

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDWIN ULAT Y AGUINALDO @ PUDONG, ACCUSED-APPELLANT.

G.R. No. 180504. October 05, 2011

Ponente: LEONARDO-DE CASTRO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-180504/>

LEONARDO-DE CASTRO, J.:

This is an appeal of the Decision[1] dated May 30, 2007 of the Court of Appeals in CA-G.R. CR.-H.C. No. 01800 entitled, *People of the Philippines v. Edwin Ulat y Aguinaldo @ Pudong*, which affirmed the Decision[2] dated October 12, 2005 of the Regional Trial Court (RTC) of Makati, Branch 65, in Criminal Case No. 03-597. In said RTC Decision, the trial court found appellant Edwin Ulat y Aguinaldo @ Pudong guilty beyond reasonable doubt for violation of Section 5, Article II of Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act of 2002 and imposed upon him the penalty of life imprisonment as well as a fine of Five Hundred Thousand Pesos (P500,000.00).

In an Information[3] dated February 11, 2003, appellant was charged with violation of Section 5, Article II of Republic Act No. 9165, as set forth below:

That on or about the 10[th] day of February 2003, in the City of Makati, Metro Manila, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, without the necessary license or prescription and without being authorized by law, did then and there willfully, unlawfully and feloniously sell, deliver and distribute Methylamphetamine Hydrochloride, a dangerous drug, weighing zero point zero two (0.02) gram, in consideration of P100.00.

Appellant pleaded "not guilty" to the charge leveled against him when arraigned on March 3, 2003.[4] Thereafter, trial commenced.

The prosecution's version of the events leading to appellant's arrest and his being charged with the above-mentioned offense was summarized as follows:

On February 10, 2003, a confidential informant relayed information regarding the illegal drug pushing activities of one alias Pudong along Seabird Street, Barangay Rizal, Makati City to Barangay Chairman Dreu, head of the Makati Anti-Drug Abuse Council (MADAC, for brevity) Cluster 6 (TSN, Aug. 6, 2003, p. 5).

Consequently, the MADAC Cluster 6, in coordination with the Makati Police Drug Enforcement Unit (Makati DEU, for brevity), met and decided to go to the place of alias Pudong at Seabird Street, Barangay Rizal, Makati City to verify if alias Pudong is indeed selling illegal drugs and to conduct an entrapment operation under the supervision of PO1 Randy Santos. During the briefing, it was agreed that one of the MADAC volunteers, Armando Pol-ot (Pol-ot, for brevity), together with the confidential informant, would act as poseur-buyer and buy illegal drugs from alias Pudong that very same day. The pre-arranged signal for the back-up team to know that the transaction was already consummated would be the poseur-buyer's act of lighting a cigarette. The buy-bust money was then marked and was handed to the poseur-buyer (TSN, Aug. 6, 2003, pp. 6-8, 10; TSN, Aug. 10, 2005, p. 9).

Thus, at about 7:15 p.m. of February 10, 2003, Pol-ot and the confidential informant went to Seabird Street, Barangay Rizal, Makati City on foot while the rest of the team rode a tricycle and followed the two. Upon reaching the place, the members of the back-up team positioned themselves 10 to 15 meters from where Pol-ot and the confidential informant were, so they could see the transaction take place (TSN, Aug. 10, 2005, pp. 10-12).

Meanwhile, Pol-ot, who was then accompanied by the confidential informant, approached alias Pudong and was introduced by the informant as a buyer in need of shabu. Alias Pudong asked how much and Pol-ot replied "Piso lang naman", meaning One Hundred Pesos only. Thereafter, alias Pudong took the marked money and left. Upon his return, he handed Pol-ot a small plastic sachet containing suspected substance. Pol-ot then gave the pre-arranged signal and lighted a cigarette, signifying that the transaction was consummated (TSN, Aug. 6, 2003, pp. 9-10).

Upon seeing the pre-arranged signal, PO1 Santos and Rogelio Patacsil (Patacsil, for brevity) approached alias Pudong and apprehended him. Pol-ot then identified himself as member of the MADAC. Alias Pudong was then ordered to empty the contents of his pockets and the marked money was recovered. PO1 Santos immediately asked alias Pudong his real name. PO1 Santos then informed him of the nature of his arrest and apprised him of his Constitutional rights in Tagalog. Thereafter, alias Pudong was brought to the barangay hall of Barangay Rizal to have the incident listed in the barangay blotter. The confiscated substance contained in the plastic sachet which Pol-ot bought from alias Pudong was then marked "EUA" (TSN, Aug. 6, 2003, pp. 23-24; TSN, Aug. 10, 2005, pp. 13-15)

Subsequently, alias Pudong was brought to the Makati DEU office for proper investigation. The duty investigator prepared a request for laboratory examination of the specimen (the substance contained in the plastic sachet bought from the accused) marked "EUA" and a drug test for the accused (TSN, Aug. 6, 2005, pp. 15-16).

P/Insp. Richard Allan B. Mangalip conducted the laboratory examination on the contents of the plastic sachet marked "EUA" and it tested positive for Methamphetamine Hydrochloride (TSN, May 6, 2003, pp. 4-9).

The following day, or on 11 February 2003, PO1 Santos and MADAC volunteers Pol-ot and Patacsil executed a sworn statement entitled "Pinagsanib na Salaysay ng Pag-aresto" in connection to the buy-bust operation which led to the arrest of appellant Edwin Ulat y Aguinaldo alias Pudong (TSN, Aug. 10, 2005, pp. 16-18; Records, p. 6).[5]

On the other hand, the defense narrated a different version of the incident, to wit:

In the evening of 10 February 2003, at about 7:30 o'clock p.m., the accused, EDWIN ULAT (Ulat for brevity), was at home watching television when he saw five (5) to seven (7) men in front of their door whom he thought were looking for someone. He approached them and asked who they were looking for. Suddenly, a gun was poked at him and he was told to go with them to the barangay hall. Ulat then asked who they were but he was told not to ask question or else he might get hurt. Two (2) of the men forced him out of the house. He resisted but he was punched in the stomach and was dragged towards a blue Revo. The accused was likewise asked if he knew a certain Sandy. He denied knowing the said person. He was brought to the barangay hall and then to the Criminal Investigation Division (CID).[6]

After due proceedings, the trial court convicted appellant of violation of Section 5, Article II of Republic Act No. 9165 in its Decision dated October 12, 2005. The dispositive portion of said Decision reads:

THE FOREGOING CONSIDERED, the court is of the opinion and so holds accused Edwin Ulat y Aguinaldo guilty beyond reasonable doubt of the offense charged. He is hereby sentenced to life imprisonment and is fined the sum of five hundred thousand pesos (Php500,000.00) without subsidiary imprisonment in case of insolvency.

The period of detention of the accused should be given full credit.

Let the dangerous drug subject matter of this case be disposed of in the manner provided for by law.[7]

On review, the Court of Appeals, in its Decision dated May 30, 2007, affirmed the ruling of the trial court and disposed of the appeal in this wise:

WHEREFORE, premises considered, appeal is hereby DISMISSED for lack of merit and EDWIN ULAT y AGUINALDO should be made to suffer the penalty correctly imposed by the trial court.[8]

Hence, appellant interposed the present appeal with this Court wherein he submits the following assignment of errors:

I

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY WITH VIOLATION OF SECTION 5, ARTICLE II OF R.A. 9165 DESPITE THE FAILURE OF THE PROSECUTION TO PROVE THE OFFENSE CHARGED BEYOND REASONABLE DOUBT.

II

THE COURT A QUO GRAVELY ERRED IN GIVING WEIGHT AND CREDENCE TO THE INCONSISTENT AND CONTRADICTING TESTIMONIES OF THE PROSECUTION WITNESSES.[9]

In the instant petition, appellant's chief argument highlights the fact that the witnesses for the prosecution allegedly presented conflicting testimonies on material points regarding the chain of custody of the illegal drug taken from appellant, resulting in the failure of the prosecution to sufficiently establish the corpus delicti and engendering doubt as to appellant's guilt.

In light of the attendant circumstances in the case at bar, the argument is persuasive.

The law presumes that an accused in a criminal prosecution is innocent until the contrary is proved. This basic constitutional principle is fleshed out by procedural rules which place on the prosecution the burden of proving that an accused is guilty of the offense charged by proof beyond reasonable doubt. Whether the degree of proof has been met is largely left for the trial courts to determine. However, an appeal throws the whole case open for review such that the Court may, and generally does, look into the entire records if only to ensure that no fact of weight or substance has been overlooked, misapprehended, or misapplied by the trial court.[10]

Moreover, owing to the built-in dangers of abuse that a buy-bust operation entails, the law prescribes specific procedures on the seizure and custody of drugs, independently of the general procedures geared to ensure that the rights of people under criminal investigation and of the accused facing a criminal charge are safeguarded.[11]

In this regard, Section 21, paragraph 1, Article II of Republic Act No. 9165 states:

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.

Furthermore, Section 21(a), Article II of the Implementing Rules and Regulations of Republic Act No. 9165 expounds on the aforementioned provision of law:

(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.

In the crime of sale of dangerous drugs, the prosecution must be able to successfully prove the following elements: "(1) identities of the buyer and seller, the object, and the consideration; and (2) the delivery of the thing sold and the payment therefor." [12] Similarly, it is essential that the transaction or sale be proved to have actually taken place coupled with the presentation in court of evidence of *corpus delicti* which means the "actual commission by someone of the particular crime charged." [13]

A meticulous review of the records of this case has led us to the conclusion that the prosecution failed to demonstrate with moral certainty that the identity and integrity of the prohibited drug, which constitutes the *corpus delicti*, had been duly preserved.

First, the records reveal that the prosecution did not establish the exact location where the confiscated illegal drug was marked and the identity of the person who marked it because of contradicting testimonies from the prosecution's witnesses.

According to witness Armando Pol-ot (Pol-ot), a Makati Anti-Drug Abuse Council (MADAC) civilian volunteer who acted as poseur-buyer in the entrapment operation, it was Police Officer 1 Randy Santos (PO1 Santos), the leader of the buy-bust team, who placed the marking on the confiscated sachet of shabu that was obtained from appellant. The relevant portion of the transcript is quoted here:

Q: Why do you say it is the same plastic sachet containing white crystalline substance delivered to you by alias Pudong?

A: Because of the markings, sir.

Q: And who placed these markings?

A: PO1 Santos, sir.

Q: Where were you when PO1 Santos placed these markings in this plastic sheet?

A: In front of him.

Q: Now, can you tell us what is that marking placed by PO1 Santos?

A: Name of the accused.

Q: What is that mark, Mr. Witness?

A: Edwin Ulat Y Aguinaldo.

Q: Can you read these markings?

A: E.U.E. (sic) [14]

This testimony contradicts what Pol-ot declared in the *Pinagsanib na Salaysay ng Pag-aresto* or the Joint Affidavit of Arrest [15] which was executed by the members of the buy-bust team on February 11, 2003. The pertinent

portion of which reads:

Na, ang aking (Madac Armando Pol-ot) nabiling isang sachet na naglalaman ng pinaghihinalaang shabu mula kay @ Pudong ay aking minarkahan sa harapan ng mga akusado ng inisyal na "EUA" (subject of sale) bago ito isinumite sa PNP Crime Laboratory Field Office para sa kaukuilang (sic) pagsisiyasat.[16]

When confronted by the defense counsel about this discrepancy, Pol-ot merely surmised that it might be the product of typographical error, to wit:

Q: You mentioned that it was Santos who made the markings on the sachet EAU, is that correct?

A: Yes, sir.

Q: You were present when Santos placed these markings?

A: Yes, sir.

Q: Are you sure?

A: Yes, sir.

Q: Very, very sure.

A: Yes, sir.

Q: I am just wondering Mr. Witness, in your Pinagsanib na Salaysay ng Pag aresto, the second to the last sentence, and I quote; "Na, ang aking (Madac Armando Pol-ot) nabiling isang sachet na naglalaman ng pinaghihinalaang shabu mula ka @ Pudong ay aking minarkahan sa harapan ng mga akusado na inisyal na "EUA" (subject of sale). Mr. Witness, your testimony earlier and your affidavit, is conflicting, which is correct, your testimony or your affidavit?

A: PO1 Santos marked, sir.

Q: So your affidavit is not true?

PROS. SALAZAR:

In so far as the marking is concerned, not all affidavit, your Honor.

PROS. SALAZAR:

Q: This paragraph is not true?

THE COURT:

Read your affidavit.

A: Maybe it's just typographical error, sir.

Q: Who prepared this affidavit, Mr. Witness?

A: At the DEU office, sir.

Q: Did you read this affidavit before you sign?

A: Not any more, sir.

THE COURT:

You did not read?

A: No, your honor.

Q: How did you know if it's right?

A: I reviewed it after several days.

THE COURT:

After you signed, you read it after signing?

A: Yes, sir.[17]

However, when it was PO1 Santos' turn to testify, he discredited Pol-ot's testimony with regard as to who marked the confiscated sachet of shabu:

Q: Why do you say this is the same plastic sachet containing white crystalline substance purchased from the accused in this case?

A: Because of the marking EUA, sir.

Q: And who placed this marking, Mr. Witness?

A: Armando Pol-ot, sir.

Q: Where were you when this marking were placed, Mr. Witness?

A: In front of him, sir.

Q: By the way what does that marking EUA represents, Mr. Witness?

A: Edwin Ulat y Aguinaldo, sir.[18]

Indubitably, this conspicuous variance in the testimonies for the prosecution casts serious doubt on the arresting team's due care in the custody of the confiscated illegal drug. Worse, the foregoing is not the only instance of conflict between the narrations of Pol-ot and PO1 Santos with regard to the handling of the confiscated sachet of shabu.

In his testimony, Pol-ot declared that he was present when an inventory report of the confiscated illegal drug, which is required by Section 21 of Republic Act No. 9165, was prepared by PO1 Santos at the barangay hall where they brought appellant immediately after arresting him. The pertinent portion of his testimony reads:

Q: Did you make any inventory report to the item that was allegedly confiscated from the accused?

A: Yes, sir.

Q: Where is your inventory report?

A: With the police, then brought to the Crime Laboratory for examination?

Q: Inventory report, you examine the inventory report to the crime lab?

A: The item that was confiscated.

Q: Were you present when this police made this inventory report?

A: Yes, sir at the Barangay.

Q: Can you tell us the name of the police who made the inventory report?

A: PO1 Santos, sir.

Q: Again, Santos?

A: Yes, sir.[19]

On the other hand, PO1 Santos emphatically denied ever making any inventory report:

Q: Did you make an inventory of those items that were confiscated?

A: None, ma'am.[20]

Furthermore, when Pol-ot was asked by the defense counsel if the confiscated sachet of shabu was photographed, as mandated by Section 21 of Republic Act No. 9165, he answered in the affirmative, and, when asked by the trial court if the accused was present when this was being done as required by the law, he likewise answered yes to the query, as can be gleaned from this portion of the transcript:

Q: Did you photograph the item that was confiscated from the accused?

A: Yes, sir.

Q: Who was the photographer?

A: Our companion, sir.

Q: Who?

A: Mr. Baisa, sir.

Q: When you took the picture of the item, who were present?

PROS. SALAZAR:

Misleading, your Honor. He was not the one who took the pictures.

THE COURT:

When the pictures were taken who were present?

A: My teammates.

THE COURT:

With the accused?

A: He was present, but they photographed only the items confiscated from him, your Honor.

Q: The items only.

A: Yes, your honor.[21]

However, PO1 Santos did not corroborate Pol-ot's claim and instead testified that:

Q: Do you take photos of the items that were recovered, Mr. Witness?

A: None, ma'am.[22]

Taking into consideration all the conflicting accounts of Pol-ot and PO1 Santos, the Court believes that any reasonable mind would entertain grave reservations as to the identity and integrity of the confiscated sachet of shabu submitted for laboratory examination. As likewise correctly raised by appellant, apart from the testimony

that PO1 Santos turned over the accused to an unnamed duty inspector,[23] the prosecution evidence does not disclose with clarity how the confiscated sachet passed hands until it was received by the chemical analyst at the Philippine National Police (PNP) crime laboratory. In other words, the prosecution could not present an unbroken chain of custody for the seized illegal drug.

In *Zaragga v. People*,[24] we held that the material inconsistencies with regard to when and where the markings on the shabu were made and the lack of inventory on the seized drugs created reasonable doubt as to the identity of the corpus delicti. Thus, the accused were acquitted due to the prosecution's failure to indubitably show the identity of the shabu. In *People v. Sitco*,[25] we enumerated other occasions wherein acquittal was proper for failure of the prosecution to establish a complete chain of custody, such as:

In a string of cases, we declared that the failure of the prosecution to offer the testimony of key witnesses to establish a sufficiently complete chain of custody of a specimen of shabu, and the irregularity which characterized the handling of the evidence before it was finally offered in court, fatally conflicts with every proposition relative to the culpability of the accused.

As in *People v. Partoza*, this case suffers from the failure of the prosecution witness to provide the details establishing an unbroken chain of custody. In *Partoza*, the police officer testifying did not relate to whom the custody of the drugs was turned over. The evidence of the prosecution likewise did not disclose the identity of the person who had the custody and safekeeping of the drugs after its examination and pending presentation in court.[26] (Emphases supplied; citations omitted.)

We are not unaware of existing jurisprudence holding that non-compliance by the apprehending/buy-bust team with Section 21 of Republic Act No. 9165 is not fatal as long as there is justifiable ground therefor, and as long as the integrity and the evidentiary value of the confiscated/seized items, are properly preserved by the apprehending officer/team. Its non-compliance will not render an accused's arrest illegal or the items seized/confiscated from him inadmissible. What is of utmost importance is the preservation of the integrity and the evidentiary value of the seized items, as the same would be utilized in the determination of the guilt or innocence of the accused.[27]

It is this assurance of evidentiary integrity that is lacking in the case at bar. Thus, as a consequence thereof, appellant's acquittal from the criminal charge against him would be in order.

Recently, we held that the unjustified failure of the police officers to show that the integrity of the object evidence - shabu - was properly preserved negates the presumption of regularity accorded to acts undertaken by them in the pursuit of their official duties.[28] As a rule, the testimony of arresting police officers in drug cases is accorded faith and credit because of the presumption that they have performed their duties regularly.[29] Slight infractions or nominal deviations by the police from the prescribed method of handling the corpus delicti should not exculpate an otherwise guilty defendant.[30] However, in the present case, there were not merely trifling lapses in the handling of the evidence taken from the accused but the prosecution could not even establish what procedure was followed by the arresting team to ensure a proper chain of custody for the confiscated prohibited drug.

WHEREFORE, premises considered, the assailed Decision dated May 30, 2007 of the Court of Appeals in CA-G.R. CR.-H.C. No. 01800 is REVERSED and SET ASIDE. For failure of the prosecution to prove his guilt beyond reasonable doubt, appellant Edwin Ulat y Aguinaldo is ACQUITTED of the crime charged.

Let a copy of this Decision be furnished to the Director of the Bureau of Corrections, Muntinlupa City, who is ORDERED to cause the immediate release of appellant, unless he is being lawfully held for another cause, and to inform this Court of action taken thereon within ten (10) days from notice.

SO ORDERED.

Corona, C.J., (Chairperson), Bersamin, Del Castillo, and Villarama, Jr., JJ., concur.

[1] Rollo, pp. 2-14; penned by Associate Justice Andres B. Reyes, Jr. with Associate Justices Jose C. Mendoza (now a member of this Court) and Ramon M. Bato, Jr., concurring.

[2] CA rollo, pp. 12-15.

[3] Records, p. 1.

[4] Id. at 13.

[5] CA rollo, pp. 59-62.

[6] Id. at 34-35.

[7] Id. at 15.

[8] Rollo, p. 14.

[9] CA rollo, p. 31.

[10] Zarraga v. People, 519 Phil. 614, 620 (2006).

[11] People v. Sanchez, G.R. No. 175832, October 15, 2008, 569 SCRA 194, 208.

[12] People v. Roble, G.R. No. 192188, April 11, 2011.

[13] Id.

[14] TSN, August 6, 2003, p. 15.

[15] Records, pp. 6-7.

[16] Id. at 7.

[17] TSN, August 6, 2003, pp. 26-27.

[18] TSN, August 10, 2005, p. 20.

[19] TSN, August 6, 2003, p. 24.

[20] TSN, August 10, 2005, p. 27.

[21] TSN, August 6, 2003, pp. 24-25.

[22] TSN, August 10, 2005, p. 27.

[23] Id. at 15.

[24] Supra note 10 at 621.

[25] G.R. No. 178202, May 14, 2010, 620 SCRA 561.

[26] Id. at 579.

[27] People v. Pringas, G.R. No. 175928, August 31, 2007, 531 SCRA 828, 842-843.

[28] People v. Navarrete, G.R. No. 185211, June 6, 2011.

[29] People v. Frondozo, G.R. No. 177164, June 30, 2009, 591 SCRA 407, 419.

[30] People v. Sultan, G.R. No. 187737, July 5, 2010, 623 SCRA 542, 552.

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.