



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 22, 2022, which reads as follows:

“G.R. No. 207632 (*People of the Philippines v. Jay Villazorda y Ravina*). – This is an ordinary appeal under Rule 122 of the Rules of Court, as amended, seeking to reverse and set aside the Decision¹ dated August 31, 2012 of the Court of Appeals (CA) in CA-G.R. CR HC No. 00882-MIN, the said issuance affirmed *in toto* the November 8, 2010 Judgment² issued by Branch 25 of the Regional Trial Court (RTC) of Misamis Oriental in Criminal Case Nos. 2007-811 and 2007-812 which found accused-appellant Jay Villazorda y Ravina (accused-appellant) guilty beyond reasonable doubt of violation of Sections 5 and 11, Article II of Republic Act (R.A.) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

Antecedents

Accused-appellant was indicted of the crimes charged by virtue of two Informations dated November 26, 2007, the accusatory portions of which reading as follows:

Criminal Case No. 2007-811

That on or about November 9, 2007, at more or less 5:00 o'clock in the afternoon, at Creek Side, Barra, Macabalan, Cagayan de Oro City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without being authorized by law to sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any dangerous drugs, did then and there willfully, unlawfully, criminally and knowingly sell and/or offer for sale, and give away to a poseur[-]buyer One (1) heat-sealed transparent plastic sachet containing Methamphetamine Hydrochloride, locally known as Shabu, a dangerous drug, with a total weight of 0.09 gram, accused knowing the same to be a dangerous drug, in consideration of Five Hundred Pesos (Php 500.00) consisting of One (1) pc. Php200.00 bill, with Serial No. CM837946 and Three (3) pcs. Php100.00 bills with Serial Nos. TX780789, VF0944343 and

¹ *Rollo*, pp. 3-22. Penned by Associate Justice Edgardo T. Lloren with Associate Justices Maria Elisa Sempio Diy and Jhosep Y. Lopez (now a Member of this Court) concurring.

² *CA rollo*, pp. 57-74. Rendered by Presiding Judge Arthur L. Abundiente.

NK583347 marked with a signature of PO2 Arnold Gaabucayan at the back portion which were previously marked for the purpose x x x of the buy[-]bust operation.

Contrary to Section 5, Paragraph 1, Article II of Republic Act No. 9165.³

Criminal Case No. 2007-812

That on or about November 9, 2007, at more or less 5:00 o'clock in the afternoon, at Creek Side, Barra, Macabalan, Cagayan de Oro City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without being authorized by law to possess or use any dangerous drugs, did then and there willfully, unlawfully, criminally and knowingly have in his possession, custody and control Fifteen (15) small heat-sealed transparent plastic sachet containing Methamphetamine Hydrochloride, locally known as Shabu, a dangerous drug, weighing 0.96 gram; accused well-knowing that the substance recovered from his possession is a dangerous drug.

Contrary to Paragraph 2(3), Section 11, Article II of Republic Act No. 9165.⁴

Upon arraignment, accused-appellant, assisted by counsel, pleaded not guilty to the foregoing charges. Thus, pre-trial ensued, followed by trial on the merits.⁵

The evidence for the prosecution were summarized by the CA as follows:

Acting on a confidential civilian informant's tip, a team of policemen conducted a standard surveillance of about two weeks on a certain Jay Villazorda (Villazorda hereafter) residing at Macabalan, Cagayan de Oro City, alleged to be a notorious drug-selling operator in the area, hence, included in the "watch list." Armed with a Pre-Operational Report from PDEA-X, a buy-bust team from the Intelligence Operatives Police Station No. 2, Barangay 33, Cogon Market, Cagayan de Oro City was dispatched to Creek Side, Barra, Macabalan, Cagayan de Oro City on 9 November 2007, with the named target as Jay Ravina Villazorda.

PO3 Juliet Dagang testified that at about 5:00 in the afternoon of 9 November 2004, police operatives headed by SPO1 Florencio A. Bagaipo, Jr. with PO3 Arnel Gighe, PO3 Arnold Gaabucayan, PO2 Marvin Bolanio, and PO2 Francis Michael Fortunado as back up officers conducted the buy[-] bust.

Designated as poseur[-]buyer, PO3 Dagang and the confidential civilian informant first approached Villazorda and told the latter that they want to buy "stuff" from him. Then PO3 Dagang handed Villazorda one ₱200.00 bill and three ₱100.00 bills to the latter in exchange for the *shabu*. After receiving the illegal drugs, PO3 Dagang then signaled the informant to

³ Id. at 56-57.

⁴ Id. at 57.

⁵ Id. at 58.

execute the pre-arranged signal of taking off the bull cap from the latter's head. The other members of the team, who were about six meters away from them, then rushed to their location and immediately apprehended Villazorda. SPO1 Bagaipo then held Villazorda and searched the latter's camouflage short pants.

The search yielded 15 small sachets containing white crystalline substance found inside his right side pocket. Then and there he was arrested and read his constitutional rights. The evidence custodian then made an initial marking of the seized suspected shabu and Villazorda was later on brought to the police station for booking.

PO3 Arnold Gaabucayan corroborated the testimony of PO2 Dagang in material respects, especially the details of the conduct of the buy[-]bust, although he was about five to six meters away from the "sale." While in their office, the team finalized all the documentation needed, with him as the evidence custodian who marked the rest of the seized substances with "JVR," representing the initials of Jay Villazorda y Ravina. Three requests for laboratory examination of the seized substances and the urine sample of Villazorda were immediately filed by the buy[-]bust team through PO2 Bolanio.

P/Insp. Erma Condino Salvacion, a Forensic Chemical Officer of the PNP Regional Crime Laboratory-X, in her Affidavit dated 19 March 2008, testified that the laboratory requests and specimens were personally delivered by PO2 Marvin Bolanio, a member of the buy[-]bust team and received by her and PO1 Bajar on 9 November 2007, at 10:40 p.m.

The following day, 10 November 2007, at 9 o'clock in the morning, Chemistry Report No. D-256-2007 was issued by P/Insp. Salvacion, which showed that "Specimen A contains Methamphetamine Hydrochloride (shabu), a dangerous drug." This was the sachet with the attached marking "JVR-X" weighing 0.09 gram of white crystalline substance, received by PO2 Dagang in the arranged "sale." Likewise, Chemistry Report No. D-257-2007 showed that all the 15 heat-sealed transparent plastic sachets taken from Villazorda's short pants' pocket yielded positive for the presence of Methamphetamine Hydrochloride; and Chemistry Report No. DTCRIM-302-2007 testing the urine sample taken from Villazorda also showed the sample to be positive for Methamphetamine Hydrochloride, a dangerous drug.⁶

Professing innocence, accused-appellant raised the defenses of denial and frame-up. His testimony was synthesized by the CA in the following manner:

In his direct testimony, he recounted that while he was walking on his way home with his friend Jayson Toledo in the afternoon of 9 November 2007, coming from a visit to his girlfriend, someone bumped him. Suddenly, there were two more men who closed in on him and ordered him not to run or move. In his surprise, he pushed one of them but suddenly, the person running towards him aimed a pistol at him. They then bodily searched him, inserted their hands inside his short pants' pockets, and took his wallet. His friend Toledo was able to run away and so, only Villazorda was handcuffed and

⁶ Rollo, pp. 5-7.

loaded in their service car. He said that he knew only one of the men, PO3 Arnold Gaabucayan.

The men then brought him to the Honda Shop in Osmeña Street, beside Fatima Junk Shop where he was ordered to text his mother, inform her of his arrest and their demand for ₱50,000.00 money. When his mother did not reply immediately, he was then brought to the Cogon Police Station. There he was told by SPO1 Bagaipo that in case his mother would not cooperate, they would just file a case against him, followed by his call to PO3 Gaabucayan to bring out a cellophane with several sachets of what appeared to be *shabu* from his table drawer.

When his mother arrived at the police station, SPO1 Bagaipo asked her if she brought anything, but it was clear in his mind that the latter was asking about money. His mother started crying. Then the police let him sign a document and took several pictures of him. It was his theory that Grace, a beautician at a parlor in Cogon and his former girlfriend who is also a police asset, discovered his new relationship with a younger girlfriend and so, to get back at him, tipped the police about him. PO3 Dagang was a friend of Grace and PO2 Gighe, when he was brought to the Hall of Justice, also told him that Grace said Villazorda should be given a lesson for hurting her.

When he was asked, however, about the cell phone he used to communicate to his mother and if the message he texted her regarding the money could still be recovered, his excuse was that the SIM pack was already broken by Grace during her visit to the provincial jail, when she saw him texting his younger girlfriend.⁷

The RTC Ruling

In its November 8, 2010 Judgment,⁸ the RTC convicted accused-appellant on both charges.

The trial court found that the prosecution was able to prove that there was a legitimate buy-bust operation which was conducted for the purpose of apprehending accused-appellant in the act of illegally selling dangerous drugs;⁹ that the police officers who were part of the buy-bust operation are entitled to the presumption of regularity in the performance of their duties;¹⁰ that the elements of illegal possession of dangerous drugs was likewise proven by the prosecution beyond reasonable doubt;¹¹ and that the prosecution was able to establish the unbroken chain in the custody of the seized items containing dangerous drugs.¹²

Ultimately, the RTC disposed:

WHEREFORE, premises considered, this Court finds the accused
JAY VILLAZORDA y RAVINA:

⁷ Id. at 9-11.
⁸ CA *rollo*, pp. 56-74.
⁹ Id. at 64-68.
¹⁰ Id. at 68-69.
¹¹ Id. at 69.
¹² Id. at 71-72.

1. In Criminal Case No. 2007-811, GUILTY BEYOND REASONABLE DOUBT of the offense defined and penalized under Section 5, Article II of R.A. 9165 as charged in the Information, and hereby sentences him to suffer the penalty of LIFE IMPRISONMENT, and to pay the Fine of One Million Pesos [₱1,000,000.00], without subsidiary penalty in case of non-payment of fine.
2. In Criminal Case No. 2007-812, GUILTY BEYOND REASONABLE DOUBT of the offense defined and penalized under Section 11, Article II of R.A. 9165, and hereby sentences him to serve the indeterminate penalty of imprisonment from twelve years and one day to thirteen years, and to pay the fine in the amount of Three Hundred Thousand Pesos [₱300,000.00] without subsidiary penalty in case of non-payment of fine.

Let the penalty imposed on the accused be a lesson and an example to all who have the same criminal propensity, inclination and proclivity to commit the same forbidden acts, that crime does not pay, and that the pecuniary gain and benefit which one can derive from selling or manufacturing or trading drugs, or other illegal substance, or from committing any other acts penalized under Republic Act 9165, cannot compensate for the penalty which one will suffer if ever he is prosecuted and penalized to the full extent of the law.

SO ORDERED.¹³

Undaunted, accused-appellant interposed an appeal with the CA.

In his Appellant's Brief,¹⁴ accused-appellant asseverated that no buy-bust operation actually transpired in the instant case;¹⁵ that, as a result, the sachets of *shabu* allegedly seized from him are inadmissible as evidence against him, leading to the failure on the part of the prosecution to prove all of the elements of the crimes charged;¹⁶ that the chain of custody rule was not complied with when the inventory was not conducted in the presence of representatives from the media and the Department of Justice (DOJ);¹⁷ that, in addition, the marking, photographing and inventory of the seized items were not made immediately at the place where the buy-bust operation was conducted;¹⁸ and that the forensic chemist, whose testimony was dispensed with, failed to stipulate how she handled the seized items upon receipt thereof, including the time when she examined the same in the crime laboratory and afterwards.¹⁹

Countermanding the arguments advanced by accused-appellant, the Office of the Solicitor General (OSG) contended in its Appellee's Brief²⁰ that

¹³ Id. at 73-74.

¹⁴ Id. at 21-56.

¹⁵ Id. at 36.

¹⁶ Id. at 40-42.

¹⁷ Id. at 45.

¹⁸ Id. at 46.

¹⁹ Id. at 52.

²⁰ Id. at 84-103.

the supposed inconsistencies in the testimonies of the members of the buy-bust team do not negate the fact that a buy-bust operation was actually contended, leading to accused-appellant's arrest;²¹ that accused-appellant's defenses of denial and frame-up are inherently weak;²² and that the flaws in the police officers' compliance with the rules on chain of custody were not too serious as would render as void the seizure of the illegal drugs in question.²³

The CA Ruling

On August 31, 2012, the CA rendered the herein assailed Decision²⁴ affirming *in toto* the ruling of the trial court.

The appellate court held that accused-appellant's defense of denial cannot negate the presumption of regularity of the buy-bust operation;²⁵ that the prosecution was able to prove all of the elements of the crimes charged;²⁶ and that the lapses in the observance of the rules on chain of custody may be excused because the integrity of the seized items was still established by the prosecution.²⁷

Thus:

WHEREFORE, premises considered, the assailed Judgment of the Regional Trial Court (Branch 25), Cagayan de Oro City is hereby AFFIRMED in toto.

SO ORDERED.²⁸

Hence, the present recourse.

On February 6, 2013, the CA issued a Resolution²⁹ which, *inter alia*, gave due course to the Notice of Appeal³⁰ filed by accused-appellant, thereby ordering the elevation of the records of the instant case to this Court.

In a Resolution³¹ dated August 7, 2013, this Court noted the records of the case forwarded by the CA. The parties were then ordered to file their respective supplemental briefs, should they so desire, within thirty (30) days from notice.

²¹ Id. at 94.

²² Id. at 96.

²³ Id. at 99.

²⁴ *Rollo*, pp. 3-22.

²⁵ Id. at 12-13.

²⁶ Id. at 15.

²⁷ Id. at 20-21.

²⁸ Id. at 21.

²⁹ *CA rollo*, pp. 140-141. Penned by Associate Justice Edgardo T. Lloren with Associate Justices Jhosep Y. Lopez and Henry Jean Paul B. Inting (now Members of this Court) concurring.

³⁰ Id. at 134-135.

³¹ *Rollo*, p. 29.

On December 4, 2013, the OSG filed a Manifestation and Motion³² stating that it would no longer file a supplemental brief because all of its contentions have been exhaustively ventilated in the appellee's brief that it submitted to the CA. On January 3, 2014, accused-appellant, through the Public Attorney's Office, filed a similar Manifestation with Motion.³³

We now resolve the case.

Issue

Whether or not the CA erred when it affirmed *in toto* accused-appellant's conviction for violation of Sections 5 and 11, Article II of R.A. No. 9165

Ruling of the Court

The appeal is meritorious.

I.

In every criminal case, the accused is entitled to acquittal unless his guilt is shown beyond reasonable doubt.³⁴ Proof beyond reasonable doubt does not mean such degree of proof as to exclude the possibility of error and produce absolute certainty; only moral certainty is required or that degree of proof which produces conviction in an unprejudiced mind.³⁵ Thus, a criminal case rises or falls on the strength of the prosecution's case, not on the weakness of the defense.³⁶

In order to convict a person charged with the crime of illegal sale of dangerous drugs under Section 5, Article II of R.A. No. 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.³⁷

On the other hand, for a successful prosecution of an offense for illegal possession of dangerous drugs, the prosecution must establish the following elements: (a) the accused was in possession of an item or object identified as a prohibited drug; (b) such possession was not authorized by law; and (c) the accused freely and consciously possessed the said drug.³⁸

As a general rule, it is essential that the identity of the dangerous drug be established with moral certainty, considering that the dangerous drug itself

³² Id. at 30-32.

³³ Id. at 38-39.

³⁴ *People v. Claro*, 808 Phil. 455, 464 (2017)

³⁵ *XXX v. People*, G.R. No. 243049, October 5, 2020.

³⁶ *People v. Lumikid*, G.R. No. 242695, June 23, 2020.

³⁷ *People v. Manabat*, G.R. No. 242947, July 17, 2019.

³⁸ *People v. Quijano*, G.R. No. 247558, February 19, 2020.

forms an integral part of the *corpus delicti* of the crime.³⁹ The only way by which the State could lay the foundation of the *corpus delicti* is to establish beyond reasonable doubt the illegal sale or illegal possession of the dangerous drug by preserving the identity of the drug offered as evidence against the accused. The State does so only by ensuring that the drug presented in the trial court was the same substance bought from the accused during the buy-bust operation or recovered from his or her possession at the moment of arrest.⁴⁰ Thus, it is of utmost importance that the integrity and identity of the seized drugs must be shown to have been duly preserved.⁴¹ In *People v. Jaafar*,⁴² the Court explained further:

Narcotic substances are not readily identifiable. To determine their composition and nature, they must undergo scientific testing and analysis. Narcotic substances are also highly susceptible to alteration, tampering, or contamination. It is imperative, therefore, that the drugs allegedly seized from the accused are the very same objects tested in the laboratory and offered in court as evidence. The chain of custody, as a method of authentication, ensures that unnecessary doubts involving the identity of seized drugs are removed.⁴³ (Citations omitted)

It is the obligation of the prosecution to establish the chain of custody for evidence sent to testing laboratories — that is, to establish “the identity and integrity of physical evidence by tracing its continuous whereabouts.”⁴⁴ Indeed, the trial court requires a more stringent foundation “entailing a ‘chain of custody’ of the item with *sufficient completeness* to render it *improbable* that the original item has either been exchanged with another or been contaminated or tampered with.”⁴⁵ The prosecution must introduce sufficient proof so that a reasonable juror could find that the items seized are in “substantially the same condition” as when they were seized.⁴⁶ The government need only show that “it took reasonable precautions to preserve the original condition of the evidence.”⁴⁷

II.

Since the Informations allege that the crimes charged were committed on November 9, 2007, the rules on chain of custody are governed by R.A. No. 9165 **prior** to its amendment by R.A. No. 10640.⁴⁸

³⁹ *People v. De Dios*, G.R. No. 243664, January 22, 2020.

⁴⁰ *People v. Nepomuceno*, 840 Phil. 356 (2018).

⁴¹ *People v. Ubungen*, 836 Phil. 888, 897 (2018).

⁴² 803 Phil. 582 (2017).

⁴³ *Id.* at 591.

⁴⁴ *Melendez-Diaz v. Massachusetts*, 557 U.S. 305 (2009).

⁴⁵ *United States v. Cardenas*, 864 F.2d 1528 (1989).

⁴⁶ *United States v. Harrington*, 923 F.2d 1371 (1991).

⁴⁷ *United States v. Prieto*, 549 F.3d 513 (2008).

⁴⁸ 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.”

Section 21(1), Article II of R.A. No. 9165 outlines the procedure which the police officers must follow when handling the seized drugs in order to preserve their integrity and evidentiary value.⁴⁹ Thus:

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[.]

Under the foregoing section, the apprehending team shall, among others, **immediately after seizure and confiscation conduct a physical inventory and photograph the seized items in the presence of the accused or the person from whom the items were seized, or his/her representative or counsel, a representative from the media and the DOJ, and any elected public official** who shall be required to sign the copies of the inventory and be given a copy of the same, and the seized drugs must be turned over to the Philippine National Police Crime Laboratory within 24 hours from confiscation for examination.⁵⁰ The law requires the presence of an elected public official, as well as representatives from the DOJ and the media to ensure that the chain of custody rule is observed and thus, remove any suspicion of tampering, switching, planting, or contamination of evidence which could considerably affect a case.⁵¹ In other words, they are “necessary to insulate the apprehension and incrimination proceedings from any taint of illegitimacy or irregularity.”⁵²

Alternatively stated, R.A. No. 9165 **strictly requires** that (1) the seized items be inventoried and photographed immediately after seizure or confiscation; and (2) the physical inventory and photographing must be done in the presence of (a) the accused or his/her representative or counsel, (b) an elected public official, (c) a representative from the media, and (d) a representative from the DOJ.⁵³

In the instant case, it is readily apparent that serious breaches of the rules on chain of custody were made by the officers who apprehended accused-appellant.

⁴⁹ *People v. Baptista*, 839 Phil. 108, 115 (2018).

⁵⁰ *People v. Dela Victoria*, 829 Phil. 675, 683 (2018).

⁵¹ *People v. Crispo*, 828 Phil. 416, 430 (2018).

⁵² *People v. Sagana*, 815 Phil. 356, 373 (2017).

⁵³ *People v. Galuken*, G.R. No. 216754, July 17, 2019.

First, while the RTC and the CA both refer to the act of taking photographs of the seized plastic sachets containing suspected *shabu*, there was no mention whatsoever that an inventory of the same was actually conducted by the buy-bust team.

Second, assuming *arguendo* that an inventory took place, the same was conducted at the police station and not at the place where the buy-bust operation was held.

Third, the records are eerily silent as to whether the marking, inventory and photographing of the seized items were made in the presence of an elected public official, a representative from the media, and a representative from the DOJ, or if a written inventory was even signed by these required witnesses.

Fourth, while the prosecution dispensed with the testimony of the forensic chemist who examined the contents of the seized items, there was an abject failure on its part to stipulate that said forensic chemist “received the seized article[s] as marked, properly sealed and intact; that [s]he resealed [them] after examination of the content[s]; and that [s]he placed [her] own marking[s] on the same to ensure that [they] could not be tampered pending trial.”⁵⁴

While it is true that there are cases where the Court had ruled that the failure of the apprehending team to strictly comply with the procedure laid out in Section 21, Article II of R.A. No. 9165 does not *ipso facto* render the seizure and custody over the items as void and invalid, this comes with the caveat that the prosecution still needs to satisfactorily prove that: (a) there is justifiable ground for non-compliance; and (b) the integrity and evidentiary value of the seized items are properly preserved.⁵⁵

In other words, the prosecution should explain the reasons behind the procedural lapses.⁵⁶ The arresting officers are under obligation, should they be unable to comply with the procedures laid down under Section 21, Article II of R.A. No. 9165 to explain why the procedure was not followed and prove that the reason provided a justifiable ground.⁵⁷

Here, no justifiable ground for non-compliance was ever advanced by the prosecution. Earnest efforts were not exerted by the apprehending officers to exhibit compliance with the requirements of Section 21, Article II of R.A. No. 9165.

In *People v. Barte*,⁵⁸ the Court so declared:

⁵⁴ *People v. Pajarin*, 654 Phil. 461, 466 (2011).

⁵⁵ *People v. Musor*, G.R. No. 231843, November 7, 2018.

⁵⁶ *Id.*

⁵⁷ *People v. Adobar*, 832 Phil. 731, 761 (2018).

⁵⁸ 806 Phil. 533 (2017).

When there is failure to comply with the requirements for proving the chain of custody in the confiscation of contraband in a drug buy-bust operation, the State has the obligation to credibly explain such noncompliance; otherwise, the proof of the *corpus delicti* is doubtful, and the accused should be acquitted for failure to establish his guilt beyond reasonable doubt.⁵⁹

In *People v. Omamos*,⁶⁰ We further ratiocinated:

In cases involving sale of dangerous drugs, life imprisonment to death await violators. Thus, to eradicate wrongful arrests and, worse, convictions, safeguards against abuses of power in the conduct of drug-related arrests must strictly be implemented. The pernicious practice of switching, planting or contamination of the *corpus delicti* under the regime of RA 6425, otherwise known as the “Dangerous Drugs Act of 1972,” could again be resurrected if the lawful requirements were otherwise lightly brushed aside.

The presumption of regularity in the performance of official duty arises only when the records do not indicate any irregularity or flaw in the performance of official duty. Applied to dangerous drugs cases, the prosecution cannot rely on the presumption when there is a clear showing that the apprehending officers unjustifiably failed to comply with the requirements laid down in Section 21 of RA 9165 and its Implementing Rules and Regulations. In any case, the presumption of regularity cannot be stronger than the presumption of innocence in favor of the accused.⁶¹ (Citations omitted)

Considering that the procedural lapses committed by the apprehending officers, which were unfortunately left unjustified, militate against a finding of guilt beyond reasonable doubt against accused-appellant, as the integrity and evidentiary value of the *corpus delicti* had been compromised, **the Court is constrained to rule that accused-appellant’s acquittal on both charges is in order.**⁶²

III.

A final note.

Proof beyond reasonable doubt charges the prosecution with the immense responsibility of establishing moral certainty.⁶³ The prosecution bears the primary duty to present its case with clarity and persuasion, to the end that conviction becomes the only logical and inevitable conclusion.⁶⁴ Indeed, no person should be subjected to punishment unless the evidence shows beyond a reasonable doubt the existence of every fact necessary to constitute the crime charged.⁶⁵

⁵⁹ Id. at 536.

⁶⁰ G.R. No. 223036, July 10, 2019.

⁶¹ Id.

⁶² *People v. Dela Torre*, G.R. No. 238519, June 26, 2019.

⁶³ *Daayata v. People*, 807 Phil. 102, 104 (2017).

⁶⁴ *Lopez v. People*, G.R. No. 249196, April 28, 2021.

⁶⁵ *United States v. White*, 569 F.2d 263 (1978).

Our Constitution declares that the maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.⁶⁶ Those who are supposed to enforce the law are not justified in disregarding the rights of the individual in the name of order. Order is too high a price for the loss of liberty.⁶⁷ A battle waged against illegal drugs that tramples on the rights of the people is not a war on drugs. *It is a war against the people.*⁶⁸

WHEREFORE, the appeal is **GRANTED**. The Decision dated August 31, 2012 of the Court of Appeals in CA-G.R. CR HC No. 00882-MIN is hereby **REVERSED** and **SET ASIDE**. For failure on the part of the prosecution to prove his guilt beyond reasonable doubt, accused-appellant **Jay Villazorda y Ravina** is **ACQUITTED** of the crimes charged in Criminal Case Nos. 2007-811 and 2007-812. He is **ORDERED** immediately **RELEASED** from detention unless he is being detained for some other lawful cause.

Let a copy of this Resolution be furnished the Director General of the Bureau of Corrections for immediate implementation. He is **DIRECTED** to report the action he has taken to this Court within five (5) days from receipt of this Resolution.

Let entry of judgment be issued immediately.

SO ORDERED.” (Inting, J., no part; Marquez, J., designated additional Member per Raffle dated August 9, 2022.)

By authority of the Court:

MisloCBatt
MISAELO DOMINGO C. BATTUNG III
 Division Clerk of Court

JB 9/7/22

Regional Special & Appealed Cases Unit
 PUBLIC ATTORNEY'S OFFICE
 2/F BJS Building
 Tiano Brothers cor. San Agustin Sts.
 9000 Cagayan de Oro City

COURT OF APPEALS
 CA-G.R. CR HC No. 00882-MIN
 9000 Cagayan de Oro City

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

⁶⁶ *People v. Dumanjug*, G.R. No. 235468, July 1, 2019.

⁶⁷ *People v. Aminnudin*, 246 Phil. 424, 435 (1988).

⁶⁸ *People v. Sapla*, G.R. No. 244045, June 16, 2020.

The Presiding Judge
REGIONAL TRIAL COURT
Branch 25, 9000 Cagayan de Oro City
(Crim. Case Nos. 2007-811 & 2007-812)

The Director General
BUREAU OF CORRECTIONS
1770 Muntinlupa City

The Regional Superintendent
DAVAO PRISON & PENAL FARM
B.E. Dujali, 8105 Davao del Norte

Mr. Jay R. Villazorda
c/o The Superintendent
DAVAO PRISON & PENAL FARM
B.E. Dujali, 8105 Davao del Norte

PGEN. Rodolfo S. Azurin, Jr.
CHIEF, 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

The Chairman
DANGEROUS DRUGS BOARD
3rd Floor DDB-PDEA Bldg.,
NIA Northside Road
National Government Center
Brgy. Pinyahan, Quezon City

PHILIPPINE JUDICIAL ACADEMY
Research Publications and Linkages Office
Supreme Court, Manila
[research_philja@yahoo.com]

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. 207632

2022

JB


(96)
URES