

FIRST DIVISION

[G.R. No. 218402, February 14, 2018]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, RAMIL
GALICIA Y CHAVEZ, ACCUSED-APPELLANT.**

D E C I S I O N

DEL CASTILLO, J.:

This resolves the appeal filed by Ramil Galicia y Chavez (appellant) assailing the March 22, 2013 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR H.C. No. 04637 which affirmed the December 19, 2007 Decision^[2] of the Regional Trial Court (RTC) of Pasig City, Branch 154, in Criminal Case Nos. 14821-D, 14822-D, 14823-D, and 14824-D finding him guilty beyond reasonable doubt of violation of Sections 6, 11, 12, and 15, Article II of Republic Act (RA) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

Appellant was charged with violation of Sections 6, 11, 12, and 15, Article II of RA 9165 allegedly committed as follows:

CRIMINAL CASE NO. 14821-D
(For violation of Section 6, Article II, RA 9165)

That on or about February 10, 2006, in the City of Pasig, Philippines, and within the jurisdiction of this Honorable Court, the above named accused, without any lawful authority, did then and there willfully, unlawfully, and feloniously maintain a drug den located at the compound along F. Soriano Street, Barangay Palatiw, Pasig City, where dangerous drugs and/ or controlled precursors and essential chemicals are administered, delivered, stored for illegal purposes, distributed, sold, or used in any form, in violation of the above-cited law.

CONTRARY TO LAW.^[3]

CRIMINAL CASE NO. 14822-D
(For violation of Section 11, Article II, RA 9165)

That on or about February 10, 2006, in the City of Pasig, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, not having been lawfully authorized to possess or otherwise use any dangerous drugs, did then and there, willfully, unlawfully, feloniously, and knowingly have in his possession, custody, and control the following:

- a) 0.16 [gram] 'RLB-1'
- b) 0.15 [gram] 'RLB-2'
- c) 0.15 [gram] 'RLB-3'
- d) 0.13 [gram] 'RLB-4'

- e) 0.11 [gram] 'RLB-5'
- f) 0.19 [gram] 'RLB-6'
- g) 0.11 [gram] 'RLB-7'
- h) 0.15 [gram] 'RLB-8'

totalling 1.15 grams of Methamphetamine Hydrochloride. commonly known as 'shabu' a dangerous drug, and twenty (20) unsealed transparent plastic sachets and four (4) aluminum foils (specimen J [RLB-10], specimen L [RLB-12], specimen M [RLB-13], specimen Q [RLB-17]), each containing traces of 'shabu' in violation of the above-cited law.

CONTRARY TO LAW.^[4]

CRIMINAL CASE NO. 14823-D
(For violation of Section 15, Article II, RA 9165)

That on or about February 10, 2006, in the City of Pasig, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there, willfully, unlawfully, knowingly, and feloniously use, sniff, inhale, or introduce to [his] body, in any manner, methamphetamine hydrochloride commonly known as 'shabu', a dangerous drug, in violation of the aforecited law.

Contrary to law.^[5]

CRIMINAL CASE NO. 14824-D
(For violation of Section 12, Article II, RA 9165)

That on or about February 10, 2006, in the City of Pasig, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there, willfully, unlawfully, feloniously, and knowingly have in his possession, custody, and control the following, to wit:

- a) One (1) digital Tanika black weighing scale
- b) One (1) digital Tanika blue weighing scale
- c) Seven (7) disposable lighters and
- d) Four (4) stainless scissors
- e) Five (5) improvised aluminum tooters

which are fit or intended for smoking, consuming, administering, ingesting, or introducing any dangerous drug into the body, in violation of the above-cited law.

CONTRARY TO LAW.^[6]

Appellant pleaded not guilty to the offenses charged. Joint trial on the merits followed.

Version of the Prosecution

Arnel Tugade (Tugade), a camera man of the television program "Mission X," received an anonymous call regarding a *shabu tiangge* inside the Mapayapa compound along F. Soriano Street, Pasig City where there was rampant selling and

use of *shabu*. Tugade verified the tip by bringing a camera in the compound where he conducted an undercover surveillance and filmed the drug-related activities he witnessed inside the said compound.

On January 30, 2006, Tugade went to the office of the Anti-Illegal Drugs Special Operations Task Force (AIDSOTF) to report the rampant selling and use of *shabu* within the said compound. Tugade showed the PNP Chief Director and other officers of the AIDSOTF a 15 minute video showing several persons selling and using *shabu* inside shanties found within the compound.

After watching the surveillance footage, Police Senior Inspector Ismael G. Fajardo, Jr. (P/Insp. Fajardo, Jr.) was instructed to conduct further surveillance of the activities inside the compound, P/Insp. Fajardo, Jr. assigned PO2 James Nepomuceno (PO2 Nepomuceno) to accompany Tugade inside the compound to take another video of the compound and to conduct a test-buy.

On January 31, 2006, PO2 Nepomuceno and Tugade went to the compound and conducted a surveillance. They were able to take video footage of several persons selling and using *shabu* inside the compound. They were also able to conduct a test-buy of *shabu* worth P300.00. The following day, PO2 Nepomuceno and Tugade conducted another test-buy inside the compound and they were able to buy P100.00 worth of *shabu*. Both specimen were submitted to the PNP Crime Laboratory for examination and both tested positive for methamphetamine hydrochloride or *shabu*.

After reviewing the results of the laboratory examination, P/Insp. Fajardo, Jr. reported the same to Superintendent Eduardo Acierto (Supt. Acierto) who, in turn, made his own report to General Marcelo Ele (Gen. Ele). Gen. Ele verified the findings and ordered an aerial and ground surveillance of the compound. Further test-buys were again conducted in the area which confirmed the reported rampant selling and use of *shabu* therein.

Since the reported selling and use of *shabu* in the compound were confirmed, Gen. Ele instructed P/Insp. Fajardo Jr. to apply for a search warrant before the RTC. P/Insp. Fajardo, Jr. applied for a search warrant and presented PO2 Nepomuceno and Tugade as witnesses. Pictures of persons who were positively identified as sellers and maintainers of drug dens were submitted along with video footage taken by Tugade and the rest of the "Mission X" crew showing drug transactions and use of *shabu*.

On February 9, 2006, Executive Judge Natividad A. Giron-Dizon of the RTC of Quezon City issued Search Warrant No. 4271(06).^[7] Gen. Ele was tasked with the supervision and implementation of the search warrant while Supt. Acierto was the designated ground commander.

On February 10, 2006, around 200 men under the command of Supt. Acierto from the joint forces of the Philippine National Police (PNP) AIDSOTF, Special Operations Unit (SOU), Special Action Force (SAF), Traffic Management Group (TMG), and Scene of the Crime Operative (SOCO), joined by members of the media and representatives from the Department of Social Welfare and Development (DSWD), raided the Mapayapa Compound to serve Search Warrant No. 4271-06 against several persons who were alleged to have been engaged in selling and possessing dangerous drugs and *shabu* paraphernalia as well as maintaining a drug den inside

the said compound. More than 300 persons were arrested in the raid, 212 of whom were charged in court for various violations under RA 9165. Appellant was one of the persons arrested and charged with the following violations: maintenance of a drug den in violation of Section 6, RA 9165; illegal possession of dangerous drugs and drug paraphernalia in violation of Sections 11 and 12 respectively, RA 9165; and use of dangerous drugs in violation of Section 15, RA 9165.

There were numerous shanties inside the compound requiring the raiding team to divide the compound into different target areas. Assigned to implement the search warrant in Target No. 8 was the team of PO2 Roberto Beascan^[8] (PO2 Beascan), SPO2 Roberto Agbalog (SPO2 Agbalog), P/Insp. Ancieto Pertoza^[9] (P/Insp. Pertoza) and P/Supt. Melecio M. Buslig, Jr. When the team entered the target area, persons found inside scampered away. P/Insp. Pertoza presented the search warrant to appellant who was then found inside the shanty designated as Target No. 8. together with his pregnant wife. Appellant attempted to flee but the team was able to place him under control. The team then proceeded to search the premises.

Appellant and his wife were inside the shanty during the search. Appellant was sitting in front of a drug paraphernalia when the team started to conduct its search. In the course of their search, the team found appellant's driver's license inside a wallet found in the sala. The team discovered that the address of the appellant as stated in his driver's license was F. Soriano St., Sto. Tomas, Pasig City, which was the same as the address of Target No. 8. The team likewise noticed that the appellant had a picture of himself inside the house although the same was not seized since it was not listed in the search warrant. When interviewed by the team, appellant admitted that he was the owner of Target No. 8 although this admission was made without the presence of counsel.

In the course of the search, the team was able to find and seize from the appellant plastic sachets containing crystalline substances, weighing scale, cellphone, assorted lighters, wallet containing dollars and a few coins, aluminum foil, and assorted cutters and scissors. The seized items were marked and inventoried in the Receipt of the Property Seized at Target No. 8. The seized items were handled by SPO2 Agbalog. Appellant was informed of his rights and thereafter arrested. Appellant, along with the other persons arrested in the compound, were then brought to Camp Crame.

Meanwhile, the seized items were forwarded to the PNP Crime Laboratory where results yielded positive for methamphetamine hydrochloride. Likewise, Forensic Chemist P/Insp. Angel Timario reported that the urine sample taken from appellant tested positive for the presence of dangerous drugs.

Version of the Defense

For his defense, appellant claimed that in the morning of February 10, 2006, he was with his pregnant wife on their way to a hospital for a check-up. They were about to board a tricycle when men in uniform who looked like soldiers stopped them and ordered them to inside the Mapayapa Compound.

Inside the compound, appellant was ordered to join a group of men who were arrested and were lying face down on the ground. His wife was brought to an area

inside the compound where she joined several other females who were also arrested. They were all brought to Camp Crame and were thereafter processed and were charged with various violations under RA 9165.

Ruling of the Regional Trial Court

On December 19, 2007, the RTC of Pasig City, Branch 154 rendered judgment finding appellant guilty as charged. The RTC was convinced that the prosecution, through the testimonies of the arresting officers who conducted the search, was able to establish the guilt of appellant beyond reasonable doubt.

The dispositive portion of the RTC's Decision reads:

WHEREFORE, in view of the foregoing, judgment is hereby rendered as follows:

In the cases for violation of Section 6, R.A. 9165 (maintenance of a den).

x x x x

The accused Rosalino Babao and **Ramil Galicia** are hereby found GUILTY beyond reasonable doubt of violation of Section 6 of R.A. 9165 and they are hereby sentenced to suffer life imprisonment; they are also ordered to pay a fine of P1,000,000.00 EACH.

x x x x

In the cases for violation of Section 11 of R.A. 9165 (possession of dangerous drugs).

The following accused are hereby found GUILTY beyond reasonable doubt of the charge of possession of dangerous drugs as charged against them in the information to wit:

Ronnie Catubig	Crim. Case No. 14618-D
Aiko Escullar	Crim. Case No. 14621-D
Ramil Galicia	Crim. Case No. 14822-D and
Roy Bohol Montefero	Crim. Case No. 14617-D

and each of them is hereby sentenced to suffer an indeterminate penalty of SEVENTEEN (17) YEARS and ONE (1) DAY to TWENTY (20) YEARS of imprisonment.

x x x x

Each of them is also ordered to pay a fine of P400,000.00

In the cases for violation of Section 12 of R.A. 9165 (possession of drug paraphernalia).