

## FIRST DIVISION

**[ G.R. No. 206593, November 10, 2015 ]**

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
RAMONITO B. ASIGNAR, ACCUSED-APPELLANT.**

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

**PEREZ, J.:**

This resolves accused-appellant Ramonito B. Asignar's appeal from the 31 March 2012 Decision<sup>[1]</sup> of the Court of Appeals (CA) in CA-G.R. CR. HC No. 00966 affirming his conviction beyond reasonable doubt of violation of Sections 5 (Criminal Case No. CBU 70735), 11 CBU 70733), and 12 (Criminal Case No. CBU 70734), Article II of Republic Act (R.A.) No. 9165 (The Comprehensive Dangerous Drugs Act of 2002).

By way of background, separate informations were filed against accused-appellant before the Regional Trial Court (RTC) of Cebu City, Branch 13, as follows:

For violation of Sec. 5,<sup>[2]</sup> Art. II of R.A. No. 9165 (Crim. Case No. CBU 70735):

That on August 24, 2004, at about 6:45 a.m. in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with deliberate intent and without being authorized by law, did then and there sell, deliver or give away to a poseur buyer the following: one (1) heat-sealed transparent plastic packet of 0.02 gram of white crystalline substance placed in a plastic pack locally known as "shabu" containing Methamphetamine Hydrochloride, a dangerous drug.

For violation of Sec. II,<sup>[3]</sup> Art. II of R.A. No. 9165 (Crim. Case No. CBU 70733):

That on or about the 24th day of August, 2004, at 6:45 a.m. in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with deliberate intent and without being authorized by law, did then and there have in possession and under his control the following: three (3) transparent plastic packets containing traces of white crystalline substance locally known as "shabu", containing Methamphetamine Hydrochloride, a dangerous drug.

For violation of Sec. 12,<sup>[4]</sup> Art. II of R.A. No. 9165 (Crim. Case No. CBU 70734):

That on or about the 24th day of August, 2004, at about 6:45 a.m. in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with deliberate intent and without being authorized by law, did then and there have in possession and under his control the following: two (2) disposable lighters used as an improvised burner one plastic paraphernalia for repacking shabu which are instruments and/or equipments fit or intended for smoking, consuming, administering, ingesting or introducing any dangerous drug into the body.

The above-cited cases were consolidated.

After trial, the RTC convicted accused-appellant in a decision, the dispositive portion of which reads:

WHEREFORE, judgement is hereby rendered finding accused **Ramonito B. Asignar GUILTY** reasonable doubt of the following crimes:

1. Violation of Section 5, Article II, RA 9165, and sentences him to **Life Imprisonment**, plus fine in the amount of **FIVE HUNDRED THOUSAND (P500,000.00) PESOS**;
2. Violation of Section 11, Article II, RA 9165, and sentences him to **TWELVE (12) YEARS and ONE (1) DAY TO THIRTEEN (13) YEARS imprisonment**, plus fine in the amount of **THREE HUNDRED THOUSAND (P300,000.00) PESOS**; and
3. For Violation of Section 12, Article II, RA 9165, and sentence him to **SIX (6) MONTHS and ONE (1) DAY TO ONE (1) YEAR imprisonment**, plus fine in amount of **TEN THOUSAND (P10,000.00) PESOS**.

All the shabu and shabu paraphernalia mentioned in the three informations are hereby ordered confiscated in favor of the government and destroyed pursuant to the provision of RA 9165

With cost against accused in all these three (3) cases.<sup>[5]</sup>

The seller and the buyer of *shabu* are clearly identified. They both testified. The 0.02 gram of *shabu* taken from accused-appellant was identified, marked, presented and admitted in evidence. it was found positive for the presence of methylamphetamine hydrochloride.<sup>[6]</sup> The chain of custody of the object evidence was also well established. Accused-appellant was also found in possession of three packets with traces of *shabu* and *shabu* paraphernalia. They were clearly identified, maked, presented and admitted in evidence. There is no doubt therefore that the accused-appellant had intent to possess them. Aggrieved, his conviction was appealed before the CA.

In its Decision<sup>[7]</sup> dated 31 May 2012, the appellate court affirmed the decision of the RTC, finding accused-appellant guilty of all the charges. The Court of Appeals found that defense of extortion was solely on accused-appellant's testimony and no