

SECOND DIVISION

[G.R. No. 224039, September 11, 2019]

DANILO DE VILLA Y GUINTO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

DECISION

CAGUIOA, J:

Before the Court is an appeal by *certiorari* under Rule 45 of the Rules of Court (Petition) questioning the Decision^[1] dated October 16, 2015 and Resolution dated April 4, 2016 of the Court of Appeals (CA) in CA-G.R. CR No. 36057, which affirmed the Decision^[2] dated July 17, 2013 rendered by the Regional Trial Court, Branch 9, Balayan, Batangas (RTC) in Criminal Case No. 6623, which found herein accused-appellant Danilo De Villa y Guinto (Danilo) guilty beyond reasonable doubt of violating Section 11(3), Article II of Republic Act No. 9165 (RA 9165), otherwise known as the Comprehensive Dangerous Drugs Act of 2002, as amended.

The Facts

The Information^[3] filed against Danilo for violation of Section 11(3), Article II of RA 9165 pertinently read:

That on or about the 4th day of May, 2011, at about 4:25 o'clock in the afternoon, at Barangay Rizal, Municipality of Tuy, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without having been authorized by law, did then and there willfully and unlawfully have in his possession, custody and control four (4) heat-sealed transparent plastic sachets each containing methamphetamine hydrochloride commonly known as "shabu", having a total weight of 0.12 gram, a dangerous drug,

Contrary to law.^[4]

Upon arraignment, Danilo pleaded not guilty to the offense charge.^[5]

Version of the Prosecution

The version of the prosecution, as summarized by the CA, is as follows:

From the narratives of prosecution's witnesses, PO2 Hamilton Salanguit and SPO1 Edward Plata, it is gathered that on 04 May 2011, at around 3:10 o'clock p.m., they and other police officers from Tuy (Batangas) Police Station were conducting a checkpoint in Barangay Rizal when they flagged down a Green Honda Wave motorcycle driven by accused-appellant with his wife Josefina Maria de Villa as backrider. Accused-

appellant was not wearing helmet and shoes, and was only clad in sando. PO2 Salanguit approached accused-appellant and thereupon noticed that the motorcycle did not have a license plate. He asked accused-appellant to show his driver's license, but the latter could not present the same. PO2 Salanguit then requested accused-appellant to show the registration papers. Accused-appellant opened the motorcycle's utility box and took out a plastic containing the LTO - issued license plate (WG-7720) as well as the photocopies of the motorcycle's expired registration papers under the name of Alex Dayandayan which he handed to SPO1 Plata. At this instance, PO2 Salanguit saw two (2) plastic sachets containing white crystalline substance inside the utility box which he confiscated. Immediately, the police officers bodily searched accused-appellant and ordered him to empty the contents of his pocket. From accused-appellant's right pocket, two (2) more plastic sachets were recovered. PO2 Salanguit then marked the confiscated sachets with "DGD-1, " ["]DGD-2, " "DGD-3, " and "DGD-4, " which stands for the initials of "Danilo Guinto De Villa. "

Afterwards, accused-appellant and his wife, along with the seized items and the motorcycle, were brought to the barangay hall where accused-appellant was photographed with the seized plastic sachets; and an Inventory of the Property Seized/Confiscated was prepared by PO2 Salanguit and signed by Department of Justice representative Benilda Diaz, media representative Napoleon Cabral and Barangay Chairman Ramil Sanchez. Thereafter, the seized items were brought by PO2 Salanguit and SPO1 Plata to the Batangas Provincial Crime Laboratory Office for forensic examination. In Chemistry Report No. BD-119-2011 dated 05 May 2011 issued by P/Insp. Herminia Carandang Llacuna, the test yielded a positive result for *methamphetamine hydrochloride*, a prohibited drug. Further investigation revealed that accused-appellant and his family were reportedly involved in the illicit drug trade in Poblacion, Tuy, Batangas. Nevertheless, being a mere backrider, accused-appellant's wife was released for lack of evidence. A Traffic Citation Ticket was also issued against accused-appellant for traffic offenses, viz: driving without license, using the vehicle with expired registration papers, unattached plate number, and driving with sleeveless shirt and without shoes and helmet.^[6]

Version of the Defense

On the other hand, the version of the defense, as summarized by the CA, is as follows:

On the other hand, the defense witnesses were accused-appellant and his wife Josefina Maria de Villa. They averred that on 04 May 2011, at around 3:00 o'clock in the afternoon, he and his wife went to Balayan, Batangas - using the motorcycle of his friend Alexander Dayandayan - to purchase goods. While they were traversing Barangay Rizal in Tuy, Batangas, they noticed a police patrol car was tailing them, and eventually flagged them down. A police officer, whose nameplate reads "SPO1 Buhay", alighted and asked him why the vehicle did not have [a] license number. Accused-appellant answered that it was inside the utility

box which he immediately opened to retrieve the license plate and the registration papers. He handed them to SPO1 Buhay, but a certain police officer named Romasanta approached and told them that it is better to go to the police station for further investigation. At the Tuy police station, they entered a room where a police officer inspected his pocket and the goods they bought from Balayan, Batangas. At that point, accused-appellant's wife was permitted to leave in order to get the original copy of the Certificate of Registration from their house. Accused-appellant was then transferred to another room by SPO1 Plata who asked him about a person who was not known to him. After staying in the room for four (4) hours, accused-appellant was directed to board the patrol car, along with an old person and a media man, and proceeded to the barangay hall. There, he was photographed, with the plastic sachets of *shabu* placed on top of the table, in the presence of the barangay chairman, the media representative, and the DOJ representative. When they returned to the police station, accused-appellant was informed that he is being charged with illegal possession of *shabu*^[7]

Ruling of the RTC

In the Decision dated July 17, 2013, the RTC ruled that the prosecution was able to sufficiently prove the existence of all the elements of illegal possession of dangerous drugs.^[8] The apprehending officers properly observed the legal requirements laid down under Section 21(1), Article II of RA 9165.^[9] Lastly, it ruled that the defense of frame-up raised by the accused is without merit.^[10] The accused failed to present clear and convincing evidence to support his claim.^[11] He even admitted that he did not file any complaint against the apprehending officers who allegedly framed him up and supposedly planted evidence against him.^[12]

The dispositive portion of the Judgment reads:

WHEREFORE, in view of the foregoing, this Court hereby finds accused Danilo De Villa y Guinto **GUILTY** beyond reasonable doubt for Violation of Section 11, Paragraph 3, Article II, Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and hereby sentences him to suffer the penalty of **imprisonment for Twelve (12) Years, Four (4) Months and One (1) Day as minimum, to Fourteen (14) Years and Six (6) Months, as maximum**, and to pay a **fine of Three Hundred Thousand Pesos (P300,000.00)** with subsidiary imprisonment in case of non-payment thereof. With costs.

SO ORDERED.^[13]

Aggrieved, Danilo appealed to the CA.

Ruling of the CA

In the assailed Decision dated October 16, 2015, the CA affirmed Danilo's conviction. The dispositive portion of the Decision reads:

WHEREFORE, premises considered, the appeal is **DENIED**. The appealed Decision dated 17 July 2013 of the Regional Trial Court, Branch 09, Balayan, Batangas in Criminal Case No. 6623 is **AFFIRMED**.

SO ORDERED.^[14]

The CA likewise ruled that all the elements of Illegal Possession of Dangerous Drugs were duly proven by the prosecution.^[15] It did not give any merit to the argument of the accused that the arresting officers are not members of the Philippine Drug Enforcement Agency (PDEA) and that the former did not coordinate with said agency prior to his arrest.^[16] It further ruled that the police officers were able to follow the procedure laid down in Section 21.^[17] Verily, it held that the integrity of the evidence is presumed to have been preserved, unless there is a showing of bad faith, ill will, or proof that the evidence has been tampered with.^[18] Lastly, the prosecution failed to overturn the presumption of regularity in the performance of duties.^[19]

Hence, the instant appeal.

Issue

Whether Danilo's guilt for violation of Section 11(3) of RA 9165 was proven beyond reasonable doubt.

The Court's Ruling

The Petition lacks merit.

At the outset, the Court notes that the issues raised in the Petition are factual and evidentiary in nature, which are outside the Court's scope of review in Rule 45 petitions. In this regard, it is settled that the assessment of the credibility of witnesses is a task most properly within the domain of trial courts due to the unique opportunity afforded them to observe the witnesses when placed on the stand.^[20] While questions of fact have been entertained by the Court in justifiable circumstances, Danilo failed to establish that the instant case falls within the allowable exceptions. Hence, not being a trier of facts but of law, the Court must necessarily defer to the concurrent findings of fact of the CA and the RTC.^[21]

Be that as it may, the Court finds no reversible error committed by the CA in affirming Danilo's guilt for violation of Section 11(3), Article II of RA 9165.

The apprehension of the accused-appellant through a routine checkpoint which led to the seizure of the illegal drugs constitutes a valid warrantless arrest of the accused and seizure of the four (4) plastic sachets of shabu.

As correctly ruled by the CA, all the elements of Illegal Possession of Dangerous Drugs^[22] were duly proven by the prosecution.^[23] Moreover, there is no question

that there was a valid warrantless arrest of Danilo and seizure of the illegal drugs. The CA ruled in this wise:

In this case, all the foregoing elements were duly proven. First, it is a conceded fact that accused-appellant was committing certain traffic infractions when he was flagged down in a police checkpoint, namely: driving without helmet and shoes; wearing only a *sando*; driving a vehicle without attached license plate; and holding expired registration papers which was not even under his name. When accused-appellant was asked to produce the registration papers, he voluntarily opened the motorcycle's utility and it was at this juncture when PO2 Salanguit saw the two (2) plastic sachets of *shabu* hidden inside. The sight, therefore, of the said illicit drugs in the possession and custody of accused-appellant gave the police officers genuine reason and authority to arrest him and to conduct a body-search incidental to the valid warrantless arrest; which search resulted to the seizure of two (2) more plastic sachets of *shabu* in his right pant pocket. Law and jurisprudence have laid down the principle that a warrantless search is justified as an incident to a lawful arrest; seizure of evidence in plain view; search of a moving vehicle; consented search; customs search; stop and frisk situations; and exigent and emergency circumstances. It is also worth mentioning that motorists - like accused-appellant here - and their vehicles, as well as pedestrians passing through checkpoints may be stopped and searched when there is probable cause to justify a reasonable belief of the men at the checkpoints that either the motorist is a law offender or the contents of the vehicle are or have been instruments of some offense. Secondly, it is evidently clear that accused-appellant has no legal authority to possess the contraband. Third, under the circumstances, accused-appellant's act of concealing the drugs inside the motorcycle's utility box and his pant pocket indicate that his possession and custody thereof is free, conscious and deliberate. Consequently, We find that the elements for a successful prosecution for illegal possession of *shabu* are present.^[24]

It is undeniable that the seizure of the prohibited items in this case was valid under the "*plain view*" doctrine. In *People v. Lagman*,^[25] the Court laid down the following parameters for the application of this doctrine:

Objects falling in plain view of an officer who has a right to be in a position to have that view are subject to seizure even without a search warrant and may be introduced in evidence. The 'plain view' doctrine applies when the following requisites concur: (a) the law enforcement officer in search of the evidence has a prior justification for an intrusion or is in a position from which he can view a particular area; (b) the discovery of evidence in plain view is inadvertent; (c) it is immediately apparent to the officer that the item he observes may be evidence of a crime, contraband or otherwise subject to seizure. The law enforcement officer must lawfully make an initial intrusion or properly be in a position from which he can particularly view the area. In the course of such lawful intrusion, he came inadvertently across a piece of evidence incriminating the accused. The object must be open to eye and hand and its discovery inadvertent.^[26]