

FIRST DIVISION

[G.R. No. 222187, March 25, 2019]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
SIEGFREDO OBIAS, JR., Y ARROYO A.K.A. "BOBOY", ACCUSED-
APPELLANT.**

D E C I S I O N

DEL CASTILLO, J.:

This is an appeal from the March 9, 2015 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR No. 34933 affirming the September 26, 2011 Judgment^[2] of the Regional Trial Court (RTC) of Naga City, Branch 27, in Criminal Case Nos. RTC 2008-0341 and RTC 2008-0342, finding Siegfredo Obias, Jr. y Arroyo a.k.a. "Boboy" (appellant) guilty beyond reasonable doubt of violation of Sections 11 (Illegal Possession of Dangerous Drugs) and 12 (Illegal Possession of Drug Paraphernalia), Article II of Republic Act (RA) No. 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

The prosecution evidence as synthesized by the CA is, as follows -

From the prosecution's evidence, it is gathered that elements of the National Bureau of Investigation (NBI) Legaspi District Office had conducted surveillance and test buy operations on a certain Boboy Obias who was dealing with *shabu*, a prohibited drug, at his rest house and cock farm situated at Diamond Street, Villa Grande Homes Subdivision, Concepcion Grande, Naga City. Pursuant thereto, the NBI applied for and secured Search Warrant Nos. 2008-021 and 2008-022 dated 11 September 2008 from Executive Judge Jaime E. Contreras to search the above-described premises and seize any *shabu* as well as drug paraphernalia such as aluminum foils, water pipes, lighters with fluid, burner with acetone and tanita weighing scale that may be found thereat.

At around 9:30 P.M. of 13 September 2008, with assistance from the Philippine National Police (PNP), and the Philippine Drug Enforcement Agency (PDEA), NBI agents led by Special Investigator III Felipe Jessie Jimenez, Jr. proceeded to the said address to serve the two (2) Search Warrants against Boboy Obias, the accused-appellant. The team invited Barangay Chairman Elmer Baldemoro and some barangay tanods of Concepcion Grande, media reporters from ABS-CBN Naga City, GMA 7 Network and Weekly Digest, and Assistant City Prosecutors Joveliza P. Soriano and Cyril Manzano. The team first secured the perimeter area and compound subject of the search warrants and thereafter served the same on accused-appellant.

All persons inside the premises were gathered in the receiving area of the

rest house, while the search party (consisting of Special Investigator III Felipe Jessie S. Jimenez, Jr., Barangay Chairman [Baldemoro], PDEA agent Christopher Viana, media representatives, ACP Soriano, and other NBI agents) brought along accused-appellant during the conduct of the search. In the course of the search, they found several plastic sachets of white crystalline substance as well as assorted drug paraphernalia in certain portions of the subject premises, viz.: inside a bedroom in the elevated portion, inside a makeshift bedroom located under the house ("sirong"), inside the kitchen, and several particles of white crystalline substance on the grass near the cock shelter. The search was videotaped and photographed by Special Investigator III Edwin E. Romano as well as by the media personnel. Sometime later, after the light switch was located, another search was conducted in the kitchen area where they found hidden under a stove a cigarette pack colored green and the contents thereof were later marked as 'MBL-ITEM A-30' and series.

Thereafter, the seized items were photographed, sealed in plastic, and then marked by Special Investigator IV Manuel Mario B. Lanoza with his initials 'MBL' in the presence of accused-appellant and other members of the search party. Special Investigator III Rowan Victor M. Estrellano prepared the Inventory Sheets of the seized items which were signed by Barangay Chairman Baldemoro, the three (3) media representatives and by ACP Soriano as representative of the Department of Justice. However, accused-appellant refused to sign the said inventory sheets; neither did he acknowledge receipt of a copy of the search warrants against him.

The NBI submitted a return to the issuing court, presenting accused-appellant and the seized items from his rest house and cock farm. The items were then withdrawn for the purpose of chemical examination at the crime laboratory. Upon receipt of the specimens at 10:00 A.M. of 14 September 2008, Forensic Chemist P/Insp. Edsel Villalobos of the PNP Camarines Sur Provincial Crime Laboratory Office examined the submitted specimens and then issued Chemistry Report D-44-2008 certifying that the white crystalline substances proved positive for the dangerous drug methamphetamine hydrochloride or *shabu*.^[3]

Thus, in two Informations filed before the RTC of Naga City, appellant was separately charged with violation of Sections 11 and 12, Article II of RA 9165 by committing the following acts:

Criminal Case No. RTC 2008-0341

x x x x

That on or about September 13, 2008, in the City of Naga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law did, then and there, wilfully, unlawfully and criminally have in his possession, custody and control the following instruments or paraphernalia, to wit:

- 1) One (1) pc. Leather case with Two Thousand (P2,000.00) pesos marked as MBL ITEM A-3;

- 2) One (1) sachet with two (2) canister and box of cigarette mini-filter MBL ITEM A-4;
- 3) One (1) roll Aluminum Foil marked as MBL ITEM A-5;
- 4) One (1) Plastic sachet with 'Shabu tooter' and black pen case [marked as] MBL ITEM A-6;
- 5) One (1) plastic sachet with scissors and one (1) pc. Lighter marked as MBL ITEM A-7;
- 6) One (1) roll 'Shurtape' Aluminum Foil Wrap marked as MBL ITEM A-9;
- 7) One (1) plastic casing light green with 'shabu tooter' and several pieces of batteries pen type marked as MBL ITEM A-10;
- 8) One (1) plastic sachet with eleven pieces of .45 caliber bullets reload type with several rubber bands marked as MBL ITEM A-11;
- 9) One (1) white envelope marked MBL ITEM A-12;
- 10) One (1) piece TANETA M-1479V portable weighing scale marked MBL ITEM A-13;
- 11) One (1) roll aluminum foil marked MBL ITEM A-14;
- [12) One (1) Plastic sachet of suspected "Shabu" ([Methaniphetamine] Hydrochloride) marked as MBL ITEM A-15;]
- [13] One (1) Plastic sachet of suspected "Shabu" ([Methamphetamine] Hydrochloride) marked as MBL ITEM A-16;
- [14] One (1) Plastic Sachet of suspected "Shabu" ([Methamphetamine] Hydrochloride) marked as MBL ITEM A-17;
- [15] One (1) black plastic case with shabu tooter and used aluminum foil marked as MBL ITEM A-18;
- [16] One (1) sachet with plastic lighter;
- [17] Three (3) pieces lighters marked as MBL ITEM A-22;
- [18] One (1) orange plastic bag with several pieces of used aluminum foils with suspected traces of 'Shabu' ([Methamphetamine] Hydrochloride) marked as RVME-1;
- [19] Eighteen (18) pieces of lighters (shabu paraphernalia) marked as MBL-ITEMA-23;

- [20] One (1) plastic bag pink with used aluminum foils with suspected traces of 'Shabu' ([Methamphetamine] Hydrochloride) marked as MBL ITEM A-24;
- [21] One (1) plastic sachet with white lighter and suspected 'Marijuana' marked as MBL ITEM A-25;
- [22] One (1) bag of small plastic sachets marked as MBL ITEM A-26;
- [23] One (1) plastic bag white containing three (3) pieces of improvised paper pipes, two (2) burner [sic], Two (2) lighters, one (1) empty vial, one (1) piece glass tooter, small sachet with suspected "Shabu" ([Methamphetamine] Hydrochloride), scissors, one (1) [yellow] lighter, used aluminum foils marked as MBL ITEM A-27;
- [24] [One] (1) green plastic bag with several used aluminum foils, one (1) roll aluminum foil, several empty plastic sachets marked as MBL ITEM A-28;
- [25] One (1) plastic sachet with paper tooter and used aluminum foils marked as MBL ITEM A-29;
- [26] One (1) Plastic sachet of suspected "Shabu" ([Methamphetamine] Hydrochloride) marked as MBL ITEM A-30; and

which are intended for consuming methamphetamine hydrochloride, a dangerous drug, in violation of the above-cited law.

ACTS CONTRARY TO LAW.^[4]

Criminal Case No. RTC 2008-0342

x x x x

That on or about September 13, 2008, in the City of Naga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did, then and there, wilfully, unlawfully and criminally have in his possession, custody and control seven (7) pcs. of Heat sealed transparent plastic sachet containing white crystalline substance found to be Methamphetamine Hydrochloride popularly known as *shabu*, with the following respective markings and weights: 'MBL ITEM A' - 0.23 grams, 'MBL ITEM A-T-0.43 grams, 'MBL ITEM A-15'-0.52 grams, 'MBL ITEM A-16'-0.82 grams, 'MBL ITEM A-17'-0.02 grams, 'MBL ITEM A-30-A-6-1' -4.58 grams, and 'MBL ITEM A-20'-.04 grams (A-7-1)& 0.05 grams (A-7-2), with a total weight of 6.69 grams,^[5] which is a dangerous drug, in violation of the above-cited law.

ACTS CONTRARY TO LAW.^[6]

Appellant pleaded not guilty when arraigned. He vehemently denied the accusations against him claiming that the *shabu* and drug paraphernalia were found inside the rooms which were occupied by his two employees, Boyet and Tabor Alejandria, who were cock breeders/trainers. He averred that he just arrived at the rest house when the search party suddenly entered the compound and fired their guns. He disputed that *shabu* was found inside the kitchen since he and his companions were herded at the receiving area of the house during the search.^[7]

Ruling of the Regional Trial Court

The RTC, in its Judgment of September 26, 2011, convicted the appellant of Illegal Possession of Dangerous Drugs and Illegal Possession of Drug Paraphernalia, *viz.*:

WHEREFORE, considering that the prosecution successfully proved the guilt of the accused in these two cases beyond reasonable doubt, the accused is hereby CONVICTED, and sentenced to:

- 1) In Crim. Case No. RTC 2008-0342, for Violation of Sec [2], Art. II, R.A. 9165 (Illegal Possession of Dangerous Drugs): suffer imprisonment for Twenty Years (20) and One (1) Day as minimum to Thirty Years (30) as maximum, and to pay fine in the amount of Pesos: Four Hundred Thousand (P400,000.00).
- 2) In Crim. Case No. RTC 2008-0341, for Violation of Sec. 12, Art. II, of R.A. 9165 (Illegal Possession of Drug Paraphernalia): suffer imprisonment for Six Months and One Day as minimum to Two Years as maximum, in accordance with the Indeterminate Sentence Law and pay fine in the amount of Pesos: Ten Thousand (P10,000.00).

The subject dangerous drugs and paraphernalia are hereby confiscated and forfeited in favor of the government to be dealt with in accordance with law. The Philippine Drug Enforcement Agency/National Bureau of Investigation are directed to take the necessary steps for the disposal of these items, in accordance with law.

SO ORDERED.^[8]

Appellant appealed his conviction to the CA.

Ruling of the Court of Appeals

The CA affirmed the RTC's ruling in its March 9, 2015 Decision.

The CA ruled that the conduct of the search was made in accordance with the procedure provided in Section 8 of Rule 126 of the Rules of Court. All the prosecution witnesses attested that appellant personally witnessed the search. It held that being the owner of the cock farm and the rest house, appellant clearly had full control and dominion over the place where the seized items were recovered.

The CA further added that the NBI had adopted lawful means and methods in the implementation of the search warrants and there was faithful observance of the