



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

MICHAEL CASILAG y ARCEO,
Petitioner,

G.R. No. 213523

Present:

- versus -

PERALTA, *C.J.*, Chairperson,
CAGUIOA,
CARANDANG,
ZALAMEDA, and
GAERLAN, *JJ.*

PEOPLE OF THE PHILIPPINES
Respondent.

Promulgated:

MAR 18 2021

X-----X

DECISION

CAGUIOA, *J.*:

Before the Court is a Petition for Review on *Certiorari*¹ (Petition) filed by the accused-appellant Michael Casilag y Arceo (Casilag) assailing the Decision² dated March 21, 2014 of the Court of Appeals (CA) in CA-G.R. CR No. 35547, which affirmed the Decision³ dated June 15, 2012 of Branch 93, Regional Trial Court of San Pedro, Laguna (RTC) in Criminal Case No. 7340-SPL, finding Casilag guilty beyond reasonable doubt of violating Section 11, Article II of Republic Act (R.A.) No. 9165, otherwise known as “The Comprehensive Dangerous Drugs Act of 2002,”⁴ as amended.

¹ *Rollo*, pp. 12-38.

² Id. at 42-55. Penned by Associate Justice Franchito N. Diamante with Associate Justices Celia C. Librea-Leagogo and Zenaida T. Galapate-Laguilles concurring.

³ Id. at 78-81. Penned by Judge Francisco Dizon Pafio.

⁴ Titled “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 on June 7, 2002.

The Facts

The Information filed against Casilag pertinently reads as follows:

That on or about April 16, 2010, in the Municipality of San Pedro, Province of Laguna, Philippines and within the jurisdiction of this Honorable Court, the said accused without authority of the law, did then and there willfully, unlawfully and feloniously have in his possession, custody and control two (2) small heat-sealed transparent sachets containing methamphetamine hydrochloride, commonly known as "shabu", a dangerous drug, with a total weight of zero point zero two (0.02) gram.

CONTRARY TO LAW.⁵

Upon arraignment, Casilag pleaded not guilty to the offense charged. Thereafter, pre-trial and trial ensued. The prosecution's version, as summarized in its Appellee's Brief and adopted by the CA, is as follows:

At 4:30 P.M. on April 16, 2010, Police Officer 1 (PO1) Freddie Ramos, Police Senior Inspector (PSI) Antonio Gutierrez and Police Officer Sonny Xyrus de Leon of the San Pedro Municipal Police Station were conducting a monitoring and surveillance operation of persons involved in illegal drug activities in Barangay Cuyab, Gitna, San Pedro, Laguna, after receiving information that illegal drugs were being sold rampantly in said place. While they were walking towards an alley, PO1 Ramos noticed two (2) men, who were two (2) meters away from him, talking to each other and who seemed to have an ongoing transaction. One of them was holding in his left hand a transparent plastic sachet, which appeared to contain grounded candy, and showed it to the other. He also showed another plastic sachet, which he was holding in his right hand.

After [a] few seconds, PO1 Ramos approached them and asked what they were talking about. However, they both ran away but PO1 Ramos was able to catch the one holding the two (2) plastic sachets. He then seized and marked the sachets as MC-1 and MC-2 and informed him of his constitutional rights. They then brought him to their police station where his identity was confirmed as Michael Casilag, herein appellant.

After investigation, they brought appellant to the Municipal Health Center where he underwent physical examination. Thereafter, they prepared a Certificate of Inventory (Exhibit 'D') and photographed appellant and the seized sachets (Exhibits 'E' to 'E-2'). They then prepared a Request for Laboratory Examination (Exhibit 'B') of the specimen contained in the seized sachets and sent them to the Philippine National Police (PNP) Crime Laboratory in Camp Vicente Lim, Calamba, Laguna.

Forensic Chemist Lalaine Ong Rodrigo conducted a qualitative examination on the specimen, which yielded positive results for Methamphetamine Hydrochloride as shown in Chemistry Report No. D-126-10 (Exhibit 'C').⁶

⁵ *Rollo*, p. 43.

⁶ *Id.* at 43-44.



On the other hand, the version of the defense, as summarized in the Appellant's Brief and adopted by the CA, is as follows:

On 16 April 2010, at around 4:00 in the afternoon, **MICHAEL CASILAG** was in the house of his friend, Crisanto Ambayac ('Ambayac' for brevity) because he wanted to ask the latter if he could drive the tricycle in Ambayac's possession. Ambayac left the house to ask the permission of the owner of the tricycle.

Suddenly, two (2) men armed with guns entered the house. They pointed their guns at Casilag and told him not to run, otherwise he would be shot. They told him to turn his back then handcuffed and frisked him. They were not able to recover anything from him. They asked him where '*Alias Bukol*' was, to which he replied that he does not know.

They forcibly took him out of the house and brought him to the San Pedro police station, at the municipal hall. When they entered the office, two (2) other men inside uttered '*yan ba.*' The two (2) men who forcibly brought him there replied, '*hindi namin inabutan.*' The men then asked for Casilag's identity and other information. It was not until Casilag was brought to the Prosecutor's Office that he found out that he was charged for Violation of Section 11, Republic Act No. 9165.

Casilag did not know until later that the two (2) armed men who forcibly took him to the police station were police officers, and were PO1 Ramos and PO De Leon. PO1 Ramos also hit Casilag in the forehead with a piece of metal and then pushed him to the ground, face down.⁷

Ruling of the RTC

After trial on the merits, in its Decision⁸ dated June 15, 2012, the RTC convicted Casilag of the crime charged. The dispositive portion of the said Decision reads:

WHEREFORE, the Court hereby renders judgment finding accused Michael Casilag y Arceo guilty beyond reasonable doubt of the crime of violation of Section 11 of Republic Act No. 9165 otherwise known as The Comprehensive Dangerous Drugs Act of 2002, hereby sentencing him to suffer an indeterminate penalty of imprisonment from twelve (12) years and one (1) day as minimum to fifteen (15) years as maximum and to pay a fine in the amount of P300,000.00.

x x x x

SO ORDERED.⁹

The RTC convicted Casilag on the strength of the testimonies of the prosecution witnesses, namely PO1 Freddie Ramos y Paragas (PO1 Ramos) and PO Sonny Xyrus de Leon (PO de Leon). According to the RTC, the

⁷ Id. at 44-45.

⁸ Supra note 3.

⁹ Rollo, pp. 80-81.



prosecution witnesses were police officers who were presumed to have regularly performed their duties. Further, the RTC noted that the police officers were not shown to have any ulterior motive in testifying against Casilag, such that they would falsely impute on him the commission of the crime charged.

Aggrieved, Casilag appealed to the CA.

Ruling of the CA

On appeal, Casilag questioned his conviction primarily on the grounds that the procedure outlined in Section 21 of R.A. No. 9165 was not complied with, and that the chain of custody of the seized item was broken.

In the assailed Decision¹⁰ dated March 21, 2014, the CA affirmed the RTC's conviction of Casilag, holding that the prosecution was able to prove the elements of the crimes charged. The CA held that non-compliance with the procedure outlined in Section 21 of R.A. No. 9165 did not automatically render the arrest illegal, or the items seized from him inadmissible. The CA also ruled that the chain of custody of the seized items was not broken even though certain witnesses were not presented by the prosecution because "not all people who came into contact with the seized drugs are required to testify before the court."¹¹ Lastly, the CA viewed with disfavor Casilag's defense of frame-up as it could easily be feigned and fabricated. It ruled that the testimonies of the prosecution witnesses were positive and convincing, and were thus sufficient to sustain the finding of guilt.

The CA therefore affirmed the conviction of Casilag. He then sought reconsideration of the Decision, which was denied by the CA in a Resolution¹² dated July 11, 2014.

Thus, the present Petition.

Issue

For resolution of the Court is the issue of whether the RTC and the CA erred in convicting Casilag of the crime charged.

The Court's Ruling

The appeal is impressed with merit. The Court acquits Casilag for failure of the prosecution to prove his guilt beyond reasonable doubt.

¹⁰ Supra note 2.

¹¹ *Rollo*, p. 50.

¹² Id. at 57-58.



There is reasonable doubt as to the veracity of the version of the police officers

At the outset, the Court emphasizes that “in the course of its review of criminal cases elevated to it, [it] still commences its analysis from the fundamental principle that the accused before it is presumed innocent.”¹³ This presumption continues although the accused had been convicted in the trial court, as long as such conviction is still pending appeal. As the Court explained in *Polangcos v. People*:¹⁴

Article III, Section 14 (2) of the 1987 Constitution provides that every accused is presumed innocent unless his guilt is proven beyond reasonable doubt. It is “a basic constitutional principle, fleshed out by procedural rules which place on the prosecution the burden of proving that an accused is guilty of the offense charged by proof beyond reasonable doubt. Corollary thereto, conviction must rest on the strength of the prosecution's evidence and not on the weakness of the defense.”

This presumption in favor of the accused remains until the judgment of conviction becomes final and executory. Borrowing the words of the Court in *Mangubat, et al. v. Sandiganbayan, et al.*, “[u]ntil a promulgation of final conviction is made, this constitutional mandate prevails.” **Hence, even if a judgment of conviction exists, as long as the same remains pending appeal, the accused is still presumed to be innocent until his guilt is proved beyond reasonable doubt.** Thus, in *People v. Mingming*, the Court outlined what the prosecution must do to hurdle the presumption and secure a conviction:

First, the accused enjoys the constitutional presumption of innocence until final conviction; conviction requires no less than evidence sufficient to arrive at a moral certainty of guilt, not only with respect to the existence of a crime, but, more importantly, of the identity of the accused as the author of the crime.

Second, the prosecution's case must rise and fall on its own merits and cannot draw its strength from the weakness of the defense.¹⁵ (Emphasis supplied)

In the present case, what militates against a finding of guilt beyond reasonable doubt for Casilag is the failure of the prosecution's version to pass the test of credibility.

In convicting Casilag, the RTC and the CA relied on the testimonies of the police officers who arrested him as to the circumstances which led to his arrest. To recall, the version of the prosecution is that Casilag was arrested in the course of a legitimate police operation in the area. On the other hand,

¹³ *Polangcos v. People*, G.R. No. 239866, September 11, 2019, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65740>>.

¹⁴ *Id.*

¹⁵ *Id.*



Casilag claims that he was suddenly arrested for no apparent reason by two armed men who were looking for a certain “*Alyas Bukol*” while he was at the house of his friend. A perusal of the records and the transcripts of stenographic notes leads the Court to believe the version of the defense over the prosecution.

According to the prosecution, PO1 Ramos and PO de Leon, along with their team leader, PO Antonio Gutierrez (PO Gutierrez), were supposedly conducting anti-illegal drug operations in Cuyab, San Pedro, Laguna. When they entered a small alley, PO1 Ramos claimed to have noticed two men talking to each other “as if they were having a transaction.”¹⁶ PO1 Ramos also said that he noticed that one of them was “holding on his left hand a transparent plastic sachet, which appeared to contain grounded candies.”¹⁷ After watching them for a while, PO1 Ramos approached them and asked them what they were talking about. The two men then ran, but PO1 Ramos was able to catch the man holding the transparent plastic sachet. PO1 Ramos was able to seize two plastic sachets containing the white substance from the said person. Meanwhile, PO Gutierrez and PO de Leon claimed they tried to run after the other man but they were not able to catch him.

According to PO de Leon, only PO1 Ramos arrested the man holding the plastic sachet as he and PO Gutierrez were running after the other man.¹⁸ As such, it was only PO1 Ramos who marked the confiscated items at the place of the arrest. This was confirmed by PO de Leon, who testified that he would not recognize the markings on the confiscated items because it was only PO1 Ramos who did it.

The markings on the confiscated items are crucial because, according to PO1 Ramos, they only found out that the name of the man holding the plastic sachet was “Michael Casilag” later on in the police station.¹⁹ Yet, the markings on the seized items — which, to recall, were placed *immediately* at the place of the arrest — were “MC-1” and “MC-2.” “MC” stands for the initials of the accused: Michael Casilag. PO1 Ramos was thus questioned on the witness stand regarding this inconsistency:

Q27: **And you found out that [his] name was Michael Casilag at the police station?**

A: **Yes sir.**

Q28: So why would you place MC markings on the plastic sachet at the alley when according to you, you only came to know his name at the police station?

A: **While he was being arrested, he was asked by our team leader.**

Q29: And who was your team leader again?

¹⁶ TSN dated December 8, 2010, p. 4.

¹⁷ TSN dated December 8, 2010, p. 5.

¹⁸ TSN dated May 23, 2011, p. 3.

¹⁹ TSN dated December 8, 2010, p. 12.

A: PSI Antonio Gutierrez sir.

Q30: But would you agree with me Mr. Witness, that in the Pinagsanib na Sinumpaang Salaysay it was only you and PO De Leon who effected the arrest on this person?

A: Yes sir.

Q31: So your statement a while ago that you only came to know his name in the police station is false because according to you your team leader already knew his name?

A: That is true, sir.

Q32: You only came to know his name at the police station?

A: Yes sir.

Q33: So why did you place MC since you were the one who placed the markings Mr. witness?

A: Because of my team leader.

Q34: So he instructed you to place MC?

A: Yes sir.

Q35: You do not know what MC stood for at that time?

A: His name was mentioned there at the place of the arrest and I confirmed it only at the police station.²⁰ (Emphasis and underscoring supplied)

In the *Pinagsanib na Sinumpaang Salaysay*²¹ executed by both PO de Leon and PO1 Ramos, the police officers stated that they only learned of Casilag's name in the police station. This was still PO1 Ramos' version of the story in his direct examination. Yet, when he was interrogated by the defense counsel about the "MC" markings in the seized items, PO1 Ramos conveniently pointed to **PO Gutierrez — who did not take the witness stand** — as the reason why he knew the initials of Casilag. However, this version that it was PO Gutierrez who knew of Casilag's name is inconsistent with PO de Leon's testimony that he and PO Gutierrez were running after the other man and that only PO1 Ramos conducted the arrest of Casilag along with the marking of the seized items.

In contrast, the markings on the seized items make perfect sense when Casilag's version is to be believed. Again, according to him, two armed men — who turned out to be PO1 Ramos and PO de Leon — suddenly entered the house of his friend looking for "*Alyas Bukol*" while he was there. Since he did not know who "*Alyas Bukol*" was, he was frisked and subsequently arrested and brought to the police station. His testimony on the events that followed sheds light on what truly happened, and which explains the "MC" markings on the seized items:

²⁰ TSN dated December 8, 2010, pp. 12-13.

²¹ Records, pp. 6-7.



- Q: What happened at the police station?
A: I was brought to their office, ma'am.
- Q: What happened at their office?
A: When we entered their office I saw two men inside and uttered "yan ba."
- Q: Were these two men police officers as well?
A: I do not know, ma'am.
- Q: What was the reply of the two men who brought you to their office?
A: They said "hindi namin inabutan."
- Q: So during this time did you not explain to these men why you should be set free?
A: No, ma'am.
- Q: Why?
A: Because I was afraid, ma'am.
- Q: At the police station when the two who brought you there said "hindi namin inabutan" what happened next?
A: **They gathered information from me and they asked for my identity.**
- Q: Did they show you anything during that time that you were brought to the office?
A: None, ma'am.
- Q: When [was] the first time you found out that you were charged for Violation of Sec. 11, RA 9165?
A: When I was brought to the Prosecutor's Office.
- Q: Pictures were taken of you at the police station, is this you?
A: Yes, ma'am.
- Q: I notice that there is a red mark on your forehead which appears to be a bruise, can you tell us what is that?
A: They physically harmed me, ma'am.
- Q: Who?
A: Sir Ramos, ma'am.
- Q: What did Ramos do in particular?
A: He hit me with a piece of metal, then pushed me to the ground, face down.
- Q: In the picture there are small plastic sachets, do you know what those are?
A: No, ma'am.



- Q: You mean to say that at the police station they did not tell you what those things are?
A: No, ma'am.²²

The Court notes that the pictures referred to by the defense counsel indeed show that Casilag had bruises on his forehead.²³

To the mind of the Court, the discrepancies in PO1 Ramos and PO de Leon's testimonies, along with the ring of truth to Casilag's version of the story, cast grave and serious doubt as to the credibility of the testimonies of the police officers. The RTC and the CA thus erred in their wholesale acceptance of the testimonies of the police officers to justify Casilag's conviction.

In addition to the foregoing, the Court also finds that the prosecution committed another error that militates against a finding of guilt by proof beyond reasonable doubt.

Section 21(1) of R.A. No. 9165 provides for the procedure in conducting the required inventory immediately after the arrest of a person involved in dangerous drugs. The said provision states:

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 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[.]** (Emphasis and underscoring supplied)

In the present case, only a representative from the media was present in the conduct of the inventory, as shown by the Certification of Inventory dated April 16, 2010 wherein only Mr. Nick Luares from The Laguna Expose Star signed as a witness to the inventory.²⁴ That only a media representative witnessed the inventory was likewise confirmed by the testimonies of both

²² TSN dated March 6, 2012, pp. 4-5.

²³ Records, p. 11.

²⁴ Id. at 10.

PO1 Ramos²⁵ and PO de Leon.²⁶ The CA, however, simply ruled against Casilag's contention, stating that:

The appeal is without merit. Note that non-compliance with Section 21 of [R.A. No. 9165] will not render the arrest of the accused illegal or the items seized/confiscated from him inadmissible. What is of utmost importance is the preservation of the integrity and the evidentiary value of the seized items, as the same would be utilized in the determination of the guilt or innocence of the accused.

x x x x

To reiterate, non-compliance with the strict directive of Section 21 of R.A. No. 9165 is not necessarily fatal to the prosecution's case; police procedures in the handling of confiscated evidence may still have some lapses, as in the case at bench. These lapses, however, must be recognized and explained in terms of their justifiable grounds and the integrity and evidentiary value of the evidence seized must be shown to have been preserved.²⁷

The CA erred in ruling against Casilag's contention.

In *People v. Malana*,²⁸ the Court emphasized that the presence of the required witnesses at the time of the inventory is mandatory, and that the law imposes the said requirement because their presence serves an essential purpose, *i.e.*, to protect against the possibility of planting, contamination, or loss of the seized drug.²⁹ In addition, the Court has held that:

The prosecution bears the burden of proving a valid cause for non-compliance with the procedure laid down in Section 21 of R.A. No. 9165, as amended. It has the positive duty to demonstrate observance thereto in such a way that during the trial proceedings, it must initiate in acknowledging and justifying any perceived deviations from the requirements of law. Its failure to follow the mandated procedure must be adequately explained, and must be proven as a fact in accordance with the rules on evidence. It should take note that the rules require that the apprehending officers do not simply mention a justifiable ground, but also clearly state this ground in their sworn affidavit, coupled with a statement on the steps they took to preserve the integrity of the seized items. Strict adherence to Section 21 is required where the quantity of illegal drugs seized is miniscule, since it is highly susceptible to planting, tampering or alteration of evidence.³⁰ (Emphasis and underscoring supplied, citations omitted)

Here, the police officers and the prosecution were unable, nor did they attempt to explain the deviations from the requirements of Section 21 of R.A. No. 9165. Thus, the prosecution simply failed to establish the integrity of the

²⁵ TSN dated December 8, 2010, p. 7.

²⁶ TSN dated May 23, 2011, p. 6.

²⁷ *Rollo*, pp. 46-49

²⁸ G.R. No. 233747, December 5, 2018, 888 SCRA 573.

²⁹ *See id.* at 590.

³⁰ *People v. Sipin*, G.R. No. 224290, June 11, 2018, 866 SCRA 73, 98-99.

seized items — the *corpus delicti* of the crime in drugs cases such as this one. The acquittal of the Casilag must thus perforce follow. As the Court held in *People v. Angeles*:³¹

Breaches of the procedure outlined in Section 21 committed by the police officers, left unacknowledged and unexplained by the State, militate against a finding of guilt beyond reasonable doubt against the accused-appellant as the integrity and evidentiary value of the *corpus delicti* had been compromised.³²

In addition, the Court is not unaware that, in some instances, law enforcers resort to the practice of planting evidence to extract information or even to harass civilians.³³ The RTC and the CA therefore erred in simply brushing aside Casilag's defense of frame-up, especially in light of, as mentioned, the questionability of the prosecution's version. In this connection, the Court reminds the trial courts to exercise extra vigilance in trying drug cases, and directs the National Police Commission to conduct an investigation on this incident and other similar cases, lest an innocent person be made to suffer the unusually severe penalties for drug offenses.

WHEREFORE, in view of the foregoing, the appeal is hereby **GRANTED**. The Decision dated March 21, 2014 of the Court of Appeals in CA-G.R. CR No. 35547 is hereby **REVERSED** and **SET ASIDE**. Accordingly, accused-appellant Michael Casilag is **ACQUITTED** of the crime 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 Director General of the Bureau of Corrections for immediate implementation. The said Director General is **ORDERED** to **REPORT** to this Court within five (5) days from receipt of this Decision the action he has taken.

Further, the National Police Commission is hereby **DIRECTED** to **CONDUCT AN INVESTIGATION** of the police officers in respect of this case.

SO ORDERED.



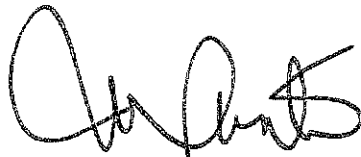
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

³¹ G.R. No. 237355, November 21, 2018, 887 SCRA 1.

³² Id. at 33.

³³ *People v. Daria, Jr.*, 615 Phil. 744, 767 (2009).

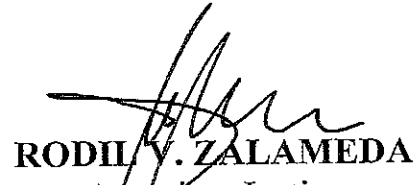
WE CONCUR:




DIOSDADO M. PERALTA
Chief Justice
Chairperson



ROSMARID D. CARANDANG
Associate Justice



RODIL V. ZALAMEDA
Associate Justice



SAMUEL H. GAERLAN
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.



DIOSDADO M. PERALTA
Chief Justice

