

THIRD DIVISION

[G.R. No. 223682, October 09, 2019]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ONNI ADDIN Y MADDAN, ACCUSED-APPELLANT.**

DECISION

HERNANDO, J.:

On appeal is the May 28, 2015 *Decision*^[1] rendered by the Court of Appeals (CA) in CA-G.R. C.R. No. 05729 affirming the June 25, 2012 *Decision*^[2] of the Regional Trial Court (RTC) of Quezon City, Branch 103 finding accused-appellant guilty beyond reasonable doubt of violation of Section 5 (illegal sale), Article II of Republic Act (RA) No. 9165 or the Comprehensive Dangerous Drugs Act of 2002.

The Antecedents

Accused-appellant Onni Addin y Maddan (Addin) is appealing his conviction for the sale of dangerous drugs, arguing that since the chain of custody has been broken, his conviction should be overturned.

The facts, as alleged by the prosecution, are as follows:

On March 16, 2010, at around 6 o'clock in the evening, a female confidential informant went to the Special Anti-Illegal Drugs unit at Camp Karingal, Quezon City with the information that a certain Onni Addin has been selling illegal drugs at *Barangay* Culiat. After assessing the information, a buy-bust operation was planned with PO2 Joel Diomampo (PO2 Diomampo) designated as poseur-buyer and given a PhP 500.00 bill marked with his initials "JD." PO2 Jorge Santiago (PO2 Santiago) together with other police officers acted as back-ups.

Before the team was dispatched, SPO1 Jeffrey Flores (SPO1 Flores) prepared a Pre-Operation Report^[3] and sent a Coordination Form^[4] to the Philippine Drug Enforcement Agency (PDEA). Afterwards, the team, along with the informant, proceeded to *Barangay* Culiat. Upon arrival thereat at around 8 o'clock in the evening, they parked their car along Mujahedin Street inside Shalaam Compound. PO2 Diomampo and the informant alighted first from the vehicle and walked towards the target area while the other members of the team also walked on foot and discreetly positioned themselves about 15 to 20 meters away from PO2 Diomampo.

Upon seeing Addin standing in front of a house along Mujahedin Street, the informant approached the former and introduced him to PO2 Diomampo. The informant told Addin that PO2 Diomampo wanted to buy *shabu*. In response, Addin asked how much *shabu* PO2 Diomampo will buy, to which PO2 Diomampo replied PhP 500.00 worth. Addin then handed over the *shabu* after receipt of payment thereof. Thereafter, PO2 Diomampo lighted a cigarette, which was the pre-arranged

signal that the sale was consummated. Immediately after, the other police operatives rushed to the target area while Addin tried to escape. He was, however, apprehended by PO2 Santiago who was coming from the opposite direction.

PO2 Santiago handcuffed Addin and informed him of his offense and his constitutional rights. He also recovered from Addin the buy-bust money. Shortly thereafter, the team vacated the area since they were aware that a number of police officers have already perished in the area due to previous shoot-outs. PO2 Diomampo held on to the seized sachet of *shabu* while PO2 Santiago kept the marked money.

The team arrived at the police station at around 10 o'clock in the evening. PO2 Diomampo then turned over the seized item to the police investigator, SPO1 Flores, who prepared a Request for Laboratory Examination^[5] to the PNP Crime Laboratory that same night. Likewise, SPO1 Flores prepared a Joint Affidavit of Arrest,^[6] an Affidavit of Attestation,^[7] and the Inventory of Property Seized.^[8] The latter was witnessed by Addin's relatives and a member of the media, Vener Santos. Photographs of the seized item, the marked money, and Addin were also taken.

The forensic chemist in-charge, PSI May Andrea Bonifacio (PSI Bonifacio), after receipt of the request and the seized sachet, conducted an examination and found that the specimen tested positive for methamphetamine hydrochloride, a dangerous drug.^[9] She then sealed the specimen in a plastic, marked it with her initials, then turned it over to Sherlyn Almeda Santos, the evidence custodian, for safekeeping.^[10]

On April 20, 2010 an Information^[11] was filed charging Addin with a violation of Section 5, Article II of RA 9165, the accusatory portion of which reads:

That on or about the **16th day of March, 2010**, in Quezon City, and within the jurisdiction of [this] Honorable Court, the above-named accused did then and there, without being authorized by law, willfully, unlawfully and feloniously **SELL AND DELIVER** to PO2 Joel Diomampo **ZERO POINT ZERO SIX** (0.06) gram of Methamphetamine Hydrochloride, commonly known as 'Shabu,' a dangerous drug, in violation of the afore-cited law.

CONTRARY TO LAW.^[12]

During his arraignment, Addin entered a plea of "not guilty."^[13]

In his Counter-Affidavit,^[14] Addin denied the allegations against him. He claimed that he was in front of a *sari-sari* store to buy some things when suddenly he saw several men being pursued by police officers in civilian clothes. Thereafter, the police returned after failing to arrest the man they were pursuing. To his utter surprise, the police arrested him and showed him the illegal drugs. Addin denied any involvement in illegal drug activities, insisting instead that he was engaged in the business of selling vegetables and of operating a *videoke* outlet. Lanilyn Jomdani^[15] and Rahma Ibrahim^[16] corroborated Addin's version in their respective Affidavits dated March 30, 2010.

Argie Alsree Amahit (Amahit) also testified that Addin was with him at the *sari-sari* store and that the police officers arrested the latter when they were not able to arrest their target.^[17] Additionally, he asserted that the police officers did not say anything while they were arresting Addin.^[18]

Corroborating Amahit's narrative, Addin denied ever being involved in illegal drugs.^[19] He averred that after he was arrested, he was brought to a basketball court then made to board a vehicle bound for Camp Karingal and while thereat, he was made to sit on a chair where nobody was allowed to approach or talk to him. He was then directly brought to jail.^[20] He insisted that there was no buy-bust operation at the time.^[21]

On cross-examination, Addin reiterated that the police officers did not inform him why he was arrested.^[22] He admitted that there was an investigation a day after his detention but the reason for his arrest was not disclosed to him.^[23] He likewise confirmed that his photographs and the confiscated items were taken during the said investigation.^[24]

The Ruling of the Regional Trial Court

In a June 25, 2012 Decision,^[25] the RTC found Addin guilty as charged. It noted that the seized dangerous drug was properly handled and stored in the PNP Crime laboratory.^[26] It found the prosecution witnesses credible and that the police properly informed and coordinated with the PDEA about the planned buy-bust operation. Relevantly, it noted that although the inventory of the seized items was not done in the crime scene, the same was justifiable since the police officers found the area dangerous. The RTC took judicial notice of the fact that Shalaam Muslim Compound was known to be a dangerous place for police officers due to prior shoot-out incidents. The trial court further pointed out that unlike the marking of the seized items, the inventory need not be performed at the crime scene since no search warrant was involved. Additionally, it noted that Addin and his relatives and a media representative were present when the inventory was made.^[27] It opined that the inventory was made in Camp Karingal on the same day the buy-bust took place at around 11:00 PM on March 13,^[28] 2010 and that Camp Karingal is near Shalaam Muslim Compound and therefore the rules was followed by the police in this case.^[29]

The dispositive portion of the RTC's Decision reads:

ACCORDINGLY, judgment is rendered finding the accused **ONNI ADDIN Y MADDAN, GUILTY** as charged for selling a dangerous drug (methylamphetamine hydrochloride) in violation of Section 5, RA [No.] 9165 and he is hereby sentenced to suffer LIFE IMPRISONMENT and ordered to pay a fine of P500,000.00.

The sachet of shabu involved in this case is ordered transmitted to the PDEA thru DDB for disposal as per RA [No.] 9165.

SO ORDERED.^[30]

Aggrieved, Addin appealed^[31] before the CA and raised the following Issues:

- 1) **WAS THERE COMPLIANCE WITH THE MANDATORY PROCEDURES IN DRUG OPERATIONS AND ESSENTIAL REQUISITES OF CHAIN OF CUSTODY?**
- 2) **IS NON-COMPLIANCE THEREWITH A GROUND FOR ACQUITTAL?**
- 3) **ARE THERE CIRCUMSTANCES CONSISTENT WITH INNOCENCE OF THE ACCUSED?**
- 4) **WAS THE GUILT OF THE ACCUSED PROVED BEYOND REASONABLE DOUBT?**^[32]

The Ruling of the Court of Appeals

The CA, in its assailed May 28, 2015 Decision,^[33] affirmed the RTC's ruling which found Addin guilty of illegal sale of dangerous drugs.^[34] It noted that the disputed issue was not actually the sale and delivery of the illegal drugs but the purported non-compliance by the arresting officers with Section 21, Article II of the Implementing Rules and Regulations (IRR) of RA 9165, or the chain of custody rule.^[35] Contrary to the assertion by the defense, the appellate court found that the chain of custody was not broken.^[36] It emphasized that based on the testimonies, the evidence confiscated from the accused at the time of the buy-bust operation was the same one tested, introduced and testified to; hence, the integrity of the evidence was preserved.^[37]

Thus, the dispositive portion of the CA's Decision reads:

WHEREFORE, the appeal is **DISMISSED**. The Decision dated June 25, 2012 of the Quezon City Regional Trial (RTC), Branch 103 in *Criminal Case No. Q-10-16544* convicting accused-appellant [Addin] for the illegal sale of the dangerous drugs, is **AFFIRMED in toto**.

SO ORDERED.^[38]

Discounted Addin then elevated^[39] his case before Us raising the issue of whether or not Addin is guilty beyond reasonable doubt of the crime of illegal sale of dangerous drugs.

Accused-appellant Addin avers that the prosecution failed to establish the identity of the seized item as it was not proven that the marking of the sachet was done in Addin's presence and the other witnesses required under the rules.^[40] He posits that the saving clause under Section 21 of the IRR of RA 9165 does not apply since the prosecution did not have justifiable grounds for non-compliance and the integrity of the seized item could not be proven based on the chain of custody rule.^[41] Apart from this, Addin alleges that the Section 21 of the IRR of RA 9165 should be strictly complied with.^[42] He also contends that the presumption of regularity in

the performance of duties by the police officers should not apply in this case.^[43] In view of these, he asserts that the equipoise rule should be applied.^[44]

Conversely, the Republic, through the Office of the Solicitor General (OSG), maintains that the trial court did not err when it convicted Addin based on the testimonies of the police officers who conducted the buy-bust operation. Similarly, it argues that the chain of custody and the integrity of the seized items were preserved.^[45] It explains that [t]he chain of custody of the drug seized - from the time it was confiscated, its marking, inventory and photographing in the presence of appellant and his relatives and before a member of the media, its turn-over to the investigator, its endorsement to the forensic chemist, the result of the laboratory examination and the presentation of the seized drug to the court as evidence - was conclusively established by the prosecution during the trial of the case.^[46]

It is similarly contends that the fact that the inventory was not made at the crime scene was not fatal to the prosecution since the police team immediately conducted the required procedures upon arrival at the police station. The reason why they did not do so at the crime scene was because of the danger posed to the police team due the previous shooting incidents in the area which led to the deaths of other police officers.^[47] It points out that the defense was not able to prove that the police officers harbored any ill motive against Addin as to falsely implicate him. Additionally, it failed to overcome the presumption of regularity with regard to the police officers' discharge of their duties.^[48] Lastly, it asserts that Addin's defense of denial was not corroborated with sufficient proof and therefore cannot prevail over the positive testimonies of the prosecution witnesses.^[49]

The Court's Ruling

There is merit in the appeal.

Section 5, Article II of RA 9165 provides that to successfully prosecute the offense of sale of illegal drugs, the following elements must be satisfied: (1) the identity of the buyer and the seller, the object of the sale, and the consideration; and (2) the delivery of the thing sold and the payment therefor.^[50] In a buy-bust operation, the receipt by the poseur-buyer of the dangerous drug and the corresponding receipt by the seller of the marked money consummate the illegal sale of dangerous drugs.^[51] In the instant case, the elements for the illegal sale of dangerous drugs are present. The testimonies of the police officers, coupled with the documentary and object evidence, demonstrated that Addin was caught selling *shabu* to PO2 Diomampo who acted as the poseur-buyer. Addin's receipt of the marked PHP 500.00 bill consummated the sale of the illegal drug. Hence, based on the evidence, the sale was consummated and the confiscated item, the *corpus delicti*, was presented in court to prove the same.^[52]

Moreover, this Court finds that Addin failed show proof that the police officers who composed the buy-bust team were impelled by ill motives to implicate Addin or were performing their official duties. Ergo, on this aspect, the testimonies of the police officers deserve credit.^[53]