

THIRD DIVISION

[G.R. No. 220715, August 24, 2016]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RONNIE BOY EDA
Y CASANI, APPELLANT.**

D E C I S I O N

PERALTA, J.:

On appeal is the December 10, 2014 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06470, which affirmed *in toto* the September 17, 2013 Joint Decision^[2] of the Regional Trial Court (RTC), Branch 9, Balayan, Batangas, in Criminal Cases No. 6604 and 6605, convicting appellant Ronnie Boy Eda y Casani (*Eda*) of illegal possession and sale of Methamphetamine Hydrochloride, commonly known as "shabu," in violation of Section 11, Paragraph 2 (3) and Section 5, respectively, Article II of Republic Act (R.A.) No. 9165 or the *Comprehensive Dangerous Drugs Act of 2002*.

On February 18, 2011, two (2) Informations were filed against Eda, charging him as follows:

Criminal Case No. 6604:

That on or about the 17th day of February, 2011, at about 5:00 o'clock in the afternoon, at Barangay Caloocan, Municipality of Balayan, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there willfully and unlawfully have in her (*sic*) possession, custody and control four (4) heat-sealed transparent plastic sachets referred to as specimens A-2 (RCB2) to A-5 (RCB5) in Chemistry Report No. BD-040-2011 each containing methamphetamine hydrochloride, commonly known as "shabu", having a total weight of 0.08 gram, a dangerous drug.

Contrary to law.^[3]

Criminal Case No. 6605:

That on or about the 17th day of February, 2011, at about 5:00 o'clock in the afternoon, at Barangay Caloocan, Municipality of Balayan, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there willfully and unlawfully sell, deliver and give away one (1) heat-scaled transparent plastic sachet referred to as Specimen A-1 (RCB1) in Chemistry Report No. BD-040-2011, containing methamphetamine hydrochloride, commonly known as shabu, weighing 0.02 gram, a dangerous drug.

Contrary to law.^[4]

In his arraignment, Eda entered a plea of "Not Guilty."^[5] Trial ensued while he was under detention. The prosecution presented PO2 Roman De Chavez Bejer, PO1 Reynante Brosas Briones, and PO3 Bryan De Jesus, who were part of the buy-bust team. Only Eda testified for the defense.

Evidence for the Prosecution

On February 37, 2011, at around 2:00 p.m., PO2 Bejer received a telephone call from a civilian asset informing that Eda was selling shabu in Barangay Caloocan, Balayan, Batangas. He relayed the matter to Police Chief Inspector Elpidio Argoncillo Ramirez, who immediately formed a buy-bust team composed of PO2 Bejer, PO1 Briones, PO3 Alvin Andulan Baral and PO2 Johnny De Joya Dechoso. PO2 Bejer prepared the P500.00 marked money as well as the Pre-Operation Report and Coordination Sheet, which were sent to the Philippine Drug Enforcement Agency (PDEA) Office in Calamba City, Laguna and PAIDSOTF, Batangas Police Provincial Office.^[6] At around 3:00 p.m., the buy-bust team, together with the civilian asset proceeded to Brgy. Caloocan. By 4:30 p.m., PO2 Bejer received a call from SPO1 Gomer Tebes De Guzman, who confirmed receipt of the Pre-Operation Report and Coordination Sheet. PO1 Briones, PO3 Baral, and PO2 Dechoso acted as lookouts and positioned themselves near Saver's grocery store located at Brgy. Ermita, Balayan, Batangas. PO2 Bejer was on board the tricycle being driven by the civilian asset. They proceeded to Jamaica Subdivision in Brgy. Caloocan. At around 5:00 p.m., they approached Eda, who was already waiting along the road near Balayan Cable Network in Brgy. Caloocan. While PO2 Bejer was inside the sidecar of the tricycle, the civilian asset and Eda talked to each other. PO2 Bejer heard the civilian asset telling Eda that he would buy shabu in the amount of P500.00. When PO2 Bejer saw the exchange of one plastic sachet containing white crystalline substance and the marked money, he immediately alighted from the tricycle and introduced himself to Eda as a police officer. While PO2 Bejer was arresting him, PO1 Briones approached the scene to render assistance. PO2 Bejer was able to recover the marked money from the left hand of Eda.^[7] When PO1 Briones frisked him, additional four plastic sachets with white crystalline contents were also found in his right pocket. PO1 Briones turned over the same to PO2 Bejer. After Eda was apprised of his constitutional rights, the confiscated items were marked by PO2 Bejer. When people began to converge in the area, the arresting officers decided to continue and complete the inventory of the seized items at the nearby barangay hall of Caloocan. The physical inventory was witnessed by the representatives of the Department of Justice (Benilda Diaz), barangay (Brgy. Captain Reynaldo Ballelos), and media (ABC President Raul De Jesus). PO3 De Jesus prepared the inventory receipt, which was signed by the witnesses, and took photographs at the crime scene and the barangay hall.^[8] Thereafter, Eda was brought to the Balayan Police Station.^[9] On the same day, requests for drug test and laboratory examination with the Batangas Provincial Crime Laboratory were made.^[10] Per Chemistry Report No. BD-040-2011 dated February 18, 2011 and sworn to by Police Inspector Herminia Carandang Lacuna, the specimens submitted were tested and found positive for the presence of methamphetamine hydrochloride.^[11]

Evidence for the Defense

Eda denied that he sold and possessed the illegal drug seized, claiming that not even once in his life did he use shabu. On February 16, 2011, he was in the house of his sister-in-law, Joan Nicole Macalalad, in Brgy. Caloocan to ask if he could celebrate his birthday at their farm on February 19, 2011. He left his house in Brgy. Sta. Lucia, Dasmariñas, Cavite at 4:00 p.m. and reached Joan's place about 9:00 p.m. After talking to Joan's husband, Christopher Macalalad, they had a drinking spree that lasted until dawn next day. Thereafter, he rested. Then they had a drinking session again around 10:00 a.m. until before lunchtime. After eating lunch, he rested. Around 3:00 p.m. to 4:00 p.m., he went home. While he was walking towards a tricycle going to the bus terminal, four men approached him near Saver's grocery, which was just across the public cemetery. One of them immediately grabbed his left hand and placed it at his back. Somebody said, "*Ikaw ay tulak,*" or pusher in that place. Since he was drunk at the time, he fought back as one of them continued saying, "*Ikaw ang tulak dito, ikaw ang nagdadala ng shabu dito.*" He got hurt because PO2 Bejer hit him on his nape. Likewise, he was punched and pushed, and a gun was pointed at him. He was asked to sit in front of the public cemetery. Out of fear and so that his pain would stop, he just said "yes" on their accusation. PO2 Bejer then drew five sachets of shabu from his pocket and placed it on top of a concrete structure on the ground. Eda was directed to point those items while pictures were being taken. When PO3 De Jesus arrived, he was asked to stand and was brought to the Caloocan barangay hall. Upon entering the hall, he was handcuffed at the back. One of the barangay officials approached him and inquired if he was a real "*tulak*" or pusher in that place. Said official also punched him in the lower chest while being told that "*Ikaw ang tulak dito.*" Again, out of fear and pain, he just said "yes" and accepted every accusation. Thereafter, with handcuffed removed, he was brought near a table and was asked to point the sachets of shabu on top of it as if the items were his. He was then made to rest and eat snacks, after which he was brought to the Balayan Municipal Police Station, where he was questioned if the seized illegal drug belonged to him. Since he previously answered in the affirmative, "*umoo na langpo ako ng umoo, inako ko na lang.*" He was then incarcerated.

When shown with a copy of the Receipt/Inventory of Property(ies)/Item(s) Seized dated February 17, 2011, Eda declared that none was issued to him. He stressed that the alleged sachets of prohibited drug recovered from him after the conduct of body search were actually from PO2 Bejer, who "planted" the same. He admitted that he has no proof to show that he suffered physical injuries as a result of the harm caused by the arresting officers and the unknown barangay official. Likewise, he does not know any reason why the police would choose him to be the target of their buy-bust operation, "plant" shabu, and charge him with a very serious offense.

On September 17, 2013, the RTC convicted Eda of the crimes charged. The dispositive portion of the Joint Decision states:

WHEREFORE, in view of the foregoing, this Court hereby finds accused Ronnie Boy Eda y Casani **GUILTY** beyond reasonable doubt for Violation of Section 11, paragraph 3, and Section 5, Article II, Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and sentences him to suffer:

for **Crim. Case No. 6604** — the penalty of **imprisonment** for **Twelve (12) Years, Four (4) Months and One (1) Day**, as **minimum**, to **Fourteen (14) Years and Six (6) months**, as **maximum**, and to pay a **fine** of **Three Hundred Thousand Pesos (P300,000.00)** with subsidiary imprisonment for non-payment thereof; and

for **Crim. Case No. 6605** - the penalty of **Life imprisonment** and a **fine** of **Five Hundred Thousand Pesos (P500,000.00)** with subsidiary imprisonment for non-payment thereof.

With costs.

Let the necessary mittimus be issued for the immediate transfer of the accused to the New Bilibid Prison, Muntinlupa City, for the service of his sentence.

SO ORDERED.^[12]

The RTC held that the prosecution established with moral certainty all the elements constitutive of the offenses that were charged against Eda. As to the illegal sale of shabu, it viewed:

Herein prosecution witnesses testified in open Court categorically and convincingly. They evinced firmness and consistency all throughout their narrations of the subject incident. The Court finds their testimonies credible and worthy of credence.

PO2 Bejer and PO1 Briones gave a detailed narration of every step of the entire operation, from receipt of the information from the civilian asset, the pre-operation, planning, actual conduct of the buy-bust operation, to the post-operation activities.

As declared in the Joint Sworn Statement (Exh. "A") by prosecution witness PO2 Bejer, herein accused was caught delivering one (1) heat-scaled transparent plastic sachet of shabu to the civilian asset. Although the asset was not presented in Court to testify, the actual transaction of sale was witnessed by PO2 Bejer. PO2 Bejer identified the accused as the same person he arrested during the buy-bust operation (t.s.n. [p.] 13 February 15, 2012). When the shabu subject of sale was presented in Court, PO2 Bejer identified it to be the same item sold to the asset by the accused because of the marking "RCB-1" which PO2 Bejer had written thereon (t.s.n. [p.] 4, May 29, 2012). PO1 Briones corroborated such testimony as he was near PO2 Bejer when the latter marked the shabu (t.s.n. [p.] 9, November 27, 2012). PO2 Bejer also identified in Court the buy-bust money recovered from the accused in the amount of Five Hundred Pesos with serial number DQ-247003 (t.s.n. [p.] 7, February 15, 2012).^[13]

With respect to the illegal possession of shabu, it found:

On the occasion of the accused's lawful arrest from the buy-bust operation, four (4) sachets of shabu (Exhs. "G-3" to "G-6") were recovered from his right pocket by PO1 Briones. PO1 Briones positively identified in open Court the four (4) sachets of shabu as the same shabu he recovered from the accused (t.s.n. [p.] 9, November 25, 2012). PO2 Bejer affirmed PO1 Briones' testimony on the basis of the markings "RCB-2", "RCB-3", "RCB-4", and "RCB-5" that he placed thereon (t.s.n. pp. 4-5, May 29, 2012). There is also no showing from the records of the case that herein accused was legally authorized by law to possess the four (4) plastic sachets of shabu.

It is a settled rule [that] mere possession of a prohibited drug constitutes *prima facie* evidence of knowledge or *animus possidendi* sufficient to convict an accused in the absence of satisfactory explanation (People vs. De Jesus, G.R. No. 198794, February 6, 2013). The accused, instead of giving explanations on his absence of knowledge or *animus possidendi* of the shabu recovered in his possession, accepted the accusations against him (t.s.n. pp. 9 and 11, August 7, 2013).^[14]

The RTC opined that Section 21 (1), Article II of R.A. No. 9165 and its Implementing Rules and Regulations were properly observed in this case:

Record shows that after PO2 Bejer recovered the shabu sold to the asset, he placed the marking "RCB-1" thereon. Such testimony was confirmed by PO1 Briones. PO1 Briones testified further that after he recovered from the body of the accused the four (4) plastic sachets of shabu, he turned them over to PO2 Bejer for marking (t.s.n. [p.] 9, November 27, 2012). During inventory, DOJ representative Benilda Diaz and Barangay Chairman Reynaldo Ballelos of Barangay Caloocan, Balayan, Batangas signed the Inventory Receipt of the Property Seized (Exh. "D") in the presence of herein prosecution witnesses. Photograph was taken by PO2 De Jesus during inventory. After a Request for Laboratory Examination (Exh. "H") was prepared, PO2 Bejer and PO1 Briones brought the seized drugs to the Crime Laboratory Office for examination, which yielded positive result for the presence of methamphetamine hydrochloride, as evidence by Chemistry Report No. BD-119-2011 (Exh. "I"). The seized drugs were offered as evidence in Court and were positively identified by both PO2 Bejer and PO1 Briones on the basis of the markings thereon.

^[15]

Finally, Eda's claim of frame-up and planting of evidence was dismissed for his failure to adduce any clear and convincing evidence sufficient to overcome the presumption of regularity in favor of the police officers.

Eda elevated the case to the CA *via* notice of appeal.^[16] The appellate court, however, sustained his conviction. It ruled that the alleged inconsistencies in the testimonies of the prosecution witnesses are immaterial because they refer only to irrelevant and collateral matters that have nothing to do with the elements of the crimes charged, and that there was an unbroken chain of custody of the shabu seized. The CA declared:

Evidently, illegal sale was consummated when accused-appellant sold shabu to the civilian informant of PO2 Bejer. Likewise, it was duly