



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 218107

Present:

- versus -

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

JOSE JAMILLO QUILATAN y
DELA CRUZ,
Accused-Appellant.

Promulgated:

09 SEP 2019

x-----x

DECISION

CAGUIOA, J.:

Before the Court is an appeal¹ filed by accused-appellant Jose Jamillo Quilatan y Dela Cruz (Quilatan) from the Decision² dated May 30, 2014 of the Court of Appeals³ (CA), which affirmed the Decision⁴ dated February 25, 2013 of the Regional Trial Court⁵ (RTC) finding Quilatan guilty beyond reasonable doubt of violating Sections 5⁶ and 11,⁷ Article II of Republic Act

¹ See Notice of Appeal dated June 27, 2014, CA *rollo*, pp. 100-103.

² *Rollo*, pp. 2-9. Penned by Associate Justice Amelita G. Tolentino, with Associate Justices Ricardo R. Rosario and Danton Q. Bueser concurring.

³ Special Fourth Division in CA-G.R. CR No. 06054.

⁴ Records, pp. 296-303. Penned by Assisting Judge Jansen R. Rodriguez.

⁵ Branch 259, Parañaque City.

⁶ SEC. 5. *Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.* — The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.

⁷ SEC. 11. *Possession of Dangerous Drugs.* — x x x

Otherwise, if the quantity involved is less than the foregoing quantities, the penalties shall be graduated as follows:

x x x x

(3) Imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three hundred thousand pesos (P300,000.00) to Four hundred thousand pesos (P400,000.00), if the quantities of dangerous drugs are less than five (5) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or “shabu”, or other dangerous drugs such as, but not limited to, MDMA or “ecstasy”, PMA, TMA, LSD,

No. (RA) 9165,⁸ otherwise known as the *Comprehensive Dangerous Drugs Act of 2002*.

The twin Informations⁹ filed against Quilatan read as follows:

Criminal Case No. 09-0667

The undersigned State Prosecutor accuses JOSE JAMILLO QUILATAN y DELA CRUZ of the crime of Violation of Sec. 5[,] Art. II of R.A. 9165 as otherwise known as the *Comprehensive Dangerous Drugs Act of 2002*, committed as follows:

That on or about the 15th day of June 2009, in the City of Parañaque, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, not being lawfully authorized by law, did then and there willfully, unlawfully and feloniously sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport a one (1) heat-sealed transparent plastic sachet weighing 0.12 gram to Police Poseur[-]Buyer PO2 ELBERT OCAMPO, which content of the said plastic sachet when tested was found positive to be Methamphetamine Hyd[r]ochloride, a dangerous drug.

CONTRARY TO LAW.¹⁰

Criminal Case No. 09-0668

The undersigned State Prosecutor accuses JOSE JAMILLO QUILATAN y DELA CRUZ, of the crime of Violation of Sec. 11 of Art. II of R.A. 9165, otherwise known as the *Comprehensive Dangerous Drugs Act of 2002*, committed as follows:

That on or about the 15th day of June 2009, in the City of Parañaque, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, not being lawfully authorized to posses[s] dangerous drugs, did then and there willfully, unlawfully and feloniously have in his possession and under his control and custody one (1) heat-sealed transparent plastic sachet containing white crystalline substance weighing 0.12 gram which, when tested was found positive to be [Methamphetamine] Hydrochloride (shabu) a dangerous drug.

CONTRARY TO LAW.¹¹

GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or less than three hundred (300) grams of marijuana.

⁸ 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).

⁹ Records, pp. 1-2.

¹⁰ Id. at 1.

¹¹ Id. at 2.



The common starting point of the conflicting narrations of factual antecedents is the date of the buy-bust operation.

According to the version of the prosecution, on June 15, 2009 at around 4:30 p.m., the Parañaque City Police Station Anti-Illegal Drugs Special Operation Task Group received a report from a female informant/asset about the illegal drug activities of Quilatan.¹² She stated that she knew Quilatan personally and that she would accompany the police operatives to help ensure that he would get caught by them.¹³ A buy-bust team was then formed composed of PO2 Elbert Ocampo (PO2 Ocampo), who was designated as poseur-buyer, SPO1 Luminog Lumabao¹⁴ (SPO1 Lumabao), who was designated as the immediate back-up, and five (5) other team members as back-ups: P/Insp. Roque Tome, SPO4 Alberto Sanggalang, SPO1 Ricky Macaraeg, PO3 Fernan Acbang, and PO2 Domingo Julaton.¹⁵ After coordinating with the Philippine Drug Enforcement Agency, the buy-bust team, together with the informant, went to the target area in Tramo St., Brgy. San Dionisio, Parañaque City at around 9:15 p.m. that same day.¹⁶ PO2 Ocampo and the informant first alighted from their vehicle¹⁷ and the rest of the buy-bust team discreetly followed them.¹⁸ At the site, near a drug store,¹⁹ they saw Quilatan wearing a black *sando* and fatigue pants and they approached him.²⁰ After seeing the informant, Quilatan asked “*iiskor ka ba?*” and the informant replied by saying “*itong kasama k[o]ng taxi driver tropa ko kukuha ng halagang limang daang piso.*”²¹ PO2 Ocampo then handed the marked money to Quilatan.²² After counting the same, Quilatan took out from his right pocket a plastic sachet containing a white crystalline substance and handed the same to PO2 Ocampo.²³ After consummating the sale, PO2 Ocampo alerted his team and gave the pre-arranged signal by removing his cap.²⁴ Seeing that SPO1 Lumabao was already rushing to the scene, PO2 Ocampo grabbed the hand of Quilatan and revealed his identity as a police officer.²⁵ PO2 Ocampo then checked Quilatan’s right hand and recovered another plastic sachet containing a white crystalline substance.²⁶ When SPO1 Lumabao approached Quilatan, he searched the latter’s pocket and recovered the marked money.²⁷ Their team leader then decided they should proceed to the Barangay Hall of San Dionisio, Parañaque City,²⁸ and there, in the presence

¹² *Rollo*, p. 3; *id.* at 7.

¹³ Records, p. 7.

¹⁴ Also stated as “Lumibao” in some parts of the records.

¹⁵ *Rollo*, p. 3.

¹⁶ *Id.*

¹⁷ TSN, October 10, 2011, p. 9; records, p. 64.

¹⁸ *Id.* at 10; *id.* at 65.

¹⁹ Records, p. 7.

²⁰ *Id.*

²¹ *Id.*

²² *Rollo*, p. 3; records, p. 297.

²³ *Id.*; *id.*

²⁴ *Id.*

²⁵ TSN, October 10, 2011, p. 12; records, p. 67.

²⁶ *Id.*; *id.*

²⁷ TSN, October 22, 2012, pp. 5-6; records, pp. 175-176.

²⁸ TSN, October 10, 2011, p. 13; *id.* at 68.

of Quilatan and Brgy. Desk Officer Rodolfo Enrique, PO2 Ocampo marked and prepared an inventory of the items recovered from Quilatan.²⁹ Thereafter, they went back to the police station where a request for laboratory examination was made, which, together with the seized items, was brought personally by PO2 Ocampo to the Philippine National Police Crime Laboratory of Southern Police District in Brgy. San Antonio, Makati City.³⁰ Upon testing, the specimens turned out positive for methamphetamine hydrochloride.³¹

However, in Quilatan's version of the story, he alleged that at around 7:30 p.m. on June 15, 2009, he was riding his motorcycle on his way to the house of his in-laws in San Dionisio, Parañaque City to fetch his wife.³² He was not able to reach his destination because his path was suddenly blocked by a car and he was then arrested for driving without a helmet.³³ They asked for his license and for his papers for the motorcycle and he was thereafter invited to the police headquarters for a supposed verification.³⁴ Upon arriving at the station, he asked to call his wife to inform her and to ask her to come to the police station.³⁵ When Quilatan's wife arrived, a police officer informed Quilatan not to worry anymore since they had already spoken to his wife.³⁶ Quilatan's wife thereafter informed him that the police officers were asking for Ten Thousand Pesos (₱10,000.00) to settle his case.³⁷ Quilatan objected to the amount and argued with the police officers by asserting that his violation was merely his failure to wear a helmet while driving.³⁸ However, the police officers got angry and, to his surprise, someone said "*Nagtutulak din 'yan ng droga.*"³⁹ Even if Quilatan denied this accusation and stated that he did not know what they were talking about, the police officers insisted that he was positively identified by someone they knew and then he was detained.⁴⁰ At around 4:30 a.m. the following day, the police officers brought Quilatan to the Barangay Hall, arranged items on top of a table, and took pictures thereof in his presence and in the presence of a certain *tanod*.⁴¹ There was no elected public official, media representative, or representative from the Department of Justice (DOJ) present while they conducted the inventory. Quilatan was again detained after this.⁴²

During trial, PO2 Ocampo and SPO1 Lumabao testified for the prosecution, while only Quilatan testified in his defense.⁴³

²⁹ *Rollo*, pp. 3-4.

³⁰ *Id.* at 4.

³¹ *Id.*

³² *Records*, p. 246.

³³ *Id.* at 247.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.* at 248.

⁴¹ *Id.*

⁴² *Id.*

⁴³ See records, pp. 297-299.

In a Decision⁴⁴ dated February 25, 2013, the RTC gave credence to the testimonies of the prosecution witnesses and ruled that the prosecution was able to establish beyond reasonable doubt all the elements of the offenses charged. It further ruled that Quilatan's alibi was self-serving, especially since no other witnesses were presented to corroborate his testimony and no complaint was filed against the police officers relative to his alleged illegal arrest. The RTC stated that, in the face of the presumption of regularity in the performance of official functions in favor of the police officers, Quilatan's alibi could not prevail. Accordingly, the RTC ruled as follows:

WHEREFORE, premises considered, judgement is hereby rendered as follows:

1. In *Criminal Case No. 09-0667 for Violation of Sec. 5, Art. II, RA 9165*, the court finds accused **JOSE JAMILLO QUILATAN y DELA CRUZ GUILTY** beyond reasonable doubt and is hereby sentenced to suffer the penalty of *life imprisonment* and to pay a fine of *Php 500,000.00*;
2. In *Criminal Case No. 09-0668 for Violation of Sec. 11, Art. II, RA 9165*, the court finds accused **JOSE JAMILLO QUILATAN y DELA CRUZ, GUILTY** beyond reasonable doubt and is hereby sentenced to suffer the penalty of *imprisonment of twelve (12) years and one (1) day as minimum to seventeen (17) years and four (4) months as maximum* and to pay a fine of *Php 300,000.00*.

It appearing that accused **JOSE JAMILLO QUILATAN y DELA CRUZ** is detained at the Parañaque City Jail and considering the penalty imposed, the OIC-Branch Clerk of Court is directed to prepare the *Mittimus* for the immediate transfer of said accused from the Parañaque City Jail to the New Bilibid Prisons, Muntinlupa City.

The specimen[s] are forfeited in favor of the government and the OIC-Branch Clerk of Court is likewise directed to immediately turn over the same to the [PDEA] for proper disposal pursuant to Supreme Court OCA Circular No. 51-2003.

SO ORDERED.⁴⁵

Quilatan appealed⁴⁶ to the CA, interposing the lone issue of whether the trial court gravely erred in convicting him notwithstanding the apprehending team's non-compliance with Section 21 of RA 9165.

In a Decision⁴⁷ dated May 30, 2014, the CA ruled that the prosecution was able to establish beyond reasonable doubt an unbroken link in the chain of custody of the seized items and that their integrity and evidentiary value

⁴⁴ Id. at 296-303.

⁴⁵ Id. at 302-303.

⁴⁶ See Notice of Appeal dated March 1, 2013, records, p. 304.

⁴⁷ *Rollo*, pp. 2-9.



had been preserved. The fact that there was no representative from the media or the DOJ did not affect the integrity or evidentiary value of the seized items. Besides, Quilatan's defense of frame-up, like alibi, is viewed with disfavor since it can easily be concocted and is a common ploy in most prosecutions for violations of the Dangerous Drugs Law. In view of these findings, the CA dismissed the appeal and affirmed the RTC Decision. Hence, the instant appeal before the Court.

The issue in the case at bar is whether the prosecution proved Quilatan's guilt for violation of Sections 5 and 11 of RA 9165 beyond reasonable doubt.

We answer in the negative.

In prosecutions involving narcotics, the narcotic substance itself constitutes the *corpus delicti* of the offense and the fact of its existence is vital to sustain a judgment of conviction beyond reasonable doubt. The identity of the narcotic substance must therefore be established beyond reasonable doubt.⁴⁸

Section 21⁴⁹ of RA 9165, the applicable law at the time of the alleged commission of the crime, lays down the procedure to be followed by a buy-bust team in the seizure, initial custody, and handling of confiscated illegal drugs and/or paraphernalia. Section 21(a),⁵⁰ Article II of the Implementing

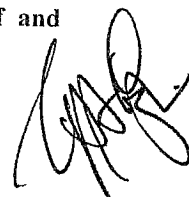
⁴⁸ *People v. Suan*, 627 Phil. 174, 179 and 188 (2010).

⁴⁹ 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[.]

⁵⁰ 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:

(a) The apprehending officer/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: **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, further, that non-compliance with 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[.]** (Emphasis supplied)



Rules and Regulations of RA 9165 (IRR), in turn, filled in the details as to place of inventory and added a saving clause in case of non-compliance with the requirements under justifiable grounds.⁵¹

The requirements outlined in Section 21 of RA 9165 and its IRR are not mere suggestions or recommendations. Undoubtedly, the buy-bust team is not at a liberty to select only parts it wants to comply with and conveniently ignore the rest of the requirements. Unjustified deviations from the prescribed procedure will result to the creation of reasonable doubt as to the identity and integrity of the illegal drugs and, consequently, reasonable doubt as to the guilt of the accused.⁵²

Among the essential requirements of Section 21 of RA 9165 and its IRR are the presence of the three required witnesses — namely, a media representative, a representative from the DOJ, and any elected public official — and the immediate conduct of the physical inventory and photographing of the seized items in the specified places allowed under the law. **Here, however, the buy-bust team miserably failed to comply with these requirements.**

A perusal of the records and the evidence presented by the prosecution would show that, even believing its version of a buy-bust operation, the buy-bust team made no effort at all to secure the three required witnesses. The Joint Affidavit⁵³ of PO2 Ocampo and SPO1 Lumabao included a summary of the prosecution's narration of events:

N[A], matapos makuha ang lahat ng detalye tungkol sa aktibdadis (*sic*) [ni Quilatan] agad ipinaalam ng aming team leader PI TOME sa aming hepe PSSUPT ALFREDO VALDEZ kung kaya't inatasan kami na magsagawa ng buy[-]bust operation sa lugar na nabanggit kung kaya't agad kami nakipag-ugnayan sa PDEA, upang maging lihetimo (*sic*) ang [aming] gagawing operasyon.

NA, bago pa isagawa ang operasyon ay nagsagawa muna kami ng maikasing briefing sa aming opesina (*sic*) at ako (PO2 OCAMPO) ang naatasang umaktong poseur[-]buyer at binigay sa akin ang isang pirasong isang (*sic*) dalawang daang piso na may serial no. DT755573 at tatlong pirasong isang daang piso [na] may mga serial no. LQ134794, PP742266 at NP749150 na parehong may markang "EO" sa kanang itaas na parte ng mga nasabing pera at at (*sic*) ang aming napagkasunduang pre-arrange[d] signal ay ang "PAGTANGGAL NG SUMBRERO" bilang hudyat ng matagumpay na bilihan ng shabu at ako (SPO1 LUMABAO) ang naatasang immediate back[-]up kay PO2 OCAMPO.

NA, matapos maitala sa aming police blotter ang aming gagawing operasyon humigit kumulang **9:15 ng gabi ika-15 June 2009** sakay ng aming pribadong sasakyan sa pamumuno ni PI TOME ay nagtungo [sa] Tramo St[.], Brgy[.] San Dionisio, Lungsod ng Paraña[a]que upang

⁵¹ *People v. Tomawis*, G.R. No. 228890, April 18, 2018, 862 SCRA 131, 143-144.

⁵² *Id.* at 146.

⁵³ Denominated as "*Pinagsamang Salaysay*," records, pp. 7-8.

magsagawa ng buy[-]bust operasyon at sa isang saglit n[g aming] paglalakbay papunta sa aming target na lugar ay narating namin ang kanto ng Tramo St[.], Brgy[.] San Dionisio, Parañaque City at gaya ng aming napagkasunduan ay ako (PO2 OCAMPO) kasama ng isang asset ay unang b[u]maba ng sasakyan habang lihim na nakasunod sa amin ang iba naming kasamahan.⁵⁴

After allegedly receiving the tip from the confidential informant, the buy-bust team was formed, a team briefing was conducted, and the team went to the target area with the informant. **Conspicuously absent in the narration of facts by the prosecution is the part where the buy-bust team sought the attendance of the three required witnesses.** From the time they received the tip at 4:30 p.m. up to the time they went to the target area at around 9:15 p.m., there was a span of around five (5) hours where they could have easily contacted the required witnesses, but there was no hint that they made any effort to do so. Consequently, the requirement of the presence of all the witnesses at the time of the operation, conduct of inventory, and photographing was not fulfilled.

While the IRR has a saving clause excusing deviation from the required procedure, the application of such clause must be supported by the presence of the following elements: (1) the existence of justifiable grounds to allow departure from the rule on strict compliance; and (2) the integrity and the evidentiary value of the seized items are properly preserved by the apprehending team.⁵⁵

As stated in the case of *People v. Lim*,⁵⁶ the grounds which may justify the failure of the buy-bust team to secure the presence of the three required witnesses are:

(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.⁵⁷ (Emphasis omitted)

The above grounds were not present in this case; thus, the buy-bust team's failure to comply with the three-witness rule is inexcusable.

⁵⁴ Id. at 7.

⁵⁵ See *People v. Tomawis*, supra note 51, at 145.

⁵⁶ G.R. No. 231989, September 4, 2018.

⁵⁷ Id. at 13.

Moreover, the buy-bust team likewise failed to immediately conduct the inventory and photographing of the seized items in the places allowed by law. The testimonies of both PO2 Ocampo and SPO1 Lumabao showed that the buy-bust team conducted the physical inventory and the photographing of the seized items in a Barangay Hall:

[Testimony of PO2 Ocampo:]

- Q: What about SPO1 Lumabao, what happened to him?
 A: He assisted me in arresting the suspect and he was able to recover the marked money.
- Q: What happened after that?
 A: We apprised him of his rights.
- Q: What were these rights that you told to him?
 A: He has the right to remain silent and that we arrested him for charges of selling illegal drugs.
- Q: **What happened now to the plastic sachets containing white crystalline substance?**
 A: **Our Team Leader decided to proceed to the Barangay Hall of Brgy. San Dionisio to conduct the inventory and the marking of the recovered evidence.**
- Q: **How far is the (sic) Brgy. San Dionisio from the target place?**
 A: **More or less, 500 meters.**
- Q: **What happened at the Barangay Hall of Brgy. San Dionisio?**
 A: **In front of the duty desk officer, I placed markings on the recovered evidence as well as the inventory was prepared.⁵⁸ (Emphasis supplied)**

[Testimony of SPO1 Lumabao:]

- Q: What was that item he was able to buy?
 A: White crystalline substance or shabu, Ma'am.
- Q: **Where was that suspected shabu placed?**
 A: **I only saw the recovered items at the Barangay Hall, Ma'am.**
- Q: **How many items did you see at the Barangay Hall?**
 A: **Two (2) plastic sachets, Ma'am.⁵⁹ (Emphasis supplied)**

The Barangay Hall of Brgy. San Dionisio is not one of the allowed alternative places provided under Section 21⁶⁰ of the IRR. Despite

⁵⁸ TSN, October 10, 2011, pp. 12-13; records, pp. 67-68.

⁵⁹ TSN, October 22, 2012, pp. 7-8; id. at 177-178.

⁶⁰ The pertinent portion of the IRR states:

SECTION 21. x x x

- (a) The apprehending officer/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

suggesting in the Joint Affidavit that the target area was near the police station and claiming that they rode a car going to the target area,⁶¹ the buy-bust team unjustifiably decided to ignore the prescribed procedure and conduct the inventory and photographing of the seized items in a place not allowed under the rules.

However, both the RTC and the CA saw it fit to tolerate the erroneous conduct of the buy-bust team based only on the presumption of regularity in the performance of official duty in favor of the buy-bust team.

The practice of eagerly ascribing the veil of regular performance of duty in favor of the apprehending officers — even in the face of their evident lapses in following the prescribed procedure laid down by law — should not be tolerated. The presumption of regularity in the performance of duties is not a tool designed to coddle State agents unjustifiably violating the law or an excuse for the courts to shy away from their duty to subject the prosecution's evidence to the crucible of severe testing to ascertain whether it is enough to overcome the presumption of innocence in favor of the accused.

Here, the presumption of regularity cannot stand because of the buy-bust team's brazen disregard of established procedures under Section 21 of RA 9165 and its IRR.

The above unjustified procedural deviations bring into question the identity and integrity of the seized drugs. Hence, it is erroneous to state that the chain of custody remained intact and that the guilt of Quilatan was proven beyond reasonable doubt. Accordingly, Quilatan's right to be presumed innocent is upheld and he must be acquitted.

As a final note, in order to weed out early on from the courts' already congested docket orchestrated or poorly built up drug-related cases, the Court sees it fit to reiterate the mandatory policy pronounced by the Court in the case of *People v. Lim*:⁶²

public official 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, further, that non-compliance with 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[.]** (Emphasis supplied)

⁶¹ In the *Pinagsamang Salaysay*, PO2 Ocampo and SPO1 Lumabao stated:
 NA, matapos maitala sa aming police blotter ang aming gagawing operasyon humigit kumulang 9:15 ng gabi ika-15 June 2009 sakay ng aming pribadong sasakyan sa pamumuno ni PI TOME ay nagtungo [sa] Tramo St[.], Brgy[.] San Dionisio, Lungsod ng Parañ[a]que upang magsagawa ng buy[-]bust operasyon at sa isang saglit n[g] aming paglalakbay papunta sa aming target na lugar ay narating namin ang kanto ng Tramo St[.], Brgy[.] San Dionisio, Parañaque City at gaya ng aming napagkasunduan ay ako (PO2 OCAMPO) kasama ng isang asset ay unang b[u]maba ng sasakyan habang lihim na nakasunod sa amin ang iba naming kasamahan. Records, p. 7; emphasis and underscoring supplied.


⁶² *Supra* note 56.

1. In the sworn statements/affidavits, the apprehending/seizing officers must state their compliance with the requirements of Section 21 (1) of R.A. No. 9165, as amended, and its IRR.
2. In case of non-observance of the provision, the apprehending/seizing officers must state the justification or explanation therefor as well as the steps they have taken in order to preserve the integrity and evidentiary value of the seized/confiscated items.
3. If there is no justification or explanation expressly declared in the sworn statements or affidavits, the investigating fiscal must not immediately file the case before the court. Instead, he or she must refer the case for further preliminary investigation in order to determine the (non) existence of probable cause.
4. If the investigating fiscal filed the case despite such absence, the court may exercise its discretion to either refuse to issue a commitment order (or warrant of arrest) or dismiss the case outright for lack of probable cause in accordance with Section 5, Rule 112, Rules of Court.⁶³

WHEREFORE, in view of the foregoing, the appeal is hereby **GRANTED**. The Decision dated May 30, 2014 of the Court of Appeals, Special Fourth Division in CA-G.R. CR No. 06054 is hereby **REVERSED** and **SET ASIDE**. Accordingly, accused-appellant **Jose Jamillo Quilatan y Dela Cruz** 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 New Bilibid Prison in 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.

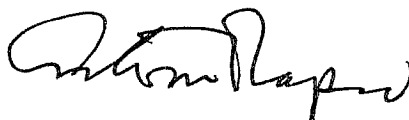
SO ORDERED.



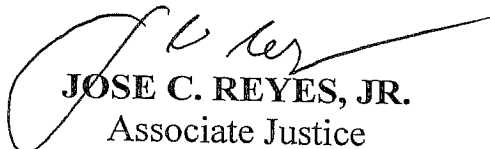
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

⁶³ Id. at 15-16.

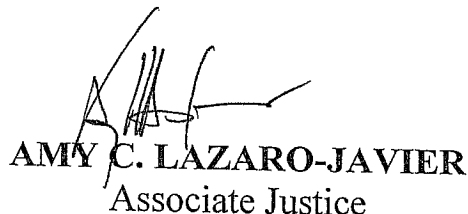
WE CONCUR:



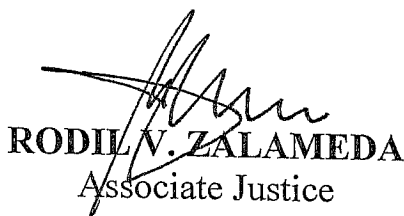
ANTONIO T. CARPIO
Associate Justice
Chairperson



JOSE C. REYES, JR.
Associate Justice



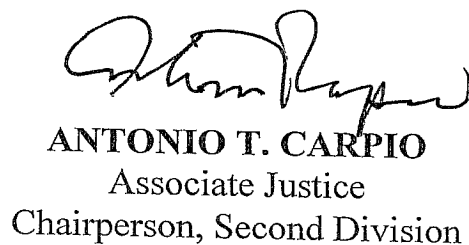
AMY C. LAZARO-JAVIER
Associate Justice



RODIL V. ZALAMEDA
Associate Justice

ATTESTATION

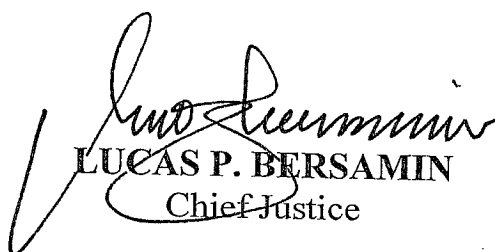
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



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

