



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 242018

Present:

- versus -

CARPIO, J., Chairperson,
PERLAS-BERNABE,
CAGUIOA,
J. REYES, JR., and
LAZARO-JAVIER, JJ.

LYNDON CAÑETE y
FERNANDEZ and PETERLOU
PIMENTEL y BENDEBEL,
Accused-Appellants.

Promulgated:

03 JUL 2019

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DECISION

CAGUIOA, J.:

Before the Court is an appeal¹ under Section 13(c), Rule 124 of the Rules of Court from the Decision² dated April 24, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 01688-MIN. The CA Decision affirmed the Decision³ dated March 31, 2017 of the Regional Trial Court of Pagadian City, Branch 20 (RTC), in Criminal Case No. 10417-2K12, which found herein accused-appellants Lyndon Cañete y Fernandez and Peterlou Pimentel y Bendebel (collectively, accused-appellants) guilty of violation of Section 5, Article II of Republic Act No. (RA) 9165,⁴ otherwise known as the *Comprehensive Dangerous Drugs Act of 2002*.

The Facts

An Information was filed against accused-appellants for violation of Section 5, RA 9165, which reads in part:

* Lyndon is also spelled as "Lydon" and Cañete also appears as "Canete" in some parts of the records.
¹ See Notice of Appeal dated August 10, 2018; *rollo*, pp. 21-23.
² *Rollo*, pp. 3-20. Penned by Associate Justice Ruben Reynaldo G. Roxas, with Associate Justices Edgardo T. Lloren and Oscar V. Badelles concurring.
³ *CA rollo*, pp. 34-38. Penned by Presiding Judge Dennis P. Vicoy.
⁴ AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES (2002).

“That on the 17th of January 2012, at 5:00 o’clock in the afternoon, more or less, in Poblacion, Tukuran, Zamboanga del Sur, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating with one another and without having been authorized by law, did then and there willfully, unlawfully and feloniously sell and deliver to IO1 Rolly Calangi, a member of PDEA, who posed as buyer, one heat sealed transparent plastic sachet containing methamphetamine hydrochloride or *shabu* for Three Hundred Pesos (P300.00), knowing the same to be a dangerous drug.

CONTRARY TO LAW.”⁵

When arraigned, accused-appellants entered a plea of “not guilty.”⁶ Trial on the merits ensued.

The records present two versions of the antecedents. As gathered by the CA, the prosecution’s version is as follows:

On 17 January 2012, the Philippine Drug Enforcement Agency (PDEA) Provincial Office, Pagadian City received a report from a confidential informant regarding appellants’ drug activities. Acting on this report, Agent Pollisco conducted a buy-bust briefing with the confidential informant, Agent Rolly R. Calangi, Agent Alerta, Agent Judilla, and member of the Provincial Intelligence Branch.

During the briefing, Agent Calangi was designated as poseur-buyer and was given P300.00 worth of buy-bust money. Agent Alerta, on the other hand, was designated as back-up arresting officer.

Thereafter, the buy-bust team proceeded to the target area at Tukuran, Zamboanga del Sur. Upon reaching a billiard hall behind the Freedom Stage, the confidential informant alighted from his motorcycle and entered the hall, while the rest of the team positioned themselves along the National Highway.

A few moments later, the confidential informant went out of the billiard hall with appellant [Peterlou Pimentel (Pimentel)], and introduced Agent Calangi to the latter as an interested buyer of shabu. Pimentel told Agent Calangi that a sachet of shabu costs P300.00. Agent Calangi signified his interest to buy a sachet and handed the buy-bust money to Pimentel.

Pimentel then called someone inside the billiard hall, from where emerged appellant [Lyndon Cañete (Cañete)]. Pimentel gave the buy-bust money to Cañete and returned inside the billiard hall. Cañete, on the other hand, went across the road. As instructed by Pimentel, Agent Calangi waited for Cañete’s return.

After about five minutes, Cañete returned and handed to Agent Calangi something wrapped in cigarette foil. Upon inspection, Agent Calangi found the foil to contain a sachet of shabu. He then placed the foil and sachet inside his pocket and immediately proceeded to the buy-bust

⁵ *Rollo*, p. 4.

⁶ *Id.*

team's location, together with the confidential informant, while Cañete re-entered the billiard hall.

Agent Calangi told the buy-bust team of the transaction that transpired and showed to them the cigarette foil with the sachet of shabu. The buy-bust team decided to return to the billiard hall, leaving the confidential informant behind.

Upon reaching the billiard hall, Agent Calangi saw Cañete sitting on a bench, while Pimentel was standing near a billiard table. He immediately approached and held Cañete and identified himself as a PDEA agent. Upon Agent Calangi's instructions, Agent Alerta, on the other hand, approached and held Pimentel. Both appellants were bodily searched and placed on (*sic*) handcuffs after being informed of the cause of their arrest and their Miranda rights. During the search, Agent Calangi recovered from Cañete the P300.00 buy-bust money.

As people were starting to gather, Agent Pollisco decided to move his team and appellants out of the vicinity. They proceeded to their service vehicle, where Agent Calangi marked the confiscated evidence, viz:

Item No. 1 – Quantity 1 Heat-sealed transparent sachet containing white crystalline substance suspected to be shabu (buy-bust evidence) with markings RRC BB dated 1-17-12;

Item No. 2 – Quantity 1 Aluminum Foil with markings RRC-1 dated 1-17-12;

Item No. 3 – Quantity 1 Cigarette Foil with Markings RRC-2 dated 1-17-12; and

Item No. 4 – Quantity 3 P100 Bills Buy-Bust Money with Serial Numbers AZO75114; AZO75119 and AZO75114[.]

With Agent Calangi still in custody of the seized evidence, the buy-bust team proceeded to the PDEA Office in Pagadian City. However, due to a power interruption, the team had to go instead to the Provincial Intelligence Branch Office to conduct an inventory of the evidence. Present during the inventory were appellants, media representative Vanessa Cagas, elected official Ernesto Mondarte, and Department of Justice Representative Prosecutor Mary Ann Tugbang-Torres.

Thereafter, the investigator, Agent Decano, took a photograph of the evidence. A letter request for laboratory examination was likewise prepared and submitted by Agent Calangi to the Zamboanga del Sur Crime Laboratory.

PSI Christine Grace Bustillo received the letter request and examined the submitted specimen, which tested positive for methamphetamine hydrochloride or shabu.⁷

Meanwhile, accused-appellants rely on a different narration of facts for their defense, to wit:

⁷ Id. at 4-6.

At around 5:00 o'clock in the afternoon on January 17, 2012 at Poblacion, Tukuran, Lyndon was working as a watcher for Jun Bangas' Billiard Hall ("billiard hall" for brevity); when suddenly, an unknown female and two (2) unknown armed males approached him, pointing their gun at him. They grabbed him and pulled his arms behind his back.

Thereafter, he was bodily searched twice by these operatives and recovered from him, more or less, is [sic] P600.00 sum of money in P20.00 and P50.00 bills. The money recovered from him are payments made to him by the players of the billiard hall. He was then brought inside a white colored vehicle.

Lyndon and the three (3) unknown persons left Tukuran and made a stop-over at Park-In-Go, which is seventy (70) meters away from the billiard hall. While inside the vehicle, he was again frisked by his captors. He was then choked, threatened with a gun, and asked who was selling. He replied that he was only watching the billiard hall.

Afterwards, seven (7) armed persons, whom he saw earlier, before they boarded him in the vehicle approached him. They had with them Peterlou.

For his part, [Peterlou] testified that on the date of the alleged incident, he was at the billiard hall at Poblacion, Tukuran. He was watching a game while waiting for his younger brother when two (2) armed women entered the premises and approached Lyndon. He saw how they searched the body of Lyndon, confiscated his money and subsequently arrested him. He even saw Lyndon being brought inside a vehicle and was driven away.

Peterlou stayed at the billiard hall for thirty (30) minutes; however, three (3) unknown armed persons arrived and approached him. He was requested to come with them, because they were to ask queries about Lyndon. He acquiesced to their request and was brought to Park-In-Go Store.

Both appellants Lyndon and Peterlou were brought to Dao for their dinner. Afterwards, they headed to Camp Abelon.

They arrived at Camp Abelon at around 10:00 o'clock in the evening, where they were padlocked and forced to sign a document. It was then when the appellants first saw Agent Calangi. He was the one who showed them the document that they were forced to sign.

Apparently, an Information for selling a sachet of shabu was filed against Lyndon and Peterlou. However, they found out the exact charge that was filed against them only during arraignment.⁸

Ruling of the RTC

In the Decision dated March 31, 2017, the RTC found accused-appellants guilty beyond reasonable doubt of the crime charged:

WHEREFORE, this court finds the two accused LYNDON CA[Ñ]JETE y FERNANDEZ and PETERLOU PIMENTEL y

⁸ Id. at 7-8.



BENDEBEL, guilty beyond reasonable doubt for Violation of Section 5, Article II of RA 9165 and both are sentenced to suffer Life Imprisonment and are ordered to pay jointly a fine of PHP500,000.00.

The PDEA of Pagadian City is hereby directed to coordinate with the Branch Clerk of Court for the destruction of the SHABU pursuant to the provisions of RA 9165 fifteen (15) days from receipt of this Decision.

SO ORDERED.⁹

Without delving into specifics, the RTC mentioned lapses of procedure in the handling of the seized drug but nevertheless found that the integrity and evidentiary value of the seized item were properly preserved and established through evidence of an unbroken chain of custody.¹⁰ The RTC likewise favored the testimony of the police officers based on the presumption that they performed their duties in a regular manner.¹¹

Pleading their innocence, accused-appellants appealed to the CA.

Ruling of the CA

In the CA Decision, the CA affirmed the RTC Decision *in toto*, as follows:

WHEREFORE, the appeal is **DISMISSED**. The 31 March 2017 Decision of the Regional Trial Court, Branch 20, Pagadian City, in Criminal Case No. 10417-2K12 finding appellants guilty beyond reasonable doubt of selling *shabu* defined and penalized under Section 5 of RA 9165 (The Comprehensive Dangerous Drugs Act of 2002), is **AFFIRMED in toto**.

SO ORDERED.¹²

The CA sustained the conviction of accused-appellants notwithstanding certain lapses in the transmission of the *shabu* allegedly seized from them.¹³ While the CA confirmed that the inventory was not conducted immediately after seizure and at the place prescribed under the law, it nevertheless found such lapses excusable under the circumstances.¹⁴

Hence, this appeal.

In the main, accused-appellants lament the lapses committed by the buy-bust team in effecting the seizure of the dangerous drug. In particular, they insist that the inventory and photographing of the seized item were not done immediately after seizure and at the nearest police station or office of

⁹ CA *rollo*, p. 38.

¹⁰ Id. at 36-37.

¹¹ Id. at 36.

¹² *Rollo*, p. 19.

¹³ See id. at 14-15.

¹⁴ See id. at 15-16.



the Philippine Drug Enforcement Agency (PDEA), contrary to Section 21 of RA 9165.

Issue

Whether accused-appellants are guilty beyond reasonable doubt for the crime charged.

The Court's Ruling

The appeal is granted.

Requirements under Section 21 of RA 9165 and the IRR are mandatory

Section 21, Article II of RA 9165 lays down the following procedural requirements in the seizure, custody, and disposition of dangerous drugs:

SEC. 21. Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment. – The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

(1) The apprehending team having initial custody and control of the drugs shall, **immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof[.]**¹⁵ (Emphasis supplied)

Prescinding therefrom, Section 21(a) of the Implementing Rules and Regulations (IRR) of RA 9165 supplies additional custody requirements and further added a “saving clause” in case such requirements are not met:

SECTION 21. Custody and Disposition of Confiscated, Seized and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment. — The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals,

¹⁵ RA 9165, Sec. 21 was amended by RA 10640, entitled “AN ACT TO FURTHER STRENGTHEN THE ANTI-DRUG CAMPAIGN OF THE GOVERNMENT, AMENDING FOR THE PURPOSE SECTION 21 OF REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE “COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002.” RA 10640, which imposed less stringent requirements in the procedure under Section 21, was approved only on July 15, 2014.

as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

- (a) The apprehending officer/team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof: Provided, that **the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures; Provided, further, that non-compliance with these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items[.]** (Emphasis supplied)

The requirements laid down in Section 21 of RA 9165 and its IRR are couched in strict and mandatory terms. Thus, failure to comply with the procedure found therein is excusable only if the following requisites obtain: (1) that there exist “justifiable grounds”; **and** (2) that the integrity and the evidentiary value of the seized items are properly preserved by the apprehending team.¹⁶

As a consequence, once lapses in procedure are shown, the prosecution must recognize such and accordingly justify the same in order to warrant the application of the saving clause.¹⁷ Stated differently, in order not to render void the seizure and custody over the evidence obtained, the burden is therefore on the prosecution to establish the following: (i) that such non-compliance was based on justifiable grounds, and (ii) that the integrity and evidentiary value of the seized item were properly preserved.¹⁸

Further, the Court in *People v. Musor*¹⁹ (*Musor*) held that the phrase “immediately after seizure and confiscation” — pertaining to the physical inventory and photographing of the seized items — meant compliance with the procedure **at the place of apprehension**. The Court explained:

Section 21, paragraph 1 of RA 9165 plainly requires the apprehending team to conduct a physical inventory of the seized items and the photographing of the same immediately after seizure and confiscation. Further, the inventory must be done in the presence of the accused, his counsel, or representative, a representative of the DOJ, the media, and an

¹⁶ RA 9165, Sec. 21, as amended by RA 10640, Sec. 21(1).

¹⁷ *People v. Luna*, G.R. No. 219164, March 21, 2018, p. 10.

¹⁸ See *People v. Reyes*, 797 Phil. 671, 690 (2016); *People v. Capuno*, 655 Phil. 226, 240-241 (2011); and *People v. Garcia*, 599 Phil. 416, 432-433 (2009).

¹⁹ G.R. No. 231843, November 7, 2018.

elected public official, who shall be required to sign the copies of the inventory and be given a copy thereof.

The phrase “immediately after seizure and confiscation” means that the physical inventory and photographing of the drugs were intended by the law to be made immediately after, or at the place of apprehension. And only if this is not practicable that the IRR allows the inventory and photographing at the nearest police station or the nearest office of the apprehending officer/team. This also means that the three required witnesses should already be physically present at the time of apprehension — a requirement that can easily be complied with by the buy-bust team considering that the buy-bust operation is, by its nature, a planned activity. In other words, the buy-bust team has enough time and opportunity to bring with them said witnesses.

Moreover, **while the IRR allows alternative places for the conduct of the inventory and photographing of the seized drugs, the requirement of having the three required witnesses to be physically present at the time or near the place of apprehension is not dispensed with.** The reason is simple: it is at the time of arrest — or at the time of the drugs’ “seizure and confiscation” — that the presence of the three witnesses is most needed, as it is their presence at the time of seizure and confiscation that would insulate against the police practice of planting evidence.²⁰ (Emphasis supplied; emphasis and italics in the original omitted)

Based on the foregoing standards, the Court shall now proceed to discuss the merits of this case.

Non-observance of procedural requirements; failure to present justifiable grounds for deviation

As uniformly found by both the RTC and the CA, there were patent deviations from the mandatory procedure required in buy-bust operations.²¹ Thus, the only question left for resolution is whether in the face of such irregularities, there remains moral certainty that accused-appellants committed the crime as described in the Information.

On this score, the CA remained steadfast in convicting accused-appellants. Based on the following presentation, the CA found the lapses committed by the buy-bust team justifiable under the prevailing circumstances:

It is not disputed that the inventory was conducted at the Office of the Provincial Intelligence, Zamboanga del Sur Provincial Police Office, Camp Abelon, and **not at the nearest police station from the crime scene, which was the PNP Station of Labanga, and the nearest PDEA Office at Dao, Pagadian City.** This fact was fully explained by Agent Calangi. On the day the appellants were arrested, the team immediately proceeded to the PDEA Office in Dao but due to the power interruption, their team leader instructed the team to proceed to the Office of the Provincial Intelligence Branch at Camp Abelon so they can properly

²⁰ Id. at 10.

²¹ See *rollo*, pp. 14-17; CA *rollo*, pp. 36-37.

conduct their inventory without any disruption. **Due to the exigent circumstances, the team leader found the said location to be the most practicable despite bypassing the PNP Station of Labanga.** After all, such decision may have proceeded from the fact that the PDEA conducted said buy-bust with the coordination of the Office of the Provincial Intelligence, and not with the police officers at the Labanga Police Station.

Although the inventory and photographs were taken only at the Office of the Provincial Intelligence Branch and not at the crime scene immediately after the marking, what is important is that inventory was made, and photographs taken, of the seized sachet of *shabu* in the presence of the accused and in the presence of the representatives from media, Department of Justice (DOJ) and an elected official, who signed the inventory and was given a copy thereof as provided under Section 21.

As enumerated by Agent Calangi, the following witnesses were present during the inventory: 1) Vanessa Cagas, the media representative; 2) Honorable Ernesto Mondarte, the elected official; 3) Prosecutor Mary Ann Tugbang-Torres, the representative from DOJ; and 4) the appellants themselves. Afterwards, copies of the Certificate of Inventory, which [were] signed by the three witnesses, were given to them and the appellants. x x x

Also, **in spite of the fact that the inventory and photographs were not taken immediately after the seizure of the *shabu* at the scene of the crime,** it must be highlighted that this is a case of warrantless arrest and **the apprehending team may choose to conduct the inventory at the Office of the Provincial Intelligence Branch.** It is only the marking of the drugs seized without warrant that must be done “immediately upon confiscation” and in the presence of the accused.²² (Emphasis supplied)

The Court is not persuaded.

While the opposing sides present differing versions of events leading to the apprehension of accused-appellants, the following facts are undisputed: (i) the team present at the place of arrest and seizure of the dangerous drug was composed entirely of PDEA members;²³ (ii) the marking was not done at the place of arrest (*i.e.*, the billiard hall), but inside the service vehicle of the buy-bust team;²⁴ (iii) from the place of arrest and after the marking, the buy-bust team proceeded to the PDEA Office in Pagadian City. Allegedly due to a power interruption, the buy-bust team instead went to the Office of the Provincial Intelligence, Zamboanga del Sur Provincial Police Office, Camp Abelon (Camp Abelon);²⁵ (iv) Camp Abelon was not the nearest police station or office from the crime scene, which was the Philippine National Police (PNP) Station of Labanga, or the PDEA Office in Dao, Pagadian City;²⁶ (v) the inventory and photographing of the seized drug were conducted only at Camp Abelon;²⁷ and (vi) the witnesses (*i.e.*, representative from the

²² Id. at 15-16.

²³ CA *rollo*, p. 34.

²⁴ See *rollo*, pp. 5-6; *id.*

²⁵ Id. at 15.

²⁶ Id.

²⁷ Id.

media, Department of Justice, and local elected official) were present only during the inventory and photographing at Camp Abelon.²⁸

The foregoing concurrence of events, when weighed against prevailing case law, convinces the Court that the buy-bust team failed to justify their deviations from the mandatory provisions of RA 9165. For this reason alone, accused-appellants must be acquitted.

This case, while unique, is far from unusual. It is not the first time that the Court, amidst obvious deviations from the letter of the law, is made to balance the interests of the State with the rights of the accused.

First. As revealed by the records, at the time the drug was allegedly seized and confiscated from accused-appellants, only the police officers were present. Likewise, at the time the item was marked inside the service vehicle of the buy-bust team, there were yet no other witnesses to observe the same. As detailed above, it was only at the time of the inventory and photographing that the three (3) witnesses required under RA 9165 came into the picture.

This is a blatant disregard of the safeguards intended by the law, which is to place disinterested “insulating witnesses” at the earliest point of contact where the evil of planting of evidence is most present. It is precisely in this scenario where the evidence was marked **inside a police vehicle with only the police officers present** that such witnesses are needed in order to remove any cloud of doubt as to the identity and integrity of the confiscated item. Where the prosecution and defense are polarized on the version of events, it is the neutral testimony of the insulating witnesses that will be controlling in providing the courts with a true account of the facts as they unfolded. Here, where the pattern of deviations is bordering on impropriety, the Court is especially deprived of that benefit.

Second. Following the pronouncements in *Musor*, the authorities failed to follow the requirement that the inventory and photographs be done at the place of apprehension. The CA committed grave error in this regard when it held that the apprehending team was free to conduct the inventory and photographing elsewhere and not necessarily where the seized item was marked. And, even assuming that the performance of such procedure was impracticable at the billiard hall, again following *Musor*, the buy-bust team, without justifiable reason or cause, still bypassed the nearest PNP and PDEA stations by still choosing to go to Camp Abelon.

The Court cannot discern why the police officers would wantonly disregard the requirements of the law without so much as an explanation why the nearest stations could not provide the same measure of security as Camp Abelon. Based on the records, the buy-bust team decided to transfer elsewhere as people were already starting to gather. Such reason alone is clearly insufficient to justify a transfer of venue. Considering that the

²⁸ Id. at 15-16.

deviation was of their own doing, it was incumbent upon them to make of record a justifiable ground for doing so.

As already discussed above, the preceding procedural lapses do not *ipso facto* negate a conviction. However, the existence of such lapses has shifted the burden on the prosecution to establish the following through competent evidence: (i) that such non-compliance was based on justifiable grounds, and (ii) that the integrity and evidentiary value of the seized item were properly preserved.²⁹ They failed in this regard. With this in mind, the Court reiterates that the first requisite was not complied with; it is therefore futile to discuss compliance with the second requisite given that they are concurring elements.

Parenthetically, upon closer examination of the records, a point of interest surfaces. It comes to the attention of the Court that the Information inexplicably failed to specify the exact weight of the *shabu* allegedly seized from accused-appellants. While it is conceded that no motion to quash was filed by accused-appellants to question the sufficiency of the Information, such a deficiency, to the mind of the Court, creates further doubt on the identity of the seized item — next to the question of *what* substance was involved is *how much* of the substance was purportedly sold. Given the fungible nature of drugs, indicating the quantity of the drugs at the inception of the criminal process is a vital safeguard to ensure the identity of the drugs from the time of seizure until production to the court. The Court finds reprehensible the careless and unprecise attitude of the prosecution as anathema to the effective and intelligent means of defense of the accused-appellants. Moreover, in this case where the procedure in the movement of the drugs is placed in issue, the failure of the prosecution to supply such information further erodes the credibility of the entire buy-bust operation.

In sum, the series of lapses committed by the apprehending team has created serious doubt on whether the accused-appellants are guilty of the crime charged. With the very identity and integrity of the *corpus delicti* placed in serious doubt, the Court is duty-bound to acquit accused-appellants.

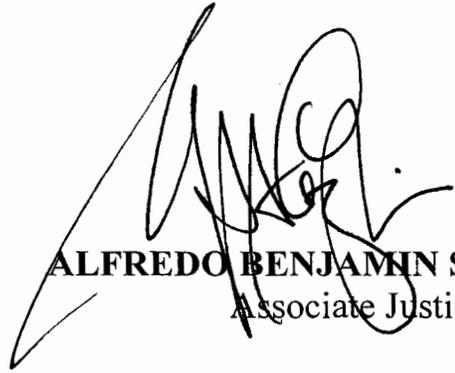
WHEREFORE, premises considered, the appeal is **GRANTED** and the Decision dated April 24, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 01688-MIN is hereby **REVERSED** and **SET ASIDE**. Accused-appellants Lyndon Cañete y Fernandez and Peterlou Pimentel y Bendebel are hereby **ACQUITTED** of the crime charged for failure of the prosecution to prove their guilt beyond reasonable doubt. They are **ORDERED IMMEDIATELY RELEASED** from detention, unless they are confined for any other lawful cause.

Let a copy of this Decision be sent to the Superintendent, San Ramon Prison and Penal Farm, Zamboanga City, for immediate implementation. The said Superintendent is **ORDERED to REPORT** to the Court within five (5) days from receipt of this Decision the action he has taken.

²⁹ See *People v. Reyes*, supra note 18, at 690; *People v. Capuno*, supra note 18, at 240-241; and *People v. Garcia*, supra note 18, at 432-433.



SO ORDERED.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

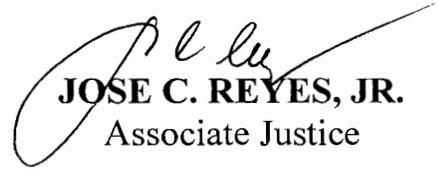
WE CONCUR:



ANTONIO T. CARPIO
Associate Justice
Chairperson



ESTELA M. PERLAS-BERNABE
Associate Justice



JOSE C. REYES, JR.
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



LUCAS P. BERSAMIN
Chief Justice

