790 Phil. 142

THIRD DIVISION

[G.R. No. 206927, July 13, 2016]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DARIUS RENIEDO Y CAUILAN, ACCUSED-APPELLANT.

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 HC No. 04693 dated 29 June 2012, which denied the appeal of appellant Darius Reniedo y Cauilan and affirmed the Decision[2] dated 29 January 2010 of the Regional Trial Court (RTC) of Pasig City, Branch 68, in Criminal Case Nos. 13467-D and 13468-D, finding appellant guilty beyond reasonable doubt of violation of Sections 5 and 11, Article 11 of Republic Act (R.A.) No. 9165, or the Comprehensive Dangerous Drugs Act of 2002.

The prosecution built its case on the theory that the police officers apprehended appellant during a buy-bust operation. During said buy-bust operation, appellant allegedly sold one (1) plastic sachet of *shabu* to poseur buyer while a search on appellant's person yielded two (2) plastic sachets of *shabu* which the police seized.

Police Officer 1 Gener A. Antazo (PO1 Antazo) of the San Juan Police Station Drug Enforcement Unit, was the lone witness for the prosecution. Following are the facts according to the prosecution:

On 27 April 2004, around quarter past the hour of five in the afternoon, PO1 Antazo received a phone call from his confidential informant that a person was selling *shabu* in Tuberias Street, *Barangays* Perfecto and Batis, San Juan. The illegal drugs seller was described as male, shirtless, wearing khaki shorts, with a handkerchief tied around his head. PO1 Antazo relayed this information to his chief, Police Inspector Ricardo de Guzman, who then instructed the former together with PO2 Paolo Tampol, PO2 Neil Edwin Torres (PO2 Torres) and PO3 Paolo Marayag to conduct a buy-bust operation. PO1 Antazo was designated as *poseur buyer* and was given two (2) Fifty Peso (P50.00)-bills as buy-bust money, both marked with "x" at the dorsal portion.[3]

PO1 Antazo and the team proceeded to the target area. They parked their vehicle at a nearby street and walked through an alley to get to Tuberias Street. PO1 Antazo then met with his informant who led him to a group of men playing "*tong its,* " a card game. PO1 Antazo approached appellant and told him, "*Pare, paiskor,*" to which appellant asked in reply, *"Ilan?"* PO1 Antazo replied, *"Piso lang,*" literally One Peso (P1.00) only but really meant One Hundred Pesos (P100.00) only. Appellant took the money from PO1 Antazo while handing the latter a plastic sachet containing white crystalline substance believed to be *shabu*. PO1 Antazo scratched his head, the pre-arranged signal for the other members of the team to rush to the scene.

PO1 Antazo introduced himself as a police officer and arrested appellant. When asked to empty his pocket, a *Clorets* candy case containing two (2) more plastic sachets containing white crystalline substance suspected to be *shabu* was recovered from appellant. The buy-bust money was also recovered from his person. The sachets were accordingly marked while appellant was handcuffed and brought to the San Juan Police Station. At the police station, PO1 Antazo prepared the booking sheet and arrest report and handed the seized drugs to PO1 Rio G. Tuyay and then turned them over to the crime laboratory.[4] The laboratory examination on the sachets yielded positive results for the presence of *Methamphetamine Hydrochloride*, a dangerous drug.[5]

Appellant was charged with violation of Sections 5 and 11 of Article II of R.A. No. 9165, to wit:

CRIMINAL CASE NO. 13467-D

> That, on or about the 27th day of April 2004, in the Municipality of San Juan, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without being authorized by law, did, then and there willfully, unlawfully and knowingly sell, deliver and give away to another 0.04 gram of white crystalline substance contained in one (1) heat-sealed transparent plastic sachet, which was found positive to the test for Methamphetamine Hydrochloride, also known as *shabu,* a dangerous drug, in consideration of Php 100.00, and in violation of the above-cited law.[6]

CRIMINAL CASE NO. 13468-D

> That, on or about the 27th day of April 2004, in the Municipality of San Juan, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without being authorized by law to possess any dangerous drug, did, then and there willfully, unlawfully and knowingly possess 0.06 gram and 0.06 gram, respectively, or a total of 0.12 gram of white crystalline substance separately contained in two (2) heat-sealed transparent plastic sachets, which was found positive to the test for Methylamphetamine Hydrochloride commonly known as "shabu", a dangerous drug, in violation of the above-cited law.[7]

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

The defense presented a different version of the incident.

Appellant testified that on the date of the alleged buy-bust operation, around four o'clock in the afternoon, he was playing cards with two (2) of his neighbors when four police officers arrived and attempted to frisk them. He had known two of the men as police officers as they frequented the place to make arrests. Appellant initially refused to be searched but later agreed when chided by one of the officers

that he would not reject said search if he had nothing to hide. The police officers then invited appellant and his two (2) neighbors to the police station where they were separately interviewed. PO2 Torres tried to extort P15,000.00 from appellant in exchange for the non-filing of charges against him. Appellant denied this offer which response so infuriated PO2 Torres that he incarcerated appellant. The next day, appellant was subjected to inquest proceedings for violation of Sections 5 and 11, Article II of R.A. No. 9165.[8]

After trial on the merits, the RTC rendered a Decision on 29 January 2010, the dispositive portion of which states:

> **WHEREFORE**, premises considered, the [c]ourt hereby renders judgment finding the accused **DARIUS RENIEDO *y* Cauilan "GUILTY"** on both charges beyond reasonable doubt for violation of Section 5 (Sale), Article II of RA 9165 and sentences him to suffer the penalty of ***Reclusion Perpetua*** and to pay the fine of Php500,000.00 and for violation of Section 11 (Possession), Article II of RA 9165 and sentences him to suffer the penalty of twelve (12) years and one (1) day lo fourteen (14) years and to pay a fine of Php300,000.00. All items confiscated in these cases are ordered forfeited in favor of the government.[9]

The RTC ruled that through the lone and uncorroborated testimony of PO1 Antazo, the prosecution was able to establish the concurrence of all the elements of illegal sale and possession of dangerous drugs. The RTC held that the witness, being a police officer, enjoyed the presumption of regularity in the performance of his duties; and that his credibility was strengthened when the accused opted to utilize the inherently weak defenses of denial and frame-up.

Before the Court of Appeals, appellant again asserted that there were gaps in the chain of custody of the seized drugs and decried the non-observance of the requirements of Section 21, R.A. No. 9165 by the police officers. The Court of Appeals ruled that there had been compliance with the requirements of the law and that the integrity and the evidentiary value of the seized drugs have been preserved. The Court of Appeals however modified the penalties. In Criminal Case No. 13467-D, the appellate court changed the penalty from *reclusion perpetua* to life imprisonment in accordance with law; while in Criminal Case No. 13468-D, appellant was meted out the indeterminate sentence of Twelve (12) years and One (1) day, as minimum, to Fourteen (14) years, as maximum.[10]

On final review before this Court, after due consideration, we resolve to acquit appellant on the ground of reasonable doubt.

We reiterate the constitutional mandate 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 break in the chain of custody of the seized drugs and the serious infirmity of the buy-bust team's non-observance of the rules of procedure for handling illegal drug items. In illegal drugs cases, the identity of the drugs seized must be established with the same unwavering exactitude as that required to arrive at a finding of guilt.[12] The case against appellant hinges on the ability of the prosecution to prove that the illegal drug presented in court is the same one that was recovered from the appellant upon his 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 chain-of-custody rule is a method of authenticating evidence, by which the *corpus delicti* presented in court is shown to be one and the same as that which was retrieved from the accused or from the crime scene.[15] The records in the instant case only show that PO1 Antazo marked the illegal drugs seized from appellant and turned them over to PO1 Rio Tuyay who made the request for the laboratory examination of the same.[16] The records do not show who had custody of the seized drugs in transit from the crime scene to the police station; who actually delivered the same to the crime laboratory and who received it there; and who had possession and custody of the same after laboratory examination and pending presentation as evidence in court. These crucial details were nowhere to be found in the records. Curiously, PO1 Antazo was the prosecution's sole witness who testified on the supposed trail of the custody of illegal drugs from seizure to presentation in court. And PO1 Antazo's very testimony is telling of the maladroit handling of the contraband, to wit:

> PROSEC. GARAFIL-
>
> After marking the "shabu" and the plastic casing of clorets, what did you do'?
>
> WITNESS -
>
> We brought it to the crime laboratory. First, I turned it over to the investigator and then the investigator made a request and I turned it over to the crime laboratory for investigation, ma'am.
>
> PROSEC. GARAFIL-
>
> Who is the investigator?
>
> WITNESS -
>
> PO1 Tuyay, ma'am.
>
> PROSEC. GARAFIL-
>
> Do you know if the shabu and the cloret plastic casing were brought to the crime laboratory?