

SECOND DIVISION

[G.R. No. 238522, October 01, 2018]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. NORMAN BARADI Y VELASCO, ACCUSED-APPELLANT.

DECISION

PERLAS-BERNABE, J.:

Assailed in this ordinary appeal^[1] is the Decision^[2] dated June 9, 2017 of the Court of Appeals (CA) in CA-G.R. CR HC No. 08298, which affirmed the Joint Decision^[3] dated February 9, 2016 of the Regional Trial Court of San Fernando City, La Union, Branch 29 (RTC) in Crim. Case Nos. 10462 and 10463, finding accused-appellant Norman Baradi y Velasco (Baradi) guilty beyond reasonable doubt of violating Sections 5 and 11, Article II of Republic Act No. (RA) 9165,^[4] otherwise known as the "Comprehensive Dangerous Drugs Act of 2002."

The Facts

This case stemmed from two (2) Informations^[5] charging Baradi of violating Sections 5 and 11, Article II of RA 9165. The prosecution alleged that at around 12:00 noon of July 11, 2014, operatives of the City Anti Illegal Drug-Special Operation Task Group (CAID-SOTG) of San Fernando City, La Union conducted a buy-bust operation against Baradi, during which: (a) he allegedly sold a plastic sachet containing 0.5890 gram of suspected methamphetamine hydrochloride or *shabu*; and (b) during his arrest, another sachet containing 0.0245 gram of suspected methamphetamine hydrochloride or *shabu* was recovered from him. Immediately after Baradi's arrest, the apprehending officers conducted the marking, inventory, and photography in the presence of a barangay official, a Department of Justice (DOJ) representative, and a media representative at the place where the buy-bust operation took place. Baradi was then brought to the police station and thereafter, SPO1 Gilbert Andulay^[6] (SPO1 Andulay), the poseur-buyer and the one who took custody of the suspected drugs, took the seized sachets to the crime laboratory where it was confirmed that the seized plastic sachets from Baradi contained *shabu*.^[7]

For his part, Baradi denied the charges against him and invoked the defense of denial and frame-up. He narrated that on the date and time he was arrested, he was supposed to meet a certain "Fatima" at Long Beach Resort in Paringao, Bauang, La Union. While aboard his car, he decided to approach two (2) individuals to ask if one of them was Fatima. Suddenly, the said individuals attempted to open the door of his car, and thereafter, a car driven by a certain "Police Officer Bautista" blocked his car and pointed a gun at him. He was then taken to the San Fernando City Police Station where he and his car were searched without the police finding anything. Afterwards, a barangay official, a DOJ representative, and a media representative

arrived, but he deemed it futile to talk to them as he was already framed up and accused of selling drugs.^[8]

In a Joint Decision^[9] dated February 9, 2016, the RTC found Baradi guilty beyond reasonable doubt of the crimes charged, and accordingly, sentenced him as follows: (a) in Crim. Case No. 10462, to suffer the penalty of life imprisonment, and to pay a fine of P500,000.00; and (b) in Crim. Case No. 10463, to suffer the penalty of imprisonment for an indeterminate period of twelve (12) years and one (1) day, as minimum, to fourteen (14) years and eight (8) months, as maximum, and to pay a fine of P300,000.00.^[10] The RTC found that the prosecution had established beyond reasonable doubt the elements of the crimes charged against Baradi, as he was caught *in flagrante delicto* selling *shabu*, and thereafter, was found in possession of another sachet which also contained *shabu*. The RTC also observed that the integrity and evidentiary value of the items seized from Baradi were preserved as the apprehending officers complied with the chain of custody rule.^[11] Aggrieved, Baradi appealed^[12] the RTC ruling to the CA.

In a Decision^[13] dated June 9, 2017, the CA affirmed the RTC ruling.

Hence, this appeal seeking that Baradi's conviction be overturned.

The Court's Ruling

The appeal is without merit.

The elements of Illegal Sale of Dangerous Drugs under Section 5, Article II of RA 9165 are: (a) the identity of the buyer and the seller, the object, and the consideration; and (b) the delivery of the thing sold and the payment;^[14] while the elements of Illegal Possession of Dangerous Drugs under Section 11, Article II of RA 9165 are: (a) the accused was in possession of an item or object identified as a prohibited drug; (b) such possession was not authorized by law; and (c) the accused freely and consciously possessed the said drug.^[15] Here, the courts *a quo* correctly found that all the elements of the crimes charged are present, as the records clearly show that Baradi was caught in *flagrante delicto* selling *shabu* to the poseur-buyer, SPO1 Andulay, during a legitimate buy-bust operation by the CAID-SOTG of San Fernando City, La Union; and that another plastic sachet containing *shabu* was recovered from him during the search made incidental to his arrest. Since there is no indication that the said courts overlooked, misunderstood, or misapplied the surrounding facts and circumstances of the case, the Court finds no reason to deviate from their factual findings. In this regard, it should be noted that the trial court was in the best position to assess and determine the credibility of the witnesses presented by both parties.^[16]

Further, the Court notes that the buy-bust team had sufficiently complied with the chain of custody rule under Section 21, Article II of RA 9165.

In cases for Illegal Sale and/or Possession of Dangerous Drugs under RA 9165, it is essential that the identity of the dangerous drug be established with moral certainty, considering that the dangerous drug itself forms an integral part of the *corpus delicti* of the crime.^[17] Failing to prove the integrity of the *corpus delicti* renders the evidence for the State insufficient to prove the guilt of the accused beyond reasonable doubt and hence, warrants an acquittal.^[18]