

FIRST DIVISION

[G.R. No. 208472, October 14, 2019]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
EDUARDO LACDAN Y PEREZ @ "EDWIN" AND ROMUALDO
VIERNEZA Y BONDOC @ "ULO", ACCUSED-APPELLANTS.**

DECISION

CARANDANG, J.:

Before this Court is an ordinary appeal^[1] filed by Eduardo Lacdan y Perez @ "Edwin" (Lacdan) and Romualdo Vierendeza y Bondoc @ "Ulo" (Vierendeza; collectively, accused-appellants) assailing the Decision^[2] dated January 16, 2012 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 03717, which affirmed the Judgment^[3] dated November 25, 2008 of the Regional Trial Court of San Pedro, Laguna, Branch 31 (RTC) finding accused-appellants guilty beyond reasonable doubt of violation of Section 5 of Republic Act No. (R.A.) 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002," and sentencing them to suffer the penalty of life imprisonment and to pay a fine of P500,000.00 each.

Facts of the Case

On February 11, 2004, an Information^[4] was filed against accused-appellants charging them with violation of Section 5, in relation to Section 26 of R.A. 9165, involving 10.03 grams of *shabu*.

The prosecution's version of the incident, as culled from the records, are as follows:

On February 9, 2004, at around 5:00 p.m., a confidential informant went to Philippine Drug Enforcement Agency, Regional Office, Calabarzon (PDEA), stationed at Camp Vicente Lim in Calamba City, Laguna to relay to Regional Director Sgt. Amado Marquez (Sgt. Marquez) that he was able to negotiate a drug deal with accused-appellants involving 10.03 grams of *shabu* worth P18,000.00.^[5]

Sgt. Marquez referred the matter to Police Senior Inspector Julius Ceasar Ablang (S/Insp. Ablang) who verified the information and formed a buy-bust team to conduct the operation against accused-appellants.^[6] A team composed of S/Insp. Ablang as the team leader, Inspector Josefino Ligan (Insp. Ligan) as Assistant Team Leader, SPO4 Marianito Villanueva (SPO4 Villanueva) as arresting officer, PO3 Danilo Liona (PO3 Liona) as member and PO3 Marino Garcia (PO3 Garcia) as the poseur-buyer was formed.^[7] It was agreed that once the arresting officer sees the poseur-buyer give the buy-bust money to accused-appellants, the team would come forward and arrest them. S/Insp. Ablang gave PO3 Garcia two pieces of genuine P500.00 bills marked with "MAG" while the rest of the P18,000.00 used to purchase the *shabu* consisted of "boodle" money. The boodle money was placed in between the two genuine P500.00 bills.^[8]

At around 3:00 a.m. of February 10, 2004, the team proceeded to the San Pedro Town Center in San Pedro, Laguna and arrived at the parking lot at around 4:00 a.m. The confidential informant, through cellular phone, was in constant communication with accused-appellants.^[9] After one and a half hours of waiting, PO3 Garcia saw accused-appellants disembark from a tricycle. The confidential informant introduced PO3 Garcia to accused-appellants who asked if the former had with him the P18,000.00 agreed upon. PO3 Garcia pulled out the buy-bust money from his pocket and flashed it to accused-appellants. Vierneza pulled out from his pocket one big heat-sealed transparent sachet containing white crystalline substance and handed the same to PO3 Garcia. When Lacdan demanded payment for the substance, PO3 Garcia handed him the buy-bust money.^[10]

Upon seeing that the sale had been consummated, the rest of the buy-bust team rushed accused-appellants and introduced themselves as members of the PDEA. Upon having been apprised of their constitutional rights, accused-appellants were brought to the PDEA Office in Camp Vicente Lim. At the PDEA Office, PO3 Garcia placed his initials on the plastic sachet and inventoried the same in the presence of an elected official and a representative from media. Thereafter, the plastic sachet was submitted to the crime laboratory for testing. The forensic examination yielded a positive result that the white crystalline substance contained in the confiscated plastic sachet was indeed *shabu*.^[11]

The defense presented accused-appellants and two others as their witnesses.

Lacdan testified that on February 10, 2004, he was resting at home when he received a call from a certain "Karen" asking him to go to Sogo Hotel at San Pedro, Laguna. When Lacdan arrived at Sogo Hotel, he proceeded to Room 122 and was surprised to see Karen with a companion inside who pointed a gun at him. Thereafter, two more men entered the room and forced Lacdan to bring them to a place where a certain "Arnel" lives. When they arrived at Arnel's place, there were about five to six people conversing and were also arrested. They were all brought to Canlubang, Laguna where they were detained.^[12]

Vierneza, for his part, stated that at the time of the incident, he was gathering food for his pigs when he saw four to five people conversing. All of a sudden, a Toyota Revo stopped by and five armed men alighted therefrom. Someone poked a gun at Viernesa who forced him to ride the Revo. While on board the Revo, he overheard the men saying, "*hindi naman ito ang tao*."^[13]

The two other witnesses corroborated Viernesa's testimony.^[14]

On November 25, 2008, the RTC rendered its Decision finding that the elements of illegal sale of *shabu* were proven beyond reasonable doubt by the prosecution.^[15] The RTC gave more credence to the testimonies of the police officers who were presumed to have regularly performed their duties than the accounts of accused-appellants.^[16]

Aggrieved by their conviction, accused-appellants filed an appeal to the CA. On January 16, 2012, the CA affirmed their conviction. It was determined that not only did the prosecution establish the elements of illegal sale of *shabu* but also the observance of the chain of custody rule. The CA concluded that through the testimony of SPO4 Villanueva, it was proved that an illegal sale of *shabu* transpired