

SECOND DIVISION

[G.R. No. 229046, September 11, 2019]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. NOEL
CARDENAS Y HALILI, ACCUSED-APPELLANT.**

DECISION

CAGUIOA, J:

"If the arresting officers were unable to comply with the [requirements under Section 21 of Republic Act No. (RA) 9156], they were under obligation to explain why the procedure was not followed and prove that the reason provided a ***justifiable ground. Otherwise, the requisites under the law would merely be fancy ornaments that may or may not be disregarded by the arresting officers at their own convenience.***"^[1]

The Case

Before the Court is an ordinary appeal^[2] filed by accused-appellant Noel Cardenas y Halili (accused-appellant Cardenas), assailing the Decision^[3] dated June 27, 2016 (assailed Decision) of the Court of Appeals^[4] (CA) in CA-G.R. CR-HC No. 07032, which affirmed the Decision^[5] dated June 5, 2014 rendered by the Regional Trial Court (RTC) of Quezon City, Branch 82 in Criminal Case No. Q-08-154072, entitled *People of the Philippines v. Noel Cardenas y Halili*, finding accused-appellant Cardenas guilty beyond reasonable doubt of violating Section 5, Article II of Republic Act No. (RA) 9165,^[6] otherwise known as the "Comprehensive Dangerous Drugs Act of 2002," as amended.

The Facts and Antecedent Proceedings

As narrated by the CA in the assailed Decision, the essential facts and antecedent proceedings of the instant case are as follows:^[7]

Accused-appellant [Cardenas] was charged under the following criminal information, which reads:

"That on or about the 12th day of September, 2008, in Quezon City, Philippines, the above-named accused, not being authorized by law to sell, dispense, deliver, transport or distribute any dangerous drug, did, then and there, willfully, and unlawfully sell, dispense, deliver, transport, distribute or act as broker in the said transaction zero point sixty two (0.62) grams (sic) of dried Marijuana Fruiting tops, a

dangerous drug.

CONTRARY TO LAW."

Upon arraignment on November 26, 2008, the accused-appellant pleaded not guilty to the offense charged. Thereafter, trial on the merits ensued.

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As culled from the records, the prosecution's version is herein quoted:

"On 12 September 2008, a male confidential informant reported to Police Inspector Romeo Rabuya [(PI Rabuya)] of the Station Anti-Illegal Drugs Special Operations Task Group (SAID-SOTG) of Police Station 11, Galas, Quezon City the illegal drug activities of a certain "Boom Tarat-Tarat" (later identified as [accused appellant Cardenas]) in the said area. In response, [PI] Rabuya dispatched Police Officer 2 Jorge Santiago [(PO2 Santiago)] and Police Officer 2 Jayson Perez [(PO2 Perez)] to conduct a surveillance and casing at Unang Hakbang St. in front of No. 78 Galas, Quezon City.

Upon arrival at the area, [PO2] Santiago and [PO2] Perez did not see anyone conforming to the description of [accused-appellant] Cardenas as communicated to them by the confidential informant. The two then returned to the SAID-SOTG and reported their finding to [PI] Rabuya.

[PI] Rabuya recommended that a buy-bust operation be conducted against [accused-appellant] Cardenas, designating [PO2] Santiago as the poseur-buyer who would use the marked Php100.00 bill. The other members of the buy-bust operation team assembled by [PI] Rabuya were Police Officer 1 Erwin Bautista [(PO1 Bautista)], Police Officer 1 Franklin Gadia [(PO1 Gadia)], and [PI] Rabuya himself. The buy-bust operation team likewise coordinated with the Philippine Drug Enforcement Agency (PDEA).

After the Pre-Operation Report was prepared, the buy-bust team proceeded to the area near No. 78 Unang Hakbang St., Galas, Quezon City. As agreed, the buy bust team would standby from a distance of about 100 meters while [PO2] Santiago and the confidential informant transact with [accused-appellant] Cardenas. Once the sale was consummated, [PO2] Santiago would scratch his head as a signal for the rest of the team to apprehend [accused-appellant] Cardenas.

When [PO2] Santiago and the confidential informant saw [accused-appellant] Cardenas at the said area, the two proceeded to meet with [accused-appellant] Cardenas. The

confidential informant introduced [PO2] Santiago to [accused-appellant] Cardenas.

[Accused-appellant] Cardenas then asked [PO2] Santiago whether he had money to buy drugs. [PO2] Santiago replied in the affirmative by showing the marked Php100.00 bill. Thereafter, [accused-appellant] Cardenas pulled from the right front pocket of his pants one (1) small heat-sealed transparent plastic sachet containing marijuana leaves with fruiting tops. [PO2] Santiago handed the marked Php100.00 bill to [accused appellant] Cardenas while the latter handed to him the said one (1) small heat-sealed transparent plastic sachet containing marijuana leaves with fruiting tops. At that juncture, [PO2] Santiago scratched his head, as a signal to the rest of the buy-bust team that was on standby that the sale had already been consummated.

[PO2] Santiago then held the hand of [accused appellant] Cardenas to prevent him from escaping. Subsequently, the rest of the buy-bust team led by [PO2] Perez arrived and approached [accused-appellant] Cardenas. [PO2] Perez informed [accused-appellant] Cardenas of his constitutional rights.

[PO2] Santiago then marked the one (1) small heat sealed transparent plastic sachet containing marijuana leaves with fruiting tops with his initials "JS" (Jorge Santiago) and "NC" (Noel Cardenas). The Inventory Receipt dated 12 September 2008 was readily accomplished at the same place. A representative of the media, Jimmy Mendoza, President of the PDEA Press Corps, witnessed the marking and inventory of the one (1) small heat-sealed transparent plastic sachet containing marijuana leaves with fruiting tops with the markings "JS" and "NC". [PO2] Santiago then placed the seized item in a plastic bag.

[PO2] Santiago and the rest of the buy-bust team, together with [accused-appellant] Cardenas went to Police Station 11. At the police station, [PO2] Santiago turned over the seized item to investigator Police Officer 3 Jonathan Carranza [(PO3 Carranza)].

[PO3] Carranza then prepared the Request for Laboratory Examination dated 12 September 2008 directed to the Chemistry Division of the Philippine National Police (PNP) Crime Laboratory Office Station 19.

[PO2] Santiago brought the seized item for physical and chemical examination to the aforesaid crime laboratory.

In Chemistry Report No. D-455-2008 dated 12 September 2008, Engr. Leonard M. Jabonillo [(Engr. Jabonillo)], Forensic

Chemist of the PNP Crime Laboratory confirmed that the seized item from [accused appellant] Cardenas consisting of one (1) small heat sealed transparent plastic sachet containing marijuana leaves with fruiting tops weighing 0.62 gram with the markings "JS" and "NC," was indeed a dangerous drug, marijuana. After examination, [Engr.] Jabonillo turned over the one (1) small heat-sealed transparent plastic sachet containing marijuana leaves with fruiting tops with the markings "JS" and "NC" to the evidence custodian of the PNP Crime Laboratory."

On the other hand, accused-appellant [Cardenas'] version is as follows:

"On 12 September 2008, at around 3:00 o'clock in the afternoon, [accused-appellant Cardenas] was at home sleeping with (sic) his mother, TERESITA CARDENAS [(Teresita)] was with her granddaughter watching the television, when four (4) to five (5) policemen suddenly barged in their house. They told Teresita that they wanted to talk to her son. When she replied that [accused appellant Cardenas] was sleeping, they suddenly went inside her son's room. Awakened by the presence of the policemen, [accused-appellant Cardenas] was shocked that he was being accused of selling marijuana. He was apprehended and brought to Police Station 11 in Galas, where he was forced to admit his alleged crime but refused to do the same. He was subsequently brought for inquest on 13 September 2008 where he learned that he was being charged for selling marijuana. (TSN, 7 September 2011, pp. 4-7; TSN, 14 August, pp. 2-4)"^[8]

The Ruling of the RTC

In its Decision dated June 5, 2014, the RTC found accused-appellant Cardenas guilty beyond reasonable doubt of violating Section 5, Article II of RA 9165.

The dispositive portion of the RTC's Decision reads:

WHEREFORE, premises considered, judgment is hereby rendered finding accused **Noel Cardenas y Halili "Guilty"** beyond reasonable doubt of violation of Section 5, Article II of R.A. 9165.

Accordingly, this Court sentences accused **Noel Cardenas y Halili** to suffer the penalty of **life imprisonment** and to pay a **Fine** in the amount of Five [H]undred Thousand Pesos (P500,000.00).

The Branch Clerk of Court is hereby directed to transmit to the Philippine Drug Enforcement Agency the dangerous drug subject of this case for proper disposition and final disposal.

SO ORDERED.^[9]

According to the RTC, "[t]he evidence presented by the prosecution unequivocally established that a successful buy-bust operation took place which resulted in the arrest of [accused-appellant Cardenas]."^[10]

Insisting on his innocence, accused-appellant Cardenas appealed before the CA.

The Ruling of the CA

In the assailed Decision, the CA affirmed the RTC's conviction of accused-appellant Cardenas. The dispositive portion of the assailed Decision reads:

WHEREFORE, the appeal is **DENIED**. The Decision dated June 5, 2014 of the Regional Trial Court (RTC) of Quezon City, Branch 82, in Criminal Case No. Q-08-154072 is hereby **AFFIRMED**.

SO ORDERED.^[11]

In sum, the CA found that "[a]ll told, the totality of the evidence presented in the instant case indubitably confirms accused-appellant's guilt of the offense charged beyond reasonable doubt."^[12]

Hence, this appeal before the Court of Last Resort.

Issue

Stripped to its core, for the Court's resolution is the issue of whether accused-appellant Cardenas is guilty beyond reasonable doubt for the crime charged.

The Court's Ruling

The foregoing question is answered in the *negative*. Accused-appellant Cardenas' guilt was not proven beyond reasonable doubt. Therefore, accused appellant Cardenas is acquitted of the crime charged.

The Elements of Illegal Sale of Dangerous Drugs

Accused-appellant Cardenas was charged with the crime of illegal sale of dangerous drugs, defined and penalized under Section 5, Article II of RA 9165.

In order to convict a person charged with the crime of illegal sale of dangerous drugs under Section 5, Article II of RA 9165, the prosecution is required to prove the following elements: (1) **the identity of the buyer and the seller, the object and the consideration**; and (2) **the delivery of the thing sold and the payment therefor.**^[13]

Strict Compliance of the Chain of Custody Rule in Illegal Drugs Cases

In cases involving dangerous drugs, the State bears not only the burden of proving