

# FIRST DIVISION

[ G.R. No. 241778, June 15, 2020 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
DENNIS MEJIA Y CORTEZ ALIAS "DORMIE," ACCUSED-  
APPELLANT.**

## DECISION

**REYES, J. JR., J.:**

This resolves the appeal filed by accused-appellant Dennis Mejia y Cortez, alias "Dormie" (accused-appellant) from the Decision<sup>[1]</sup> dated May 31, 2018 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 09305 affirming the Decision<sup>[2]</sup> of the Regional Trial Court (RTC), Branch 31, City of Manila, in Criminal Case No. 15-319616 finding accused-appellant guilty beyond reasonable doubt of the charge of illegal possession of dangerous drugs, defined and penalized under Section 11(2), Article II of Republic Act (R.A.) No. 9165,<sup>[3]</sup> otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

### The Antecedents

On September 5, 2015, an Information was filed before the RTC, Branch 31, City of Manila, in Criminal Case No. 15-319616 against accused-appellant. The Information reads:

That on or about August 28, 2015, in the City of Manila, Philippines, the said accused, not being authorized by law to possess any dangerous drug, did then and there willfully, unlawfully, and knowingly have in his possession and under his custody and control three (3) heat-sealed transparent plastic sachets with markings and recorded net weights, as follows:

DMC 2-a 8-25-15 containing TWO POINT SEVEN SIX EIGHT  
(2.768) grams

DMC 2-b 8-28-15 containing TWO POINT FIVE TWO SIX  
(2.526) grams

DMC 2-c 8-28-15 containing TWO POINT FOUR SEVEN NINE  
(2.479) grams

or with a total net weight of SEVEN POINT SEVEN SEVEN THREE (7.773) grams of white crystalline substance containing Methamphetamine hydrochloride, commonly known as "shabu," a dangerous drug.

Contrary to law.<sup>[4]</sup>

When arraigned, accused-appellant pleaded not guilty to the charge and after the pre-trial conference, trial on the merits ensued.

### **Version of the Prosecution**

According to the prosecution, at around 11:00 a.m. of August 28, 2015, some police officers conducted an anti-criminality campaign in the area of Kaunlaran Street, Tondo, Manila. About 11:50 a.m., while on board their vehicle, they saw Arnel Carino y Escala, a resident of Masinop Street, Moriones, Tondo being robbed at gunpoint and knife point. They rushed to the scene announcing themselves as police officers and a chase ensued. Senior Police Officer 2 Ronald Mesina (SPO2 Mesina) was able to catch one of the three robbers who was later identified as the accused-appellant.<sup>[5]</sup>

Accused-appellant was frisked after being asked to lie prone to the ground and one .38 caliber firearm without a serial number was seized from him. Upon further body search, SPO2 Mesina was able to recover a belt bag from the accused-appellant containing a Marlboro cigarette case with three plastic sachets containing white crystalline substance suspected to be *shabu*.

The two other suspects aside from the accused-appellant were also caught by the other police officers.

Accused-appellant was then charged with the crimes of Robbery/Hold-up, Violation of R.A. No. 10591 or the Comprehensive Firearms and Ammunition Regulation Act and also Violation of Section 11 of R.A. No. 9165 or the Comprehensive Dangerous Drugs Act.<sup>[6]</sup> As for the robbery case, as well as the case for violation of R.A. No. 10591 against the appellant and his co-accused, it was disclosed during trial that they pleaded guilty to both cases. As proof, the prosecution submitted a certified copy of the Consolidated Decision where the accused-appellant and his co-accused were all found guilty as charged.<sup>[7]</sup>

As for the drugs case, the prosecution alleged that SPO2 Mesina marked the three sachets of drug specimen taken from the accused-appellant at the place of arrest as "DMC 2-a 8-28-15," "DMC 2-b 8-28-15" and "DMC 2-c 8-28-15," while the Marlboro case was marked as "DMC 2-d."

The accused-appellant with his cohorts were then brought to the nearest barangay office wherein *Barangay Kagawad* Arnulfo dela Cruz (*Kagawad* Dela Cruz) was present. A certification was prepared and signed by *Barangay Kagawad* Dela Cruz. This was also signed by *Barangay Tanod* Niko Boy Nencio and *Barangay* Executive Officer Ariel Bengua. The said Certification stated the circumstances surrounding the arrest of the accused-appellant where three pieces of transparent, plastic sachets containing white crystalline substance believed to be *shabu*, placed inside a Marlboro cigarette pack, were recovered from his belt bag. It further stated that the drug specimens were marked by SPO2 Mesina at the place of arrest while the Certification was made at the *barangay* office.

After the issuance of the Certification, which served as the inventory of the seized drug specimen, the police officers together with the suspects proceeded to the police station. SPO2 Mesina was in possession of the drug specimen from the place

of arrest to the *barangay* office and from the *barangay* office to the police station.<sup>[8]</sup>

Upon arrival at the police station with the accused-appellant and the seized items, the Request for Laboratory Examination and the Chain of Custody Form were prepared by the investigator. SPO2 Mesina and the other police officers also prepared the Joint Affidavit of Apprehension.

SPO2 Mesina personally delivered the letter-request for laboratory examination, as well as the drug specimens to the Manila Police District (MPD) Crime Laboratory which was received by Forensic Chemist Police Inspector Jeffrey Reyes. Photographs of the accused-appellant, as well as the recovered drug specimen were also taken at the police station.

Chemistry Report No. D-828-15 showed that the three plastic sachets with white crystalline substance that were recovered from the accused-appellant all tested positive for methamphetamine hydrochloride or *shabu*.<sup>[9]</sup>

### **Version of the Defense**

Accused-appellant denied the allegations against him and offered another account of what happened.

According to the accused-appellant, on August 28, 2015, he was at Balut, Tondo, Manila when a police officer approached him out of the blue and asked him his reason for being in the area. He was then brought to MPD Headquarters where he learned that he had been charged for possession of *shabu*. He claimed that he only saw the plastics containing *shabu* at the police station for the first time and said that such was not recovered from him.<sup>[10]</sup>

### **Ruling of the Trial Court**

On March 27, 2017, the RTC of Manila, Branch 31, convicted accused-appellant for Possession of Dangerous Drugs under Section 11(2), Article II of R.A. No. 9165 or the Comprehensive Dangerous Drugs Act of 2002. According to the RTC, the prosecution was able to establish the guilt of the accused-appellant beyond reasonable doubt by establishing all the elements of the offense. More importantly, the RTC declared that the prosecution was able to prove the identity and integrity of the *corpus delicti* of the case and was able to establish the unbroken chain of custody thereof. It gave credence to the evidence presented by the prosecution that the specimen taken from the accused-appellant was the very same specimen that was presented in court. Furthermore, the RTC held that the prosecution substantially complied with the provisions of Section 21 of R.A. No. 9165 that even though it was admitted and established that the police operatives failed to prepare an inventory of the recovered evidence, its absence is not a fatal defect to warrant the acquittal of the accused-appellant as the prosecution was able to show the unbroken chain of custody of the *corpus delicti* of the case and was able to prove the integrity thereof. The *fallo* of the RTC Decision reads as follows:

WHEREFORE, premises considered, accused DENNIS MEJIA y CORTEZ @ "DORMIE" is hereby found GUILTY beyond reasonable doubt for violation of Section 11 (2), Art. II of Republic Act 9165. Consequently, said

accused is hereby sentenced to suffer the penalty of imprisonment of twenty (20) years and one (1) day to life imprisonment and to pay a fine of Four Hundred Thousand Pesos (P400,000.00). No costs.

The dangerous drugs subject matter of these cases are hereby confiscated and forfeited in favor of the government to be dealt with in accordance with law.

Let a copy of this Decision be sent to the Office of the Court Administrator of the Supreme Court; the Philippine Drug Enforcement Agency (PDEA); the Head of Criminal Investigation and Detection Group WMMCIDT-NCRCIDU as well as the NAPOLCOM.

SO ORDERED.<sup>[11]</sup>

Aggrieved, the accused-appellant appealed to the CA.

### **Ruling of the CA**

On May 31, 2018, the CA rendered its Decision, affirming accused-appellant's conviction. Echoing the trial court's findings, the CA affirmed the Decision of the RTC that all the elements of illegal possession of dangerous drugs were duly proven and that the chain of custody of dangerous drugs was substantially complied with. The witnesses for the prosecution were able to testify on every link in the chain of custody, establishing the crucial link in the chain from the time the seized items were first discovered until they were brought for examination and offered in evidence in court. Thus, it disposed the case in this wise:

WHEREFORE, the appeal is DENIED. Consequently, the assailed Decision is AFFIRMED.

IT IS SO ORDERED.<sup>[12]</sup>

Hence, this appeal. Accused-appellant and the People manifested that they would no longer file their respective Supplemental Briefs, taking into account the thorough and substantial discussions of the issues in their respective appeal briefs before the CA. Accused-appellant reiterated that the buy-bust team failed to follow the procedure mandated in Section 21(1), Article II of R.A. No. 9165. Moreover, the accused-appellant pointed out inconsistencies regarding the testimony of SPO2 Mesina as to where the certification was made.

### **The Issue**

The pivotal issue for this Court's resolution is whether or not accused-appellant's conviction for illegal possession of dangerous drugs defined and penalized under Section 11, Article II of R.A. No. 9165, should be upheld.

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

The petition is meritorious.

The requisites of illegal possession of dangerous drugs, to wit: 1) that the accused