

## FIRST DIVISION

[ G.R. No. 210454, January 13, 2016 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.  
RONALDO CASACOP Y AMIL, ACCUSED-APPELLANT.**

### R E S O L U T I O N

**PEREZ, J.:**

On appeal is the Decision<sup>[1]</sup> of the Court of Appeals promulgated on 10 July 2013 in CA-G.R. CR.-H.C. No. 05055 affirming the conviction by the Regional Trial Court (RTC) of San Pedro, Laguna, Branch 93 of appellant Ronaldo Casacop y Amil for violation of Sections 5, 11 and 12 of Article II of Republic Act (R.A.) No. 9165.

Appellant was charged with the crime following a "buy-bust" operation. The accusatory portion of the Information against appellant reads:

Criminal Case No. 5485-SPL

On July 21, 2005, in the Municipality of San Pedro, Province of Laguna and within the jurisdiction of this Honorable Court the said above-named accused not being authorized/permitted by law, did then and there willfully, unlawfully and feloniously have in his possession, control and custody dangerous drugs paraphernalia such as one (1) rolled aluminum foil strip and one (1) improvised "tooter," both positive of traces 'shabu'.

[2]

Criminal Case No. 5486-SPL

On July 21, 2005, in the Municipality of San Pedro, Province of Laguna, Philippines and within the jurisdiction of this Honorable Court above-named accused without the authority of law, did then and there willfully, unlawfully and feloniously have in his possession, custody and control two (2) small heat-sealed transparent plastic sachet containing METHAMPHETAMINE HYDROCHLORIDE, commonly known as shabu, a dangerous drug, with a total weight of zero point nineteen (0.19) gram.

[3]

Criminal Case No. 5487-SPL

On July 21, 2005, in the Municipality of San Pedro, Province of Laguna, Philippines and within the jurisdiction of this Honorable Court the said accused without any legal authority, did then and there willfully, unlawfully and feloniously in consideration of three (3) pieces one-hundred peso bill, sell, pass and deliver to a police poseur-buyer one (1)

heat-sealed transparent plastic sachet of METHAMPHETAMINE HYDROCHLORIDE weighing zero point zero six (0.06) gram.<sup>[4]</sup>

When arraigned, appellant pleaded not guilty. Trial ensued.

Acting on a tip from an informant that a. certain Edong was selling *shabu* in Quezon Street, Barangay San Antonio, San Pedro, Laguna, the Chief of Police of San Pedro Police Station, Police Superintendent Sergio Dimandal formed a team to conduct surveillance on appellant. Upon receiving a positive result, Senior Police Officer 4 Melchor Dela Pena (SPO4 Dela Pena) prepared a pre-operation report which was sent to the Philippine Drug Enforcement Agency (PDEA).<sup>[5]</sup>

SPO4 Dela Pena then formed a buy-bust team composed of Police Officer 1 Jifford Signap (POI Signap) as the poseur-buyer, SPO2 Diosdado Fernandez, SPO1 Jorge Jacob and POI Rommel Bautista, as police backup." Thereafter, the buy-bust team proceeded to the target area. POI Signap and the informant approached appellant's house. PO1 Signap was introduced to appellant by the informant as the buyer of *shabu*. He handed the marked money, consisting of three (3) P100.00 bills, to appellant, who took a plastic sachet from his left pocket and gave it to him. POI Signap made the prearranged signal of calling SPO4 Dela Pena. The backup team rushed towards appellant's house and arrested him. PO1 Signap frisked appellant and recovered an improvised glass tooter, aluminum foil strip, cigarette lighter, two (2) small heat-sealed transparent plastic sachets, and the marked money. PO1 Signap conducted a physical inventory of the seized items and correspondingly marked them in appellant's house.<sup>[6]</sup>

Thereafter, appellant was brought to the police station. Thereat, SPO4 Dela Pena prepared a certificate of inventory.<sup>[7]</sup> A request letter<sup>[8]</sup> was sent to the Philippine National Police (PNP) Crime laboratory for the examination of the seized items. Forensic Chemist Donna Villa P. Huelgas issued Chemistry Report No. D-808-05<sup>[9]</sup> which confirmed the seized items as positive for methamphetamine hydrochloride or *shabu*.

Appellant, for his part, denied the charges of possession of *shabu* and its paraphernalia and sale of *shabu*. Appellant testified that he was urinating at the back of his house on 21 July 2005 at around 12:00 pm when five (5) police officers barged into his house. After confirming that he is Edong, appellant was handcuffed and brought to the police station. Appellant claimed that the police only planted evidence against him because they were not able to pin him down in a robbery case.

On 7 January 2011, the RTC rendered a Decision<sup>[10]</sup> finding appellant guilty of all the charges against him. The dispositive portion of the Decision reads:

**WHEREFORE, the Court hereby renders judgment:**

- 1) Finding accused Ronaldo Casacop y Amil guilty beyond reasonable doubt of the crime of violation of Section 12 of Republic Act No. 9165 otherwise known as The Comprehensive Dangerous Drugs Act of 2002 in Criminal Case No. 5485-SPL,

hereby sentencing him to suffer the penalty of imprisonment from two (2) years as minimum to four (4) years as maximum, to pay a fine in the amount of Twenty Thousand (P20,000.00) Pesos, and to pay the costs.

- 2) Finding accused Ronaldo Casacop y Amil guilty beyond reasonable doubt of the crime of violation of violation of Section 11 of Republic Act No. 9165 otherwise known as The Comprehensive Dangerous Drugs Act of 2002 in Criminal Case No. 5486-SPL, hereby sentencing him to suffer an indeterminate penalty of imprisonment from an indeterminate penalty of imprisonment from twelve (12) years and one (1) day as minimum to fifteen (15) years as maximum and to pay a fine in the amount of P300,000.00.
- 3) Finding accused Ronaldo Casacop y Amil guilty beyond reasonable doubt of the crime of violation of Section 5 of Republic Act No. 9165 otherwise known as The Comprehensive Dangerous Drugs Act of 2002 in Criminal Case No. 5487-SPL, and hereby sentencing him to suffer the penalty of life imprisonment and to pay a fine in the amount of Five Hundred Thousand (P500,000.00) Pesos and to pay the costs.

The drugs paraphernalia such as one (1) rolled aluminum foil strip and one (1) improvised "tooter", the 0.19 and 0.06 grams (sic) of Methamphetamine Hydrochloride "shabu" which constitutes the instrument in the commission of the crime is confiscated and forfeited in favor of the government. The Branch Clerk of Court of this Court is hereby directed to immediately transmit the drugs paraphernalia such as one (1) rolled aluminum strip and one (1) improvised "tooter", the 0.19 and 0.06 grams (sic) of Methamphetamine Hydrochloride "shabu" to the Dangerous Drugs Board for proper disposition.<sup>[11]</sup>

Appellant seasonably filed a Notice of Appeal before the Court of Appeals. On 10 July 2013, the appellate court affirmed in *toto* the judgment of the RTC.

Appellant appealed his conviction before this Court, adopting the same arguments in his Brief<sup>[12]</sup> before the Court of Appeals.

Appellant asserts that the chain of custody of the object evidence was never established. Moreover, appellant claims that Section 21 (a) of the Implementing Rules and Regulations of R.A. No. 9165 was not complied with.

For the successful prosecution of a case for illegal sale of *shabu*, the following elements must be proven: (1) the identity of the buyer and the seller, the object and the consideration; and (2) the delivery of the thing sold

and the payment therefor.<sup>[13]</sup> On the other hand, in prosecuting a case for illegal possession of dangerous drugs, the following elements must concur: (1) the accused is in possession of an item or object, which is identified as a prohibited drug; (2) such possession is not authorized by law; and (3) the accused freely and consciously possessed the drug.<sup>[14]</sup>