

# **FIRST DIVISION**

**[ G.R. No. 231839, July 10, 2019 ]**

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
MICHAEL RYAN ARELLANO Y NAVARRO, ACCUSED-APPELLANT.**

## **D E C I S I O N**

**BERSAMIN, C.J.:**

The version and evidence of the State must be free of reasonable doubt to warrant the conviction of the accused for the crime charged against him. Any doubt must be resolved in favor of the accused in view of the presumption of his innocence.

### **The Case**

Through this appeal, the accused-appellant assails the affirmance of his conviction for violations of Section 5, Section 11 and Section 12, all of Republic Act No. 9165 (Comprehensive Dangerous Acts Law of 2002) under the decision promulgated on November 9, 2016 by the Court of Appeals (CA).<sup>[1]</sup> He had been found and pronounced guilty beyond reasonable doubt of said crimes by the Regional Trial Court (RTC), Branch 13, in Laoag City, Ilocos Norte through the judgment rendered on September 11, 2015 in Criminal Case No. 15491, Criminal Case No. 15492, and Criminal Case No. 15493.<sup>[2]</sup>

### **Antecedents**

The informations charged the accused-appellant thusly:

#### **Criminal Case No. 15491**

That on or about the 18<sup>th</sup> day of April 2013, in the City of Laoag, Philippines, and within the jurisdiction of this Honorable Court, the said accused, did then and there willfully, unlawfully and feloniously had in his possession, custody and control, THREE (3) heat sealed transparent plastic sachets containing Methamphetamine Hydrochloride locally known as "Shabu" with an aggregate weight of 0.2143 gram[s], FOUR (4) open transparent plastic sachets containing white residues, beli[e]ve[d] to be Methamphetamine Hydrochloride, without any license or authority, in violation of the aforecited law.

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

### **Criminal Case No. 15492**

That on or about the 18<sup>th</sup> day of April 2013, in the City of Laoag, Philippines, and within the jurisdiction of this Honorable Court, the said accused, did then and there willfully, unlawfully and feloniously sell and deliver to a poseur buyer One (1) piece plastic sachet containing Methamphetamine Hydrochloride locally known as "Shabu" with an aggregate weight of 0.1780 gram, a dangerous drug, without any license or authority, in violation of the aforecited law.

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

### **Criminal Case No. 15493**

That on or about the 18<sup>th</sup> day of April 2013, in the City of Laoag, Philippines, and within the jurisdiction of this Honorable Court, the said accused, did then and there willfully, unlawfully and feloniously had in his possession, custody and control, TWO (2) folded aluminum foils, a drug paraphernalia, without any license or authority, in violation of the aforecited law.

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

Accused-appellant pleaded not guilty to the offenses charged. Trial on the merits then ensued.

The factual and procedural antecedents was rendered by the CA in its assailed decision as follows:

On April 18, 2013, a confidential informant went to the Provincial Anti-Illegal Drugs Special Operations Task Group (PAIDSOTG) office and gave a tip regarding the illegal drug activities of appellant. At around 9:30 a.m. of the same day, Action Officer Police Inspector Jeffrey Taccad summoned PO3 Dalere and PO2 Agtang, PO3 John Dacauang, PO1 Salacup, and PO1 Sarandi for a briefing on the conduct of a buy-bust operation against appellant. During the briefing, the confidential informant made arrangement with appellant for the sale of shabu worth P1,000. Appellant agreed and told the confidential informant to meet at Brgy. Buyon, Bacarra, Ilocos Norte. PO3 Dalere was designated as a poseur-buyer upon which he was given a P1,000 bill with the initials "JMBD" to be used as the buy-bust money. A pre-operation Police Blotter was entered by PO3 Dalere.

The team proceeded to Brgy. Buyon, Bacarra, Ilocos Norte. Upon arrival thereat, appellant called the confidential informant's cellphone instructing the latter to proceed to Room 11 of Farmside Hotel located at 49-B, Raraburan, Laoag City. Unknown to appellant, the call was received by

PO3 Dalere who then informed Action Officer Taccad about the change of venue.

Upon arrival at the Farmside Hotel, PO3 Dalere and the confidential informant went to Room 11. Appellant was already standing in front of the room. The confidential informant introduced PO3 Dalere as a friend who was going to buy shabu. Appellant asked PO3 Dalere how much he was going to buy. PO3 Dalere replied "*P1,000.00 only, pare*". Appellant invited them to enter the room. PO3 Dalere gave to appellant the P1000 bill which the latter put in his right pocket. Appellant then picked one (1) plastic sachet containing white crystalline substance on top of the bed and handed it to PO3 Dalere. PO3 Dalere made a missed call to PO2 Salacup, which was the pre-arranged signal to the buy-bust team that the sale had already been consummated. The team entered the room. PO2 Salacup then arrested and conducted a body search on appellant. The P1000 buy-bust money was recovered from appellant's right pocket. All the other pieces of evidence found on top of the bed were gathered. When the barangay officials arrived, PO3 Dalere placed his initials "JMBD" on the plastic sachet of shabu bought from appellant including the other plastic sachets of shabu, aluminum foil and a lighter found on top of the bed. In the presence of the barangay officials, the police officers also took photographs and made a Certificate of Inventory of the seized items.

Appellant was then brought to PAIDSOTG office. A letter-request for laboratory examination addressed to the Ilocos Norte Police Provincial Crime Laboratory was prepared to determine the presence of any form of dangerous drugs in the items seized from appellant. PO3 Dalere personally delivered the letter-request and the seized items to the PNP Crime Laboratory which was received by PO3 Padayao. The specimens were then handed to Forensic Chemist Amiely Ann Navarro.

In Chemistry Report No. D-031-2013-IN dated April 18, 2013, Forensic Chemist Navarro found that that plastic sachet appellant sold to PO3 Dalere Hacutina, with the markings "JMBD-1" weighing 0.0876 gram, as well as the three (3) plastic sachets recovered from appellant which were marked as "JMBD-2 to JMBD-4", were likewise positive for Methamphetamine Hydrochloride or shabu. Two (2) opened transparent plastic sachets containing white residue marked as "JMBD-5" and "JMBD-7" were also found positive for shabu.

For the defense, appellant was presented as the lone witness.

Appellant testified that at around 9:00 a.m. on April 18, 2013, he and a female acquaintance were at Room 11 of the Farmside Hotel located at Brgy. Raraburan, Laoag City. When they were about to check out at 12:00 noon, someone knocked at the room. He peeped and saw a man at the door. He asked the man "*Why boss?*" but there was no answer. The man tried to forcibly enter the room but he could not do so because there was a door stopper. The man's companion pointed a gun at him saying "*Buksan mo, putang ina mo*". Another man entered through the window and unlocked the door. When the men were inside the room, they

immediately grabbed him. He asked them *"Why boss, why bossing?"* but there was no answer. They handcuffed him and searched his pocket from which they were able to get his cellphone and money. They pulled him outside and they kept hitting his stomach telling him to bring it out. They brought him back inside the room and was told *"These are the things that we have taken from you, it's plenty".* He answered *"Ana nga ibagbagam a naala yo kanyak? "* (*What are you saying that you got some things from me?*). When the barangay officials arrived, he begged for their help but to no avail. He was then brought to the PAIDSOTG office. While in detention, he asked P/Insp. Taccad the reason for his arrest and detention but there was no response. When he kept crying and pleading, P/Insp. Taccad told him *"Pasensya kan, biktima ka lang."* On cross-examination, he was asked whether he has filed any criminal nor administrative complaint against the police officers, he answered in the negative.<sup>[6]</sup>

On September 11, 2015, the RTC rendered judgment finding the accused-appellant guilty as charged, disposing:

**WHEREFORE,** judgment is hereby rendered finding accused Michael Ryan Arellano y Navarro GUILTY beyond reasonable doubt on all the charges and is therefore sentenced as follows:

1. for illegal possession of shabu with an aggregate weight of 0.2143 gram as charged in Criminal Case No 15491, to suffer the indeterminate penalty of imprisonment of TWELVE (12) YEARS and ONE (1) DAY to FOURTEEN (14) YEARS and to pay a fine of Php300,000.00;
2. for illegal sale of shabu as charged in Criminal Case No. 15492, to suffer the penalty of LIFE IMPRISONMENT and to pay a fine of Php500,000.00.
3. for illegal possession of drug paraphernalia as charged in Criminal Case No. 15493, to suffer the indeterminate penalty of imprisonment of SIX (6) MONTHS and ONE (1) DAY as minimum to TWO (2) YEARS FOUR (4) MONTHS and ONE (1) DAY as minimum and to pay a fine of Php10,000.00.

x x x x

SO ORDERED.<sup>[7]</sup>

The accused-appellant challenged the finding of guilty by the RTC, insisting that the apprehending officers had committed irregularities in the performance of their duties; and that the State had not established the identity and integrity of the seized items.

As mentioned, the CA affirmed the convictions, decreeing:

**WHEREFORE**, premises considered, the instant appeal is hereby **DENIED**. The Decision dated September 11, 2015 of the Regional Trial Court, Branch 13, Laoag City, Ilocos Norte is **AFFIRMED**.

**SO ORDERED.**<sup>[8]</sup>

The CA observed that the Prosecution had sufficiently proved beyond reasonable doubt the accused-appellant's guilt for the illegal sale and the illegal possession of illegal drugs as well as the illegal possession of drug paraphernalia by showing through its documentary and testimonial evidence all the elements of the crimes charged; that the testimonies of poseur-buyer PO3 Dalere and his back-up officer PO2 Salacup were entitled to full credence considering that the physical evidence on record supported the same; that there had been no break in the chain of custody of the confiscated drugs and paraphernalia; that the integrity and evidentiary value of the *corpus delicti* had been duly preserved; and that the accused-appellant's defenses of denial and frame-up did not prevail because there was no evidence to substantiate them.

Hence, this appeal.

Accused-appellant filed a notice of appeal dated November 25, 2016 with the Court of Appeals. The Office of the Solicitor General (OSG), representing the People of the Philippines, filed a manifestation and motion<sup>[9]</sup> dated October 26, 2017 that the appellee's brief would be adopted as its supplemental brief in the case. Meanwhile, accused-appellant, represented by the Public Attorney's Office (PAO), filed his supplemental brief<sup>[10]</sup> dated December 27, 2017.

In his supplemental brief, accused-appellant called out the material inconsistencies in the testimonies of the police operatives, which lends credibility to his defense of denial and frame-up. He asserted that there were significant discrepancies in the testimonies of PO3 Dalere and the other police operatives regarding the presence of a girl in the hotel room where he was allegedly apprehended. Moreover, accused-appellant held that the so-called confiscated drug paraphernalia tested negative for dangerous drugs, which only proved that such were not intended for smoking or consuming any illegal drugs.

### **Ruling of the Court**

The appeal is meritorious.

At the outset, the Court reiterates the settled rule that the factual findings of the trial court, its calibration of the testimonies of the witnesses, and its assessment of the probative weight thereof, as well as its conclusions anchored on said findings are accorded respect, if not conclusive effect. This is truer if such findings were affirmed by the appellate court. When the trial court's findings have been affirmed by the appellate court, said findings are generally binding upon the Court"<sup>[11]</sup> save in