



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated June 26, 2023, which reads as follows:

“G.R. No. 254506 (*Hector Marinduque y Villahermosa v. People of the Philippines*). – Before the Court is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court seeking to reverse and set aside the Decision² dated October 19, 2018 and the Resolution³ dated August 25, 2020 of the Court of Appeals (CA) in CA-G.R. CR No. 01557-MIN. The challenged Decision⁴ affirmed the Decision dated April 4, 2017 of the Regional Trial Court (RTC), Branch 21, Kapatagan, Lanao del Norte in Criminal Case No. 21-3003, finding Hector Marinduque y Villahermosa (petitioner) guilty beyond reasonable doubt of violation of Section 11,⁵ Article II of Republic Act (R.A.) No. 9165,⁶ as amended. The assailed CA Resolution denied petitioner’s motion for reconsideration.

The Antecedents

In an Information⁷ dated October 27, 2015, petitioner was charged with the aforementioned crime allegedly committed as follows:

That on the 26th day of October 2015 at 4:30 in the afternoon[,] more or less[,] at Purok 2, Rebe, Lala, Lanao del Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law did then and there willfully, unlawfully and feloniously possess and have in his custody and control One (1) piece heat-sealed transparent plastic sachet containing white crystalline substance known as Methamphetamine Hydrochloride or “shabu” weighing of [sic] 0.0075 gram, said accused knowing the same to be Methamphetamine Hydrochloride or [“shabu,”] a dangerous and prohibited drug which was then confiscated in [sic] his possession by the

¹ *Rollo*, pp. 33-58.

² *Id.* at 61-75; penned by Associate Justice Walter S. Ong with Associate Justices Edgardo A. Camello and Perpetua T. Atal-Paño concurring.

³ *Id.* at 76-79; penned by Associate Justice Edgardo A. Camello with Associate Justices Evalyn Arellano-Morales and Angeline Mary W. Quimpo-Sale concurring.

⁴ *Id.* at 102-104; penned by Acting Presiding Judge Alberto P. Quinto.

⁵ SECTION 11. *Possession of Dangerous Drugs*. – x x x

⁶ COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002.

⁷ Records, p. 1.

members of [the] PNP assigned at Lala MPS, Lala, Lanao del Norte who conducted checkpoint at the said area.

CONTRARY TO LAW.⁸

On arraignment, petitioner pleaded not guilty to the offense charged.⁹

During trial, the prosecution presented as witnesses Police Senior Inspector (PSI)¹⁰ Kinthur Estaniel Tandog (PSI Tandog) and Police Officer (PO) 1 Judyls Brian B. Quabo (PO1 Quabo).¹¹ Only petitioner testified for and in his defense.¹²

Version of the prosecution

Evidence for the prosecution established the following:

On 26 October 2015, [PO1 Quabo] and PO1 Edzel Dominguez (PO1 Dominguez) of the Lala Municipal Police Station were manning a checkpoint at Purok 2, Rebe, Lala, Lanao del Norte as part of Oplan Lambat-Sibat. At around 4:30 p.m., PO1 Quabo flagged down a motorcycle that did not bear a license plate. Upon being asked to present the pertinent registration papers of the said vehicle, the driver – later identified as herein [petitioner] – initially hesitated. Eventually, he brought out his wallet from his pocket. PO1 Quabo noticed a heat-sealed transparent plastic sachet containing suspected shabu jutting out from [petitioner's] pocket, which fell to the ground. This prompted PO1 Quabo to place [petitioner] under arrest and inform him of his constitutional rights.

x x x PO1 Quabo immediately marked the plastic sachet which fell to the ground as “HVM-1,” and took photographs at the scene, while PO1 Dominguez called the barangay [chairperson] of Rebe, Lala, Lanao del Norte and a media representative to serve as witnesses while he prepared the inventory. Thereafter, they proceeded to the Lala Municipal Police Station, where PO1 Quabo turned over the possession of “HVM-1” to PO3 Ariel Villorejo (PO3 Villorejo), the investigator assigned to [petitioner's] case.

x x x On the same date, at around 8:30 p.m., [PSI Tandog] of the Lanao del Norte Provincial Crime Laboratory received “HVM-1” and a letter-request for laboratory examination from PO3 Villorejo. After conducting a qualitative examination of the specimen contained in “HVM-1,” [PSI Tandog] prepared Chemistry Report No. D-148-2015, showing that the said specimen tested positive for methamphetamine hydrochloride.¹³

⁸ Id.

⁹ *Rollo*, p. 63, CA Decision.

¹⁰ Id. at 63 and Transcript of Stenographic Notes (TSN), August 31, 2016, p. 2; also referred to as Police Inspector in some parts of the records.

¹¹ Id.

¹² Id. at 65.

¹³ Id. at 64, citing the Office of the Solicitor General's appellee's Brief for the respondent.

Version of the defense

Petitioner, on the one hand, denied the charge against him and testified:

[O]n October 26, 2015, [petitioner] was at Sitio Curay-Curay, Rebe, Lala, Lanao del Norte, to purchase a horse for the wedding of [his] sister.

After the transaction, he went home and on his way home, there was a check point at MWIC. Two police officers, [PO1 Quabo] and Bobong Suaring flagged him down. They checked his plate number and let him go. When he was at a distance of two (2) to three (3) fathoms, another police officer, a certain Turan, pulled over his motorcycle. Turan told him to raise his hand and he searched his pocket.

After the search, he alighted from the motorcycle and they let him sit on the bench. His motorcycle was parked at the side.

The police officers huddled together for fifteen (15) to twenty (20) minutes and thereafter told him that they got shabu from him. They told him that it can however be negotiated for ₱10,000.00. He told them that he needs to call his family. He was able to call his cousin, Joanna Neumeran.

Other police officers arrived and the police officers who tried to negotiate with him proceeded to arrest him. They handcuffed him and took photographs. They boarded him on a patrol car and brought him to the Police Station at Lala. x x x¹⁴

The RTC Decision

On April 4, 2017, the RTC rendered a Decision,¹⁵ the dispositive portion of which reads:

WHEREFORE, based on the foregoing, judgment is hereby rendered, finding accused Hector Villahermosa Marinduque guilty beyond reasonable doubt of the crime of violation of Section 11, Article II of Republic Act 9165. Consequently, he is hereby sentenced to suffer an indeterminate prison term of Twelve (12) years and one (1) day as minimum to Sixteen (16) years as maximum. The period of his preventive imprisonment is hereby deducted from his prison term. The record revealed that he was detained since October 30, 2015 and up to his release on bail on November 20, 2015. He is also directed to pay a fine in the sum of Three Hundred thousand pesos (₱300,000.00).

The Clerk of Court, this Court, is hereby directed to turn over the drug in this case to the Provincial Office of the Philippine Drug Enforcement Agency (PDEA) at Camp Tomas Cabili, Tipanoy, Iligan City, within a period of five (5) days from the promulgation of this Decision and to make a return thereof after the delivery.

¹⁴ Id. at 65-66, citing petitioner's appellant's Brief.

¹⁵ Id. at 102-104, RTC Decision.

The bail bond posted for the provisional liberty of the accused is hereby considered valid for a period not exceeding fifteen (15) days from the promulgation of this Decision.

SO ORDERED.¹⁶

The RTC held that the police officers' warrantless search of petitioner was valid under the "stop and frisk" situations or the *Terry* search doctrine. The police officers, who were then conducting a checkpoint, had valid reasons to flag down petitioner because he was driving a motorcycle without a plate number and he failed to show the registration or ownership papers of the said motorcycle. Hence, the confiscation of the subject plastic sachet of *shabu* found in petitioner's possession and his warrantless arrest were both valid and lawful.¹⁷

The CA Decision

On appeal, the CA, through the challenged Decision¹⁸ affirmed in full the RTC Decision, *viz.*:

WHEREFORE, the instant appeal is DENIED. The Decision dated 04 April 2017, finding appellant Hector Marinduque y Villahermosa guilty of violation of Section 11, Article II of R.A. No. 9165, rendered by the Regional Trial Court, 12th Judicial Region, Branch 21, Kapatagan, Lanao del Norte, in Criminal Case No. 21-3003 is AFFIRMED.

SO ORDERED.¹⁹

First, the CA brushed aside petitioner's challenge against the validity of his arrest since he failed to object thereto before he was arraigned. Second, the CA held that petitioner's warrantless arrest was valid because he was caught *in flagrante delicto*. It was established that at the time of such arrest, the police officers were conducting a checkpoint operation to verify reports of contrabands being transported in the area. As found by the RTC, petitioner was validly flagged down by the police officers because his motorcycle bore no plate number. When asked for his identification documents, petitioner reached in his pocket to get his identification cards. It was at this moment that the subject plastic sachet of *shabu* jutted out from his pocket, fell to the ground, and was plainly exposed to the view of PO1 Quabo, who ultimately seized it from petitioner. Verily, not only was the seizure of the plastic sachet of *shabu* an incident of a lawful arrest, it also falls within the ambit of the plain view doctrine; hence, admissible in evidence against petitioner. Third, all the elements for illegal possession of dangerous drugs were established by the prosecution. The evidence adduced by the prosecution showed an unbroken chain of custody, to wit: (1) PO1 Quabo seized the subject *shabu* from petitioner and placed markings

¹⁶ Id. at 104.

¹⁷ Id. at 102-103.

¹⁸ Id. at 61-75, CA Decision.

¹⁹ Id. at 74.

thereon; (2) He brought the confiscated drug to the police station where he turned it over to PO3 Ariel C. Villorejo (PO3 Villorejo); (3) PO3 Villorejo prepared a request for laboratory examination and delivered the same along with the seized item to the forensic chemist, PSI Tandog; (4) PSI Tandog conducted a qualitative examination on the submitted specimen that yielded a positive result for the presence of methamphetamine hydrochloride or *shabu*, as shown by Chemistry Report No. D-148-2015;²⁰ and (5) the subject plastic of *shabu* confiscated from petitioner was brought to and presented in court as evidence. Thus, the CA concluded, the integrity and evidentiary value of the subject dangerous drug has been preserved warranting the conviction of petitioner of the offense charged.²¹

Petitioner moved for reconsideration but was denied by the CA through the assailed Resolution.²²

The Present Petition

The crux of the petition is whether the CA committed a reversible error in affirming petitioner's conviction for violation of Section 11, Article II of R.A. No. 9165, as amended.

Petitioner asserts that the prosecution failed to prove compliance with the mandatory requirements under Section 21(1) of R.A. No. 9165, as amended, and its Implementing Rules and Regulations (IRR). To be precise, petitioner highlights the doubt as to the markings placed by PO1 Quabo on the illegal drug allegedly seized from petitioner. There was not a single photograph of the confiscated plastic sachet of *shabu* submitted before the RTC that could have given light on the exact markings thereof. Worse, the markings placed on the seized item were not indicated in the Receipt/Inventory of the Property Seized.²³ Also, while said document was purportedly signed by media representatives, Ellen S. Lauria and Ferdie Francisco, the photographs²⁴ purportedly taken during the inventory and adduced in trial do not show the faces of said persons, who are known radio personalities in Lanao del Norte. In sum, petitioner posits that the police officers committed several lapses that seriously impaired the integrity and evidentiary value of the subject sachet of *shabu*.²⁵

On the other hand, the Office of the Solicitor General (OSG) counters in the main that the police officers substantially complied with the chain of custody rule. The prosecution was able to establish an unbroken chain of custody from the moment it was seized from petitioner's person up to the time it was presented before the RTC. Thus, the *corpus delicti* of the crime charged was proven beyond reasonable doubt. Petitioner's unsubstantiated

²⁰ Records, p. 3, marked as Exhibit "C."

²¹ *Rollo*, pp. 68-74, CA Decision.

²² *Id.* at 76-79.

²³ Records, p. 7, marked as Exhibit "D."

²⁴ *Id.* at 6.

²⁵ *Rollo*, pp. 39-56, Petition for Review on *Certiorari*.

defenses of denial and frame-up are inherently weak more so when viewed against the positive evidence against him.²⁶

The Court's Ruling

The petition is meritorious.

At the onset, the Court notes that petitioner did not object to the validity of his warrantless arrest before his arraignment. The rule is that any objection involving a warrant of arrest or the procedure for the acquisition by the court of jurisdiction over the person of the accused must be made before he/she enters a plea; otherwise, the objection is deemed waived. The Court has also ruled that an accused may be estopped from assailing the illegality of his/her arrest if he/she fails to move for the quashing of the information before arraignment. And since the legality of an arrest affects only the jurisdiction of the court over the person of the accused, any defect in the arrest of the accused may be deemed cured when he/she voluntarily submits to the jurisdiction of the trial court.²⁷

In any event, the Court agrees with the CA and the RTC that petitioner's warrantless arrest was valid.

Records established that petitioner was flagged down at the checkpoint because he was driving a motorcycle that had no plate number. When the police officers asked for his identification and registration documents, petitioner reached into his pocket to get his wallet. At that moment, the subject plastic sachet of *shabu* juttled out from petitioner's right pocket and eventually fell to the ground. PO1 Quabo saw the plastic sachet and, suspecting the contents thereof as *shabu*, immediately arrested petitioner.²⁸

Clearly, and as aptly held by the CA, petitioner's arrest comes within the purview of paragraph (a), Section 5, Rule 113 of the 2000 Rules of Criminal Procedure, which reads:

SECTION 5. Arrest without warrant; when lawful. – A peace officer or a private person may, without a warrant, arrest a person:

(a) When, in his presence, the person to be arrested has committed, **is actually committing**, or is attempting to commit an offense[.] (Emphasis supplied)

Two elements must concur for an *in flagrante delicto* arrest to be valid: (1) the person to be arrested is executing an overt act indicating that he/she has just committed, is actually committing, or is attempting to commit a crime; and (2) such overt act is done in the presence or within the

²⁶ Id. at 165-176, Comment.

²⁷ *Lapi v. People*, 847 Phil. 38 (2019).

²⁸ TSN, September 5, 2016, p. 5.

view of the arresting officer.²⁹ Both elements are present in the instant case. Petitioner's warrantless arrest being valid, the subsequent seizure of the plastic sachet of purported *shabu* is likewise valid. A valid arrest allows the seizure of evidence or dangerous weapons either on the person of the one arrested or within the area of his/her immediate control.³⁰

Further, the Court agrees with the CA that the seizure of the subject plastic sachet was not only incidental to a lawful arrest, but is also within the ambit of the Plain View Doctrine.³¹ Under this doctrine, objects falling in the "plain view" of the police officer who has a right to be in the position to have that view, are subject to seizure and may be presented as evidence. It applies when the following requisites concur: 1) the police officer in search of the evidence has a prior justification for an intrusion or is in a position from which he/she can view a particular area; 2) the discovery of the evidence in plain view is inadvertent; and 3) it is immediately apparent to the police officer that the item he/she observes may be an evidence of a crime, contraband, or otherwise subject to seizure.³²

Here, there was a valid intrusion by the police officers as petitioner was flagged down at a checkpoint for a traffic violation, *i.e.*, driving a motorcycle without a plate number. The discovery of the plastic sachet by the police officers was inadvertent, for the said item merely dropped from petitioner's pocket while he was retrieving his wallet to produce his identification documents. The subject plastic sachet was immediately apparent to PO1 Quabo, who, based on his experience as a police officer, had reasons to believe that the sachet contained *shabu*.

On this score, the Court deems it proper to clarify that, contrary to the ruling of the RTC, the stop and frisk doctrine is not applicable in the present case. Stop and frisk searches (or *Terry* searches) are conducted to deter crime.³³ To sustain the validity of a stop and frisk search, the arresting officer should have personally observed two or more suspicious circumstances, the totality of which would then create a reasonable inference of criminal activity to compel the arresting officer to investigate further.³⁴

In this case, there were no suspicious circumstances that would lead the arresting officers to reasonably conclude that a criminal activity may be afoot. To repeat, petitioner was flagged down solely because he was driving a motorcycle without a plate number. Apart from this, there was no other circumstances from which an illicit act may be inferred. It must be further noted that at the time the alleged *shabu* accidentally fell from petitioner's pocket, petitioner has not yet been arrested nor frisked and searched by the

²⁹ *People v. Rangaig*, G.R. No. 240447, April 28, 2021.

³⁰ *People v. Calantiao*, 736 Phil. 661, 671 (2014), citing *People v. Valeroso*, 614 Phil. 236, 251 (2009).

³¹ See *Miclat, Jr. v. People*, 672 Phil. 191, 206 (2011).

³² *Pagigan v. People*, G.R. No. 252003, February 10, 2021; *Miclat, Jr. v. People*, *id.*

³³ *Duopan v. People*, G.R. No. 230825, June 10, 2020, 937 SCRA 332, 359.

³⁴ *Id.* at 362.

police officers, as he was merely being asked by PO1 Quabo to produce his (petitioner's) identification and registration documents.

The foregoing notwithstanding, the Court finds that the prosecution failed to establish beyond reasonable doubt petitioner's guilt of the offense charged. His acquittal, therefore, is in order.

In illegal drugs cases, the drug itself constitutes the *corpus delicti* of the offense. The prosecution is, therefore, tasked to establish that the substance illegally possessed, sold, delivered, or transported by the accused is the same substance presented in court.³⁵ Its preservation must be shown to the satisfaction of the court, from the seizure and marking thereof until its submission to the court. In other words, compliance with the chain of custody rule must be demonstrated in order to obviate unnecessary doubts concerning the identity of the evidence.³⁶

The chain of custody is divided into four links: first, the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer; second, the turnover of the illegal drug seized by the apprehending officer to the investigating officer; third, the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and fourth, the turnover and submission of the marked illegal drug seized by the forensic chemist to the court.³⁷

We focus on the first and fourth links.

The first link refers to seizure and marking. "Marking" means the apprehending officer or the poseur-buyer places **his/her initials and signature** on the seized item. The marking of the evidence serves to separate the marked evidence from the *corpus* of all other similar or related evidence from the time they are seized from the accused until they are disposed of at the end of the criminal proceedings, thus, preventing switching, planting or contamination of evidence. Marking after seizure is the starting point in the custodial link. It is vital that the seized contraband be immediately marked **because succeeding handlers of the specimens will use the markings as reference.**³⁸

Apart from such marking, Section 21,³⁹ Article II of R.A. No. 9165, as amended, and its IRR⁴⁰ require that **the seized drug must likewise be**

³⁵ *People v. Dizon*, G.R. No. 223562, September 4, 2019, 917 SCRA 749, 764-765.

³⁶ *People v. Veloo*, G.R. No. 252154, March 4, 2021.

³⁷ *People v. Rivera*, G.R. No. 252886, March 15, 2021, citing *Dela Riva v. People*, 769 Phil. 872, 886-887 (2015).

³⁸ *People v. Maranga*, G.R. No. 205885, August 4, 2021.

³⁹ 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:

inventoried and photographed in the presence of the accused, his or her representative, a representative from the media or the National Prosecution Service, and an elected public official. These persons must likewise sign the copies of the inventory, and should be given a copy thereof.⁴¹

Here, there was no showing that the alleged *shabu* confiscated from petitioner was photographed under the circumstances required by Section 21, as there was not a single photograph of the subject seized drug (or the actual inventory thereof) presented before the RTC. Even PO1 Quabo, in his testimony, did not mention having taken photographs of the seized drug albeit he stated that he took photographs of the “crime scene.”⁴² The Court has held that the arresting officers’ failure to photograph the drug item weakened the chain of custody.⁴³ It is likewise worthy of note that the Receipt/Inventory of the Property Seized did not indicate the markings, which PO1 Quabo allegedly placed on the seized plastic sachet of purported *shabu*.⁴⁴ Significantly, the prosecution asserted that the seized plastic sachet was marked with “HVM-1,”⁴⁵ however, Chemistry Report No. D-148-2015 shows that the specimen submitted for examination was with markings “A-1 (HVM-1).”⁴⁶ This variance in the markings was neither addressed nor explained by the prosecution.

As regards the fourth link, case law provides that “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

(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 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.

⁴⁰ See Sections 1.A.1, 1.A.1.1, 1.A.1.2, and 1.A.1.3 of the PDEA Guidelines on the Implementing Rules and Regulations of Section 21 of R.A. No. 9165, as amended by R.A. No. 10640, adopted on May 28, 2015.

⁴¹ *People v. Maranga*, supra note 38.

⁴² Records, p. 2, Affidavit (marked as Exhibit “A” for the prosecution); TSN, September 5, 2016, pp. 11-12.

⁴³ *People v. Macarimbang*, G.R. No. 228949, February 8, 2021, citing *People v. Arposeple*, 821 Phil. 340 (2017).

⁴⁴ Records, p. 7, marked as Exhibit “D.”

⁴⁵ Id. at 4-5, Memorandum dated October 26, 2015 (Re: laboratory Examination on Seized Evidence), marked as Exhibit “B,” and Chain of Custody Form, marked as Exhibit “E.”

⁴⁶ Id. at 3, marked as Exhibit “C.”

subject specimen.”⁴⁷

Thus, as a rule, the forensic chemist who examines a seized substance should ordinarily testify that he/she received the seized article as marked, properly sealed, and intact; that **he/she resealed it after examination of the content; and that he/she placed his/her own marking on the same to ensure that it could not be tampered pending trial.** In case the parties stipulate to dispense with the attendance of the forensic chemist, they should stipulate that the latter would have testified that he/she took the precautionary steps mentioned.⁴⁸

In the case at bench, PSI Tandog’s testimony leaves much to be desired. While PSI Tandog affirmed the authenticity of Chemistry Report No. D-148-2015 and the fact that he was the one who received the submitted specimen and who conducted a qualitative examination thereon, he, nonetheless, failed to testify on how he handled the subject specimen after examining its content, *i.e.*, that he took safety measures, such as resealing it and placing thereon his own initials, to prevent tampering of the evidence while awaiting trial.⁴⁹ More importantly, not one of the witnesses for the prosecution testified as to how and where the seized plastic sachet of *shabu* was safekept after PSI Tandog’s examination and before submission thereof to the RTC. Absent any testimony regarding the management, storage, and preservation of the illegal drug allegedly seized after its qualitative examination, the fourth link in the chain of custody of the seized item could not be deemed established to a moral certainty. This casts serious doubts on the identity and the integrity of the *corpus delicti*.⁵⁰

Indeed, establishing every link in the chain of custody is crucial to the preservation of the integrity, identity, and evidentiary value of the seized illegal drug. Failure to demonstrate compliance with even just one of these links creates reasonable doubt that the substance confiscated from the accused is the same substance offered in evidence.⁵¹ The Court has highlighted the need to ensure the integrity of the seized drugs in the chain of custody when – as in this case – only a miniscule amount (0.0075 gram) of drugs had been allegedly seized from the accused.⁵²

On a final note, while law enforcers enjoy the presumption of regularity in the performance of their duties, this presumption cannot prevail over the constitutional right of an accused to be presumed innocent. It cannot by itself constitute proof of guilt beyond reasonable doubt. This presumption of regularity remains just like a presumption, disputable by contrary proof, which when challenged by evidence cannot be regarded as binding truth.⁵³

⁴⁷ *People v. Rivera*, supra note 37.

⁴⁸ *Id.*

⁴⁹ TSN, August 31, 2016, pp. 4-5.

⁵⁰ *De Vera v. People*, G.R. No. 248501, March 2, 2022.

⁵¹ *People v. Maranga*, supra note 38.

⁵² *People v. Dela Peña*, G.R. No. 252489, April 19, 2022.

⁵³ *Id.*

The presumption stands when no reason exists in the records by which to doubt the regularity of the performance of official duty. And even in that instance, the presumption of regularity will never be stronger than the presumption of innocence in favor of the accused. Otherwise, a mere rule of evidence will defeat the constitutionally enshrined right of an accused to be presumed innocent.⁵⁴

WHEREFORE, the petition is **GRANTED**. The Decision dated October 19, 2018 and the Resolution dated August 25, 2020 of the Court of Appeals in CA-G.R. CR No. 01557-MIN, which affirmed the Decision dated April 4, 2017 of the Regional Trial Court, Kapatagan, Lanao del Norte, Branch 21, in Criminal Case No. 21-3003, finding petitioner Hector Marinduque y Villahermosa guilty of violating Section 11, Article II of Republic Act No. 9165, are **REVERSED** and **SET ASIDE**. Petitioner Hector Marinduque y Villahermosa is **ACQUITTED** for failure of the prosecution to prove his guilt beyond reasonable doubt.

Let entry of judgment be issued immediately.

SO ORDERED.”

By authority of the Court:

MisaelDCBatt
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court 071923

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The Presiding Judge
REGIONAL TRIAL COURT
Branch 21
Kapatagan, 9214 Lanao del Norte
(Criminal Case No. 21-3003)

PGen. Benjamin C. Acorda, Jr.
Chief, PHILIPPINE NATIONAL POLICE
PNP, National Headquarters
Camp Crame, 0801 Quezon City

⁵⁴ *People v. Dahil*, 750 Phil. 212, 238-239 (2015).

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