



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

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

“G.R. No. 247936 (People of the Philippines, plaintiff-appellee, v. Ronald Sadian y Yanggat, a.k.a. “Astig,” accused-appellant). — The Court resolves to **NOTE** the compliance dated March 25, 2021 by counsel for petitioner with the Resolution dated January 12, 2021, stating, among others, that he had erroneously prepared a petition for review instead of a supplemental brief, and begging for forgiveness of the Court for the delay in submitting the required pleading as the same was unintentional and caused by extreme fear of Covid-19 infection, and to **GRANT** counsel’s motion to admit petition for review in lieu of supplemental brief.

Assailed in this ordinary appeal¹ is the Decision² dated July 10, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09661, which affirmed the Joint Judgment³ dated June 16, 2017 of the Regional Trial Court of Batac City, Ilocos Norte, Branch 18 (RTC) in Crim. Case Nos. 4915-18, 4916-18, and 4917-18 finding accused-appellant Ronald Sadian y Yanggat a.k.a. ‘Astig’ (Sadian) guilty beyond reasonable doubt of the crimes of Illegal Sale of Dangerous Drugs and Illegal Possession of Dangerous Drugs, as defined and penalized under Sections 5 and 11, Article II of Republic Act No. (RA) 9165,⁴ otherwise known as the ‘Comprehensive Dangerous Drugs Act of 2002,’ respectively.

The Facts

This case stemmed from three (3) separate Informations filed before the RTC charging Sadian with violations of Sections 5 and 11, Article II of RA 9165, and Illegal Possession of a Hand Grenade, defined and penalized under

¹ See Notice of Appeal dated August 3, 2018; *rollo*, pp. 28-29.

² *Id.* at 3-27. Penned by Associate Justice Fernando Lanipás Peralta, with Associate Justices Amy C. Lazaro-Javier (now a Member of the Court) and Ma. Luisa Quijano-Padilla, concurring.

³ Records (Crim. Case No. 4915-18), pp. 205-231. Penned by Acting Presiding Judge Francisco R. D. Quilala.

⁴ 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 THEREFORE, AND FOR OTHER PURPOSES,” approved on June 7, 2002.

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Section 3 of Presidential Decree No. (PD) 1866,⁵ as amended by RA 9516,⁶ the accusatory portions of which read:

Criminal Case No. 4915-18
(Violation of Section 5, Article II of RA 9165)

That on or about 2:30 o'clock (sic) in the afternoon of October 9, 2012 at Brgy. No. 31, Sideg, [M]unicipality of Paoay, [P]rovince of Ilocos Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully, feloniously and knowingly sell for the amount of [P]2,000.00, one (1) heat sealed transparent plastic sachet containing Methamphetamine Hydrochloride, which is commonly known as Shabu, a dangerous drug, weighing 0.0932 gram, to a police poseur buyer in the person of IOI DEXTER REGASPI, in a buy bust operation, without the necessary authority or license to sell the same from the appropriate government agency, in violation of the said law.

CONTRARY TO LAW.
NO BAIL BOND RECOMMENDED.⁷

Criminal Case No. 4916-18
(Violation of Section 11, Article II of RA 9165)

That on or about 2:30 o'clock (sic) in the afternoon of October 9, 2012 at Brgy. No. 31, Sideg, [M]unicipality of Paoay, [P]rovince of Ilocos Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to possess, did then and there willfully, unlawfully and knowingly have in his possession, control and custody one (1) heat-sealed transparent plastic sachet containing Methamphetamine Hydrochloride, which is commonly known as "shabu", a dangerous drug, weighing 0.0769 gram, without the necessary authority, permit or license from the appropriate government agency, in violation of the afore-cited law.

CONTRARY TO LAW.
[BAIL BOND] RECOMMENDED: ₱200,000.00.⁸

Criminal Case No. 4917-18
(Violation of Section 3 of PD 1866, as amended by RA 9516)

That on or about 2:30 o'clock (sic) in the afternoon of October 9, 2012 at Brgy. No. 31, Sideg, Municipality of Paoay, Province of Ilocos Norte, Philippines and within the jurisdiction of this Honorable Court, the

⁵ Entitled "CODIFYING THE LAWS ON ILLEGAL/UNLAWFUL POSSESSION, MANUFACTURE, DEALING IN, ACQUISITION OR DISPOSITION, OF FIREARMS, AMMUNITION OR EXPLOSIVES OR INSTRUMENTS USED IN THE MANUFACTURE OF FIREARMS, AMMUNITION OR EXPLOSIVES, AND IMPOSING STIFFER PENALTIES FOR CERTAIN VIOLATIONS THEREOF AND FOR RELEVANT PURPOSES," approved on June 29, 1983.

⁶ Entitled "AN ACT FURTHER AMENDING THE PROVISIONS OF PRESIDENTIAL DECREE NO. 1866, AS AMENDED, ENTITLED "CODIFYING THE LAWS ON ILLEGAL/UNLAWFUL POSSESSION, MANUFACTURE, DEALING IN, ACQUISITION OR DISPOSITION OF FIREARMS, AMMUNITION OR EXPLOSIVES OR INSTRUMENTS USED IN THE MANUFACTURE OF FIREARMS, AMMUNITION OR EXPLOSIVES, AND IMPOSING STIFFER PENALTIES FOR CERTAIN VIOLATIONS THEREOF, AND FOR RELEVANT PURPOSES," approved on December 22, 2008.

⁷ Records (Crim. Case No. 4915-18), pp. 3-4.

⁸ Records (Crim. Case No. 4916-18), pp. 3-4.

above-named accused, did then and there willfully, unlawfully, feloniously have in his possession, control and custody a Hand Grenade, without first securing the necessary license/permit to possess the same from proper authorities concerned.

CONTRARY TO LAW.⁹

The prosecution alleged that, at around 12:30 p.m. of October 9, 2012, the police officers of the Ilocos Norte Police Provincial Office (INPPO), Camp Juan, Laoag City received a confidential information on the illegal drug activities of Sadian in Barangay Sideg, Paoay, Ilocos Norte. Acting on the same, the INPPO organized a joint anti-drug operation with the Philippine Drug Enforcement Agency – Ilocos Norte Sector Special Enforcement Team (PDEA-INSSET), resulting in the creation of a buy-bust team composed of Intelligence Officer 1 Dexter Regaspi (IO1 Regaspi) as poseur-buyer and Police Officer 3 Christopher Pola and Senior Police Officer 1 Jouie Dancel as back-up arresting officers, and the rest as perimeter security back-up. The buy-bust team then went to Barangay Sideg, Paoay, Ilocos Norte to implement the buy-bust operation.¹⁰

Upon arrival at the site, IO1 Regaspi and the confidential informant (CI) went to Sadian's house where they saw the latter in front of his garage. After approaching Sadian and having a brief conversation with him, the CI said that IO1 Regaspi would be buying ₱2,000.00 worth of *shabu*. Sadian then brought out two (2) heat-sealed plastic sachets from his pocket and let IO1 Regaspi choose which one to buy. Sadian then gave one (1) sachet to IO1 Regaspi, returned the other sachet into his pocket, and received the money from the latter. IO1 Regaspi then performed the prearranged signal that the crime has been consummated, thus prompting the rest of the buy-bust team to swoop in to arrest Sadian. Initially, Sadian attempted to flee by going into his garage, taking a hand grenade therefrom, and then proceeded toward a hill at the back of his house. The arresting officers gave chase and caught Sadian, resulting in his arrest.¹¹

After Sadian's arrest, the arresting officers frisked him, resulting in the recovery of the buy-bust money, the hand grenade, and the sachet that he earlier placed in his pocket. Sadian and the items were then brought back to his house where the marking, inventory, and photography of the items recovered from him were conducted in the presence of Barangay Captain Anafe Alegre (Brgy. Capt. Alegre) and ABS-CBN reporter April Rafales (Ms. Rafales). Sadian and the seized items were then brought to the police station for the required documentation. Thereafter, the two (2) sachets were brought to the crime laboratory where, after qualitative examination,¹² their contents

⁹ *Rollo*, pp. 8-9.

¹⁰ See *id.* at 4-5.

¹¹ See *id.* at 5-6.

¹² See Initial Laboratory Report, Chemistry Report Number D-074-2012-IN signed by Forensic Chemist, Police Inspector Amiel Ann Luis Navarro; records (Crim. Case No. 4915-18), p. 28.

tested positive for methamphetamine hydrochloride or *shabu*, a dangerous drug.¹³

In his defense, Sadian invoked the defenses of denial and frame-up. He averred that he was just napping in a hammock inside his brother's cottage adjacent to his own house when suddenly, two (2) fast-moving vehicles stopped nearby. Thereafter, more or less five (5) individuals alighted from the vehicles and pointed their guns toward Sadian, prompting him to flee. While he was able to hide inside a hole, he was forced to come out when the individuals threatened that they would blow him up with a hand grenade if he does not come out. Sadian was then handcuffed and brought in front of his house. Thereat, one of the individuals, later identified as IO1 Regaspi, took a black bag from one of the vehicles and placed it on a table. He then pulled out from the said bag money and plastic sachets of *shabu*.¹⁴

The RTC Ruling

In a Joint Judgment¹⁵ dated June 16, 2017, the RTC convicted Sadian of the crimes of Illegal Sale of Dangerous Drugs and Illegal Possession of Dangerous Drugs but acquitted him of the crime of Illegal Possession of Hand Grenade on the ground of reasonable doubt. Accordingly, he was sentenced as follows: (a) for Illegal Sale of Dangerous Drugs, Sadian was sentenced to suffer the penalty of life imprisonment and to pay a fine in the amount of ₱500,000.00; and (b) for Illegal Possession of Dangerous Drugs, Sadian was sentenced to suffer the penalty of imprisonment for an indeterminate period of 13 years, as minimum, to 15 years, as maximum, and to pay a fine in the amount of ₱300,000.00.¹⁶

In convicting Sadian of the aforesaid crimes, the RTC found that the prosecution, through the testimony of the arresting officers, had adequately established that Sadian was caught *in flagrante delicto* to be selling *shabu* through the buy-bust operation, and that, in the search made incidental to his arrest, another sachet of *shabu* was recovered from him. On the other hand, the RTC found untenable Sadian's defenses of denial and frame-up, as there was no showing that the said police officers had ill motive to testify against him.¹⁷ Sadian moved for the reconsideration of the RTC judgment but was denied in a Joint Order¹⁸ dated July 21, 2017.

Aggrieved, Sadian appealed¹⁹ to the CA.

¹³ See *rollo*, pp. 6-7.

¹⁴ *Id.* at 7.

¹⁵ Records (Crim. Case No. 4915-18), pp. 205-231.

¹⁶ See *id.* at 230.

¹⁷ See *id.* at 215-230.

¹⁸ *Id.* at 259.

¹⁹ See Notice of Appeal dated August 4, 2017; *id.* at 260.

The CA Ruling

In a Decision²⁰ dated July 10, 2018, the CA affirmed the RTC ruling *in toto*.²¹ Mainly affirming the RTC's findings, the CA held that all the elements of the aforesaid crimes were duly established by the prosecution. In addition, the CA concluded that the arresting officers substantially complied with the rules on chain of custody, thereby preserving the integrity and evidentiary value of the *shabu* seized from Sadian.²²

Hence, this appeal.

The Issue Before the Court

The issue before the Court is whether Sadian is guilty beyond reasonable doubt of the crimes of Illegal Sale of Dangerous Drugs and Illegal Possession of Dangerous Drugs, as defined and penalized under Sections 5 and 11, Article II of RA 9165.

The Court's Ruling

The appeal is meritorious.

‘At the outset, it must be stressed that in criminal cases, an appeal throws the entire case wide open for review and the reviewing tribunal can correct errors, though unassigned in the appealed judgment, or even reverse the trial court's decision based on grounds other than those that the parties raised as errors. The appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law.’²³

Guided by the foregoing consideration, the Court is constrained to acquit Sadian of the crimes charged, as will be explained below.

In cases for Illegal Sale of Dangerous Drugs²⁴ and Illegal Possession of Dangerous Drugs under RA 9165,²⁵ it is essential that the identity of the

²⁰ *Rollo*, pp. 3-27.

²¹ *Id.* at 27.

²² See *id.* at 14-25.

²³ *Sindac v. People*, 794 Phil. 421, 427 (2016).

²⁴ “The elements of Illegal Sale of Dangerous Drugs under Section 5, Article II of RA 9165 are: (a) the identity of the buyer and the seller, the object, and the consideration; and (b) the delivery of the thing sold and the payment.” (See *People v. Villalon, Jr.*, G.R. No. 249412, March 15, 2021.)

²⁵ “[T]he elements of Illegal Possession of Dangerous Drugs under Section 11, Article II of RA 9165 are: (a) the accused was in possession of an item or object identified as a prohibited drug; (b) such

dangerous drug be established with moral certainty, considering that the dangerous drug itself forms an integral part of the *corpus delicti* of the crime. Failing to prove the integrity of the *corpus delicti* renders the evidence for the State insufficient to prove the guilt of the accused beyond reasonable doubt and, hence, warrants an acquittal.’²⁶

‘To establish the identity of the dangerous drug with moral certainty, the prosecution must be able to account for each link of the chain of custody from the moment the drugs are seized up to their presentation in court as evidence of the crime. As part of the chain of custody procedure, the law requires, *inter alia*, that the marking, physical inventory, and photography of the seized items be conducted immediately after seizure and confiscation of the same.’²⁷

‘The law further requires that the said inventory and photography be done in the presence of the accused or the person from whom the items were seized, or [their] representative or counsel, as well as certain required witnesses, namely: (a) if **prior** to the amendment of RA 9165 by RA 10640,²⁸ a representative from the media **and** the Department of Justice (DOJ), and any elected public official;²⁹ or (b) if **after** the amendment of RA 9165 by RA 10640, an elected public official and a representative of the National Prosecution Service **or** the media.³⁰ The law requires the presence of these witnesses primarily “to ensure the establishment of the chain of custody and remove any suspicion of switching, planting, or contamination of evidence.”’³¹

‘As a general rule, compliance with the chain of custody procedure is strictly enjoined as the same has been regarded not merely as a procedural technicality but as a matter of substantive law.’³² Thus, in the case of *People v. Lim*³³ (*Lim*), the Court *En Banc* definitively held that the prosecution has the positive duty to demonstrate observance with the chain of custody rule under Section 21 of RA 9165, as amended, in such a way that it must acknowledge and justify any perceived deviations therefrom.³⁴

possession was not authorized by law; and (c) the accused freely and consciously possessed the said drug.” (See *id.*)

²⁶ See *Saban v. People*, G.R. No. 253812, June 28, 2021; citations omitted.

²⁷ See *id.*; citations omitted.

²⁸ Entitled “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.”” As the Court noted in *People v. Gutierrez* (see G.R. No. 236304, November 5, 2018), RA 10640 was approved on July 15, 2014. Under Section 5 thereof, it shall ‘take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.’ RA 10640 was published on July 23, 2014 in *The Philippine Star* (Vol. XXVIII, No. 359, Philippine Star Metro section, p. 21) and *Manila Bulletin* (Vol. 499, No. 23; World News section, p. 6). Thus, RA 10640 appears to have become effective on August 7, 2014.

²⁹ Section 21 (1), Article II of RA 9165 and its Implementing Rules and Regulations.

³⁰ Section 21, Article II of RA 9165, as amended by RA 10640.

³¹ See *Saban v. People*, *supra*, citing *People v. Mendoza*, 736 Phil. 749, 764 (2014).

³² See *id.*

³³ G.R. No. 231989, September 4, 2018, 879 SCRA 31.

³⁴ See *id.* at 61, citing *People v. Spin*, 833 Phil. 67, 92 (2018).

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In cases of non-compliance with the witness requirement, *Lim* further instructs that it must be alleged and proved that the presence of the required witnesses to the physical inventory and photography of the seized drugs was not obtained due to reason/s, such as: '(1) their attendance was impossible because the place of arrest was a remote area; (2) their safety during the inventory and photograph of the seized drugs was threatened by an immediate retaliatory action of the accused or any person/s acting for and in [their] behalf; (3) the elected official themselves were involved in the punishable acts sought to be apprehended; (4) earnest efforts to secure the presence of a DOJ or media representative and an elected public official within the period required under Article 125 of the Revised Penal Code prove futile through no fault of the arresting officers, who face the threat of being charged with arbitrary detention; or (5) time constraints and urgency of the anti-drug operations, which often rely on tips of confidential assets, prevented the law enforcers from obtaining the presence of the required witnesses even before the offenders could escape.'³⁵ Finally, *Lim* further mandates that the **prosecution must prove that the arresting officers had exerted earnest efforts to secure the attendance of the witnesses**, as sheer statements that representatives were unavailable without so much as an explanation on whether serious attempts were employed to look for other representatives, are to be regarded as a flimsy excuse.³⁶

In this case, the buy-bust operation against Sadian occurred on October 9, 2012, or before RA 9165 was amended by RA 10640, which means that the conduct of inventory and photography must be done in the presence of three (3) witnesses, namely, (a) a public elected official; (b) a DOJ representative; **AND** (c) a media representative.³⁷ However, records clearly show that the arresting officers failed to comply with this requirement as the conduct of the inventory and photography of the seized items were done in the absence of a DOJ representative, as only an elected public official (Brgy. Capt. Alegre) and a media representative (Ms. Rafales) were present thereat. It bears stressing that **the prosecution has the positive duty to prove compliance with the chain of custody procedure set forth in Section 21 of RA 9165. 'As such, [it] must have the initiative to not only acknowledge, but also justify, any perceived deviations from the said procedure during the proceedings before the trial court.'**³⁸ Here, the prosecution did not even bother to acknowledge, much more justify, such glaring non-compliance from the witness requirement of the chain of custody rule.

In view of the unjustified non-compliance with the chain of custody rule as delineated above, the Court is therefore constrained to conclude that

³⁵ *Id.* at 61-62.

³⁶ See *id.* at 62-63, citing *People v. Ramos*, 826 Phil. 981, 996-997 (2018).

³⁷ See *Saban v. People*, supra note 26, citing Section 21 (1), Article II of RA 9165 and its Implementing Rules and Regulations.

³⁸ See *People v. Año*, 828 Phil. 439, 452 (2018).

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the integrity and evidentiary value of the items purportedly seized from Sadian were compromised, which warrants his acquittal.

WHEREFORE, the appeal is **GRANTED**. The Decision dated July 10, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 09661 is hereby **REVERSED** and **SET ASIDE**. Accordingly, accused-appellant Ronald Sadian y Yanggat a.k.a. 'Astig' is **ACQUITTED** of the crimes of Illegal Sale of Dangerous Drugs and Illegal Possession of Dangerous Drugs, respectively defined and penalized under Sections 5 and 11, Article II of Republic Act No. 9165.

The Director General of the Bureau of Corrections, Muntinlupa City is **ORDERED** to: (a) cause the immediate release of the accused-appellant Ronald Sadian y Yanggat a.k.a. 'Astig,' unless he is being lawfully held in custody for any other reason; and (b) inform the Court of the action taken within five (5) days from receipt of this Resolution. Let copies of this Resolution be furnished to the Chief of the Philippine National Police and the Director General of the Philippine Drug Enforcement Agency for their information.

Let entry of judgment be issued immediately.

SO ORDERED." (*Lazaro-Javier, J., recused herself for having participated in the Court of Appeals decision. Hernando, J., designated additional Member per Raffle dated June 22, 2022.*)

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA
Deputy Division Clerk of Court *pg 12/18*

28 DEC 2022

ATTY. EMILIO EDGAR V. DOLOROSO, JR. (reg)
Counsel for Accused-Appellant
70-A Gen. Luna St., Laoag City
2900 Ilocos Norte

OFFICE OF THE SOLICITOR GENERAL (reg)
134 Amorsolo Street
1229 Legaspi Village
Makati City

RONALD Y. SADIAN (x)
Accused-Appellant
c/o The Director
Bureau of Corrections
1770 Muntinlupa City

THE DIRECTOR (x)
Bureau of Corrections
1770 Muntinlupa City

THE SUPERINTENDENT (x)
New Bilibid Prison
1770 Muntinlupa City

PHILIPPINE NATIONAL POLICE (reg)
Camp Crame, 1100 Quezon City

THE DIRECTOR GENERAL (reg)
Philippine Drug Enforcement Agency
National Government Center
NIA Northside Road, Brgy. Pinyahan
Quezon City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 18
Batac, 2906 Ilocos Norte
(Crim. Case Nos. 4915-18, 4916-18 & 4917-18)

JUDGMENT DIVISION (x)
Supreme Court, Manila

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Supreme Court, Manila

COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. CR-HC No. 09661

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