

FIRST DIVISION

[G.R. No. 208169, October 08, 2014]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
EDWARD ADRIANO Y SALES, ACCUSED-APPELLANT.**

R E S O L U T I O N

PEREZ, J.:

For review is the conviction of Edward Adriano y Sales (Adriano) for the crime of illegal sale of *shabu* punishable under Section 5, Article II of the Republic Act No. 9165 (R.A. No. 9165), otherwise known as Comprehensive Dangerous Drugs Act (CDDA) of 2002, by the Court of Appeals (CA) in a Decision^[1] dated 29 October 2012 in CA-G.R. CR-H.C. No. 05182, which affirmed the Decision^[2] of the Regional Trial Court (RTC) dated 23 August 2011 in "*People of the Philippines v. Edward Adriano y Sales*", docketed as Criminal Case No. 16444-D.

The Information

That on or about 25th day of October 2008, in the City of Taguig, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without being authorized by law, sell, deliver, and give away to a poseur buyer, zero point twelve (0.12) gram of a white crystalline substance, commonly known as "shabu" which is a dangerous drug, in consideration of the amount of Two Hundred Pesos (Php200.00) and in violation of the above cited law.^[3]

When arraigned, Adriano pleaded not guilty to the crime charged. During the pre-trial conference on 13 July 2009, the parties stipulated on the following:

1. The identity of the accused as the same person named in the information;
2. The existence of the specimens and documents marked as evidence but with a counter-proposal that the forensic chemist has no personal knowledge as to the source of the specimen;
3. The qualification of the forensic chemist, P/Sr. Insp. Yelah Manaog;
4. The existence and due execution of the Physical Science Report No. D-334-08;
5. The due execution and genuineness of the FINDINGS on the qualitative examination conducted on the specimens gave POSITIVE result to the test for the presence of Methylamphetamine Hydrochloride, a dangerous drug;^[4]

During trial, the prosecution presented Police Officer 1 Teodoro Morales (PO1 Morales), who testified that acting on a report received from a *barangay* official and an informant that Adriano was selling drugs in North Daang Hari, Taguig City, Police

Chief Inspector Porfirio Calagan formed a team to conduct a buy-bust operation to entrap Adriano, designating PO1 Morales as the poseur-buyer, and marking the buy-bust money consisting of ten P100.00 bills with the initials "PC". After briefing, PO1 Morales, together with the informant and his team, proceeded to North Daang Hari where PO1 Morales bought P200.00 worth of *shabu* from Adriano. Upon giving Adriano the marked money and after receiving a plastic sachet containing white crystalline substance, PO1 Morales signaled his team to arrest Adriano. PO2 Ronnie Fabroa immediately arrested Adriano.^[5] The marked money confiscated from Adriano was brought to the police station for investigation, while the plastic sachet containing white crystalline substance, which was marked with "ESA-251008"^[6] at the crime scene was brought to the Philippine National Police (PNP) Crime Laboratory by PO2 Vergelio Del Rosario, who also prepared the letter-request.^[7]

In the PNP Crime Laboratory, the result of the laboratory examination conducted by Police/Senior Inspector Yelah Manaog confirmed the presence of methamphetamine hydrochloride.^[8]

On the other hand, the defense presented Adriano, who testified that on 22 October 2008, at around 10:00 p.m., he was at home, putting his nephews and nieces to sleep when suddenly two (2) armed men barged into the house and dragged him outside and forcibly took him to the police station in Taguig City. It was only when they arrived at the police station when he learned that he was arrested for illegal sale of *shabu*.^[9]

The Ruling of the RTC

In a Decision dated 23 August 2011, the RTC found Adriano guilty beyond reasonable doubt of the crime charged. The RTC gave credence to the testimony of PO 1 Morales based on the presumption that police officers perform their duties in a regular manner because the defense failed to establish any ill-motive on the part of the arresting officers to at least create a dent in the prosecution's case. The positive identification of Adriano as the perpetrator of the crime charged without any showing of ill-motive on the part of the witness testifying on the matter, prevails over Adriano's alibi and denial. The dispositive portion of the decision reads:

WHEREFORE, in view of the foregoing, the accused Edward Adriano y Sales is hereby found GUILTY beyond reasonable doubt of committing the crime, as charged, and is hereby sentenced to suffer the penalty of LIFE IMPRISONMENT and a fine of FIVE HUNDRED THOUSAND PESOS (PHP500,000.00).^[10] x x x x

On appeal, Adriano argued that the *shabu* allegedly seized from his possession is inadmissible because of the following reasons: (1) the warrantless arrest on his person is invalid; and (2) the arresting officers violated Section 21 of R.A. No. 9165. Adriano asserted that the warrantless arrest was illegal because there was no reason why the police officers could not have obtained a judicial warrant before the arrest.

The Ruling of the CA

The CA affirmed the ruling of the RTC. The CA ruled that the prosecution established the elements of the crime of illegal sale of *shabu*. Even if the prosecution failed to comply with the requirements provided in Section 21 of R.A. No. 9165, such noncompliance did not render the seized items inadmissible in evidence. Further, the CA rejected the defense's attempt to debunk PO1 Morales' testimony based on the defense's failure to substantiate its allegation of ill-motive on the part of the arresting officers.

The appeal before us maintained that the lower courts gravely erred in not finding the warrantless arrest on the person of Adriano as illegal and in convicting Adriano despite the police officers' noncompliance with Section 21 of R.A. No. 9165.

We rule in the negative.

Our Ruling

In prosecutions for illegal sale of dangerous drugs, the following two (2) elements must be duly established: (1) proof that the transaction or sale took place; and (2) the presentation in court of the *corpus delicti* or the illicit drug as evidence.^[11]

In the case at bar, the prosecution duly established the two (2) elements: (1) to account that the transaction or sale indeed took place, PO1 Morales narrated the transaction in a clear and direct manner; and (2) the seized illegal drugs and marked money were presented before the trial court as proof of the identity of the object of the crime and of the *corpus delicti*.^[12]

The argument on the arresting officers' noncompliance with Section 21 of R.A. No. 9165 deals with the procedure for the custody and disposition of confiscated, seized or surrendered dangerous drugs. The law reads:

Section 21. Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment. - The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

(1) The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof;

(2) Within twenty-four (24) hours upon confiscation/seizure of dangerous