

# FIRST DIVISION

[ G.R. No. 228255, June 10, 2019 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. MARY JANE CADIENTE Y QUINDO @ JANE, ACCUSED-APPELLANT.**

## DECISION

**DEL CASTILLO, J.:**

Appellant Mary Jane Cadiente y Quindo @ Jane appeals from the April 29, 2016 Decision<sup>[1]</sup> of the Court of Appeals (CA) in CA-GR. CR-HC No. 07261 that affirmed the December 10, 2014 Decision<sup>[2]</sup> of the Regional Trial Court (RTC) of Makati City, Branch 135, in Criminal Case No. 14- 1089, finding appellant guilty beyond reasonable doubt of violating Section 5, Article II of Republic Act (RA) No. 9165.

### ***Factual Antecedents***

Appellant was charged with violation of Sections 5 and 11, Article II of RA 9165. The accusatory portions of the Informations are quoted as follows:

Criminal Case No. 14-1089:

Violation of Section 5, Article II of RA 9165

On the 11<sup>th</sup> day of July 2014, in the city of Makati, Philippine accused, without the necessary license or prescription and without being authorized by law, did then and there willfully, unlawfully and feloniously sell, deliver and give away one (1) plastic sachet weighing zero point zero eight [0.08] gram of white crystalline substance containing Methylamphetamine Hydrochloride (Shabu), a dangerous drug, in consideration of Php500.00.

CONTRARY TO LAW.<sup>[3]</sup>

Criminal Case No. 14-1090:

Violation of Section 11, Article II of RA 9165

On the 9<sup>th</sup> day of July 2014, in the city of Makati, Philippines, accused, without the necessary license or prescription and without being authorized by law, did then and there willfully, unlawfully and feloniously have in [her] direct custody and possession one (1) piece of small heat sealed transparent plastic sachet weighing zero point one four [0.14] gram of white crystalline substance presented and marked as "RAG-1", containing of [sic] Methylamphetamine Hydrochloride (Shabu) a dangerous drug.

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

During her arraignment, appellant pleaded not guilty to both offenses. Thereafter, trial ensued.

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

On July 9, 2014, a confidential informant reported to the office of the Station Anti-Illegal Drugs Special Operations Task Group of the Makati police that appellant and her husband were peddling prohibited drugs in *Barangay* Rizal, Makati. Acting on said information, P/Chief Insp. Gaylord Tamayo formed a team and held a briefing for the conduct of a buy-bust operation. PO2 Rexell Gabelo (PO2 Gabelo) was designated as poseur-buyer and given a 500-peso bill as marked money. The planned buy-bust operation was coordinated with the Southern Police District and the Philippine Drug Enforcement Agency (PDEA).

Upon the arrival of the buy-bust team at the target area, PO2 Gabelo and the confidential informant saw the appellant standing along a street. They approached and talked with appellant for the sale of P500.00 worth of *shabu*. PO2 Gabelo gave the first pre-arranged signal to the other members of the buy-bust team watching from their vantage points that he had identified their target. He then handed appellant the marked money as payment for a sachet of *shabu*, which appellant took from her wallet; PO2 Gabelo thereafter gave the second pre-arranged signal that the transaction had been consummated. SPO1 Randy L. Obedoza (SPO1 Obedoza), who was assigned as a back-up in the buy-bust operation, rushed toward the scene of the crime and assisted PO2 Gabelo in arresting appellant. Recovered from appellant was the marked money, a one hundred peso bill, another sachet of *shabu* and a disposable lighter. When a crowd started to gather, the buy-bust team decided to conduct the inventory of the seized items at the nearest *barangay* hall of Rizal, Makati. However, they transferred to the *barangay* hall of Pembo, Makati after waiting in vain for five hours for the arrival of an elected public official. The marking and inventory of the seized items were then conducted in the presence of appellant and the *barangay captain* of Brgy. Pembo. Photographs were also taken during the inventory.

The buy-bust team then proceeded to the police office and turned over the custody of appellant and the seized items to the duty investigator, PO3 Laurence Charmino (PO3 Charmino). In turn, PO3 Charmino prepared the letter-request for the drug test of the seized *shabu*, which SPO1 Obedoza brought to the police crime laboratory together with the seized *shabu*. The forensic chemist, P/Sr. Insp. Rendielyn L. Sahagun, received the same and conducted laboratory examinations, and confirmed that the sachet sold by appellant during the buy-bust operation, marked with the initials "RAG", and the sachet recovered from appellant's possession during the lawful search of her body and marked as "RAG-1", with a weight of 0.08 gram and 0.14 gram, respectively, were positive for, and indeed contained *shabu*.

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

At around 1 a.m. of July 7, 2014, appellant was inside her house with her husband and her four-year-old daughter, when five armed men suddenly barged inside and ransacked the same. She did not resist their illegal act for fear of physical abuse. The armed men then took her and her family to the police office where they were detained for two days, and not given food. Her husband and her daughter were later

released and told to return with P50,000.00 as payment for her freedom. When her husband failed to bring the money, false charges were filed against her.

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

On December 10, 2014, the RTC rendered a Decision finding appellant guilty beyond reasonable doubt for violation of Section 5, Article II of RA 9165. It ruled that the State had succeeded in establishing all the elements of the offense for illegal sale of *shabu*. However, the RTC held that there was reasonable doubt to acquit appellant for violation of Section 11, Article II of RA 9165 because SPO1 Obedoza, who allegedly recovered the sachet of *shabu* from appellant's possession, failed to identify the same during his cross-examination.

Thus, the dispositive portion of the Decision of the RTC reads:

WHEREFORE, judgment is hereby rendered:

1. In Criminal Case No. 14-1089, finding the accused MARY JANE CADIENTE y QUINDO @ "Jane", GUILTY BEYOND REASONABLE DOUBT for Violation of Section 5 of Article II of R.A. 9165, judgment is hereby rendered sentencing her to suffer life imprisonment and to pay a fine of P500,000.00;

2. In Criminal Case No. 14-1090, there being reasonable doubt, accused MARY JANE CADIENTE y QUINDO @ "Jane" is hereby ACQUITTED for Violation of Section 11[,] Article II of R.A. 9165; and

Let the zero point zero eight (0.08) gram and zero point fourteen (0.14) gram of methylamphetamine hydrochloride (*shabu*) be turned over to the PDEA for proper disposition.

SO ORDERED.<sup>[5]</sup>

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

On April 29, 2016, the CA affirmed the RTC's Decision. Rejecting appellant's plea that the prosecution did not adduce evidence that the requirements of Section 21, Article II of RA 9165 had been met, the CA declared that the failure of the buy-bust team to comply strictly with the procedure mandated by Section 21, Article II of RA 9165, particularly, in ensuring the presence of a representative from the media and the Department of Justice (DOJ) during the physical inventory and the photographing of the confiscated *shabu*, did not render the arrest of appellant illegal or make the *shabu* inadmissible in evidence. The CA held that the buy-bust team had substantially complied with this procedural requisite as it was able to preserve the integrity and evidentiary value of the seized *shabu* by establishing an unbroken link in the chain of custody of evidence.

Thus, the CA disposed of the appeal in the following manner:

WHEREFORE, premises considered, the Decision dated December 10, 2014 of the Regional Trial Court, Branch 135 of Makati City finding accused-appellant Mary Jane Cadiente y Quindo @ Jane GUILTY BEYOND REASONABLE DOUBT for Violation of Section 5, Article II of Republic Act No. 9165, otherwise known as The Comprehensive Dangerous Drugs Act of 2002, is hereby AFFIRMED.