

SECOND DIVISION

[G.R. No. 231875, July 29, 2019]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CORAZON NAZARENO Y FERNANDEZ @ "CORA" AND JEFFERSON
NAZARENO Y FERNANDEZ @ "TOTO," ACCUSED-APPELLANTS.**

DECISION

LAZARO-JAVIER, J.:

The Case

This appeal assails the Decision^[1] dated September 29, 2016 of the Court of Appeals in CA-G.R. CR HC No. 07558 entitled "*People of the Philippines v. Corazon Nazareno y Fernandez, et. al,*" affirming the trial court's verdict of conviction against appellants Corazon Nazareno y Fernandez and Jefferson Nazareno y Fernandez for violation of Section 5 of Article II of Republic Act No. 9165 (RA 9165), otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

The Proceedings Before the Trial Court

The Charge

By Information^[2] dated September 10, 2008, appellants were charged with violation of Section 5 of RA 9165, thus:

That on or about the 8th day of September 2008, in the City of Muntinlupa, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping and aiding each other, they not being authorized by law, did then and there willfully and unlawfully sell, trade, deliver and give away to another, Methylamphetamine hydrochloride, a dangerous drug weighing more or less 0.01 gram, contained in One (1) piece of heat-sealed transparent plastic sachet in violation of the above-cited law.

Contrary to law.^[3]

The case was raffled to the Regional Trial Court (RTC) - Branch 204, Muntinlupa City.

On arraignment, appellants pleaded not guilty.^[4]

At the pre-trial, the prosecution and the defense stipulated on the trial court's jurisdiction, the identity of the accused, the identity of the Forensic Chemist Police Senior Inspector Abraham V. Tecson, and the authenticity of PSI Tecson's report which yielded a positive result for the presence of methylamphetamine hydrochloride in the submitted specimen.^[5]

During the trial, PO3 Dennis Bornilla and PO3 Norman Villareal testified for the prosecution. On the other hand, appellants and Ronalie Cruz Frias testified for the defense.

The Prosecution's Version

On September 8, 2008, at 2 o'clock in the afternoon, acting on a confidential informant's report, PO3 Bornilla and PO3 Villareal conducted a surveillance in the area of Purok 1, Block 8, Barangay Bayanan, Muntinlupa City. They determined whether a possible buy-bust operation could be conducted against appellant Corazon Nazareno (Cora) and her son appellant Jefferson Nazareno (Toto).^[6]

They coordinated with the Philippine Drug Enforcement Agency (PDEA) for a briefing during which a Pre-operational Report and Certificate of Coordination were issued. PO3 Bornilla was assigned as the poseur-buyer and was given a two hundred (200) peso bill and a one hundred (100) peso bill to be used as marked money. PO3 Villareal was assigned as back-up.^[7]

Around 8:30 in the evening, PO3 Bornilla, PO3 Villareal and the confidential informant proceeded to appellants' house. The informant introduced PO3 Bornilla to Toto as a seaman who wanted to buy *shabu*. When asked, PO3 Bornilla said he wanted to buy *shabu* worth P300. Toto took the P300 and told PO3 Bornilla to wait. He walked across the street to a store and called out to his mother, Cora. The latter came out and Toto handed the P300 to her. Cora took something from the breast portion of her blouse and gave it to Toto. Toto returned to PO3 Bornilla and handed him a piece of paper which contained a small transparent plastic sachet of suspected *shabu*. As prearranged, PO3 Bornilla reversed his bullcap. PO3 Villareal immediately closed in. PO3 Bornilla accosted Toto and directed PO3 Villareal to arrest Cora. The marked P300 was recovered from Cora. Both appellants were apprised of their constitutional rights and brought to the police station.^[8]

At the police station, the seized items were marked "CN," photographed, and inventoried. Following the request for examination, the substance was delivered to the PNP Crime Laboratory in SPD, Makati City for chemical testing. The same yielded positive results for *shabu*.^[9]

The Defense's Version

Appellants denied the charge. They testified that on September 8, 2008 around 5 o'clock in the afternoon, Cora went home after cleaning the Multipurpose Hall of Purok 8. When she noticed it was about to rain, she returned to the Multipurpose Hall to turn off the lights. On her way back, two (2) men later identified as PO3 Bornilla and PO3 Villareal alighted from a vehicle and introduced themselves to her as police officers. They invited her to the police station for questioning. When she refused, they shoved her into their parked vehicle. They informed her of the report

they received regarding her business of peddling drugs in the area.^[10]

Toto was at home with his wife and son on September 8, 2008 when someone suddenly kicked their door open, introduced themselves as police officers, dragged him out of the house, and forced him and Cora into a parked vehicle.^[11]

At the police station, the police officers asked for the names of their relatives whom they can talk to regarding "settlement."^[12] They did not yield. Their fingerprints and photographs were taken and they were told that if no one would come to help, they would be charged.^[13]

Ronalie Frias corroborated appellants' testimonies. She saw men accost Cora and Toto.^[14]

The Trial Court's Ruling

As borne by its Decision^[15] dated March 26, 2015, the trial court rendered a verdict of conviction, *viz*:

WHEREFORE, premises considered and finding the accused, GUILTY beyond reasonable doubt of the crime herein charged, CORAZON NAZARENO y FERNANDEZ @ CORA and JEFFERSON NAZARENO y FERNANDEZ are hereby sentenced to Life Imprisonment and to pay a fine of Php500,000.00 each.

The subject drug evidence is ordered transmitted to the Philippine Drug Enforcement Agency (PDEA) for proper disposition.

The preventive imprisonment undergone by the accused shall be credited in their favor.

Accused CORAZON NAZARENO is ordered committed to the Correctional Institute for Women for the service of her sentence pending any appeal she may file in this case.

Accused JEFFERSON NAZARENO is ordered detained at the New Bilibid Prisons (NBP) pending any appeal that he may file in this case.

SO ORDERED.^[16]

The trial court found the testimony of PO3 Bornilla and PO3 Villareal credible, straightforward, and consistent on material points showing that both accused were engaged in selling drugs. It disregarded appellants' defense of denial over the positive testimonies of the prosecution witnesses.

The Proceedings Before the Court of Appeals

On appeal, petitioner faulted the trial court for rendering the verdict of conviction despite the supposed illegality of their warrantless arrests and the prosecution's failure to establish the *corpus delicti*.^[17]

In refutation, the Office of the Solicitor General (OSG) through Assistant Solicitor General Herman R. Cimafranca and State Solicitor Sharon E. Millan-Decano defended the verdict of conviction. According to the OSG, it was sufficiently established that petitioner was caught in *flagrante delicto* selling *shabu* to a law enforcement agent who posed as a buyer. The laboratory results supported this conclusion. The police officers were not shown to have been impelled by improper motive to falsely testify against appellants. Further, appellants never objected to the supposed irregularity of their arrest prior to their arraignment. The buy-bust team also substantially complied with the provisions of Section 21 of RA 9165.

The Court of Appeals' Ruling

The Court of Appeals^[18] affirmed through its assailed Decision dated September 29, 2016. It accorded the testimonies of the prosecution witnesses a high degree of respect. It found that there was substantial compliance with Rule 21 of RA 9165 when it marked the seized items in the police station and that the absence of a member of the media or DOJ did not by itself render the seized items inadmissible. Especially when, as in this case, the chain of custody was established and the integrity of the seized *shabu* was found to have remained intact.

The Present Appeal

Appellants now seek affirmative relief from the Court and plead anew for their acquittal.

For the purpose of this appeal, both appellants and the People adopted, in lieu of supplemental briefs, their respective briefs filed before the Court of Appeals.

Issue

Did the Court of Appeals err when it affirmed appellants' conviction for violation of Section 5 (illegal sale of dangerous drugs) of Art. II of RA 9165?

Ruling

At the outset, appellants assail the warrantless arrest and patent inadmissibility of the evidence against them.

The appellants' arrest was valid

On this score, Section 5 of Rule 113 of the Rules on Criminal Procedure provides