



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Baguio City

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 27 April 2022 which reads as follows:

“G.R. No. 249185 (*People of the Philippines v. Salahudin Pindaton y Paniambaan @ “Odin,” a.k.a. Salahoden P. Pendatun*). — This is an appeal from the May 23, 2018 Decision¹ of the Court of Appeals (CA) affirming the May 18, 2017 Judgment² of the Regional Trial Court (RTC) of Manila, Branch 20. The RTC found accused-appellant Salahudin Pindaton y Paniambaan @ “Odin,” a.k.a. Salahoden P. Pendatun (accused-appellant) guilty beyond reasonable doubt of violating Section 5, Article II of Republic Act No. (RA) 9165³ or the “Comprehensive Dangerous Drugs Act of 2002.”

The Factual Antecedents

An Information⁴ dated November 11, 2015 was filed against accused-appellant that reads:

That on or about October 1, 2015, in the city of Manila, Philippines, the said accused, not being authorized by law to sell, trade, deliver or give away to another any dangerous drug, did then and there willfully, unlawfully and knowingly sell or offer for sale for Php 500.00 to SPO1 JOHN SIMON B. BALTAZAR, a poseur buyer, one (1) hea[t]-sealed transparent plastic sachet containing white crystalline substance weighing THREE POINT FOUR HUNDRED THREE (3.403) grams marked as “SPP” containing Methamphetamine hydrochloride known as SHABU, which is a dangerous drug.

¹ *Rollo*, pp. 108-121. Penned by Associate Justice Manuel M. Barrios and concurred in by Associate Justices Japar B. Dimaampao and Jhosep Y. Lopez (now Members of this Court).

² *Records*, pp. 131-139. Penned by Presiding Judge Marivic Balisi-Umali.

³ Entitled “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.” Approved: June 7, 2002.

⁴ *Records*, pp. 1-2.

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Contrary to law.⁵

Version of the Prosecution

The prosecution alleges that on October 1, 2015, the Manila Police District – District Anti-Illegal Drugs (MPD-DAID), received a report from an informant regarding the drug-peddling activities of accused-appellant. Pursuant to this report, the MPD-DAID chief ordered the conduct of a buy-bust operation, headed by Senior Police Officer (SPO) 1 John Simon Baltazar (SPO1 Baltazar), as the poseur-buyer.⁶

On the same date, the buy-bust team and the informant arrived at the target area in front of SM Carriedo at Palanca Street, Quiapo, Manila, at around 2:00 p.m. After a while, SPO1 Baltazar and the informant were approached by accused-appellant who, upon being introduced to SPO1 Baltazar, uttered: “*kukuha ka ba? Maganda ang tamuk (shabu) namin.*” (will you buy? Our *shabu* is good).⁷ Agreeing to the offer, SPO1 Baltazar handed accused-appellant marked bills consisting of five pieces of ₱100.00-bills as payment. After receiving the money, accused-appellant discreetly gave SPO1 Baltazar a clear plastic sachet containing white crystalline substance suspected to be *shabu*. Afterwards, SPO1 Baltazar signaled to his companions the consummation of the sale, and immediately arrested accused-appellant. SPO1 Baltazar introduced himself as a police officer, and informed accused-appellant of his *Miranda* rights. Since some pedicab drivers and the relatives of the accused-appellant tried to rescue him, the police officers decided to proceed to their office for the marking and inventory of the seized items there.⁸

At their office, SPO1 Baltazar marked the clear plastic sachet with “SPP,” the initials of the accused-appellant, inventoried, and took photographs of the seized items in the presence of accused-appellant, and one Robert Amoroso, a member of the Manila Police District Press Club. Thereafter, the items were turned-over to Police Officer (PO) 2 Eduardo Dolleton (PO2 Dolleton), the case investigator, who prepared the Booking Sheet, Arrest Report, and the Request for Forensic Examination. Afterwards, PO2 Dolleton transferred the items to Police Chief Inspector Elisa Reyes Arturo (PCI Arturo), the Forensic Chemical Officer, for testing. The white crystalline substance seized from the accused-appellant yielded a positive result for the presence of methamphetamine hydrochloride, also known as *shabu*.⁹

On the other hand, accused-appellant denied the charges against him, and alleged that he was framed. He claimed that it was impossible for him to be at

⁵ Id. at 1.

⁶ *Rollo*, pp. 4-5.

⁷ Id. at 5.

⁸ Id. at 5-6.

⁹ Id. at 6.

the area where the buy-bust occurred on October 1, 2015 because he was already detained at the MPD-DAID office the day before. He asserted that on September 30, 2015, while walking along Palanca Street, he was apprehended by several police officers and brought to the MPD-DAID office for questioning. The accused-appellant claimed that he was threatened and mauled, and was forced to admit that he was a drug pusher. He further alleged that he was later informed by his sister that some police officers were extorting money from her in exchange for his liberty. In addition, the accused-appellant presented the testimonies of several persons who claimed that he was a person of good moral character.

Ruling of the Regional Trial Court

In its Judgment¹⁰ dated May 18, 2017, the RTC found accused-appellant guilty as charged. The dispositive portion of the trial court's Judgment reads:

PREMISES CONSIDERED, his guilt having been established and proved beyond reasonable doubt for Violation of Section 5, R.A. 9165, accused **SALAHUDIN PINDATON y PANIAMBAAN @ ODIN a.k.a. SALAHODEN P. PENDATON** is hereby sentenced to suffer the penalty of **life imprisonment** and to pay a fine of P500,000.00

The 3.403 grams of methamphetamine hydrochloride subject of the instant case is ordered confiscated in favor of the government.

SO ORDERED.¹¹

In convicting accused-appellant, the RTC held that aside from his denial, accused-appellant failed to present sufficient evidence to support the same. While he presented witnesses who vouched for his good character, the RTC stated that "there are however, times when good and upright man go astray."¹²

More importantly, the RTC found that the prosecution was able to establish all the elements of the crime charged. This, coupled with accused-appellant's failure to "come up with strong and convincing evidence to overcome the presumption that the law enforcement officer acted in the regular performance of their official duties," undoubtedly warrants a conviction.¹³

Aggrieved, accused-appellant elevated the case to the CA by filing a Notice of Appeal¹⁴ dated May 25, 2017.

¹⁰ Records, pp. 131-139.

¹¹ Id. at 139.

¹² Id at 137.

¹³ Id. at 137-139.

¹⁴ Id. at 143-144.

Ruling of the Court of Appeals

In its May 23, 2018 Decision,¹⁵ the CA denied the accused-appellant's appeal and affirmed the RTC Judgment.

In ruling so, the CA held that SPO1 Baltazar's testimony as to the conduct of the buy-bust operation, which led to the arrest of the accused-appellant, was credible and "materially supported by real and documentary evidence."¹⁶ The CA likewise found the integrity of the seized items to have been sufficiently preserved.¹⁷

The *fallo* of the CA Decision reads:

WHEREFORE, finding no reversible error, the Judgment dated 18 May 2017 of the Regional Trial Court, Branch 20, Manila is **AFFIRMED**.

SO ORDERED.¹⁸

Undeterred, accused-appellant elevated the case to this Court by filing a Notice of Appeal¹⁹ dated June 11, 2018.

Issue

The sole issue to be resolved is whether accused-appellant is guilty beyond reasonable doubt of violating Section 5, Article II of RA 9165.

In his Brief,²⁰ accused-appellant principally contends that the police officers' narration of buy-bust is unbelievable, considering the "grossly inadequate price"²¹ at which the subject *shabu* was allegedly sold for to SPO1 Baltazar. Further, the accused-appellant faults the arresting officers for failing to sufficiently comply with the chain of custody rule, as required by Section 21, Article II of RA 9165. Lastly, the accused-appellant maintains the credibility of his denial and alibi, alleging that he was a victim of "*hulidap*."²²

Our Ruling

The appeal is meritorious.

¹⁵ CA *rollo*, pp. 108-121.

¹⁶ Id. at 115.

¹⁷ Id. at 113-120.

¹⁸ Id. at 120.

¹⁹ Id. at 126-127.

²⁰ *Rollo*, pp. 34-60.

²¹ Id. at 43.

²² Id. at 57.

In *People v. Buniag*,²³ the Court laid down the elements required for a successful prosecution of a drugs case:

[I]t is important for the Court to point out that for a successful prosecution of the offense of illegal sale of dangerous drugs under RA 9165, x x x the following elements must be proven: (1) the transaction or sale took place; (2) **the *corpus delicti* or the illicit drug was presented as evidence**; and (3) the buyer and the seller were identified.

In cases involving dangerous drugs, the confiscated drug constitutes the very *corpus delicti* of the offense and the fact of its existence is vital to sustain a judgment of conviction x x x.²⁴

The Court holds that the prosecution failed to establish the first element. There is reasonable doubt as to whether the alleged buy-bust operation was actually conducted, and whether it was conducted properly. Moreover, there is a serious doubt as to the integrity of the seized dangerous drugs, assuming there was any drug actually seized from accused-appellant.

In its attempt to establish the first element, *i.e.*, that the transaction or sale took place, the prosecution solely relied on the testimony of the alleged poseur-buyer – SPO1 Baltazar. However, a careful review of his testimony will reveal many inconsistencies on crucial points which cast serious distrust as to the truthfulness of the same.

First, and as claimed by accused-appellant, there is a lingering question as to the price the *shabu* was sold for. SPO1 Baltazar testified as follows:

SACP AGUILA: And after you responded *SIGE SUSUBUKAN KO YANG DALA MO*, what happened next?
WITNESS: He demanded for the payment, sir.

SACP AGUILA: What price did he ask for?
WITNESS: Php500.00, sir.

SACP AGUILA: Now, of your own personal knowledge Mr. Witness since you are member of DAID for almost two years what is now the street value of *tamuk* or *bato* or *shabu*?
WITNESS: **For now *parang* Php5,000.00 per gram, sir.**

SACP AGUILA: Now, in 2015 what was the street value?
WITNESS: *Mas mura po noon*, sir.

SACP AGUILA: How much?
WITNESS: **Php4,000.00, sir.**

²³ G.R. No. 217661, June 26, 2019.

²⁴ *Id.*

SACP AGUILA: And how much gram or grams were you going to buy from this alias Odin?
WITNESS: **I'm just buying for the amount of Php500.00, sir.**²⁵
(Emphasis supplied).

Clear from the foregoing testimony of SPO1 Baltazar are two things: one, that at the time of the arrest, he knew the street price of *shabu* to be approximately ₱4,000.00 per gram; and two, that he was buying only ₱500.00 worth of *shabu*. Yet, despite these facts, SPO1 Baltazar claims that he was able to recover a total of 3.403 grams of white crystalline substance, later on verified to be *shabu*, from accused-appellant. On this point, We quote with approval the argument of accused-appellant:

If the price of one (1) gram of shabu is worth about Four Thousand Pesos (Php4,000.00) at the time the accused-appellant was arrested, three point four zero three (3.403) grams of shabu, the amount of illegal drugs allegedly sold by the accused-appellant was worth about Thirteen Thousand Six Hundred and Twelve Pesos (Php13,612.00). Meanwhile, the amount of money allegedly given by SPO1 Baltazar was merely Five Hundred Pesos (Php500.00).

This unexplained huge and unexplained gap between the value of the illegal drugs allegedly sold by the accused-appellant and the consideration therefore that SPO1 Baltazar gave casts doubt as to whether an actual buy-bust operation occurred. This detail uncontroverted by the plaintiff-appellee, sticks out like a sore thumb, exposing the alleged buy-bust operation as a sham.²⁶

While this itself is not an element of the crime charged, it goes into the plausibility of whether the sale or transaction actually happened – the element of the crime – in view of the same being contrary to normal human experience. Interestingly, this peculiar circumstance was never addressed by the prosecution. As mentioned, this engenders disbelief as to the presence of the first element; *i.e.*, that an actual buy-bust took place. In fact, even assuming that a buy-bust indeed took place, there is, at the very least, reasonable doubt as to the true amount of illegal substance recovered from accused-appellant, for it is highly unbelievable for *shabu* to be sold at such a low price. In any case, the integrity of the seized items is tainted.

Second, there are unaddressed inconsistencies in the testimonies and exhibits of the prosecution. For one, SPO1 Baltazar was unsure as to which pocket the accused-appellant drew the alleged *shabu* recovered. He testified as follows:

SACP AGUILA: So, after you gave the Php500.00 what happened next?
WITNESS: After I gave five (5) Php100.00 bills to alias Odin he put it inside his right front pocket, sir.

²⁵ TSN, November 14, 2016, pp. 12-13.

²⁶ *Rollo*, p. 44.

- SACP AGUILA:** Then, what happened next?
WITNESS: **Then he drew from his right pocket** the heat sealed transparent plastic sachet and discreetly handed over to me, sir.
- SACP AGUILA:** Why did you say discreetly, Mr. Witness?
WITNESS: *Hindi nya po kasi lantad na ibinigay, sir.*
- SACP AGUILA:** Please demonstrate before this Court how did alias Odin handing (*sic*) over to you the specimen discreetly which you testified earlier.
WITNESS: **He drew it from his left front pocket, sir.**²⁷ (Emphasis supplied).

Again, while in itself not an element, the foregoing goes into the credibility of SPO1 Baltazar's testimony on the alleged buy-bust.

In addition, there appears to be a conflict between the Joint Affidavit of Complaint and Apprehension,²⁸ wherein one of the signatories is SPO1 Baltazar, and the document marked as Exhibit "K."²⁹ In the Joint Affidavit of Complaint and Apprehension, it is stated that the accused-appellant was wearing long pants, thus:

That, during the course of apprehension I, SPO1 Baltazar, directed the above named suspect to empty the contents of his pocket and thereon recovered coming out from his right front pocket **long pants** were five (5) pcs. Php 100.00 bills utilized as the marked buy-bust money.³⁰ (Emphasis supplied)

On the other hand, Exhibit "K," which contains a photograph appearing to have been taken during the marking of the seized items at the MPD-DAID office, shows accused-appellant wearing shorts, and not long pants. In the ordinary course of things, inaccuracies as to this seemingly inconsequential detail rarely happen, considering that police officers apprehending a drug suspect would typically be focused on the trousers the suspect is wearing where the contraband is normally kept. Thus, what appears to be a trivial matter at first, gains importance when there is an unexplained conflict, such as in this case. Further, while these inconsistencies may easily be addressed by simply presenting another witness from the buy-bust team, the prosecution curiously opted not to do so. Instead, it relied solely on the testimony of SPO1 Baltazar – one which is replete with contradictions.

Third, there are significant irregularities as to how the allegedly recovered items were processed. A review of the transcript of stenographic notes is enlightening:

²⁷ TSN, November 14, 2016, p. 13.

²⁸ Records, pp. 8-9.

²⁹ Id. at 18.

³⁰ Id. at 9.

- SACP AGUILA:** And as a Public Prosecutor, I am aware that apart from marking the initials of the accused, there should be your signature as well as the date. Now, why is it that there was no date as well as your signature on that particular specimen?
- WITNESS:** I did not put it anymore, sir.
- COURT:** Why?
- WITNESS:** I think this marking is enough for me to identify.
- COURT:** No, but I can always say that it was not you who marked that one, it was not you who seized that sachet from the accused?
- WITNESS:** But during the arrest, the inventory and the markings of the evidence I was the one who put... (interrupted)
- COURT:** Yes, you put the marking, but how can you convince us that you were the one who put the marking when your signature and the date when you put the marking does not appear on the specimen itself? That is the question of the Prosecutor. And you want the Court to believe you that you were the one who seized that, you were the one who marked that?
- WITNESS:** In the inventory and Chain of Custody, there is already a date that indicates... (interrupted)
- COURT:** No, but you know on the specimen itself it should be dated and the marking officer should put his initials on it so that it will be known who seized the article, when it was seized.
- WITNESS:** Yes, Your Honor, I suppose that the Chain of Custody and the inventory of the evidence is enough to show that I was the one... (interrupted)
- COURT:** **You are now putting a doubt on the integrity of the specimen because you did not put the date, you did not put your initials on it. And it is possible that somebody seized that, somebody put the marking not you.**
- WITNESS:** I am very sure, Your Honor, that I am the one who... (interrupted)
- COURT:** Convince the Court.
- WITNESS:** Yes, Your Honor, We have the inventory and the Chain of Custody that indicate that it is me who really... (interrupted)
- COURT:** Why did you not put your initials on the specimen itself?
- WITNESS:** I think the initials of the suspect are enough to identify the evidence, Your Honor.

COURT: **You don't convince me. Continue, Mr. Prosecutor.**³¹
(Emphases supplied.)

Aside from their failure to affix the proper markings on the seized items, the police officers likewise failed to do the same at the prescribed location, and in the presence of the required persons, as mandated by Section 21, Article II of RA 9165. To recap, SPO1 Baltazar and his team marked the items not at the place of the arrest, but at the MPD-DAID office. Likewise, it was marked and photographed without the presence of an elected official, thus:

SACP AGUILA: Who were present when you conducted the inventory?
WITNESS: The investigator, me, the suspect, the media – photo
journalist and other operatives, sir.

SACP AGUILA: And who was the media who was present there?
WITNESS: I remember it is J. Robert Amoroso MPD-Press Corps,
sir.

x x x x

COURT: So, only Amoroso was present when the inventory and
the marking of confiscated items were being made?
WITNESS: We called a barangay official but no one came, Your
Honor.

x x x x

COURT: So, you mean to say only a barangay official can be asked
to be present on the marking and inventory of the
specimens confiscated?
WITNESS: Opo pwede pong barangay official, Your Honor.

COURT: Does not the law say that any elected official can be
present on the inventory and marking of the specimen?
WITNESS: Elected official, Your Honor.

x x x x

COURT: Why you did not call Mayor Estrada or the Vice Mayor
to be present there when you know barangay elected
official was there, is it not? Because the law does not say
that only a barangay official can be summoned to be
present on the marking of evidence. Continue, Mr,
Prosecutor.³²

SPO1 Baltazar's explanation as to why no elected official was present during the marking hardly passes as valid. This is in clear violation of Section 21, Article II of RA 9165, as amended, which states that the seized items shall

³¹ TSN, November 28, 2016, pp. 9-10.

³² TSN, November 14, 2016, pp. 17-18.

be marked, inventoried, and photographed in the presence of the accused, a representative of the media or the National Prosecution Service, and any elected public official. Moreover, as to where the items were processed:

SACP AGUILA: By the way, you said that you conduct (*sic*) your inventory and marking of the specimen at the office of the DAID?

WITNESS: Yes, sir.

x x x x

COURT: How far is SM Carriedo from the DAID office? DAID office in the MPD?

WITNESS: Yes, Your Honor, U.N., 4 to 6 kilometers po siguro.

COURT: If you take a ride from SM Carriedo to the DAID office how long will it take?

WITNESS: More or less, Your Honor, *siguro po pag hindi traffic, 20 minutes.*

COURT: *Kung ma-traffic?*

WITNESS: *Siguro one hour.*³³

To justify this deviation in procedure, SPO1 Baltazar said that they were trying to avoid causing a commotion and untoward incidents from happening, since some pedicab drivers and relatives of the accused-appellant were allegedly grabbing and trying to free the former.

While on its own this justification may seem valid, the Court cannot ignore the fact that there have been too many irregularities committed by the police officers, which lead us to doubt the integrity of the seized items.

In *People v. Dela Cruz*,³⁴ it was held:

The significance of complying with Section 21's requirements cannot be overemphasized. Non-compliance is tantamount to failure in establishing identity of *corpus delicti*, an essential element of the offenses of illegal sale and illegal possession of dangerous drugs. By failing to establish an element of these offenses, non-compliance, will, thus, engender the acquittal of an accused.

In *Malillin v. People*,³⁵ the Court emphasized the peculiar nature of drugs cases and the consequences this entail, thus:

A unique characteristic of narcotic substances is that they are not readily identifiable as in fact they are subject to scientific analysis to determine their composition and nature. The Court cannot reluctantly close its eyes to the

³³ TSN, November 28, 2016, pp. 13-14.

³⁴ 744 Phil. 816, 827 (2014).

³⁵ 576 Phil. 576, 588-589 (2008).

likelihood, or at least the possibility, that at any of the links in the chain of custody over the same there could have been tampering, alteration or substitution of substances from other cases – by accident or otherwise – in which similar evidence was seized or in which similar evidence was submitted for laboratory testing. Hence, in authenticating the same, a standard more stringent than that applied to cases involving objects which are readily identifiable must be applied, a more exacting standard that entails a chain of custody of the item with sufficient completeness if only to render it improbable that the original item has either been exchanged with another or been contaminated or tampered with.

Indeed, while the police officers enjoy a presumption of regularity in the performance of their duties, “the presumption of regularity is merely just that – a mere presumption disputable by contrary proof and which when challenged by the evidence cannot be regarded as binding truth.”³⁶ In any case, the accused-appellant likewise enjoys a presumption in his favor – that of innocence, which can only be overthrown by proof of guilt beyond reasonable doubt. Regrettably, such quantum of proof has not been met in the present case.

As a final note, the Court wishes to take this opportunity to again remind law enforcement authorities to be more circumspect in carrying out operations and observing procedures meant to curb criminality, especially those involving dangerous drugs. While the end-goal is laudable, equally important is the respect to rules and protocols put in place to safeguard every person’s sacred right to life, liberty, and property.

Considering the foregoing, the Court no longer deems it necessary to discuss the other issues.

WHEREFORE, the appeal is hereby **GRANTED**. The Decision of the Court of Appeals dated May 23, 2018 is **REVERSED** and **SET ASIDE**. Accused-appellant Salahudin Pindaton *y* Paniambaan @ “Odin,” a.k.a. Salahoden P. Pendatun, is hereby **ACQUITTED** for failure of the prosecution to prove his guilt beyond reasonable doubt, and is accordingly ordered immediately released from custody unless he is being held for any other lawful cause.

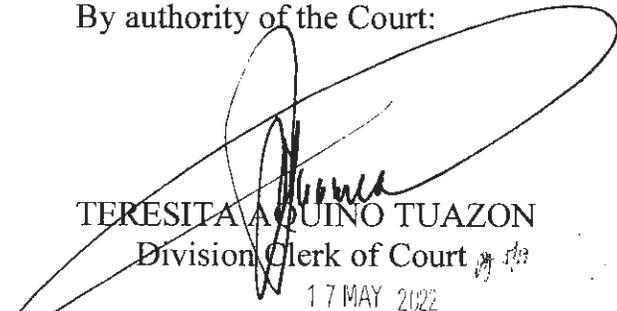
Let a copy of this Resolution be furnished to the Director General of the Bureau of Corrections, Muntinlupa City, for immediate implementation. The Director General is **DIRECTED** to report the action taken hereon within five days from receipt of this Resolution.

Let entry of judgment be issued immediately.

SO ORDERED.” (*Perlas-Bernabe, S.A.J., on official leave; Hernando, J., Acting Chairperson per Special Order No. 2887 dated April 8, 2022.*)

³⁶ *Id.* at 593.

By authority of the Court:



TERESITA AQUINO TUAZON
Division Clerk of Court
17 MAY 2022

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 20
Manila
(Crim. Case No. 15-321366)

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