



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 17, 2020** which reads as follows:*

“G.R. No. 224881 – PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus EDUARDO ARAGONES VILAS, accused-appellant.

After a careful review of the records of the instant case, the Court reverses and sets aside the January 29, 2016 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-HC. No. 01920, which affirmed the July 7, 2014 Judgment² of the Regional Trial Court of Negros Oriental, Dumaguete City, Branch 30 (RTC) in Criminal Case No. 21796, finding accused-appellant Eduardo Aragonés Vilas (accused-appellant Vilas) guilty beyond reasonable doubt of violating Section 5, Article II of Republic Act No. (R.A.) 9165,³ otherwise known as the “Comprehensive Dangerous Drugs Act of 2002,” as amended.

In the conduct of buy-bust operations, Section 21 of R.A. 9165 requires that: (1) the seized items must be marked, inventoried and photographed immediately after seizure or confiscation; and (2) the marking, physical inventory, and photographing must be done in the presence of (a) the accused or his/her representative or counsel, (b) an elected public official, (c) a representative from the media, and (d) a representative from the Department of Justice (DOJ), all of whom

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¹ *Rollo*, pp. 5-17. Penned by Associate Justice Edward B. Contreras and concurred in by Associate Justices Edgardo L. Delos Santos (now a Member of the Court) and Geraldine C. Fiel-Macaraig.

² *CA rollo*, pp. 39-48. Penned by Judge Rafael Cresencio C. Tan, Jr.

³ Entitled “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.

shall be required to sign the copies of the inventory and be given a copy thereof.⁴ Failure to comply with the foregoing requirement, *i.e.*, the chain of custody, calls into question the very integrity and evidentiary value of the *corpus delicti* and results in the acquittal of the accused.⁵

The presence of the witnesses from the DOJ, media, and from public elective office is necessary to protect against the possibility of planting, contamination, or loss of the seized drug. Using the language of the Court in *People v. Mendoza*,⁶ without the *insulating presence* of the representative from the media or the DOJ and any elected public official during the seizure and marking of the drugs, the evils of switching, “planting” or contamination of the evidence that had tainted the buy-busts conducted under the regime of R.A. 6425 (Dangerous Drugs Act of 1972) again reared their ugly heads as to negate the integrity and credibility of the seizure and confiscation of the subject sachet that was evidence of the *corpus delicti*, and thus adversely affected the trustworthiness of the incrimination of the accused.⁷

Further, the Court has held that the presence of the three witnesses must be secured not only during the inventory but more importantly at the time of the warrantless arrest. It is at this point in which the presence of the three witnesses is most needed, as it is their presence at the time of seizure and confiscation that would belie any doubt as to the source, identity, and integrity of the seized drug. If the buy-bust operation is legitimately conducted, the presence of the insulating witnesses would also controvert the usual defense of frame-up as the witnesses would be able to testify that the buy-bust operation and inventory of the seized drug were done in their presence in accordance with Section 21 of R.A. 9165.⁸

In the instant case, PO1 Briones categorically stated during his direct testimony that none of the required witnesses, *i.e.*, a representative from the media, the DOJ, and an elected public official,⁹ were present at the time of the arrest and seizure and were, in

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⁴ See *People v. Tubera*, G.R. No. 216941, June 10, 2019.

⁵ *Id.*

⁶ 736 Phil. 749 (2014).

⁷ *People v. Tomawis*, G.R. No. 228890, April 18, 2018, 862 SCRA 131, 149. See also *People v. Callejo*, G.R. No. 227427, June 6, 2018, 865 SCRA 405, 430 and *People v. Claudel*, G.R. No. 219852, April 3, 2019.

⁸ *Id.* at 150.

⁹ R.A. 9165, Section 21.

fact, called in only for the signing of the inventory.¹⁰ The Court has held that “[t]he practice of police operatives of not bringing to the intended place of arrest the three witnesses, when they could easily do so — and ‘calling them in’ to the place of inventory to witness the inventory and photographing of the drugs only after the buy-bust operation has already been finished — does **not** achieve the purpose of the law in having these witnesses prevent or insulate against the planting of drugs. x x x [T]he presence of the three witnesses at the time of seizure and confiscation of the drugs must be secured and complied with at the time of the warrantless arrest; such that they are required to be at or near the intended place of the arrest so that they can be ready to witness the inventory and photographing of the seized and confiscated drugs ‘immediately after seizure and confiscation.’”¹¹

Notably, the apprehending team had more than ample time to comply with the requirements established by law. By their own version of the facts, as previously narrated, they received the information from their confidential informant at around 10:00 in the morning on July 17, 2013.¹² They conducted a casing and surveillance operation and called for an operational briefing plan for the buy-bust operation.¹³ The actual buy-bust operation was conducted at 7:10 in the evening,¹⁴ or nine hours after they received the tip. Evidently, the apprehending officers could have quite easily complied with the requirements of the law had they intended to. However, it is clear that the apprehending officers here did not even exert the slightest effort to secure the attendance of the required witnesses to be present at or near the place of apprehension.¹⁵

In addition, a perusal of the lower court’s records categorically shows that neither accused-appellant Vilas nor his representative signed the inventory.¹⁶ It bears emphasis that the signing of the inventory by the accused is not a trivial requirement. The purpose of requiring (1) the physical inventory and photographing of the seized items be conducted in the presence of the accused/his or her representative and the mandatory witnesses and (2) the inventory be signed by all those present “is to ensure the establishment of the chain of custody and remove any suspicion of switching, planting, or

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¹⁰ TSN dated May 8, 2014, p. 11.

¹¹ *People v. Rivera*, G.R. No. 225786, November 14, 2018. Emphasis and underscoring supplied.

¹² *Supra* note 1 at 6.

¹³ *Supra* note 10 at 4.

¹⁴ *Id.* at 5.

¹⁵ *Supra* note 11.

¹⁶ Records, pp. 32-33.

contamination of evidence which could considerably affect a case.”¹⁷ “The failure of the agents to comply with the requirement raises doubt whether what was submitted for laboratory examination and presented in court was actually recovered from appellant. It negates the presumption that official duties have been regularly performed by the police officers.”¹⁸

The Court recognizes that there are instances wherein departure from the aforesaid mandatory procedures is permissible. Section 21 of R.A. 9165, as amended, expressly provides that “non-compliance of 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 and custody over said items.” A plain reading of the provision unequivocally shows, however, that the law requires that the prosecution must: (1) recognize any lapse on the part of the police officers; and (2) justify the same,¹⁹ before the saving clause may be given effect. Unfortunately, the prosecution miserably failed to do so in the instant case.

What puts in doubt the very conduct of the buy-bust operation is the police officers’ deliberate disregard of the requirements of the law, which leads the Court to believe that the buy-bust operation against accused-appellant Vilas may indeed be a mere pretense, a sham.²⁰ To recall, the three required witnesses were not present during the buy-bust operation when the alleged drug was seized from accused-appellant Vilas; hence, there were no unbiased witnesses to prove the veracity of the events that transpired on the day of the incident or whether the said buy-bust operation actually took place.²¹ While PO1 Briones’ version may be true, there were no independent witnesses to corroborate the events leading to accused-appellant Vilas’ arrest and the seizure of the subject drug. The possibility, however slight, that accused-appellant Vilas’ version of the events is true must necessarily tip the scales in his favor. The reason is intuitive — against the virtually limitless power and resources of the State, a person can only rely (1) on his or her right to be presumed innocent until the contrary is proved beyond reasonable doubt and (2) on the court to uphold and give meaning to this right.

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¹⁷ *People v. Moner*, G.R. No. 202206, March 5, 2018, 857 SCRA 242, 278.

¹⁸ *People v. Que*, G.R. No. 212994, January 31, 2018, 853 SCRA 487, 509.

¹⁹ See *People v. Alagarme*, 754 Phil. 449, 461 (2015).

²⁰ *People v. Claudel*, supra note 7.

²¹ *Id.*

The unexplained and unjustified lapses cast reasonable doubt as to the identity and integrity of the drug seized and, consequently, reasonable doubt as to the guilt of accused-appellant Vilas. In view of the foregoing, accused-appellant Vilas must be acquitted because the prosecution failed to prove the *corpus delicti* of the offense charged.

WHEREFORE, in view of the foregoing, the appeal is hereby **GRANTED**. The Decision dated January 29, 2016 of the Court of Appeals in CA-G.R. CR-HC. No. 01920 is hereby **REVERSED** and **SET ASIDE**. Accordingly, accused-appellant **EDUARDO ARAGONES VILAS**, 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 Resolution be furnished the Superintendent of the New Bilibid Prison, Muntinlupa City, for immediate implementation. The said Superintendent is **ORDERED** to **REPORT** to this Court within five (5) days from receipt of this Resolution the action he has taken.

SO ORDERED.”

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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