

PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. ALEX BALAGAT, DEFENDANT AND APPELLANT.

G.R. No. 177163. April 24, 2009

Ponente: CARPIO MORALES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-177163/>

CARPIO MORALES, J.:

Alex Balagat (appellant) was, by Information filed before the Regional Trial Court (RTC) of Pasig City, charged with violating Section 5, Article 11 of Republic Act No. 9165 as follows:

That on or about the 16[th] day of September 2002, in the Municipality of San Juan, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without being authorized by law, did then and there willfully, unlawfully and knowingly sell, deliver and give away to a poseur buyer, PO2 Erwin Taasin, one (1) heat-sealed transparent plastic sachet containing 0.03 grams of white crystalline substance, which were found positive to the test for methamphetamine hydrochloride, also known as "shabu", which is a dangerous drug, in consideration of the amount of Php 100.00, in violation of the above-cited law.[1] (Underscoring supplied)

During the pre-trial, the parties stipulated

that [Forensic Chemist Annalee R. Forro] received the Request for Laboratory Examination dated September 16, 2002 and the specimen allegedly confiscated from the accused, that upon her examination, the specimen marked in the Chemistry Report No. D-1834-02E A to I proved positive for methamphetamine hydrochloride, a dangerous drug while specimen J to M gave negative result.[2] (Emphasis and underscoring supplied)

Via the testimonies of its witnesses PO1 Erwin Taasin (Taasin) and PO2 Mario Madarang (Madarang), the following version of the prosecution[3] is culled:

At 5:30 PM of September 16, 2002, Taasin, then stationed at the Station Drug Enforcement Unit (SDEU), Office of the San Juan Metro Manila Police Station, received a report from an informant that someone was selling shabu at Tabing-Ilog Street, Barangay Salapan, San Juan. The informant described the suspect as wearing short pants and a red sando with the words "bugle boy" printed thereon. The SDEU chief thus organized a buy-bust team composed of Taasin who was designated poseur buyer, PO1 Romeo G. Lañada (Lañada), and Madarang.

On reaching Tabing-Ilog Street in a private car at around 6:00 PM of September 16, 2002, Taasin alighted and, at a distance of 25 meters, saw appellant who matched the description given by the informant.

Taasin thereupon approached appellant, told him "Ii-score ako ng piso," and handed appellant a previously marked P100 bill. Appellant took the bill in exchange for which he handed therein a plastic sachet of suspected shabu.

Lañada and Madarang at once approached appellant who repaired to his 15-meter away house where he was apprehended. They recovered the buy-bust money from appellant. As a man, later identified to be Wilfredo Rodriguez (Rodriguez) and a woman, later identified to be Jennifer Narvaes (Jennifer), were sitting on a plywood

bed in front of which were drug paraphernalia, the team also apprehended the two and confiscated the paraphernalia. A plastic sachet of suspected shabu and a plastic bag containing four small plastic sachets also of suspected shabu were also seized from appellant's house.

Taasin turned over to an investigator at the SDEU Office the plastic sachet recovered from appellant on which the investigator marked "AMB." When tested, the contents of the plastic sachet yielded positive for the presence of shabu.[4]

In his defense,[5] appellant claimed as follows: He was arguing with Jennifer in his house when Rodriguez arrived to collect from him service charge for laundry. As he started talking with Rodriguez, two persons entered his house, one of whom drew a gun saying "Huwag kayong kikilos, diyan lang kayo." The two frisked him and took money from Jennifer who voluntarily gave them shabu which she took from her brassiere.

The two armed men then searched the house, boarded him and his companions on a vehicle, and brought them to the San Juan Police Station where he and Rodriguez were detained.

Madarang soon asked him for P30,000 in exchange for his liberty. On the advice of his (appellant's) brother, Romeo Balagat (Romeo), he did not heed the demand.

By Decision dated April 20, 2005,[6] Branch 157 of the Pasig City RTC convicted appellant, disposing as follows:

WHEREFORE, the Court finds accused ALEX BALAGAT Y MAKIGANGAY GUILTY beyond reasonable doubt of violation of Section 5, Article II of Republic Act No. 9165 and hereby sentences him to suffer Life Imprisonment and to pay a fine of PHP 500,000.00.

The evidence subject of the instant case are forfeited in favor of the Government and the Officer-in-Charge of this Court is directed to cause their immediate transmittal to the Philippine Drug Enforcement Agency (PDEA) for disposal in accordance with law.

SO ORDERED.

On appeal before the Court of Appeals, appellant alleged that the trial court

- X X X GROSSLY MISAPPRECIATED THE FACTS AND CIRCUMSTANCES OF THE CASE;
- X X X ERRED IN GIVING CREDENCE TO THE EVIDENCE OF THE PROSECUTION DESPITE THE FACT THAT THE WITNESSES' ACTS INDICATE AN ULTERIOR AND SINISTER MOTIVE IN THE FILING OF THE CASE. STATED OTHERWISE, IT IS ERROR FOR THE TRIAL COURT TO DECLARE THAT THE ACCUSED-APPELLANT'S DENIAL CANNOT BE GIVEN WEIGHT DUE TO THE OBVIOUS SHOWING OF ILL-MOTIVE ON THE PART OF THE POLICE;
- X X X ERRED IN NOT GIVING WEIGHT TO THE EVIDENCE PRESENTED BY THE ACCUSED-APPELLANT WHICH CLEARLY NEGATES THE SUPPOSED OCCURRENCE OF THE BUY-BUST OPERATION; AND
- X X X ERRED IN NOT ACQUITTING THE ACCUSED-APPELLANT ON THE GROUND OF REASONABLE DOUBT.[7]

The Court of Appeals, by Decision of October 23, 2006,[8] affirmed the RTC decision.

Hence, the present appeal.[9] Appellant filed a Supplemental Brief,[10] while the Solicitor General manifested that she would no longer file a Supplemental Brief.

An appeal in a criminal case opens the entire case for review. The reviewing tribunal can correct errors though

unassigned in the appeal, or even reverse the trial court's decision on grounds other than those raised as errors by the parties.[11]

From a review of the records of the case, the Court entertains nagging doubts on whether the substance allegedly confiscated from appellant was the same specimen examined and established to be a regulated drug.

As stated early on, the prosecution and the defense stipulated during the pre-trial

that [Forensic Chemist Annalee R. Forro] received the Request for Laboratory Examination dated September 16, 2002 and the specimen allegedly confiscated from the accused, that upon her examination, the specimen marked in the Chemistry Report No. D-1834-02E A to I proved positive for methamphetamine hydrochloride, a dangerous drug while specimen J to M gave negative result.[12] (Underscoring and emphasis supplied)

The stipulation referred to the chemist's receipt of an "allegedly" confiscated specimen which tested positive for shabu. In other words, there is no certainty that what was submitted and subjected for chemical examination was the specimen obtained from appellant.

By Taasin's claim, he turned over the shabu to PO2 Ricardo Cristobal (Cristobal) who marked it with "AMB" and prepared the request for laboratory examination; and the buy-bust team members were the ones who brought the request, together with the specimen, to the laboratory for examination.[13] The records show, however, that the specimen examined by the forensic chemist was delivered by PO3 Arnel Cave (Cave)[14] who does not appear to have been part of the buy-bust team. Cave did not even take the witness stand. Apropos is this Court's pronouncement in *People v. Dismuke*: [15]

x x x [T]he prosecution failed to prove that the specimens examined by the forensic chemist were the ones purportedly sold by the accused to PO3 Labrador. According to the latter, when they arrived at their headquarters after the buy-bust operation, he turned over the accused to their investigator, a certain Reynaldo Lichido, for proper disposition and investigation. Lichido also "immediately prepared the referral to the PC Laboratory for examination in order to be sure if the specimen is positive." What the forensic chemist examined were the contents of "two transparent plastic bag [sic] containing flowering tops with rolling papers suspected to be marijuana" transmitted by PNP Inspector Asuncion Santos, Officer-in-Charge of the District Dangerous Enforcement Division of the Northern Police District Command. Both Lichido and Santos were not presented by the prosecution to testify in this case. Thus, there is no evidence to prove that what were allegedly sold by the accused to PO3 Labrador were actually the ones turned over to Lichido, that what the latter received were turned over to Santos, and that what Santos transmitted to the forensic chemist were those allegedly sold by the accused. The failure to establish the evidence's chain of custody is damaging to the prosecution's case.[16] (Underscoring supplied)

On this score, the Court finds the prosecution's failure to prove the evidence's chain of custody to merit appellant's acquittal. Dwelling on the assigned errors is thus rendered unnecessary.

WHEREFORE, the Decision of the Court of Appeals is REVERSED and SET ASIDE. Appellant, Alex Balagat, is ACQUITTED of the crime charged.

Let a copy of this Decision be furnished the Director of the Bureau of Corrections, Muntinlupa City who is DIRECTED to immediately release appellant from detention unless he is being held for some other lawful cause, and to inform this Court within five days of action taken thereon.

SO ORDERED.

Tinga, Velasco, Jr., Leonardo De Castro[*], and Brion, JJ., concur.

[*] Additional member in lieu of Justice Leonardo A. Quisumbing who is on official leave.

[1] Records, p. 1.

[2] Id. at 46-47.

[3] TSN, August 7, 2003, pp. 1-19; TSN, January 29, 2004, pp. 2-14.

[4] Records, p. 98, Exhibit "D."

[5] TSN, April 22, 2004, pp. 2-9; TSN, May 6, 2004, pp. 2-19; TSN, June 3, 2004, pp. 2-11; TSN, July 22, 2004, pp. 2-12.

[6] Records, pp. 225-232.

[7] CA rollo, p. 33.

[8] Id. at 99-109. Penned by Court of Appeals Associate Justice Juan Q. Enriquez, Jr. with the concurrence of then Court of Appeals Associate Justice Ruben T. Reyes (now retired Associate Justice of the Court) and Associate Justice Vicente S.E. Veloso.

[9] CA rollo, p. 110.

[10] Rollo, pp. 19-24.

[11] People v. Miranda, G.R. No. 174773, October 2, 2007, 534 SCRA 552, 563-564.

[12] Supra note 2.

[13] TSN, August 7, 2003, pp. 9-11.

[14] Records, p. 97, Exhibit "C."

[15] G.R. No. 108453, July 11, 1994, 234 SCRA 51.

[16] Id. at 60-61.

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.