

## THIRD DIVISION

[ G.R. No. 212192, November 21, 2018 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
METOKUR ABDULA Y MAMA @ "TOKAY," "MIKE," ACCUSED-  
APPELLANT.**

### DECISION

**GESMUNDO, J.:**

The procedures laid down by law on the handling and inventory of dangerous drugs seized from an accused during a buy-bust operation are non-negotiable safeguards of constitutional rights. To overcome the constitutional presumption of innocence and secure a judgment of conviction, the prosecution must sufficiently justify any deviation from the statutorily prescribed procedure committed by law enforcers.

#### The Case

This is an appeal filed by Metokur M. Abdula<sup>[1]</sup> (*accused-appellant*) seeking to reverse the May 29, 2012 Decision<sup>[2]</sup> of the Court of Appeals (CA), in CA-G.R. CR-HC No. 04106 which affirmed the Decision<sup>[3]</sup> of the Regional Trial Court of Manila, Branch 2 (RTC), in Crim. Case No. 07-258313. The RTC convicted the accused-appellant for violation of Section 5 in relation to Section 26, Article II of Republic Act (R.A.) No. 9165. It sentenced him to suffer the penalty of life imprisonment and to pay a fine of P500,000.00, without subsidiary imprisonment in case of insolvency.

In an Information<sup>[4]</sup> dated December 10, 2007, the accused-appellant was indicted for the illegal sale of dangerous drugs, as follows:

That on or about October 24, 2007, in the City of Manila, Philippines, the said accused not having been authorized by law to sell, trade, deliver or give away to another any dangerous drug, did then and there willfully, unlawfully and knowingly sell or offer for sale Three (3) heat[-]sealed transparent plastic sachets containing the following:

FOUR POINT ONE SIX NINE ZERO GRAMS [*sic*] (4.1690)  
GRAMS

FOUR POINT TWO THREE SIX SIX (4.2366) GRAMS

ZERO POINT ZERO FOUR EIGHT ONE (0.0481) GRAMS

of white crystalline substance known as shabu, containing methylamphetamine<sup>[5]</sup> hydrochloride, a dangerous drug.

Contrary to law.

## **Antecedents**

### ***Version of the Prosecution***

On October 24, 2007, at about 7 o'clock in the morning, a confidential informant (*informant*) went to the Office of the Special Enforcement Group, Metro Regional Office of the Philippine Drug Enforcement Agency (*PDEA*). He reported to Senior Police Officer 3 Leo Letrodo (*SPO3 Letrodo*) that a certain "Mike" was illegally peddling dangerous drugs in Metro Manila and that he could easily purchase such contrabands from him.<sup>[6]</sup> In response, SPO3 Letrodo immediately formed a buy-bust team (team). He instructed the informant to contact Mike and to place an order often (10) grams of methamphetamine hydrochloride (*shabu*) worth P36,000.00.<sup>[7]</sup>

At the briefing, SPO3 Letrodo designated Intelligence Officer 1 Liwanag B. Sandaan (IO1 Sandaan), along with the informant, as the poseur-buyer and assigned Police Officer 2 Anatomy B. Gabona (*PO2 Gabona*) as the arresting officer.<sup>[8]</sup> The team prepared one bundle of "boodle" money consisting of bill-sized paper. IO1 Sandaan placed a genuine P500.00 bill bearing her initials "LBS"<sup>[9]</sup> on top of it and a fake P500.00 bill at the bottom.<sup>[10]</sup> The team agreed that the buy-bust transaction would take place at ACE Hardware store located at the 2nd floor of SM City Manila.<sup>[11]</sup>

The team arrived at SM City Manila before 11 o'clock in the morning.<sup>[12]</sup> SPO3 Letrodo then directed the informant to contact Mike through his phone.<sup>[13]</sup> After the conversation, the informant told the team that Mike would be arriving anytime.<sup>[14]</sup> While the informant and IO1 Sandaan waited for Mike in front of ACE Hardware store, the rest of the team positioned themselves nearby. IO1 Sandaan carried the bag containing the boodle money.<sup>[15]</sup>

After thirty minutes, Mike arrived carrying a small blue SM plastic bag. He approached the informant who introduced IO1 Sandaan as the buyer.<sup>[16]</sup> When Mike asked for the payment, IO1 Sandaan handed him the bag she was carrying and told him that the money was inside.<sup>[17]</sup> In return, Mike gave the blue SM plastic bag to IO1 Sandaan and told her that the drugs were inserted in the slippers inside the bag.<sup>[18]</sup> After receiving the bag, IO1 Sandaan scratched her head which was the pre-arranged signal to the buy-bust team. PO2 Gabona promptly approached them, introduced himself, and arrested Mike.<sup>[19]</sup> PO2 Gabona also recovered the marked money.<sup>[20]</sup>

The team then proceeded to the Security Office of SM City Manila. There they pried the slippers open in the presence of Mike and the SM security guard and found the suspected drugs inside.<sup>[21]</sup> The investigator took pictures of the small blue SM plastic bag and the slippers that concealed the suspected dangerous drugs.<sup>[22]</sup> Thereafter, the team brought Mike to the barangay hall near SM City Manila. In the presence of Barangay Chairperson Dr. Salvacion Pomperada (*Barangay Chair Pomperada*), they inventoried the seized items.<sup>[23]</sup> IO1 Sandaan marked the illegal drug specimens contained in three (3) separate clear plastic sachets with her initials EXH "A" LBS 10-24-07, EXH "B" LBS 10-24-07, and EXH "C" LBS 10-24-07. Next, she prepared a request for laboratory examination<sup>[24]</sup> which was signed by SPO4

Janilo D. Abranilla, as well as a request for drug test,<sup>[25]</sup> signed by SPO3 Letrodo.

On the same day, Forensic Chemist Frances Anne Q. Matatquin (*Chemist Matatquin*) of the PDEA Laboratory Service received the request for laboratory examination. She proceeded to conduct a qualitative chemical analysis of the specimens submitted by IO1 Sandaan.<sup>[26]</sup> Subsequently, Chemist Matatquin issued Chemistry Report No. PDEA-DD-2007-149<sup>[27]</sup> confirming the presence of methamphetamine hydrochloride in the specimens.

### ***Version of the Accused***

The accused-appellant testified that, on October 24, 2007, at around 1:30 in the afternoon, he was at SM City Manila with his children<sup>[28]</sup> to buy them school supplies.<sup>[29]</sup> They had just stepped outside the mall, when the law enforcers suddenly approached to arrest him and then put him in handcuffs.<sup>[30]</sup> Perplexed, he asked why he was being apprehended. The arresting officers told him that he was accused of illegally selling dangerous drugs.<sup>[31]</sup> The arresting officers ordered his children to go home.<sup>[32]</sup> Thereafter, he was made to ride in the arresting officers' service vehicle and was brought to Quezon City.<sup>[33]</sup>

When they arrived at Quezon City, the arresting officers demanded P1,000,000.00 from the accused-appellant which he claimed he could not produce.<sup>[34]</sup> Because of his refusal to produce the amount, the accused-appellant remained in handcuffs all night. After being detained at the Quezon City precinct for one month,<sup>[35]</sup> he was brought to Camp Crame to undergo a drug test for two hours and, thereafter, brought back to the Quezon City precinct for detention.<sup>[36]</sup> Later, he was detained at the Manila City Jail.<sup>[37]</sup>

The accused-appellant's son Najib Abdulla<sup>[38]</sup> (*Najib*) corroborated that, on the day of the incident at around 10 o'clock in the morning, he was with his father strolling at SM City Manila.<sup>[39]</sup> After they had lunch, they bought a t-shirt and decided to go home.<sup>[40]</sup> As they were coming out of the mall, a group of men with a female companion surrounded them, and then frisked and handcuffed his father.<sup>[41]</sup> Najib, embracing his father, asked why the latter was being arrested but he was ordered to go home.<sup>[42]</sup> Once home, he narrated the incident to his mother and uncle who, shortly, went with him to Kamuning, Quezon City, where his father was being detained.<sup>[43]</sup> According to Najib, the police officers told them that "they were able to recover something from [his] father" which caused his arrest.<sup>[44]</sup>

### ***Regional Trial Court Ruling***

In rendering a judgment of conviction, the RTC ratiocinated that: (a) the accused-appellant's claim that he was arrested without violating any law remained unsubstantiated especially so that his testimony and that of Najib's differed materially as to who was with them during the time of the arrest;<sup>[45]</sup> (b) even assuming *arguendo* that the accused-appellant's claim of extortion was true, the alleged P1,000,000.00-demand by the PDEA agents happened *after* the

consummation of the offense;<sup>[46]</sup> (c) the accused-appellant "failed to show any ill motive" on the part of the PDEA agents through clear and convincing evidence;<sup>[47]</sup> (d) the integrity of the drug specimens seized from the accused-appellant was preserved and the chain of custody was not shown to have been broken;<sup>[48]</sup> (e) the defense of frame-up was viewed with disfavor because it is commonly used as a standard line of defense and could be easily concocted;<sup>[49]</sup> (f) the positive identification of the accused-appellant by the prosecution's witnesses prevails over the former's defense of denial;<sup>[50]</sup> and (g) the pieces of evidence offered by the prosecution had clearly established the guilt of the accused-appellant beyond reasonable doubt.<sup>[51]</sup> The dispositive portion of the RTC decision reads:

**WHEREFORE**, finding accused, Metokur Abdula y Mama @ "Tokay," "Mike," **GUILTY** beyond reasonable doubt of the crime charged, he is hereby sentenced to life imprisonment and to pay a fine of P500,000.00 without subsidiary imprisonment in case of insolvency and to pay the costs.

The specimens are forfeited in favor of the government and the Branch Clerk of Court, accompanied by the Branch Sheriff, is directed to turn over with dispatch and upon proper receipt the said specimen to the Philippine Drug Enforcement Agency (PDEA) for proper disposal in accordance with the law and rules.

SO ORDERED.<sup>[52]</sup>

### ***Court of Appeals Ruling***

In affirming the RTC judgment, the CA held that: (a) the defenses of denial and frame-up raised by the accused-appellant were not substantiated with clear and convincing evidence and would not prevail over the positive and credible testimonies of the prosecution's witnesses;<sup>[53]</sup> (b) Najib's testimony "is necessarily suspect" because it contradicted the accused appellant's testimony which makes one or both accounts a product of mere concoction;<sup>[54]</sup> (c) the RTC could not be faulted for not believing the contradictory stories of both the accused-appellant and his son, Najib;<sup>[55]</sup> (d) the RTC correctly ruled that the chain of custody of the dangerous drugs specimens was not broken and that the integrity and evidentiary value of such contrabands were not compromised;<sup>[56]</sup> and (e) the accused-appellant simply failed to prove his theory of extortion and frame-up.<sup>[57]</sup> The decretal portion of the CA decision reads:

**WHEREFORE**, the appeal is **DISMISSED**. The Decision dated July 30, 2009 of the Regional Trial Court of Manila, Branch 2, in Criminal Case No. 07-258313 is **AFFIRMED** *in toto*.

SO ORDERED.<sup>[58]</sup>

### **Parties' Arguments**

Before the Court, both the prosecution and the accused-appellant adopted their respective briefs filed before the CA. Their arguments are briefly summarized as

follows:

### ***The Accused-Appellant's Arguments***

The accused-appellant faults the RTC for rendering a judgment of conviction because: (a) IO1 Sandaan was not authorized to make the arrest in a buy-bust operation because of the nature of her position as intelligence officer;<sup>[59]</sup> (b) the prosecution also failed to adduce as evidence the appointment papers of IO1 Sandaan to prove her authority to engage in a buy-bust operation;<sup>[60]</sup> (c) IO1 Sandaan's testimony failed to establish that the accused-appellant and "Mike" are of the same identity because she merely obtained her knowledge from a confidential informant;<sup>[61]</sup> (d) IO1 Sandaan's testimony is also doubtful and inconsistent because she testified on direct examination that it was the confidential informant who called up "Mike" through his phone but, later on, testified on cross-examination that said informant had no phone;<sup>[62]</sup> (e) the arrest was irregular because the accused-appellant merely handed a plastic bag to IO1 Sandaan without any confirmation from the latter that the same plastic bag contained the subject dangerous drugs;<sup>[63]</sup> (f) the buy-bust operation was irregular because the subject specimens of dangerous drugs were not even reflected in the pictures adduced by the prosecution;<sup>[64]</sup> (g) the first link in the chain of custody was not proven because, at the time of the accused-appellant's arrest, IO1 Sandaan and PO2 Gabona did not even see the dangerous drug specimens;<sup>[65]</sup> (h) Barangay Chair Pomperada, who was present during the inventory of the subject dangerous drugs, did not even take part in the buy-bust operation;<sup>[66]</sup> and (i) the prosecution never identified and presented the specific person that prepared the inventory.<sup>[67]</sup>

### ***The Prosecution's Arguments***

The prosecution as represented by the Office of the Solicitor General, on the other hand, agreed with the RTC's disposition because: (a) all the elements pertaining to the illegal sale of dangerous drugs had been proven sufficiently by the prosecution;<sup>[68]</sup> (b) aside from his "bare-faced" denial, the accused-appellant failed to present any other independent proof to substantiate the same;<sup>[69]</sup> (c) the accused-appellant failed to give any reason why IO1 Sandaan and PO2 Gabona would falsely ascribe to him the serious crime of illegally selling dangerous drugs;<sup>[70]</sup> (d) the accused-appellant's identity had been confirmed by the positive testimony of IO1 Sandaan;<sup>[71]</sup> (e) the identity of the *corpus delicti* was sufficiently documented by the buybust team;<sup>[72]</sup> (f) the accused-appellant belatedly questioned and effectively waived the supposed illegality of his arrest because he voluntarily allowed himself to be arraigned instead of filing a motion to quash the Information;<sup>[73]</sup> and (g) the findings of the RTC pertaining to the credibility of the prosecution's witnesses are entitled to great respect, if not finality.<sup>[74]</sup>

## **OUR RULING**

### ***Preliminary Considerations***

Some criminal cases involve an interplay of two seemingly contending presumptions: the presumption of innocence and the presumption of regularity in