

Title: People of the Philippines vs. Alfredo Concepcion y Clemente and Henry Concepcion y Clemente

Facts:

- Incident Report:** On November 26, 2002, a confidential informant reported to SPO1 Buenaventura Lopez at the PDEA Bulacan Provincial Office about alias Totoy (Alfredo Concepcion y Clemente) selling shabu in Barangay Guyong, Sta. Maria, Bulacan.
- Buy-Bust Operation Plan:** SPO1 Lopez instructed the informant to arrange a drug deal with Totoy for ten grams of shabu. The buy-bust operation was set for 2:00 a.m. on November 27, 2002, at Barangay Guyong.
- Team Formation:** The team consisted of SPO1 Lopez (team leader), PO2 Peter Sistemio (poseur-buyer), PO2 Arlan Arojado, PO2 Navarette, and PO2 Kho as back-up operatives.
- Operation Setup:** The team arrived at Barangay Guyong at 1:15 a.m. PO2 Sistemio and the informant waited at a shed while the rest positioned themselves in their vehicle.
- Encounter:** At 2:00 a.m., a violet Hyundai van arrived with Alfredo and Henry Concepcion and Hegino dela Cruz. Alfredo handed two sachets of shabu to PO2 Sistemio, who then lit a cigarette, signaling the team.
- Arrest:** PO2 Arojado recovered another sachet from the van's glove compartment. The accused were arrested and brought to the PDEA office.
- Forensic Analysis:** The seized items tested positive for shabu.
- Defense:** Alfredo and Henry Concepcion, along with dela Cruz, claimed they were arrested at home around 8:00-9:00 p.m. on November 26, 2002, with no drugs found on them. They plead not guilty.

Procedural Posture:

- Trial Court:**
 - The RTC of Malolos, Bulacan, found Alfredo and Henry Concepcion guilty of violating Section 5, Article II of RA 9165, sentencing them to life imprisonment and a fine of P500,000.00 each. Dela Cruz was acquitted.
 - After the conviction, Alfredo and Henry Concepcion appealed.
- Court of Appeals:**
 - Upheld the RTC decision in CA-G.R. CR-H.C. No. 01808 dated May 18, 2007.
 - Alfredo and Henry Concepcion further appealed to the Supreme Court.
- Supreme Court:**
 - Received the case records and assigned the Public Attorney's Office to represent the

appellants. No supplemental briefs were filed by the parties.

Issues:

1. **Was the prosecution able to establish the guilt of Alfredo and Henry Concepcion beyond a reasonable doubt?**
2. **Did the trial court err in giving presumption of regularity in favor of police officers over the presumption of innocence of the accused?**
3. **Did the trial court base its conviction of the accused on the weakness of the defense's evidence instead of the strength of the prosecution's evidence?**
4. **Is denial of complicity in the offense a valid defense for the accused?**
5. **Was the buy-bust operation legitimate despite supposed procedural flaws per Republic Act No. 9165?**

Court's Decision:

1. **Establishment of Guilt:**

- **Resolution:** The Supreme Court affirmed the credibility of the prosecution witnesses (PO2 Sistemio and PO2 Arojado). The court emphasized the positive identification and the integrity of the seized drugs.

2. **Presumption of Regularity:**

- **Resolution:** The Court upheld the presumption of regularity in the PDEA's conduct of the buy-bust operation. No evidence suggested improper performance or motives from the operatives.

3. **Basis of Conviction:**

- **Resolution:** The trial court's conviction was based on strong evidence from the prosecution. The Supreme Court found no compelling reason to doubt the trial court's findings and assessments.

4. **Denial of Complicity:**

- **Resolution:** The denial by the accused did not hold against the positive and corroborated testimonies of the buy-bust team members.

5. **Legitimacy of Buy-Bust Operation:**

- **Resolution:** Non-compliance with procedural requirements of Section 21 of RA 9165 (inventory and photographing of seized items) was deemed not fatal as long as the integrity and evidentiary value of the seized drugs were preserved.

Doctrine:

- **Non-Compliance with Procedural Requirements:** Minor lapses in procedural compliance (inventory, photographing) under RA 9165 do not invalidate a buy-bust

operation if the chain of custody and the integrity of the evidence are preserved.

- **Presumption of Regularity:** In the absence of contrary evidence, the actions of law enforcement in performing their duties are presumed regular and legitimate.
- **Conspiracy and Participation:** Statements made by co-accused during the commission of the crime (e.g., affirming the deal or quality of drugs) can establish conspiracy and participation in drug-related offenses.

Class Notes:

- **RA 9165, Article II, Section 5:** Covers illegal acts such as selling, trading, delivering, and transporting dangerous drugs.
- **Chain of Custody Rule:** Crucial in drug-related cases to ensure the integrity of the seized items from confiscation to presentation in court.
- **Presumption of Innocence vs. Presumption of Regularity:** The former is a constitutional right, while the latter applies to official duties, and the proper evidence must be provided to challenge the latter.

Historical Background:

- **Context of Anti-Drug Campaign:** During the early 2000s, the Philippines intensified its campaign against illegal drugs, resulting in high-profile legislation like RA 9165 and increased law enforcement activities.
- **Judicial Reforms:** The case reflects ongoing reforms in judicial scrutiny over law enforcement practices, especially in balancing procedural technicalities and substantive justice.