



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated November 18, 2020 which reads as follows:*

**“G.R. No. 225510 - (PEOPLE OF THE PHILIPPINES, plaintiff-appellee v. RONALDO FULE y BUNYE alias “Boy”, accused-appellant).** – Before this Court is an appeal filed by Ronaldo Fule y Bunye alias “Boy” (accused-appellant) from the Decision<sup>1</sup> dated January 28, 2015 of the Court of Appeals (CA) in CA-G.R. CR HC No. 06329. The assailed Decision dismissed the appeal and affirmed the Decision dated June 24, 2013 of the Regional Trial Court (RTC) of Lucena City, Branch 53, finding accused-appellant guilty beyond reasonable doubt of violating Section 5, Article II of Republic Act (R.A.) No. 9165 or the Comprehensive Dangerous Drugs Act, as amended.

This case stemmed from an Information<sup>2</sup> filed before the RTC charging accused-appellant of the crime of Illegal Sale of Dangerous Drugs, allegedly committed as follows:

That on or about the 25th day of August 2004 at Barangay Mamala II, Municipality of Sariaya, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without being authorized by law, did then and there wilfully, unlawfully and feloniously sell, deliver and give away to PO3 Orlando B. Gerero, who acted as poseur-buyer one (1) heat-sealed transparent plastic sachet containing Methamphetamine Hydrochloride (shabu), a dangerous drug, weighing 0.02 gram.

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<sup>1</sup> *Rollo*, pp. 2-14; penned by Associate Justice Socorro B. Inting, with Associate Justices Hakim S. Abdulwahid and Priscilla J. Baltazar-Padilla (now a retired Member of this Court), concurring.

<sup>2</sup> *Id.* at 2-3.



Contrary to law.<sup>3</sup>

Accused-appellant was arraigned on September 26, 2005, and assisted by counsel, entered a plea of not guilty.<sup>4</sup> After pre-trial, trial proceeded.

The evidence presented by the prosecution tend to establish that on August 25, 2004, Senior Police Office 1 Orlando Gerero (SPO1 Gerero), a member of the Drug Enforcement Unit (DEU) of the Sariaya Police Station, received a report from a confidential informant (CI) that one alias "Boy," later identified as herein accused-appellant, was engaged in selling *shabu* at the upper portion of the public market of Sariaya, Quezon.<sup>5</sup>

SPO1 Gerero relayed the information to Chief of Police Vilmor Manzano who then met with the rest of the members of the DEU of the Sariaya Police Station in order to plan a buy-bust operation. SPO1 Gerero was designated as the poseur-buyer.<sup>6</sup>

Thereafter, the buy-bust team composed of SPO1 Gerero, SPO1 Romeo Gaufo, and Police Officer 3 Igmedio Valenzuela (PO3 Valenzuela), accompanied by the CI, on board a Toyota Revo, proceeded to accused-appellant's house at the upper portion of the public market at Barangay Mamala II, Sariaya, Quezon. When they arrived at the area, SPO1 Gerero and the CI alighted from the vehicle and met accused-appellant near the latter's house. The CI then told accused-appellant "*mag iiskor ito ng ₱200.*" Accused-appellant went inside his house. When he returned, he handed SPO1 Gerero one plastic sachet. SPO1 Gerero then gave accused-appellant the marked two ₱100 bills.<sup>7</sup>

With this, SPO1 Gerero gave the pre-arranged signal. The buy-bust team immediately approached the scene. SPO1 Gerero introduced himself and the members of the buy-bust team, they placed accused-appellant under arrest and apprised him of his constitutional rights.<sup>8</sup>

Accused-appellant was then brought to the Sariaya Police Station. Therein, SPO1 Gerero prepared the inventory and issued a

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<sup>3</sup> Id.

<sup>4</sup> Id. at 3.

<sup>5</sup> Id.

<sup>6</sup> Id.

<sup>7</sup> Id. at 3-4.

<sup>8</sup> Id. at 4.

receipt of the seized items.<sup>9</sup> The sachet seized was marked by SPO1 Gerero in the presence of two barangay officials- Eulalio Villanueva and Leopoldo Bernabe, who signed the inventory.<sup>10</sup>

On the same day, the sachet seized was brought to the Quezon Provincial Crime Laboratory Office in Lucena City and was examined by Zaide Abrera, a Forensic Chemist. The white crystalline substance yielded positive for the presence of methamphetamine hydrochloride or *shabu*, a classified dangerous drug.<sup>11</sup> Accused-appellant was also brought to the Crime Laboratory; ultraviolet dust was found in his hands, the same powder dusted on the two ₱100 bills.<sup>12</sup>

The defense for its part presented accused-appellant as its lone witness.<sup>13</sup>

Accused-appellant narrated that sometime in March 2004, PO3 Valenzuela, while holding his cellphone, told him: "*Boy, me nag-text sa akin na gumagamit kayo ng shabu nung umaga.*"<sup>14</sup> Accused-appellant vehemently denied PO3 Valenzuela's suggestion. PO3 Valenzuela then responded: "*Gusto mo makipagtulungan ka sa akin. Kung hindi ka makikipagtulungan ay dadalhin kita sa munisipyo.*"<sup>15</sup> Out of fear, accused-appellant agreed to report to PO3 Valenzuela the names of persons using *shabu* in the area.<sup>16</sup>

At around 7:30 a.m. of April 25, 2004, while he was combing the hair of his five-year old daughter, accused-appellant saw PO3 Valenzuela in front of his house. PO3 Valenzuela who was then scratching his head while wiping his feet on the ground told accused-appellant: "*Boy, bakit hindi ka man lang na-report sa akin?*" to which the latter answered that he had nothing to report.<sup>17</sup>

While accused-appellant admitted that he saw the buy-bust team and the CI in the morning of April 25, 2004, he nonetheless denied that he was selling *shabu*. Accused-appellant stated that on that same day, when he returned home after bringing his daughter to school, he saw a tinted black van near his house. He was asked by

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<sup>9</sup> Id.

<sup>10</sup> CA rollo, p. 41.

<sup>11</sup> Rollo, p. 4.

<sup>12</sup> CA rollo, p. 41.

<sup>13</sup> Id. at 42.

<sup>14</sup> Rollo, p. 4.

<sup>15</sup> Id.; CA rollo, p. 43.

<sup>16</sup> Id.

<sup>17</sup> Id.; CA rollo, pp. 42-43.

PO3 Valenzuela to board it. Accused-appellant complied and was brought to the office of SPO1 Gerero at the municipal hall. There, SPO1 Gerero offered his right hand and asked accused-appellant if he knew who he was. Accused-appellant refused to shake SPO1 Gerero's hand as he noticed that there was money in it. SPO1 Gerero then held accused-appellant by his belt causing his knee to hit the floor. Thereafter, accused-appellant was brought to Barangay Balubal Health Center where he was subjected to a medical examination. Afterwards, he was brought to Camp Nakar, Lucena City, where his urine was examined. While handcuffed, accused-appellant averred that SPO1 Gerero rubbed money unto the upper portion of his right hand. Accused-appellant's hands were then examined as the chemist placed a chemical on his hand. Finally, accused-appellant was detained at the municipal hall of Sariaya, Quezon.<sup>18</sup>

On June 24, 2013, the RTC rendered its Decision<sup>19</sup> finding accused-appellant guilty beyond reasonable doubt of illegal sale of dangerous drugs. The dispositive portion of the Decision reads:

WHEREFORE, premises considered, the Court finds accused Ronaldo Fule y Bunye @ Boy guilty beyond reasonable doubt of the violating Sec. 5, Art. II of R.A. 9165, as amended. He is hereby therefore sentenced to suffer the penalty of life imprisonment and to pay a fine of ₱500,000.00 as well as the costs of this suit.

Accused being a detention prisoner, the preventive imprisonment he had undergone shall be credited in the computation of his sentence.

The specimen drug used as evidence in this case is confiscated in favor of the government and turned over to the PDEA for proper disposition.

SO ORDERED.<sup>20</sup>

Accused-appellant appealed to the CA, which rendered the herein assailed Decision<sup>21</sup> affirming the accused-appellant's conviction, *viz.*:

WHEREFORE, the instant appeal is DENIED. The Decision dated June 24, 2013 of the Regional Trial Court (RTC) of

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<sup>18</sup> Id. at 4-5; id. at 43-43a.

<sup>19</sup> CA *rollo*, pp. 40-45; rendered by Acting Presiding Judge Rodolfo D. Obnamia, Jr.

<sup>20</sup> Id. at 45.

<sup>21</sup> Id. at 2-14.

Lucena City, Branch 53, in Criminal Case No. 2005-598 is hereby AFFIRMED.

SO ORDERED.<sup>22</sup>

Thus, this appeal.

Adopting the Brief that he filed before the CA,<sup>23</sup> accused-appellant argues that the RTC and the CA erred in convicting him, as his warrantless arrest is illegal and the chain of custody of the confiscated *shabu* is broken.

The appeal is **meritorious**.

In order to sustain conviction for the sale of illegal drugs under Section 5 of R.A. No. 9165, the following elements must be established beyond reasonable doubt: (1) proof that the transaction or sale took place, and (2) the presentation in court of the *corpus delicti* or the illicit drug as evidence.<sup>24</sup>

The element of *corpus delicti* is established by showing compliance with the requirements for the custody and disposition of confiscated, seized, and/or surrendered drugs and/or drug paraphernalia, otherwise known as the chain of custody. As set forth under Section 21 of R.A. No. 9165 the following must be complied with, viz.:

**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, 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**

<sup>22</sup> Id. at 14.

<sup>23</sup> Id. at 24-26.

<sup>24</sup> *People v. Que*, 824 Phil. 882, 893 (2018), *People v. Morales*, 630 Phil. 215-236 (2010)

**(DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof;**  
(Emphasis and underscoring supplied)

Section 21(a) of the Implementing Rules and Regulations (IRR) of R.A. No. 9165 supplement the foregoing provision. It specifies the proper procedure to be observed and the effect of non-compliance therewith, viz.:

x x x x

(a) The apprehending office/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;

In accordance with the aforecited provisions, the apprehending team must immediately after seizure and confiscation, conduct a physical inventory and photograph the drugs in the presence of no less than three witnesses. While the IRR allows the inventory to be made in the nearest police station in case of warrantless arrest, it must nevertheless be ensured that the integrity of the seized object be maintained.

In *People v. Nandi*,<sup>25</sup> chain of custody of the confiscated item is established upon showing of the following circumstances:

*first*, the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer; *second*, the turnover of the illegal drug seized by the apprehending officer to the investigating officer; *third*, the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and *fourth*, the

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<sup>25</sup> 639 Phil. 134 (2010).

turnover and submission of the marked illegal drug seized from the forensic chemist to the court.<sup>26</sup>

These requirements must be strictly complied with as they ensure the possibility of planting or substitution of evidence.<sup>27</sup> Simply, the chain of custody requirements goes into the integrity of the *corpus delicti*.<sup>28</sup>

In the case at bar, the accused-appellant was arrested *in flagrante delicto* during a buy-bust operation. The simulated sale involved one heat-sealed plastic bag containing methamphetamine hydrochloride weighing 0.02 gram. Accused-appellant was brought to the DEU office where he was booked and processed. It was also while in the DEU office that the item was inventoried in the presence of two barangay officials who signed the receipt. However, it was never shown nor alleged that it was not practicable to do the marking and inventory at the time and place of seizure. Neither was it shown why only two barangay officials were present. It was not clear whether representatives from the media and a DOJ official were invited but could not be obtained or they were not sought at all. What is more, the prosecution failed to provide adequate details as to the handling of the seized sachet by the police officers who participated in the buy-bust operation. It was not shown who had taken custody of the sachet of *shabu* after the same was seized and while on the way to the police station. No detail was provided as to who carried and transmitted the same to the laboratory for examination. Similarly, no justification was offered for these procedural lapses. Given the miniscule amount of the seized item involved, there is no assurance that the one presented as evidence in court was the same article that was the subject of sale by the accused-appellant.<sup>29</sup>

In view of the said glaring procedural lapses, the customary presumption of regularity in the performance of official duties would not suffice. The presumption applies only when the officers have shown compliance with the standard conduct of official duty required by law; where the official act is irregular on its face, the presumption cannot arise or be relied upon.<sup>30</sup>

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<sup>26</sup> Id. at 136, citing *People v. Kamad*, 624 Phil. 289, 312 (2010).

<sup>27</sup> *People v. Gonzales*, 708 Phil. 121, 129 (2013).

<sup>28</sup> *People v. Que*, supra note 24 at 896, citing *People v. Morales*, supra note 24 at 236 and *People v. Belocura*, 693 Phil. 476 (2012).

<sup>29</sup> *People v. Que*, supra note 24 at 896.

<sup>30</sup> Id., citing *People v. Kamad*, supra note 26 at 311.

While accused-appellant's defense of "denial and frame-up" is inherently weak, still, the burden is upon the prosecution to establish the guilt of the accused beyond reasonable doubt. In doing so, it must rise on its own merits, without regard to the weakness of the defense.<sup>31</sup> Should the prosecution fail to discharge this burden, as in the case at bar, acquittal must follow.

**WHEREFORE**, in view of the foregoing, the appeal is **GRANTED**. The Decision dated January 28, 2015 of the Court of Appeals in CA-G.R. CR HC No. 06329, which affirmed the Decision dated June 24, 2013 of the Regional Trial Court of Lucena City, Branch 53, in Criminal Case No. 2005-598, is hereby **REVERSED and SET ASIDE**.

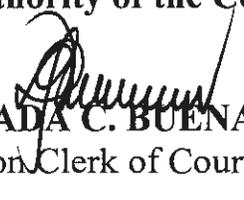
Accused-appellant Ronaldo Fule y Bunye alias "Boy" is **ACQUITTED** based on reasonable doubt.

The Director of the Bureau of Corrections is directed to: (a) cause the immediate release of accused-appellant Fule, unless he is being lawfully held for another cause; and (b) inform this Court of the date of his release, or the reason for his continued confinement as the case may be, within five (5) days from notice.

Copies of this Resolution must be furnished to the Director General of the Philippine National Police and the Director General of the Philippine Drug Enforcement Agency for their information.

**SO ORDERED.**" *Carandang, J.*, on official leave.

By authority of the Court:

  
**LIBRADA C. BUENA**  
Division Clerk of Court

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court

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<sup>31</sup> *Daayata v. People*, 807 Phil. 102, 118 (2017).



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