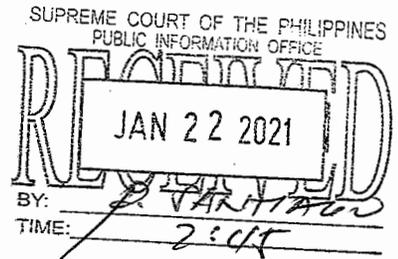




Republic of the Philippines  
Supreme Court  
Manila  
THIRD DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated August 26, 2020, which reads as follows:*

**“G.R. No. 248528 (People of the Philippines, Plaintiff-Appellee, v. Renato Matias, Jr., y Soratos @ Inkol, Accused-Appellant).** – This appeal seeks to reverse and set aside the 16 April 2019 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CR HC No. 09817, which affirmed the 29 August 2017 Decision<sup>2</sup> of Branch 23, Regional Trial Court (RTC) of Roxas, Isabela in Criminal Case No. 23-1752. The RTC found Renato Matias, Jr., y Soratos @ Inkol (accused-appellant) guilty beyond reasonable doubt of violating Section 5, Article II of Republic Act No. (RA) 9165, or the Comprehensive Dangerous Drugs Act of 2002.

**Antecedents**

An Information dated 25 July 2012 for violation of Section 5, Article II of RA 9165 was filed against accused-appellant, the accusatory portion of which states:

That on or about the 24<sup>th</sup> day of July, 2012, in the municipality of San Manuel, province of Isabela, Philippines, and within the jurisdiction of this Honorable Court, the said accused, not being allowed nor authorized by law, to sell, administer, dispense, deliver and transport dried marijuana leaves, did then and there, willfully, unlawfully and feloniously sell and deliver to a civilian poseur-buyer, more or less 12.854 grams of Dried marijuana fruiting tops, for a consideration of the amount of P500.00 without any authority of law.<sup>3</sup>

<sup>1</sup> *Rollo*, pp. 3–27; penned by Associate Justice Maria Filomena D. Singh and concurred in by Associate Justices Japar B. Dimaampao and Ronaldo Roberto B. Martin of the Special Fourth Division, Court of Appeals, Manila.

<sup>2</sup> *CA rollo*, pp. 51–61; penned by Judge Bernabe B. Mendoza.

<sup>3</sup> *Id.* at 51.

Accused-appellant pleaded "not guilty" when arraigned in *Ilocano*, the dialect he speaks and understands.<sup>4</sup> After the pre-trial was terminated, trial on the merits ensued.

### Version of the Prosecution

On 24 July 2012, the Philippine Drug Enforcement Agency (PDEA) Regional Office 2, Tuguegarao City, acted on a piece of confidential information that accused-appellant was engaged in the sale of illegal drugs in his residence at *Purok 5*, District 2, San Manuel, Isabela. An entrapment operation was planned, with IO2 Joseph Sacolles (IO2 Sacolles) of the PDEA as the designated poseur-buyer, and PO2 Elmer Mamerga (PO2 Mamerga) of the San Manuel Police Station, and the rest of the entrapment team, as the assigned back-up.<sup>5</sup>

That same day, the entrapment team and the confidential informant proceeded to the target area where they saw accused-appellant outside his house. Upon meeting with accused-appellant, IO2 Sacolles, who was earlier introduced as a buyer, asked if he could purchase Php500.00 worth of marijuana. Accused-appellant went inside his house, and when he came back, he handed IO2 Sacolles a newspaper-wrapped pack suspected to contain marijuana. In exchange, IO2 gave the Php500.00 marked money as payment.<sup>6</sup> Upon consummation of the sale, the entrapment team placed accused-appellant under arrest. Despite his attempt to flee, the entrapment team accosted accused-appellant, and upon frisking him, the marked money was recovered from his possession. IO2 Sacalles marked the marijuana sold as "JPS 07242012."<sup>7</sup>

The entrapment team proceeded to the San Manuel Police Station for the marking and inventory, with *Barangay Chair* Eufemio Ramos and media representative Modesto S. Turqueza as witnesses. After that, IO2 Sacolles bought the seized marijuana and the request for examination to the Isabela Crime Laboratory. The same was received and turned over by PO1 Edmar de Layun to a certain PCI Moskito. The seized item later tested positive for the presence of marijuana.<sup>8</sup>

The following day, or on 25 July 2012, the seized marijuana was finally surrendered to the evidence custodian who kept the same until a new

---

<sup>4</sup> Id.

<sup>5</sup> *Rollo*, pp. 4-5.

<sup>6</sup> Id. at 6.

<sup>7</sup> Id. at 7.

<sup>8</sup> Id. at 8 and 19.

replacement custodian was assigned, who, in turn, kept custody of the seized item until its presentation in court.<sup>9</sup>

### Version of the Defense

Accused-appellant denied the charge against him and claimed that on the time and day of the incident, he was planting okra in their backyard when he suddenly heard someone shouting, "Dapa! Dapa!" (On to the ground!), prompting him to ran away. Later, he was caught by the PDEA operatives who brought him inside his house and searched the place. He claimed that when PO2 Mamerga went out of the house, the latter was seen holding marijuana and the Php500.00 bill. Accused-appellant's allegations were corroborated by his father, Renato Matias, Sr., and his wife, Sylvia Matias.<sup>10</sup>

### Ruling of the RTC

In its 30 August 2017 Decision,<sup>11</sup> the RTC found accused-appellant guilty of the offense charged. The dispositive portion of the Decision reads:

**WHEREFORE**, finding him guilty beyond reasonable doubt, a JUDGMENT is hereby rendered CONVICTING accused Renato Matias, Jr.[.] y Soratos @ Inkol for Violation of Sec. 5, Article II, Republic Act No. 9615 (sic), known as The Comprehensive Dangerous Drugs Act of 2002, thus SENTENCING him to suffer the penalty of LIFE IMPRISONMENT and to pay a FINE of Five hundred thousand pesos (P500,000.00).

The marijuana is confiscated.

Within five (5) days from the promulgation of this Decision, the clerk of court is ordered to forward the specimen to the Dangerous Drugs Board for appropriate disposition.

Report of compliance hereof (sic) by the clerk of court and the chief of police is enjoined.

SO ORDERED.<sup>12</sup>

---

<sup>9</sup> Id. at 8-9.

<sup>10</sup> Id. at 9-10.

<sup>11</sup> CA *rollo*, pp. 51-61.

<sup>12</sup> *Rollo*, p. 11.

### Ruling of the CA

Affirming the Decision of the RTC, the CA found that the failure of the entrapment team to conduct the marking and inventory at the place of arrest did not affect its integrity and evidentiary value. The entrapment team had sufficiently explained the failure to comply with the requirements under Section 21(a) of the Implementing Rules and Regulations. The marking and inventory were done at the police station for security reasons as it was already getting late, and people were starting to crowd the area.<sup>13</sup> Likewise, absent any showing of bad faith on the part of the entrapment team, the integrity of the seized evidence is presumed to have been preserved.<sup>14</sup>

The decretal portion of the 16 April 2019 Decision<sup>15</sup> of the CA states:

**WHEREFORE**, the appeal is **DENIED**. The Decision dated 29 August 2017 of the Regional Trial Court, Branch 23, Roxas, Isabela, in Criminal Case No. 23-1752, finding accused-appellant Renato Matias, Jr.[.] y Soratos @ Inkol **GUILTY** of Violation of Section 5, Article II of Republic Act No. 9165, is **AFFIRMED**.

**SO ORDERED.**<sup>16</sup>

Hence, the instant appeal. Adopting the brief he filed before the CA, the accused-appellant comes to the Court reiterating that the entrapment team's procedural lapses, such as its failure to mark and inventory the seized item at the place of arrest, compromised the integrity and evidentiary value of the said item.<sup>17</sup>

### Ruling of the Court

We **GRANT** the appeal.

In order to convict a person charged with the crime of illegal sale of dangerous drugs under Section 5, Article II of RA 9165, the prosecution is required to prove the following elements: (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.<sup>18</sup> Apart from this, the prosecution must likewise establish the *corpus delicti* or the body of the offense, the

---

<sup>13</sup> Id. at 22.

<sup>14</sup> Id. at 25.

<sup>15</sup> Id. at 3-27.

<sup>16</sup> Id. at 26.

<sup>17</sup> CA rollo, pp. 42-47.

<sup>18</sup> *People v. Dumanjug*, G.R. No. 235468, 01 July 2019.

seized drugs themselves.<sup>19</sup> Thus, the transacted drugs must not only be proven to actually exist, but must also be ascertained to be the same drug examined and presented in court.<sup>20</sup> To convince the court of this, the prosecution must show that the apprehending team followed the stringent requirements on the custody of the seized drugs, as provided under Section 21 of the Comprehensive Dangerous Act,<sup>21</sup> the applicable law at the time of the commission of the offense. Its relevant portions state:

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.* – xxx

(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[.]

x x x

A review of the records reveals the prosecution's failure to establish compliance with the strict and mandatory requisites under RA 9165 and its IRR.

While the alleged seized marijuana appears to have been marked at the place of arrest, the inventory was only conducted at the police station. The entrapment team tried to explain that the deviation was borne out of necessity; apparently, people were starting to crowd the area and it was getting late. However, even if We excuse this procedural *faux pas*, **no justification was still offered as to why the entrapment team failed to secure the mandatory presence of all three (3) required witnesses.**

**The Court notes that only the representative from the media and an elected *barangay* official were present during the inventory.** The entrapment team failed to secure the third required witness, a representative from the Department of Justice (DOJ). Moreover, it does not escape the attention of the Court that the media representative and the *barangay* chair were only called in to witness the inventory, but they were inconspicuously absent during the time of accused-appellant's arrest and the consequent seizure of the illegal drugs.

<sup>19</sup> *People v. Asaytuno, Jr.*, G.R. No. 245972, 02 December 2019.

<sup>20</sup> *People v. Merando*, G.R. No. 232620, 05 August 2019.

<sup>21</sup> *People v. Ramos*, G.R. No. 225325, 28 August 2019.

The presence of the three (3) witnesses at the time of seizure and confiscation of the drugs must be secured and complied with at the time of the warrantless arrest; such that they are required to be at or near the intended place of the arrest so that they can be ready to witness the inventory and photographing of the seized and confiscated drugs "immediately after seizure and confiscation."<sup>22</sup> This ensures that whatever items are subsequently inventoried, photographed, examined, and presented in court are the same substances that were initially obtained from the accused.<sup>23</sup> Thus, "[t]he presence of third-party witnesses is not an empty formality in the conduct of buy-bust operations. It is not a mere rubberstamp to validate the actions taken and self-serving assurances proffered by law enforcement officers. Far from a passive gesture, the attendance of third-party witnesses ensures the identity, origin, and integrity of the items seized."<sup>24</sup>

To be sure, the prosecution has the positive duty to demonstrate observance of the procedures in such a way that, during the proceedings before the trial court, it must initiate in acknowledging and justifying any perceived deviations from the requirements of the law. **Its failure to follow the mandated procedure must be adequately explained and must be proven as a fact in accordance with the rules on evidence.**<sup>25</sup> Generally, noncompliance with these rigid requirements under the law would not have rendered the search and seizure invalid under justifiable grounds. **However, the absence of any justification only serves to magnify the irregularity of the police officer's performance of their official duties,**<sup>26</sup> as in this case.

Neither can we allow the prosecution to merely sweep the police officers' lapses under the mantle of the presumption of regularity in the performance of their official duties. After all, this presumption only applies when nothing in the evidence shows that the police officers deviated from the standard procedures required by law.<sup>27</sup>

Irrefutably, the failure to secure the presence of all the three (3) required witnesses from the time of the arrest and seizure of the marijuana, until its marking and inventory, and the failure of the entrapment team to justify their violation of the procedures, cast serious and lingering doubts on the integrity of *corpus delicti*, and ultimately, on the guilt of the accused-appellant. Considering that the constitutional presumption of innocence mandates proof beyond reasonable doubt, conviction cannot be sustained if

<sup>22</sup> *People v. Tomawis*, G.R. No. 228890, 18 April 2018.

<sup>23</sup> *People v. Castillo*, G.R. No. 238339, 07 August 2019.

<sup>24</sup> *Id.*

<sup>25</sup> *See People v. Mola*, G.R. No. 226481, 18 April 2018.

<sup>26</sup> *See People v. Comoso*, G.R. No. 227497, 10 April 2019.

<sup>27</sup> *Id.*

there is a persistent doubt on the identity of the drug.<sup>28</sup> Hence, the acquittal of accused-appellant is warranted.

**WHEREFORE**, the appeal is hereby **GRANTED**. The 16 April 2019 Decision of the Court of Appeals in CA-G.R. CR HC No. 09817, which affirmed the 17 August 2017 Decision of Branch 23, Regional Trial Court of Roxas, Isabela in Criminal Case No. 23-1752, is **REVERSED** and **SET ASIDE**. Accordingly, accused-appellant **Renato Matias, Jr., y Soratos @ Ingkol** is **ACQUITTED** for failure of the prosecution to prove his guilt beyond reasonable doubt. He is **ORDERED IMMEDIATELY RELEASED** from detention, unless he is detained for any other lawful cause.

The Director of the Bureau of Corrections is **DIRECTED** to **IMPLEMENT** this Resolution, and to report to this Court the action taken hereon within five (5) days from receipt.

**SO ORDERED.”**

By authority of the Court:

*Misa DC Batt*  
**MISAELO DOMINGO C. BATTUNG III**  
*Division Clerk of Court*  
GER  
1/2/21

Special & Appealed Cases Service  
PUBLIC ATTORNEY'S OFFICE  
DOJ Agencies Building  
East Avenue cor. NIA Road  
1104 Diliman, Quezon City

OFFICE OF THE SOLICITOR GENERAL  
134 Amorsolo Street  
1229 Legaspi Village, Makati City

COURT OF APPEALS  
CA G.R. CR HC No. 09817  
1000 Manila

The Presiding Judge  
REGIONAL TRIAL COURT  
Branch 23, Roxas  
3320 Isabela  
(Crim. Case No. 23-1752)

The Director General  
New Bilibid Prison  
BUREAU OF CORRECTIONS  
1770 Muntinlupa City

<sup>28</sup> *People v. Sebilleno*, G.R. No. 221457, 13 January 2020.

The Superintendent  
New Bilibid Prison  
BUREAU OF CORRECTIONS  
1770 Muntinlupa City

Mr. Renato Matias, Jr. y Soratos @ Ingkol  
New Bilibid Prison  
BUREAU OF CORRECTIONS  
1770 Muntinlupa City

The Director General  
PHILIPPINE NATIONAL POLICE  
National Headquarters  
Camp Crame, Quezon City

The Director General  
PHILIPPINE DRUG ENFORCEMENT AGENCY  
PDEA Bldg., NIA Northside Road  
National Government Center  
Brgy. Pinyahan, Quezon City

DANGEROUS DRUGS BOARD  
3<sup>rd</sup> Floor DDB-PDEA Bldg.,  
NIA Northside Road  
National Government Center  
Brgy. Pinyahan, Quezon City

PUBLIC INFORMATION OFFICE  
Supreme Court, Manila  
[For uploading pursuant to A.M. 12-7-1-SC]

LIBRARY SERVICES  
Supreme Court, Manila

Judgment Division  
JUDICIAL RECORDS OFFICE  
Supreme Court, Manila

G.R. No. 248528

len/



ca  
(208)  
URES