

THIRD DIVISION

[G.R. No. 209078, September 04, 2019]

**JOSEPH VILLASANA Y CABAUG, PETITIONER, VS. PEOPLE OF
THE PHILIPPINES, RESPONDENT.**

DECISION

LEONEN, J.:

Evidence seized as a result of an illegal warrantless arrest cannot be used against an accused pursuant to Article III, Section 3(2) of the Constitution. Even if the seizure was reasonable, the arresting officers' unjustified noncompliance with the legal safeguards under Section 21 of Republic Act No. 9165 compromises the integrity of the confiscated drug. This creates reasonable doubt on the conviction of the accused for illegal possession of dangerous drugs.

This Court resolves a Petition for Review on Certiorari^[1] assailing the Decision²^[2] of the Court of Appeals, which affirmed the Regional Trial Court Decision^[3] convicting Joseph Villasana y Cabahug (Villasana) of illegal possession of dangerous drugs. The Court of Appeals, in a subsequent Resolution,^[4] denied his Motion for Reconsideration.

In an Information filed on January 6, 2005, Villasana was charged with violation of Article II, Section 11 of Republic Act No. 9165, or the Comprehensive Dangerous Drugs Act of 2002, for illegal possession of "one (1) self-sealing transparent plastic bag containing 0.15 gram of white crystalline substance Methamphetamine Hydrochloride (Shabu)[.]"^[5]

On arraignment, Villasana pleaded not guilty to the crime charged.^[6]

During pre-trial, the prosecution and defense stipulated on the following:

1. The jurisdiction of the court over the person of the accused and the offense;
2. The identity of the accused;
3. That Police Officer 2 Ronald Sanchez (PO2 Sanchez) is the officer-on-case who received the evidence from PO3 Louie Martinez (PO3 Martinez), the arresting officer;
4. That PO2 Sanchez prepared the letter-request for laboratory examination;
5. That the letter-request, along with the evidence, was turned over to PO3 Martinez for delivery to the Philippine National Police Crime Laboratory;

6. That PO3 Martinez delivered the specimen together with the letter-request for laboratory examination to the Crime Laboratory, Sangandaan, Caloocan City;
7. That the January 5, 2005 letter-request for laboratory examination was received by the office of Police Inspector Albert Arturo (Inspector Arturo) from the Station Anti-Illegal Drugs Special Operation Unit, Valenzuela City Police Station, along with a small plastic evidence bag marked as SAID-SOU/VCPS 04-12-05 containing one (1) piece of small plastic sachet containing white crystalline substance marked as "JCV";
8. That after the qualitative examination, Inspector Arturo found that the contents of the plastic sachet yielded positive results for methamphetamine hydrochloride, as stated in Physical Sciences Report No. D-006-05;
9. That Inspector Arturo is a duly qualified forensic chemist of the Northern Police District Crime Laboratory Office, Caloocan City Police Station; and
10. That Inspector Arturo has no personal knowledge of the source of the evidence and the circumstances surrounding the confiscation/custody and safekeeping of the subject evidence.^[7]

The prosecution presented PO3 Martinez as its first witness. He alleged the following:

At around 7:00 p.m. on January 4, 2005, while PO3 Martinez was on duty at the Station Anti-Illegal Drugs Special Operation Unit of the Valenzuela City Police Station, a confidential informant arrived and reported that Jojo Villasana and Nida Villasana were rampantly selling drugs along Hustisya Street, Marulas, Valenzuela City. Thus, a team headed by Police Inspector Muammar A. Mukaram (Inspector Mukaram) with SPO1 Arquillo, PO3 Soriano, PO3 Britana, PO2 Sanchez, PO3 Martinez, PO2 Magno, PO2 Malinao, PO2 Salvidar, and PO1 Pajares as members, was at once formed to conduct surveillance operations.^[8]

At about 11:30 p.m. that day, the team proceeded to the target area on board three (3) vehicles: a car, a Revo van, and a motorcycle.^[9] PO3 Martinez, PO3 Soriano, and PO2 Magno parked on Hustisya Street and waited inside the van. Around 10 to 15 minutes later, they saw, through the van's tinted front windshield,^[10] Villasana coming out of an alley around five (5) to six (6) meters away.^[11] He was holding a plastic sachet while talking to a woman.^[12] The police officers approached him discreetly.^[13]

As he reached Villasana, PO3 Martinez held his hand and introduced himself as a police officer.^[14] He told Villasana not to throw the plastic sachet, to which the latter replied, "*panggamit ko lang to*"^[15] After verifying that Villasana was indeed holding shabu, PO3 Martinez arrested him and confiscated the sachet.^[16] The woman, however, was able to escape.^[17]

Villasana and the seized drug were brought to the Marulas Barangay Hall, where an inventory was made.^[18] The inventory was signed by Kagawad Jose Mendez

(Kagawad Mendez) and a certain Artemus Latoc (Latoc),^[19] a former official.^[20] PO3 Martinez marked the confiscated item with Villasana's initials, "JCV," in the "office."^[21] Then, he brought Villasana and the seized specimen to the Philippine National Police Crime Laboratory in Caloocan City for drug testing and laboratory examination.^[22]

After PO3 Martinez's testimony, the prosecution and defense agreed to dispense with the testimonies of prosecution witnesses PO2 Sanchez, Inspector Mukaram, and Police Superintendent Caday.^[23]

For the defense,^[24] Villasana testified that at around 8:00 p.m. on January 4, 2005, Villasana was having a conversation with Sabel and Diane inside a jeepney, which was then parked in front of his house in Karuhatan, Valenzuela City.^[25] Not far from them, a group of police officers arrived and accosted several persons that were playing *cara y cruz*.^[26] One (1) of the police officers, PO2 Sanchez, called Villasana to come out.^[27] He did as asked, but as he alighted from the jeepney, PO2 Magno grabbed him by the waist and forced him to board a car parked behind the jeepney.^[28] He tried to resist, but the arresting officers overpowered him.^[29]

Villasana was brought to the Narcotics Office on the second floor of the Valenzuela City Hall,^[30] where they waited for his brother and sister who were supposed to bring P50,000.00 as "*areglo*."^[31] His siblings, however, did not show up.^[32] At around 10:00 p.m., Villasana was brought to the Marulas Barangay Hall, where he was asked to sign a document.^[33] The police officers showed him the alleged evidence against him and told him that he would be charged with a drug-related offense.^[34]

On October 28, 2010, the Regional Trial Court rendered a Decision^[35] convicting Villasana. The dispositive portion of the Decision read:

WHEREFORE, accused JOSEPH VILLASANA y CABAUG is hereby found GUILTY beyond reasonable doubt of the crime of violation of Section 11 of Article 2 of R.A. 9165 in Criminal Case No. 16-V-05. Accordingly, the said accused is hereby ordered to suffer the penalty of imprisonment of twelve (12) years and one (1) day as minimum to fourteen (14) years and eight (8) months as maximum. Further, the said accused is ordered to pay a FINE in the amount of Three Hundred Thousand Pesos (Php) 300,000.00.

The Branch Clerk of Court of this Court is directed to turn over to PDEA the drugs used as evidence in this case for proper disposition.

SO ORDERED.^[36]

Villasana appealed before the Court of Appeals. He argued that the trial court gravely erred: (1) in finding the evidence admissible despite the illegality of his arrest; (2) in finding him guilty despite the police officers' failure to comply with

Article II, Section 21 of Republic Act No. 9165; (3) in giving full credence to the prosecution witness' testimony; and (4) in convicting him despite the prosecution's failure to prove his guilt beyond reasonable doubt.^[37]

In its March 11, 2013 Decision,^[38] the Court of Appeals affirmed the Regional Trial Court Decision *in toto*:

WHEREFORE, in view of the foregoing premises, the instant appeal is hereby **DENIED** and the October 28, 2010 Decision of the Regional Trial Court, Branch 171 in Valenzuela City in Criminal Case No. 16-V-05 is hereby **AFFIRMED *in toto***.

SO ORDERED.^[39] (Emphasis in the original, citation omitted)

The Court of Appeals held that there was a valid warrantless arrest because Villasana "was caught *in flagrante delicto* of having in his possession an illegal drug."^[40] It also found that the police officers had probable cause to apprehend Villasana, as he matched the description given by the informant, and was also found at the place specified by the informant. It further noted that when they apprehended him, they found in his possession a sachet containing white crystalline substance, which turned out to be shabu.^[41]

In any case, the Court of Appeals held that Villasana was already estopped from questioning the legality of his arrest since he failed to move for the quashing of the Information before his arraignment. Neither did he raise the issue of his warrantless arrest prior to or during the proceedings before the trial court.^[42]

The Court of Appeals gave no merit to Villasana's claim on noncompliance with the guidelines on custody and disposition of the seized items.^[43] It gave credence to PO3 Martinez's testimony, in which he stated that after confiscating the sachet containing the illegal drug, he marked it with "JCV,"^[44] and along with PO2 Sanchez and PO2 Magno, brought it to the Marulas Barangay Hall where it was inventoried in the presence of Villasana, Kagawad Mendez, and the other barangay tanods, and later to the Crime Laboratory for examination. The Court of Appeals held that, absent any showing of ill motive on the part of the police officers, the presumption of regularity in the performance of their official duty applied.^[45]

The Court of Appeals further held that procedural infirmities in the custody of dangerous drugs are insufficient to render the seized items inadmissible in court as evidence,^[46] so long as their integrity was shown to be preserved, as in this case.^[47]

Villasana filed a Motion for Reconsideration, but it was denied in the Court of Appeals' August 28, 2013 Resolution.^[48]

Hence, this Petition^[49] was filed. Respondent People of the Philippines, through the Office of the Solicitor General, filed its Comment.^[50]

Petitioner assails his conviction on the grounds that: (1) his warrantless arrest was invalid and the drug allegedly seized from him was inadmissible in evidence;^[51] (2) there were irregularities in the custody and the police officers' handling of the seized shabu, such as inconsistent markings and the marking itself not done at the place of the arrest;^[52] and (3) there was noncompliance with the inventory and photograph requirements under Section 21 of Republic Act No. 9165.^[53]

Respondent counters that petitioner purely raises questions of fact that are proscribed in a Rule 45 petition.^[54] At any rate, it contends that because petitioner entered his plea without objection, he waived his right to question any irregularity in his arrest. Also, even if there was no waiver of the issue, respondent claims that petitioner's arrest was valid as he was caught *in flagrante delicto* possessing shabu.^[55]

Respondent adds that noncompliance with the requirements of Section 21^[56] did not render the seizure of the dangerous drug void since the integrity and evidentiary value of the seized item were preserved.^[57] Finally, it contends that the chain of custody of the seized specimen—from inventory until submission to the Crime Laboratory—was already stipulated upon and is considered a judicial admission on the part of petitioner.^[58]

This Court resolves the following issues:

First, whether or not factual issues can be raised in a Rule 45 petition; and

Second, whether or not the guilt of petitioner Joseph Villasana y Cabahug was proven beyond reasonable doubt.

This Court grants the Petition. The prosecution failed to prove petitioner's guilt.

I

As a rule, only questions of law may be raised in a petition for review on certiorari under Rule 45 of the Rules of Court.^[59] This Court is not a trier of facts.^[60] It is not our function to review evidence all over again.^[61] Furthermore, the factual findings of the trial court, especially when upheld by the Court of Appeals, are generally given great weight^[62] considering the trial court's unique position to directly observe a witness' demeanor on the stand.^[63]

A departure from the general rule, however, may be warranted where facts of weight and substance have been overlooked, misconstrued, or misapplied.^[64] In *Lapi v. People*,^[65] this Court said:

This Court is not precluded from reviewing the factual findings of the lower courts, or even arriving at a different conclusion, "if it is not convinced that [the findings] are conformable to the evidence of record and to its own impressions of the credibility of the witnesses." The lower court[s'] [f]actual findings will not bind this Court if facts that could affect