appellants upon their arrest.^[13] This requirement arises from the illegal drug's unique characteristic that renders it indistinct, not readily identifiable, and easily open to tampering, alteration or substitution either by accident or otherwise.

^[14]

The required procedure on the seizure and custody of drugs embodied in Section 21 of R.A. No. 9165 ensures the identity and integrity of dangerous drugs seized. The provision requires that upon seizure of the illegal drug items, the apprehending team having initial custody of the drugs shall (a) conduct a physical inventory of the drugs and (b) take photographs thereof (c) in the presence of the person from whom these items were seized or confiscated and (d) a representative from the media and the Department of Justice and any elected public official (e) who shall all be required to sign the inventory and be given copies thereof.

The Court has emphasized the import of Section 21 as a matter of substantive law that mandates strict compliance. The Congress laid it down as a safety precaution against potential abuses by law enforcement agents who might fail to appreciate the gravity of the penalties faced by those suspected to be involved in the sale, use or possession of illegal drugs. Only by such strict compliance may the grave mischiefs of planting or substitution of evidence and the unlawful and malicious prosecution of the weak and unwary that the law intended to prevent may be eliminated. Under the principle that penal laws are strictly construed against the government and liberally in favor of the accused, stringent compliance therewith is fully justified.^[15]

Herein, the requirements of physical inventory and photograph-taking of the seized drugs were not observed. This noncompliance raises doubts whether the illegal drug items used as evidence in both the cases for violation of Section 5 and Section 11 of R.A. No. 9165 were the same ones that were allegedly seized from appellants. PO1 Yang significantly testified as follows:

Q: Have you issued any receipt regarding what was allegedly seized from the accused?

A: The inventory sheet? Only the request which we brought there at the Crime Laboratory Office, sir.

Q: So you have not prepared any inventory?

A: None, Sir.