

FIRST DIVISION

[G.R. No. 236455, February 19, 2020]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. HARON RAMOS Y ROMINIMBANG, ACCUSED-APPELLANT.

DECISION

PERALTA, C.J.:

On appeal is the August 17, 2017 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 08593 which affirmed the August 19, 2016 Decision^[2] of the Regional Trial Court (RTC), Branch 13, City of Manila in Criminal Case No. 12-290250, finding the accused-appellant Haron Ramos y Rominimbang (*Ramos*), guilty beyond reasonable doubt for violation of Section 5, Article II of Republic Act (R.A.) No. 9165, or the *Comprehensive Dangerous Drugs Act of 2002*.

In an Information dated March 21, 2012, Ramos was charged with violation of Section 5, Article II of R.A. No. 9165, or the *Comprehensive Dangerous Drugs Act of 2002* committed as follows:

That on or about March 15, 2012, in the City of Manila, Philippines, the said accused, not having been authorized by law to sell, trade, deliver, transport or distribute any dangerous drug, did then and there willfully, unlawfully, knowingly sell or offer for sale to a police officer/poseur-buyer one (1) heat-sealed transparent plastic bag marked as EXH. A-2 LAD 03/15112 containing FORTY-SEVEN POINT THREE SEVEN FIVE TWO (47.3752) grams of white crystalline substance known as SHABU containing Methamphetamine Hydrochloride, a dangerous drug.

CONTRARY TO LAW.^[3]

In his arraignment, Ramos pleaded not guilty^[4] to the crime charged. He was detained at the Manila City Jail during the trial of the case.

The prosecution presented witnesses, namely, Intelligence Officer 1 (IO1) Lawrence Anthony Dalignon (*Dalignon*) and IO1 Angelito Villaspin (*Villaspin*), while the testimonies of Security Officer III (SOIII) Romano Alfonso (*Alfonso*) and Jimmy Mendoza (*Mendoza*) as member of the media, were stipulated and dispensed with. The defense for its part presented the accused-appellant and his wife, Florence Ramos.

Version of the Prosecution

On March 15, 2012, at around 7:30 in the morning, a briefing was held at the Philippine Drug Enforcement Agency, Regional Office, National Capital Region (PDEA RO-NCR) in Quezon City regarding a buy-bust operation involving a certain "*Haron*," who, according to a report of a confidential informant, was involved in selling illegal

drugs in the City of Manila. The buy-bust team was led by SOIII Alfonso, composed of IO1 Dalignon as the designated poseur-buyer, IO1 Villaspin as the arresting officer and the confidential informant. The confidential informant told the team that he can arrange a deal for the purchase of a large quantity of dangerous drugs with Ramos. Further, SOIII Alfonso told the informant to place an order of fifty (50) grams of shabu worth two hundred sixty thousand pesos (P260,000.00). The deal was to take place in front of the Surplus Shop at SM Manila in the afternoon of the same day. Also during the briefing, the buy-bust money was prepared consisting of two (2) pieces of genuine five hundred peso bills (P500.00) with serial numbers W360222 and VA154966. It was, subsequently, marked with "LAD," initials of IO1 Dalignon, in the lower right corner of the bill. The buy-bust money was arranged in such a manner that the genuine bills are placed on top, and the boodle money at the bottom. Thereafter, IO1 Dalignon prepared the Pre-Operation Report signed by SOIII Alfonso.

At around 10 a.m. of the same day, the buy-bust team left the PDEA Office and went to the Manila Police District (*MPD*) to coordinate the operation. Eventually, the team went to SM Manila and arrived at around 12 noon to familiarize themselves with the agreed meeting place. The team took their lunch, while the confidential informant was in constant communication with Ramos. Afterwards, they returned to the Surplus Shop to wait for Ramos. At around 3:45 in the afternoon, Ramos arrived and the confidential informant introduced IO1 Dalignon to him as the buyer of "shabu." Ramos then asked IO1 Dalignon if he had the agreed money and the latter positively confirmed, but demanded to see the subject merchandise first. Heeding to the demand, Ramos pulled out from his right pocket a small plastic bag of diaper labeled as "Happy" and showed it to IO1 Dalignon. The latter opened the plastic bag and saw a wrapping paper containing a heat-sealed transparent plastic bag containing white crystalline substance. In return, IO1 Dalignon handed Ramos the two hundred sixty thousand pesos (P260,000.00) marked money as payment. To inform the other members of the buy-bust team that the sale was already consummated, IO1 Dalignon removed his ball cap as a pre-arranged signal and immediately introduced himself as a PDEA agent. The other members of the team rushed to the scene and arrested Ramos. Immediately thereafter, IO1 Villaspin informed Ramos of his constitutional rights and recovered from the latter the buy-bust money.

Further, the arrest resulted in a commotion making the scene crowded at that time. Due to this fact, SOIII Alfonso made a decision and ordered the team to bring Ramos and the seized items to their office in Quezon City, since it was impractical to have the inventory in a crowded area. At the PDEA Office, SOIII Alfonso called Barangay Kagawa Jose Y. Ruiz, Jr. of Barangay Pinyahan, Quezon City and Jimmy Mendoza, a media representative, to witness the physical inventory and taking of photographs of the seized items. In the presence of the said witnesses, the seized items were marked as follows: the diaper plastic bag labeled "Happy" was marked as "EXH A LAD 03/15/12"; the wrapping paper was marked as "EXH A-1 LAD 03/15/12"; and the heat-sealed transparent plastic bag containing white crystalline substance was marked as "EXH A-2 LAD 03/15/12."

Later on, SOIII Alfonso prepared a request for drug test on Ramos. On the other hand, IO1 Dalignon submitted the plastic bag containing the specimen to the laboratory service of the PDEA for quantitative and qualitative analysis. The drug test on Ramos resulted negative for drugs, while the laboratory examination conducted by PDEA Chemist Ronald V. Bobis showed that the white crystalline

substance weighed 47.3752 grams and yielded a positive result for the presence of Methamphetamine Hydrochloride, a dangerous drug.

Version of the Defense

Around 1:00 p.m. on March 15, 2012, Ramos was riding a train when his wife Florence called and asked to be fetched at SM Manila. He arrived at the SM Food Court at around 3:00p.m. when several men blocked him. Two of the said men embraced him, one warned him not to move and another held him in the neck while they roamed around the mall until they reached the cinema and went back to the ground floor. Ramos asked the men around him what they need and pleaded to just turn him over to the mall security or the barangay. As they reached the parking lot, Ramos saw his wife shouting while being boarded in a vehicle by several men. Thereafter, he was boarded in the same vehicle noticing five armed men and was, subsequently, beaten inside the vehicle.

Ramos was brought to the PDEA Office where two men entered the room where the former was held, talked to him and demanded the amount of five hundred thousand pesos (P500,000.00) for his freedom. However, Ramos told the men that he could not produce the said amount since he was only a vendor from Bulacan. For a while, the said men left the room but came back to beat Ramos again and placed him in handcuffs. Ramos was then transferred to a room downstairs, his handcuffs were removed as the men placed a paper, plastic and money on the table with him while taking a photograph. Right after, he was asked to sign a document. Ramos was told that they recovered prohibited drug from his wife and he was subsequently put in to jail. Eventually, Ramos was submitted for medical examination and the said men ordered him to deny that he was beaten up by the arresting officers when asked by the attending physician. The following day, he was brought for inquest.

Meanwhile, Florence, wife of Ramos, testified that on the same date, while she was at the SM Supermarket, she saw men running towards her, one of these men holding a happy diaper plastic and held her. She was asked by the said men to go with them and they roamed her around the mall. Subsequently, she was brought to the parking lot where she saw her husband inside a vehicle. She and her husband were taken to the PDEA Office in Quezon City, but she did not see her husband there. She was eventually released and told to go home. Florence claimed that she was not charged with any offense, it was only her husband who got arrested and charged.

RTC Ruling

After trial, the RTC handed a guilty verdict on Ramos for illegal possession and sale of *shabu*. The dispositive portion of the August 19, 2016 Decision states:

WHEREFORE, in view of the foregoing, this Court finds the accused HARON RAMOS y ROMINIMBANG guilty beyond reasonable doubt as principal for violation of Section 5 of Republic Act No. 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002 (for pushing shabu) as charged and sentences him to suffer the penalty of LIFE IMPRISONMENT and to pay a Fine in the amount of P500,000.00.

The plastic sachet/bag of shabu and other items bought and recovered from the accused are ordered confiscated in favor of the government to be disposed of in accordance with law.

Issue a mittimus order committing HARON RAMOS y ROMINIMBANG to the National Bilibid Prisons for service of sentence.

Send copies of this Decision to the Director General of the Philippine Drug Enforcement Agency (PDEA) and to the Director of the National Bureau of Investigation (NBI).

SO ORDERED^[5]

CA Ruling

On appeal, the CA affirmed the RTC Decision. The CA agreed with the findings of the trial court that the prosecution effectively established all the elements of illegal sale of dangerous drugs. For the appellate court, the non-presentation of the confidential informant is not fatal to the case and the testimony of IO1 Dalignon adequately proved the illegal drug transaction having personal knowledge about the transaction. Further, the CA was convinced that accused-appellant was caught in the very act of unlawfully selling drugs, there was, therefore, no need for a warrant to effect his arrest and seize the fruit of the crime. Lastly, the CA was in the position that even if the police officers did not strictly comply with the requirements of Section 21, Article II of the Implementing Rules and Regulations (*IRR*) of R.A. 9165, the non-compliance was under justifiable grounds. It did not affect the integrity and evidentiary weight of the drugs seized from the accused-appellant and the chain of custody of evidence in the present case is shown to be unbroken.

Before Us, the People and Ramos manifested that they would no longer file a Supplemental Brief, taking into account the thorough and substantial discussions of the issues in their respective appeal briefs before the CA. Essentially, Ramos maintains his position that the witnesses for the prosecution did not have personal knowledge of the alleged sale transaction. The accused-appellant added that the plastic sachet containing "shabu" is inadmissible as the police officers did not have probable cause to arrest him. Ultimately, the accused-appellant claims that the prosecution failed to duly establish the integrity and identity of the plastic sachet containing "shabu."

Our Ruling

We find the appeal meritorious. The judgment of conviction is reversed and set aside, and Ramos should be acquitted based on reasonable doubt.

Under Section 5, Article II of R.A. No. 9165, or illegal sale of prohibited drugs, in order to be convicted of the said violation, the following must concur:

x x x (1) the identity of the buyer and the seller, the object of the sale and its consideration; and (2) the delivery of the thing sold and the payment therefor.^[6]

In illegal sale of dangerous drugs, the illicit drugs confiscated from the accused comprise the *corpus delicti* of the charge.^[7] In *People v. Gatlabayan*,^[8] "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."^[9] In fine, the illegal drug must be produced before the court as exhibit and that which was exhibited must be the very same