

# FIRST DIVISION

[ G.R. No. 213523, March 18, 2021 ]

## MICHAEL CASILAG Y ARCEO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES RESPONDENT.

### DECISION

#### CAGUIOA, J:

Before the Court is a Petition for Review on *Certiorari*<sup>[1]</sup> (Petition) filed by the accused-appellant Michael Casilag y Arceo (Casilag) assailing the Decision<sup>[2]</sup> dated March 21, 2014 of the Court of Appeals (CA) in CA-G.R. CR No. 35547, which affirmed the Decision<sup>[3]</sup> 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,"<sup>[4]</sup> as amended.

#### 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.<sup>[5]</sup>

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').<sup>[6]</sup>

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 II, 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.<sup>[7]</sup>

## **Ruling of the RTC**

After trial on the merits, in its Decision<sup>[8]</sup> 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.<sup>[9]</sup>

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 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 Decision<sup>[10]</sup> 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."<sup>[11]</sup> 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 Resolution<sup>[12]</sup> 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.

***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."<sup>[13]</sup> 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*:<sup>[14]</sup>

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.<sup>[15]</sup> (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, 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."<sup>[16]</sup> 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."<sup>[17]</sup> 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.<sup>[18]</sup> 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.<sup>[19]</sup> 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?

A: PSI Antonio Gutierrez sir.