



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated March 18, 2021 which reads as follows:

“G.R. No. 230722 – (PEOPLE OF THE PHILIPPINES, plaintiff-appellee v. OLIVER DE DIOS y ARCIAGA @ BUGOY, accused-appellant). – This is an ordinary appeal under Rule 122 of the Rules of Court, seeking to reverse and set aside the Decision¹ dated October 18, 2016 of the Court of Appeals in CA-G.R. CR-HC No. 07437. The said issuance affirmed the February 18, 2015 Decision² issued by Branch 203 of the Regional Trial Court (RTC) of Muntinlupa City in Criminal Case Nos. 10-583 and 10-584 which, in turn, found accused-appellant Oliver De Dios y Arciaga (appellant) guilty beyond reasonable doubt of Sections 5 and 11 of Republic Act (R.A.) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

The Antecedents

Appellant was indicted of the crimes charged by virtue of two separate Informations dated September 6, 2010, the accusatory portions of which read:

Criminal Case No. 10-583

The undersigned Assistant City Prosecutor accuses OLIVER DE DIOS Y ARCIAGA @ BUGOY of the crime of Violation of Section 11 Art. II of R.A. No. 9165, committed as follows:

That on or about the 4th day of September, 2010, in the City of Muntinlupa, Philippines and within the jurisdiction of this

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¹ *Rollo*, pp. 2-19; penned by Associate Justice Ricardo R. Rosario (now a Member of this Court) and concurred in by Associate Justices Edwin D. Sorongon and Socorro B. Inting.

² Records, pp. 148-161; rendered by Judge Myra B. Quiambao.

Honorable Court, the above-named accused, not being authorized by law, did then and there willfully and unlawfully have in his possession, custody and control dried Marijuana fruiting tops, a dangerous drug, weighing 1.47 gram contained in one (1) heat-sealed transparent, plastic sachet, in violation of the above-cited law.

Contrary to law.³

Criminal Case No. 10-584

The undersigned Assistant City Prosecutor accuses OLIVER DE DIOS Y ARCIAGA @ BUGOY of the crime of Violation of Section 5 Art. II of R.A. No. 9165, committed as follows:

That on or about the 4th day of September, 2010, in the City of Muntinlupa, Philippines and within the jurisdiction of this Honorable Court, the above-names accused, not being authorized by law, did then and there willfully and unlawfully sell, deliver and give away to another dried marijuana fruiting tops, a dangerous drug weighing 1.30 gram contained in one (1) heat-sealed transparent, plastic sachet, in violation of the above-cited law.

Contrary to law.⁴

Upon arraignment, appellant, assisted by counsel, pleaded not guilty to the offenses charged.⁵ Thereafter, pre-trial ensued, followed by trial on the merits.

The evidence for the prosecution established that on September 4, 2010, at around 3:00 p.m., Police Inspector Domingo Diaz (PI Diaz) of the Muntinlupa City Station Anti-Illegal Drugs–Special Operations Task Group (Muntinlupa City SAID–SOTG), Philippine National Police (PNP), received a tip from a confidential informant about the selling of illegal drugs at Amparo St., Muntinlupa City.⁶ This prompted PI Diaz to organize a buy-bust operation. Accordingly, a Coordination Form⁷ was given by the Muntinlupa City SAID–SOTG to the Metro Manila Regional Office of the Philippine Drug Enforcement Agency (PDEA), as evidenced by a Certificate of Coordination⁸ duly signed by PDEA IO1 Crisanto L. Lorilla. The Pre-Operational Report⁹ signed by PI Diaz identified appellant as the target of the buy-bust operation.

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³ Id. at 1-a.

⁴ Id. at 3-a.

⁵ Id. at 25.

⁶ TSN, September 13, 2011, pp. 5-6. Testimony of SPO1 Gerardo Parchaso.

⁷ Records, p. 96.

⁸ Id. at 95.

⁹ Id. at 94.

Senior Police Officer 1 Gerardo Parchaso (SPO1 Parchaso) was designated as poseur-buyer, while a ₱100.00 with serial number VD521169¹⁰ served as marked money for the said police operation. Thereafter, at around 6:00 p.m., the buy-bust operation was conducted, resulting in appellant's arrest.

Two transparent plastic sachets containing *shabu* were confiscated from appellant. One sachet weighing 1.30 grams, containing suspected dried marijuana fruiting tops, was purportedly sold by appellant to SPO1 Parchaso who, thereafter, marked the same with the letters "ODD." The other sachet weighing 1.47 grams, marked by SPO1 Parchaso as "ODD-1," was recovered from appellant's possession.¹¹ Appellant was then brought to office of the Muntinlupa City SAID-SOTG.

At the police station, SPO1 Parchaso prepared¹² a Receipt/Inventory of Property Seized¹³ which was signed, as witness, by one Ely Diang who purportedly works at a local government agency.¹⁴ The seized items were then photographed¹⁵ by Police Officer 2 Alfredo Andes (PO2 Andes).¹⁶ SPO1 Parchaso prepared a request¹⁷ for laboratory examination of the contents of the seized plastic sachets. Physical Science Report No. D-322-105,¹⁸ which was prepared by Police Senior Inspector and Forensic Chemist Anamelisa S. Bacani, found that both plastic sachets contained marijuana, a dangerous drug.

Professing innocence, appellant asserted that he was framed by the police because they had failed to extort money from him. He asserted that he was arrested on September 3, 2010, which was one day earlier than the purported date of the buy-bust operation. On that day, at around 3:30 p.m., appellant was watching television at his mother's house after playing a game of basketball.¹⁹ Suddenly, two armed²⁰ men barged in, asking him if he knew a certain "Bugoy," to which appellant did not reply. The men then began searching the

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¹⁰ Id. at 107.

¹¹ TSN, September 13, 2011, pp. 17-18. Testimony of SPO1 Gerardo Parchaso.

¹² Id. at 26.

¹³ Records, p. 98.

¹⁴ TSN, September 13, 2011, p. 26. Testimony of SPO1 Gerardo Parchaso.

¹⁵ Records, p. 101.

¹⁶ TSN, September 13, 2011, p. 19. Testimony of SPO1 Gerardo Parchaso.

¹⁷ Records, p. 102.

¹⁸ Id. at 103.

¹⁹ TSN, February 3, 2015, pp. 5-6. Testimony of Oliver De Dios y Arciaga.

²⁰ Id. at 7.

house and handcuffed him.²¹ Upon boarding a white Toyota Revo vehicle, the men asked appellant if he had any money in his possession. When he answered in the negative, he was brought to the police station and booked for the crimes charged.²² This sequence of events was corroborated by appellant's sister, Bernadette Oriol.²³

Appellant claimed that SPO1 Parchaso was not among the persons who arrested him. As of the time of his testimony, appellant still had no knowledge of the identity of these two men.²⁴

On February 18, 2015, the RTC rendered a Decision finding appellant guilty beyond reasonable doubt of the crimes charged. The trial court found credence in the testimonies of the witnesses for the prosecution, particularly with regard to proving an unbroken chain in the custody of the confiscated plastic sachets in question, *vis-à-vis* appellant's defense of denial and extortion. Thus:

WHEREFORE, premises considered, the Court finds accused Oliver de Dios y Arciaga @ Bugoy GUILTY beyond reasonable doubt in Criminal Case No. 10-583 for violation of Section 11, Article II of R.A. No. 9165 and sentences him to imprisonment of Twelve (12) years and one (1) day as *minimum* to fourteen (14) years and eight (8) months as *maximum* and a fine of ₱300,000.00; and in Criminal Case No. 10-584 for violation of Section 5, Article II of R.A. No. 9165 and sentences him to life imprisonment and a fine of ₱500,000.00.

The preventive imprisonment undergone by the accused shall be credited in his favor.

The Branch Clerk of Court is directed to turn over the marijuana and the ₱100.00 buy-bust money subject of these cases to the Philippine Drug Enforcement Agency (PDEA) for proper disposition.

SO ORDERED.²⁵

Undaunted, appellant interposed an appeal with the CA contending, *inter alia*, the police officers' abject failure to comply with Section 21 of R.A. No. 9165, as well as the failure on the part of the prosecution to establish an unbroken chain in the custody of the seized drug items. Said appeal was, however, denied by the appellate court in the herein assailed Decision dated October 18, 2016, the dispositive portion of which states:

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²¹ Id. at 6-7.

²² Id. at 10-12.

²³ TSN, September 2, 2014, pp. 4-9. Testimony of Bernadette Oriol.

²⁴ TSN, February 3, 2015, pp. 8-9. Testimony of Oliver De Dios y Arciaga.

²⁵ Records, p. 161.

WHEREFORE, premises considered, the appeal filed by Oliver de Dios y Arciaga is DISMISSED. The *Decision* dated 18 February 2015 rendered by the Regional Trial Court of Muntinlupa City, Branch 203 is AFFIRMED.

*SO ORDERED.*²⁶

Hence, the present recourse.

On December 2, 2016, the CA issued a Minute Resolution giving due course to the Notice of Appeal²⁷ filed by appellant, thereby ordering the elevation of the records of the instant case to this Court.

In a Resolution²⁸ dated June 7, 2017, this Court noted the records of the case forwarded by the CA. The parties were then ordered to file their respective supplemental briefs, should they so desire, within 30 days from notice.

On August 18, 2017, the Office of the Solicitor General filed a Manifestation²⁹ on behalf of the People, stating that it would no longer file a supplemental brief because all of its contentions had been exhaustively ventilated in the Appellee's Brief³⁰ that it submitted to the CA. On August 24, 2017, appellant, through the Public Attorney's Office, filed a similar Manifestation.³¹

The Court now resolves the instant case.

Issue

The issue raised for the Court's consideration is whether or not the CA erred in affirming appellant's conviction.

The Ruling of the Court

There is merit in the appeal.

In order to convict a person charged with the crime of illegal sale of dangerous drugs under Article II, Section 5 of R.A. No. 9165, the prosecution is required to prove the following elements: (1) the

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²⁶ *Rollo*, pp. 18-19.

²⁷ *CA rollo*, pp. 136-137.

²⁸ *Rollo*, pp. 25-26.

²⁹ *Id.* at 27-29.

³⁰ *CA rollo*, pp. 70-94.

³¹ *Rollo*, pp. 34-36.

identity of the buyer and the seller, the object and the consideration; and (2) the delivery of the thing sold and the payment therefor.³²

On the other hand, for a successful prosecution of an offense for illegal possession of dangerous drugs, the prosecution must establish the following elements: (a) the accused was in possession of an item or object identified as a prohibited drug; (b) such possession was not authorized by law; and (c) the accused freely and consciously possessed the said drug.³³

As a general rule, it is essential that the identity of the dangerous drug be established with moral certainty, considering that the dangerous drug itself forms an integral part of the *corpus delicti* of the crime.³⁴ The only way by which the State could lay the foundation of the *corpus delicti* is to establish beyond reasonable doubt the illegal sale or illegal possession of the dangerous drug by preserving the identity of the drug offered as evidence against the accused. The State does so only by ensuring that the drug presented in the trial court is the same substance bought from the accused during the buy-bust operation or recovered from his possession at the moment of arrest.³⁵ Thus, it is of utmost importance that the integrity and identity of the seized drugs must be shown to have been duly preserved.³⁶ In *People v. Jaafar*,³⁷ the Court explained further:

Narcotic substances are not readily identifiable. To determine their composition and nature, they must undergo scientific testing and analysis. Narcotic substances are also highly susceptible to alteration, tampering, or contamination. It is imperative, therefore, that the drugs allegedly seized from the accused are the very same objects tested in the laboratory and offered in court as evidence. The chain of custody, as a method of authentication, ensures that unnecessary doubts involving the identity of seized drugs are removed.³⁸

It is the obligation of the prosecution to establish the chain of custody for evidence sent to testing laboratories — that is, to establish “the identity and integrity of physical evidence by tracing its continuous whereabouts.”³⁹ Indeed, the trial court requires a more

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³² *People v. Manabat*, G.R. No. 242947, July 19, 2019.

³³ *People v. Quijano*, G.R. No. 247558, February 19, 2020.

³⁴ *People v. De Dios*, G.R. No. 243664, January 22, 2020.

³⁵ *People v. Nepomuceno*, G.R. No. 216062, September 19, 2018.

³⁶ *People v. Ubungen*, G.R. No. 225497, July 23, 2018.

³⁷ 803 Phil. 582 (2017).

³⁸ *Id.* at 591.

³⁹ *Melendez-Diaz v. Massachusetts*, 557 U.S. 305 (2009).

stringent foundation “entailing a ‘chain of custody’ of the item with *sufficient completeness* to render it *improbable* that the original item has either been exchanged with another or been contaminated or tampered with.”⁴⁰ The prosecution must introduce sufficient proof so that a reasonable juror could find that the items seized are in “substantially the same condition” as when they were seized.⁴¹ The government need only show that “it took reasonable precautions to preserve the original condition of the evidence.”⁴²

Section 1(b) of Dangerous Drugs Board Regulation No. 1, Series of 2002⁴³ defines chain of custody in the following manner:

“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 use in court as evidence, and the final disposition[.]

Thus, the Court has declared that the following links should be established in the chain of custody of the confiscated item: *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 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.⁴⁴

Corollarily, Article II, Section 21 (1) of R.A. No. 9165 outlines the procedure which the police officers must follow when handling the seized drugs in order to preserve their integrity and evidentiary value.⁴⁵ Thus:

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⁴⁰ *United States v. Cardenas*, 864 F. 2d 1528 (1989).

⁴¹ *United States v. Harrington*, 923 F. 2d 1371 (1991).

⁴² *United States v. Prieto*, 549 F. 3d 513 (2008).

⁴³ GUIDELINES ON THE CUSTODY AND DISPOSITION OF SEIZED DANGEROUS DRUGS, CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, AND LABORATORY EQUIPMENT. See https://www.ddb.gov.ph/images/Board_Regulation/2002/Bd.%20Reg.%202002.pdf.

⁴⁴ *People v. Nandi*, 639 Phil. 134, 144-145 (2010).

⁴⁵ *People v. Baptista*, G.R. No. 225783, August 20, 2018.

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[.]

Under the foregoing section, prior to its amendment by R.A. No. 10640,⁴⁶ the apprehending team shall, among others, **immediately after seizure and confiscation conduct a physical inventory and photograph the seized items in the presence of the accused or the person from whom the items were seized, or his 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 of the same, and the seized drugs must be turned over to the PNP Crime Laboratory within twenty-four (24) hours from confiscation for examination.⁴⁷ The law requires the presence of an elected public official, as well as representatives from the DOJ and the media to ensure that the chain of custody rule is observed and thus, remove any suspicion of tampering, switching, planting, or contamination of evidence which could considerably affect a case.⁴⁸ In other words, they are “necessary to insulate the apprehension and incrimination proceedings from any taint of illegitimacy or irregularity.”⁴⁹

Alternatively stated, R.A. No. 9165 **strictly requires** that (1) the seized items be inventoried and photographed **immediately after**

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⁴⁶ 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”, signed by President Benigno S. Aquino III on July 15, 2014.

⁴⁷ *People v. Dela Victoria*, 829 Phil. 675, 683 (2018).

⁴⁸ *People v. Crispo, et al.*, 828 Phil. 416, 434 (2018).

⁴⁹ *People v. Sagana*, 815 Phil. 356, 372-373 (2017).

seizure or confiscation; and (2) the 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 [DOJ].⁵⁰

As a general rule, compliance with the chain of custody procedure is strictly enjoined as the same has been regarded not merely as a procedural technicality but as a matter of substantive law.⁵¹ The provisions were crafted by Congress as safety precautions to address potential police abuses, especially considering that the penalty imposed may be life imprisonment.⁵² It is true that there are cases where the Court had ruled that the failure of the apprehending team to strictly comply with the procedure laid out in Section 21 of R.A. No. 9165 does not *ipso facto* render the seizure and custody over the items as void and invalid. However, this is with the caveat that the prosecution still needs to satisfactorily prove that: (a) there is justifiable ground for non compliance; and (b) the integrity and evidentiary value of the seized items are properly preserved.⁵³ The Court has repeatedly emphasized that the prosecution should explain the reasons behind the procedural lapses.⁵⁴

In the landmark case of *People v. Lim*,⁵⁵ this Court stressed the importance of the presence of the three insulating witnesses and ruled that where they are absent, the prosecution must allege and prove the reasons for their absence and likewise show that earnest efforts were made to secure their attendance.⁵⁶ Thus:

The Court stressed in *People v. Vicente Sipin y De Castro*:

The prosecution bears the burden of proving a valid cause for noncompliance with the procedure laid down in Section 21 of R.A. No. 9165, as amended. It has the positive duty to demonstrate observance thereto in such a way that during the trial proceedings, it must initiate in acknowledging and justifying any perceived deviations from the requirements of law. Its failure to follow the mandated procedure must be adequately explained, and must be proven as a fact in accordance with the rules on evidence. It should take note that the rules require that the

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⁵⁰ *People v. Galuken*, G.R. No. 216754, July 17, 2019.

⁵¹ *People v. Flores*, G.R. No. 241261, July 29, 2019.

⁵² *People v. Ancheta, et al.*, 687 Phil. 569, 579 (2012).

⁵³ *People v. Musor*, G.R. No. 231843, November 7, 2018.

⁵⁴ *Id.*

⁵⁵ G.R. No. 231989, September 4, 2018.

⁵⁶ *People v. Manansala*, G.R. No. 229509, July 3, 2019.

apprehending officers do not simply mention a justifiable ground, but also clearly state this ground in their sworn affidavit, coupled with a statement on the steps they took to preserve the integrity of the seized items. Strict adherence to Section 21 is required where the quantity of illegal drugs seized is miniscule, since it is highly susceptible to planting, tampering or alteration of evidence.

It must be **alleged and proved** that the presence of the three witnesses to the physical inventory and photograph of the illegal drug seized was not obtained due to reason/s such as:

(1) **their attendance was impossible because the place of arrest was a remote area;** (2) **their safety during the inventory and photograph of the seized drugs was threatened by an immediate retaliatory action of the accused or any person/s acting for and in his/her behalf;** (3) the elected official themselves were involved in the punishable acts sought to be apprehended; (4) earnest efforts to secure the presence of a DOJ or media representative and an elected public official within the period required under Article 125 of the Revised Penal Code prove futile through no fault of the arresting officers, who face the threat of being charged with arbitrary detention; or (5) time constraints and urgency of the anti-drug operations, which often rely on tips of confidential assets, prevented the law enforcers from obtaining the presence of the required witnesses even before the offenders could escape.

Earnest effort to secure the attendance of the necessary witnesses must be proven. *People v. Ramos* requires:

It is well to note that the absence of these required witnesses does not *per se* render the confiscated items inadmissible. However, a justifiable reason for such failure or a **showing of any genuine and sufficient effort to secure the required witnesses** under Section 21 of RA 9165 must be adduced. In *People v. Umipang*, the Court held that the prosecution must show that **earnest efforts** were employed in contacting the representatives enumerated under the law for “a sheer statement that representatives were unavailable without so much as an explanation on whether serious attempts were employed to look for other representatives, given the circumstances is to be regarded as a flimsy excuse.” Verily, mere statements of unavailability, absent actual serious attempts to contact the required witnesses are unacceptable as justified grounds for noncompliance. These considerations arise from the fact that police officers are ordinarily given sufficient time - beginning from the moment they have received the information about the activities of the accused until the time of his arrest - to prepare for a buy-bust operation and

consequently, make the necessary arrangements beforehand knowing full well that they would have to strictly comply with the set procedure prescribed in Section 21 of RA 9165. As such, police officers are compelled not only to state reasons for their noncompliance, but must in fact, also convince the Court that they exerted earnest efforts to comply with the mandated procedure, and that under the given circumstances, their actions were reasonable.⁵⁷

In the case at bar, the inventory and photography of the seized plastic sachets was not made at the scene of the crime. Worse, it was not witnessed by any of the three persons required by law. The Receipt/Inventory or Property Seized⁵⁸ only bears the signature of SPO1 Parchaso, PO2 Andes and one Ely Diang who appears to be an employee at an unidentified local government agency. Obviously, these are not the insulating witnesses contemplated by law. In his testimony, SPO1 Parchaso explained this lapse in the following manner:

Q: Are you familiar with the rule that you have to conduct an inventory with witnesses, like representative from media, representative from the DOJ and so on?

A: Yes, sir.

Q: And how come you did not comply with that rule?

A: Our Team Leader, Inspector Diaz was aware of that rule and he tried to contact representative from the media but he can't find one because of some other reasons like attending important event, sir.⁵⁹

It is readily apparent that the foregoing excuse is flimsy and unacceptable. Earnest efforts were not employed by the police officers to secure the presence of a media representative. More importantly, the scope of such explanation is limited in that SPO1 Parchaso did not advance any justification for the absence of the DOJ representative and the elected public official as required by law. Verily, there was an abject failure to comply with Section 21 of R.A. No. 9165.

In *People v. Barte*,⁶⁰ the Court so declared:

When there is failure to comply with the requirements for proving the chain of custody in the confiscation of contraband in a drug buy-bust operation, the State has the obligation to credibly explain such noncompliance; otherwise, the proof of the *corpus*

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⁵⁷ Id.

⁵⁸ Records, p. 98.

⁵⁹ TSN, September 13, 2011, pp. 26-27. Testimony of SPO1 Gerardo Parchaso.

⁶⁰ G.R. No. 179749, March 1, 2017.

delicti is doubtful, and the accused should be acquitted for failure to establish his guilt beyond reasonable doubt.

Considering that the procedural lapses committed by the arresting officers, which were unfortunately left unjustified, militate against a finding of guilt beyond reasonable doubt against appellant, as the integrity and evidentiary value of the *corpus delicti* had been compromised, the Court is constrained to rule that appellant's acquittal on both charges is in order.⁶¹

Indeed, it is a basic principle of constitutional law that the accused shall be presumed innocent until the contrary is proved, and this by the most convincing evidence constituting proof beyond reasonable ground. Lacking such certainty, the trial court has the duty to render a verdict of acquittal indeed even if the prisoner on the dock utters not a word on his behalf on the equally well-known precept that the strength of the prosecution lies not in the weakness of the defense.⁶² Indeed, no person should be subjected to punishment unless the evidence shows beyond a reasonable doubt the existence of every fact necessary to constitute the crime charged.⁶³ Our Constitution declares that the maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.⁶⁴ Those who are supposed to enforce the law are not justified in disregarding the rights of the individual in the name of order. Order is too high a price for the loss of liberty.⁶⁵ A battle waged against illegal drugs that tramples on the rights of the people is not a war on drugs. *It is a war against the people.*⁶⁶

WHEREFORE, the appeal is **GRANTED**. The Decision dated October 18, 2016 of the Court of Appeals in CA-G.R. CR-HC No. 07437 is hereby **REVERSED** and **SET ASIDE**. For failure on the part of the prosecution to prove his guilt beyond reasonable doubt, accused-appellant Oliver De Dios y Arciaga @ Bugoy is **ACQUITTED** of the crimes charged in Criminal Case Nos. 10-583 and 10-584. He is **ORDERED** immediately **RELEASED** from detention unless he is being detained for some other lawful cause.

Let a copy of this Resolution be furnished the Director of the Bureau of Corrections for immediate implementation and to report the

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⁶¹ *People v. Dela Torre*, G.R. No. 238519, June 26, 2019.

⁶² *People v. Macasinag*, 255 Phil. 279, 280-281 (1989).

⁶³ *United States v. White*, 569 F. 2d 263 (1978).

⁶⁴ *People v. Dumanjug*, G.R. No. 235468, July 1, 2019.

⁶⁵ *People v. Aminudin*, 246 Phil. 424, 435 (1988).

⁶⁶ *People v. Sapla*, G.R. No. 244045, June 16, 2020.

action he has taken to this Court within five (5) days from receipt of this Resolution.

Let entry of judgment be issued immediately.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *mcb/17*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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The Solicitor General
134 Amorsolo Street, Legaspi Village
1229 Makati City

Court of Appeals (x)
Manila
(CA-G.R. CR HC No. 07437)

The Hon. Presiding Judge
Regional Trial Court, Branch 203
1770 Muntinlupa City
(Crim. Case Nos. 10-583 & 10-584)

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