

Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES, G.R. No. 225325
Plaintiff-Appellee,

Present:

-versus-

PERALTA, J., Chairperson,
LEONEN,
CAGUIOA,*
REYES, A., JR.,
INTING, JJ.

ISIDRO RAMOS y BONDOC,
Accused-Appellant.

Promulgated:
August 28, 2019

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DECISION

LEONEN, J.:

In buy-bust operations, the apprehending team's inadequate preparations are not justifiable grounds for its noncompliance with the requirements under Section 21(1) of Republic Act No. 9165, or the Comprehensive Dangerous Drugs Act of 2002.

This Court resolves an appeal¹ from the Court of Appeals' June 5, 2015 Decision² in CA-G.R. CR-HC No. 06718. The Court of Appeals

* Designated additional Member per Raffle dated August 22, 2019.

¹ Rollo, pp. 19-21.

² Id. at 2-18. The Decision was penned by Associate Justice Isaias P. Dicedican, and concurred in by Associate Justices Ramon Paul L. Hernando (now a member of this Court) and Victoria Isabel A. Paredes of the Special Ninth Division, Court of Appeals, Manila.

affirmed the Regional Trial Court's October 14, 2013 Joint Decision³ convicting Isidro Ramos y Bondoc (Ramos) for violating Article II, Sections 5 and 11 of Republic Act No. 9165.

Two (2) separate Informations were filed before the Regional Trial Court of San Fernando City, Pampanga and docketed as Criminal Case Nos. 17171 and 17172. The Information for Criminal Case No. 17171 read, in part:

That on or about the 10th day of August 2010, in the City of San Fernando, Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without having been lawfully authorized, did then and there, willfully, unlawfully and feloniously, have in his possession, custody and control seventeen (17) heat-sealed transparent plastic sachets with marking 'ACY-1 to ACY-17' containing Methamphetamine Hydrochloride with a total weight of TWO THOUSAND TWO HUNDRED FORTY SEVEN TEN THOUSANDTHS (0.2247g) of a GRAM, a dangerous drug.

Contrary to law.⁴

The Information for Criminal Case No. 17172 read, in part:

That on or about the 10th day of August 2010, in the City of San Fernando, Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without having been lawfully authorized, did then and there, willfully, unlawfully and feloniously sell, distribute and transport a heat-sealed transparent plastic sachet with markings 'AQN' in exchange of one (1) pc. [o]f Five Hundred Peso Bill with serial number MX928465 containing Methamphetamine Hydrochloride with a weight of ONE HUNDRED FORTY THREE TEN THOUSANDTHS (0.0143) of a GRAM, a dangerous drug.

Contrary to law.⁵

The cases were tried jointly. Upon arraignment on September 15, 2010, Ramos pleaded not guilty to the crimes charged. On January 5, 2011, pre-trial was conducted, after which trial commenced.⁶

Police Officer 2 Arlan Q. Navarro (PO2 Navarro), PO3 Agustin C. Yco, Jr. (PO3 Yco), Bernardino Talao (Talao), and Francisco Palo (Palo) testified for the prosecution,⁷ as follows:

³ CA rollo, pp. 46-70. The Joint Decision was penned by Judge Divina Luz P. Aquino-Simbunan of Branch 41, Regional Trial Court, San Fernando City.

⁴ Rollo, p. 3.

⁵ Id.

⁶ Id.

At around 7:20 a.m. on August 10, 2010, a confidential informant went to the police station where PO2 Navarro was stationed and reported that a known drug pusher named "Billy" was selling shabu in Barangay Quebiawan, San Fernando City, Pampanga. PO2 Navarro relayed this information to Police Inspector Joven de Guzman (Inspector de Guzman). They then planned a buy-bust operation in which PO2 Navarro was designated as the poseur-buyer who would throw his cigarette to signal that the drug sale was consummated.⁸ He was also given a ₱500.00 bill with serial number MX928465 as the buy-bust money. PO2 Navarro and Inspector de Guzman then signed a Coordination Form to manifest their coordination with the Philippine Drug Enforcement Agency.⁹

At 8:35 a.m. that day, before conducting the buy-bust operation, PO2 Navarro, PO3 Yco, and the confidential informant went to the Quebiawan barangay hall to coordinate with the local officials.¹⁰ However, they were only able to coordinate with the Bantay Bayan as there was no elected official present then.¹¹

Then, the police officers proceeded to Don Tomas Avenue in Barangay Quebiawan where Billy was located. The informant approached Billy and told him that PO2 Navarro wanted to buy shabu. Billy handed a heat-sealed plastic sachet containing white crystalline substance to PO2 Navarro in exchange for the marked ₱500.00 bill. Afterwards, PO2 Navarro threw his cigarette to signal that the transaction had been consummated, prompting PO3 Yco to approach.¹²

PO3 Yco and PO2 Navarro introduced themselves as police officers and informed Billy of his constitutional rights, after which PO3 Yco asked Billy to take out the sachets he had from his pocket. PO3 Yco confiscated 17 heat-sealed sachets containing white crystalline substance, as well as the marked money,¹³ which he gave to PO2 Navarro.¹⁴

The items were not immediately marked after seizure, PO2 Navarro explained, as none of the required witnesses under the law were then

⁷ Id. at 3–4. Sometimes, Francisco Palo was named "Lorenciano Palo."

⁸ CA rollo, pp. 50–51.

⁹ Rollo, p. 5.

¹⁰ CA rollo, p. 52.

¹¹ Id.

¹² Rollo, p. 5.

¹³ Id. at 5 and CA rollo, p. 51.

¹⁴ CA rollo, p. 130.

present.¹⁵ PO3 Yco, meanwhile, testified that the markings were not placed at the time of arrest because he and PO2 Navarro did not bring pens.¹⁶

Instead, PO2 Navarro said he put the seized items in a plastic container, separating the sachet he had bought from Ramos from the 17 sachets found in Ramos' left pocket.¹⁷ With the 18 sachets in his custody, PO2 Navarro went to the police station while PO3 Yco brought Ramos.¹⁸

At the police station, Ramos was turned over to PO2 Carlo Zaragosa (PO2 Zaragoza). Meanwhile, in the presence of Barangay Kagawad Palo, media representative Talao, and Department of Justice representative Manuel Villanueva (Villanueva), PO2 Navarro removed the sachets from their respective plastic containers. The sachet he bought from Ramos was marked with his initials, "AQN," while the other 17 sachets were marked with the initials "ACY."¹⁹

PO2 Navarro and PO3 Yco later signed a Confiscation Receipt issued by PO2 Zaragosa, who also prepared a Turn-Over Receipt.²⁰ Billy, using his name Isidro Ramos,²¹ and witnesses Palo, Talao, and Villanueva also signed the Confiscation Receipt.²²

On cross-examination, PO2 Navarro testified that he was the one who placed all the entries in the Confiscation Receipt. He added that he first had Ramos read the document, making sure he understood its contents.²³

Meanwhile, Talao testified on cross-examination that he could not recall if the seized items had been marked before he signed the Confiscation Receipt. He also claimed that a police officer was merely holding the seized items, and did not put them in plastic containers, before he laid them all out on the table. He could not recall whether all 18 sachets had been segregated or not.²⁴

Meanwhile, Palo initially testified that at around 11:00 a.m. on August 10, 2010, he was at the barangay hall when PO2 Navarro arrived, asking for a barangay kagawad to act as witness. Thus, Palo went with PO2 Navarro to

¹⁵ Id. at 55.

¹⁶ Id. at 58.

¹⁷ Id. at 124.

¹⁸ Id. at 55.

¹⁹ Id. at 51 and 129. Sometimes in the *rollo*, Zaragosa was spelled "Zaragoza."

²⁰ Id. at 51.

²¹ *Rollo*, p. 6.

²² Id. at 6-7.

²³ CA *rollo*, pp. 53-54.

²⁴ Id. at 131-132.

the municipal hall, where he said he was presented with plastic sachets containing green marijuana leaves. The officers then told him that they would take pictures as the witnesses pointed to the items and signed the Confiscation Receipt. Palo said that he did not read the Confiscation Receipt before signing it, but the officers told him that the document stated the items taken from Ramos. Later, upon inquiry by the trial court, Palo testified that he was confused when he said marijuana had been presented to him, explaining that he had also acted as witness in a different case involving marijuana. He said that he could not recall the details of the marijuana case because it happened long ago.²⁵

For its part, the defense presented Ramos and his two (2) nephews, John Lester Ramos (John Lester) and Gerard Ramos (Gerard), as witnesses.

Ramos denied all the accusations against him and claimed that he had been framed.²⁶ He recalled that at around 1:00 a.m. on August 10, 2010, he was in his living room, about to sleep, while his two (2) nephews were inside the bedroom. It was then that PO2 Navarro and PO3 Yco entered his house, together with their informant who stood silent by the door. The officers had Ramos lie face down and searched his body. They told him they were conducting a buy-bust operation, but Ramos said he did not understand what that meant. The officers also entered the bedroom, but Ramos said he did not know what they did there.²⁷

Ramos stated that after the officers had searched and arrested him, they showed him 17 sachets and claimed that they took the items from him. He was then taken to an unfamiliar place near the public market, where he was kept for a few hours before being brought to the municipal hall and put in jail.²⁸

Claiming that he did not understand English well, Ramos said he did not read the Confiscation Receipt—and neither was it explained to him as he had no lawyer—but he still signed it upon the police officers' instructions. He further said that he did not know if any witness was present when he signed the document. After signing, he was put back in jail.²⁹

Ramos admitted that he used drugs, but he denied selling them.³⁰

²⁵ Id. at 59–60.

²⁶ *Rollo*, p. 7.

²⁷ *CA rollo*, p. 61.

²⁸ Id.

²⁹ Id. at 62 and *rollo*, p. 8.

³⁰ Id.

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John Lester testified that he was sleeping when, at around 1:00 a.m. on August 10, 2010, someone shouted, “*E ka gugulisak, barilan daka* (Do not shout, I will kill you),” jolting him awake. Frightened, he said that he lay face down on the floor as he heard his uncle and two (2) other persons shouting. He claimed that he heard Ramos ask for help and plead to the other persons not to get their belongings. He said that, as he lay on the ground, someone entered the bedroom and took his phone. He did not see who the person was as he was too frightened to do anything. Around 30 minutes later, when the shouting stopped, he went to the other room and woke his cousins. When they got to the living room to check what happened, they saw pillows and sheets scattered in the living room. Frightened, they chose not to leave the house.³¹

Later, when their other uncle, Nelson, arrived, John Lester told him what had happened. Nelson told John Lester that he came from the barangay hall with a police officer, where he had been informed that Ramos was about to be arrested. John Lester also testified that his uncle Ramos neither used nor was involved in drugs. He did not know that Ramos had testified having used drugs.³²

Meanwhile, Gerard alleged that on August 10, 2010, he had been asleep since around 10:00 p.m. when about three (3) hours later, John Lester woke him and told him that Ramos was taken away. He stated that although he did not see the incident, he saw that their house was left a mess and some things were missing.³³ During trial, he testified that he did not know if his uncle was involved in drugs.³⁴

Ramos claimed during cross-examination that his two (2) nephews did not execute sworn statements because they were afraid. He added that he did not speak with them, as he had been in jail for two (2) years already.³⁵

In an October 14, 2013 Joint Decision,³⁶ the Regional Trial Court found Ramos guilty beyond reasonable doubt of the crimes charged. It held that the prosecution established the identity of the buyer and seller, object and consideration, as well as the delivery of and payment for the thing sold.³⁷ It also gave full faith to PO2 Navarro’s and PO3 Yco’s testimonies, ruling that they proved that the integrity and evidentiary value of the seized drugs had been preserved.³⁸

³¹ Id. at 63 and *rollo*, p. 9.

³² Id. at 63–64.

³³ *Rollo*, p. 9.

³⁴ *CA rollo*, p. 65.

³⁵ Id. at 62.

³⁶ Id. at 46–70.

³⁷ Id. at 65.

³⁸ Id. at 67.

The trial court accepted as a justifiable ground for not immediately marking the seized items the officers' failure to bring a marking pen. It also accepted as justifiable ground for marking the items at the police station the officers' explanation that the required witnesses were available by then.³⁹

Meanwhile, it discounted the defense's testimonies as tainted with bias since two (2) of its witnesses were Ramos' relatives.⁴⁰ It also reasoned that because Ramos did not file any charges against the arresting officers, he failed to show any ill motive on their part.⁴¹

The dispositive portion of the Decision read:

VIEWED IN THE LIGHT OF THE FOREGOING, this court finds the accused ISIDRO RAMOS y BONDOC, guilty beyond reasonable doubt of the crime of Violation of R.A. 9165 and is hereby sentenced, as follows:

1. in Criminal Case No. 17171 for Violation of Section 11, Article II, the accused is sentenced to suffer the penalty of Fourteen (14) years, eight (8) months and one (1) day, as minimum, to Seventeen (17) Years and Four (4) months, as maximum, and to pay fine of Php300,000.00; and
2. in Criminal Case No. 17172 for Violation of Section 5, Article II, the accused is sentenced to suffer the penalty of life imprisonment and to pay fine of Php500,000.00.

SO ORDERED.⁴²

Ramos filed a Notice of Appeal⁴³ before the Regional Trial Court. Ramos, through counsel, filed his Brief⁴⁴ before the Court of Appeals on February 26, 2015. Meanwhile, the Office of the Solicitor General filed its Brief⁴⁵ on May 28, 2015.

Ramos argued that there were gaps in the chain of custody, which put the seized items' integrity in doubt. First, the seized items were not immediately marked.⁴⁶ Second, the prosecution failed to establish how the seized items were received and brought to the crime laboratory. Third, the

³⁹ Id. at 68.

⁴⁰ Id. at 66.

⁴¹ Id. at 67.

⁴² Id. at 69.

⁴³ Id. at 17-18, Notice of Appeal.

⁴⁴ Id. at. 30-45, Accused-Appellant's Brief.

⁴⁵ Id. at 109-172, Appellee's Brief.

⁴⁶ Id. at 39.

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forensic chemist failed to mention the name of the person to whom he turned over the seized items, or the custodian of the seized items. Fourth, there was no explanation given on what degree of precautions were taken before and after the examination to preserve the integrity of evidence.⁴⁷ Additionally, Ramos argued that the item seized from the illegal sale was comingled with the 17 other confiscated items.⁴⁸

Ramos also pointed out inconsistencies in the prosecution witnesses' testimonies. He argued that PO2 Navarro and PO3 Yco provided different reasons why the items were not immediately marked. He further pointed out that although PO2 Navarro initially claimed that PO2 Zaragosa prepared the Confiscation Receipt, he later claimed to have made the entries himself.⁴⁹

In a June 5, 2015 Decision,⁵⁰ the Court of Appeals affirmed the Regional Trial Court Decision. The dispositive portion of the Decision read:

WHEREFORE, in view of the foregoing premises, judgment is hereby rendered by us **DENYING** the appeal filed in this case. The Joint Decision dated October 14, 2013 which was rendered by Branch 41 of the Regional Trial Court in the City of San Fernando, Pampanga in Criminal Cases Nos. 17171 and 17172 is hereby **AFFIRMED**.

SO ORDERED.⁵¹ (Emphasis in the original)

Ramos filed a Notice of Appeal⁵² before the Court of Appeals. Subsequently, the Office of the Solicitor General filed its Manifestation and Motion⁵³ before this Court manifesting that it would no longer file any supplemental brief. Ramos filed a similar Manifestation.⁵⁴

The principal issue for this Court's resolution is whether or not the prosecution established beyond reasonable doubt that accused-appellant Isidro Ramos y Bondoc is guilty of violating Article II, Sections 5 and 11 of Republic Act No. 9165, or the Comprehensive Dangerous Drugs Act.

Accused-appellant is acquitted of the crimes charged.

⁴⁷ Id. at 41.

⁴⁸ Id. at 40.

⁴⁹ Id.

⁵⁰ *Rollo*, pp. 2–18.

⁵¹ Id. at 17.

⁵² Id. at 19–20, Notice of Appeal.

⁵³ Id. at 29–33, OSG's Manifestation and Motion.

⁵⁴ Id. at 34–38, Ramos' Manifestation.

Every person criminally charged is presumed innocent⁵⁵ unless his or her guilt is proven beyond reasonable doubt. The prosecution bears the burden of proof; consequently, its failure to meet this burden warrants the accused's acquittal.⁵⁶

Before a court may convict someone for the crimes of illegal possession and sale of drugs, it must be certain that dangerous drugs were seized, and that the "drugs examined and presented in court were the very ones seized."⁵⁷ To convince the court of this, the prosecution must show that the apprehending team followed the stringent requirements on the custody of the seized drugs, as provided under Section 21 of the Comprehensive Dangerous Drugs Act. It states, in part:

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. — . . .*

- (1) The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory 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, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof[.]

The prosecution here failed to show that the buy-bust team had strictly complied with the requirements under Section 21. Thus, it failed to prove accused-appellant's guilt beyond reasonable doubt.

The first step in the mandatory procedure for chain of custody is the immediate marking, physical inventory, and photographing of the seized items,⁵⁸ which must be done in the presence of certain witnesses.⁵⁹ Although

⁵⁵ CONST., art. III, sec. 14(2) provides:

(2) In all criminal prosecutions, the *accused shall be presumed innocent until the contrary is proved*, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustifiable. (Emphasis supplied)

⁵⁶ *People v. Royol*, G.R. No. 224297, February 13, 2019, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65005>> [Per J. Leonen, Third Division].

⁵⁷ *People v. Nandi*, 639 Phil. 134, 142 (2010) [Per J. Mendoza, Second Division].

⁵⁸ *People v. Alconde*, G.R. No. 238117, February 4, 2019, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64973>> [Per J. Perlas-Bernabe, Second Division].

⁵⁹ *People v. Claudel*, G.R. No. 219852, April 3, 2019, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65135>> [Per J. Caguioa, Second Division].

the law states that the apprehending officers may conduct the physical inventory and photographing at the nearest police station, or their nearest office, this Court has clarified that this is an exception to the rule—allowed only in cases of warrantless seizures, when immediate marking, inventory, and photographing are not practicable. In *People v. Claudel*:⁶⁰

The phrase “immediately after seizure and confiscation” means that the physical inventory and photographing of the drugs were intended by the law to be made immediately after, or at the place of apprehension. It is only when the same is not practicable that the Implementing Rules and Regulations (IRR) of RA 9165 allow the inventory and photographing to be done as soon as the buy-bust team reaches the nearest police station or the nearest office of the apprehending officer/team.⁶¹ (Citation omitted)

Here, the apprehending officers admitted that they did not mark, photograph, or inventory the seized items immediately after confiscation. Instead, they waited to complete this first step until they arrived at the police station, around 20 minutes away from the scene of the buy-bust operation.⁶² When asked why, PO3 Yco testified that they did not bring pens to mark the items. PO2 Navarro, for his part, testified that they could not immediately mark the items since the required witnesses were not present then.⁶³

These explanations do not convince this Court that this case is an exception to the requirement that the seized drugs must be marked immediately after seizure. There are doubts on the truth of PO2 Navarro’s and PO3 Yco’s testimonies; after all, they did not corroborate each other’s explanations, and instead providing different reasons for their failure to immediately mark the seized items.⁶⁴ Nonetheless, even if both officers’ reasons were true, these do not sufficiently justify their noncompliance with the first step of the mandatory rules on custody.

Indeed, strict compliance with the requirements under Section 21 of the Comprehensive Dangerous Drugs Act may not always be possible under varied field conditions.⁶⁵ Section 21(1) of the law’s Implementing Rules and Regulations states that “non-compliance of (*sic*) 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 of and custody over said items[.]” This clause was later expressly codified into law with the

⁶⁰ Id.

⁶¹ Id.

⁶² CA *rollo*, p. 124.

⁶³ Id.

⁶⁴ Id. at 124 and 130–131.

⁶⁵ *People v. Crispo*, G.R. No. 230065, March 14, 2018, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64066>> [Per J. Perlas-Bernabe, Second Division] citing *People v. Sanchez*, 590 Phil. 214, 234 (2008) [Per J. Brion, Second Division].

enactment of Republic Act No. 10640.⁶⁶ For this clause to apply, the prosecution must satisfactorily prove that: (1) there is justifiable ground for noncompliance; and (2) the integrity and evidentiary value of the seized items are properly preserved.⁶⁷

The witnesses' absence at the time of seizure is not a justifiable ground for not immediately marking the items, since they should have, at the onset, been present or near the place of seizure.

Since the law requires the apprehending team to conduct the inventory in front of the required witnesses and immediately after seizure, this necessarily means that, in buy-bust operations, the required witnesses must be present at the time of seizure. As this Court explained at length in *Claudel*:

It bears emphasis that the presence of the required witnesses at the time of the apprehension and inventory is mandatory, and that the law imposes the said requirement because their presence serves an essential purpose. In *People v. Tomawis*, the Court elucidated on the purpose of the law in mandating the presence of the required witnesses as follows:

The presence of the witnesses from the DOJ, media, and from public elective office is necessary to protect against the possibility of planting, contamination, or loss of the seized drug. Using the language of the Court in *People v. Mendoza*, without the *insulating presence* of the representative from the media or the DOJ and any elected public official during the seizure and marking of the drugs, the evils of switching, "planting" or contamination of the evidence that had tainted the buy-busts conducted under the

⁶⁶ Republic Act No. 9165 (2002), sec. 21(1), as amended by Republic Act No 10640 (2013), provides:

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 inventory of the seized items and photograph the same in the presence of the accused or the persons 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.

⁶⁷ *People v. Crispo*, G.R. No. 230065, March 14, 2018, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64066>> [Per J. Perlas-Bernabe, Second Division].

regime of RA 6425 (Dangerous Drugs Act of 1972) again reared their ugly heads as to negate the integrity and credibility of the seizure and confiscation of the subject sachet that was evidence of the *corpus delicti*, and thus adversely affected the trustworthiness of the incrimination of the accused.

The presence of the three witnesses must be secured not only during the inventory but more importantly **at the time of the warrantless arrest**. It is at this point in which the presence of the three witnesses is most needed, as it is their presence at the time of seizure and confiscation that would belie any doubt as to the source, identity, and integrity of the seized drug. If the buy-bust operation is legitimately conducted, the presence of the insulating witnesses would also controvert the usual defense of frame-up as the witnesses would be able to testify that the buy-bust operation and inventory of the seized drugs were done in their presence in accordance with Section 21 of RA 9165.

The practice of police operatives of not bringing to the intended place of arrest the three 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.

To restate, the presence of the three witnesses at the time of seizure and confiscation of the drugs must be secured and complied with at the time of the warrantless arrest; such that they are required to be at or near the intended place of the arrest so that they can be ready to witness the inventory and photographing of the seized and confiscated drugs “immediately after seizure and confiscation.”⁶⁸ (Emphasis in the original, citations omitted)

Police officers are given time to prepare for a buy-bust operation and make necessary arrangements beforehand, fully aware of the strict procedure to follow under Section 21 of the Comprehensive Dangerous Drugs Act.⁶⁹ Assuming that the apprehending team in this case really could not have immediately marked the seized drugs because they had no marker or because the required witnesses were absent, both circumstances were entirely of their own making. If these rendered the immediate marking impracticable, such

⁶⁸ G.R. No. 219852, April 3, 2019, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65135>> [Per J. Caguioa, Second Division].

⁶⁹ *People v. Crispo*, G.R. No. 230065, March 14, 2018, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64066>> [Per J. Perlas-Bernabe, Second Division].

impracticability was their fault and cannot be used as an excuse to not immediately mark the items. If anything, the lack of foresight that led to these circumstances shows that the team did not exert genuine effort to comply with the chain of custody rule.⁷⁰

Furthermore, even the circumstances surrounding the admittedly belated marking of the seized drugs are nebulous. The testimonies of the witnesses who were allegedly present during inventory did not corroborate the police officers' testimonies. On one hand, PO2 Navarro testified that he removed the sachets from the plastic containers and marked them in front of the required witnesses at the police station.⁷¹ On the other hand, Talao testified that he was not sure when the writings on the seized items were made, and if there were indeed markings on them. Palo, meanwhile, testified that the inventory and photographing occurred at the municipal hall, and that what was presented to them was marijuana.⁷² Although he clarified that he had confused the details of this case with another buy-bust operation he had also been asked to witness, this clarification does not increase his testimony's evidentiary value.

All these circumstances cast doubt on the source, identity, and integrity of the drugs allegedly seized from accused-appellant. Accused-appellant's acquittal, therefore, is only proper.

As a final note, it bears emphasis that courts must exert a higher level of scrutiny on the credibility of the prosecution's evidence in cases involving buy-bust operations, where minuscule amounts of dangerous drugs are allegedly seized. This Court reiterates its statement in *People v. Holgado*.⁷³

It is lamentable that while our dockets are clogged with prosecutions under Republic Act No. 9165 involving small-time drug users and retailers, we are seriously short of prosecutions involving the proverbial "big fish." We are swamped with cases involving small fry who have been arrested for minuscule amounts. While they are certainly a bane to our society, small retailers are but low-lying fruits in an exceedingly vast network of drug cartels. Both law enforcers and prosecutors should realize that the more effective and efficient strategy is to focus resources more on the source and true leadership of these nefarious organizations. Otherwise, all these executive and judicial resources expended to attempt to convict an accused for 0.05 gram of *shabu* under doubtful custodial arrangements will hardly make a dent in the overall picture. It might in fact be distracting our law enforcers from

⁷⁰ *People v. Misa*, G.R. No. 236838, October 1, 2018, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64734>> [Per J. Perlas-Bernabe, Second Division].

⁷¹ *CA rollo*, p. 55.

⁷² *Id.* at 59.

⁷³ 741 Phil. 78 (2014) [Per J. Leonen, Third Division].

their more challenging task: to uproot the causes of this drug menace. We stand ready to assess cases involving greater amounts of drugs and the leadership of these cartels.⁷⁴

WHEREFORE, the June 5, 2015 Decision of the Court of Appeals in CA-G.R. CR-HC No. 06718 is **REVERSED and SET ASIDE**. Accused-appellant Isidro Ramos y Bondoc is **ACQUITTED** for the prosecution's failure to prove his guilt beyond reasonable doubt. He is ordered immediately **RELEASED** from confinement unless he is being held for some other lawful cause.

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

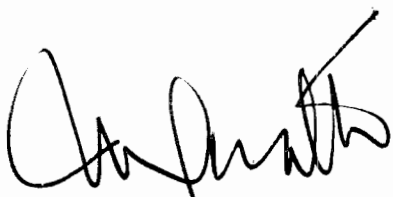
For their information, copies shall also be furnished to the Director General of the Philippine National Police and the Director General of the Philippine Drug Enforcement Agency.

Let entry of final judgment be issued immediately.

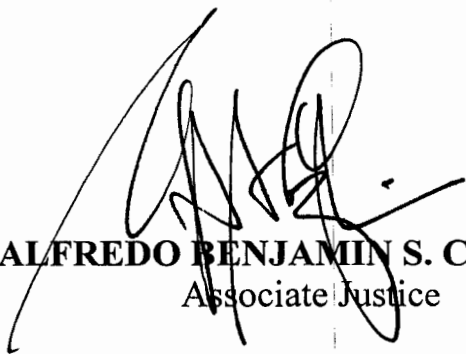
SO ORDERED.


MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:


DIOSDADO M. PERALTA
Associate Justice
Chairperson

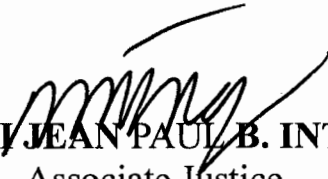
⁷⁴ Id. at 100.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



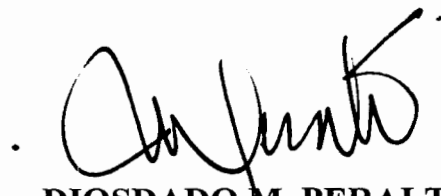
ANDRES B. REYES, JR.
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice

ATTESTATION

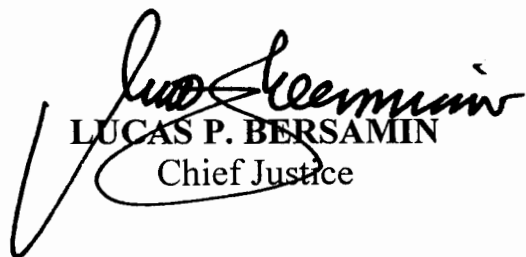
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



DIOSDADO M. PERALTA
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



LUCAS P. BERSAMIN
Chief Justice