

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. JHON-JHON
ALEJANDRO Y DELA CRUZ @ “NOGNOG,” APPELLANT.**

G.R. No. 176350. August 10, 2011

Ponente: BRION, J.

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BRION, J.:

We resolve in this appeal the challenge to the May 31, 2006 decision[1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 01251. The CA affirmed the May 14, 2004 decision[2] of the Regional Trial Court (RTC), Branch 231, Pasay City, finding appellant Jhon-Jhon Alejandro y dela Cruz (appellant) guilty beyond reasonable doubt of violating Section 5, Article II of Republic Act (R.A.) No. 9165 (the Comprehensive Dangerous Drugs Act of 2002) and imposing on him the penalty of life imprisonment.

BACKGROUND FACTS

The prosecution charged the appellant with violation of Section 5, Article II of R.A. No. 9165 before the RTC, under an Information that states:

That on or about the 1[st] day of September 2002, in Pasay City, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there willfully, unlawfully and feloniously sell and deliver 0.06 gram of Methylamphetamine Hydrochloride (shabu), a dangerous drug.[3] (emphases in the original)

The appellant pleaded not guilty to the charge.[4] During the pre-trial, the prosecution and the defense stipulated on the following:

PRE-TRIAL ORDER

x x x x

III. Evidence of the Prosecution:

A. Testimonial (witnesses) -

x x x x

B. Documentary

Exhibit "A" - Affidavit of Arrest

Exhibit "B" - Buy-bust Money

Exhibit "C" - Booking and Information Sheet

Exhibit "D" - Request for Laboratory Examination

Exhibit "E" - Physical Science Report

No. D-1331-02

C. Real Evidence x x x

Exhibit "F" - subject specimen

x x x x

VI. Stipulation of Facts (Including those admitted or undisputed): The accused with counsel and the Trial Prosecutor have agreed on the following:

Exhibits C, D, & E - admitted their existence only but not as to the source

x x x x

This pre-trial order shall control the course of the trial in this case, unless modified by the Court to prevent manifest injustice. The trial prosecutor as well as the accused and counsel have signed this pre-trial order to attest to the correctness thereof and their conformity thereto which may accordingly be used in evidence in this case.[5] [emphases ours]

Thus, the defense admitted the existence of Exhibits "C" (Booking and Information Sheet), "D" (Request for Laboratory Examination) and "E" (Physical Science Report No. D-1331-02). The parties also agreed, during the pre-trial, to dispense with the testimony of the forensic chemist, Police Inspector (P/Insp.) Lourdeliza M. Gural.

The prosecution presented, as its witnesses, Senior Police Officer 1 (SPO1) Jesus Tan and Police Officer 1 (PO1) Timothy Mengote. The appellant and Reggie Morilla took the witness stand for the defense.

The evidence for the prosecution established that in the afternoon of September 1, 2002, SPO1 Tan was in the office of the District Drug Enforcement Group, Southern Police District, Taguig, Metro Manila, when a confidential informant called and told him about the illegal drug activities of the appellant, alias "Nog-nog." Police Superintendent (P/Supt.) Mariano Fegarido conducted a briefing, and then dispatched Senior Police Officer 2 (SPO2) Nilo Banzuela, Senior Police Officer 1 (SPO1) Alberto Sangalang, Police Officer 3 (PO3) Carlos Cachapero, SPO1 Tan, and PO1 Mengote, to meet with the informant.[6]

At around 5:00 p.m., the police met with the informant at the Pio Del Pilar Elementary School. Thereafter, SPO1 Tan, PO1 Mengote and the informant went to M. Dela Cruz Street in Pasay City to conduct a surveillance.[7] There, the informant pointed to a person standing at the corner of Mary Luz Street and M. Dela Cruz Street, and identified him as the appellant.[8] They observed the appellant for about half an hour, and saw that there were people approaching him. They also observed that there was an "exchange of goods" between the appellant and the people who approached him.[9] The police thereafter returned to the station where they underwent another briefing and planned an entrapment operation. Under the plan, PO1 Mengote was designated as the poseur-buyer.[10]

SPO2 Banzuela, SPO1 Tan, SPO1 Sangalang, PO1 Mengote, PO3 Cachapero and the informant returned to M. Dela Cruz Street to conduct the buy-bust operation. When they arrived at the place at around 6:00 p.m., they saw the appellant sitting in front of a sari-sari store. The informant introduced PO1 Mengote to the appellant as a buyer (i.e., a "shabu scorer"). The appellant asked, "Magkano ba?" PO1 Mengote answered, "Halagang piso." PO1 Mengote then gave the one hundred peso marked money to the appellant. The appellant, in turn, pulled out a plastic sachet from his right pocket and handed it to PO1 Mengote. Upon receiving the plastic sachet, PO1 Mengote made the pre-arranged signal (i.e., wiped his face with a towel) to his companions. Immediately, the other members of the buy-bust team approached the appellant. They introduced themselves as police officers, recovered the buy-bust money from the appellant, and arrested him. They then brought him and the confiscated items to the police station.[11] At the police station, they forwarded the seized items to the Philippine National Police (PNP) Crime Laboratory where they were examined by P/Insp. Gural.[12]

The laboratory examination, conducted by P/Insp. Gural on the confiscated specimen, yielded the following result:

PHYSICAL SCIENCE REPORT NO. D-1331-02

x x x x

SPECIMEN SUBMITTED:

A - One (1) small brown staple wire-sealed evidence envelope with signature markings containing one (1) small heat sealed transparent plastic sachet with markings "TM-1-010902" containing 0.06 gram of white crystalline substance and marked as A-1.

x x x x

FINDINGS:

Qualitative examination conducted on the above-stated specimen gave POSITIVE result to the tests for the presence of Methylamphetamine hydrochloride, a dangerous drug.

CONCLUSION:

Specimen A-1 contains Methylamphetamine hydrochloride, a dangerous drug.[13]

In his defense, the appellant submitted a different version of events. He testified that at around 6:00 p.m. of September 1, 2002, he was in front of his grandmother's store on Mary Luz Street, Pasay City, when eight (8) policemen arrived. PO1 Mengote and SPO1 Tan approached and asked him about the whereabouts of a certain "Terio." When he replied that he did not know where Terio was, the police brought him to the Pio Del Pilar Elementary School in Makati City[14] from where the police apparently received a text message informing them that Terio was in Pasay City. The police and the appellant returned to Mary Luz Street, and entered a house owned by Terio. Inside, they saw its occupant, Enrico Yatco. The police searched the house for about half an hour. Afterwards, they brought the appellant and Enrico to the Sothern Police District.[15] At the police station, PO1 Mengote and SPO1 Tan showed six (6) pieces of plastic sachets to the appellant and forced him to admit ownership.[16]

Reggie's testimony was summarized by the RTC as follows:

REGGIE MORILLA, the caretaker of the store owned by the accused's grandmother, testified that he has been living with the family of the accused for three (3) years already. The family of the accused is located at 51 Mary Luz St., M. dela Cruz, Pasay City. On September 1, 2002, he was inside the store while the accused was standing outside when suddenly he heard a commotion. So he peeped through a hole in the store and saw two policemen in civilian attire handcuffing the accused. He asked assistance from his neighbors. Then he saw the accused being taken out of Mary Luz St. Later, they returned the accused and they led the accused inside a house and then after thirty minutes, he was brought out and was boarded inside an owner type jeep.[17]

The RTC, in its decision of May 14, 2004, found the appellant guilty beyond reasonable doubt of the crime charged, and sentenced him to suffer the penalty of life imprisonment. The RTC also ordered the appellant to pay a P500,000.00 fine.[18]

The records of this case were originally transmitted to this Court on appeal. Pursuant to our ruling in *People v. Efren Mateo y Garcia*,[19] we endorsed the case and its records to the CA for appropriate action and disposition.

The CA affirmed the RTC decision.[20] The CA held that the appellant and his counsel entered into a stipulation of facts whereby they agreed on the admissibility of the request for laboratory examination of the submitted

specimen and on the findings of P/Insp. Gural. Hence, they cannot be allowed to question, on appeal, the identity and integrity of the plastic sachet of shabu seized from the appellant by members of the entrapment team. The CA added that the prosecution witnesses positively identified the appellant as the person who handed the plastic sachet of shabu to the poseur-buyer.[21]

The CA further held that the police officers are presumed to have performed their duties in a regular manner, in the absence of any evidence of improper motive on their part. It, likewise, disregarded the appellant's defense of denial, as it was "unsupported by reliable corroborative evidence." [22]

In his brief, the appellant claims that the trial court erred in convicting him of the crime charged despite the prosecution's failure to prove his guilt beyond reasonable doubt. He claims that the integrity of the seized item had been compromised due to the failure of the apprehending police to mark it.[23]

The Office of the Solicitor General counters with the argument that the appellant cannot now question the identity and integrity of the specimen confiscated from him as he already entered into a stipulation regarding the admissibility of the request for laboratory examination and on the result of this examination. In addition, the appellant failed to impute any ill motive on the part of the police officers to falsely testify against him.[24]

THE COURT'S RULING

We resolve to ACQUIT the appellant, for the prosecution's failure to prove his guilt beyond reasonable doubt.

The Constitution mandates that an accused shall be presumed innocent until the contrary is proven beyond reasonable doubt. The burden lies on the prosecution to overcome such presumption of innocence by presenting the quantum of evidence required. In doing so, the prosecution must rest its case on its own merits and cannot merely rely on the weakness of the defense. If the prosecution fails to meet the required quantum of evidence, the defense does not even need to present any evidence in its behalf; the presumption of innocence prevails and the accused should be acquitted.[25]

Reasonable Doubt on the Corpus Delicti

The elements necessary for the prosecution of illegal sale of drugs under Section 5 of R.A. No. 9165 are: (1) the identity of the buyer and the seller, the object and the consideration; and (2) the delivery of the thing sold and the payment therefor. What is material in the prosecution for illegal sale of dangerous drugs is proof that the transaction or sale actually took place, coupled with the presentation in court of evidence of the corpus delicti, i.e., the body or substance of the crime that establishes that a crime has actually been committed, as shown by presenting the object of the illegal transaction.[26] In prosecutions involving narcotics, the narcotic substance itself constitutes the corpus delicti of the offense and proof of its existence is vital to sustain a judgment of conviction beyond reasonable doubt.[27] To remove any doubt or uncertainty on the identity and integrity of the seized drug, the evidence must definitely show that the illegal drug presented in court is the very same illicit drug actually recovered from the appellant; otherwise, the prosecution for drug pushing under R.A. No. 9165 fails.[28]

a. The Chain of Custody Rule and the "Marking" Requirement

Dangerous Drugs Board Regulation No. 1, Series of 2002, which implements R.A. No. 9165, defines chain of custody as "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."

In *Junie Malillin y Lopez v. People*, [29] we explained the importance of establishing the chain of custody of the confiscated drugs, in this wise:

As a method of authenticating evidence, the chain of custody rule requires that the admission of an exhibit be preceded by evidence sufficient to support a finding that the matter in question is what the proponent claims it to be. It would include testimony about every link in the chain, from the moment the item was picked up to the time it is offered into evidence, in such a way that every person who touched the exhibit would describe how and from whom it was received, where it was and what happened to it while in the witness' possession, the condition in which it was received and the condition in which it was delivered to the next link in the chain. These witnesses would then describe the precautions taken to ensure that there had been no change in the condition of the item and no opportunity for someone not in the chain to have possession of the same.

While testimony about a perfect chain is not always the standard because it is almost always impossible to obtain, an unbroken chain of custody becomes indispensable and essential when the item of real evidence is not distinctive and is not readily identifiable, or when its condition at the time of testing or trial is critical, or when a witness has failed to observe its uniqueness. The same standard likewise obtains in case the evidence is susceptible to alteration, tampering, contamination and even substitution and exchange. In other words, the exhibit's level of susceptibility to fungibility, alteration or tampering - without regard to whether the same is advertent or otherwise not - dictates the level of strictness in the application of the chain of custody rule.[30]

Thus, crucial in proving chain of custody is the marking of the seized drugs or other related items immediately after they are seized from the accused. "Marking" means the placing by the apprehending officer or the poseur-buyer of his/her initials and signature on the items seized.[31] Long before Congress passed R.A. No. 9165, this Court has consistently held that failure of the authorities to immediately mark the seized drugs casts reasonable doubt on the authenticity of the corpus delicti.[32] Marking after seizure is the starting point in the custodial link; hence, it is vital that the seized contraband be immediately marked because succeeding handlers of the specimens will use the markings as reference. The marking of the evidence serves to separate the marked evidence from the corpus of all other similar or related evidence from the time they are seized from the accused until they are disposed of at the end of the criminal proceedings, thus preventing switching, "planting," or contamination of evidence.[33]

In the present case, the records do not show that the apprehending team marked the seized items with their initials immediately upon confiscation. In *Sanchez*,[34] we explained that consistency with the chain of custody rule requires that the marking of the seized items be done (1) in the presence of the apprehended violator, and (2) immediately upon confiscation. We clarified in *People v. Manuel Resurreccion*[35] that "[m]arking upon immediate confiscation" does not exclude the possibility that marking can be at the police station or office of the apprehending team. In the present case, the testimonies of the apprehending officers do not indicate that they ever marked the seized items, either at the place of seizure or at the police station. How the police could have omitted such a basic and vital procedure in the initial handling of the seized drugs truly baffles us. Going back to what we earlier discussed, succeeding handlers of the specimen will use the markings as reference. If at the first instance or opportunity, the apprehending team did not mark the seized item/s, then there is nothing to identify it later on as it passes from one hand to another.

Curiously, the seized item already bore the markings "TM-1-010902" when it was examined by the forensic chemist. In the absence, however, of specifics on how, when and where this marking was done, and who witnessed the marking procedure, we cannot accept this marking as compliance with the chain of custody requirement required by the law. In *People v. Ranilo Dela Cruz y Lizing*,[36] the Court reversed the accused's conviction for the failure of the police to mark the plastic sachet in the presence of the accused or his representatives. *People v. Zaida Kamad y Ambing*,[37] likewise, resulted in an acquittal for the failure of the prosecution to provide specific details on how the seized shabu was marked.

The second link in the chain of custody is the turnover of the confiscated drug from PO1 Mengote to the police

station. To recall, after PO1 Mengote allegedly received the plastic sachet from the appellant, he made the pre-arranged signal to his companions. The other members of the buy-bust team approached the appellant, introduced themselves as police officers, and arrested him. Thereafter, they brought him and the confiscated item to the police station.

Notably, the testimonies of the prosecution witnesses failed to identify the person who took custody of the seized item at the police station. Although the request for laboratory examination was signed by P/Supt. Fegarido, the Chief of the District Drug Enforcement Group, we cannot assume that he was the person who received the seized item from PO1 Mengote, in the absence of any testimony proving such fact.

For the succeeding links in the chain of custody, the evidence shows that the confiscated item was forwarded to the PNP Crime Laboratory by one SPO2 Pepano, and then received by a certain "Relos." P/Insp. Gural examined the submitted specimen, and found it positive for the presence of methylamphetamine hydrochloride. As previously discussed, there was a missing link in the custody of the confiscated item after it left the possession of PO1 Mengote. The police did not only fail to mark the specimen immediately upon seizure; it likewise failed to identify the police officer to whose custody the confiscated item was given at the police station. Thus, we cannot conclude with certainty that the item seized from the appellant was the same as that presented for laboratory examination and, later on, presented in court.

That the defense admitted the existence of the Booking and Information Sheet (Exh. "C"), the Request for Laboratory Examination (Exh. "D") and Physical Science Report No. D-1331-02 (Exh. "E") during the pre-trial did not amount to an admission of the identity of the seized specimen. What the admissions proved were merely the existence and authenticity of the request for laboratory examination and the result of this examination, not the required chain of custody from the time of seizure of evidence. Simply put, the admission regarding the existence of Exhibits "C," "D" and "E" has no bearing on the question of whether the specimen submitted for chemical analysis was the same as that seized from the appellant.[38] To interpret the stipulations as an admission that the appellant was the source of the specimen would be contrary to the pre-trial order (stating that Exhibits "C", "D" and "E" were admitted as to their existence only and not as to the source); it would also bind the appellant to an unceremonious withdrawal of his plea of not guilty.

In like manner, the stipulation during the pre-trial regarding the non-presentation of the forensic chemist, P/Insp. Gural, merely covers the handling of the specimen at the forensic laboratory and the result of the examination, but not the manner the specimen was handled before it came to the possession of the forensic chemist and after it left his possession.[39]

b. Non-compliance with the requirements of paragraph 1,
Section 21, Article II of R.A. No. 9165

Section 21, paragraph 1, Article II of R.A. No. 9165 and Section 21(a), Article II of the Implementing Rules and Regulations (IRR) of RA No. 9165 give us the procedures that the apprehending team should observe in the handling of seized illegal drugs in order to preserve their identity and integrity as evidence. As indicated by their mandatory terms, strict compliance with the prescribed procedure is essential and the prosecution must show compliance in every case.[40]

Section 21, paragraph 1, Article II of R.A. No. 9165 reads:

(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[.]

This provision is further elaborated in Section 21(a), Article II of the IRR of R.A. No. 9165, which reads:

(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[.]

The records of the present case are bereft of evidence showing that the apprehending or buy-bust team followed the outlined procedure of Section 21 of R.A. No. 9165 and its IRR. PO1 Mengote narrated the police operation as follows:

PROSECUTOR BERNABE SOLIS:

Q:

So [were] you able to locate him afterwards?

PO1 TIMOTHY MENGOTE:

A:

Yes, sir.

Q:

Where was he at that time?

A:

At that time, he was in front of a sari-sari store or M. dela Cruz St., sir.

Q:

What was he doing at that time?

A:

He was just sitting there at that time, sir.

x x x x

Q:

What did you do next?

A:

When we saw him, our asset introduced me to him as a "shabu scorer" sir.

x x x x

Q:

So what was the reply of the accused?

A:

He said, "Magkano ba?" and I answered, "Halagang piso" sir.

Q:

What does "Piso" mean?

A:

P100.00 worth, sir.

Q:

After having conveyed your intention to buy P100.00 worth of shabu, what did the accused do, if any?

A:

When I had given him the buy bust money, he pulled x x x the shabu out of his right pocket pants, sir.

x x x x

Q:

What did he do with the shabu which he pulled out of his right pocket?

A:

He handed over the stuff to me, sir.

Q:

And after this exchange of goods, what did you do if any?

A:

I executed the pre-arranged signal by wiping my face with a face towel, sir.

x x x x

Q:

And did your colleagues respond to the pre-arranged signal?

A:

Yes, sir.

Q:

What happened after that?

A:

I properly introduced myself to Jhon Jhon as a police officer, sir.

x x x x

Q:

Upon the arrival of your back-up team, what happened next?

A:

They likewise introduced themselves as police officers and we recovered the buy bust money which was taken from his right hand sir.

x x x x

Q:

What happened next?

A:

We apprised him of his rights, arrested him and brought him to our office sir.[41]

From these exchanges, clearly it appears that the apprehending team did not photograph or conduct a physical inventory of the item seized, whether at the place of seizure or at the police station. The non-compliance by the apprehending team with the photograph and physical inventory requirements under R.A. No. 9165 and its IRR was also evident in the testimony of another member of the buy-bust teams, PO1 Tan, who corroborated PO1 Mengote's testimony on material points. Notably, even the Joint Affidavit of Arrest[42] of the members of the entrapment team made no mention of any inventory or photograph.

Prior to the passage of R.A. No. 9165, the Court applied the procedure required by Dangerous Drugs Board Regulation No. 3, Series of 1979, amending Board Regulation No. 7, Series of 1974.[43] Section 1 of this Regulation requires the apprehending team, having initial custody and control of the seized drugs, to immediately inventory and photograph the same in the presence of the accused and/or his representatives, who shall be required to sign and be given copies of the inventory.

After the passage of R.A. No. 9165, the Court did not waver in ensuring that the prescribed procedures in the handling of the seized drugs were observed. In *People v. Rosemarie R. Salonga*,[44] we acquitted the accused for the failure of the police to inventory and photograph the confiscated items. We also reversed the accused's conviction in *Gutierrez*,[45] for the failure of the buy-bust team to inventory and photograph the seized items without justifiable grounds. *People v. Cantalejo*[46] also resulted in an acquittal because no inventory or photograph was ever made by the police.

We reached the same conclusions in the recent cases of *People v. Erlinda Capuno y Tison*,[47] *People v. Jay Lorena y Labag*,[48] and *People v. Arnold Martinez y Angeles, et al.*[49]

Lest the chain of custody rule be misunderstood, we clarify that non-compliance with the prescribed procedural requirements does not necessarily render the seizure and custody of the items void and invalid; the seizure may still be held to be valid, provided that (a) there is a justifiable ground for the non-compliance, and (b) the integrity and evidentiary value of the seized items are shown to have been properly preserved. These conditions, however, were not met in the present case as the prosecution did not even attempt to offer any justification for the failure of the police to follow the prescribed procedures in the handling of the seized items. As we held in *People v. Ronaldo De Guzman y Danzil*,[50] the failure to follow the procedure mandated under R.A. No. 9165 and its IRR must be adequately explained. The justifiable ground for the non-compliance must be proven as a fact. The Court cannot presume what these grounds are or that they even exist.

No Presumption of Regularity in

the Performance of Official Duties

In convicting the appellant of the crime charged, both the RTC and the CA relied on the evidentiary presumption that official duties have been regularly performed. However, this presumption is not conclusive and cannot, by itself, overcome the constitutional presumption of innocence. The presumption of regularity, it must be emphasized, obtains only when there is no deviation from the regular performance of duty. Where the official act in question is irregular on its face, no presumption of regularity can arise.[51] Our declaration in *People v. Samuel Obmiranis y Oreta*[52] is particularly instructive:

It needs no elucidation that the presumption of regularity in the performance of official duty must be seen in the context of an existing rule of law or statute authorizing the performance of an act or duty or prescribing a procedure in the performance thereof. The presumption, in other words, obtains only where nothing in the records is suggestive of the fact that the law enforcers involved deviated from the standard conduct of official duty as provided for in the law. Otherwise, where the official act in question is irregular on its face, an adverse presumption arises as a matter of course. There is indeed merit in the contention that where no ill motives to make false charges was successfully attributed to the members of the buy-bust team, the presumption prevails that said police operatives had regularly performed their duty, but the theory is correct only where there is no showing that the conduct of police duty was irregular. *People v. Dulay* and *People v. Ganenas* in fact both suggest that the presumption of regularity is disputed where there is deviation from the regular performance of duty. Suffice it to say at this point that the presumption of regularity in the conduct of police duty is merely just that--a mere presumption disputable by contrary proof and which when challenged by the evidence cannot be regarded as binding truth.[53]

In the present case, the procedural lapses by the apprehending team in the handling of the seized items - from their failure to mark it immediately upon confiscation, to their failure to inventory and photograph it in the presence of the accused, or his representative or counsel, a representative from the media and the DOJ, and any elected public official, without offering any justifiable ground - effectively negated the presumption of regularity.

Conclusion

In fine, the totality of evidence presented in the present case does not support the appellant's conviction for violation of Section 5, Article II of R.A. No. 9165, since the prosecution failed to prove beyond reasonable doubt all the elements of the offense. The prosecution's failure to comply with Section 21, Article II of R.A. No. 9165, and with the chain of custody requirement of this Act compromised the identity of the item seized, leading to the failure to adequately prove the corpus delicti of the crime charged. In accordance with the constitutional mandate that the guilt of the appellant must be proven beyond reasonable doubt, we hold - for failure to establish the required quantum of evidence - that the presumption of innocence must prevail and acquittal should follow as a matter of right.[54]

WHEREFORE, premises considered, we REVERSE and SET ASIDE the May 31, 2006 decision of the Court of Appeals in CA-G.R. CR-H.C. No. 01251. Appellant Jhon-Jhon Alejandro y dela Cruz is hereby ACQUITTED for the failure of the prosecution to prove his guilt beyond reasonable doubt. He is ordered immediately RELEASED from detention, unless he is confined for another lawful cause.

Let a copy of this Decision be furnished the Director, Bureau of Corrections, Muntinlupa City, for immediate implementation. The Director of the Bureau of Corrections is directed to report the action he has taken to this Court, within five (5) days from receipt of this Decision.

SO ORDERED.

Carpio, (Chairperson), [*]Bersamin, Perez, and Sereno, JJ., concur.

[*] Designated additional member of the Second Division per Special Order No. 1053 dated July 29, 2011.

[1] Penned by Associate Justice Edgardo F. Sundiam, and concurred in by Associate Justice Martin S. Villarama, Jr. (now a member of this Court) and Associate Justice Japar B. Dimaampao; rollo, pp. 4-14.

[2] Penned by Judge Cesar Z. Ylagan; CA rollo, pp. 13-21.

[3] Records, p. 1.

[4] Id. at 13.

[5] Id. at 39-40.

[6] TSN, June 26, 2003, pp. 5-10; see also Joint Affidavit of Arrest, records, pp. 5-6.

[7] TSN, June 26, 2003, pp. 10-11.

[8] Id. at 13-14.

[9] Id. at 17 and 34; and TSN, December 4, 2003, pp. 9-10.

[10] TSN, June 26, 2003, pp. 16-17.

[11] Id. at 17-29, and 38-40.

[12] Records, pp. 5-7.

[13] Id. at 7.

[14] TSN, February 5, 2004, pp. 6-10.

[15] Id. at 13-17.

[16] Id. at 16-19, 34-35.

[17] Records, pp. 124-125.

[18] Supra note 2.

[19] G.R. Nos. 147678-87, July 7, 2004, 433 SCRA 640.

[20] Supra note 1.

[21] Rollo, pp. 7-9.

[22] Id. at 12-13.

[23] CA rollo, pp. 44-55.

[24] Id. at 69-77.

[25] People v. Cantalejo, G.R. No. 182790, April 24, 2009, 586 SCRA 777, 783.

[26] See People v. Pagaduan, G.R. No. 179029, August 9, 2010, 627 SCRA 308.

- [27] *People v. Gutierrez*, G.R. No. 179213, September 3, 2009, 598 SCRA 92, 101.
- [28] *Supra* note 26.
- [29] G.R. No. 172953, April 30, 2008, 553 SCRA 619.
- [30] *Id.* at 632-633.
- [31] *People v. Sanchez*, G.R. No. 175832, October 15, 2008, 569 SCRA 194.
- [32] See *People v. Coreche*, G.R. No. 182528, August 14, 2009, 596 SCRA 350, 357-358.
- [33] *Id.*
- [34] *Supra* note 31.
- [35] G.R. No. 186380, October 12, 2009, 603 SCRA 510, 520.
- [36] G.R. No. 177222, October 29, 2008, 570 SCRA 273.
- [37] G.R. No. 174198, January 19, 2010, 610 SCRA 295.
- [38] *Supra* note 31.
- [39] See *People v. Almorfe*, G.R. No. 181831, March 29, 2010, 617 SCRA 52, 60, citing *People v. Sanchez*, 569 SCRA 194 (2008); see also TSN, February 4, 2003, pp. 2-4.
- [40] See *People v. Denoman*, G.R. No. 171732, August 14, 2009, 596 SCRA 257.
- [41] TSN, June 26, 2003, pp. 19-29.
- [42] Records, pp. 5-6.
- [43] See *People v. Magat*, G.R. No. 179939, September 29, 2008, 567 SCRA 86, 95.
- [44] G.R. No. 186390, October 2, 2009, 602 SCRA 783.
- [45] *Supra* note 27.
- [46] *Supra* note 25.
- [47] G.R. No. 185715, January 19, 2011.
- [48] G.R. No. 184954, January 10, 2011.
- [49] G.R. No. 191366, December 13, 2010.
- [50] G.R. No. 186498, March 26, 2010, 616 SCRA 652.
- [51] *People v. Martinez*, *supra* note 49.
- [52] G.R. No. 181492, December 16, 2008, 574 SCRA 140.
- [53] *Id.* at 156-157.
- [54] *People v. Cantalejo*, *supra* note 25.

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