



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,  
Plaintiff-Appellee,

G.R. No. 210841

Present:

- versus -

BRION, J., *Acting Chairperson*,\*  
PERALTA,\*\*  
DEL CASTILLO,  
MENDOZA, and  
LEONEN, JJ.

ENRICO MIRONDO y IZON,  
Accused-Appellant.

Promulgated:  
OCT 14 2015

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DECISION

**MENDOZA, J.:**

An accused in a criminal prosecution is presumed innocent until his guilt is proven beyond reasonable doubt. This is the most echoed constitutional guarantee that is worth reiterating in the case at bench.

In the prosecution of criminal cases involving drugs, it is firmly entrenched in our jurisprudence that the narcotic substance itself constitutes the *corpus delicti*, the body or substance of the crime, and the fact of its existence is a condition *sine qua non* to sustain a judgment of conviction. It is essential that the prosecution must prove with certitude that the narcotic substance confiscated from the suspect is the same drug offered in evidence before the court. As such, the presentation in court of the *corpus delicti* establishes the fact that a crime has actually been committed.<sup>1</sup> Failure to introduce the subject narcotic substance as an exhibit during trial is, therefore, fatal to the prosecution's cause.

\* Per Special Order No. 2222, dated September 29, 2015.

\*\* Per Special Order No. 2223, dated September 29, 2015.

<sup>1</sup> *People v. Fermin*, 670 Phil. 511, 520 (2011).

This is an appeal from the August 28, 2013 Decision<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 05406, which affirmed the August 19, 2011 Decision<sup>3</sup> of the Regional Trial Court, Branch 93, San Pedro, Laguna (RTC) in Criminal Case No. 5819-SPL, finding accused-appellant Enrico Mirondo y Izon (*Mirondo*) guilty beyond reasonable doubt of Violation of Section 5, Article II of Republic Act (R.A.) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

### The Facts

Mirondo was indicted for Violation of Section 5, Article II of R.A. No. 9165 in the Information,<sup>4</sup> dated June 5, 2006, the accusatory portion of which states:

That on or about May 21, 2006, in the Municipality of San Pedro, Province of Laguna, Philippines and within the jurisdiction of this Honorable Court, the said accused without any legal authority, did then and there willfully, unlawfully and feloniously sell, pass and deliver one (1) transparent plastic sachet of METHAMPHETAMINE HYDROCHLORIDE, commonly known as "shabu," a dangerous drug, weighing 0.03 gram.

CONTRARY TO LAW.

When arraigned, Mirondo entered a plea of Not Guilty to the offense charged.<sup>5</sup> After pre-trial was terminated, trial on the merits ensued.

### *Version of the Prosecution*

Stripped of non-essentials, the Office of the Solicitor General (OSG) summarized the prosecution's version of the events in its Brief for the Appellee,<sup>6</sup> as follows:

At around 3:00 in the afternoon on May 21, 2006, SPO4 Melchor de la Peña received information from his informant that a certain "Erik Manok" was selling illegal drugs in his residence located at Gitna, Barangay Cuyab, San Pedro, Laguna. Immediately, he relayed the information to the Chief of Police who instructed him to undertake a surveillance of the area and if the information given by the informant is true, to conduct a buy-bust operation to effect the arrest of the supposed seller of the illegal drugs.

<sup>2</sup> Penned by Associate Justice Rodil V. Zalameda with Associate Justice Andres B. Reyes, Jr. and Associate Justice Ramon M. Bato, Jr., concurring; *rollo*, pp. 2-10.

<sup>3</sup> Penned by Judge Francisco Dizon Paño; record, pp. 145-148.

<sup>4</sup> *Id.* at 1.

<sup>5</sup> *Id.* at 25.

<sup>6</sup> CA *rollo*, pp. 74-92.

SPO4 de la Peña called on the three (3) police officers from the intelligence section of the police department to act as back-up arresting officers of the raiding team, namely, PO1 Alejandro Ame, SPO1 Arnel Gonzales and PO1 Jifford Signap. The latter was designated as the poseurbuyer and was given ₱200.00 as marked money and the civilian informant was assigned to act as the middle man to facilitate the buy-bust operation. After the briefing, they all proceeded to Barangay Cuyab in San Pedro, Laguna, and positioned themselves along the street adjacent to the house of "Erik Manok."

PO1 Jifford and the informant proceeded to the house of "Erik Manok" who turned out to be the appellant herein, while the rest of the raiding team stayed in the service vehicle they parked along the street near the house of the alleged seller to await the pre-arranged signal from the poseurbuyer to assist in the arrest of the former. At the house of "Erik Manok," the informant introduced PO1 Jifford to the latter as the buyer. PO1 Jifford handed the ₱200.00 marked money to the appellant who, in turn, handed to the former a plastic sachet containing the suspected shabu. The sale transaction having been consummated, PO1 Jifford then made a missed call to SPO4 de la Peña, which was the pre-arranged signal for the arresting team to converge in the house of the appellant and assist in the arrest of the latter.

PO1 Jifford introduced himself to the appellant as a police officer and forthwith announced that he was arresting him for illegal sale of shabu, a dangerous drug, in the presence of the informant and the other members of the arresting team. He noted that the time then was around 5:30 in the afternoon. He retrieved the ₱200.00 marked money from the appellant to use as evidence together with the plastic sachet containing the suspected illegal drugs which he marked with the initials "EM-B."

The arresting team brought appellant to the police station and turned him over to the Investigator on duty for processing. They then prepared their Pre-Operational Plan, the Certificate of Inventory as well as the official request for chemical and laboratory examination of the suspected shabu they apprehended from the appellant. Significantly, the examination conducted disclosed that the white crystalline substance contained in the plastic sachet recovered from the appellant tested positive for the presence of shabu.<sup>7</sup>

#### *Version of the Defense*

Mirondo denied the charges against him, claiming that he was not arrested in a buy-bust operation. In his Brief for the Accused-Appellant,<sup>8</sup> Mirondo gave his version as follows:

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<sup>7</sup> Id. at 79-80.

<sup>8</sup> Id. at 43-64.

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On 21 May 2006 at around 2:00 o'clock in the afternoon, ENRICO MIRONDO was at their house in Barangay Cuyab, San Pedro, Laguna, watching television inside his room with his child Racel, when eight (8) armed men destroyed their gate and forcibly entered their residence and immediately handcuffed him. He asked them why he was being handcuffed but he was not given any answer. He was not shown any warrant of arrest or search warrant before the group searched his residence. The group, however, found nothing. Afterwards, he was brought outside and boarded their vehicle. While inside the vehicle, he was forced to admit that he was selling shabu but he refused. He was then incarcerated at around 11:00 o'clock in the evening.

EMELINDA LIZARDA CAPACETE, a councilor of Barangay Cuyab, San Pedro, Laguna, received a phone call regarding a commotion on 21 May 2006 at around 2:00 to 3:00 o'clock in the afternoon. She then went to Purok 3, Barangay Cuyab, San Pedro, Laguna, where the commotion was reportedly at; there, she saw Enrico Mirondo already handcuffed. She, thereafter, reported the incident to the barangay.

On 21 May 2006, at around 2:00 o'clock in the afternoon, GINO BERGANTINOS was on his way out of his house when he met a group of armed men who forced their way inside the house of Enrico Mirondo by destroying the gate of the latter's house. The men were able to enter the house of Enrico Mirondo and eventually searched it. He, thereafter, saw Enrico Mirondo already handcuffed.<sup>9</sup>

#### *The Ruling of the RTC*

On August 19, 2011, the RTC found Mirondo guilty beyond reasonable doubt of the crime of violation of Section 5 of R.A. No. 9165. It accorded weight and credence to the collective testimonies of PO1 Jifford Signap (*PO1 Signap*) and SPO4 Melchor de la Peña (*SPO4 de la Peña*), stating that the presumption of regularity in the performance of official duties in favor of the said police operatives had not been overturned in the absence of a clear showing that they had been impelled by any ill motive to falsely testify against Mirondo. The RTC debunked the defense of denial interposed by Mirondo, declaring that it could not prevail over the positive identification of the accused by the prosecution witnesses. Accordingly, Mirondo was sentenced to life imprisonment and ordered to pay a fine of ₱500,000.00 and the costs of suit.

#### *The Ruling of the CA*

In its assailed August 28, 2013 Decision, the CA affirmed the RTC judgment of conviction. The appellate court found that all the elements of the offense of illegal sale of shabu were sufficiently established by the

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<sup>9</sup> Id at 49-50.

prosecution. The CA stated that the alleged non-compliance with the requirements of Section 21 (1) of R.A. No. 9165 would not result in the acquittal of Mirondo because the integrity and the evidentiary value of the seized shabu were duly preserved. The CA likewise rejected Mirondo's defense of denial as it was not substantiated by clear and convincing evidence. The appellate court added that the testimonies of defense witnesses Emelinda Capacete and Gino Bergantinos failed to support Mirondo's claim of innocence. Thus, the CA adjudged:

WHEREFORE, the instant appeal is DENIED. Accordingly, the Decision of Branch 93, Regional Trial Court of San Pedro, Laguna, dated 19 August 2011, is hereby AFFIRMED IN TOTO.

SO ORDERED.<sup>10</sup>

### The Issues

Insisting on his plea for exoneration, Mirondo filed the present appeal, submitting for review the following assigned

### ERRORS

#### I

**THE COURT A QUO GRAVELY ERRED IN GIVING CREDENCE TO THE PROSECUTION'S EVIDENCE.**

#### II

**THE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY DESPITE THE BROKEN CHAIN OF CUSTODY OF THE ALLEGEDLY CONFISCATED SHABU.**

#### III

**THE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY DESPITE NON-COMPLIANCE WITH SEC. 21 OF R.A. 9165 (THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002).<sup>11</sup>**

Mirondo essentially asserts that the charge of illegal drug deal is a complete fabrication and frame-up inasmuch as no sufficient evidence was adduced by the prosecution to prove that a legitimate buy-bust operation was conducted against him. He argues that the omission of the police operatives to observe the procedures outlined by Section 21 of R.A. No. 9165, particularly on the taking of photographs and the physical inventory of the subject narcotic in the presence of the personalities mentioned in said law, creates serious doubt on the existence of such allegedly confiscated drug.

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<sup>10</sup> *Rollo*, p.10.

<sup>11</sup> *Id.* at 45.

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He points out the material inconsistency between the testimonies of PO1 Signap and SPO4 de la Peña as to who marked the subject narcotic before it was brought to the crime laboratory for examination. He assails the prosecution evidence for its failure to establish the proper chain of custody of the seized shabu which shed uncertainty on its identity and integrity. He asserts that the plastic sachet containing 0.03 gram of shabu which was allegedly recovered from him was not presented before the trial court for identification. He contends that his constitutional right to presumption of innocence remains because there is reasonable doubt that calls for his acquittal.

The OSG, on the other hand, prays for the affirmance of the challenged August 28, 2013 Decision of the CA. The OSG avers that Mirondo was caught *in flagrante delicto* selling shabu, which justified his warrantless arrest under Section 5(a), Rule 113 of the Rules of Court. It submits that the prosecution was able to establish an unbroken chain of custody of the shabu seized from Mirondo during the conduct of the buy-bust operation and that its authenticity and identity were not compromised. The OSG asserts that all the elements of illegal sale of dangerous drugs had been duly proven by the prosecution.

### **The Court's Ruling**

Settled is the rule that an appeal in a criminal case throws the whole records of the case open for review and it is the duty of the appellate court to correct, cite and appreciate errors that may be found in the appealed judgment whether they are assigned or unassigned.<sup>12</sup> Given the unique nature of an appeal in a criminal case, an examination of the entire records of the case may be explored for the purpose of arriving at a correct conclusion as the law and justice dictate.

After an assiduous review of the records of the case at bench, the Court finds the appeal to be impressed with merit.

It is a well-established doctrine that the trial court's findings of fact are, as a general rule, entitled to great weight and will not be disturbed on appeal, especially when affirmed by the CA. This 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 misapplied.<sup>13</sup> The case at bench falls under such exception and, hence, a departure from the general rule is warranted.

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<sup>12</sup> *People v. Kamad*, 624 Phil. 289, 299 (2010).

<sup>13</sup> *People v. Morales*, 630 Phil. 215, 227-228 (2010).

For a successful prosecution of an offense of illegal sale of dangerous drugs, the following essential elements must be proven: (1) that the transaction or sale took place; (2) the corpus delicti or the illicit drug was presented as evidence; and (3) that the buyer and seller were identified.<sup>14</sup> 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.<sup>15</sup>

Further, in *People v. Gatlabayan*,<sup>16</sup> the Court held that it is of paramount importance that the identity of the dangerous drug be established beyond reasonable doubt; and that it must be proven with certitude that the substance bought during the buy-bust operation is exactly the same substance offered in evidence before the court. In fine, the illegal drug must be produced before the court as exhibit and that which was exhibited must be the very same substance recovered from the suspect.

In the case at bench, the Court finds that the second element is wanting. It appears that the subject 0.03 gram of shabu allegedly confiscated from Mirondo was *never presented in evidence during the trial for identification* by the prosecution witnesses PO1 Signap and SPO4 de la Peña, albeit the same had been formally offered by the prosecution. Accordingly, the prosecution failed to prove the indispensable element of *corpus delicti* of the case.

Quoted at length are excerpts of testimonies of PO1 Signap and SPO4 de la Peña:

Public Prosecutor Ibana  
Direct Examination of PO1 Signap:

Q: And after you arrested him, what happened next, Mr. Witness?

A: We brought him to our office, Ma'am.

Q: What did you do with the plastic?

A: I put some marking, Ma'am.

Q: Can you still recall what was the marking you put, Mr. Witness with the plastic sachet?

A: EM-B Ma'am, initial of Eric Mirondo.

Q: And what about that B, what does that stands for?

A: I cannot remember but it is reported in the blotter, Ma'am.

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<sup>14</sup> *People v. De la Cruz*, 591 Phil. 259, 269 (2008).

<sup>15</sup> *People v. Ramon Frondoza*, 609 Phil. 188, 198 (2009).

<sup>16</sup> 699 Phil. 240, 252 (2011).

Q: And what was placed on the blotter Mr. Witness, if you still recall?

A: Serial nos. of the money that we utilized, Ma'am.<sup>17</sup>

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Q: Mr. Witness, you mentioned in your statement and a while ago of two pieces of ₱100.00 bill and in your statement Serial No. NB630077 and Serial No. TB400315, can you tell us Mr. Witness where are the originals of the money you utilized?

A: We submitted them to the office, Ma'am.<sup>18</sup>

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Continuation of Direct Examination of PO1 Signap:

Q: Mr. witness, the last time you testified on February 2, 2007, you stated that you submitted the original of the two (2) pieces of the one hundred peso bills (Php100.00) together with the documents of evidence of this case Mr. witness, what did you do with the said money?

A: We have the photographs of the said money.

Q: I'm showing to you several photographs Mr. witness, depicting the accused and the two (2) money bills, what is the relation of this photograph to the one you just referred to?

A: Yes ma'am.

Q: And who is this person standing, fronting the money?

A: Enrico Mirondo.

Q: I noticed a white thing beside the two money bills, can you please tell us what was this white thing?

A: Suspected shabu ma'am.

Q: Your Honor, these photographs, were previously marked as Exhibit "I". I'm also showing to you "I-1" and "I-2", what is the relation of these photographs that you allegedly took?

A: That is the photograph of the same marked money.

Q: May we offer for stipulation Your Honor, the fact that the photograph of the marked money attached to the record, likewise marked as Exhibit "D" and "D-1" are the faithful reproduction of the original money bills inside the vault of this Court?

Atty. Ilagan: Admitted Your Honor.

Q: xxxx. You also mentioned the last time you testified Mr. witness that you marked the plastic sachet containing suspected shabu, which was the subject of the buy-bust operation, after you marked it, what did you do with the plastic sachet containing suspected shabu, as you say?

A: We brought it to the crime laboratory.

Q: Do you have any proof Mr. Witness that you indeed brought the specimen to the Crime Laboratory Office?

A: Yes ma'am.<sup>19</sup>

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<sup>17</sup> TSN, dated February 7, 2007, pp. 7-8.

<sup>18</sup> Id. at 9.

<sup>19</sup> TSN, dated September 18, 2007, pp. 2-3.

Q: Did you come to know the result of the examination conducted in the Crime Laboratory Office?

A: Yes, ma'am.

Q: What was the result?

A: Positive for shabu.

Q: On Exhibit "G" Your Honor may I request that the name of suspect Enrico Mirondo be marked as our Exhibit "G-1" and the specimen submitted Your Honor as "G-2" and the stamp marked RECEIVED by the Crime Laboratory Office as "G-3". That is all Your Honor.

Court: Cross Atty. Ilagan?

Atty. Ilagan: We move for the deferment of cross Your Honor.<sup>20</sup>

Direct Examination of SPO4 de la Peña:

Q: You also stated that the calling of Police Office Signap to your telephone signifies that the buy-bust operation was positive, so what happened Mr. witness to the subject of the buy-bust operation, if you know?

A: The illegal drug was brought to PNP crime laboratory for examination.

Q: Can you describe the subject of the buy-bust operation?

A: One small heat-sealed transparent plastic sachet containing white substance ma'am.

Q: Before it was brought to the crime laboratory for examination, what was done to it, if you know?

A: I made a marking on the plastic sachet ma'am.

Q: What was the marking placed on the plastic sachet with white crystalline substance?

A: With initial EM-B ma'am.<sup>21</sup>

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Q: xxxx. Before the case was filed and before you brought the specimen to the Crime Laboratory Office Mr. witness, what else did you do with them?

A: **Photograph of the subject and evidences ma'am.**

Q: **If this photograph will be shown to you, will you be able to identify it Mr. witness?**

A: **Yes ma'am.**

Q: **I'm showing to you three (3) photographs marked as Exhibit "I", "I-1" and "I-2", are these the same photographs taken during the investigation?**

A: **Yes ma'am.**

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<sup>20</sup> Id. at 4.

<sup>21</sup> TSN, dated February 18, 2008, p. 6.

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**Q: Who is this person in Exhibit "I"?**

**A: Enrico Mirondo.**

**Q: What about these money bills in front of him Exhibit "I", "I-1" and "I-2"?**

**A: These are the money which were utilized during the buy-bust operation.**

**Q: And beside this money bill Mr. witness is a white plastic sachet with white thing, Exhibit "I," "I-1" and "I-2," what is this?**

**A: That is the plastic sachet containing suspected shabu ma'am.**

**Q: Did you come to know the result of the examination conducted by the Crime Laboratory?**

**A: Positive in Methamphetamine Hydrochloride ma'am.**

**Fiscal: Nothing further Your Honor.**<sup>22</sup>

(Emphases Supplied)

Indeed, there was nothing in the records that would show that the shabu, subject of Criminal Case No. 5819-SPL, was ever presented by the prosecution before the trial court. Neither PO1 Signap nor SPO4 de la Peña was actually confronted with the subject shabu for proper identification when they were called to the witness stand. Also, the said prosecution witnesses were not given an opportunity to testify as to the condition of the seized item in the interim that the evidence was in their possession and control. Instead, the prosecution endeavored to establish the existence and identity of the narcotic substance supposedly seized from Mirondo *through mere photographs* depicting him together with the subject shabu and the buy-bust money consisting of two (2) one hundred peso bills. The photographs were marked as Exhibits "I", "I-1" and "I-2." This flaw strongly militates against the prosecution's cause because it not only casts doubt on the existence and identity of the subject shabu but likewise tends to discredit, if not negate, the claim of regularity in the conduct of official police operation. In *People v. Remigio*,<sup>23</sup> the Court wrote:

In this case, no illegal drug was presented as evidence before the trial court. As pointed out by appellant, what were presented were pictures of the supposedly confiscated items. But, in the current course of drugs case decisions, a picture is not worth a thousand words. The image without the thing even prevents the telling of a story. It is indispensable for the prosecution to present the drug itself in court.<sup>24</sup>

Verily, the subject 0.03 gram of shabu in a plastic sachet was never adduced before the court as evidence by the prosecution and was not one of those marked as an exhibit during the pre-trial or even in the course of the

<sup>22</sup> Id. at 11-12.

<sup>23</sup> G.R. No. 189277, December 5, 2012, 687 SCRA 336.

<sup>24</sup> Id. at 347-348.

trial proper. The Court notes that in the pre-trial order of the RTC, dated October 30, 2006, it was indicated therein that the “subject specimen was reserved for marking during trial.”<sup>25</sup> Nowhere in the records, however, was it shown that the prosecution made any effort to present the very *corpus delicti* of the drug offense during the trial proper. Curiously, the plastic sachet containing the subject shabu was formally offered by the prosecution as Exhibit “L-1-a”<sup>26</sup> and was admitted by the RTC per its Order,<sup>27</sup> dated October 21, 2009, despite its non-presentation. Obviously, this omission fatally flawed the decision of conviction.

It is lamentable that the RTC and even the CA overlooked the significance of the absence of this glaring detail in the records of the case. Instead, the lower courts focused their deliberations on the warrantless arrest of Mirondo in arriving at their respective conclusions. In sustaining the prosecution’s case, the RTC and the CA inevitably relied on the evidentiary presumption that official duties had been regularly performed. Let it be underscored that the presumption of regularity in the performance of official duties can be rebutted by contrary proof, being a mere presumption, and more importantly, it is inferior to, and could not prevail over, the constitutional presumption of innocence.<sup>28</sup>

The failure to produce the *corpus delicti* in court could not be cured by the following stipulation entered into by the prosecution and the defense during the hearing when Forensic Chemical Officer Daisy Catibog Ebdane was called to testify, to wit:

Fiscal Ibana - We are offering the testimony of the witness to prove that on May 22, 2006 while she was still assigned at the Regional Crime Laboratory Office, CALABARZON, Camp Vicente Lim, Calamba City, their office received letter request dated May 21, 2006 from the San Pedro Municipal Police Station together with the specimen, a plastic sachet containing suspected shabu with marking EM-B and on that basis she conducted an examination on the specimen and she put into writing her findings and conclusion that the specimen contained methamphetamine hydrochloride, she will identify the letter request submitted for examination, Chemistry Report No. D-208-06 and the specimen with methamphetamine hydrochloride placed in a plastic sachet with marking EM-B Your Honor.

Court – Any comment to the offer?

Atty. Ilagan – Subject to cross.

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<sup>25</sup> Records, p. 30.

<sup>26</sup> Id. at 91.

<sup>27</sup> Id. at 107.

<sup>28</sup> *People v. Magat*, 588 Phil. 395, 407 (2008).

Fiscal Ibanez - We offer for stipulation Your Honor, to abbreviate the proceedings, the existence and due execution of letter examination request dated May 21, 2006, that this letter was received by the Regional Crime Laboratory Office on May 22, 2006 together with the specimen, the existence and due execution of Chemistry Report No. D-208-06 and the existence of the Specimen stated in the letter request as well as in the chemistry report Your Honor.

Court – Atty. Ilagan?

Atty. Ilagan – We admit the existence of the specimen submitted for examination, the Chemistry Report as well as the request for laboratory examination.<sup>29</sup>

XXX.

To begin with, it was not clearly and convincingly shown that what was submitted for laboratory examination was the same shabu that was actually recovered from Mirondo. Secondly, the defense made no stipulation that the alleged confiscated substance contained in a plastic sachet was the same substance that the forensic chemist examined and found positive for shabu. There was no stipulation with respect to the ultimate source of the drug submitted for examination by the forensic chemist. Thirdly, the forensic chemist did not testify at all as to the identity of the person from whom she received the specimen for examination. Lastly, the forensic chemist failed to testify in court regarding the handling of the specimen in a plastic sachet in the forensic laboratory and the analytical result of the qualitative examination. Considering the vacuity of proof as to the existence and identity of the supposedly confiscated shabu and the transfer of its custody from the apprehending officer to the forensic chemist, as well as the limited matters stipulated upon by the parties, the Court could not accord evidentiary value to the document that merely states that the plastic sachet presented to the forensic chemist contained prohibited drug.

Finally, the Court notes that there were nagging questions about the post-examination custody that were left unanswered by the prosecution evidence, particularly, as to who exercised custody and possession of the specimen after the chemical examination and how it was handled, stored and safeguarded pending its presentation as evidence in court. The failure of the prosecution to provide details pertaining to the said post-examination custody of the seized item created a gap in the chain of custody which again raised reasonable doubt on the authenticity of the *corpus delicti*.<sup>30</sup>

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<sup>29</sup> TSN, dated November 3, 2008, pp. 2-3.

<sup>30</sup> *People v. Coreche*, 612 Phil. 1238, 1250 (2009).

In light of the above disquisition, the Court finds no further need to discuss and pass upon the merits of Mirondo's defense of denial and frame-up. Well-settled is the rule in criminal law that the conviction of an accused must be based on the strength of the prosecution evidence and not on the weakness or absence of evidence of the defense.<sup>31</sup> The accused has no burden to prove his innocence and the weakness of the defense he interposed is inconsequential. He must be acquitted and set free as the prosecution failed to overcome the presumption of innocence in his favor.

The disposition of this appeal once again emphasizes the need for trial courts to be more circumspect and meticulous in scrutinizing the evidence for the prosecution so as to make sure that the stringent standard of proof beyond reasonable doubt is met with due regard to relevant jurisprudence. This would, after all, redound to the benefit of the criminal justice system by amply protecting civil liberties and maintaining the respect and confidence of the community in the application of criminal law while at the same time, inculcating in the prosecutors the need to properly discharge the *onus probandi*.

**WHEREFORE**, the appeal is **GRANTED**. The assailed August 28, 2013 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 05406, which affirmed the August 19, 2011 Decision of the Regional Trial Court of San Pedro, Laguna, Branch 93, in Criminal Case No. 5819-SPL, is **REVERSED** and **SET ASIDE**.

Accordingly, accused-appellant Enrico Mirondo y Izon is **ACQUITTED** on reasonable doubt.

The Director of the Bureau of Corrections is directed to cause the immediate release of the accused-appellant, unless the latter is being lawfully held for another cause and to inform the Court of the date of his release or reason for his continued confinement, within five (5) days from notice.

**SO ORDERED.**

  
**JOSE CATRAL MENDOZA**  
Associate Justice

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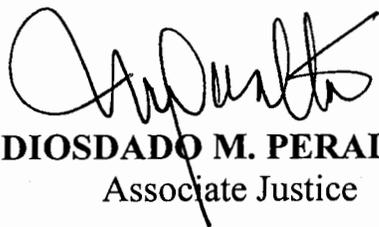
<sup>31</sup> *People v. Suan*, 627 Phil. 174, 192-193 (2010).

**WE CONCUR:**



**ARTURO D. BRION**

Associate Justice  
Acting Chairperson



**DIOSDADO M. PERALTA**

Associate Justice



**MARIANO C. DEL CASTILLO**

Associate Justice



**MARVIC M.V.F. LEONEN**

Associate Justice

**ATTESTATION**

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**ARTURO D. BRION**

Associate Justice  
Acting Chairperson, Second Division

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**MARIA LOURDES P. A. SERENO**  
Chief Justice

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