

Republic of the Philippines
Supreme Court
 Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
 Plaintiff-Appellee,

G.R. No. 243386

Present:

- versus -

CARPIO, J., *Chairperson,*
 CAGUIOA,
 J. REYES, JR.,
 LAZARO-JAVIER, and
 ZALAMEDA, JJ.

HILARIO DE CASTRO y
SANTOS alias "DACOY,"
 Accused-Appellant.

Promulgated:

02 SEP 2019

X-----X

DECISION

CAGUIOA, J.:

This is an Appeal¹ under Section 13(c), Rule 124 of the Rules of Court from the Decision² dated February 6, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC. No. 07962, which affirmed the Decision³ dated November 16, 2015 rendered by the Regional Trial Court, Branch 203, Muntinlupa City (RTC) in Criminal Case No. 10-501 and Criminal Case No. 10-502, finding accused-appellant Hilario De Castro y Santos alias "Dacoy" (De Castro) guilty beyond reasonable doubt of violating Sections 5 and 11, Article II of Republic Act No. (RA) 9165,⁴ otherwise known as the Comprehensive Dangerous Drugs Act of 2002, as amended.

The Facts

The two separate Informations⁵ filed against De Castro for violation of Sections 5 and 11, Article II of RA 9165 pertinently read:

¹ See Notice of Appeal dated February 19, 2018, *rollo*, pp. 21-23.
² *Rollo*, pp. 2-20. Penned by Associate Justice Nina G. Antonio-Valenzuela with Associate Justices Priscilla J. Baltazar-Padilla and Germano Francisco D. Legaspi, concurring.
³ *CA rollo*, pp. 44-59. Penned by Presiding Judge Myra B. Quiambao.
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" (2002).
⁵ Records, pp. 1-4.

[Criminal Case No. 10-501 (Illegal Possession of Dangerous Drugs)]

On or about the 4th day of August 2010, in the City of Muntinlupa, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, who is not authorized by law, to possess any dangerous drug, did then and there willfully and unlawfully and feloniously have in his possession, custody and control Methylamphetamine Hydrochloride, a dangerous drug weighing 0.12 gram contained in two (2) small heat-sealed transparent plastic sachets placed inside a yellow plastic container, in violation of the above-cited law.

Contrary to law.⁶

[Criminal Case No. 10-502 (Illegal Sale of Dangerous Drugs)]

That on or about the 4th day of August 2010, in the City of Muntinlupa, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, not being authorized by law, did then and there willfully, feloniously and unlawfully sell, trade, deliver and give away to another, Methylamphetamine Hydrochloride, a dangerous drug weighing 0.02 gram contained in one (1) small heat-sealed transparent plastic sachet, in violation of the above-cited law.

Contrary to law.⁷

Upon arraignment, De Castro pleaded not guilty to both charges.⁸

Version of the Prosecution

The version of the prosecution, as summarized by the CA, is as follows:

The prosecution presented the following persons as witnesses: PCI Richard Allan Mangalip (“PCI Mangalip;” Forensic Chemist); PO3 Aires Abian (“PO3 Abian;” Evidence Custodian); NUP Bernardo Bucayan (“NUP Bucayan;” Receiving Officer); PO3 Manuel Amodia Jr. (“PO3 Amodia[;”], Apprehending Officer”).

The Prosecution and the Defense entered into stipulations, and dispensed with the testimonies of PCI Mangalip, PO3 Abian, and NUP Bucayan.

The evidence of the Prosecution is summarized thus: on 4 August 2010, at around 2:00 a.m., PINSP Domingo J. Diaz (“PINSP Diaz”) instructed the police to conduct the buy-bust operation after receiving a tip from the Informant that the appellant De Castro was selling *shabu* for P300.00; PINSP. Diaz formed the buy-bust team (i.e.: PO3 Amodia, poseur-buyer; and PO2 Rondivar Hernaez [“PO2 Hernaez”], back-up/arresting officer); the police prepared the Pre-Operational Report, and Coordination Form and PINSP Diaz signed these two documents; the police brought the Pre-Operational Report, the Coordination Form, and the Certificate of

⁶ Id. at 1.

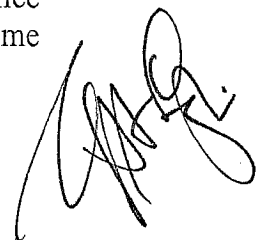
⁷ Id. at 3.

⁸ *Rollo*, p. 4.

Coordination, to the Philippine Drug Enforcement Agency ("PDEA") as evidenced by Control Number PDEA-MMRO 0810-00029, to comply with the requirement of a legitimate buy-bust operation; the police prepared the buy-bust money consisting of three pieces genuine P100.00 bills, and recorded the operation in the logbook; after the police accomplished the documents, the police and the Informant went to Purok 2, Montillano Street, Alabang Muntinlupa City ("target site").

PO3 Amodia and the Informant arrived at the target site at 3:00 a.m.; PO3 Amodia and the Informant saw a shirtless man standing on the stairs outside a house; the shirtless man (who later turned out to be appellant De Castro), approached PO3 Amodia and the Informant; the Informant told the appellant De Castro that they (the Informant and PO3 Amodia) wanted to buy P300.00 worth of shabu; the Informant introduced PO3 Amodia to the appellant De Castro as the Informant's cousin; PO3 Amodia handed the appellant [D]e Castro the buy-bust money; after receiving the buy-bust money, the appellant De Castro folded the bills, and inserted the bills in the right waist of the appellant De Castro's shorts; the appellant [D]e Castro then drew from his (the appellant De Castro's) left waist the small, yellow, plastic container, opened the container, took out one small transparent plastic sachet containing a white crystalline substance suspected to be *shabu*, and handed the plastic sachet to PO3 Amodia; PO3 Amodia accepted the plastic sachet and executed the pre-arranged signal that the transaction had been consummated; PO3 Amodia introduced himself to the appellant De Castro as a policeman, and grabbed the appellant De Castro's right hand which was then holding the plastic container; PO2 Hernaez frisked the appellant De Castro and recovered the buy-bust money; PO3 Amodia retrieved from the appellant De Castro's plastic container, two more plastic sachets; PO3 Amodia arrested the appellant De Castro, and informed the appellant De Castro of his constitutional rights, and the reason for the appellant De Castro's arrest; at the place of arrest and seizure PO3 Amodia marked the plastic container with "HDC," and the transparent plastic sachets with "HDC-2" and "HDC-3;" the police brought the appellant De Castro to the Crime Investigation Division Office ("CID Office") for proper inventory and documentation, to avoid commotion; PO3 Amodia was in custody of the seized contraband from the place of arrest, to the CID Office.

At the CID Office, the police prepared the Certificate of Inventory; several attempts to summon representatives from the media, the Department of Justice ("DOJ"), and an elected public official were futile, thus, the police were forced to proceed with the inventory even without the representatives from the media, the Department of Justice ("DOJ"), and an elected public official; PO2 Forastero prepared the Booking and Information Sheet, and the Spot Report, and the PDEA received two documents; the police prepared the Request for Laboratory Examination on Seized Evidence, and PINSP Diaz signed it; PO3 Amodia and PO2 Hernaez brought the Request for Laboratory Examination on Seized Evidence, and the seized contraband, to the Southern Police District ("SPD") Crime Laboratory; PO3 Amodia was in possession of the seized contraband from the CID Office, to the SPD Crime Laboratory; PO2 Hernaez delivered and submitted to Receiving Officer Bucayan the Request for Laboratory Examination, and the seized contraband; although PO2 Hernaez was the one who signed the "delivered by" portion of the Request for Laboratory Examination (because it was PO2 Hernaez who had an ID at the time), it was actually Apprehending Office PO3 Amodia who handed the seized contraband to the SPD Crime



Laboratory; the seized contraband delivered to the SPD Crime Laboratory was never altered; Forensic Chemist PCI Mangalip conducted the laboratory examination, and found that the seized contraband tested positive for methamphetamine hydrochloride, as evidenced by the Physical Science Report No. D-268-10S; Evidence Custodian PO3 Abian received from Forensic Chemist PCI Mangalip the seized contraband bearing the security seals and markings.⁹

Version of the Defense

On the other hand, the defense presented De Castro as the sole witness and the defense's version, as summarized by the CA, is as follows:

The evidence of the Defense is summarized thus: on 3 August 2010, at around 7:00 p.m. the appellant De Castro, who was then an Ice Delivery Truck Driver, parked the ice delivery truck at Cas[t]ro, Alabang, Muntinlupa, when a white vehicle arrived and parked in front of appellant De Castro's truck; three men (who later turned out to be policemen) alighted from the white vehicle, and suddenly grabbed and searched the appellant De Castro; appellant De Castro asked the three men what was going on, but the three men just told the appellant De Castro to go with them (the three men); when the police were not able to find anything on the appellant De Castro, the police told the appellant [D]e Castro to board the vehicle; inside the vehicle, the appellant De Castro saw five men in handcuffs; the appellant De Castro again asked for the reason for his arrest, but nobody answered the appellant De Castro; upon arrival at the CID Office, the police took the names of the arrested men, including appellant De Castro; at around 10:00 p.m., the police transferred the men to Block 2, Alabang Precinct, where the police detained the men; at midnight, the police released the other five men, leaving the appellant De Castro under detention.

On 5 August 2010, at around 3:00 p.m., PO2 Hernaez, one of the police who apprehended the appellant De Castro, brought the appellant De Castro to the Office of the Prosecutor for inquest proceeding; the police returned the appellant [D]e Castro to Block 2, Alabang Precinct, and then transferred the appellant De Castro to the Muntinlupa City Jail; the appellant De Castro later learned that the police had charged him with violation of Section[s] 11 and Section 5, R.A. 9165; the appellant De Castro denied that he sold illegal drugs, and claimed that the police arrested him on 3 August 2010, and not on August 2010 (as claimed by the police).¹⁰

Ruling of the RTC

In the consolidated Decision dated November 16, 2015, the RTC ruled that the prosecution successfully proved the existence of all the elements of illegal sale and illegal possession of dangerous drugs.¹¹ It further ruled that the buy-bust operation was well-documented, from the Pre-Operational Report, Coordination with the Philippine Drug Enforcement Agency (PDEA),

⁹ Id. at 4-6.

¹⁰ Id. at 7.

¹¹ CA *rollo*, p. 50.

photocopying of the buy-bust money, the briefing, and the actual operation.¹² Therefore, the police officers' conduct was within the acceptable standard of fair and honorable administration of justice.¹³ It held that the accused's defense of denial cannot prevail over the affirmative and credible testimony of PO3 Amodia pointing to the accused as the seller of the prohibited drugs.¹⁴ Lastly, it ruled that there was substantial compliance with the legal requirements on the handling of the seized items.¹⁵ Their integrity and evidentiary value were not diminished.¹⁶ The chain of custody of the drugs subject matter of these cases had not been shown to have been broken.¹⁷

The dispositive portion of the Decision reads:

WHEREFORE, premises considered, the Court finds accused Hilario De Castro y Santos @ Dacoy GUILTY beyond reasonable doubt in Criminal Case No. 10-501 for violation of Section 11, Article II of R.A. No. 9165 and sentences him to imprisonment of Twelve (12) years and one (1) day as *minimum* to fourteen (14) years and eight (8) months as *maximum* and a fine of ₱300,000.00; and in Criminal Case No. 10-502 for violation of Section 5, Article II of R.A. No. 9165 and sentences him to *life imprisonment* and a fine of ₱500,000.00.

The preventive imprisonment undergone by the accused shall be credited in his favor.

x x x x

SO ORDERED.¹⁸

Aggrieved, De Castro appealed to the CA.

Ruling of the CA

In the assailed Decision dated February 6, 2018, the CA affirmed De Castro's conviction. The dispositive portion of the Decision reads:

We **DISMISS** the appeal, and **AFFIRM** the assailed Decision dated 16 November 2015 of the Regional Trial Court, Branch 203, Muntinlupa City in Criminal Case No. 10-501, and Criminal Case No. 10-502.

IT IS SO ORDERED.¹⁹

¹² Id. at 51.

¹³ Id.

¹⁴ Id. at 55.

¹⁵ Id. at 57a.

¹⁶ Id.

¹⁷ Id.

¹⁸ Id. at 58-59.

¹⁹ *Rollo*, p. 19.



The CA ruled that all the elements of the crime of illegal possession of dangerous drugs and illegal sale of dangerous drugs were proven.²⁰ It further ruled that non-compliance with the requirements under Section 21 does not invalidate the seizure and custody of the contraband.²¹ What is important is that the integrity and evidentiary value of the seized items were preserved.²² Lastly, it ruled that De Castro failed to show that the police officers deviated from the regular performance of their duties, hence the presumption of regularity in performance by police officers was sustained.²³

Hence, the instant appeal.

Issue

Whether De Castro's guilt for violation of Sections 5 and 11 of RA 9165 was proven beyond reasonable doubt.

The Court's Ruling

The appeal is granted. De Castro is accordingly acquitted.

In cases involving dangerous drugs, the confiscated drug constitutes the very *corpus delicti* of the offense²⁴ and the fact of its existence is vital to sustain a judgment of conviction.²⁵ It is essential, therefore, that the identity and integrity of the seized drugs must be established with moral certainty.²⁶ Thus, in order to obviate any unnecessary doubt on their identity, the prosecution has to show an unbroken chain of custody over the same and account for each link in the chain of custody from the moment the drugs are seized up to their presentation in court as evidence of the crime.²⁷

In this connection, the Court has repeatedly held that Section 21,²⁸ Article II of RA 9165, the applicable law at the time of the commission of the

²⁰ Id. at 11 and 13.

²¹ Id. at 16.

²² Id.

²³ Id. at 18.

²⁴ *People v. Sagana*, 815 Phil. 356, 367 (2017).

²⁵ *Derilo v. People*, 784 Phil. 679, 686 (2016).

²⁶ *People v. Alvaro*, G.R. No. 225596, January 10, 2018, 850 SCRA 464, 479.

²⁷ *People v. Manansala*, G.R. No. 229092, February 21, 2018, accessed at <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/63936>>.

²⁸ The said section reads as follows:

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:

(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[.]

alleged crime, **strictly requires** that (1) the seized items be inventoried and photographed **immediately after seizure or confiscation**; and (2) the physical inventory and photographing must be done in the presence of (a) the accused or his/her representative or counsel, (b) an elected public official, (c) a representative from the media, and (d) a representative from the Department of Justice (DOJ).²⁹

Verily, the three required witnesses **should already be physically present at the time of the conduct of the inventory of the seized items which, again, must be immediately done at the place of seizure and confiscation — a requirement that can easily be complied with by the buy-bust team considering that the buy-bust operation is, by its nature, a planned activity.**³⁰

While the Court has clarified that under varied field conditions, strict compliance with the requirements of Section 21 of RA 9165 may not always be possible;³¹ and the failure of the apprehending team to strictly comply with the procedure laid out in Section 21 of RA 9165 does not *ipso facto* render the seizure and custody over the items void, this has **always** been with the caveat that the prosecution still needs to satisfactorily prove that: (a) there is justifiable ground for non-compliance; and (b) the integrity and evidentiary value of the seized items are properly preserved.³²

However, in this case, it is evident that the police officers blatantly disregarded the requirements laid down under Section 21 and they had no valid excuse for their deviation from the rules.

It is true that the police officers marked the seized drugs at the place of arrest.³³ Thereafter, to avoid any possible commotion since they noticed that people were starting to come out, they decided to bring the accused and the seized evidence to their office for proper inventory.³⁴ They also said that they did not have the necessary documents to conduct the inventory at the place of arrest that is why they decided to move to the police office.³⁵

The Court points out that, as testified by PO3 Amodia, **none** of the three required witnesses was present at the time of arrest of the accused and the seizure of the drugs. Neither were they present during the inventory of the seized drugs at the police office:

²⁹ See RA 9165, Art. II, Sec. 21 (1) and (2); *Ramos v. People*, G.R. No. 233572, July 30, 2018, accessed at <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64716>>; *People v. Ilagan*, G.R. No. 227021, December 5, 2018, accessed at <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64800>> *People v. Mendoza*, G.R. No. 225061, October 10, 2018, accessed at <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64646>>.

³⁰ *People v. Angeles*, G.R. No. 237355, November 21, 2018, accessed at <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64869>>.

³¹ *People v. Sanchez*, 590 Phil. 214, 234 (2008)

³² *People v. Ceralde*, 815 Phil. 711, 721 (2017).

³³ CA rollo, p. 47.

³⁴ Id.

³⁵ Id.



- Q And how come you prepared the inventory in your office instead [of] that place where you arrested Hilario De Castro?
- A First, we don't have the necessary document, we don't have the inventory sheet, sir. Secondly, after we arrested Dacoy, people were coming out and we decided that to avoid any commotion, we decided to prepare the inventory in our office, sir. (*sic*)

x x x x

- Q Are you familiar with the rule that when you prepared (*sic*) an inventory, there must be someone from the Department of Justice, a representative from the media, an elected local government official from the media and so on, who must be present?

A Yes, sir.

- Q **How come there is no signature from those people?**

A **We try to call several persons, sir and nobody arrived and since it's already early [in the] morning sir, and we were afraid that we might encounter technicality problem in the documentation sir, so, we decided to get this NUP personnel.³⁶ (Emphasis supplied)**

Based on the testimony of PO3 Amodia, it is obvious that the police officers merely tried to "call-in" the three witnesses after the conduct of the buy-bust operation already. Indubitably, this is the very practice that the law seeks to prevent. 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.³⁷ Also, that the police officers tried to call several persons and nobody arrived without sufficient explanation of the attending circumstances is not indicative that they exerted earnest efforts to comply with the requisite regarding the presence of the mandatory witnesses.

In addition, they offered nothing but a flimsy excuse for their deviation from the requirements laid down under Section 21. They merely alleged that they transferred to the police station because people started to come out and there might be a *possible* commotion.³⁸ They even admitted that they did not bring the necessary documents at the place of arrest when in fact, this should already be standard practice for police officers in conducting buy-bust operations.³⁹

It bears stressing that the prosecution has the burden of (1) proving the police officers' compliance with Section 21, RA 9165 and (2) providing a

³⁶ TSN, November 16, 2012, pp. 23-24.

³⁷ *People v. Tomawis*, G.R. No. 228890, April 18, 2018, accessed at <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64241>>.

³⁸ CA *rollo*, p. 47.

³⁹ *Id.*

sufficient explanation in case of non-compliance. As the Court *en banc* unanimously held in the recent case of *People v. Lim*,⁴⁰

It must be **alleged** and **proved** that the presence of the three witnesses to the physical inventory and photograph of the illegal drug seized 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 his/her 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.**⁴¹ (Emphasis in the original and underscoring supplied)

Verily, none of the abovementioned circumstances was attendant in the case. Their excuse for non-compliance is hardly acceptable. Moreover, the buy-bust team could have strictly complied with the requirements of Section 21 had they been more prudent in doing what is required in their job.

The integrity and evidentiary value of the *corpus delicti* have thus been compromised, thus necessitating the acquittal of De Castro.

The presumption of innocence of the accused is superior over the presumption of regularity in performance of official duties.

The right of the accused to be presumed innocent until proven guilty is a constitutionally protected right.⁴² In this connection, the presumption of regularity in the performance of duty cannot overcome the stronger presumption of innocence in favor of the accused.⁴³ Especially as applied in this case where there are several procedural lapses by the buy-bust operation

⁴⁰ G.R. No. 231989, September 4, 2018, accessed at <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64400>>.

⁴¹ Id., citing *People v. Sipin*, G.R. No. 224290, June 11, 2018, accessed at <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64255>>.

⁴² CONSTITUTION, Art. III, Sec. 14, par. (2): "In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved x x x."

⁴³ *People v. Mendoza*, 736 Phil. 749, 769-770 (2014).



team which cast doubt as to the regularity in the performance of official duties by the police officers.

The Court has repeatedly held that the fact that buy-bust is a planned operation, it strains credulity why the buy-bust team could not have ensured the presence of the required witnesses pursuant to Section 21 or at the very least marked, photographed and inventoried the seized items according to the procedures in their own operations manual.⁴⁴

In this case, the presumption of regularity cannot stand because of the buy-bust team's blatant disregard of the established procedures under Section 21 of RA 9165.

All told, due to the multiple unexplained breaches of procedure committed by the buy-bust team in the seizure, custody, and handling of the seized drug, the prosecution failed to prove the elements of illegal sale of dangerous drugs: (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.⁴⁵ 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.⁴⁶

Also, the elements of illegal possession of drugs were not satisfactorily proven by the prosecution. The successful prosecution of illegal possession of drugs necessitates the following facts to be proved, namely: (1) the accused was in possession of the dangerous drugs, (b) such possession was not authorized by law, and (c) the accused was freely and consciously aware of being in possession of the dangerous drugs.⁴⁷

For both offenses, it is crucial that the prosecution establishes the identity of the seized dangerous drugs in a way that the integrity thereof has been well-preserved from the time of seizure or confiscation from the accused until the time of presentation as evidence in court.⁴⁸ In this case, the prosecution utterly failed to prove that the integrity and evidentiary value of the seized drugs were preserved. The same breaches of procedure in the handling of the illegal drug subject of the illegal sale charge equally apply to the illegal drug subject of the illegal possession charge. Corollary, the prosecution was not able to overcome the presumption of innocence of De Castro.

De Castro must perforce also be acquitted of the charge of violating Section 11, RA 9165.

⁴⁴ *People v. Zheng Bai Hui*, 393 Phil. 68, 133 (2000).

⁴⁵ *People v. Cuevas*, G.R. No. 238906, November 5, 2018, accessed at <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64904>>.

⁴⁶ *Id.*

⁴⁷ *Reyes v. Court of Appeals*, 686 Phil. 137, 148 (2012).

⁴⁸ *Id.*

As a reminder, the Court exhorts the prosecutors to diligently discharge their onus to prove compliance with the provisions of Section 21 of RA 9165, as amended, and its Implementing Rules and Regulations, which is fundamental in preserving the integrity and evidentiary value of the *corpus delicti*. **To the mind of the Court, the procedure outlined in Section 21 is straightforward and easy to comply with.** In the presentation of evidence to prove compliance therewith, the prosecutors are enjoined to recognize any deviation from the prescribed procedure and provide the explanation therefor as dictated by available evidence. Compliance with Section 21 being integral to every conviction, the appellate court, this Court included, is at liberty to review the records of the case to satisfy itself that the required proof has been adduced by the prosecution whether the accused has raised, before the trial or appellate court, any issue of non-compliance. If deviations are observed and no justifiable reasons are provided, the conviction must be overturned, and the innocence of the accused affirmed.⁴⁹

WHEREFORE, in view of the foregoing, the appeal is hereby **GRANTED**. The Decision dated February 6, 2018 of the Court of Appeals in CA-G.R. CR-HC. No. 07962, is hereby **REVERSED** and **SET ASIDE**. Accordingly, accused-appellant **HILARIO DE CASTRO y SANTOS alias "DACOY"** is **ACQUITTED** of the crimes charged on the ground of reasonable doubt and is **ORDERED IMMEDIATELY RELEASED** from detention unless he is being lawfully held for another cause. Let an entry of final judgment be issued immediately.

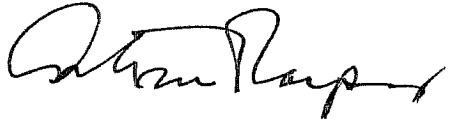
Let a copy of this Decision be furnished the Superintendent of the Bureau of Corrections, Muntinlupa City, for immediate implementation. The said Superintendent is **ORDERED** to **REPORT** to this Court within five (5) days from receipt of this Decision the action he has taken.

SO ORDERED.



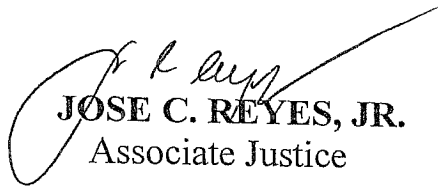
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

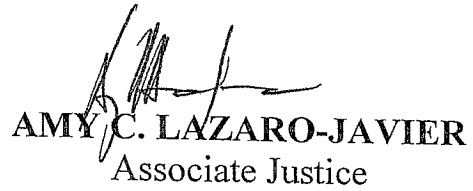
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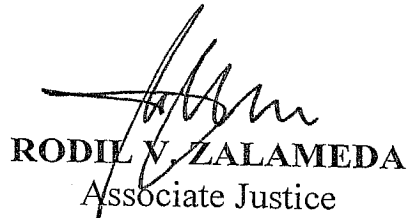


ANTONIO T. CARPIO
Associate Justice
Chairperson

⁴⁹ See *People v. Jugo*, G.R. No. 231792, January 29, 2018, 853 SCRA 321, 337-338.

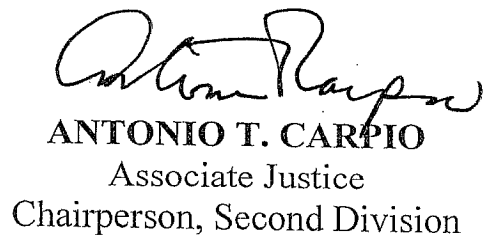

JOSE C. REYES, JR.
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


RODIL V. ZALAMEDA
Associate Justice

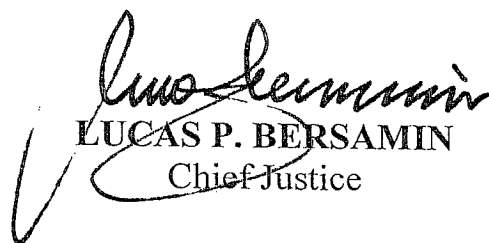
ATTESTATION

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.


ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

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

