PEOPLE OF THE PHILIPPINES, APPELLEE, VS. DONALDO PADILLA Y SEVILLA, APPELLANT.

G.R. No. 172603. August 24, 2007

Ponente: CARPIO MORALES, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-172603/

CARPIO MORALES, J.:

Appellant, Donaldo Padilla y Sevilla, was charged before the Regional Trial Court (RTC) of Las Piñas for violation of Section 15, Article III, Republic Act No. 6425, otherwise known as the Dangerous Drugs Act, the accusatory portion of which reads:

> That on or about the 20[th] day of December, 1995, in the Municipality of Las Piñas, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together with one Jose J[e]b Hidalgo, Jr. y Garcia, whose present whereabout[s] is still unknown and both of them mutually helping and aiding one another, without being authorized by law, did, then and there willfully, unlawfully and feloniously, dispense, deliver, transport or distribute 156.28 grams and 244.32 or a total of 400.60 grams of Methamphetamine Hydrochloride "shabu", which is a regulated drug, using a red Toyota Corolla car, in violation of the above-cited law.[1](Emphasis and underscoring supplied)

Culled from the testimonies of prosecution witnesses SPO2 Mabini Rosale and Police Inspector Virgilio Pelaez is the following version:

Acting on a tip given by an informant, the Las Piñas police conducted two weeks before December 20, 1995 surveillance of the residence at BF Homes, Las Piñas of Malou Padilla (Malou), appellant's wife, for alleged drug trafficking.

On application of the police, a warrant for the search of Malou's residence was issued by the RTC of Imus, Cavite on December 19, 1995.

Armed with the warrant, SPO2 Mabini Rosale and Police Inspector Virgilio Pelaez, together with six other operatives, proceeded on December 20, 1995, around 2:30 a.m., to the residence of the Padilla spouses. On reaching the residence, the police noticed a Nissan Altima car bearing Plate No. UBD-109 speeding away.

The policemen were soon informed by the Padillas' helper that the couple was on board the Nissan Altima.

The policemen, in coordination with Antonio Antonio (Antonio), President of the BF Homeowners' Association, proceeded to search the Padilla residence in the course of which they recovered aluminum foils and suspected shabu tubes.

While the policemen and Antonio were still at the Padilla residence, the security guard stationed at the village gate informed them via radio that persons on board a red Toyota car wanted to go to the Padilla residence. The guard was thus advised to stall the car and ask those on board what their purpose was in wanting to go to the Padilla residence.

In the meantime, the policemen immediately proceeded to, and arrived at the village gate. When they asked the driver of the red car, Jose Hidalgo, Jr. (Hidalgo), why he was going to the Padilla residence, he replied that he had an important transaction. Soon the policemen heard sounds emanating from the trunk of the car, prompting them to inquire from Hidalgo what they were. Without hesitation, Hidalgo opened the trunk of the car where appellant was hiding. At that instant, appellant readily handed over to the policemen a blue plastic bag, saying: "Ito ang hinahanap ninyo."

After taking the photograph of appellant while he was inside the trunk, SPO2 Rosale opened the blue plastic bag which yielded three heat-sealed transparent packets and one self-sealing packet all containing suspected shabu.

The policemen at once arrested appellant and brought him to the NARCOM Headquarters in Quezon City.

Examination by the PNP Crime Laboratory of the contents of the four packets found inside the blue plastic bag revealed the following data, which were noted by Forensic Chemist Sonia Sahagun:

> SPECIMEN SUBMITTED:
>
> Exh "A" - One (1) unsealed transparent plastic bag labeled "EVIDENCE BAG" containing one (1) blue clutch bag marked as Exh "A-1" containing the following:
>
> - Three (3) pieces of heat-sealed transparent plastic bags marked as Exhs "A-2" through "A-4" respectively, each with white crystalline substance and having a total weight of 156.28 grams.
>
> - One (1) self-sealing transparent plastic bag marked as "Exh. "A-5" containing 244.32 grams of moist yellowish crystalline substance.
>
> x x x x
>
> FINDINGS:
>
> Qualitative examination conducted on the above-stated specimens gave POSITIVE result to the tests for Methamphetamine Hydrochloride, a regulated drug.[2] (Emphasis supplied)

Proffering a different version, the defense gave the following tale:

After appellant, his brother Luis Padilla, and Hidalgo attended a party at the house of the Padillas' cousin at Matahimik St., V. Luna, Quezon City where they stayed until 3:00 a.m. of December 20, 1995, they proceeded to BF Homes, Las Piñas to bring appellant home.

When appellant and company arrived at the gate of the village at around 4:00 a.m., they were stopped by the security guard because the car they were on board did not bear the village sticker. Appellant thus showed his face to the guard and informed him that he would just be brought home. The guard thereupon informed appellant that there were policemen in his house who were armed with a search warrant against his wife, and advised appellant to just wait at the gate as the policemen were on their way.

Appellant and company thus alighted from the car and in a few minutes the policemen, together with some officers of the homeowners' association, arrived at the gate. After appellant identified himself as Donaldo Padilla, he asked for the search warrant but the policemen replied that it was in the possession of their companions who remained at his residence.

Without the permission of appellant and company, the police started searching the car but found nothing.

Afterwards, appellant, together with his companions and the policemen, repaired to his residence. As appellant was contacting via cellular phone his wife who was then at her sister's house, the policemen told him that all of

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

them would go to where she was, which they did.

When appellant's wife asked for the search warrant, the policemen showed her "bulky" documents. When asked if they found anything in their house, the policemen claimed that they found shabu paraphernalia which they never showed, however.

The policemen then invited appellant, his wife, his brother Luis Padilla and Hidalgo to, as they did, go to a police station in Kamuning, Quezon City. Appellant and his wife were placed in one room at the station while Luis Padilla and Hidalgo were placed in another.

After sometime, one Colonel Alcantara, who was supposedly the commanding officer of the raiding team, informed appellant that they found evidence against him and told him: "Ayusin mo na lang ito. Alam ko namang ginagawa ninyo ito." When appellant asked how much would be needed to settle the matter, Colonel Alcantara answered P200,000.

Appellant could not produce the amount, however, drawing Colonel Alcantara to tell him to just choose who among them would be charged. As his wife was needed by their kids, appellant volunteered himself. His wife Malou, Luis Padilla, and Hidalgo were thus released hours later.

Branch 255 of the Las Piñas RTC convicted appellant by Decision of June 3, 2002,[3] the dispositive portion of which reads:

> WHEREFORE, judgment is hereby rendered finding accused DONALDO PADILLA Y SEVILLA Guilty beyond reasonable doubt and sentenced to suffer the extreme penalty of death by means provided for by law and pay a fine of P2,000,000.00 and costs.[4]

The trial court found unbelievable appellant's claim that the charge against him came about because he could not raise the P200,000 demanded by Colonel Alcantara for, so the trial court held, it was not even shown that the latter was charged for the alleged attempt to extort money from him.

And the trial court found defense witnesses-appellant's brother Luis Padilla and security guard Romeo Placido (Placido) to be biased.

On elevation of the case to this Court for automatic review, it referred the same to the Court of Appeals pursuant to People v. Mateo.[5]

By Decision of May 31, 2005,[6] the appellate court affirmed that of the trial court, with the modification that the death penalty imposed was reduced to reclusion perpetua.

In sustaining the conviction of appellant, the appellate court ratiocinated:

> We cannot give credence to appellant's claim that he was merely framed by the policemen and the instant charge came simply because appellant could not raise the P200,000.00 demanded of him by the policemen. The prosecution witnesses in the persons of the arresting officers positively and categorically pointed to the appellant as being in possession of 400.6 grams of shabu while hiding in the baggage compartment of the red Toyota car. x x x
>
> x x x x
>
> In the case at bench, appellant similarly failed to present evidence to establish his claim of failed extortion. The fact that appellant did not file any criminal or administrative charges against the arresting officers bolsters Our conclusion that the alleged frame up merely exists as a figment of appellant's imagination. On the other hand, appellant's story that after the failed extortion attempt, Col. Alcantara asked him to choose who would be charged and "sacrificed" by choosing himself and thus he was the only one charged, is belied by the

> Information itself which charged both him and Jose "Jeb" Hidalgo[,] Jr. y Garcia for the crime.
>
> Appellant's claim that the police merely planted the shabu (400.6 grams) deserves scant consideration. It is incredible that the police officers would plant such a large quantity of shabu when a few grams or even a sachet would have sufficed to frame up appellant. Moreover, the policemen as public officers are presumed to have performed their official duties with regularity and in accordance with law. In the absence of the proof of motive to falsely impute such a serious crime against appellant, the presumption of regularity in the performance of official duty, as well as the findings of the trial court on the credibility of witness, prevails over appellant's self-serving and uncorroborated defense.
>
> x x x x
>
> Appellant claims that the testimony of defense witness Romeo Placido should have been given more weight. However, as a security guard of the BF Homeowners Association, Romeo Placido had a motive to testify in favor of appellant. His bias surfaced during the cross-examination, thus:
> "Q And that in case of conflict between your loyalty to the residents of the association and the call of duty to assist the law enforcement, which side would you take?
> A The homeowner's sir."

Bias is that which excites the disposition to see and report matters as they are wished for rather than as they are. Corroborative evidence in defense of the appellant, since tainted with bias, actually weakened the appellant's defense. On the other hand, the corroboration provided by appellant's brother, Luis Domer Padilla deserves scant consideration as it is but consistent with human nature that he protect his brother.[7] (Emphasis and underscoring supplied)

The case is now before this Court, appellant arguing that the case for the prosecution is too "preposterous" to be worthy of credence. He points out that no person in his right mind would actually flee his house to escape a raiding team after leaving no incriminating evidence behind, only to return to it, after only a few hours while the team was still conducting its search and, worse, carrying with him incriminating evidence that the raiding team was supposedly looking for.

Appellant goes on to contend that it is incredible for him to have gone through the trouble of hiding at the baggage compartment of a motor vehicle, then create noises to thus arouse the curiosity and suspicion of the police officers.

Continuing, appellant argues that it is reversible error to invoke the legal presumption of regularity in the performance of official functions in light of the failure of the prosecution to explain the following highly irregular circumstances surrounding his arrest: 1) the raiding team had to serve the search warrant at an unholy hour of 2:30 a.m., in violation of Rule 126, Section 9 of the Revised Rules of Court, 2) the alleged search warrant was never presented in evidence, rendering its existence doubtful or suspect, 3) the house searched was in the southernmost portion of Metro Manila, whereas the NARCOM team that raided it was based and actually assigned at the North Metro District Unit which did not have primary territorial jurisdiction over the place, and 4) driver Hidalgo, who was supposedly arrested with appellant, was never presented for inquest. These irregularities, appellant concludes, more than sufficiently preclude the application of the legal presumption of regularity in the performance of official duty.

Finally, appellant argues that it was error to discredit the testimony of Luis Padilla on the basis solely of his affinity to appellant, and that of Placido, for the latter's profession of loyalty to homeowners does not mean that he was willing to perjure himself.

It is gathered that in convicting appellant, the appellate court relied, in the main, on the weakness of the evidence

for the defense, focusing on how unavailing appellant's claim of extortion by the police officers is in light of a failure to show that they were charged administratively; the bias of defense witnesses Luis Padilla and Placido; and the untruthfulness of the claim of appellant that he was the only one charged, given that "the Information itself . . . charged him and . . . Hidalgo . . . for the crime."

After a considered review of the records of the case, this Court finds the tale of the prosecution not to be in accordance with human nature and the experience of mankind.

As correctly pointed out by appellant, it would be absurd for him to go back to his house hours after allegedly escaping from the raiding team, to thus risk being arrested when, chances were, the police officers would be, as they were, still waiting for him.

Assuming that appellant did attempt to go back to his house after fleeing and that he was carrying 400+grams of shabu, why would he not flee again on being informed by the guard at the village that his house was being subjected to search and that the searching police officers were in fact on their way to the gate?

Again , if indeed appellant was hiding in the trunk of the car and in possession of 400+ grams of shabu, why would he create noises that would arouse the curiosity of the police?

The presumption of regularity in the performance of official functions cannot by itself affect the constitutional presumption of innocence of the accused, particularly if the evidence for the prosecution is weak. People v. Mirantes[8] so teaches:

> The oft-cited presumption of regularity in the performance of official functions cannot by itself affect the constitutional presumption of innocence enjoyed by an accused, particularly when the prosecution's evidence is weak. The evidence of the prosecution must be strong enough to pierce the shield of this presumptive innocence and to establish the guilt of the accused beyond reasonable doubt. And where the evidence of the prosecution is insufficient to overcome this presumption, necessarily, the judgment of conviction of the court a quo must be set aside. The onus probandi on the prosecution is not discharged by casting doubts upon the innocence of an accused, but by eliminating all reasonable doubts as to his guilt.[9](Emphasis and underscoring supplied)

Further denting the case for the prosecution is its failure to present the search warrant, the photograph of appellant allegedly taken while he was inside the car trunk, and the seizure receipt showing that crystalline substance (later determined to be shabu) was indeed recovered from appellant, as well as the policemen's service of and implementation of the alleged search warrant at an unholy hour, contrary to the injunction of Rule 126, Section 9 of the Rules of Court reading:

> SEC. 9. Time of making search. - The warrant must direct that it be served in the day time, unless the affidavit asserts that the property is on the person or in the place ordered to be searched, in which case a direction may be inserted that it be served at any time of the day or night. (Underscoring supplied)

The alleged search warrant and the supposed affidavit in support of the application for its issuance were not submitted in evidence, hence, there is no way of determining if service thereof during nighttime was allowed.

Finally, the finding of the appellate court that appellant's claim that he was the only one charged is belied by the Information which also charged Hidalgo is not exactly accurate. For, as the earlier-quoted Information shows, appellant was the only one charged. Hidalgo, whose whereabouts were unknown, was, in the body of the Information, merely alleged to have conspired with appellant.

At all events, even assuming arguendo that the defense evidence is weak, the prosecution should not lean thereon but must stand and rely on the strength and merits of its own evidence.[10]

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

The prosecution having failed to discharge the onus of establishing prima facie appellant's guilt beyond reasonable doubt,[11] the defense did not even have to present evidence, the burden of the evidence not having shifted to it. The acquittal of the appellant is thus in order.

WHEREFORE, the judgment appealed from is REVERSED and SET ASIDE.

For failure of the prosecution to establish the guilt beyond reasonable doubt of appellant Donaldo Padilla y Sevilla, he is ACQUITTED of the crime charged.

The Director of the Bureau of Prisons is ordered to cause the RELEASE of appellant from custody unless he is being lawfully held for another lawful cause.

Let a copy of this Decision be furnished the Director of the Bureau of Prisons who is likewise ordered to report to this Court of the action taken hereon within five (5) days.

SO ORDERED.

Quisumbing, (Chairperson), Carpio, Tinga, and Velasco, Jr., JJ., concur.

---

[1] Records, p. 1.

[2] Report dated December 22, 1995, Exhibit "C"; id. at 73.

[3]Id. at 270-276.

[4] Id. at 276.

[5]G.R. Nos. 147678-87, July 7, 2004, 433 SCRA 640, 656. This case modified the pertinent provision of the Rules of Court on direct appeals from the Regional Trial Court to the Supreme Court in cases where the penalty imposed is death, reclusion perpetua or life imprisonment. Said cases are now brought to the Court of Appeals for immediate review.

[6]Court of Appeals (CA) rollo, pp. 137-153; penned by Justice Portia Aliño-Hormachuelos and concurred in by Justices Rosmari D. Carandang and Vicente Q. Roxas.

[7] Id. at 147-151.

[8] G.R. No. 92706, May 21, 1992, 209 SCRA 179.

[9] Id. at 188.

[10] People v. Lazarte, G.R. No. 89762, August 7, 1991, 200 SCRA 361, 377; People v. Mendoza, G.R. 67858, June 19, 1989, 174 SCRA 432, 452; People v. Escober, G.R. Nos. LA-69564 and L-69658, January 29, 1988, 157 SCRA 541, 563.

[11]People v. Libag, G.R. No. 68997, April 27, 1990, 184 SCRA 707, 716.

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.