



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated November 18, 2020 which reads as follows:

“G.R. No. 242943 – (PEOPLE OF THE PHILIPPINES, plaintiff-appellee v. RICHARD SIARSA y BAJO, accused-appellant). - Before the Court is an ordinary appeal¹ filed by Richard Siarsa y Bajo (accused-appellant) assailing the Decision² dated July 31, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 01734-MIN, which affirmed the Decision³ dated June 30, 2017 rendered by the Regional Trial Court (RTC) of Lanao del Norte, Branch 1 in Criminal Case No. 16863 finding accused-appellant guilty beyond reasonable doubt of violating Section 5, Article II of Republic Act (R.A.) No. 9165, otherwise known as the “Comprehensive Dangerous Drugs Act of 2002.”

The Antecedents

On July 26, 2013, an information was filed charging accused-appellant with illegal sale of *shabu*, allegedly committed in this manner:

That on or about July 23, 2013, in the City of Iligan, Philippines, and within the jurisdiction of this Honorable Court, the said [accused-appellant], without authority of law, did then and there willfully, unlawfully and feloniously sell and deliver one (1) heat-sealed transparent plastic sachet containing white crystalline substance or Methamphetamine Hydrochloride, a dangerous drug,

¹ *Rollo*, pp. 15-17.

² *Id.* at 3-14; penned by Associate Justice Oscar V. Badelles and concurred in by Associate Justices Ruben Reynaldo G. Roxas and Tita Marilyn Payoyo-Villordon.

³ *CA rollo*, pp. 56-73; penned by Acting Presiding Judge Ali M. Balindong.

commonly known as shabu for the amount of Php200.00 Philippine Currency.

Contrary to and in violation of Section 5, Article II of Republic Act 9165.⁴

When arraigned, accused-appellant pleaded “not guilty” to the crime charged. Upon termination of the pre-trial conference, trial on the merits ensued.⁵

Version of the Prosecution

Pieced together from the testimonies of Police Officer (PO)1 Mel Bonie Labian (PO1 Labian), Special Police Officer (SPO) 4 Roberto Estoque (SPO4 Estoque), SPO1 Melvin Navales⁶ (SPO1 Navales), Forensic Chemical Officer Police Chief Inspector Erma Salvacion-Sampaga (PCI Sampaga) and Police Inspector Dieryl Delos Santos-Reuyan (PI Reuyan), the parties’ stipulation on the testimony of Barangay Kagawad Evangeline Ebale (Brgy. Kagawad Ebale), as well as the documentary and object evidence presented, the prosecution’s account of the events is as follows:

PO1 Labian was assigned at Iligan City Police Station 5 when, on July 22, 2013, he, together with the station’s confidential agent, conducted a test-buy to confirm the information received that a certain Richard, later on identified as accused-appellant, was selling illegal drugs at Purok 4, Saray, Iligan City. The test-buy resulted in the successful purchase of one sachet of *shabu* worth ₱200.00. PO1 Labian reported this matter to the Deputy Station Commander, P/S Insp. Tongson.⁷

The following day, P/S Insp. Tongson, acting on the said report, formed a buy-bust operation team. During the briefing, PO1 Labian was designated as the poseur-buyer, while SPO4 Estoque was tasked to serve as back-up. SPO1 Navales, as duty investigator, was instructed to conduct the inventory. PO1 Sumaylo and PO3 Salveja were to secure the premises, with PO1 Sumaylo also acting as the photographer. PO1 Labian was given marked money in the amount of

⁴ Id. at 4.

⁵ Id.

⁶ Also appears as “SPO2 Melvin Navales” in some parts of the records.

⁷ *Rollo*, p. 4.

₱200.00. A certificate of coordination was likewise secured by P/S Insp. Tongson from the Philippine Drug Enforcement Agency (PDEA).⁸

At around 10:00 o'clock in the evening, the buy-bust team proceeded to the target area. PO1 Labian and SPO4 Estoque, wearing civilian clothes, boarded a motorcycle while the rest of the team rode the police patrol car. The motorcycle was parked at a nearby basketball court.⁹ PO1 Labian walked towards the target area, followed closely by SPO4 Estoque. Right then, accused-appellant was seen standing in front of the door of his house. PO1 Labian approached him, and the latter asked what he could offer. To which, PO1 Labian replied that he wanted to buy *shabu* worth ₱200.00. At that point, he handed the marked money to accused-appellant and, in exchange, accused-appellant gave him a plastic sachet containing white crystalline substance suspected to be *shabu*. Thereafter, PO1 Labian executed the pre-arranged signal of blinking his flashlight to signify that the sale had been consummated.¹⁰

SPO4 Estoque rushed to the location and assisted PO1 Labian in effecting the arrest of accused-appellant. PO1 Labian recovered the buy-bust money from accused-appellant's possession. SPO4 Estoque, on the other hand, arrested another person named Rey Respecia y Timbang who was found inside accused-appellant's house and was caught holding *shabu* about to sniff the same. SPO4 Estoque called SPO1 Navales to come to accused-appellant's house. He also called Brgy. Kagawad Ebale to witness the marking and inventory of the seized items. When the two arrived, the marking and inventory were done by SPO1 Navales in the presence of accused-appellant, Brgy. Kagawad Ebale, and the other police officers. In particular, SPO1 Navales marked the plastic sachet subject of sale with "RS-BB" while PO1 Sumaylo took photographs.¹¹

Subsequently, SPO1 Navales informed accused-appellant of his constitutional rights and brought him, as well as the seized items, to the police station. Thereat, he prepared all the necessary documents, including the letter-request for laboratory examination of the plastic sachet of suspected *shabu*. As it was already late in the night, he put

⁸ Id.

⁹ Id. at 4-5.

¹⁰ Id. at 5; CA *rollo*, p. 66.

¹¹ Id. at 6; CA *rollo*, p. 66.

the plastic sachet in the evidence locker room and decided to bring it, along with the letter-request, to the crime laboratory the next day.¹²

In the morning of July 24, 2013, SPO1 Navales, accompanied by SPO4 Estoque, delivered the letter-request and the plastic sachet of suspected *shabu* to PNP Iligan City Crime Laboratory. Both were received by PI Reuyan, the administrative officer and receiving clerk of the crime laboratory. Upon receipt, she immediately called Forensic Chemical Officer PCI Sampaga who was then at the Philippine National Police (PNP) Crime Laboratory Office of Region X at Camp Evangelista, Patag, Cagayan de Oro City, to inform her about the said letter-request and the drug specimen attached thereto. In the meantime, she kept them inside the steel cabinet.¹³

When PCI Sampaga arrived at around 1:30 p.m., PI Reuyan handed to her the letter-request and the plastic sachet of suspected *shabu*. Accordingly, PCI Sampaga conducted a qualitative examination of the drug specimen. Per Chemistry Report No. D-69-2013, the specimen weighing about 0.02 gram was found positive for the presence of Methamphetamine Hydrochloride, a dangerous drug commonly known as *shabu*.¹⁴

After which, PCI Sampaga placed her own marking, "AD-69-2013-ECSS," on the specimen before turning it over to the laboratory's evidence custodian, PO1 Roel Balidoc, the same person from whom she retrieved it for presentation to the court during trial.¹⁵

Version of the Defense

The defense presented the lone testimony of accused-appellant, who vehemently denied the accusation that he was engaged in the illegal sale of dangerous drugs.

Accused-appellant recounted that on the date of the incident, July 23, 2013, he was inside his mother-in-law's house at Purok 4, Saray, Iligan City. He claimed that after dinner, his wife and his mother-in-law left to attend a vigil in the neighborhood while he went

¹² Id. at 5; *CA rollo*, p. 67.

¹³ Id.; *CA rollo*, pp. 60, 67.

¹⁴ Id. at 5-6; *CA rollo*, pp. 58-59, 67.

¹⁵ Id. at 6; *CA rollo*, p. 59.

to sleep. At about 10:00 p.m., he was awakened by two men who supposedly wanted to play *video karera*. When he opened the gate, he informed them that his mother-in-law, the caretaker of the *video karera* machines, was not around and that he would have to call her to get permission. However, upon calling, his mother-in-law did not agree to it, so he asked them to leave. It was then that the two men declared a raid and ordered him to lie down. Several other men arrived at the house and took the *video karera* machines. Later on, he was shown a plastic sachet of *shabu* and was compelled to admit ownership thereof, to which he protested. Thereafter, barangay officials came. He then told Brgy. Kagawad Ebale that he was not involved in selling drugs.¹⁶

On June 30, 2017, the RTC rendered a Decision,¹⁷ the decretal portion of which reads:

WHEREFORE, premises considered, this Court hereby finds RICHARD SIARSA y Baho [sic], GUILTY beyond reasonable doubt for the offense of violation of section 5, Article II of Republic Act No. 9165 and hereby sentences him to suffer the penalty of life imprisonment without eligibility for parole and a fine of One Million Pesos (P1,000,000.00)

SO ORDERED.¹⁸

The RTC was convinced that all the elements of illegal sale of dangerous drugs have been duly proven by the prosecution. In convicting accused-appellant, the trial court gave more credence to the testimonies of the police officers who participated in the buy-bust operation *vis-a-vis* the unsubstantiated and uncorroborated allegation of frame-up by accused-appellant. It held that the former deserves full faith and credit based on the presumption of regularity in the performance of official duty and for lack of evidence that the police officers were inspired by ill-motive to impute a serious crime against accused-appellant. It further held that the confiscation of the *video karera* machines was merely incidental to the buy-bust operation.¹⁹

In its July 31, 2018 Decision,²⁰ the CA affirmed accused-appellant's conviction. It joined the RTC in giving credence to the

¹⁶ Id.; CA *rollo*, pp. 63-64, 67.

¹⁷ CA *rollo*, pp. 56-73.

¹⁸ CA *rollo*, p. 73.

¹⁹ Id. at 70-73.

²⁰ *Rollo*, pp. 3-14.

testimonies of the police officers who conducted the buy-bust operation against accused-appellant, buttressed by the presumption that they have regularly performed their duties. Moreover, the CA elucidated that failure to immediately mark the sachet of *shabu* seized from accused-appellant did not render it inadmissible in evidence. It declared that despite non-compliance with the requirements of Section 21 of R.A. No. 9165, the integrity and evidentiary value of the seized drug had been properly preserved through an unbroken chain of custody established by the prosecution.

The *fallo* of the Decision states:

WHEREFORE, premises considered, the 30 June 2017 Decision of the RTC, Branch 1, in Criminal Case No. 16863, is hereby AFFIRMED.

SO ORDERED.²¹

Hence, this appeal.

Our Ruling

The appeal is meritorious.

For a successful prosecution of illegal sale of dangerous drugs under Section 5, Article II of R.A. No. 9165, the following elements must be satisfied: (1) the identity of the buyer and the seller, the object of the sale, and the consideration; and (2) the delivery of the thing sold and the payment therefor. The delivery of the illicit drug to the poseur-buyer and the receipt by the seller of the marked money consummate the illegal transaction. What is material is the proof that the transaction or sale transpired, coupled with the presentation in court of the prohibited drug, the *corpus delicti*, as evidence.²²

In all prosecutions for violations of R.A. No. 9165, the *corpus delicti* is the dangerous drug itself, the existence of which is essential to a judgment of conviction.²³ It is of utmost importance that the integrity and identity of the seized drug must be shown to have been

²¹ Id. at 13-14.

²² *People v. Eda*, 793 Phil. 885, 896-897 (2016).

²³ *People v. Jaafar*, 803 Phil. 582, 591 (2017).

duly preserved.²⁴ This requirement necessarily arises from the illegal drug's unique characteristic that renders it indistinct, not readily identifiable, and easily open to tampering, alteration, or substitution either by accident or otherwise.²⁵ Thus, to remove any doubt or uncertainty on the identity and integrity of the seized drug, evidence must definitely show that the illegal drug presented in court is the same illegal drug actually recovered from the accused; otherwise, the prosecution for possession or sale fails.²⁶

A buy-bust operation is a form of entrapment employed by peace officers to apprehend prohibited drug law violators in the act of committing a drug-related offense. Because of the built-in danger for abuse that a buy-bust operation carries, it is governed by specific procedures on the seizure and custody of drugs, separately from the general law procedures geared to ensure that the rights of people under criminal investigation and of the accused facing a criminal charge are safeguarded.²⁷ This finds significance especially when only a miniscule amount of dangerous drugs is involved, as in this case where a mere 0.02 gram of *shabu* was purportedly seized from accused-appellant. Hence, in *People v. Holgado*,²⁸ the Court underscores the need for more exacting compliance with Section 21 of R.A. 9165.

In this regard, Section 21, paragraph 1, Article II of R.A. No. 9165, the applicable law at the time of the commission of the alleged crime,²⁹ lays down the procedure to be observed by the apprehending officers to properly preserve the integrity and evidentiary value of the illegal drugs seized, *viz.*:

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

²⁴ *People v. Ismael*, 806 Phil. 21, 29 (2017).

²⁵ *People v. Nuarin*, 764 Phil. 550, 557 (2015).

²⁶ *People v. Prudencio*, 800 Phil. 128, 136 (2016).

²⁷ *People v. Sanchez*, 590 Phil. 214, 230 (2008).

²⁸ 741 Phil. 78 (2014).

²⁹ REPUBLIC ACT NO. 10640 entitled "An Act to Further Strengthen the Anti-Drug Campaign of the Government, Amending for the Purpose Section 21 Of Republic Act No. 9165, Otherwise Known as the 'Comprehensive Dangerous Drugs Act Of 2002'" was approved on July 15, 2014.

laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

(1) 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.

The aforequoted provision is expounded in Section 21(a), Article II of the Implementing Rules and Regulations (IRR) of R.A. No. 9165, which states:

(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.

Based on the foregoing, the basic requirement on the proper disposition of confiscated, seized, and/or surrendered dangerous drugs enjoins the members of the apprehending team having initial custody and control of the illicit drugs to conduct the (1) marking; (2) inventory; and (3) photograph taking of the seized illegal drugs immediately after seizure in the presence of: (a) the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel; (b) a representative from the media; (c) a representative from the DOJ; and (d) any elected public official.

The requirement of having an elected public official and representatives from the media and the DOJ to personally witness the

marking, inventory, and photographing of the seized illegal drugs is not a burden imposed upon police officers in the conduct of legitimate buy-bust operations. On the contrary, it serves to protect them from accusations of planting, switching, or tampering of evidence in support to the government's strong stance against drug addiction.³⁰ This is further elaborated upon by the Court in *People v. Tomawis*.³¹

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*, 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 RA 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.

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 drugs were done in their presence in accordance with Section 21 of RA 9165.

The 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.

To restate, the 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

³⁰ *People v. Tayan*, G.R. No. 242160, July 8, 2019.

³¹ 830 Phil. 385 (2018).

are required to be at or near the intended place of arrest so that they can be ready to witness the inventory and photographing of the seized and confiscated drugs “immediately after seizure and confiscation.”³² (Citation omitted, emphasis, italics, and underscoring in the original)

In the present case, the three required witnesses were not present during the buy-bust operation allegedly conducted. No one but the police officers witnessed the supposed buy-bust operation. Without the presence of the three disinterested witnesses at the time of the warrantless arrest of accused-appellant, there could be no means to verify whether the buy-bust operation actually took place. It therefore casts doubt as to the origin of the seized drug and reasonably arouses the suspicion of frame-up or planting of evidence.

Moreover, considering that the buy-bust operation was preceded by a test-buy, the police officers had ample time to secure the presence of the three required witnesses, but failed to do so. Accused-appellant was already apprehended when the elected public official, Brgy. Kagawad Ebale, was called in and eventually arrived at the place of arrest to witness the marking, inventory and photograph taking of the confiscated items. Also, there were no representatives from the media and the DOJ.

Failure to comply with Section 21 implies a concomitant failure on the part of the prosecution to establish the identity of the *corpus delicti*,³³ an essential element of the offense of illegal sale of dangerous drugs.

The Court is not unaware of the saving clause under Section 21 which articulates that failure of the apprehending team to strictly comply with the procedure does not *ipso facto* render the seizure and custody over the items as void and invalid, provided that: (a) there is justifiable ground for non-compliance; and (b) the integrity and evidentiary value of the seized items are properly preserved.

In *People v. Garcia*,³⁴ the Court stated that “the saving clause applies only where the prosecution recognized the procedural lapses,

³² Id. at 409.

³³ *People v. Morales y Midarasa*, 630 Phil. 215, 229 (2010).

³⁴ 599 Phil. 416 (2009).

and thereafter cited justifiable grounds.”³⁵ In *People v. De Guzman y Danzil*,³⁶ it was emphasized that the justifiable ground for non-compliance must be proven as fact because the court cannot presume what these grounds are or that they even exist.³⁷ Thus, in *People v. Angeles*,³⁸ prosecutors were reminded of their two-fold duty of identifying any lapse in the procedure and proving the existence of sufficient reason why it was not strictly followed.³⁹

Here, no sufficient justifiable reason was given by the prosecution for non-compliance with the prescribed procedure, *i.e.*, lack of representatives from the media and the DOJ. Neither was it shown that the police officers exerted efforts to comply therewith. Even assuming that there exist justifiable grounds for the relaxation of the procedure, substantial compliance was still unwarranted because the integrity and evidentiary value of the drug seized from accused-appellant were not preserved.

The integrity and evidentiary value of the seized items are properly preserved as long as the chain of custody of the same is established.⁴⁰ “Chain of Custody” means the duly recorded authorized movements and custody of seized drugs or controlled chemicals or plant sources of dangerous drugs or laboratory equipment of each stage, from the time of seizure/confiscation to receipt in the forensic laboratory to safekeeping to presentation in court for destruction. Such record of movements and custody of seized item shall include the identity and signature of the person who held temporary custody of the seized item, the date and time when such transfer of custody were made in the course of safekeeping and used in court as evidence, and the final disposition.⁴¹

Jurisprudence dictates the links that must be established in the chain of custody in a buy-bust situation, such as the instant case, to wit: *first*, the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer; *second*, the turnover of the illegal drug seized by the apprehending officer to the investigating officer; *third*, the turnover by the investigating officer of

³⁵ Id. at 432-433.

³⁶ 630 Phil. 637 (2010).

³⁷ Id. at 649.

³⁸ G.R. No. 218947, June 20, 2018, 867 SCRA 281.

³⁹ Id. at 292.

⁴⁰ *People v. Salvador*, 726 Phil. 389, 405 (2014).

⁴¹ Section 1(b) of the Dangerous Drugs Board Regulation No. 1, Series of 2002.

the illegal drug to the forensic chemist for laboratory examination; and *fourth*, the turnover and submission of the marked illegal drug seized from the forensic chemist to the court.⁴²

Marking after seizure is the starting point in the custodial link.⁴³ Marking, which is the affixing on the dangerous drugs or related items by the apprehending officer or the poseur-buyer of his initials or signature or other identifying signs, should be made in the presence of the apprehended violator immediately upon arrest. The importance of the prompt marking cannot be denied, because succeeding handlers of dangerous drugs or related items will use the marking as reference. Also, the marking operates to set apart as evidence the dangerous drugs or related items from other material from the moment they are confiscated until they are disposed of at the close of the criminal proceedings, thereby forestalling switching, planting or contamination of evidence. In short, the marking immediately upon confiscation or recovery of the dangerous drugs or related items is indispensable in the preservation of their integrity and evidentiary value.⁴⁴

In this case, it is evident that there was a break in the very first link of the chain when PO1 Labian and SPO4 Estoque failed to immediately mark the sachet of *shabu* recovered from accused-appellant. We cannot subscribe to the Court of Appeals' ratiocination that there was little or no chance for either of them to mark the same as another person by the name of Rey Respecia y Timbang was also arrested during the incident.⁴⁵ To our mind, it is with more reason that the seized drug should have been immediately marked to avoid commingling of evidence.

It was only after the duty investigator, SPO1 Navales, arrived at the place of arrest that the said item was marked. However, it is worth noting that the marking was done by SPO1 Navales who was neither the poseur-buyer nor the apprehending officer. More importantly, he was not even present during the buy-bust operation and the seizure that followed. For these reasons, there could be no assurance that what was turned over to him for marking was the same item purportedly seized from accused-appellant. Because of such significant gap, the integrity and evidentiary value of the seized drug can be said to have

⁴² *People v. Arposeple*, 821 Phil. 340, 364 (2017).

⁴³ *People v. Sabdula*, 733 Phil. 85, 95 (2014).

⁴⁴ *People v. Gonzales*, 708 Phil. 121, 130-131 (2013).

⁴⁵ *Rollo*, pp.10-11.

been compromised as the possibility of switching, planting, or contamination had not been forestalled.

Absent therefore the certainty that the item that was marked, subjected to laboratory examination, and presented as evidence in court was exactly that which was allegedly seized from accused-appellant, there would be no need to proceed to evaluate the succeeding links or to determine the existence of the other elements of the charge against accused-appellant. Clearly, the case for the prosecution had been irreversibly lost as a result of the weak first link irretrievably breaking away from the main chain.⁴⁶

Furthermore, taking into account the procedural lapses committed by the police in handling the seized *shabu*, the presumption of regularity in the performance of duties cannot apply. The presumption applies only when officers have shown compliance with “the standard of conduct of official duty required by law.”⁴⁷ Therefore, both the RTC and the CA erred in convicting accused-appellant by relying on such presumption.

No less than the Constitution mandates that an accused shall be presumed innocent until the contrary is proved.⁴⁸ The burden lies with the prosecution to overcome this presumption of innocence by presenting proof beyond reasonable doubt. The prosecution must rest on its own merits and must not rely on the weakness of the defense. If the prosecution fails to meet the required evidence, the defense does not even need to present evidence in its own behalf; the presumption prevails and the accused should be acquitted.⁴⁹ Here, the prosecution failed to discharge its burden. Perforce, accused-appellant's acquittal is in order.

WHEREFORE, premises considered, the appeal is **GRANTED**. The assailed Decision dated July 31, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 01734-MIN is **REVERSED and SET ASIDE**. Accordingly, accused-appellant **RICHARD SIARSA y BAJO** is **ACQUITTED** of the crime charged against him for failure of the prosecution to prove his guilt beyond reasonable doubt. He is **ORDERED IMMEDIATELY RELEASED** from detention, unless

⁴⁶ *People v. Arposeple*, supra note 42 at 368-369.

⁴⁷ *People v. Que*, 824 Phil. 882, 899 (2018).

⁴⁸ 1987 CONSTITUTION, Article III, Section 14(2).

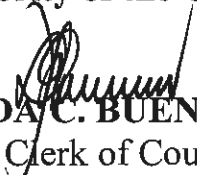
⁴⁹ *People v. Diputado*, 813 Phil. 160, 176-177 (2017).

he is confined for any other lawful cause. Let entry of final judgment be issued immediately.

Let a copy of this Resolution be furnished to the Superintendent of the Davao Prison and Penal Farm for immediate implementation. The said Superintendent is **DIRECTED** to **REPORT** to this Court, within five (5) days from receipt of this Resolution, the action he has taken.

SO ORDERED.” Carandang, J., on official leave.

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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