

## FIRST DIVISION

[ G.R. No. 227187, March 04, 2019 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ERIC L. SEVILLA, ACCUSED-APPELLANT.**

### D E C I S I O N

**DEL CASTILLO, J.:**

This resolves the appeal filed by appellant Eric L. Sevilla (appellant) assailing the July 29, 2016 Decision<sup>[1]</sup> of the Court of Appeals (CA) in CA G.R. CR HC No. 01396-MIN, which affirmed the December 1, 2014 Decision<sup>[2]</sup> of the Regional Trial Court (RTC), Branch 34, Panabo City in Criminal Case Nos. CrC 211-2010 and CrC 212-2010, finding appellant guilty beyond reasonable doubt of violation of Section 5 (illegal sale of dangerous drugs) and Section 11 (illegal possession of dangerous drugs), Article II of Republic Act (RA) No. 9165,<sup>[3]</sup> otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

Appellant was charged with violation of Sections 5 and 11, Article II of RA 9165 in two separate Informations

*Criminal Case No. CrC 211-2010*

That on or about May 26, 2010, in the City of Panabo, Davao, Philippines, and within the jurisdiction of this Honorable Court, the abovenamed accused, without being authorized by law, willfully, unlawfully and knowingly traded, sold and delivered two (2) packs of dried marijuana leaves wrapped with a newspaper, a dangerous drug, to IO1 Julius A. Magdadaro, who was acting as a poseur-buyer in a legitimate buy bust operation, taking and receiving one (1) marked money of One Hundred [P]eso (P100.00) bill with [S]erial number D627328.

CONTRARY TO LAW.<sup>[4]</sup>

*Criminal Case No. CrC 212-2010*

That on or about May 26, 2010, in the City of Panabo, Davao, Philippines, and within the jurisdiction of this Honorable Court, the abovenamed accused, without being authorized by law, willfully, unlawfully and knowingly had in his possession, control and custody Ten (10) packs of dried marijuana leaves wrapped in a newspaper, a dangerous drug, with a total weight of more or less 55.8873 grams.

CONTRARY TO LAW.<sup>[5]</sup>

When arraigned on July 30, 2010, appellant pleaded not guilty to the crimes charged against him. The two criminal cases were then tried jointly by the trial court.

### ***Version of the Prosecution***

The prosecution presented the following witnesses: SPO2 Romeo Obero (SPO2 Obero), IO1 Julius A. Magdadaro (IO1 Magdadaro), SO2 Bryan P. Ponferrada (SO2 Ponferrada), PO3 Norkaya G. Dica (PO3 Dica), and P/Supt. Julieta G. Razonable (P/S Razonable). Based on their testimonies, the following facts emerged:

In the morning of May 26, 2010, Agent Caludito Cañada (Agent Cañada) received information from a confidential informant that a certain alias Eric was selling marijuana at *Purok 6, Barangay Quezon, Panabo*. Agent Cañada instructed the confidential informant to arrange a transaction with the suspect. Accordingly, agent Cañada organized a buy-bust team, with IO1 Magdadaro as the poseur-buyer and SO2 Ponferrada as the back-up arresting officer. Agent Cañada also prepared the Php100.00 bill marked money with initials "JAM". It was also agreed that the lighting of a cigarette by IO1 Magdadaro would signal the consummation of the transaction.

The team proceeded to the Panabo City Police Station where they conducted a final briefing. At around 5:15 p.m., IO1 Magdadaro and SO2 Ponferrada, together with the confidential informant, proceeded to the target area on board a motorcycle.

Upon arrival at the target area, the confidential informant pointed to a man sitting at a nipa hut, who was later established as appellant. The confidential informant introduced IO1 Magdadaro to appellant as his friend who wanted to buy marijuana. Appellant asked IO1 Magdadaro how much marijuana he would like to buy, to which IO1 Magdadaro answered "Php100.00 worth." Appellant then retrieved a bag from a wooden cage and took out two packets which he gave to IO1 Magdadaro. Upon confirming that the packets contained marijuana leaves, IO1 Magdadaro handed the Php100.00 marked money to appellant who placed it inside his right pocket. IO1 Magdadaro then lit a cigarette to signal the consummation of the transaction prompting SO2 Ponferrada to approach them.

SO2 Ponferrada introduced himself as a PDEA agent, handcuffed appellant and informed him of his rights. He frisked appellant and recovered from appellant's right pocket the Php100.00 marked money and from appellant's bag 10 packets of suspected marijuana. In the presence of appellant, IO1 Magdadaro marked the two packets he bought from appellant while SO2 Ponferrada marked the 10 packets and the bag. Thereafter, the police officers placed the seized items inside the evidence pouch.

They then went back to the Panabo Police Station and conducted an inventory and took photographs of appellant and the seized items in the presence of witnesses Benigno Gumban, Jr. of the media, elected official Eduardo Alas, Ian Dionela of the Department of Justice (DOJ), and appellant's representative, Leonida Sevilla. IO1 Magdadaro took custody of the two packets while the 10 packets were with SO2 Ponferrada.

After preparing the request for laboratory examination, IO1 Magdadaro and SO2 Ponferrada delivered the seized items to the PNP Crime Laboratory in Tagum City,

which were received and weighed by SPO2 Obrero. SPO2 Obrero then turned over the seized items to the evidence custodian who, in turn, handed it to P/S Razonable, the forensic chemist, for examination. P/S Razonable examined the seized items and found them positive for marijuana.

### ***Version of the Defense***

The defense presented appellant as its sole witness. According to appellant, on May 26, 2010, while entering the gate of his house after arriving from work, around 10 persons followed him and one of them held both his hands. When appellant asked what his violation was, the person holding his hands accused him of selling marijuana. Appellant reacted to such false imputation by saying that he had a job. Subsequently, several persons entered his house. After about five to eight minutes, they emerged from his house and asked him if he owned the packet one of them was holding, to which he replied in the negative. He was then boarded on a Toyota Revo and was brought to the police station where pictures were taken of him together with some packets laid in front of him.

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

On December 1, 2014, the RTC rendered judgment finding appellant guilty beyond reasonable doubt of selling and possessing prohibited dangerous drugs. It found appellant's defenses of denial and alibi as inherently weak and not worthy of consideration. The dispositive portion of the decision reads:

WHEREFORE, judgment is hereby rendered as follows:

- a. Finding accused *Eric L. Sevilla* guilty beyond reasonable doubt in Criminal Case No. CrC No. 211-2010 of selling marijuana defined and penalized under Section 5 of Republic Act No. 9165. Accordingly, he is sentenced to suffer in this case the penalty of life imprisonment and to pay fine in the amount of Php500,000.00;
- b. Finding accused *Eric L. Sevilla* guilty beyond reasonable doubt in Criminal Case No. CrC No. 212-2010 of illegal possession of marijuana defined and penalized under Section 11 of Republic Act No. 9165. Accordingly, he is sentenced to suffer in this case the indeterminate penalty of twelve (12) years and one (1) day as minimum period to thirteen (13) years as maximum period and to pay fine in the amount of Php300,000.00.

xxxx

SO ORDERED. <sup>[6]</sup>

### ***Ruling of the Court of Appeals***

Appellant assailed his conviction before the CA, claiming that the prosecution failed to comply with the requirements of Section 21 of RA 9165 which creates serious doubts on the integrity and evidentiary value of the seized drugs.

On July 29, 2016, the CA affirmed the RTC's Decision. The CA found that the prosecution was able to establish a clear and unbroken chain of custody of the