

## THIRD DIVISION

[ G.R. No. 243635, November 27, 2019 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
PRISCILA RUIZ Y TICA, ACCUSED-APPELLANT.**

### DECISION

#### **CARANDANG, J.:**

The instant appeal under Section 2, Rule 125 in relation to Section 3, Rule 56 of the Rules of Court assails the Decision<sup>[1]</sup> dated February 7, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 08949, finding accused-appellant Priscila Ruiz y Tica (Ruiz) guilty for Illegal Sale of Dangerous Drugs and Illegal Possession of Dangerous Drugs<sup>[2]</sup> defined and penalized under Sections 5 and 11, respectively, of Republic Act No. (R.A.) 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

#### **Facts of the Case**

On February 26, 2015, the police officers from Police Regional Office 4A, Camp Vicente Lim, Calamba City prepared to conduct a buy-bust operation after receiving a tip from a confidential informant of the rampant illegal sale of drugs by a certain "Presing," later identified as accused-appellant Ruiz. Police Officer 2 Aldwin Paulo Tibuc (PO2 Tibuc) was tasked as *poseur*-buyer in the operation and Police Officer 2 Mateo F. Cailo (PO2 Cailo) as back-up arresting officer. The other member-officers of the buy-bust operation team shall act as perimeter security.

On the same day, the buy-bust operation team, together with the confidential informant, proceeded to the alleged location of illegal drug activity located in Southville Subdivision, Barangay San Antonio, San Pedro, Laguna. PO2 Tibuc and the confidential informant proceeded on foot to a *sari-sari* store owned by Ruiz, while PO2 Cailo and the other officers stationed themselves on a street nearby. Upon arriving at the *sari-sari* store, PO2 Tibuc observed a woman inside the store, who he identified as Ruiz. He and the confidential informant first bought cigarettes. Then, the confidential informant asked Ruiz, "*te baka merun ka diyang iiscore sana kami.*" In reply, Ruiz asked how much they were going to purchase to which PO2 Tibuc said, "*kukuha po sana kami ng singko.*" Ruiz picked up a crossbody bag on the floor and took out several pieces of plastic sachets containing white crystalline substance. She then handed one sachet to PO2 Tibuc, in exchange, the latter gave the P500.00 marked bill. Upon receipt of the plastic sachet with white crystalline substance, PO2 Tibuc secretly placed a call in his cellphone to PO2 Cailo as the pre-arranged signal that the sale of illegal drugs had been completed. Alerted by the missed call of PO2 Tibuc, PO2 Cailo immediately rushed to the crime scene. Just as PO2 Cailo was approaching the location, he observed a young woman running towards the *sari-sari* store and shouting, "*Lola, lola may mga pulis na paparating.*" PO2 Tibuc also observed the same young woman approach the *sari-sari* store

alerting Ruiz of the arrival of the police. Thus, he took opportunity to introduce himself as a police officer and prevented Ruiz and the young woman, later identified as Christy Joy Macaraeg (Macaraeg), from leaving the *sari-sari* store. At that same instant, PO2 Cailo, who arrived at the crime scene, reached for the young woman's arm, while the latter was trying to close the door of the *sari-sari* store.

After arrest, PO2 Tibuc seized the crossbody bag from Ruiz and opened the same to find 14 pieces of plastic sachets containing white crystalline substance and other paraphernalia. He then correspondingly marked at the same place of arrest the 14 sachets as "APT-1 to APT-14" and the other paraphernalia "APT-16 to APT-21."<sup>[3]</sup> PO2 Tibuc also marked the purchased plastic sachet as "APT-BB." He also recovered the P500.00 bill with the markings "APT."

The officers then brought Ruiz and Macaraeg to the police station in Calamba, Laguna for photographing and inventory-taking of the seized items. A media representative signed the inventory. Thereafter, the documentary request for laboratory examination of the seized items was prepared. PO2 Tibuc brought said items to the forensic chemist for quantitative and qualitative examination. Per Chemistry Report No. D-451-15, the sachets containing white crystalline substance yielded positive for methamphetamine hydrochloride, more commonly known as *shabu*. The plastic sachet from the buy-bust sale contained 0.18 grams of *shabu*, and the 14 sachets from the crossbody bag contained a total amount of 9.08 grams of *shabu*. Ruiz was then indicted for illegal sale of dangerous drugs, illegal possession of dangerous drugs and illegal possession of drug paraphernalia penalized under Sections 5, 11, and 12, respectively, Article II of R.A. 9165. The three separate Informations provide:

#### Illegal Sale of Dangerous Drugs

Criminal Case No. 15-10379-SPL

That on or about February 26, 2015, in the City of San Pedro, Province of Laguna, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there, willfully, unlawfully and feloniously sell, deliver and distribute Methamphetamine Hydrochloride, a dangerous drug, weighing zero point eighteen (0.18) gram, contained in a heat-sealed transparent plastic sachet, in violation of the above-mentioned law.

CONTRARY TO LAW.<sup>[4]</sup>

#### Illegal Possession of Dangerous Drugs

Criminal Case No. 15-10380-SPL

That on or about February 26, 2015, in the City of San Pedro, Province of Laguna, Philippines and within the jurisdiction of this Honorable Court, the abovenamed accused, without authority of law, did then and there, willfully, unlawfully and feloniously have in her possession, control and custody fourteen (14) heat sealed transparent plastic sachets containing Methamphetamine Hydrochloride commonly known

as "Shabu" a dangerous drug, having a total net weight of nine point zero eight (9.08) grams, in violation of the above-mentioned law.

CONTRARY TO LAW.<sup>[5]</sup>

Illegal Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous Drugs

Criminal Case No. 15-10381-SPL

That on or about February 26, 2015, in the City of San Pedro Philippines and[,] within the jurisdiction of this Honorable Court, the above-named accused, not being authorized by law, did then and there willfully[,] and unlawfully has under her possession and control, equipment, instrument, apparatus or paraphernalia fit or intended for smoking, consuming, administering or producing into the body Methamphetamine hydrochloride, otherwise known as "shabu", a dangerous drug, consisting of one (1) piece improvised glass [tooter] containing used in consuming[,] smoking "shabu", in violation of the law aforementioned.

CONTRARY TO LAW.<sup>[6]</sup>

Ruiz, on the one hand, claims that she was attending to her *sari-sari* store when two men, later identified as PO2 Tibuc and PO2 Cailo, bought softdrinks. Thereafter, said officers brought her and her granddaughter to the police station in Calamba, Laguna due to a suspicion that Ruiz was involved in the sale of illegal drugs. At the police station, PO2 Cailo took illegal drugs out from a cabinet, which they claimed belonged to Ruiz, who was detained by the officers at the police station from the time she was arrested until formal criminal charges were filed against her.<sup>[7]</sup>

Proceedings before the Regional Trial Court of San Pedro, Laguna, Branch 31 (RTC) ensued. On November 17, 2016, the RTC rendered its Consolidated Judgment<sup>[8]</sup> finding Ruiz guilty for Illegal Sale and Illegal Possession of Dangerous Drugs.<sup>[9]</sup> Ruiz was, however, acquitted of the charge of Illegal Possession of Drug Paraphernalia.<sup>[10]</sup> The dispositive portion of the Judgment reads:

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

1. In Criminal Case No. 15-10379-SPL, accused Priscila Ruiz y Tica is found GUILTY beyond reasonable doubt of violation of Section 5, Article II of Republic Act 9165 and she is hereby sentenced to suffer the penalty of life imprisonment and to pay a fine of Five Hundred Thousand (P500,000.00) Pesos without subsidiary imprisonment in case of insolvency.

The period of her preventive imprisonment should be given full credit.

2. In Criminal Case No. 15-10380-SPL, accused Priscila Ruiz y Tica is found GUILTY beyond reasonable doubt of violation of Section 11, Article II of Republic Act 9165 and she is hereby sentenced to suffer the indeterminate penalty of imprisonment of twenty (20) years as minimum to twenty-five (25) years as maximum and to pay a fine of Five Hundred Thousand (P500,000.00) Pesos without subsidiary imprisonment in case of insolvency.

The period of her preventive imprisonment should be given full credit.

3. In Criminal Case No. 15-10381-SPL, for insufficiency of evidence, accused Priscila Ruiz y Tica is ACQUITTED of illegal possession of drug paraphernalia under Section 12, Article II of Republic Act 9165.

Let the fifteen (15) plastic sachets of shabu with a total weight of 9.26 grams and drug paraphernalia subject matter of these cases be immediately forwarded to the Philippine Drug Enforcement Agency for its disposition as provided by law. The P500.00 buy-bust money is ordered forfeited in favour of the government and deposited to the account of the National Treasury through the Office of the Clerk of Court.

SO ORDERED.<sup>[11]</sup>

The RTC held that the prosecution was able to present all the elements of illegal sale and possession of dangerous drugs. The court *a quo* gave credence to the testimony of PO2 Tibuc, who gave a recount of the events of the buy-bust operation from its preparation to the conduct of the purchase of illegal drugs, and arrest of Ruiz. The RTC also found that Ruiz was arrested *in flagrante delicto*. In view of her arrest, a body search was conducted, where she was found to be in possession of dangerous drugs. The RTC held that the integrity and evidentiary value of the *corpus delicti* had been preserved. There was no reason to doubt the testimonies of the prosecution witnesses. Their statements were consistent and supported by evidence all throughout. The RTC sentenced Ruiz to suffer the penalty of life imprisonment and to pay a fine amounting to P500,000.00 for Illegal Sale of Dangerous Drugs and imprisonment of 20 years as minimum to 25 years as maximum and a fine of P500,000.00 for Illegal Possession of Dangerous Drugs.

On appeal, the CA affirmed<sup>[12]</sup> the ruling of the RTC holding that the chain of custody had been established. The CA found that there could not have been a mix-up in marking the dangerous drugs. PO2 Tibuc sufficiently explained that he kept separate the plastic sachet seized from the buy-bust operation and the 14 plastic sachets, by keeping the latter in the crossbody bag retrieved from Ruiz. While the inventory-taking and photographing of the seized items did not take place at the crime scene:, the CA still found compliance with the rules on custody and disposition of confiscated or seized dangerous drugs. The CA explained that the location of inventory-taking and photographing of seized items will depend on whether or not a search warrant had been issued. When the seizure of items is supported by a search warrant, the inventory-taking and photographing of seized items "must" be conducted at the place where the warrant was served. For warrantless seizures, the