

SECOND DIVISION

[G.R. No. 229364, October 16, 2019]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. DONNA CLAIRE DE VERA AND ABIGAIL CACAL Y VALIENTE, ACCUSED-APPELLANTS.

DECISION

LAZARO-JAVIER, J.:

The Case

This appeal seeks to reverse the Decision^[1] dated January 04, 2016 of the Court of Appeals in CA-G.R.CR-HC No. 06822 affirming the conviction of appellants Donna Claire De Vera and Abigail Cacal y Valiente for violation of Section 5, Article II of Republic Act No. 9165 (RA 9165).^[2]

The Proceedings Before the Trial Court

The Charge

On October 14, 2011, an Amended Information was filed against appellants, viz:

"That on or about the 9th day of October 2011, in the City of Laoag, Philippines and within the jurisdiction of this Honorable Court, the said accused, conspiring, confederating and mutually helping with one another did then and there willfully, unlawfully and feloniously sell and deliver to a poseur buyer (one) piece plastic sachet containing Methamphetamine Hydrochloride, locally known as "Shabu" with an aggregate weight of 0.0415 gram, a dangerous drug, without any license or authority, in violation of the aforesaid law.

CONTRARY TO LAW.^[3]"

The case was raffled to the Regional Trial Court - Branch 13, Laoag City.

On arraignment, appellants pleaded not guilty.

During the trial, PO1 Jackson Bannawagan Sugayen, SPO4 Loreto Ancheta,^[4] and SPO4 Rovimmanuel Balolong testified for the prosecution.

The testimonies of investigating officer SPO2 Teodoro Flojo (SPO2 Flojo) and forensic chemist Police Senior Inspector Roanalaine B. Baligod (PS/Insp. Baligod) were dispensed with after the prosecution and the defense stipulated on their participation in the handling of the seized drug.^[5]

On the other hand, Roy Constantino, Janet Hernando, Teofilo Bernabe and appellants De Vera and Cacal testified for the defense.

The Prosecution's Version

On October 8, 2011, around 8 o'clock in the evening, SPO4 Balolong of the Intel Operations Section of Laoag City Police Station received a phone call from an informant. The latter reported that a certain Abigail Cacal y Valiente would sell him shabu on October 9, 2011, in front of Data Center Philippines in Laoag City. SPO4 Balolong agreed to meet the informant around 5 o'clock the following morning. Meantime, SPO4 Balolong alerted PO1 Sugayen, SPO1 Arcel Agbayani (SPO1 Agbayani), PO2 Arnel Saclayan (PO2 Saclayan) of the buy-bust operation on the same day.^[6]

Around 4:30 in the morning of October 9, 2011, the informant went to fetch SPO4 Balolong. Thereafter, they went to Laoag City Police Station for briefing together with the other members of the buy-bust team. It was discussed that the buy-bust operation will be conducted at the Data Center Philippines in Brgy. 8, A.G. Tupaz Street, Laoag City. PO1 Sugayen was designated as poseur-buyer and given the marked P1000.00 bill as buy-bust money. Team leader SPO4 Balolong, SPO1 Agbayani, PO2 Saclayan and PO1 Rizal Almondia (PO1 Almondia) were designated as back-up. It was agreed that once the sale was consummated, PO1 Sugayen will make a phone call to SPO4 Balolong.^[7]

The pre-operation report was recorded in the police blotter. The team coordinated with the Philippine Drug Enforcement Agency (PDEA).^[8]

The team together with the informant then headed to A.G. Tupaz Street. PO1 Sugayen and the informant rode a tricycle while the rest of the team took SPO4 Balolong's car. When they got to A.G. Tupaz Street, the team parked in front of the Civil Security Unit at the Laoag City Hall around two (2) blocks away from Data Center Philippines. PO1 Sugayen and the informant, on the other hand, positioned themselves in front of Data Center Philippines. The informant immediately informed Cacal of their presence in the area.^[9]

After around fifteen (15) minutes, Cacal came. The informant introduced PO1 Sugayen to Cacal as the buyer. Cacal informed them he would text someone to bring in the item. After about thirty (30) minutes, a woman on board a motorcycle came. She was later on identified as appellant Donna Claire De Vera. She alighted from the motorcycle, removed her helmet, and handed a plastic sachet to Cacal. The latter gave the item to PO1 Sugayen, who immediately slid it into his pocket and gave De Vera the buy-bust money as payment. PO1 Sugayen then called SPO4 Balolong signifying that the sale had been completed. As the team was closing in, Cacal panicked. PO1 Sugayen was able to grab him though. Thereupon, PO2 Saclayan and PO1 Almondia helped out and handcuffed Cacal. SPO4 Balolong and SPO1 Agbayani, on the other hand, took care of De Vera. They recovered from her the buy-bust money. Both appellants were informed of their rights and were taken to the Laoag City Police Station.^[10]

At the police station, the post operation events were registered in the police blotter.^[11] PO1 Sugayen marked the plastic sachet with his initials "JBS"^[12] and took pictures of the confiscated items.^[13] He turned over the items to SPO4 Ancheta, the evidence custodian. SPO4 Ancheta did the inventory.^[14]

Police Inspector Edwardo C. Santos prepared the request for laboratory examination dated October 9, 2011. The confiscated item was then forwarded to the Ilocos Norte Provincial Crime Laboratory Office.^[15]

On October 9, 2011, around 1:30 in the afternoon, SPO2 Flojo of the Laoag City Police Station received the plastic sachet marked "JBS."^[16] He turned it over to forensic chemist PS/Insp. Baligod at the Ilocos Norte Provincial Crime Laboratory Office. In her Chemistry Report No. D-051-2011 dated October 9, 2011, PS/Insp. Baligod certified that the specimen confiscated from appellants yielded positive results for methamphetamine hydrochloride, a dangerous drug.^[17]

The prosecution submitted the following evidence: Joint Affidavit of Arrest; Coordination Form; Extract Copy of Police Blotter with Entry No. 141639; Extract Copy of Police Blotter with Entry No. 141642; Inventory of Items; Letter Request for Laboratory Examination; Initial Laboratory Chemical Report No. D-051-2011; Final Laboratory Chemical Report No. D-051-2011; Pictures of appellants and confiscated items; One (1) piece transparent plastic sachet with contents; Photocopy of the crime laboratory logbook; Photocopy of P1,000.00 bill marked money; and Acknowledgment Receipt dated November 22, 2011.^[18]

The Defense's Version

Appellant Cacal testified that on October 8, 2011, he was in Laoag City to follow up an employment offer at a live-band bar. He stayed at his friends' boarding house on Bacarra Road. In the morning of October 9, 2011, he received a text message from a certain Baldo, whom he had known for about two (2) months. He agreed to accompany Baldo to meet up with his two (2) friends. They boarded a motorcycle and headed to the RCJ bus terminal. Five (5) minutes later, two (2) men alighted from a tricycle. They were PO1 Sugayen and Bong Marin. They both went to eat at a *carinderia* in front of the Data Center Philippines. While eating, both Marin and Baldo received calls and text messages. They stepped out of the *carinderia*, leaving him and PO1 Sugayen behind. After a while, he and PO1 Sugayen also left. They sat in front of a computer shop and talked about his previous work in Taiwan.^[19]

After sometime, PO1 Sugayen brought out his phone and started texting. Suddenly, a car stopped in front of them. From afar, he saw Baldo and Marin running away. SPO4 Balolong and SPO1 Agbayani stepped out of the car and pointed their guns on him. PO2 Saclayan and two (2) other police officers arrived. He asked them if he did something wrong but SPO1 Agbayani just frisked him. He resisted the frisk and asked them again what crime he committed and if they had a search warrant. They told him that since he talked too much, they were bringing him to the police station for further investigation.^[20] He continuously resisted but the police officers kicked, boxed, and mauled him. He asked them to stop otherwise he would charge them with police brutality. But they only continued to maul him. He fought back hitting SPO4 Balolong. The other police officers pinned him down on the ground, handcuffed him, and boarded him into a tricycle with PO2 Saclayan.^[21]

At the Laoag City Police Station, SPO4 Balolong came, together with a crying woman who was later identified as De Vera. When asked if he knew De Vera, he replied in the negative. After a short interrogation, he was thrown into a prison cell.^[22]

The following morning around 2 and 3 o'clock, SPO4 Ancheta and two (2) other police officers brought him and De Vera to Camp Valentin S. Juan, Laoag City. A small plastic sachet was presented to them and SPO4 Ancheta told him it was found in his possession. Immediately, thereafter, he and De Vera were subjected to urinalysis before they were taken back to the police station.^[23] He was again detained there. Around 4 and 5 o'clock in the afternoon, PO1 Sugayen visited and promised to help him because he knew he was innocent. Roy Constantino, a detainee in the same cell heard their conversation.^[24]

Roy Constantino corroborated Cacal's testimony. He testified that on October 9, 2011, PO1 Sugayen visited Cacal in his prison cell. He heard him apologizing to Cacal for the frame-up and illegal arrest.^[25]

Appellant De Vera, on the other hand, testified that in the morning of October 9, 2011, she was in the house of Teofilo Bernabe in Laoag City where she worked as babysitter and household helper.^[26] She received a call from her aunt Racquel Fernandez. The latter asked her to pick up from Janet Hernando P1,000.00 which Hernando owed to her aunt. She obliged and by 9:25 in the morning, she left to meet Hernando in front of the Vigare Clinic located at the west side of Data Center Philippines and the RCJ bus terminal. Five (5) minutes later, Hernando came. She handed her the P1,000.00 which she slid into her pocket.^[27] When she was about to leave, she heard a commotion and suddenly a car stopped in front of her. Two (2) men alighted from the vehicle. She later learned that they were SPO4 Balolong and SPO1 Agbayani. They approached her, pushed her against the wall, and boxed her head. SPO4 Balolong frisked her and took the P1,000.00 from her pocket. They then boarded her into a car and took her to the Laoag City Police Station. She was detained in one of the offices there. She saw Cacal being interrogated in the same office. After a while, she was informed that there were drug charges against her.^[28]

Janet Hernando corroborated De Vera's story. The former testified she knew De Vera as the niece of Racquel Fernandez whom she owed P3,000.00. Upon Fernandez' instruction she gave her final payment of P1,000.00 to De Vera on October 9, 2011 in front of the Vigare Clinic.^[29]

Teofilo Bernabe also testified that De Vera worked for him as household help for five (5) years. On October 9, 2011, De Vera received a phone call from her aunt Racquel Fernandez instructing her to collect money from Janet Hernando. De Vera asked permission from him to do the errand so he allowed her to leave and use his motorcycle.^[30]

The defense offered the following evidence: Joint Affidavit of Arresting Officers; Extract Copy of Police Blotter No. 141642 dated October 9, 2011; Letter Request for Laboratory Examination; Pre-Operational Report; Initial Laboratory Report D-051-2011; and Final Laboratory Report D-051-2011.^[31]

The Trial Court's Ruling

By Decision dated March 28, 2014,^[32] the trial court convicted appellants as charged, thus:

WHEREFORE, judgment is hereby rendered finding accused Donna Claire de Vera and Abigail Cacal GUILTY as charged of illegal sale of

shabu in conspiracy with each other and are therefore sentenced to suffer the penalty of life imprisonment and to pay a fine of P500,000.00.

The contraband subject hereof is hereby confiscated, the same to be disposed of as the law prescribes.

SO ORDERED.

The Proceedings Before the Court of Appeals

On appeal, appellants faulted the trial court for finding them guilty as charged. They claimed that the alleged incredulity of the prosecution's evidence, the procedural lapses committed during the buy-bust operation, and the prosecution's failure to prove the identity and integrity of the *corpus delicti* could not have established their guilt beyond reasonable doubt.^[33]

On the other hand, the Office of the Solicitor General (OSG) countered in the main: a) the prosecution had established the elements of illegal sale of dangerous drugs; b) the identity and integrity of the *corpus delicti* were established by evidence; and c) appellants' denial and frame-up were unsubstantiated.^[34]

The Court of Appeals' Ruling

By Decision dated January 04, 2016,^[35] the Court of Appeals affirmed. It ruled that the prosecution had adequately and satisfactorily proved the elements of illegal sale of shabu. The chain of custody was substantially complied with and the *corpus delicti* was established with certainty. The absence of the designated witnesses under Section 21 of RA 9165 was not fatal to the prosecution's case so long as the integrity and evidentiary value of the illegal drugs were preserved. Appellants failed to adduce sufficient evidence to substantiate their defenses of denial and frame-up in light of the positive identification of the prosecution witnesses.

The Present Appeal

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

In compliance with Resolution dated March 29, 2017, both the OSG and appellants^[36] manifested that, in lieu of supplemental briefs, they were adopting their respective briefs before the Court of Appeals.

The Threshold Issue

Did the Court of Appeals err in affirming the trial court's verdict of conviction despite the alleged attendant procedural infirmities relative to the chain of custody?

Ruling

We acquit.

Appellants were charged with violation of Section 5 of RA 9165 or illegal sale of dangerous drugs purportedly committed on October 9, 2011.

Section 21 of RA 9165 provides the procedure to ensure the integrity of the *corpus delicti*, viz: