

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JAIME GATLABAYAN Y BATARA, ACCUSED-APPELLANT.

G.R. No. 186467. July 13, 2011

Ponente: MENDOZA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-186467/>

MENDOZA, J.:

This is an appeal from the July 29, 2008 Decision [1] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 02221, which affirmed the May 10, 2005 Decision [2] of the Regional Trial Court of San Mateo, Rizal, Branch 77 (RTC), in Criminal Case No. 6384, finding accused Jaime Gatlabayan y Batara (Gatlabayan) guilty beyond reasonable doubt of violation of Section 5 (1), Article II of Republic Act (R.A.) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

The Information [3] reads:

That on or about the 10[th] day of September, 2002 in the Municipality of Rodriguez, Province of Rizal, 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 another person one (1) heat-sealed transparent plastic sachet containing 0.03 gram of white crystalline substance which gave positive result to the test for Methamphetamine Hydrochloride, a dangerous drug, and which substance produces a physiological action similar to amphetamine or other compound thereof producing similar physiological effects.

CONTRARY TO LAW.

During the trial, the parties agreed to stipulate on the testimonies of prosecution witnesses, Police Officer 1 (PO1) Reynaldo Albarico and Police Inspector (P/Insp.) Joseph Perdido, the forensic chemist. The prosecution, thereafter, presented PO1 Fortunato Jiro III (PIO Jiro III) and PO1 Jose Gordon Antonio (PO1 Antonio) at the witness stand. The defense, on the other hand, presented Gatlabayan, the accused himself.

The Version of the Prosecution

The People's version of the incident has been summarized by the Office of the Solicitor General (OSG) in its Brief [4] as follows:

On September 10, 2002, at around 8:30 in the evening, while PO1 Jose Gordon Antonio, a member of PNP Intelligence Operative Division of Rodriguez, Rizal, together with his colleagues, PO1 Fortunato Jiro and PO1 Albarico, were inside their station, they received an information from an "asset" that appellant Jaime Gatlabayan alias "Pungay" was rampantly selling illegal drugs at Carlton Village, Brgy. Manggahan, Rodriguez, Rizal. On the basis of said information, the police officers immediately decided to form a composite team for the conduct of a buy-bust operation against appellant. Consequently, PO1 Antonio was tasked as the poseur-buyer equipped with a ₱100.00 bill buy-bust money where his initials "JGA" was written thereon, while PO1 Jiro and PO1 Albarico acted as members. Thereupon, the composite team recorded in their police blotter the planned buy-bust operation. Thereafter, the three (3) police officers with their "asset"

proceeded to the target area on board an owner type jeep.

Arriving thereat, the civilian asset pointed appellant to the buy-bust team. Appellant was then standing under a Sampaloc tree at Carlton Village, Brgy. Manggahan, Rodriguez, Rizal. Afterwards, poseur-buyer PO1 Antonio, from a distance of 10 meters away from appellant alighted from the car while the rest of the composite team and the informer remained in the vehicle. Meanwhile, poseur-buyer PO1 Antonio walked towards appellant. Upon seeing PO1 Antonio, appellant asked if he wants "to score," (which in local parlance means, if he wants to buy "shabu") to which PO1 Antonio readily answered yes, and simultaneously handed to appellant the P100 marked money. In turn, appellant gave him a small plastic sachet containing white crystalline substance suspected of "shabu." Upon consummation of the sale, PO1 Antonio gave the pre-arranged signal of waiving his hand. Seeing this, police officers Jiro and Albarico rushed to the locus criminis and simultaneously introduced themselves as police officers. Then, PO1 Jiro directed appellant to empty his pocket and the ₱100.00 marked money fell on the ground. Thereafter, appellant was arrested and was apprised of his constitutional rights and was likewise informed of the crime he committed.

Appellant was brought to the nearby police station of Rodriguez, Rizal for investigation. Subsequently, the plastic sachet sold by appellant to poseur-buyer PO1 Antonio was subjected to a laboratory examination and forensic chemist Police Inspector Joseph M. Perdido of the PNP Crime Laboratory in his Chemistry Report No. D-1784-02E found that the subject crystalline substance is positive for methamphetamine hydrochloride or "shabu." Consequently, appellant was charged for violation of Section 5, Paragraph 1, Article II of R.A. 9165 or for "Illegal Sale of Dangerous Drugs." [5]

The Version of the Defense

In his Brief, [6] Gatlabayan denied that he was caught, in flagrante, selling shabu and claimed that he was just a victim of police frame-up. The accused presents the following version of what transpired:

JAIME GATLABAYAN was at the "peryahan" with a companion on September 10, 2002, at 8:00 o'clock in the evening. While the accused was singing, PO1 Antonio along with PO1 Jiro arrived and suddenly handcuffed him. The accused asked "Sir, anong kasalanan ko?" PO1 Antonio just replied "basta sumama ka na lang." He was brought to the police station and was incarcerated. The accused was not frisked when he was arrested. He denied the offense charged against him. [7]

On May 10, 2005, the RTC rendered its judgment rejecting the defense of frame-up proffered by the accused and declared that the same fell flat in the face of the affirmative testimony of prosecution witnesses, PO1 Antonio and PO1 Jiro III, who categorically and forthrightly testified that he was caught in flagrante delicto selling shabu. The trial court ruled that the presumption of regularity in the performance of duties in favor of the police operatives had not been overturned in the absence of clear showing that they had been impelled by any ill motive to falsely testify against him for such serious crime. It added that the alleged inconsistencies in the testimonies of the police officers pertained to inconsequential or collateral matters which did not impair their credibility. The dispositive portion of the RTC decision reads:

WHEREFORE, the guilt of the accused having been proven beyond reasonable doubt as charged in the information, without any aggravating or qualifying circumstance, accused JAIME GATLABAYAN Y BATARA is hereby sentenced to suffer the penalty of LIFE IMPRISONMENT and to pay the fine of FIVE HUNDRED THOUSAND (P500,000.00) PESOS.

SO ORDERED. [8]

On appeal, the CA affirmed the conviction of the accused on the basis of the testimony of PO1 Antonio and PO1 Jiro, III which it found credible and sufficient to sustain a conviction. The CA was of the view that the presumption of regularity in the performance of official duty was not sufficiently controverted by him. It ruled

that the prosecution was able to satisfactorily establish the elements of the crime of illegal sale of dangerous drugs as well as the identity of the accused. Lastly, the CA debunked his defense that he was a victim of frame-up and that he was not arrested pursuant to a valid buy-bust operation, for failure to substantiate the same. The dispositive portion of its Decision reads:

WHEREFORE, the assailed Decision dated 10 May 2005 of the Regional Trial Court, Fourth Judicial Region, San Mateo, Rizal, Branch 77, is hereby AFFIRMED.

SO ORDERED. [9]

On August 20, 2008, Gatlabayan filed a Notice of Appeal, [10] which was given due course by CA in its Minute Resolution [11] dated September 23, 2008.

On April 26, 2010, this Court issued a resolution notifying the parties that they may file their respective supplemental briefs, if they so desire, within thirty days from notice. The OSG filed a manifestation dated May 29, 2009 informing the Court that it would no longer file a supplemental brief. On June 23, 2009, the accused filed his supplemental brief. [12]

THE ISSUES

Maintaining his innocence, Gatlabayan imputes to the trial court the following errors:

I

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY OF VIOLATION OF SECTION 5, ARTICLE II, 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.

III

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF VIOLATION OF SECTION 5, ARTICLE II, R.A. 9165 DESPITE THE FAILURE OF THE PROSECUTION TO ESTABLISH THE CHAIN OF CUSTODY OF THE ILLEGAL DRUG.

In his Supplemental Brief, Gatlabayan presents the following additional assignment of error:

THE COURT OF APPEALS GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY OF THE CRIME CHARGED DESPITE THE PROSECUTION'S FAILURE TO PROVE THE CHAIN OF CUSTODY OF THE ALLEGED SEIZED ILLEGAL DRUGS, IN VIOLATION OF SECTION 21 AND 86 OF R.A. NO. 9165.

The accused is of the stance that the prosecution failed to prove his guilt beyond reasonable doubt. He avers that both the RTC and the CA were mistaken in upholding the presumption of regularity in the performance of official functions in favor of the police officers and giving undue credence to their testimonies which, he claims, were laced with inconsistencies that cast serious doubt on their credibility and the validity of the alleged buy-bust operation. He posits that the prosecution failed to establish the material details of said entrapment operation and that his arrest was invalid. He argues that the failure of the apprehending team to observe the procedure outlined by Section 21 of R.A. No. 9165 impaired the prosecution's case. Finally, he assails the prosecution evidence for its failure to establish the proper chain of custody of the shabu allegedly seized from him.

The OSG, on the other hand, maintains that the testimonies of PO1 Antonio and PO1 Jiro III were credible and sufficient to convict. It insists that the culpability of the accused for the crime of illegal sale of shabu was proven beyond reasonable doubt.

The Court's Ruling:

The core issue in this case is whether or not sufficient evidence exists to support the conviction of the accused for violation of Section 5, Article II of R.A. No. 9165.

Let it be underscored that appeal in criminal cases throws the whole case open for review and it is the duty of the appellate court to correct, cite and appreciate errors in the appealed judgment whether they are assigned or unassigned. [13] Considering that what is at stake here is no less than the liberty of the accused, this Court has meticulously and thoroughly reviewed and examined the records of the case, and finds that there is merit in the appeal.

As a general rule, the trial court's findings of fact, especially when affirmed by the CA, are entitled to great weight and will not be disturbed on appeal. The rule, however, admits of exceptions and does not apply where facts of weight and substance with direct and material bearing on the final outcome of the case have been overlooked, misapprehended or misplaced. [14] The case at bench falls under the above exception and, hence, a departure from the general rule is warranted.

Jurisprudence has firmly entrenched that in prosecution of illegal sale of dangerous drugs, the following essential elements must be established: (1) the transaction or sale took place; (2) the corpus delicti or the illicit drug was presented as evidence; and (3) the buyer and seller were identified. [15] Implicit in all these is the need for proof that the transaction or sale actually took place, coupled with the presentation in court of the confiscated prohibited or regulated drug as evidence.

The narcotic substance itself constitutes the very corpus delicti of the offense and the fact of its existence is vital to sustain a judgment of conviction. It is therefore of prime importance that the identity of the dangerous drug be likewise established beyond reasonable doubt. [16] Otherwise stated, it must be proven with exactitude that the substance bought during the buy-bust operation is the same substance offered in evidence before the court. Thus, every fact necessary to constitute the offense must be established. The chain of custody requirement ensures that unnecessary doubts concerning the identity of the evidence are removed. [17]

Section 1(b) of Dangerous Drugs Board Regulation No. 1, Series of 2002 which implements R.A. No. 9165 defines "Chain of Custody" as follows:

"Chain of Custody" means 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. Such record of movements and custody of seized item shall include the identity and signature of the person who held temporary custody of the seized item, the date and time when such transfer of custody were made in the course of safekeeping and use in court as evidence, and the final disposition.

Particularly instructive is the case of *Malillin v. People* [18] where the Court explained how the chain of custody or movement of the seized evidence should be maintained and why this must be shown by evidence, viz:

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.

In *People v. Kamad*, [19] the Court enumerated the links that the prosecution must establish in the chain of custody in a buy-bust situation to be as follows: first, the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer; second, the turnover of the illegal drug seized by the apprehending officer to the investigating officer; third, the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and fourth, the turnover and submission of the marked illegal drug seized by the forensic chemist to the court.

An examination of the case records show that while the identities of the seller and the buyer and the consummation of the transaction involving the sale of illegal drug on September 10, 2002 have been proven by the prosecution through the testimony of PO1 Antonio as corroborated by the testimony of PO1 Jiro III, the Court, nonetheless, finds the prosecution evidence to be deficient for failure to adequately show the essential links in the chain of custody. This glaring deficiency can be readily seen from the testimony of the poseur buyer PO1 Antonio which glossed over said required details, thus:

Fiscal Rolando T. Majomot
(On Direct Examination)

Q:

Now when this civilian informer pointed to that person whom you called as alias Pungay, what did you do?

A:

I was still ten (10) meters away from alias Pungay when I alighted from the vehicle and I approached him, sir.

Q:

What happened next when you approached alias Pungay?

A:

When alias Pungay saw me and when he noticed that I was looking for somebody he offered me and asked me if I want to "iskor", sir.

Q:

Were there any other persons in that vicinity, Mr. witness?

A:

I did not see any other person in that place, sir.

Q:

When alias Pungay offered to you, what did you do?

A:

I gave him the marked money, sir, and he also handed to me a small plastic sachet containing suspected shabu and after that I wa[i]ved to my companions, sir.

Q:

After wa[i]ving to your companions, what happened next, if any, Mr. witness?

A:

I heard that PO1 Jiro directed alias Pungay to invert his pocket, sir, and from it the One Hundred Peso (P100.00) bill which I used in buying shabu from him fell on the ground and at that moment my co-police officers arrested him, sir.

Q:

Who picked up the One Hundred Peso (P100.00) bill (sic) fell on the ground?

A:

PO1 Albarico, sir.

Q:

What happened next after that?

A:

We arrested him and informed him of his constitutional rights and we also informed him of the law which he violated and I also introduced myself to him as a policeman, sir.

Q:

This person whom you arrested was only known as alias Pungay. When did the first time you know the true name of this person?

A:

After he was brought to the police station, sir, we asked him of his true name and after that we turned over to the police investigator the evidence which we confiscated from him, sir.

Q:

What is the true name of the accused?

A:

Jaime Gatlabayan y Batara, sir. [20]

xxxxx xxxxx xxxxx xxxxx xxxxx

Q:

After that Mr. witness, what did you do?

A:

We forwarded to the PNP Crime Laboratory the evidence which we confiscated for examination, sir.

Q:

I am showing to you a letter request Mr. witness, is this the request you are referring to?

A:

Yes, sir.

Q:

Who signed this request?

A:

It was signed by our Deputy Chief of Police, sir. [21]

PO1 Jiro, III, on the other hand, has no knowledge or any participation in the chain of custody as revealed by his testimony, viz:

Q:

Now, what happened next, Mr. Witness, when you arrested the accused after you picked up the money?

A:

We informed him of his constitutional rights and thereafter, we brought him to the police station, sir.

Q:

By the way, who arrested the accused?

A:

Me and PO1 Albarico, sir.

Q:

Where is now the accused?

A:

There sir.

(Witness pointing to a certain man inside the Courtroom who when asked answered to the name of Jaime Gatlabayan).

Q:

Do you know also or have knowledge about the one handed to Gordon from the accused, how many sachet in that buy-bust operation?

A:

As far as I know, only one (1) sachet, sir.

Q:

Was it shown to you by Gordon?

A:

I did not see it, sir. [22] (Underscoring Ours)

It is significant to note that the foregoing testimonies of the prosecution witnesses hardly touched on the chain of custody of the seized evidence. The testimony of PO1 Antonio clearly lacked specifics on how the confiscated shabu was handled immediately after the arrest of the accused. Although PO1 Antonio testified that he seized the small plastic sachet containing the shabu from the accused, he never disclosed the identity of the person/s who

had control and possession of the shabu after its seizure and at the time of its transportation to the police station. Neither did he testify that he retained possession of the seized item from the place of the arrest to the police station. In the absence of clear evidence, the Court cannot presume that PO1 Antonio, as the poseur buyer, handled the seized sachet - to the exclusion of others - during its transfer from the place of arrest and confiscation to the police station.

The prosecution evidence also failed to identify the person who marked the sachet, how the same was done, and who witnessed the marking. In *People v. Martinez*, [23] the Court ruled that the "marking" of the seized items - to truly ensure that they are the same items that enter the chain and are eventually the ones offered in evidence - should be done (1) in the presence of the apprehended violator, and (2) immediately upon confiscation - in order to protect innocent persons from dubious and concocted searches, and the apprehending officers as well from harassment suits based on planting of evidence and on allegations of robbery or theft.

Indeed, the records of the case are bereft of any detail relating to the marking of the confiscated sachet. All that the prosecution adduced on this score were the respective Sinumpaang Salaysay [24] of PO1 Antonio and PO1 Jiro III, wherein they declared that after the apprehension of Gatbalayan, they brought him as well as the seized item to the police station where the confiscated plastic sachet containing shabu was marked as "EXHIBIT 1 dtd 10 Sept '02," and that it was ordered to be submitted (ipinasumite) to the Philippine National Police (PNP) Crime Laboratory for examination. The identity of the officer who made the marking and whether the marking was done in the presence of the accused were, however, not at all clear from the above documentary evidence.

It is likewise noteworthy that the prosecution failed to present evidence pertaining to the identity of the police investigator to whom the buy-bust team turned over the seized item. Although the Request for Laboratory Examination [25] was signed by a certain Santiago for and in behalf of Police Senior Inspector Anastacio Benzon, it was not shown that he was the same official who received the subject shabu from the buy-bust team or from the police investigator. A perusal of the Request for Laboratory Examination and the Chemistry Report No. D-1784-02E [26] reveals that the marking on the plastic sachet containing the subject shabu was changed to "EXHIBIT 1 JBG." The prosecution, however, failed to disclose the name and identity of the police officer who changed the marking of the specimen. Further, the prosecution evidence is wanting as to the identity of the person who submitted the specimen to the PNP Crime Laboratory; as to whether the forensic chemist whose name appeared in the chemistry report was the one who received the subject shabu when it was forwarded to the crime laboratory; and as to who exercised custody and possession of the specimen after the chemical examination and before it was offered in court. Neither was there any evidence adduced to show how the seized shabu was handled, stored and safeguarded pending its offer as evidence in court.

The Court, at this point, takes note of the RTC Order dated July 23, 2003 dispensing with the testimony of the forensic chemical officer and bearing the matters stipulated upon by the parties. The Court views the stipulation as confined merely to the handling of the specimen at the forensic laboratory and to the analytical results obtained. *People v. Almorfe* [27] teaches that the testimony of the forensic chemist which is stipulated upon does not cover the manner as to how the specimen was handled before and after it came to the possession of the forensic chemist. It bears stressing that although the parties stipulated on the results of the laboratory examination, no stipulation was made with respect to the ultimate source of the drug submitted for examination.

While a perfect chain of custody is almost always impossible to achieve, an unbroken chain becomes indispensable and essential in the prosecution of drug cases owing to susceptibility of the seized drug to alteration, tampering, contamination and even substitution and exchange. [28] Hence, each and every link in the custody must be established beginning from the seizure of the shabu from the accused during the entrapment operation until its submission by the forensic chemist to the RTC. Indeed, the Court cannot entirely discount the likelihood

or at least the possibility that there could have been alteration, tampering or substitution of substance in the chain of custody of the subject shabu, inadvertently or otherwise, from another case with a similar narcotic substance seized or subjected for chemical analysis.

Moreover, it must be pointed out that the subject 0.03 gram of shabu was never presented as evidence and marked as an exhibit during the pre-trial or even in the course of the trial proper. Neither PO1 Antonio nor PO1 Jiro III was confronted with it at the witness stand for proper identification and observation of the uniqueness of the subject narcotic substance. They were not able to testify as to the condition of the item while it was in their possession and control. Said flaw militates against the prosecution's cause for it does not only cast doubt on the identity of the corpus delicti but it also tends to discredit, if not negate, the claim of regularity in the conduct of official police operation. Oddly, the plastic sachet containing the subject shabu was formally offered by the prosecution as Exhibit "H" [29] and admitted by the RTC per its Order [30] dated August 31, 2004. The defense was clearly sleeping on its feet when it did not pose any objection to the prosecution's offer of evidence.

In view of the foregoing loopholes in the evidence adduced against the accused as well as the gaps in the chain of custody, it can be reasonably concluded that the prosecution failed to convincingly establish the identity and integrity of the dangerous drug. Accordingly, there could be no assurance that the specimen of shabu offered in court as evidence against the accused was the same one seized from him, brought to the police station and afterwards, submitted for laboratory testing - especially considering that since the inception of this case, he has consistently denied that the supposed plastic sachet of shabu was not recovered from his possession when he was arrested at the "periyahan" on September 10, 2002 at 8:00 o'clock in the evening. In effect, the prosecution failed to fully prove the elements of the crime charged creating reasonable doubt on his criminal liability. As this Court held in *Catuiran v. People*, [31] 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 the same was finally offered in court, fatally conflicts with every proposition relative to the culpability of the accused. All told, the corpus delicti in this case is not legally extant.

In sustaining the conviction, the courts a quo relied on the evidentiary presumption that official duties have been regularly performed. Admittedly, the defense did not adduce evidence showing that PO1 Antonio and PO1 Jiro III had any ill motive to falsify their testimony. Nonetheless, the flagrant procedural lapses the police officers committed in handling the allegedly confiscated shabu in violation of the chain of custody requirement effectively negate the presumption of regularity in the performance of duties. Any taint of irregularity affects the whole performance and should make the presumption unavailable. [32] It must be emphasized that the presumption of regularity in the performance of official duty cannot by itself overcome the presumption of innocence nor constitute proof of guilt beyond reasonable doubt. [33]

The weakness of the defense of the accused, mere denial and frame-up, cannot justify his conviction. The burden is always on the prosecution to prove his guilt beyond reasonable doubt, and not on him to prove his innocence. The merit of his defense is not the issue here. It is safely entrenched in our jurisprudence that the evidence for the prosecution must stand or fall on its own weight and cannot be allowed to draw strength from the weakness of the defense. [34] A finding of guilt must solely rest on the prosecution's own evidence, not on the weakness or even absence of that for the defense. Courts cannot magnify the weakness of the defense and overlook the prosecution's failure to discharge the onus probandi.

In our criminal justice system, the overriding consideration is not whether the court doubts the innocence of the accused but whether it entertains a reasonable doubt as to his guilt. In order to convict an accused, the circumstances of the case must exclude all and every hypothesis consistent with his innocence. In the case at bench, the evidence adduced by the prosecution failed to overcome the constitutional presumption of innocence of

the accused. What is required is that there be proof beyond reasonable doubt that the crime was committed and that the accused committed the crime. [35] It is only when the conscience is satisfied that the crime has indeed been committed by the person on trial that the judgment will be for conviction.

The Court is not unaware of the drug menace that beset our country and the direct link of certain crimes to drug abuse. The unrelenting drive of our law enforcers against trafficking and use of illegal drugs and other substance is indeed commendable. Those who engage in the illicit trade of dangerous drugs and prey on the misguided members of the society, especially the susceptible youth, must be caught and properly prosecuted. Although the courts are committed to assist the government in its campaign against illegal drugs, a conviction under the Comprehensive Dangerous Drugs Act of 2002 can only be obtained after the prosecution discharges its constitutional burden to prove guilt beyond reasonable doubt. Otherwise, this Court is duty-bound to uphold the constitutional presumption of innocence.

WHEREFORE, the appeal is GRANTED. The Decision dated July 29, 2008 of the Court of Appeals in CA-G.R. CR-HC No. 02221 is hereby REVERSED and SET ASIDE for failure of the prosecution to prove beyond reasonable doubt the guilt of appellant Jaime Gatlabayan y Batara who is accordingly hereby ACQUITTED of the crime charged against him and ordered immediately RELEASED from custody, unless he is being held for some other lawful cause.

The Director of the Bureau of Corrections is ORDERED to implement this decision and to inform this Court of the date of the actual release from confinement of the accused within five (5) days from receipt hereof.

SO ORDERED.

Carpio,[*] Velasco, Jr., (Chairperson), Abad, and Sereno,**] JJ., concur.

[*] Designated as additional member in lieu of Associate Justice Diosdado M. Peralta per Special Order No. 1029 dated June 30, 2011.

[**] Designated as additional member of the Third Division per Special Order No. 1028 dated June 21, 2011.

[1] Rollo pp. 2-12.

[2] Records, pp. 154-163.

[3] Id at 1-2.

[4] CA rollo, pp. 72-102.

[5] Id. at 76-79.

[6] Id. at 37-54.

[7] Id. at 42.

[8] Records, p. 163.

[9] CA rollo, p. 121.

[10] Id. at 124-125.

[11] Id. at 127.

[12] Rollo, pp. 25-32.

- [13] *People v. Balagat*, G.R. No. 177163, April 24, 2009, 586 SCRA 640, 644-645.
- [14] *People v. Robles*, G.R. No. 177220, April 24, 2009, 586 SCRA 647, 654.
- [15] *People v. De la Cruz*, G.R. No. 177222, October 29, 2008, 570 SCRA 273, 283.
- [16] *People v. Frondoza*, G.R. No. 177164, June 30, 2009, 591 SCRA 407, 417.
- [17] *People v. De Leon*, G.R. No. 186471, January 25, 2010, 611 SCRA 118, 132.
- [18] G.R. No. 172953, April 30, 2008, 553 SCRA 619, 632.
- [19] G.R. No. 174198, January 19, 2010, 610 SCRA 295, 307-308.
- [20] TSN dated April 21, 2004, pp. 5-6.
- [21] *Id.* at 7.
- [22] TSN dated December 10, 2003, p. 8.
- [23] G.R. No. 191366, December 13, 2010.
- [24] Records, pp. 129-130.
- [25] *Id.* at 136.
- [26] *Id.* at 133.
- [27] G.R. No. 181831, March 29, 2010, 617 SCRA 52, 61.
- [28] *Id.* at 61-62.
- [29] Records, pp. 139-140.
- [30] *Id.* at 137.
- [31] G.R. No. 175647, May 8, 2009, 587 SCRA 567, 580.
- [32] *People v. Pagaduan*, G.R. No. 179029, August 9, 2010, 627 SCRA 308, 326.
- [33] *People v. Magat*, G.R. No. 179939, September 29, 2008, 567 SCRA 86, 99.
- [34] *People v. Batidor*, 362 Phil. 673, 685-686 (1999).
- [35] *People v. Mangat*, 369 Phil. 347, 359 (1999).

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.