



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

N O T I C E

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated March 15, 2022 which reads as follows:

“G.R. No. 253833 (*People of the Philippines v. Erold Baba Palomar alias “Bongbong”*).— Impugned in this *Appeal* is the *Decision*¹ dated 19 December 2018 of the Court of Appeals (CA) in CA G.R. CEB CR-HC No. 02652 which affirmed the *Joint Judgment*² dated 18 August 2017 of the Regional Trial Court (RTC), Dumaguete City, Branch 42, in Criminal Case Nos. 2016-24100 and 2016-24101 finding accused-appellant Erold Baba Palomar alias “Bongbong” (Palomar) guilty beyond reasonable doubt of violation of Sections 5 and 11, Article II of Republic Act (RA) No. 9165.³

This *Appeal* has its provenance in two Informations filed before the RTC charging Palomar with the crimes of illegal sale (Section 5) and illegal possession (Section 11) of dangerous drugs, the inculpatory averments of which read:

Criminal Case No. 2016-24100

That on or about the 27th day of December, 2016, in the City of Dumaguete, Philippines, and within the jurisdiction of this Honorable Court, the said accused, not being then authorized by law, did, then and there willfully, unlawfully and criminally sell and/or deliver to PO3 QUEROBIN a poseur buyer one (1) heat-

- over – fourteen (14) pages ...

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¹ *Rollo*, pp. 93-114. Penned by Associate Justice Edgardo L. Delos Santos (now, retired SC Associate Justice) with Associate Justices Marilyn B. Lagura-Yap and Emily R. Aliño-Geluz, concurring.

² CA *rollo*, pp. 49-56.

³ COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002. Approved on 30 May 2002.

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sealed transparent plastic sachet containing 0.05 gram of white crystalline substance of Methamphetamine Hydrochloride, commonly called "shabu," a dangerous drug.

Contrary to law.⁴

Criminal Case No. 2016-24101

That on or about the 27th day of December, 2016, in the City of Dumaguete, Philippines and within the jurisdiction of this Honorable Court, the said accused, not being then authorized by law, did, then and there willfully, unlawfully and feloniously possess two (2) heat-sealed transparent plastic sachets containing a total of 0.07 gram of Methamphetamine Hydrochloride, commonly called "shabu," a dangerous drug.

Contrary to law.⁵

Upon arraignment on 12 January 2017, Palomar pled not guilty to both charges.⁶

The prosecution⁷ endeavored to establish the following factual milieu:

In the afternoon of 26 December 2016, the Provincial Anti-Illegal Drugs Special Operations Task Group (PAIDSTOG) of the Negros Oriental Provincial Police Office received a report that a certain Bong-Bong⁸, later on identified as Palomar, was engaged in illegal drug trade in Canlas Subdivision, *Barangay* Bagacay, Dumaguete City. Acting on the report, PAIDSTOG Chief, Police Senior Inspector Don Richmond Conag (PSI Conag), instructed Police Officer 3 Vicente Querubin (PO3 Querubin) to verify the same. *Tout de suite*, PO3 Querubin, accompanied by a regular confidential informant (RCI), proceeded to Canlas Subdivision to conduct surveillance and casing operations. Validating the report to be authentic, PO3 Querubin relayed the illegal activities of Palomar to PSI Conag.⁹

A pre-operation briefing was conducted late in the evening of even date at the PAIDSOTG Office in Camp Francisco Fernandez, Jr., Agan-an, Sibulan, Negros Oriental. During the meeting, PO3

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⁴ Folder of Original Records for Criminal Case No. 2017-24100, p. 3.

⁵ Folder of Original Records for Criminal Case No. 2017-24101, p. 3.

⁶ Original Records for Criminal Case No. 2017-24100, pp. 26-28; *Id.* at 37.

⁷ Folder of Exhibits Marked, pp. 7-8; TSN dated 20 March 2017, pp. 1-18.

⁸ Also spelled as Bongbong.

⁹ Folder of Exhibits Marked, pp. 7-9.

Querubin and Police Officer 1 Bonifacio Saycon (PO1 Saycon) were designated as the *poseur-buyer* and photographer, respectively; the other members of the team were tasked to act as security back-up in case the operation would be compromised. PO3 Querubin then coordinated with the Philippine Drug Enforcement Agency¹⁰ and the Dumaguete Police Station for the planned buy-bust operation against Palomar.¹¹

During the wee hours of 27 December 2016, the team, with the RCI, proceeded to the target area. Thereat, PO3 Querubin and the CI approached Palomar who they saw standing beside the road. Knowing the RCI, he asked him if there was someone who wanted to buy. PO3 Querubin thus inquired: "Do you still have some *bunga*¹² because I will buy worth Five Hundred (₱500.00) Pesos."¹³ When Palomar asked for the money, the police officer handed him the marked five hundred peso bill with serial number CS 565122.¹⁴ Upon receiving it, Palomar took out from his left pocket a small heat-sealed clear plastic sachet containing suspected *shabu* granules. Satisfied that the substance was indeed *shabu*, PO3 Querubin forthwith held Palomar by his hands and introduced himself as a police officer. Meanwhile, the other members of the buy-bust team rushed to the scene and aided PO3 Querubin in handcuffing him. Subsequently, PO3 Querubin apprised Palomar of his constitutional rights.

After the arrest, PO3 Querubin conducted a body search on Palomar and found the marked money along with two more pieces of heat-sealed clear plastic sachets containing suspected *shabu* granules. At once, PO3 Querubin marked the subject plastic sachet sold to him by Palomar with EBP-BB-12-27-16 while those found in his possession, with EBP-P1-12-27-16 and EBP-P2-12-27-16.¹⁵

As rain started to fall, the team, upon the advice of PSI Conag, proceeded to the Dumaguete Police Station, the nearest police station, with PO3 Querubin maintaining possession of all the seized items.

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¹⁰ Id. at 13.

¹¹ Id.; TSN dated 24 March 2017, p. 3; 17 April 2017, p. 5.

¹² Street name for *Shabu*; See TSN dated 20 March 2017, p. 8.

¹³ TSN dated 20 March 2017, p. 8.

¹⁴ Folder of Exhibits Marked, p. 21.

¹⁵ TSN dated 20 March 2017, pp. 10-12.

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At the police station, the inventory of the subject items was conducted in Palomar's presence as well as in the presence of *Barangay Captain Vincent Perigua (Perigua)* and media practitioner, *Juancho Gallarde (Gallarde)*.¹⁶ During the inventory proceedings,¹⁷ PO1 Saycon took photographs¹⁸ thereof.

Thereupon, PO3 Querubin placed the three sachets inside a sealed brown envelope marked as EBP-12-27-16, and delivered the same to the Philippine National Police (PNP) Crime Laboratory to determine the presence of methamphetamine hydrochloride. Thereat, PO2 John Pama (PO2 Pama) received¹⁹ the said envelope together with the Memorandum Request for Laboratory Examination.²⁰ He forwarded the said brown envelope containing the pieces of evidence to Police Chief Inspector Josephine Llena (PCI Llena), the Forensic Chemist, who conducted a laboratory examination thereof. PCI Llena placed her own markings thereon as "A-1" for EBP-BB-12-27-16 and "A-2" and "A-3" for EBP-P1-12-27-16 and EBP-P2-12-27-16, respectively.²¹

The examination of the seized items yielded the following results:

Specimen "A-1" to "A-3" contains Methamphetamine Hydrochloride, a dangerous drug under RA No. 9165.²²

Thereafter, PCI Llena placed them inside the evidence vault in her office. When the criminal case against Palomar was filed, she brought the seized pieces of evidence to the RTC which the Clerk of Court received from her.²³

Refuting the imputations hurled against him, Palomar proffered²⁴ a divergent account.

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¹⁶ Original Records of Criminal Case No. 2017-24100; See Order dated 16 June 2017, pp. 85-86.

¹⁷ TSN dated 24 March 2017, p. 3; TSN dated 17 April 2017, p. 5.

¹⁸ Folder of Exhibits Marked, pp. 17-18.

¹⁹ Original Records of Criminal Case No. 2017-24100; See Order dated 20 March 2017, pp. 64-65.

²⁰ Folder of Exhibits Marked, p. 10.

²¹ Original Records of Criminal Case No. 2017-24100; See Order dated 6 March 2017, p. 51; TSN dated 20 March 2017, pp. 11-12.

²² Folder of Exhibits Marked; See Chemistry Report No. D-738-16, p. 11.

²³ Original Records for Criminal Case No. 2017-24100, pp. 51-54.

²⁴ TSN dated 7 July 2017, pp. 1-13.

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Around midnight of 27 December 2016, his wife Roxanne told him to buy milk for their three year-old child. He went to a store near their house and tried to wake up the owner. However, his efforts proved futile. On his way home, he was grabbed by men riding a pedicab. These men were police officers, among whom was PO3 Querubin. They then brought him to Mammoth, a place very far from his house. Thereat, a cellophane bag was placed on his head. The police officers kept asking him to identify the persons who were selling drugs. When he replied that he did not know of any drug dealer, he was brought back to Canlas Subdivision where he was told that he would be released if he would reveal any person distributing drugs in the area. Once again, he denied knowing about any transaction.

Since Palomar was already crying, he was brought to the police station and was told to go inside a room where he saw on top of a table a ₱500.00 bill and three sachets. When he asked what the sachets were, the police officers told him that they were *shabu* and that these would send him to jail. He pled pity before the police officers as his child was still very young, to no avail.

Roxanne,²⁵ for her part, corroborated her husband's testimony. Awakened by the cry of their daughter, she asked him to buy milk from a nearby store. While waiting for him to return, she brought their daughter to the veranda where she saw a pedicab pass near their house with appellant on board.

In due course, the RTC rendered the Joint Judgment²⁶ dated 18 August 2017 convicting Palomar of the crimes charged. The RTC disposed in this wise—

WHEREFORE, judgment is rendered as follows:

For Criminal Case No. 2016-24100

Finding the accused GUILTY beyond reasonable doubt for [sic] selling shabu, a dangerous drug. He is sentenced to suffer the penalty of life imprisonment and ordered to pay the fine of P500,000.00

The one sachet of shabu containing 0.05 gram of Methamphetamine Hydrochloride and the P500.00 buy-bust money are ordered confiscated in favour of the government and to be disposed of in accordance with law.

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²⁵ TSN dated 25 July 2017, pp. 1-9.

²⁶ CA *rollo*, pp. 49-56.

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For Criminal Case No. 2016-24101

Finding the accused GUILTY beyond reasonable doubt for [sic] possession of two sachets of shabu weighing 0.04 gram and 0.03 gram of shabu, or a total weight of 0.07. He is sentenced to suffer the prison term of twelve (12) years and one (1) day as minimum to fourteen (14) years and twenty-one (21) months as maximum, and ordered to pay the fine of P300,000.00.

The two (2) sachets of shabu are hereby confiscated in favour of the government.

SO ORDERED.²⁷

Aggrieved, Palomar appealed²⁸ the foregoing disposition to the CA which, in the challenged *Decision*, affirmed the ruling of the RTC, thusly:

WHEREFORE, the appeal is **DENIED**. The Decision dated August 18, 2017 of the Regional Trial Court, Branch 42, Dumaguete City finding appellant EROLD BABA PALOMAR, alias “BONGBONG”, guilty beyond reasonable doubt of violation of Sections 5 and 11, Article II of R.A. 9165, is hereby **AFFIRMED en [sic] toto.**²⁹

Maintaining that he must be exculpated, Palomar interposed the present Appeal³⁰ intransigently asseverating³¹ that the purported sale of illegal drugs was not sufficiently established by the prosecution. Moreover, given that the requirements of Section 21 of RA No. 9165 have not been complied with, the prosecution failed to establish an unbroken chain of custody.

The Appeal carries weight and conviction.

Here, Palomar was charged with Illegal Sale and Possession of Dangerous Drugs, defined and penalized under Sections 5 and 11, respectively, of Article II of RA No. 9165.

In order to secure the conviction of an accused charged with illegal sale of dangerous drugs, the prosecution must establish the following: (1) the identities of the buyer, seller, object, and

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²⁷ Id.

²⁸ Original Records for Criminal Case No. 2017-24100, p. 116.

²⁹ *Rollo*, pp. 5-26.

³⁰ Id. at 27-28.

³¹ Id. at 22-48.

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consideration; and (2) the delivery of the thing sold and the payment for it.³² On the other hand, in order to convict an accused for possession of dangerous drugs, the prosecution must prove that: (1) the accused was in possession of an item or object identified as a dangerous drug; (2) such possession was not authorized by law; and (3) the accused freely and consciously possessed the said drug.³³

In both cases, the drug itself constitutes the *corpus delicti* of the offense. The prosecution is, therefore, tasked to establish that the substance illegally possessed or sold by the accused is the same substance presented in court.³⁴ Simply put, the *lis mota* in every indictment for illegal sale or possession of dangerous drugs revolves around the strict observance of the chain of custody rule. Indeed, abidance by the chain of custody rule determines the integrity and evidentiary value of the *corpus delicti*³⁵ and is crucial to sustain a judgment of conviction.

Appositely, Section 21 of RA No. 9165 as amended by RA No. 10640,³⁶ prescribes the standard in preserving the *corpus delicti* in illegal cases. It elucidates the chain of custody requirements for the safeguarding and custody of items seized so as to preserve their authenticity and integrity—

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 dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment shall, immediately after seizure and confiscation, conduct a physical

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³² See *People v. Ahmad*, 828 Phil. 396, 407 (2018).

³³ Id.

³⁴ See *Abilla v. People*, G.R. No. 227676, 3 April 2019, 900 SCRA 120, 153.

³⁵ See *People v. Dizon*, G.R. No. 223562, 4 September 2019, 917 SCRA 749, 774.

³⁶ 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,” approved on 15 July 2014.

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inventory of the seized items 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, with an elected public official and a representative of the National Prosecution Service or the media 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, finally, That noncompliance of 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 and custody over said items.

To ensure the integrity of the seized drug item, the prosecution must account for each link in its chain of custody: *first*, the seizure and marking of the illegal drug recovered from the accused by the apprehending officer; *second*, the turnover of the illegal drug 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 turnover and submission of the marked illegal drug seized by the forensic chemist to the court.³⁷

As a method of authenticating evidence, the chain of custody rule requires that the admission of an exhibit be preceded by evidence sufficient to support a finding that the matter in question is what the proponent claims it to be. It would include testimony about every link in the chain, from the moment the item was picked up to the time it is offered in evidence, in such a way that every person who touched the exhibit would describe how and from whom it was received, where it was, and what happened to it while in the witness' possession, the condition in which it was received, and the condition in which it was delivered to the next link in the chain. These witnesses would then describe the precautions taken to ensure that there had been no change in the condition of the item and no opportunity for someone not in the chain to have possession of the same.³⁸

After an assiduous examination of the hard evidence on record, this Court finds and so holds that crucial gaps in the first and fourth links of the chain of custody of the seized drugs occurred, thereby casting doubt as to the integrity and evidentiary value thereof.

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³⁷ See *People v. Leaño*, G.R. No. 246461, 28 July 2020.

³⁸ *People v. Havana*, 776 Phil. 462, 471-472 (2016).

Breach in the first link—

The first link speaks of seizure and marking which should be done immediately at the place of arrest and seizure. It also includes the physical inventory and taking of photographs of the seized or confiscated drugs, which should be done in the presence of the accused, an elected public official, a media representative or a representative from the Department of Justice (DOJ).³⁹ **These mandated 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.⁴⁰ The presence of these witnesses was specifically mandated by substantive law precisely to guard against the rather pervasive police practice of planting evidence in anti-narcotics operations—a practice that necessarily takes place at the point of seizure and confiscation. Hence, it is at this point that their presence is most crucial.⁴¹

While the prosecution witnesses in the case at bench may have advanced the reason why after the marking they continued to make the inventory at the nearest police station, they failed to explicate why the required witnesses were **not present** during Palomar's apprehension in Canlas Subdivision. Records evince that Perigua and Gallarde were only in attendance during the inventory at the police station. Upon this point, the stipulation by the prosecution and the defense, as indicated in the Order⁴² dated 16 June 2017, is quite telling—

x x x x

3. That both Barangay Captain Vincente Perigua and media practitioner Juancho Gallarde **were called upon to witness the taking of the inventory in this case; xxx**

Discernibly, in the photographs taken during the signing of the inventory by Senior Police Officer 2 Cyrus Orcullo (SPO2 Orcullo) and *Barangay Captain Perigua*, appellant was wearing a striped *sando*.⁴³ However, in his photograph with Gallarde signing the inventory, he was not wearing any upper garment.⁴⁴

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³⁹ See *People v. Alon-alon*, G.R. No. 237803, 27 November 2019; Section 21 now only requires two witnesses to be present.

⁴⁰ See *People v. Callejo, et al.*, 832 Phil. 881, 897 (2018).

⁴¹ *People v. De Vera*, 837 Phil. 348, 370 (2018).

⁴² Original Records for Criminal Case No. 2017-24100, pp. 85-87.

⁴³ Folder of Exhibits Marked, p. 18.

⁴⁴ Id.

With such dubiety, this query then leaps to the eye—Were both the mandated witnesses present at the time of inventory as required by law or were they merely called to sign the inventory on different occasions? To the Court's mind, given that the prosecution witnesses avouched that all the witnesses were truly present during the entire photographing and inventory of the evidence, Palomar should have been wearing the same striped *sando* in all the photographs.

Be that as it may, it cannot be stressed enough that the mandated witnesses should already be physically present during the seizure and marking of the illegal drugs. This serves as a safeguard to protect the seizure and arrest from possibilities of switching, planting or contamination of the evidence, which compromises the integrity of the confiscated items. Failure to comply with this jeopardizes the trustworthiness of the *corpus delicti*, breaks the chain of custody and, as a result, puts the guilt of the accused in doubt.⁴⁵

Certainly, the practice of police operatives of not bringing to the intended place of arrest the mandated witnesses, when they could easily do so—and "calling them in" to the place of inventory to witness the inventory and photographing of the drugs only after the buy-bust operation has already been finished—does not achieve the purpose of the law in having these witnesses prevent or insulate against the planting of drugs.⁴⁶

Apparently, there are situations which render strict compliance impossible or impracticable, such that deviations from the prescribed requirements do not invalidate the seizure of illegal items. Upon this point, Section 21 itself provides for a saving clause in that the failure of the apprehending team to strictly comply with the same would not *ipso facto* render the seizure and custody over the items as void and invalid, provided that the prosecution satisfactorily proves that: (a) there is a justifiable ground for non-compliance; and (b) the integrity and evidentiary value of the seized items are properly preserved.⁴⁷

Lamentably, the prosecution failed to illustrate any valid and plausible reason as would justify the application of the saving clause.

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⁴⁵ See *Tañamor v. People*, G.R. No. 228132, 11 March 2020.

⁴⁶ See *People v. Tomawis*, 830 Phil. 385, 409 (2018).

⁴⁷ See *People v. Sendad*, G.R. No. 242025, 20 November 2019.

Moreover, Palomar or his counsel or representative did not sign the Inventory of Property Seized.⁴⁸ The records disclose that the prosecution neither acknowledged such defect nor proffered any explanation as to why appellant was not able to sign the said document. Once again, therefore, this non-adherence cannot be excused.⁴⁹ This being so, such blunder ineludibly affected the integrity and evidentiary value of the confiscated items.

Break in the fourth link—

Anent the fourth link, it is of paramount necessity that the forensic chemist testifies on the details pertaining to the handling and analysis of the dangerous drug submitted for examination, *i.e.*, when and from whom the dangerous drug was received; what identifying labels or other things accompanied it; description of the specimen; and the container it was in. Further, the forensic chemist must also identify the name and method of analysis used in determining the chemical composition of the subject specimen.⁵⁰

In the event that the parties agree to dispense with the attendance and testimony of the forensic chemist, the parties must agree to stipulate that: (a) the forensic chemist received the seized article as marked, properly sealed, and intact; (b) he/she resealed it after examination of the contents; and (c) he/she placed his/her own marking on the same to ensure that it could not be tampered pending trial. Absent such stipulations, the fourth link cannot be established, thus, resulting in acquittal/s.⁵¹

The record reflects that the prosecution and the defense agreed to stipulate on the gist of the testimony of PCI Llena, as follows:

1. That she is a bona fide member of the PNP and is assigned to the Negros Oriental Provincial Crime Laboratory;
2. That she is an expert forensic chemist in the said Crime Laboratory;
3. That the Memorandum Request for Laboratory Examination and Drug Test was initially received by Police Officer Pama as indicated in what was previously marked as Exhibit "A-1-b" and later on received by PCI Josephine Llena as indicated by her signature now marked as Exhibit "A-1-c";

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⁴⁸ Folder of Exhibits Marked, p. 16.

⁴⁹ See *People v. Manabat*, G.R. No. 242947, 17 July 2019, 909 SCRA 543, 574.

⁵⁰ See *People v. Rivera and Estanislao*, G.R. No. 252886, 15 March 2021.

⁵¹ *Id.*

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4. That she conducted the requested chemical/forensic examination on the submitted specimens;
5. That after the conduct of the laboratory examination on the submitted specimens, she placed her own markings thereon as "A-1" for what is now marked as Exhibit "D-1", "A-2" for what is now marked as Exhibit "D-2" and "A-3" for what is now marked as Exhibit "D-3";
6. That after the conduct of the laboratory examination, she placed the specimens in the evidence vault in her office which she alone has access to;
7. That the result of the laboratory examination is reflected in Chemistry Report No. D-738-16 and now marked as Exhibit "B" for the prosecution.
8. That as stated in the said Chemistry Report No. 738-16, the qualitative examination of the said specimens indicated that they are positive of methamphetamine hydrochloride, a dangerous drug under R.A. 9165;
9. That said specimens now marked as exhibit "D-1" to "D-3" have been submitted and received by the Branch Clerk of Court as evidenced by Exhibit "C";
10. That the urine sample of the accused has been initially received by Police Officer Pama and later on received by PCI Josephine Llena along with what were marked as Exhibits "A" and "B" and that the result of the laboratory examination is now reflected in Chemistry Report No. DT-533-16 and now marked as Exhibit "J" for the prosecution.⁵²

An insightful scrutiny of the aforesaid stipulations evinces that they are devoid of any showing as to whether PCI Llena received the specimens sealed and intact as well as the fact of whether or not she resealed them thereafter. Sans these required stipulations, the fourth link of the chain of custody could not be reasonably established. As such, cobwebs of doubt emerge about the integrity and the evidentiary value of the items seized from Palomar.

With the foregoing discourse, it is beyond cavil that the chain of custody was compromised, thereby casting serious doubts on the identity and integrity of the three sachets of *shabu*. Perforce, Palomar must be exonerated.

One final cadence. In their pursuit of a drug-free society, members of law enforcement and prosecutors are strongly urged to exert earnest efforts to comply with the pertinent provisions of RA No. 9165, as amended by RA No. 10640, and its Implementing Rules and Regulations. Along this grain, the Court emphatically decreed in *People v. Ferrer*⁵³—

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⁵² Original Records of Criminal Case No. 2017-24100, pp. 51-52.

⁵³ 832 Phil. 527 (2018).

The Court lauds the untiring and unrelenting efforts of the drug enforcement agencies and the prosecutorial service in their arduous task to lessen if not totally eradicate the proliferation of prohibited drugs in the country and to arrest their pernicious effects on our countrymen, especially the youth. Notwithstanding, it will not be tiresome for the Court to tenaciously call the attention of these agencies to be prudent in the performance of their duties and to scrupulously observe the laws as they do so. It must be emphasized that the Court will not hesitate to uphold the accused's constitutional right to be presumed innocent over his conviction for a crime which has not been proven beyond reasonable doubt.

WHEREFORE, the *Appeal* is hereby **GRANTED**. The *Decision* dated 19 December 2018 of the Court of Appeals in CA G.R. CEB CR-HC No. 02652 is **REVERSED** and **SET ASIDE**. Accused-appellant Erolde Baba Palomar alias "Bongbong" is **ACQUITTED** on the ground of reasonable doubt. He is **ORDERED IMMEDIATELY RELEASED** from detention unless he is confined for some other lawful cause.

The Director General of the Bureau of Corrections, Muntinlupa City is **DIRECTED** to **IMPLEMENT** this Resolution immediately and to **REPORT** to this Court the action taken hereon within five (5) days from receipt of this Resolution. Copies shall also be furnished the Police General of the Philippine National Police and the Director General of the Philippine Drug Enforcement Agency for their information.

The Regional Trial Court, Branch 42, Dumaguete City, Negros Oriental, is **DIRECTED** to turn over the seized sachets of methamphetamine hydrochloride to the Dangerous Drugs Board for proper disposal in accordance with law.

Let an entry of judgment be **ISSUED** immediately.

The accused-appellant's manifestation in lieu of supplemental brief, informing the Court that accused-appellant is adopting his appellant's brief filed in the Court of Appeals as his supplemental brief, and the Office of the Solicitor General's manifestation and motion in lieu of supplemental brief, stating that it will no longer file a supplemental brief as the brief for the appellee and the decision of the Court of Appeals have sufficiently addressed the issues and arguments raised by the appellant, are both **NOTED**.

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SO ORDERED.”**By authority of the Court:****LIBRADA C. BUENA**Division Clerk of Court
[Signature]

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court**87-A****OCT 05 2022**The Solicitor General
134 Amorsolo Street, Legaspi Village
1229 Makati CityCourt of Appeals
6000 Cebu City
(CA-G.R. CEB CR-HC No. 02652)The Hon. Presiding Judge
Regional Trial Court, Branch 42
Dumaguete City, 6200 Negros Oriental
(Crim. Case Nos. 2016-24100 to 24101)PUBLIC ATTORNEY'S OFFICE
Regional Special and Appealed
Cases Unit
Counsel for Accused-Appellant
3rd Floor, Taft Commercial Center
Metro Colon Carpark, Osmeña Boulevard
6000 Cebu CityMr. Erolde Baba Palomar
alias "Bongbong" (x)
Accused-Appellant
c/o The Director General
Bureau of Corrections
1770 Muntinlupa CityThe Director General (x)
Bureau of Corrections
1770 Muntinlupa CityPublic Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-7-1-SC)The Police Director General
PHILIPPINE NATIONAL POLICE
PNP Headquarters, Camp Crame
1111 Quezon CityPhilippine Judicial Academy (x)
Supreme CourtThe Director General
PHILIPPINE DRUG ENFORCEMENT
AGENCY (PDEA)
PDEA Building, NIA Northside Road
National Government Center, Diliman
1101 Quezon City
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