

SECOND DIVISION

[G.R. No. 212196, January 12, 2015]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RAMIL DORIA DAHIL AND ROMMEL CASTRO Y CARLOS, ACCUSED-APPELLANTS.

D E C I S I O N

MENDOZA, J.:

This is an appeal from the September 27, 2013 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 05707, which affirmed the July 17, 2012 Decision^[2] of the Regional Trial Court, Branch 57, Angeles City (RTC) in Criminal Case Nos. DC 02-376, DC 02-377 and DC 02-378, finding accused Ramil Doria Dahil (*Dahil*) and Rommel Castro (*Castro*) guilty beyond reasonable doubt for violating Sections 5 and 11 of Republic Act (R.A.) No. 9165 or the Comprehensive Dangerous Drugs Act of 2002.

The Facts

On October 1, 2002, Dahil and Castro were charged in three (3) separate Informations before the RTC. In Criminal Case No. DC 02-376, Dahil and Castro were charged with violation of Section 5, Article II of R.A. No. 9165 for the sale of 26.8098 grams of marijuana in the Information which reads:

That on or about the 29th day of September, 2002, in the City of Angeles, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating and mutually helping one another, did, then and there, willfully, unlawfully and feloniously sell and/or deliver to a poseur buyer six (6) tea bags of dried marijuana fruiting tops weighing TWENTY SIX GRAMS AND EIGHT THOUSAND NINETY EIGHT TEN THOUSANDTHS OF A GRAM (26.8098), which is a dangerous drug, without authority whatsoever.

CONTRARY TO LAW.^[3]

In Criminal Case No. DC 02-377, Dahil was charged with possession of 20.6642 grams of marijuana in violation of Section 11, Article II of R.A. No. 9165, in the Information which reads:

That on or about the 29th day of September, 2002, in the City of Angeles, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there, willfully, unlawfully and feloniously have in his possession and custody and control Five (5) tea

bags of dried marijuana fruiting tops weighing TWENTY GRAMS AND SIX THOUSAND SIX HUNDRED FORTY TWO TEN THOUSANDTHS OF A GRAM (20.6642), which is a dangerous drug, without authority whatsoever.

CONTRARY TO LAW.^[4]

In Criminal Case No. DC 02-378, Castro was charged with possession of 130.8286 grams of marijuana in violation of Section 11, Article II of R.A. No. 9165, in the Information which reads:

That on or about the 29th day of September, 2002, in the City of Angeles, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did, then and there, willfully, unlawfully and feloniously have in his possession and custody and control One (1) brick in form wrapped in masking tape of dried marijuana fruiting tops weighing ONE HUNDRED THIRTY GRAMS and EIGHT THOUSAND TWO HUNDRED EIGHTY SIX TEN THOUSANDTHS OF A GRAM (130.8286), which is a dangerous drug, without authority whatsoever.

CONTRARY TO LAW.^[5]

On November 14, 2002, Castro was arraigned and he pleaded not guilty. Dahil, on the other hand, filed a motion for reinvestigation and his arraignment was deferred. Trial ensued and the prosecution presented PO2 Arieltino Corpuz (*PO2 Corpuz*) and SPO1 Eliseo Licu (*SPO1 Licu*), as witnesses.

On August 6, 2009, the RTC discovered that Dahil was never arraigned through inadvertence.^[6] The RTC informed the parties of the situation and the defense counsel did not interpose any objection to the reopening of the case and the arraignment of Dahil. The latter was then arraigned and he pleaded not guilty. Thereafter, the public prosecutor manifested that he was adopting all the evidence already adduced.

Version of the Prosecution

Evidence of the prosecution tended to show that, for a couple of weeks, the agents of the Philippine Drug Enforcement Agency (*PDEA*), Region 3, conducted surveillance and casing operations relative to the information they received that a certain alias "Buddy" and alias "Mel" were trafficking dried marijuana in TB Pavilion, Marisol Subdivision, Barangay Ninoy Aquino, Angeles City. On September 29, 2002, the Chief of PDEA formed a team to conduct a buy-bust operation. The team was composed of four (4) police officers, namely, Sergeant Juanito dela Cruz (*Sergeant dela Cruz*), as team leader; and PO2 Corpuz, SPO1 Licu and PO2 Javiar, as members. PO2 Corpuz was designated as the poseur-buyer while SPO1 Licu was assigned as his back-up.

The team proceeded to the target place at around 8:00 o'clock in the evening. Upon arriving, PO2 Corpuz together with the informant went to the house of Dahil which was within the TB Pavillon compound. When PO2 Corpuz and the informant were in

front of the house, they met Dahil and Castro. The informant then introduced PO2 Corpuz as the buyer of marijuana. Dahil asked PO2 Corpuz how much would he be buying and the latter answered that he would buy P200.00 worth of marijuana. At this juncture, Dahil took out from his pocket six (6) plastic sachets of marijuana and handed them to PO2 Corpuz. After checking the items, PO2 Corpuz handed two (2) P100.00 marked bills to Castro.

Immediately thereafter, PO2 Cruz took off his cap to signal that the sale had been consummated. The rest of the buy-bust team then rushed to their location and arrested Castro and Dahil. PO2 Corpuz frisked Dahil and recovered from his possession another five (5) plastic sachets containing marijuana while SPO1 Licu searched the person of Castro and confiscated from him one (1) brick of suspected marijuana.

Both Castro and Dahil, together with the confiscated drugs, were then brought by the buy-bust team to the PDEA office. There, the seized items were marked by PO2 Corpuz and SPO1 Licu. First, the six (6) plastic sachets of marijuana which were sold by Dahil to PO2 Corpuz were marked with "A-1" to "A-6" and with letters "RDRC," "ADGC" and "EML." Second, the five (5) plastic sachets recovered from Dahil were marked with "B-1" to "B-5" and with letters "RDRC," "ADGC" and "EML." Finally, the marijuana brick confiscated from Castro was marked "C-RDRC." Sergeant dela Cruz then prepared the request for laboratory examination, affidavits of arrest and other pertinent documents. An inventory of the seized items^[7] was also prepared which was signed by Kagawad Pamintuan. Thereafter, PO2 Corpuz brought the confiscated drugs to the Philippine National Police (PNP) Crime Laboratory for examination, which subsequently yielded positive results for marijuana.

The prosecution and defense entered into stipulation as to the essential contents of the prospective testimony of the forensic chemist, to wit:

1. That a laboratory examination request was prepared by PO3 Dela Cruz;
2. That said letter request for laboratory examination was sent to the PNP Crime Laboratory, Camp Olivas, San Fernando, Pampanga;
3. That Engr. Ma. Luisa Gundran David is a forensic chemist;
4. That said forensic chemist conducted an examination on the substance subject of the letter request with qualification that said request was not subscribed or under oath and that the forensic chemist has no personal knowledge as from whom and where said substance was taken;
5. That the result of the laboratory examination is embodied in Chemistry Report No. D-0518-2002; and
6. The findings and conclusion thereof.^[8]

The prosecution was ordered to formally offer its evidence on March 7, 2007.^[9]

After much delay, the public prosecutor was finally able to orally submit his formal offer of exhibits *after almost two years*, or on January 6, 2009.^[10] He offered the following documentary evidence: (1) Joint Affidavit of Arrest, (2) Custodial Investigation Report, (3) Photocopy of the marked money, (4) Brown envelope containing the subject illegal drugs, (5) Inventory of Property Seized, (6) Laboratory Examination Request, and (7) Chemistry Report No. D-0518-2002.

Version of the Defense

In his defense, Dahil claimed that on September 29, 2002, a tricycle driver came looking for him after he had arrived home. He saw the tricycle driver with another man already waiting for him. He was then asked by the unknown man whether he knew a certain Buddy in their place. He answered that there were many persons named Buddy. Suddenly, persons alighted from the vehicles parked in front of his house and dragged him into one of the vehicles. He was brought to Clark Air Base and was charged with illegal selling and possession of marijuana.

For his part, Castro testified that on September 29, 2002, he was on 4th Street of Marisol, Barangay Ninoy Aquino, Angeles City, watching a game of chess when he was approached by some men who asked if he knew a certain Boy residing at Hardian Extension. He then replied that he did not know the said person and then the men ordered him to board a vehicle and brought him to Clark Air Base where he was charged with illegal possession of marijuana.

RTC Ruling

In its Decision,^[11] dated July 17, 2012, the RTC found both accused liable for violating Sections 5 and 11 of R.A. No. 9165, and imposed upon them the penalty of life imprisonment and a fine of P500,000.00 each for the crime of illegal sale of marijuana; Twelve (12) Years and One (1) Day, as minimum, to Fourteen (14) Years of Reclusion Temporal, as maximum, and a fine of P300,000.00 each for the crime of illegal possession of marijuana.

The RTC was convinced that the prosecution was able to prove the case of selling and possession of illegal drugs against the accused. All the elements of the crimes were established. To the trial court, the evidence proved that PO2 Corpuz bought marijuana from Dahil. The latter examined the marijuana purchased and then handed the marked money to Castro.

The marked money was lost in the custody of the police officers, but the RTC ruled that the same was not fatal considering that a photocopy of the marked money was presented and identified by the arresting officers.^[12] It did not give credence to the defense of frame-up by Dahil and Castro explaining that it could easily be concocted with no supporting proof.

CA Ruling

The accused then appealed to the CA. In their Brief for the Accused-Appellants,^[13] they argued that there were irregularities on the preservation of the integrity and evidentiary value of the illegal items seized from them. The prosecution witnesses exhibited gross disregard of the procedural safeguards which generated clouds of

doubts as to the identity of the seized items presented in evidence. [14]

In its Brief for the Appellee, [15] the OSG contended that the prosecution was able to prove all the elements of the crime of illegal sale and possession of marijuana. As to the chain of custody procedure, it insists that the prosecution witnesses were able to account for the series of events that transpired, from the time the buy-bust operation was conducted until the time the items were presented in court.

The CA denied the appeal in its Decision, dated September 27, 2013. In its view, the prosecution was able to establish that the illegal sale of marijuana actually took place. As could be gleaned from the testimony of PO2 Corpuz, there was an actual exchange as Dahil took out from his pocket six (6) sachets containing marijuana, while PO2 Corpuz handed out the two (2) P100.00 marked bills, after they agreed to transact P200.00 worth of the illegal drug. [16] The charge of illegal possession of marijuana, was also thus established by the prosecution. [17] Another five (5) plastic sachets of marijuana were recovered from Dahil's possession while one (1) brick of marijuana from Castro's possession. [18]

It was likewise proven that the illicit drugs confiscated from the accused during the buy-bust operation were the same drugs presented before the RTC. As testified to by PO2 Corpuz, the six (6) plastic sachets of marijuana, which were sold by Dahil to PO2 Corpuz were marked "A-1" to "A-6" and with letters "RDRC," "ADGC" and "EML," the five (5) plastic sachets recovered in the possession of Dahil were marked "B-1" to "B-5" and with the initials "ADGC" and "EML," while the marijuana brick confiscated from Castro was marked "C-RDRC." [19]

It was also held that the prosecution was able to establish the chain of custody. PO2 Corpuz and SPO1 Licu testified that the said drugs were marked at the police station. An inventory of the seized items was made as shown by the Inventory Report of Property Seized, duly signed by Kagawad Pamintuan. The Request for Laboratory Examination revealed that the confiscated drugs were the same items submitted to the PNP crime laboratory for examination. On the other hand, Chemistry Report No. D-0518-2002 showed that the specimen gave positive results to the test of marijuana. The accused failed to show that the confiscated marijuana items were tampered with, or switched, before they were delivered to the crime laboratory for examination. [20]

Hence, this appeal.

This appeal involves the sole issue of whether or not the law enforcement officers substantially complied with the chain of custody procedure required by R.A. No. 9165.

The Court's Ruling

Let it be underscored that appeal in criminal cases throws the whole case open for review and it is the duty of the appellate court to correct, cite and appreciate errors in the appealed judgment whether they are assigned or unassigned. [21] Considering that what is at stake here is no less than the liberty of the accused, this Court has meticulously and thoroughly reviewed and examined the records of the case and