

SECOND DIVISION

[G.R. No. 205614, July 26, 2017]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JAIME SEGUNDO Y IGLESIAS, ACCUSED-APPELLANT.

DECISION

LEONEN, J.:

Although the miniscule quantity of confiscated illicit drugs is by itself not a reason for acquittal, this instance accentuates the importance of conformity to Section 21^[1] of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

This is an appeal^[2] filed by Jaime Segundo y Iglesias (Segundo) from the June 26, 2012 Decision^[3] of the Court of Appeals in CA-G.R. CR-HC No. 04377.

The Court of Appeals affirmed the Regional Trial Court's ruling^[4] that Segundo was guilty beyond reasonable doubt of sale of dangerous drugs or of violation of Section 5 of Republic Act No. 9165.^[5]

On July 8, 2001, an Information^[6] for violation of Section 5 of Republic Act No. 9165, docketed as Criminal Case No. MC-03-7134-D,^[7] was filed before Branch 213, Regional Trial Court, Mandaluyong City against Segundo.^[8]

The undersigned Associate Prosecution Atty. II accuses JAIME SEGUNDO of the crime of VIOLATION OF SECTION 5, ARTICLE II OF THE REPUBLIC ACT 9165, committed in the manner herein narrated, as follows:

That on or about the 6th day of July 2003, in the City of Mandaluyong, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, did, then and there willfully, unlawfully and feloniously sell to a poseur-buyer, PO1 Cesar Claveron, (1) heat-sealed transparent plastic sachet with markings "JSI-1" containing 0.03 gram of white crystalline substance, which was found positive to the test for Methamphetamine [sic] Hydrochloride, commonly known as "shabu", a [prohibited] drug for the amount of two (2) pieces of One Hundred Pesos with serial no. SN HZ558445 and BT254391, without the corresponding license and prescription in violation of the above[-]cited law.

CONTRARY TO LAW.^[9]

On the same date, two (2) separate Informations for violation of Sections II^[10] and 12^[11] in relation to Section 14^[12] of Republic Act No. 9165 were also filed against Dominador Gubato y Ibuho (Gubato).^[13]

Criminal Case No. MC-03-7135-D

The undersigned Associate Prosecution Atty. II accuses **DOMINADOR GUBATO y IBUHO** of the crime of **VIOLATION OF SECTION 11, ARTICLE II OF THE REPUBLIC ACT 9165**, committed in the manner herein narrated, as follows:

That on or about the 6th day of July 2003, in the City of Mandaluyong, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, not being lawfully authorized to possess or otherwise use any dangerous drug, did, then and there willfully, unlawfully and feloniously and knowingly have in his possession, custody and control two (2) heat-sealed transparent plastic sachet with markings "JSI-1" containing 0.03 grams and 0.30 grams or a total of 0.33 grams of white crystalline substance, which was found positive to the test for Methylamphetamine [sic] Hydrochloride, commonly known as "shabu", and one (1) heat-sealed transparent plastic sachet with markings "JSI-3" containing 2.27 grams of dried suspected Marijuana fruiting tops, without the corresponding license and prescription.

CONTRARY TO LAW.^[14]

Criminal Case No. MC-03-7136-D

The undersigned Associate Prosecution Atty. II accuses **DOMINADOR GUBATO y IBUHO** of the crime of **VIOLATION OF SECTION 12 IN RELATION TO SECTION 14, ARTICLE II OF THE REPUBLIC ACT 9165**, committed in the manner herein narrated, as follows:

That on or about the 6th day of July 2003, in the City of Mandaluyong, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, did, then and there willfully, unlawfully and feloniously and knowingly possess and have in his control one (1) strip aluminium foil with markings "JSI-7" containing traces of white crystalline substance and one (1) improvised glass tooter with markings "JSI-4" containing traces of white crystalline substance, all

equipments and other paraphernalia, which are fit or intended for smoking, consuming, administering or inducing a dangerous drug into the body, a violation of the above-cited law.

CONTRARY TO LAW.^[15] (Emphasis in the original)

Upon arraignment, both accused pleaded not guilty to the charges.^[16]

On August 27, 2003, Gubato posted bail for his provisional liberty,^[17] however, he later jumped bail.^[18]

Joint trial on the merits commenced.^[19]

The testimonies of the prosecution's witnesses corroborated the following account of events:

At around 3:00 p.m.^[20] of July 6, 2003,^[21] a tip was received by the Mandaluyong Police Station from a "confidential informant" about Segundo's sale of illegal drugs in Talumpong Street, Barangay Malamig, Mandaluyong City.^[22]

A buy-bust team was created upon the order of Officer in Charge PO3 Victor Santos (PO3 Santos)^[23] to PO2 Oliver Yumul (PO2 Yumul), who was stationed as team leader of the operatives at the Drug Enforcement Unit.^[24] PO1 Cesar Claveron (PO1 Claveron) was assigned as the poseur-buyer while PO2 Yumul, PO1 Angel Von Occeña (PO1 Occeña), PO2 Pascual, PO1 Garro, PO1 Buted, PO1 Boyles, PO2 Pucan, and POS Bernardino Adriano (POS Adriano) operated as backups.^[25]

Two (2) P100.00 bills served as marked buy-bust money.^[26] PO1 Occeña prepared a pre-coordination form, which was faxed to the Philippine Drug Enforcement Agency before the operation.^[27]

When the police officers reached their destination, PO1 Claveron and the confidential informant came near Segundo, who was then positioned along an alley.^[28] Meanwhile, PO2 Yumul was about 10 to 15 meters away where he could supervise the operation without being easily noticed.^[29] PO1 Claveron was introduced as a buyer of shabu.^[30] Segundo was initially hesitant but the confidential informant persuaded him to finally sell illegal drugs.^[31]

PO1 Claveron gave the buy-bust money to Segundo.^[32] In return, Segundo handed him "one heat-sealed transparent plastic sachet" with *shabu*.^[33] PO2 Yumul allegedly saw this exchange although he could not tell what Segundo gave PO1 Claveron, considering his distance.^[34]

PO1 Claveron made the pre-arranged signal, which prompted the other members of the team to make the arrest.^[35] Segundo ran to his house and was pursued by PO2

Yumul, PO1 Occeña, and POS Adriano.^[36]

Inside Segundo's house, the police officers coincidentally saw Gubato "repacking prohibited drugs scattered on the floor."^[37] POS Adriano pursued Segundo^[38] while PO2 Yumul apprehended Gubato^[39] and PO1 Occeña collected the evidence.^[40] Later, POS Adriano arrested Segundo.^[41]

PO1 Occeña made a body search on Segundo and Gubato.^[42] He retrieved "one (1) heat[-]sealed transparent plastic sachet containing three (3) suspected shabu and one (1) heat[-] sealed transparent plastic sachet containing marijuana" from Gubato's right pocket.^[43] PO2 Yumul marked these items in the presence of the two (2) accused as "JSI 1" to "JSI 10, where "JSI" stood for "Jaime Segundo y Iglesias.^[44]

Segundo and Gubato were subsequently brought to the Mandaluyong Medical Center and to the Criminal Investigation Unit^[45] while the drug paraphernalia and shabu were submitted to the investigator.^[46]

PO2 Yumul prepared a request for the examination of the seized items,^[47] which was submitted to Karen Palacios,^[48] and the Spot Report, which PO1 Occeña forwarded to the Philippine Drug Enforcement Agency.^[49] The drug paraphernalia and the plastic sachet yielded positive for methamphetamine hydrochloride.^[50]

During cross examination, PO1 Claveron testified that he only knew the names of the accused during the investigation. He identified Segundo as the person who gave him the alleged shabu after taking the P200.00 buy-bust money. Additionally, he mentioned that he did not state in his affidavit that the confidential informant told Segundo, "[P]are, may kasama ako dito. Iiskor siya. Kung pwede pagbigyan mo."^[51]

Further, PO1 Claveron admitted that PO3 Santos did not give him a receipt for the bills used as marked money but he photocopied them in their office. He clarified that he had no personal knowledge on what happened inside Segundo's house when Segundo was pursued by the police officers. He averred that Segundo and Gubato did not have a counsel when they were brought in for investigation.^[52]

PO2 Yumul attested that he made the inventory and took the photographs of the pieces of evidence collected. However, he admitted that the photos were lost and could not be submitted to the prosecutor for inquest. He claimed that he did not know the two (2) accused before their arrest on the day of the operation.^[53]

PO1 Occeña averred that he did not know Segundo prior to their operation and confirmed that "there was no representative of the media and the Barangay when the markings were placed on the recovered evidence."^[54]

PO3 Romarico D. Sta. Maria, the police investigator on duty when this case was brought to the Mandaluyong Criminal Investigation Unit for proper action,^[55] identified the marked bills as the buy-bust money used in the operation.^[56] He

verified that the items and the operational coordination form were submitted to him.
[57]

SPO1 Ruperto Balsamo (SPO1 Balsamo), the assigned investigator to the case,^[58] affirmed that the two (2) accused and the physical evidence were turned over to him.^[59] He confirmed that the prohibited drugs retrieved from the accused were recorded in their book at the Drug Enforcement Unit. He admitted that **"no picture [was] taken** on the alleged recovered object evidence."^[60]

On the other hand, the defense presented Segundo, who denied all the accusations against him and accused the police officers of extortion.^[61]

Segundo insisted that on the date of the incident, he was in his sari-sari store when he saw several police officers barging in his neighbor's house. Suddenly, two (2) men in civilian clothes stood in front of his store and several others entered his store. They hurriedly handcuffed Segundo and "poked a gun at him."^[62] Segundo was dragged outside and was boarded into a van.^[63]

He was allegedly brought for a medical examination at the Mandaluyong Medical Center. Thereafter, they proceeded to the office of the Drug Enforcement Unit where he was bodily searched in a small room. When they got nothing from him, one (1) of the police officers demanded P100,000.00. Since he could not give the demanded amount, he was subsequently detained.^[64]

Gubato was reportedly at large since November 15, 2005.^[65] For this reason, the defense had no other witness to present.^[66] Hence, the case was submitted for decision.^[67]

On February 25, 2010, the Regional Trial Court^[68] found Segundo guilty of selling dangerous drugs.^[69] It ruled that in prosecution of illegal possession or sale of prohibited drugs, great weight is given to prosecution witnesses, particularly when they are police officers.^[70] In the absence of any ill-motive on their part, the presumption of regularity in the performance of their duty stands except when there is proof to the contrary.^[71] Hence, this presumption prevails over the accused's unsubstantiated defense of denial and claim of frame-up.^[72] The dispositive portion of the decision read:

WHEREFORE, premises considered, judgment is hereby rendered, viz:

- a) in **Criminal Case No. MC-03-7134-D**, accused **JAIME SEGUNDO y IGLESIAS** is hereby found **GUILTY** beyond reasonable doubt for violation of Section 5, Article II of Republic Act No. 9165 or for sale of dangerous drugs. As a consequence thereof, accused **JAIME SEGUNDO y IGLESIAS** is sentenced to suffer the penalty of **LIFE IMPRISONMENT** and to pay the fine of FIVE HUNDRED THOUSAND PESOS (**P 500,000.00**);