

FIRST DIVISION

[G.R. No. 242880, January 22, 2020]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
QUISAR ARANCES DADANG A.K.A. "MANOY," ACCUSED-
APPELLANT.**

RESOLUTION

REYES, J. JR., J.:

On appeal is the August 30, 2018 Decision^[1] of the Court of Appeals-Cagayan de Oro City in CA-G.R. CR HC No. 01670-MIN which affirmed the March 28, 2017 Decision^[2] of the Regional Trial Court (RTC), 10th Judicial Region, Branch 23, Cagayan de Oro City, in CR-DRG-2015-416, CR-DRG-2015-417 and CR-DRG-2015-418 finding accused-appellant Quisar Arances Dadang (Dadang) guilty beyond reasonable doubt of Illegal Sale, Illegal Possession of Dangerous Drugs and Drug Paraphernalia, defined and penalized under Sections 5, 11 and 12, respectively, Article II of Republic Act (R.A.) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

The case stemmed from three Informations charging Dadang of violating, *inter alia*, Sections 5, 11 and 12, Article II of R.A. No. 9165.

The evidence of the prosecution shows that on August 7, 2015, the Chief of Police, Senior Inspector Gilbert Rollen, and the Deputy Chief of Police, Inspector Mario Mantala, of Cagayan de Oro's City Anti-Illegal Drug Task Force (CAIDTF), in coordination with the Philippine Drug Enforcement Agency (PDEA), as evidenced by the Certificate of Coordination,^[3] planned a buy-bust operation based on an information supplied by the confidential informant (CI) that a certain "Manoy," later identified as appellant Dadang, was engaged in selling illegal drugs. Police Officer (PO) 3 Cyrus Baillo (Baillo) was tasked as poseur-buyer with Senior Police Officer (SPO) 1 Rene Destura (Destura) as back-up officer, together with the other members of the CAIDTF as security. A P1,000.00 bill marked money, with the initials of PO3 Baillo, was also prepared.^[4]

At around 4:30 p.m., the team, comprising six police officers and the CI proceeded to the target area, Jerggy's Inn, located at 31st Street, Nazareth, Cagayan de Oro City. The team arrived thereat at 5:30 p.m. and a final briefing was conducted before they positioned themselves strategically while PO3 Baillo, together with the CI, went to the second floor of Jerggy's Inn. When the CI knocked on the door of the room where Dadang was lodging, the latter immediately opened it, without asking their names, and invited the two of them to enter the room. Once inside, PO3 Baillo saw drug paraphernalia consisting of one piece of improvised aluminum foil used as gutter, one piece of improvised glass pipe as totter, one piece disposable lighter with needle attached, and one digital weighing scale placed on top of the bed. The CI told Dadang, "*pakuha ko Noy*" (meaning they want to buy illegal drugs), while

simultaneously handing over the P1,000.00 bill marked money. Dadang received the money with his left hand and, in return, gave the sachet with white crystalline substance to the CI using his right hand. The CI, in turn, gave the same to PO3 Baillo and missed called SPO1 Destura in his mobile phone as the pre-arranged signal. SPO1 Destura and the rest of the team went upstairs, entered the unlocked room and introduced themselves as police officers. They apprehended Dadang and apprised him of his constitutional rights. A body search was forthwith conducted by PO3 Baillo on Dadang from whom one plastic sachet containing white crystalline substance was recovered from his left pocket. He also found the P1,000.00 marked money in appellant's left pocket.^[5]

At the crime scene and in the presence of Dadang, PO3 Baillo made an inventory of the seized items and marked the plastic sachet containing white crystalline substance which is the subject of the sale as A-1 (A-1 08-07-2015 QUISAR "BB" CAIDTF CDB) and the recovered plastic sachet as A-2 (A-2 08-07-2015 QUISAR "POSSN" CAIDTF CDB). The recovered weighing scale,^[6] disposable lighter,^[7] improvised aluminum foil and the improvised glass pipe, as well as the gun (which is now the subject of another case), were likewise marked. After the inventory, a photograph of the seized items was taken.^[8] The inventory and photographs were witnessed by *Barangay Kagawad* Rommell Monte Pimentel of *Barangay* Nazareth and a media representative in the name of Ronde D. Alicaya of RMN, DXCC. PO3 Baillo made two inventory receipts, the inventory for drug evidence and the other one is the inventory for non-drug evidence. Although the inventory was witnessed by Dadang, however, he refused to sign the two 2 inventory receipts.^[9]

After the marking, inventory and photography of the seized items, the buy-bust team returned to the police station where PO3 Baillo made a Request for Drug Test of Suspected Accused^[10] and a Request for Laboratory Examination of Seized Items.^[11] At around 8:55 in the evening, PO3 Baillo and SPO1 Destura brought Dadang, for urine drug test, and the seized items to the crime laboratory. The seized items consist of two (2) heat-sealed transparent plastic sachets, each containing white crystalline substance, one (1) improvised glass pipe and one (1) aluminum foil strip, all placed in a self-sealing plastic bag.^[12] SPO2 Adlao and the Forensic Chemist, Police Senior Inspector (PSI) Charite Peralta Caceres, received the seized pieces of evidence and submitted them for laboratory examination.^[13] As per Chemistry Report No. D-584-2015^[14] dated August 7, 2015, the two heat-sealed transparent plastic sachets, each containing white crystalline substance and weighing 0.1982 gram (subject of the sale) and 0.5449 gram (recovered from the possession of Dadang), as well as the folded aluminum foil and the improvised glass pipe, gave positive result for the presence of methamphetamine hydrochloride or *shabu*, a dangerous drug. After the examination of the seized items, they were deposited to PO2 Gamaya, the crime laboratory evidence custodian, who deposited the same in their evidence room for safekeeping until such time that the forensic chemist testified in court.^[15]

The evidence for the defense, on the other hand, shows that on August 7, 2015, Dadang was at Jerggy's Inn where he was renting a room for almost a month already. That at around 5:30 p.m., he was inside the bathroom ready to take a bath when someone in civilian clothes opened the door and poked a firearm at him. He was made to lie on the bathroom floor and was asked where he placed the *shabu*. He denied knowledge of the *shabu*, but then he was kicked. When he was asked the

same question for the second time and he answered in the negative, he was pulled up and immediately handcuffed. At first, only three persons were inside his room, but, later on, their other companions arrived and took his cell phone, gadget and money. After the incident, he was brought to Maharlika Police Station. He denied the alleged buy-bust operation, and the confiscation of *shabu* and drug paraphernalia. Dadang also testified that on October 5, 2015, while he was detained at the Lumbia City Jail, PO3 Baillo and SPO1 Destura came and asked him to go out of his cell. Once outside his cell, PO3 Baillo told him that SPO1 Destura would testify the following day and asked him what his plan was. He told PO3 Baillo that he had nothing to give them, thereafter, the former called SPO1 Destura. SPO1 Destura approached him and told him the same story that he would testify the following day and asked him what his plan was. Just the same, he answered what he had told PO3 Baillo.^[16]

On March 28, 2017, the RTC promulgated its Decision, the dispositive portion of which reads:

WHEREFORE, in view of the foregoing, judgment is hereby rendered as follows:

1. In Criminal Case No. CR-DRG-2015-416, the court finds the accused, **QUISAR DADANG y ARANCES, GUILTY beyond reasonable doubt** of the charge of violation of Section 5, Article II, R.A. No. 9165 and sentences them to suffer the penalty of life imprisonment and to pay a fine of Five Hundred Thousand Pesos [(P500,000.00)];

2. In Criminal Case No. CR-DRG-2015-417, the court finds the accused **QUISAR DADANG y ARANCES, GUILTY beyond reasonable doubt** for violation of Section 11, Article II, R.A. No. 9165 and sentences him to imprisonment of 12 years [and] 1 day to 20 years and to pay a fine of Three hundred thousand pesos (P300,000.00);

3. In Criminal Case No. CR-DRG-2015-418, the court finds the accused, **QUISAR DADANG y ARANCES, GUILTY beyond reasonable doubt** of the charge of violation of Section 12, Article II, R.A. No. 9165 and sentences him to suffer the penalty of x x x imprisonment of six (6) months and one (1) day to four (4) years and a fine of Ten thousand pesos (P10,000.00).

The two (2) heat-sealed transparent plastic sachets containing white crystalline substance locally known as *Shabu* with a total weight of 0.7431 [gram] marked as Exhibits "E" to "E-1" for the prosecution are hereby ordered confiscated and destroyed pursuant to R.A. 9165.

SO ORDERED.^[17] (Emphases in the original)

Dadang appealed his conviction to the Court of Appeals-Cagayan de Oro City.

The Court of Appeals-Cagayan de Oro in its Decision^[18] dated August 30, 2018 affirmed *in toto* the RTC ruling. It held that all the elements for illegal sale and illegal possession of dangerous drugs, as well as illegal possession of drug paraphernalia, were convincingly established by the prosecution. Likewise, the Court of Appeals Cagayan de Oro also ruled that there was an unbroken chain of custody over the seized *shabu* as the prosecution witnesses were able to testify about every

link in the chain, from the moment the sachets of *shabu* were confiscated from Dadang up to the time the same were offered in the RTC. Thus, the admissibility, integrity and evidentiary value of the confiscated items are beyond question.

Accordingly, the Court of Appeals-Cagayan de Oro disposed as follows:

WHEREFORE, the appeal is DENIED. The Decision dated 28 March 2017 of the Regional Trial Court, 10th Judicial Region, Branch 23, Cagayan de Oro City, in Criminal Cases Nos. CR-DRG-2015-416, CR DRG-2015-417 and CR-DRG-2015-418, is hereby AFFIRMED in toto.^[19]

Hence, this appeal seeking that Dadang's conviction be overturned.

The appeal is without merit. The RTC, as affirmed by the Court of Appeals-Cagayan de Oro, correctly found Dadang guilty beyond reasonable doubt of violations of Sections 5, 11 and 12, Article II of R.A. No. 9165.

In a prosecution for illegal sale of dangerous drugs under Section 5, Article II of R.A. No. 9165, the following elements must be established: (1) proof that the transaction or sale took place; (2) presentation in court of the *corpus delicti* or the illicit drug as evidence; and (3) identification of the buyer and seller. What is material in a prosecution for illegal sale of drugs is the proof that the transaction or sale actually took place, coupled with the presentation in court of the *corpus delicti* as evidence.^[20]

On the other hand, in prosecuting a case for illegal possession of dangerous drugs, the following elements must concur: (1) the accused is in possession of an item or object which is identified as a prohibited drug; (2) such possession is not authorized by law; and (3) the accused freely and consciously possessed the drug.^[21] For a conviction for illegal possession of drug paraphernalia to prosper, it is primordial to show that the accused was in possession or control of any equipment, paraphernalia, and the like, which was fit or intended for smoking, consuming, and administering, among other acts, dangerous drugs into the body; and, such possession was not authorized by law.^[22]

All these elements of the crimes charged were present in these cases, as the records clearly showed that: **first**, a buy-bust team was formed after an information was received from a CI regarding Dadang's illegal drug trade activity. The operation was conducted by the CAIDTF in coordination with the PDEA. Upon arrival at the target area, a final briefing was conducted by the buy-bust team. PO3 Baillo, together with the CI, went to the second floor of Jerggy's Inn and knocked on the door of the room where Dadang was staying. Dadang opened the door and invited them to come inside. Once inside, the CI told Dadang that they wanted to buy *shabu*, while simultaneously handing over the P1,000.00 marked money. Dadang received the said money with his left hand and, in return, gave one sachet with white crystalline substance to the CI using his right hand. The sachet of *shabu*, which was the subject of sale, weighed 0.1982 gram. Upon consummation of the sale, the CI miscalled SPO1 Destura in his phone as the pre-arranged signal; **second**, another sachet of *shabu* with a net weight of 0.5449 gram was recovered from Dadang during the search incidental to the arrest and it was not shown that he was authorized by law, and he freely and consciously possessed such illegal drugs; and **third**, drug paraphernalia, such as folded aluminum foil and an improvised glass pipe, were also found in his possession without the necessary authority or license.