



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **November 20, 2023**, which reads as follows:

“**G.R. No. 225597 (PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee, v. ORLANDO SADIO Y SICANGCO, Accused-Appellant)**. — This resolves accused-appellant Orlando Sadio y Sicangco’s Motion for Reconsideration¹ dated June 14, 2018 of Our Resolution² dated February 14, 2018 which denied his appeal and affirmed the Decision³ dated June 30, 2015 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06147.

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A more careful review of the records reveals serious unjustified lapses on the part of the buy-bust team which warrant the acquittal of accused-appellant for violation of Section 5, Article II, Republic Act (R.A.) No. 9165.⁴

Accused-appellant has been condemned to suffer, among others, the penalty of life imprisonment and to pay a fine of PHP 500,000.00 for his alleged illegal sale of **0.037 g** of *shabu*. The sheer diminutiveness of said amount is relevant considering Our ruling in *People v. Holgado*⁵ that “[w]hile the miniscule amount of narcotics seized is by itself not a ground for acquittal, this circumstance underscores the need for more exacting compliance with [Sec.] 21”⁶ of R.A. No. 9165. Similarly, in *Ramos v. People*,⁷ We held that “a

¹ *Rollo*, pp. 61-69.

² *Id.* at 53-60.

³ *Id.* at 2-16. Penned by Associate Justice Victoria Isabel A. Paredes, and concurred in by Associate Justices Isaias P. Dicedican and Elihu A. Ybañez.

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 THEREFOR, AND FOR OTHER PURPOSES.” Approved: June 7, 2002.

⁵ 741 Phil. 78 (2014).

⁶ *Id.* at 99.

⁷ 826 Phil. 663 (2018).

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more exacting standard is required of law enforcers when only a miniscule amount of dangerous drugs are alleged to have been seized from the accused.”⁸

In *Tañamor v. People*,⁹ the Court said:

[T]he Court may well begin to take due notice of the fact that the idea of “substantial compliance” in drug enforcement may be a spectrum of degrees of conformities that have, in far too many instances, negated the general rule of compliance, so that in the end, for purposes of protecting the rights of the accused and the trustworthiness of the prosecution, no degree is “compliant enough” until it is only but *full* adherence to the letter and spirit of the law.¹⁰ (Italics in the original)

Strict compliance with Sec. 21 is the rule and only when the prosecution proves (1) justifiable grounds for deviation therefrom and (2) the preservation of the integrity and evidentiary value of the seized items will substantial compliance be accepted by this Court.

The procedural safeguards under the chain of custody procedure embodied in Sec. 21 are material, as their compliance affects the *corpus delicti* which is the dangerous drug, controlled precursor, essential chemical, drug instrument or paraphernalia, and/or laboratory equipment itself, and warrants the identity and integrity of said item/s seized by the apprehending officers.¹¹

It is undisputed that despite the clear command of Sec. 21, R.A. No. 9165, no representative from the media or the Department of Justice (DOJ) was present and the prosecution failed to prove a justifiable ground therefor. Thus, the presence of a *barangay kagawad* will not cure their absence and cannot be deemed substantial compliance. Consequently, it cannot be said that the integrity and evidentiary value of the seized item were preserved. The acquittal of accused-appellant for illegal sale thereof must necessarily follow.

As regards the charge for illegal use of dangerous drugs, however, We maintain that the elements thereof were properly established since the prosecution was able to prove that accused-appellant was arrested and subjected to a drug test, and that the screening and confirmatory tests showed that he used dangerous drugs.¹² The invalidation of the seizure and confiscation of the drugs subject of the charge for illegal sale is an entirely separate matter which has no effect on the charge for illegal use since accused-appellant was legally arrested pursuant to a legitimate buy-bust operation.

⁸ Id. at 685.

⁹ 872 Phil. 982 (2020).

¹⁰ Id. at 1007.

¹¹ See *Tolentino v. People*, 870 Phil. 706, 714-715 (2020).

¹² *Rollo*, p. 13.

WHEREFORE, the Motion for Reconsideration is **PARTIALLY GRANTED**. Accused-appellant Orlando Sadio y Sicangco is **ACQUITTED** of violation of Section 5, Article II, Republic Act No. 9165 on the ground of reasonable doubt and is **ORDERED RELEASED** from prison unless lawfully held for another cause. However, he remains **GUILTY** beyond reasonable doubt for violation of Sec. 15, Art. II, R.A. No. 9165.

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

Let entry of final judgment be issued immediately.

SO ORDERED.”

By authority of the Court:



MARIA TERESA B. SIBULO
Division Clerk of Court *mrs*

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(CA-G.R. CR-HC No. 06147)

The Director General (x)
Bureau of Corrections
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The Hon. Presiding Judge
Regional Trial Court, Branch 68
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(Crim. Case Nos. 11-134 & 12-38)

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