

SECOND DIVISION

[G.R. No. 231361, July 03, 2019]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RESSURRECCION RESSURRECCION Y ROBLES, * JONATHAN
MANUEL Y OTIG, ANICETO DECENA Y GONZAGA, JERRY ROBLES
Y UNATO, ACCUSED, CAROL ALCANTARA Y MAPATA AND
JOSELITO CRUZ Y DE GUZMAN, ACCUSED-APELLANTS.**

DECISION

CAGUIOA, J:

Before this Court is an ordinary appeal^[1] filed by the accused-appellants Carol Alcantara y Mapata (Alcantara) and Joselito Cruz y De Guzman (Cruz) (collectively accused-appellants) assailing the Decision^[2] dated September 27, 2016 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 05961, which affirmed the Decision^[3] dated February 3, 2011 of the Regional Trial Court of San Mateo, Rizal, Branch 76 (RTC) in Criminal Case Nos. 7140 and 7141, finding Alcantara and Cruz guilty beyond reasonable doubt of violating Sections 5 and 11, Article II of Republic Act No. (RA) 9165, otherwise known as "The Comprehensive Dangerous Drugs Act of 2002,"^[4] as amended.

The Facts

Two (2) Informations were filed against the accused-appellants in this case, along with other accused Ressurreccion R. Ressurreccion (Ressurreccion), Jonathan O. Manuel (Manuel), Aniceto G. Decena (Decena) and Jerry U. Robles (Robles), that read as follows:

Criminal Case No. 7140

That on or about the 2nd day of October, 2003, in the Municipality of San Mateo, Province of Rizal, Philippines and within the jurisdiction of the Honorable Court, the above-named accused, in conspiracy with one another, and acting as an organized or syndicated crime group for the purpose of gain, without being authorized by law, did then and there willfully, unlawfully and knowingly sell, deliver and give away to another person a total weight of 0.06 gram of white crystalline substance contained in three (3) heat-seated transparent plastic sachets, which gave positive result to the test for Methamphetamine Hydrochloride, a dangerous drug.

CONTRARY TO LAW.^[5]

Criminal Case No. 7141

That on or about the 2nd day of October, 2003, in the Municipality of San Mateo, Province of Rizal, Philippines and within the jurisdiction of the Honorable Court, the above-named accused, in conspiracy with one another, and acting as an organized or syndicated crime group for the purpose of gain, without being authorized by law, did then and there willfully, unlawfully and knowingly have in their possession, direct custody and control a total weight of 1.02 grams of white crystalline substance contained in twenty-seven (27) heat-sealed transparent plastic-sachets and one (1) unsealed transparent plastic bag which gave positive result to the test for Methamphetamine Hydrochloride, a dangerous drug.

CONTRARY TO LAW.^[6]

The prosecution alleged^[7] that at around 11:35 a.m. on October 2, 2003, PO1 Richie Gaerlan (PO1 Gaerlan), a member of the Anti-Illegal Drugs Special Operations Task Force of the Marikina City Police, was informed by an informant about an ongoing sale of *shabu* by alias Jonjon, later identified as Manuel, at Bangkaan St., Concepcion 1, Marikina City. The confidential informant told PO1 Gaerlan that he could introduce him to Manuel so he could buy *shabu* from the latter and PO1 Gaerlan would be able to arrest him.^[8]

PO1 Gaerlan immediately went to the place to verify the information relayed by the informant. When he arrived, there were several persons waiting for their turn to buy *shabu*. The informant then introduced PO1 Gaerlan to Manuel and told the latter that PO1 Gaerlan was a scorer of *shabu*. Manuel said that he ran out of stock, and then told PO1 Gaerlan and the informant to go to the house of a certain alias "*nanay*" in San Mateo, Rizal. After the said encounter, PO1 Gaerlan went back to his office and informed the Chief of Police, P/Sr Insp. Ramchrisen V. Haveria, about the arrangement with Manuel. Afterwards, they immediately coordinated with the Philippine Drug Enforcement Agency (PDEA), and they were given a reference control number which was NOC-0210-03-09. This reference control number was entered in the Pre-Operational Report dated October 2, 2003 prepared by the team who was to conduct the planned buy-bust operation later in the day.^[9]

The team of PO1 Gaerlan then proceeded to prepare a plan to conduct a buy-bust-operation in San Mateo, Rizal. It was agreed that PO1 Gaerlan was the designated poseur-buyer and was then given three powder dusted one-hundred-peso bills bearing serial numbers D895476, BF333820, and FC154170^[10] In addition, they agreed that PO1 Gaerlan would remove his cap to signal that the sale had been consummated.^[11] They then coordinated with the San Mateo Police Station, through a letter of coordination, for the conduct of the buy-bust operation. Three members of the San Mateo Police — SPO4 Ramon Cruz, PO2 Dionise Salcedo, and PO1 Pedro Avelino, Jr. joined the team of PO1 Gaerlan as backup.^[12]

Shortly after, they proceeded with the informant to the house of alias "*nanay*" located in Sunnyville 5, Ampid at San Mateo, Rizal. Upon arrival, they noticed that several people were coming in and out of the said house. After briefly observing the place, PO1 Gaerlan and the informant approached the house.^[13]

On their way, PO1 Gaerlan heard a male voice from inside the house who said "*Dalawang piso sa akin*" At the gate, they were met by the doorman who asked them "*Magkano bibilhin ninyo?*" to which they answered "*Tres x x x lang*" The doorman was later identified as Cruz.^[14]

After the doorman allowed them to enter the house, he then pointed them to an older woman, later identified as accused Ressurreccion, and PO1 Gaerlan and the informant approached her to give her the marked money. Ressurreccion told them to wait, and while they were waiting, PO1 Gaerlan noticed that there were several persons seated in front of a table who were repacking suspected *shabu*.^[15] Manuel was packing the suspected *shabu* inside sachets, accused Robles was cutting plastic sachets, Decena was heat sealing the plastic sachets using an improvised burner, and they would then pass all the packed suspected *shabu* to Alcantara.

Ressurreccion approached the table and put the marked money on the top of the table. Alcantara then gave Ressurreccion three plastic sachets containing suspected *shabu*. Ressurreccion, in turn, gave the plastic sachets to PO1 Gaerlan. PO1 Gaerlan then stepped outside and removed his bullcap to signal the consummation of the sale. Upon seeing this go-signal, the other police operatives rushed to the house but someone shouted "raid!" so PO1 Gaerlan immediately went back inside and arrested Ressurreccion. The other accused tried to escape but they were apprehended by the other members of PO1 Gaerlan's team and were subsequently informed of their constitutional rights.^[16]

PO1 Christopher Años (PO1 Años), a member of PO1 Gaerlan's team, seized the following items that were on top of the table: 1) money in different denominations amounting to P3,500.00; 2) 30 plastic sachets of suspected *shabu*; 3) three bundles of plastic sachets; 4) three pairs of scissors; and 5) one improvised burner.^[17] PO1 Años put the necessary markings on the seized items, and listed the serial numbers of the seized peso bills.^[18]

Afterwards, the team brought the suspects to the San Mateo Police Station to be blotted, while the specimens were brought to the Eastern Police District Crime Laboratory for examination. From the San Mateo Police Station, all the accused were brought to the Marikina Police Station and then to the Amang Rodriguez Medical Center for medical check-up. Ressurreccion was also taken to Camp Crame for powder dust testing.^[19]

Based on the Physical Science Report No. D-1879-03E dated October 3, 2003 of Forensic Chemical Officer Police Senior Inspector Annalee Forro who examined the specimens submitted by the buy-bust team, 30 heat-sealed plastic sachets contained *Methamphetamine Hydrochloride* or *shabu*.^[20] In addition, according to Chemistry Report Number 0-430-03 dated October 2, 2003 by Forensic Chemical Officer Police Inspector Sandra Decena Go, Ressurreccion tested positive for the

presence of a bright ultra-violet fluorescent powder on both the palmar and dorsal sides of both her hands.^[21]

On the other hand, the defense alleged^[22] that Alcantara was the daughter-in-law of Ressurreccion. While she was in Ressurreccion's house on October 2, 2003, seven men suddenly barged in and conducted a search thereat. Thereafter, three of the men brought Ressurreccion outside of the house while the other four continued with the search and took a mountain bike, DVD player, video camera, and jewelries. They then brought Ressurreccion inside a vehicle so Alcantara likewise rode the same so she can accompany her. The vehicle stopped at a house in Daangbakal to unload the things taken from them and then they were subsequently brought to Marikina Police Station where they were informed that a case involving dangerous drugs would be filed against them.^[23]

As for Cruz, the defense alleged that he was in the house of Ressurreccion on October 2, 2003 because Ressurreccion asked him to clean her house along with the other accused Decena and Robles. They alleged that while Cruz was cleaning the house, three persons entered the house looking for a certain "Jonjon Buddha." Afterwards, they just arrested Cruz and boarded him in a vehicle with Alcantara, Ressurreccion, and Manuel. Cruz alleged that while the commotion was happening and even while they were being boarded in the vehicle, there were no representatives from the barangay or the media.^[24] Although Ressurreccion earlier asked her grandchildren to call a barangay official and police officer from San Mateo, Rizal, they arrived only after they were already inside the vehicle.^[25] They were then brought to a house in Daangbakal and then to Marikina Police Station.^[26] Cruz testified that while they were being questioned in Marikina Police Station, there were still no members of the IBP or members of the media.^[27]

Ruling of the RTC

After trial on the merits, in its Decision dated February 3, 2011,^[28] the RTC convicted Cruz and Alcantara, together with the other accused, of the crime charged. The dispositive portion of the said Decision reads:

WHEREFORE, premises considered, judgment is hereby rendered, as follows:

1. In Criminal Case No. 7140, finding accused(s) Ressurreccion Ressurreccion y Robles, Carol Alcantara y Mapata and Joselito Cruz y De Guzman GUILTY beyond reasonable doubt of the crime of SALE OF DANGEROUS DRUG (violation of Section 5, 1st paragraph Article II, RA 9165) and sentencing each of them to suffer the penalty of Life Imprisonment and a fine of Five Hundred Thousand Pesos (P 500,000.00); The charge against Jonathan Manuel y Otig, Aniceto Decena y Gonzaga and Jerry Robles y Unato are hereby DISMISSED upon reasonable doubt.

2. In Criminal Case No. 7141, finding accused(s) Ressurreccion

Ressurreccion y Robles, Carol Alcantara y Mapata, Joselito Cruz y De Guzman, Jonathan Manuel y Otig, Aniceto Decena y Gonzaga and Jerry Robles y Unato GUILTY beyond reasonable doubt of the crime of POSSESSION OF DANGEROUS DRUG (violation of Section 11, 2nd paragraph, No. 3 Article II, RA 9165) and sentencing each of them to Twelve (12) years and one (1) day to Twenty (20) years and a fine of Three Hundred Thousand Pesos (P 300,000.00).

The plastic sachets of shabu or Methyl amphetamine Hydrochloride subject matter of these cases are hereby ordered forfeited in favor of the government and the Branch Clerk of Court is hereby directed to safely deliver the same to the Philippine Drug Enforcement Agency (PDEA) for proper disposition.

The accused are to be credited for the time spent for their preventive detention in accordance with Art. 29 of the Revised Penal Code as amended by R.A. 6127 and E.O. 214.

Accused Ressurreccion Ressurreccion y Robles, Carol Alcantara y Mapata, Jonathan Manuel y Otig, Aniceto Decena y Gonzaga, Jerry Robles y Onato and Joselito Cruz y De Guzman are hereby ordered committed to the National Bilibid Prisons in Muntinlupa City for service of sentence.

SO ORDERED.^[29]

The RTC ruled that the prosecution proved all the essential elements of the crimes charged.^[30] Further, it found an unbroken chain of custody in the handling of the dangerous drugs, considering that: (a) PO1 Gaerlan and PO1 Años immediately conducted an inventory and placed markings on the seized items at the place of the arrest; (b) the dangerous drugs were thereafter brought to the Eastern Police District Crime Laboratory for laboratory examination; (c) the items were received and examined by Police Senior Inspector Annalee Forro who determined that the confiscated items were indeed *methamphetamine hydrochloride*. The RTC ruled that proper chain of custody was established, especially since the police officers are presumed to have performed their duties in a regular manner unless there is evidence to the contrary which suggests ill-motive or deviation from the regular performance of duties.^[31]

Aggrieved, the accused-appellants appealed to the CA.^[32]

Ruling of the CA

In the questioned Decision^[33] dated September 27, 2016, the CA affirmed the RTC's conviction of the accused-appellants, holding that the prosecution was able to prove the elements of the crimes charged. The CA gave credence to the testimony of the prosecution witnesses as they are police officers presumed to have performed their duties in a regular manner.