



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT
PUBLIC INFORMATION OFFICE
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THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated June 10, 2020, which reads as follows:

“G.R. No. 227019 — (PEOPLE OF THE PHILIPPINES, plaintiff-appellee v. RENE PIOQUINTO DATUIN, accused-appellant). — This resolves an appeal from the Court of Appeals’ Decision¹ in CA-G.R. CR-H.C. No. 06948, affirming accused-appellant Rene Pioquinto Datuin’s (Datuin) conviction for violation of Republic Act No. 9165, Sections 5 and 11.

Two (2) Informations were filed against Datuin for violation of Republic Act No. 9165, Sections 5 and 11 respectively. The accusatory portion of the Information for violation of Section 5 reads:

That on or about January 7, 2013 in the afternoon in Villa Subdivision, Brgy. Minien West, Sta. Barbara, Pangasinan and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously SELL, TRADE and DELIVERED (sic) one (1) heat-sealed transparent plastic sachet of methamphetamine hydrochloride, commonly known as shabu, with a total weight of 0.011 gram to an undercover police officer of PNP Sta. Barbara during a buy-bust operation, without any permit or license to do so.

CONTRARY TO Section 5, Article II of RA 9165.²

The Information for violation of Section 11 reads:

That on or about January 7, 2013 in the afternoon in Villa Subdivision, Brgy. Minien West, Sta. Barbara, Pangasinan and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously have in his possession, control and custody one (1) heat-sealed transparent plastic sachet of methamphetamine hydrochloride, commonly known as shabu, with a total

¹ *Rollo*, pp. 2–27. The Decision promulgated on January 27, 2016 was penned by Associate Justice Priscilla J. Baltazar-Padilla, and concurred in by Associate Justices Remedios A. Salazar-Fernando and Socorro B. Inting of the Second Division, Court of Appeals, Manila.

² *Id.* at 4.

weight of 0.098 gram during a buy-bust operation by undercover police officers of PNP Sta. Barbara, without any permit or license to do so.

CONTRARY TO Section 11, Article II of RA 9165.³

When arraigned on these charges, Datuin pleaded not guilty.⁴ Trial then ensued.⁵

During trial, the prosecution presented PO3 Randy Nepascua (PO3 Nepascua) who testified that on January 7, 2013, PC/Insp. Giovanni F. Mangonon assembled a team to conduct a buy-bust operation to arrest a pusher, after receiving a report from a confidential informant.⁶ The buy-bust team included him as the poseur-buyer, PO3 Christopher Idos (PO3 Idos), and two (2) other police officers.

PO3 Nepascua stated that prior to the buy-bust, he sent a text message to Datuin saying that he intended to buy ₱500.00 worth of shabu. Datuin then replied with the address where the transaction would take place.⁷

According to PO3 Nepascua, the buy-bust team went to the designated place, which turned out to be Datuin's residence. PO3 Nepascua approached Datuin and introduced himself as the person who texted him earlier, and showed him the text messages.⁸ Thereafter, Datuin showed him one (1) heat-sealed plastic sachet containing white crystalline substance. PO3 Nepascua gave Datuin the marked money consisting of one (1) ₱200 bill, and three (3) ₱100 bills. In turn, Datuin gave him one (1) heat-sealed plastic sachet.⁹

After the exchange, PO3 Nepascua said that he introduced himself as a police officer and arrested Datuin. He also frisked Datuin, which resulted in the discovery of another heat-sealed plastic sachet in Datuin's pocket.¹⁰

PO3 Nepascua testified that they brought Datuin to the police station and endorsed him to the investigator. While Datuin was inside the investigation room, PO3 Nepascua marked the sachets with his initials and made a confiscation receipt.¹¹ The confiscated substances from the two (2)

³ Id.

⁴ Id.

⁵ Id. at 5.

⁶ Id. at 3.

⁷ Id.

⁸ CA rollo, p. 43.

⁹ Rollo, p. 3.

¹⁰ Id.

¹¹ CA rollo, p. 43-44.

sachets were then sent to the crime laboratory for examination.¹² Both tested positive for shabu.¹³

PO3 Idos also testified for the prosecution and corroborated PO3 Nepascua's testimony as to the buy-bust operation against Datuin. He also testified that they did not coordinate with the barangay officials because they thought the officials may side with Datuin, and because they were in a hurry.¹⁴

The prosecution also presented the following witnesses: (1) PO2 Edison de Nieva, who testified that he recorded the blotter entries against Datuin;¹⁵ (2) PC/Insp. Emelda Roderos, the forensic chemist who conducted a laboratory examination on the contents of the two (2) plastic sachets seized from Datuin;¹⁶ and (3) Mercedita Velasco, the evidence custodian who was responsible for safekeeping the drug evidence.¹⁷

For his defense, Datuin claimed that he was washing clothes with his wife when two (2) armed men barged into their house, forcibly took him, and boarded him in a vehicle. They traveled around Urdaneta City for about 30 minutes until he was brought to a police station. At the police station, he said that about eight (8) police officers boxed him in the stomach, while four (4) police officers took turns hitting him on his head. He was then placed inside a detention cell clueless as to why he was brought to the police station. His testimony was corroborated by his wife, Chona Datuin.¹⁸

The Regional Trial Court of the City of Dagupan convicted Datuin of the two (2) charges. The dispositive portion of its Joint Decision reads:

WHEREFORE, premises considered, judgment is hereby rendered finding accused Rene Pioquinto Datuin **GUILTY** beyond reasonable doubt in Criminal Case No. 2013-0011-D for selling and delivering shabu weighing 0.011 gram in violation of Section 5, Article II of Republic Act 9165, and pursuant to law, he is sentenced to suffer the penalty of life imprisonment and fine of P500,000.00.

In Criminal Case No. 2013-0012-D, the court likewise finds the accused Rene Pioquinto Datuin **GUILTY** beyond reasonable doubt for Possession of Shabu, a dangerous drug, weighing 0.098 gram in violation of Section 11, Article II of Republic Act 9165 and pursuant to law, he is sentenced to suffer the penalty of imprisonment of twelve (12) years and

¹² *Rollo*, p. 3.

¹³ *Id.*

¹⁴ *CA rollo*, p. 44.

¹⁵ *Id.* at 42.

¹⁶ *Id.*

¹⁷ *Id.* at 44-45.

¹⁸ *Id.* at 45-46.

one (1) day to twenty (20) years and fine of Three Hundred Thousand (P300,000.00).

The two (2) plastic sachets of shabu are hereby forfeited in favor of the government and to be disposed of in accordance with the law.

SO ORDERED.¹⁹

Datuin appealed the case to the Court of Appeals. He argued that there were several lapses in the chain of custody over the confiscated sachets. More specifically, PO3 Nepascua only marked the confiscated items and made the confiscation receipt at the police station. He also claimed that there were no representatives from the Department of Justice, the media, and any elected official, who were present to witness the inventory of the seized objects.²⁰

The Court of Appeals denied Datuin's appeal and affirmed the Joint Decision of the Regional Trial Court.²¹

The Court of Appeals ruled that "failure to comply with the requirements set forth by Section 21 of RA 9165 does not ipso facto render inadmissible in evidence the items seized."²² It explained that as long as the links in the chain of custody are established, failure to follow the procedure in Section 21 will not make the arrest illegal and the confiscated items inadmissible.²³

Relying on the testimonies of the prosecution witnesses, the Court of Appeals found that the prosecution established an unbroken chain of custody of the narcotic substances,²⁴ and that the integrity and evidentiary value of the confiscated drugs were not compromised.²⁵ According to it, the following were duly established, showing no break in the chain of the custody:

The prosecution duly established the following: (1) PO3 Nepascua received one (1) heat-sealed sachet containing white crystalline substance from appellant through a sale and confiscated another one (1) heat-sealed sachet containing white crystalline substance upon body search of appellant, both during the conduct of the buy-bust operation; (2) after appellant was arrested, PO3 Nepascua retained custody of the two plastic sachets while appellant was being transported to the police station; (3) upon arrival at the police station, PO3 Nepascua marked the two sachets

¹⁹ Id. at 50.

²⁰ *Rollo*, p. 9.

²¹ Id. at 26.

²² Id. at 8.

²³ Id.

²⁴ Id. at 9.

²⁵ Id. at 21.

with his initials “RNN” and “RNN-1”; (4) the two plastic sachets were transmitted by PO3 Nepascua to the PNP Crime Laboratory; (4) the two sachets were received by PCI Roderos; (5) PCI Roderos conducted the necessary examination to determine the existence of dangerous drug [sic] and found the substances to be positive for methamphetamine hydrochloride or shabu; (6) PCI Roderos turned-over the plastic sachets to Velasco, the evidence custodian; (7) Velasco received the sachets for safekeeping; and (8) PCI Roderos retrieved the sachets from Velasco for presentation in court during her testimony.²⁶

According to the Court of Appeals, the marking of the items at the police station does not constitute a fatal flaw in the chain of custody.²⁷ PO3 Nepascua explained during his direct testimony that the marking was done at the police station because Datuin struggled during his arrest, which made the marking of the items at the place of seizure difficult.²⁸

When asked why the buy-bust team did not coordinate with the media or the barangay officials during the arrest and inventory of the seized items, PO3 Idos reasoned that they suspected that the Barangay and media were in cahoots with Datuin.²⁹

The dispositive portion of the Court of Appeals’ Decision reads:

WHEREFORE, all the foregoing considered, the appeal is hereby **DENIED**. The assailed Joint Decision of the Regional Trial Court of the City of Dagupan, Branch 41, dated June 4, 2014 is **AFFIRMED**.

SO ORDERED.³⁰

Datuin filed a Notice of Appeal.³¹ The records of the case were then elevated to this Court for review.

The Office of the Solicitor General, on behalf of plaintiff-appellee, filed a Manifestation and Motion.³² It argued that accused-appellant Datuin’s arguments contained in his Appellant’s Brief filed before the Court of Appeals had already been judiciously passed upon, and that there is no reason for the filing of a new brief. However, it reserved the right to file a supplemental brief in case accused-appellant raises new matters in his own supplemental brief.³³

²⁶ Id. at 21–22.

²⁷ Id. at 22.

²⁸ Id.

²⁹ Id. at 22–23.

³⁰ Id. at 26.

³¹ Id. at 28–29.

³² Id. at 35–36.

³³ Id. at 35.

For his part, accused-appellant filed a Manifestation in Lieu of a Supplemental Brief,³⁴ saying that he will no longer file a supplemental brief to avoid repetition of his arguments, and that he is adopting the arguments he raised in the brief he filed before the Court of Appeals.³⁵

This Court noted and granted plaintiff-appellee's Manifestation and Motion.³⁶ It also noted accused-appellant's Manifestation in Lieu of a Supplemental Brief.³⁷

In his brief, accused-appellant argues that his arrest was illegal, and that there was no valid buy-bust operation.³⁸ He insists that he did not commit and was neither committing nor attempting to commit a crime when he was arrested. He was merely washing clothes, while his wife was washing the dishes.³⁹

Moreover, accused-appellant cites *People v. Ong*,⁴⁰ arguing that it is the prosecution's duty to "present a complete picture detailing the buy-bust operation—from the initial contact between the poseur-buyer and the pusher, the offer to purchase, the promise or payment of the consideration, until the consummation of the sale by the delivery of the illegal subject of sale."⁴¹

According to accused-appellant, the prosecution failed to show why he would readily reply to PO3 Nepascua when the latter allegedly sent him a text message for the first time. This is contrary to human experience, as a person would not readily reply to a stranger, especially when the matter is illicit or illegal.⁴²

Accused-appellant also insists that the prosecution failed to establish beyond reasonable doubt that he received and replied to the text messages.⁴³

Moreover, accused-appellant claims that the prosecution failed to establish all elements of the offenses, specifically the *corpus delicti*. He posits that the identity and integrity of the narcotics were not preserved, since the chain of custody required by the law was not followed.⁴⁴ According to him, the police failed to immediately mark the sachets confiscated at the place of seizure. Furthermore, the confiscation receipt—

³⁴ Id. at 40–42.

³⁵ Id. at 40.

³⁶ Id. at 38–39.

³⁷ Id. at 45.

³⁸ CA *rollo*, p. 28.

³⁹ Id. at 30.

⁴⁰ 568 Phil. 114 (2008) [Per J. Tinga, Second Division].

⁴¹ CA *rollo*, p. 30.

⁴² Id.

⁴³ Id. at 31.

⁴⁴ Id. at 33.

which the police claim to be the equivalent of an inventory—was not witnessed by a representative from the Department of Justice, the media, and any elected official. It was also not done in his presence. He cites the testimony of PO3 Nepascua:

Q: And it was in the police station that you mentioned that you prepared the confiscation receipt?

A: Yes, sir.

Q: And it was also in the police station where you marked the two plastic sachet [sic] of shabu you claimed you recovered and confiscated from the accused?

A: Yes, sir.

Q: A while ago you identified the confiscation receipt, am I correct?

A: Yes, sir.

Q: And this confiscation receipt you will agree with me that there was no witness who signed this receipt that you presented a while ago?

A: We were two who signed, sir.

Q: It was only you and police officer Idos who signed this confiscation receipt?

A: Yes, sir.⁴⁵

Thus, relying on *People v. Catalan*,⁴⁶ accused-appellant argues that the presence of a media and Department of Justice representative, along with an elective public official at the time of the seizure and inventory is necessary to protect the seizure from any taint of irregularity.⁴⁷

For its part, plaintiff-appellee argues that PO3 Nepascua's and PO3 Idos' testimonies sufficiently showed the complete details of the buy-bust operations—from initial contact with accused-appellant to the consummation of the sale, which ultimately led to his arrest.⁴⁸ It claims that what is essential for the prosecution to show is proof that the sale took place, and that the *corpus delicti* is presented in court. According to plaintiff-appellee, these were all established by the prosecution.⁴⁹ It argues that this Court should give faith and credit to the testimonies of police officers, given the presumption that they regularly performed their official duties.⁵⁰

As to the conviction for illegal possession of dangerous drugs, plaintiff-appellee insists that the prosecution sufficiently showed that a

⁴⁵ Id. at 34.

⁴⁶ 699 Phil. 603 (2012) [Per J. Bersamin, First Division].

⁴⁷ CA *rollo*, p. 35.

⁴⁸ Id. at 85.

⁴⁹ Id. at 86.

⁵⁰ Id. at 84.

plastic sachet containing shabu was found in accused-appellant's right pocket after a search was made on him during his arrest.⁵¹

Moreover, plaintiff-appellee maintains that the lapses in the procedure conducted do not automatically make the evidence obtained inadmissible. Citing *People v. Teodoro*,⁵² it argues that "non-compliance with Section 21 will not render an accused's arrest illegal or the items seized or confiscated from him [or her] 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."⁵³

Finally, in claiming there was substantial compliance, plaintiff-appellee argues that there is no proof that the integrity of the evidence was compromised, and insists that the opposite is true.⁵⁴

Accused-appellant must be acquitted.

In illegal sale and illegal possession of prohibited drugs, *People v. Lorenzo*⁵⁵ instructs that apart from the elements of the offense, the identity of the substance illegally sold and possessed must also be established beyond reasonable doubt—that is, that those substances taken from the accused are the same ones offered in court.⁵⁶ This is the *corpus delicti* of the offense.

To ensure its integrity, Section 21 of Republic Act No. 9165 establishes the procedure for the custody of narcotics seized during a buy-bust operation, or during the execution of a search warrant. The relevant portion of the provision states:

SECTION 21. *Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment.* — The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

(1) The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation,

⁵¹ Id.

⁵² 608 Phil. 296 (2009) [Per J. Nachura, Third Division].

⁵³ *CA Rollo*, p. 88.

⁵⁴ Id.

⁵⁵ 633 Phil. 393 (2010) [Per J. Perez, Second Division].

⁵⁶ Id. at 403.

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[.] (Emphasis supplied)

This is further elucidated in the Implementing Rules and Regulations of Republic Act No. 9165:

SECTION 21. *Custody and Disposition of Confiscated, Seized and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment.* — The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

(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[.] (Emphasis supplied)

In *Mallillin v. People*,⁵⁷ this Court explained the necessity for complying with the requirements of Section 21:

Indeed, the likelihood of tampering, loss or mistake with respect to an exhibit is greatest when the exhibit is small and is one that has physical characteristics fungible in nature and similar in form to substances familiar to people in their daily lives. *Graham vs. State* positively acknowledged this danger. In that case where a substance later analyzed as heroin — was handled by two police officers prior to examination who however did not testify in court on the condition and whereabouts of the exhibit at the

⁵⁷ 576 Phil. 576 (2008) [Per J. Tinga, Second Division].

time it was in their possession — was excluded from the prosecution evidence, the court pointing out that the white powder seized could have been indeed heroin or it could have been sugar or baking powder. It ruled that unless the state can show by records or testimony, the continuous whereabouts of the exhibit at least between the time it came into the possession of police officers until it was tested in the laboratory to determine its composition, testimony of the state as to the laboratory's findings is inadmissible.

A unique characteristic of narcotic substances is that they are not readily identifiable as in fact they are subject to scientific analysis to determine their composition and nature. The Court cannot reluctantly close its eyes to the likelihood, or at least the possibility, that at any of the links in the chain of custody over the same there could have been tampering, alteration or substitution of substances from other cases — by accident or otherwise — in which similar evidence was seized or in which similar evidence was submitted for laboratory testing. Hence, in authenticating the same, a standard more stringent than that applied to cases involving objects which are readily identifiable must be applied, a more exacting standard that entails a chain of custody of the item with sufficient completeness if only to render it improbable that the original item has either been exchanged with another or been contaminated or tampered with.⁵⁸ (Citations omitted)

Failure to comply with Section 21 produces doubts on the identity and origin of the seized substance; in effect, it shows a failure on the part of the prosecution to establish the *corpus delicti*.⁵⁹ It follows, therefore, that noncompliance without any justifiable reason is sufficient ground for an acquittal.⁶⁰

Plaintiff-appellee would want this Court to overlook the police officers' failures in favor of the presumption of regularity in the performance of their official duties. This argument is clearly misplaced. Noncompliance with the strict requirements of the law actually negates whatever presumption of regularity there may be in the custody of the narcotic substances.⁶¹

Section 21 requires third-party witnesses during the inventory of the seized items. These witnesses are: (1) a representative from the media; (2) a representative from the Department of Justice; and (3) an elected public official.⁶²

⁵⁸ Id. at 588–589.

⁵⁹ *People v. Holgado*, 741 Phil. 78, 91 (2014) [Per J. Leonen, Third Division].

⁶⁰ Id. at 93.

⁶¹ Id. at 93–94.

⁶² The prevailing law at the time of the incident is Republic Act No. 9165 (2001), sec. 21(1) without the amendments introduced by Republic Act No. 10640 (2014), sec. 1(a). See *People v. Pantallano*, G.R. No. 233800, March 6, 2019, <<http://sc.judiciary.gov.ph/2823/>> [Per J. A. Reyes, Jr., Third Division].

Here, prosecution witness PO3 Idos admits that none of the third-party representatives were present during the inventory of the seized articles. The witness offers an unconvincing excuse as to why they did not even bother to coordinate with these essential witnesses:

Q. Mr. Witness, you admit that in this receipt of the item seized there is no signature of the representative of the barangay?

A. Yes, madam.

Q: May we know the reason why you did not coordinate with the media or the Barangay when you conducted the operation against the accused in this case?

A. We did not coordinate with the Barangay and the Media because we suspected that they were with him, madam.⁶³

The presence of these third-party representatives is instrumental to ensure the integrity of the buy-bust operation conducted. In *People v. Sagana*,⁶⁴ this Court held:

Similarly, none of the required third-party representatives was present during the seizure and inventory of the dangerous articles. Their presence in buy-bust operations and seizure of illicit articles in the place of operation would supposedly guarantee “against planting of evidence and frame up.” In other words, they are “necessary to insulate the apprehension and incrimination proceedings from any taint of illegitimacy or irregularity.”

To underscore, the prosecution “has the positive duty to establish that earnest efforts were employed in contacting the representatives enumerated under Section 21. . . or that there was a justifiable ground for failing to do so.”⁶⁵ (Emphasis omitted, citations omitted)

That they merely suspected the barangay officials and the media to be in connivance with accused-appellant is not enough to dispense with the law’s requirements. Moreover, when the buy-bust team was assembled to conduct the operation, they prepared a pre-operation report and coordination form, as well as the buy-bust money marked with PO3 Nepascua’s initials.⁶⁶ This shows that they had ample time to secure the presence of the third-party representatives before proceeding to accused-appellant’s residence. They had no reason to simply ignore the requirements of Section 21, “especially so when the prosecution claims that the seizure of drugs. . . is the result of carefully planned operations[.]”⁶⁷

⁶³ *Rollo*, pp. 22–23.

⁶⁴ 815 Phil. 356 (2017) [Per J. Leonen, Second Division].

⁶⁵ *Id.* at 372–373.

⁶⁶ *Rollo*, p. 11–12.

⁶⁷ *People v. Sagana*, 815 Phil. 356, 374 (2017) [Per J. Leonen, Second Division].

Furthermore, the buy-bust team did not immediately conduct a physical inventory of the seized items. After arresting accused-appellant, they brought him to the police station before making the necessary markings on the sachets and issuing a confiscation receipt. Likewise, they neither conducted the inventory nor took a photograph of the exhibits in the presence of the accused:

Q. By the way, you mentioned that you were the one who made the markings in the plastic sachet of shabu, may we know where did you mark [sic] these plastic sachets of shabu?

A. At the police station, madam.

Q. May we know the reason why you did not mark at the place where you confiscated them?

A. Due to the place and upon frisking Rene Datuin we made stranggle (sic) (violent move) and he refused to come to the police station, and so when I noticed that there were people coming so [sic] I decided to pull him to the car, and brought him to the police station and marked there, madam.

Q. By the way, immediately after your arrival there at the police station, you made the marking, how about Rene Datuin?

A. I just indorsed him to the investigator together with the items, madam.

Q. Where was Rene Datuin at the time you were marking these two plastic sachets of shabu?

A. At the investigation room, madam.

Q. You likewise mentioned that you were the one who made the confiscation receipt?

A. Yes, madam.

Q. How many confiscation receipt [sic] did you prepare in relation to this case?

A. Only one, madam.⁶⁸

The lapses in the handling of the items raise serious doubts as to the integrity and evidentiary value of the seized drugs. All the more are these doubts apparent when we consider the amount of the drugs involved: (1) 0.011 gram allegedly sold; and (2) 0.098 gram allegedly possessed. These amounts are so miniscule, and the fungible nature of substances make them more vulnerable to tampering, loss, contamination, mishandling, or mistake.⁶⁹ There is greater reason for a strict application of the requirements

⁶⁸ *Rollo*, p. 17.

⁶⁹ *People v. Holgado*, 741 Phil. 78, 99 (2014) [Per J. Leonen, Third Division].

under Section 21 to preserve the integrity of the narcotics seized; this is what proof beyond reasonable doubt requires under the circumstances.

Thus, for failure to comply with the requirements of Republic Act No. 9165, Section 21, and for failure to provide a justifiable ground for such noncompliance, this Court finds that the prosecution failed to establish the identity of the *corpus delicti*. Reasonable doubt arises as to the guilt of the accused-appellant. He should be acquitted.

WHEREFORE, premises considered, the January 27, 2016 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 06948 is **REVERSED** and **SET ASIDE**. Accused-appellant Rene Pioquinto Datuin is hereby **ACQUITTED** of illegal sale and illegal possession of dangerous drugs for failure of the prosecution to prove his guilt beyond reasonable doubt. He is ordered immediately **RELEASED** from detention, unless he is confined for any other lawful cause. Let entry of final judgment be issued immediately.

Let a copy of this Resolution be furnished to the Director of the Bureau of Corrections, Muntinlupa City for immediate implementation. The Director of the Bureau of Corrections is directed to report to this Court within five (5) days from receipt of this Resolution the action taken. Copies shall also be furnished to the Director General of the Philippine National Police and the Director General of the Philippine Drugs Enforcement Agency for their information.

SO ORDERED.”

Misael DC Batt
MISAEAL DOMINGO C. BATTUNG III
Division Clerk of Court

gm
2/10/20

PUBLIC ATTORNEY'S OFFICE
Special and Appealed Cases Service
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1104 Diliman, Quezon City

COURT OF APPEALS
CA G.R. CR-H.C. No. 06948
1000 Manila

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134 Amorsolo Street
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The Director
Bureau of Corrections
1770 Muntinlupa City

The Superintendent
New Bilibid Prison North
BUREAU OF CORRECTIONS
1770 Muntinlupa City

Mr. Rene Pioquinto Datuin
c/o The Superintendent
New Bilibid Prison South
BUREAU OF CORRECTIONS
1770 Muntinlupa City

The Presiding Judge
REGIONAL TRIAL COURT
Branch 41, Dagupan City
(Criminal Case Nos. 2013-0011-D and 2013-0012-D)

The Director General
PHILIPPINE NATIONAL POLICE
National Headquarters
Camp Crame, Quezon City

The Director General
PHILIPPINE DRUG ENFORCEMENT AGENCY
PDEA Bldg., NIA Northside Road
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PUBLIC INFORMATION OFFICE
Supreme Court, Manila

LIBRARY SERVICES
Supreme Court, Manila

Judgment Division
JUDICIAL RECORDS OFFICE
Supreme Court, Manila

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Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 227019

-versus-

RENE PIOQUINTO DATUIN,
Accused-Appellant.

x-----/

ORDER OF RELEASE

TO: **The Director General**
BUREAU OF CORRECTIONS
1770 Muntinlupa City

Thru: **The Superintendent**
New Bilibid Prison South
BUREAU OF CORRECTIONS
1770 Muntinlupa City

GREETINGS:

WHEREAS, the Supreme Court on June 10, 2020 promulgated a Resolution in the above-entitled case, the dispositive portion of which reads:

“WHEREFORE, premises considered, the January 27, 2016 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 06948 is **REVERSED** and **SET ASIDE**. Accused-appellant Rene Pioquinto Datuin is hereby **ACQUITTED** of illegal sale and illegal possession of dangerous drugs for failure of the prosecution to prove his guilt beyond reasonable doubt. *CA*”

He is ordered immediately **RELEASED** from detention, unless he is confined for any other lawful cause. Let entry of final judgment be issued immediately.

Let a copy of this Resolution be furnished to the Director of the Bureau of Corrections, Muntinlupa City for immediate implementation. The Director of the Bureau of Corrections is directed to report to this Court within five (5) days from receipt of this Resolution the action taken. Copies shall also be furnished to the Director General of the Philippine National Police and the Director General of the Philippine Drugs Enforcement Agency for their information.

SO ORDERED.”

NOW, THEREFORE, You are hereby ordered to immediately release **RENE PIOQUINTO DATUIN** unless there are other lawful causes for which he should be further detained, and to return this Order with the certificate of your proceedings within five (5) days from notice hereof.

GIVEN by the Honorable MARVIC MARIO VICTOR F. LEONEN, Chairperson of the Third Division of the Supreme Court of the Philippines, this 10th day of June 2020.

Very truly yours,

Mis-DCBatt
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court
8/7/20

Special & Appealed Cases Service
PUBLIC ATTORNEY'S OFFICE
DOJ Agencies Building
East Avenue cor. NIA Road
Diliman, 1104 Quezon City

COURT OF APPEALS
CA G.R. CR-H.C. No. 06948
1000 Manila

OFFICE OF THE SOLICITOR GENERAL
134 Amorsolo Street
Legaspi Village, 1229 Makati City

Mr. Rene Pioquinto Datuin
c/o The Superintendent
New Bilibid Prison South
BUREAU OF CORRECTIONS
1770 Muntinlupa City

The Presiding Judge
REGIONAL TRIAL COURT
Branch 41, Dagupan City
(Criminal Case Nos. 2013-0011-D and 2013-0012-D)

The Director General
PHILIPPINE NATIONAL POLICE
National Headquarters
Camp Crame, Quezon City

The Director General
PHILIPPINE DRUG ENFORCEMENT AGENCY
PDEA Bldg., NIA Northside Road
National Government Center
Brgy. Pinyahan, Quezon City

Judgment Division
JUDICIAL RECORDS OFFICE
Supreme Court, Manila

PUBLIC INFORMATION OFFICE
LIBRARY SERVICES
Supreme Court, Manila

G.R. No. ⁶¹227019 _{pm}

