

SECOND DIVISION

[G.R. No. 232381, August 01, 2018]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RYAN
MARALIT Y CASILANG, ACCUSED-APPELLANT.**

DECISION

REYES, JR., J:

This is an appeal^[1] from the Decision^[2] dated December 22, 2016 of the Court of Appeals (CA) rendered in CA-G.R. CR-HC No. 06464, which affirmed the Judgment^[3] dated October 16, 2013 of the Regional Trial Court (RTC) of Agoo, La Union. In these decisions, accused Ryan Maralit y Casilang (Maralit) was found guilty of violating Section 5, Article II of Republic Act (R.A.) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act.

Factual Antecedents

Maralit was charged with the offense of illegal trade, transport, and delivery of dangerous drugs, punishable under Section 5, Article II of R.A. No. 9165. The Information against him was docketed as Criminal Case No. A-6046, which reads:

Criminal Case No. A-6046

That on or about the 19th day of July 2011, in the Municipality of Sto. Tomas, Province of La Union, Philippines and within the jurisdiction of this Honorable Court, the above named accused did then and there, willfully, unlawfully and knowingly, trade, transport, deliver and give away two (2) bricks of marijuana to IO1 EFREN L. ESMIN with a total weight of ONE THOUSAND EIGHT HUNDRED FIFTY-NINE POINT NINETY-SEVEN (1,859.97) grams, a dangerous and prohibited drug, without any authority of law.

Contrary to the provision of Section 5, Art. II of R.A. 9165.^[4]

During the arraignment on August 17, 2011, the charge against Maralit was read to him in the Pangasinan dialect, a language he knew and understood. Maralit, with the assistance of his counsel, pleaded not guilty to the offense.^[5]

The prosecution alleged that on July 19, 2011, IA3 Dexter B. Asayco (IA3 Asayco), the team leader of the Philippine Drug Enforcement Agency-La Union Special Enforcement Team (PDEA-LUSET), received information from a confidential

informant that an individual known as "RAM," who comes from Dagupan City, Pangasinan, was a known dealer of *marijuana*.^[6] The confidential informant described "RAM" as 5'11" in height, with an athletic built.^[7]

Following his receipt of this information, IA3 Asayco called for a briefing at around 9:00 a.m. regarding a planned entrapment operation against "RAM" later in the day.

^[8] Soon after, at 9:15 a.m., IA3 Asayco coordinated with the team leader of the La Union Provincial Anti-Illegal Drug Special Operation Task Group (PAIDSOTG), Police Chief Inspector Erwin Dayag (PCI Dayag). In response, PCI Dayag instructed a member of his team, Police Officer 2 Froilan D. Caalim (PO2 Caalim), to proceed to the PDEA office for the briefing.^[9]

During the briefing, IA3 Asayco informed his team that the confidential informant gave "RAM" the cellphone number of the PDEA-LUSET, under the guise of an interested buyer of *marijuana* from Tarlac. "RAM," in several text messages, introduced himself as the cousin of the confidential informant and informed them that he had two (2) bricks of dried *marijuana* he can deliver to an interested buyer.^[10]

IA3 Asayco then passed the cellphone to IO1 Efren L. Esmin (IO1 Esmin), a member of his team, and tasked him to make arrangements with "RAM" for the delivery of the *marijuana*. IO1 Esmin exchanged text messages with "RAM," and thereafter, "RAM" agreed to deliver the two (2) bricks of *marijuana* for Php 5,300.00 each (or an aggregate amount of Php 10,600.00). They also agreed to meet at Barangay Damortis, Sto. Tomas, La Union at 6:00 p.m. that day, to complete the transaction.^[11]

IO1 Esmin and PO2 Caalim were designated as the, arresting officers, while the rest of the team were tasked to secure the area.^[12] The briefing ended at around 12:00 noon, and after about an hour, the team proceeded to Sto. Tomas, La Union Police Station using a private vehicle. The team arrived at the police station at around 2:30 p.m., where they passed the time before the designated meeting time with "RAM."^[13]

The team left the police station at around 4:30 p.m. and arrived at the target area by 5:00 p.m. Upon their arrival, the members of the team surveyed the area and positioned themselves according to the plan.^[14] At about 5:30 p.m., IO1 Esmin received a text message from "RAM" telling him that he was on his way aboard a bus, and identified a certain store as their meeting place. IO1 Esmin then waited for "RAM" outside the said store, while PO2 Caalim positioned himself across the street.^[15]

At around 6:30 p.m., a man that matched the physical description of "RAM" approached IO1 Esmin. The man was holding a brown paper bag and he asked IO1 Esmin to confirm that he was the man from Tarlac. When IO1 Esmin answered in the affirmative, the man handed over the brown paper bag to him. IO1 Esmin opened the brown paper bag and inspected the contents. He found a white plastic bag inside the brown paper bag, which when opened, revealed two (2) bricks of *marijuana*.^[16]

When IO1 Esmin found that the brown paper bag contained substances suspected to

be *marijuana*, he arrested the man later identified as accused Maralit, and informed him of his constitutional rights.^[17] In the meantime, the other team members contacted two (2) barangay officials and a media representative to witness the marking and inventory of the illegal drugs. They were unable to obtain the presence of a Department of Justice (DOJ) representative allegedly because the entrapment operation ended after office hours, and there was no available DOJ representative beyond this time.^[18] IO1 Esmin then frisked Maralit for dangerous weapons and discovered a cellphone in his person. They did not find any messages or a SIM card on the cellphone.^[19]

The barangay officials and the media representative arrived at the scene about ten minutes after Maralit's arrest. IO1 Esmin proceeded to mark the evidence in the presence of the barangay officials, the media representative, and Maralit. The brown paper bag was marked as "A," the white plastic bag containing the two (2) bricks of *marijuana* was marked as "A-1 " the bricks of *marijuana* were marked as "A-2" and "A-3 " respectively, and the cellphone was marked as "B." Each item was also marked with IO1 Esmin's initials ("ELE"), the date ("19 July 2011"), and IO1 Esmin's signature.^[20]

After the marking, IO1 Esmin made an inventory of the seized items.^[21] Photographs of the marking and inventory were also taken.^[22]

The team took Maralit and the seized items to the PDEA Regional Office 1 in Camp Diego Silang, Carlatan, San Fernando City, La Union.^[23] IO1 Esmin then prepared the Booking Sheet and Arrest Report,^[24] as well as the Request for Laboratory Examination.^[25] The Request for Laboratory Examination was signed by IA3 Asayco, and later on delivered by IO1 Esmin to Lei-Yen Valdez (Valdez) of the PDEA Regional Office 1 Laboratory at 7:30 p.m. of the same day.^[26]

The chemistry report yielded a positive result for the presence of *marijuana* in the specimen samples taken from the pieces of evidence marked as "A-2" and "A-3."^[27]

After the presentation and offer of the prosecution's evidence, Maralit filed a Demurrer to Evidence on June 13, 2013. He alleged that the prosecution's evidence was insufficient to find him guilty beyond reasonable doubt of the crime charged. Particularly, Maralit pointed out that the money used for the entrapment operation was not even marked or presented before the trial court, which negates the presence of a consideration for the sale of the subject drugs—an essential element of Section 5, Article II of R.A. No. 9165.^[28] He also argued that the absence of the DOJ representative during the marking and inventory of the seized items casts doubt on their identity and integrity, which warrants his acquittal.^[29] The prosecution objected to the Demurrer to Evidence.^[30]

In an Order^[31] dated July 23, 2013, the RTC denied Maralit's Demurrer to Evidence for lack of merit. The trial court further ruled that since the demurrer was filed without leave of court, Maralit was deemed to have waived the right to present his evidence and the case was submitted for decision.^[32]

Ruling of the RTC

In the Judgment^[33] dated October 16, 2013 of the RTC, Maralit was found guilty beyond reasonable doubt for the violation of Section 5, Article II of R.A. No. 9165, thus:

WHEREFORE, in view of all the foregoing, this Court finds accused [MARALIT] GUILTY BEYOND REASONABLE DOUBT of violation of Section 5 of [R.A.] No. 9165 and hereby sentences him to suffer the penalty of life imprisonment, the accused shall be credited in the service of his sentence with his preventive imprisonment under the terms and conditions set forth by Article 29 of the Revised Penal Code and to pay a fine of five hundred thousand pesos (Php500,000.00).

The items subject of the case, particularly the two (2) bricks of *marijuana* with a total weight of 1,859.97 grams shall be forfeited in favor of the government and shall be destroyed in accordance with law.

Agoo, La Union, October 16, 2013.^[34]

The trial court ruled that it was unnecessary for the prosecution to present the money used for the entrapment operation. The RTC further found that the chain of custody was sufficiently established despite the absence of a DOJ representative during the marking of the seized pieces of evidence. Thus, the integrity and evidentiary value of the illegal drugs taken from Maralit were preserved.^[35]

Aggrieved, Maralit filed a Notice of Appeal with the RTC on October 23, 2013.^[36] The RTC granted the appeal in its Order^[37] dated October 29, 2013.

In his brief, Maralit alleged that the trial court erred in finding him guilty of the offense charged against him, considering that the prosecution failed to prove his guilt beyond reasonable doubt. According to Maralit, the testimonies of the prosecution witnesses were contrary to the common experience and observation of mankind, especially pointing out the absence of a consideration for the alleged purchase of the seized marijuana bricks.^[38] Maralit further assailed the inconsistencies in the testimony of IO1 Esmin and the documentary evidence of the prosecution,^[39] as well as the failure of the PDEA officers to comply with the chain of custody rule.^[40]

The People, on the other hand, argued that there was sufficient proof to establish Maralit's guilt beyond reasonable doubt. According to the prosecution, it was unnecessary to present the marked money used for the entrapment operation. Section 5, Article II of R.A. No. 9165 punishes the mere act of delivering dangerous drugs, even without a consideration. The People also refuted the argument of Maralit regarding the break in the chain of custody, and pointed out that by virtue of his admissions in the RTC, the integrity of the seized illegal drugs was preserved.^[41]

Ruling of the CA

In a Decision^[42] dated December 22, 2016, the CA denied the appeal and affirmed the judgment of the RTC, thus:

WHEREFORE, the instant appeal is DENIED. The assailed of Decision dated October 16, 2013 of the [RTC], Branch 32 Agoo, La Union in Criminal Case No. A-6046 is hereby AFFIRMED.

SO ORDERED.^[43]

The CA found that the prosecution sufficiently established the chain of custody of the illegal drugs. The inconsistency as to the time stated by IO1 Esmin in his testimony and the time reflected in the Request for Laboratory Examination, was deemed a trivial matter that does not affect the integrity and evidentiary value of the seized illegal drugs.^[44] Considering that IO1 Esmin was the only person in custody of the seized items until it was turned over to the forensic chemist for examination, the CA ruled that the chain of custody was adequately established.^[45]

Unsatisfied with the decision of the CA, Maralit appealed his conviction to the Court.^[46] The CA gave due course to the appeal in its Resolution^[47] dated January 25, 2017.

Ruling of the Court

The issue presented before the Court is whether the guilt of Maralit was proven beyond reasonable doubt. For purposes of resolving this issue, the Court must review whether the identity and the integrity of the seized illegal drugs—the *corpus delicti* of this case—were duly preserved.

There being no evidence that the chain of custody over the illegal drugs was broken, the Court finds that the guilt of the accused was proven beyond reasonable doubt.

The Court denies the present appeal.

A conviction for violating Section 5, Article II of R.A. No. 9165 does not always require the presentation of the marked money.

The Information against Maralit charged him with the violation of Section 5, Article II of R.A. No. 9165. It further alleged that Maralit "willfully, unlawfully[,] and knowingly trade[d], transport[ed], deliver[ed] and [gave] away two (2) bricks of *marijuana*" to IO1 Esmin.^[48] Maralit alleged that in order to be convicted under this provision, the prosecution should have established the consideration for his supposed sale of the *marijuana* bricks.^[49]