



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE  
RECEIVED  
AUG 19 2020  
BY: HENRY  
TIME: 1:44 PM

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **February 19, 2020**, which reads as follows:

“G.R. No. 228780 (*People of the Philippines v. Cresencio Centilles y Barleta*). – On appeal is the Decision<sup>1</sup> dated August 28, 2015 of the Court of Appeals (CA) in CA-G.R. CR No. 35871. The CA affirmed the Judgment<sup>2</sup> dated February 18, 2013 of the Regional Trial Court (RTC) of Calamba City, Branch 35, convicting accused-appellant Cresencio Centilles y Barleta (Centilles) for violating Section 5, Article II of Republic Act No. (R.A.) 9165,<sup>3</sup> with modification as to penalty.

**Facts of the Case**

The Information<sup>4</sup> against Centilles read:

That on or about 20 February 2011, in Brgy. San Isidro, Municipality of Calauan, Province of Laguna and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously sell and deliver one (1) small elongated heat sealed transparent plastic sachet containing 0.02 gram of Methamphetamine hydrochloride, a dangerous drug, without the corresponding authority of law.<sup>5</sup>

When arraigned, Centilles entered the plea of *not guilty*.<sup>6</sup> Trial thus ensued.

The prosecution presented the following witnesses: (1) Forensic Chemist Lalaine Ong Rodrigo (FC Rodrigo);<sup>7</sup> (2) Police Officer 2 Elbert M.

<sup>1</sup> Penned by Associate Justice Rodil V. Zalameda (now a Member of this Court), with Associate Justices Sesinando E. Villon and Pedro B. Corales, concurring; CA *rollo*, pp. 141-153.

<sup>2</sup> Penned by Judge Gregorio M. Velasquez; records, pp. 185-189.

<sup>3</sup> Otherwise known as the “Comprehensive Dangerous Drugs Act of 2002.”

<sup>4</sup> Records, pp. 1-2.

<sup>5</sup> Id.

<sup>6</sup> Id. at 36.

<sup>7</sup> TSN dated June 27, 2011, pp. 1-6.

Santos (PO2 Santos);<sup>8</sup> and (3) Senior Police Inspector 1 Victor Mortel (SPO1 Mortel).<sup>9</sup> The defense presented Centilles and Kagawad Jaime Ventura (Kgd. Ventura) of Barangay (Bgy.) San Isidro.<sup>10</sup>

The evidence of the prosecution established that on February 20, 2011 around 10:00 a.m., a confidential informant reported to SPO1 Mortel at the Intelligence Operatives and Investigation Unit of the Calauan Police Station that Centilles was peddling illegal drugs in his residence.<sup>11</sup> A buy-bust team was formed with PO2 Santos assigned as *poseur*-buyer and SPO1 Mortel designated as back-up with other officers.<sup>12</sup> A ₱500.00 bill<sup>13</sup> (Exh. D) was pre-marked as the buy-bust money.

At 12:15 p.m., the buy-bust team went to the barangay hall of Barangay San Isidro and recorded the planned buy-bust operation in the barangay's blotter.<sup>14</sup> Around 1:30 p.m., PO2 Santos and the informant walked to Centilles' residence. The back-up positioned themselves some 10-12 meters from Centilles' house.<sup>15</sup> The informant introduced PO2 Santos to Centilles. PO2 Santos then handed the ₱500.00 bill and said "*Eto ang pambili ko.*"<sup>16</sup> Centilles took the marked money and placed it in his left pocket. Centilles then took out the *shabu* from his right pocket and handed it to PO2 Santos. Upon receiving the plastic sachet (Exh. A-3), PO2 Santos executed the pre-arranged signal of removing his cap to signify consummation of the transaction.<sup>17</sup> The back-up team then proceeded to Centilles' house. Upon seeing the buy-bust team, Centilles ran inside his house to the comfort room and flushed something down the toilet.<sup>18</sup> Centilles was informed of his constitutional rights while they were arresting him.<sup>19</sup> Thereafter, PO2 Santos recovered the ₱500.00 bill from Centilles.<sup>20</sup>

At the Calauan Police Station, the buy-bust team entered the details of the operation into the blotter. Inventory, request for laboratory examination, and sworn statements of SPO1 Mortel and PO2 Santos were prepared at the police station.<sup>21</sup> The Certificate of Inventory<sup>22</sup> states that the following were seized from Centilles: (1) "one x x x small heat sealed transparent plastic sachet containing white crystalline substance suspectedly *shabu* (methamphetamine hydrochloride)"<sup>23</sup>; and (2) "one x x x piece Five

<sup>8</sup> TSN dated July 11, 2011, pp. 1-20.

<sup>9</sup> TSN dated September 19, 2011, pp. 1-20.

<sup>10</sup> TSN dated May 21, 2012, pp. 1-9.

<sup>11</sup> TSN dated July 11, 2011, p. 4; TSN dated September 19, 2011, pp. 3-4.

<sup>12</sup> TSN dated July 11, 2011, p. 5.

<sup>13</sup> See records, p. 23.

<sup>14</sup> Id.

<sup>15</sup> Id.; See TSN dated September 19, 2011, p. 7-8.

<sup>16</sup> TSN July 11, 2011, p. 6.

<sup>17</sup> Id.

<sup>18</sup> Id. at 6-7. See TSN dated September 19, 2011, p. 9-10.

<sup>19</sup> TSN dated September 19, 2011, p. 9.

<sup>20</sup> TSN dated July 11, 2011, p. 7.

<sup>21</sup> Id. at 7, 9.

<sup>22</sup> Records, p. 19.

<sup>23</sup> Id.

Hundred Peso Bill marked money with SN: CB350479.”<sup>24</sup> The Certificate of Inventory was signed by a certain Levy Tatad (media representative connected with DZRH) and a certain Myrold S. Gonzales (Bgy. Kagawad of Bgy. San Isidro).<sup>25</sup>

PO2 Santos delivered the seized plastic sachet to the Regional Crime Laboratory Office 4A of Calabarzon.<sup>26</sup> Per Chemistry Report No. D-137-11,<sup>27</sup> FC Rodrigo received at 11:25 p.m. of the same day “[o]ne (1) transparent plastic bag marked as ‘CBC-1’ containing one (1) small elongated heat-transparent plastic sachet containing 0.02 gram of white crystalline substance marked as ‘CBC.’”<sup>28</sup> The qualitative examination yielded a positive result that “[s]pecimen A contains Methamphetamine hydrochloride, a dangerous drug.”<sup>29</sup>

During the prosecution’s formal offer of evidence, the defense objected<sup>30</sup> to the Certificate of Inventory for failing to comply with the guidelines prescribed by Section 21, Article II of R.A. 9165.<sup>31</sup> Thereafter, the defense presented Centilles and Kgd. Ventura.

Centilles alleged that on February 20, 2011, between 12:00 noon and 1:00p.m., he was cooking inside his house when police officers went into his house and arrested him without a warrant.<sup>32</sup> At that time, he was under probation for a previous criminal case for illegal sale of dangerous drugs. He pleaded guilty to the previous criminal case in order to finish the case as soon as possible.<sup>33</sup> Centilles claimed that the police who arrested him on February 20, 2011 attempted to extort ₱50,000.00 from him.<sup>34</sup>

Kgd. Ventura testified that he was at the Bgy. San Isidro’s barangay hall on February 20, 2011 when he and four Barangay Tanods were called by Centilles’ mother. They proceeded to Centilles’ house but were prohibited by four to five police men from entering. Kgd. Ventura denied that there was any coordination between the buy-bust team and the barangay officials of Barangay San Isidro.<sup>35</sup>

After evaluating the evidence for the prosecution and the defense, the RTC found Centilles guilty of violating Section 5, Article II of R.A. 9165. The dispositive portion of the RTC’s Judgment<sup>36</sup> dated February 18, 2013 states:

---

<sup>24</sup> Id.  
<sup>25</sup> See TSN dated July 11, 2011, p. 11.  
<sup>26</sup> Id. See also records, p. 17.  
<sup>27</sup> Records, p. 17.  
<sup>28</sup> Id.  
<sup>29</sup> Id.  
<sup>30</sup> TSN dated September 19, 2011 pp. 12-20.  
<sup>31</sup> Id. at 20.  
<sup>32</sup> TSN dated November 14, 2011, pp. 3-4.  
<sup>33</sup> Id. at 4-5.  
<sup>34</sup> Id. at 5.  
<sup>35</sup> TSN dated May 21, 2012, pp. 3-5.  
<sup>36</sup> Supra note 2.

WHEREFORE, this Court finds the accused Cresencio Centilles y Barleta GUILTY beyond reasonable doubt of Violation of Section 5, Article II of R.A. 9165 and hereby sentences him to suffer the penalty of TWELVE (12) YEARS and ONE (1) DAY as minimum to TWENTY (20) YEARS as maximum and to pay a fine of Three Hundred Thousand Pesos (Php300,000.00).

The shabu seized from the accused is hereby confiscated in favor of the government and should be turned-over to the Philippine Drug Enforcement Agency (PDEA) for disposition in accordance with law.<sup>37</sup>

The RTC gave credence to the testimonies of the police officers as against Centilles' mere denial. The trial court ruled that PO2 Santos' testimony proved (1) Centilles as the seller; (2) PO2 Santos as the *poseur-buyer*; (3) the *shabu* sold as the object of the sale; (4) the ₱500.00 consideration; and (5) the fact of sale. SPO1 Mortel's testimony, on the other hand, corroborated PO2 Santos' testimony on all material points. While the RTC noted the absence of a photograph showing the conduct of an inventory in the presence of the accused or the latter's counsel/representative, it ruled that such lapse does not cast doubt on the integrity of the specimen presented in court as reasonable steps were taken by the prosecution to preserve the seized specimen's integrity. While the trial court noted Centilles' qualified admission to the chemistry report (*i.e.*, the accused claimed that the specimen submitted to the laboratory did not come from him), the RTC brushed it aside because of PO2 Santos' testimony that the *shabu* was with him from the time Centilles handed him the *shabu* to the time it was delivered to the laboratory for examination.<sup>38</sup>

Centilles appealed his conviction with the CA. In his Brief,<sup>39</sup> Centilles alleged that there was serious doubt on the conduct of the actual buy-bust operation. Centilles insisted that the absence of a barangay or police blotter negates the prosecution's claim that the planned buy-bust operation was recorded in Bgy. San Isidro's blotter. Centilles alleged that the Pre-Operation/Coordination Sheet<sup>40</sup> indicated another target person, *i.e.*, a certain alias Emil.<sup>41</sup> Centilles raised PO2 Santos' failure to immediately mark the seized drugs and that "no evidence was presented as to whom the subject drug was turned over and the precautions taken in preserving its integrity and identity pending delivery to the crime laboratory for examination."<sup>42</sup> Centilles emphasized that the Inventory Receipt<sup>43</sup> was not signed by (1) Centilles or his representative, and (2) a representative of the Department of Justice (DOJ). The media representative and elected official

<sup>37</sup> Records, p. 189.

<sup>38</sup> Id. at 188.

<sup>39</sup> CA rollo, pp. 61-76.

<sup>40</sup> Records, p. 22.

<sup>41</sup> CA rollo, p. 69.

<sup>42</sup> Id. at 72.

<sup>43</sup> Records, p. 19.

were not presented in court to identify and authenticate the Inventory Receipt. Thus, the prosecution failed to comply with Section 21, Article II of R.A. 9165.<sup>44</sup>

The Office of the Solicitor General (OSG), appearing for the prosecution, claimed that the signatures of the media representative and elected official substantially complied with the requirements of R.A. 9165. It explained that R.A. 9165 and its implementing rules did not require the presentation of insulating witnesses during trial.<sup>45</sup> The OSG emphasized that the evidence presented in court did not show any bad faith or ill will on the part of the police officers that would lead one to discredit their testimonies. Thus, the police officers are presumed to have acted regularly in the performance of their duties.<sup>46</sup>

In its August 28, 2015 Decision,<sup>47</sup> the CA affirmed the RTC Decision. The CA held that the prosecution was not required to present the barangay/police blotter to secure a conviction. Neither is the buy-bust team mandated to record the planned buy-bust operation. The CA concluded that “there was no hiatus or confusion in the confiscation, handling, custody and examination of the ‘shabu.’”<sup>48</sup> The dispositive portion of the Decision reads:

WHEREFORE, premises considered, the instant Appeal is DENIED and the Decision dated 18 February 2013 rendered by Branch 35, Regional Trial Court of Calamba City, is hereby AFFIRMED but MODIFIED in that accused-appellant is sentenced to suffer the penalty of life imprisonment and a fine in the amount of five hundred thousand (P500,000.00) pesos.

SO ORDERED.<sup>49</sup>

With Centilles’ Motion for Reconsideration<sup>50</sup> denied in a Resolution<sup>51</sup> dated May 19, 2016, Centilles filed a Notice of Appeal<sup>52</sup> before the CA. Both the OSG and Centilles manifested that they will no longer file any supplemental brief.<sup>53</sup>

### Issue

The sole issue to be determined is whether the prosecution established Centilles’ guilt beyond reasonable doubt.

---

<sup>44</sup> CA *rollo*, pp. 73-74.  
<sup>45</sup> Id. at 121.  
<sup>46</sup> Id. at 124.  
<sup>47</sup> Supra note 1.  
<sup>48</sup> CA *rollo*, pp. 149-151.  
<sup>49</sup> Id. at 152.  
<sup>50</sup> Id. at 163-170.  
<sup>51</sup> Id. at 184-185.  
<sup>52</sup> Id. at 186-187.  
<sup>53</sup> *Rollo*, pp. 27-29, 36-38.

### Ruling of the Court

The prosecution failed to prove the identity of the *corpus delicti* because of the broken link in the chain of custody.<sup>54</sup> Centilles should be acquitted of the crime charged.

An accused shall only be convicted of the crime charged once it has been established with certainty that the drugs examined and presented in court were the very ones seized.<sup>55</sup> To satisfy this requirement, the procedure under Section 21<sup>56</sup> of R.A. 9165 must be complied with.

The prosecution failed to show that the buy-bust team strictly complied with the requirements under Section 21 of R.A. 9165. Neither was it able to justify the buy-bust team's non-compliance.

The prosecution never established *when* the 0.02 gram of *shabu* sold by Centilles was marked. While PO2 Santos' testimony disclosed that he placed the mark "CBC" on the plastic sachet of *shabu*, there was no information as to the time and place it was made.<sup>57</sup> SPO1 Mortel testified that he was beside

<sup>54</sup> *People v. Carlit*, 816 Phil. 940, 952 (2017).

<sup>55</sup> *People v. Ramos*, G.R. No. 225325, August 28, 2019, citing *People v. Nandi*, 639 Phil. 134, 142 (2010).

<sup>56</sup> The pertinent portion of Section 21, Article II of R.A. 9165 states:

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

(1) The apprehending 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;

(2) Within twenty-four (24) hours upon confiscation/seizure of dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment, the same shall be submitted to the PDEA Forensic Laboratory for a qualitative and quantitative examination;

(3) A certification of the forensic laboratory examination results, which shall be done under oath by the forensic laboratory examiner, shall be issued within twenty-four (24) hours after the receipt of the subject item/s: *Provided*, That when the volume of the dangerous drugs, plant sources of dangerous drugs, and controlled precursors and essential chemicals does not allow the completion of testing within the time frame, a partial laboratory examination report shall be provisionally issued stating therein the quantities of dangerous drugs still to be examined by the forensic laboratory: *Provided, however*, That a final certification shall be issued on the completed forensic laboratory examination on the same within the next twenty-four (24) hours;

x x x x

<sup>57</sup> TSN dated July 11, 2011, p. 12.

PO2 Santos when marking was done. Still, there was no statement as to when and where marking was made.<sup>58</sup>

The Certificate of Inventory does not state the specific markings made on the *shabu* seized.<sup>59</sup> The first time markings of “CBC” and “CBC-1” on the plastic sachet seized from Centilles were mentioned was in the request for laboratory examination.<sup>60</sup> Thus, there is no certainty that the *shabu* stated in the Certificate of Inventory (but was not marked) and delivered to the forensic chemist was the same *shabu* confiscated from the accused.

“It has been held that there is a gap or break in the fourth link of the chain of custody where there is absence of evidence to show how the seized *shabu* was handled, stored, and safeguarded pending its presentation in court.”<sup>61</sup> The procedure laid down in Section 21, Article II of R.A. 9165 becomes more important because “the likelihood of tampering, loss or mistake with respect to an exhibit is greatest when the exhibit is small and is one that has physical characteristics fungible in nature and similar in form to substances familiar to people in their daily lives.”<sup>62</sup> As stated by this Court in *People v. Holgado*,<sup>63</sup> “[w]hile the miniscule amount of narcotics seized is by itself not a ground for acquittal, this circumstance underscores the need for more exacting compliance with Section 21.”<sup>64</sup> Note that the buy-bust operation was conducted at 1:30 p.m. However, the crime laboratory received the plastic sachet for examination at 11:25 p.m. Without marking the sachet immediately after seizure or during inventory, there is no certainty that the item submitted to the crime laboratory (after almost 10 hours from the buy-bust operation) was the same one seized from Centilles.

On this ground alone, Centilles should be acquitted of the crime charged.

The apprehending officers also admitted that they did not conduct an inventory of the seized item immediately after its confiscation. PO2 Santos claimed that the buy-bust team, with Centilles, proceeded to the Barangay Hall of Barangay San Isidro (located some 10-15 meters away from Centilles’ house)<sup>65</sup> prior to going to the Calauan police station.<sup>66</sup> The buy-bust team could have conducted the inventory at the barangay hall but did not do so. This is aside from SPO1 Mortel’s differing testimony where he stated that they headed straight to the Calauan police station after arresting Centilles.<sup>67</sup> In either case, no explanation was given to justify marking at the Calauan police station.

<sup>58</sup> TSN dated September 19, 2011, p. 13.

<sup>59</sup> Records, p. 19.

<sup>60</sup> Id. at 21.

<sup>61</sup> *People v. Plaza*, G.R. No. 235467, August 20, 2018, citing *People v. Villarta*, G.R. No. 217887, March 14, 2018.

<sup>62</sup> *People v. Holgado*, 741 Phil. 78, 92 (2014), citing *Malilin v. People*, 576 Phil. 576, 588 (2008).

<sup>63</sup> 741 Phil. 78 (2014).

<sup>64</sup> Id. at 99.

<sup>65</sup> TSN dated July 11, 2011, p. 15.

<sup>66</sup> Id. at 7, 17.

<sup>67</sup> See TSN dated September 19, 2011, p. 10.

The prosecution failed to comply with the witness requirement under Section 21, Article II of R.A. 9165.

Since the Information alleged that Centilles was caught selling *shabu* on February 20, 2011, the drugs law in effect was still R.A. 9165. Under Section 21(1), Article II of R.A. 9165 and its implementing rules, inventory and photograph taking of the drugs seized must be in the presence of the accused or his/her representative/counsel, DOJ and media representatives, and any elected public official (three-witness rule). Non-compliance with the three-witness rule may be permitted only if the prosecution proves that the apprehending officers exerted genuine, sufficient, and earnest efforts, but failed to secure the presence of said witnesses. Here, there was no explanation as to why the apprehending team failed to secure the presence of a DOJ representative. There was no statement proving any genuine and earnest efforts exerted by the buy-bust team to secure the DOJ representative's presence.

Note that the police officers received confidential information about Centilles' illegal activities around 10:00 a.m., while Centilles' arrest transpired at 1:30 p.m. The police officers had more than 3 hours from the moment they received the confidential information to secure the required witnesses under R.A. 9165.

The abovementioned lapses on the source, identity, and integrity of the drugs allegedly seized from Centilles leave the prosecution falling short of the required evidence to prove the guilt of the accused beyond reasonable doubt.

**WHEREFORE**, the appeal is **GRANTED**. The Decision dated August 28, 2015 of the Court of Appeals in CA-G.R. CR No. 35871 is **REVERSED** and **SET ASIDE**. Accordingly, accused-appellant Cresencio Centilles y Barleta is **ACQUITTED** of the crime charged. The Director of the Bureau of Corrections is **ORDERED** to cause his **IMMEDIATE RELEASE**, unless he is being lawfully held in custody for any other reason. The Director of the Bureau of Corrections is **DIRECTED** to inform this Court of the action taken hereon within five (5) days from receipt hereof.

Let entry of judgment be issued immediately.

**SO ORDERED.**" (Perlas-Bernabe, J., designated additional Member per Raffle dated February 5, 2020; Zalameda, J., no part, due to his prior participation in the Court of Appeals)

Very truly yours,

*Mi s-DC Batt*  
**MISAEAL DOMINGO C. BATTUNG III**  
Division Clerk of Court *8/4/2020*



Special & Appealed Cases Service  
PUBLIC ATTORNEY'S OFFICE  
DOJ Agencies Building  
East Avenue cor. NIA Road  
1104 Diliman, Quezon City

COURT OF APPEALS  
CA G.R. CR No.358751  
1000 Manila

OFFICE OF THE SOLICITOR GENERAL  
134 Amorsolo Street  
1229 Legaspi Village, Makati City

The Presiding Judge  
REGIONAL TRIAL COURT  
Branch 35, Calamba City  
4027 Laguna  
(Criminal Case No. 17978-11-C)

Mr. Cresencio Centilles y Barleta  
c/o The Director General  
Bureau of Corrections  
1770 Muntinlupa City

The Director General  
PHILIPPINE NATIONAL POLICE  
National Headquarters  
Camp Crame, Quezon City

PUBLIC INFORMATION OFFICE  
Supreme Court, Manila  
[For uploading pursuant to A.M. 12-7-1-SC]

LIBRARY SERVICES  
Supreme Court, Manila

Judgment Division  
JUDICIAL RECORDS OFFICE  
Supreme Court, Manila

G.R. No. 228780 *Jose*

*/joy*

*et*  
(225)  
URES