

FIRST DIVISION

[G.R. No. 199042, November 17, 2014]

DANILO VILLANUEVA Y ALCARAZ, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

DECISION

SERENO, C.J.:

We resolve the Petition^[1] filed by Danilo Villanueva y Alcaraz from the Decision^[2] dated 4 May 2011 and Resolution^[3] dated 18 October 2011 issued by the Fourteenth Division of the Court of Appeals (CA) in CA-G.R. C.R. No. 32582.

THE ANTECEDENT FACTS

Petitioner Danilo Villanueva was charged with violation of Section 11, Article II of Republic Act (R.A.) No. 9165 or The Comprehensive Dangerous Drugs Act of 2002. The Information^[4] reads:

That on or about the 15th day of June 2004 in Caloocan City, Metro Manila, and within the jurisdiction of this Honorable Court, the above-named accused, without being authorized by law, did then and there, willfully, unlawfully and feloniously have in his possession, custody and control METHAMPHETAMINE HYDROCHLORIDE (Shabu) weighing 0.63 gram knowing the same to [be a] dangerous drug under the provisions of the above-cited law.

CONTRARY TO LAW.

On 15 July 2004, the accused, duly assisted by counsel *de officio*, pleaded not guilty to the offense charged.^[5]

PROSECUTION'S VERSION

Four witnesses testified for the prosecution: (1) Police Senior Inspector (PSI) Albert Arturo, (2) Police Officer (PO) 3 Jonathan Coralde, (3) PO2 Reynante Mananghaya, and (4) Senior Police Officer 1 (SPO1) Antonio Asiones.^[6] Their testimonies reveal that a Complaint was filed by Brian Resco against Daniio Villanueva for allegedly shooting the former along C-3 Road, Navotas City. After recording the incident in the police blotter, PO3 Jonathan Coralde, SPO3 Enrique de Jesus, SPO2 Henry Martin and SPO1 Anthony Asiones, together with Resco, proceeded to the house of Villanueva. They informed Villanueva about the Complaint lodged against him. They invited him to the police station. There, he was subjected to a body search and, in the process, a plastic sachet of shabu was recovered from the left pocket of his

pants. PO3 Coralde marked the sachet with the initial "DAV 06-15-04", and PO2 Reynante Mananghaya brought it to the National Police District Scene of the Crime Operatives (NPD-SOCO) for examination.^[7]

DEFENSE'S VERSION

The accused testified that at the time of the incident, he was at home watching TV when PO3 Coralde, along with three others, invited him to go with them to the police station. Informed that he had been identified as responsible for shooting Resco, the accused was then frisked and detained at the police station.⁸

RULING OF THE RTC

The Regional Trial Court (RTC) Branch 127 of Caloocan City, in its Decision⁹ dated 6 April 2009, convicted petitioner of the offense charged. The dispositive portion of the Decision reads:

WHEREFORE, premises considered, judgment is hereby rendered declaring accused DANILO VILLANUEVA y ALCARAZ, **GUILTY BEYOND REASONABLE DOUBT** of the offense of Violation of Section 11, Article II, R.A. 9165. Henceforth, this Court hereby sentences him to suffer an ***imprisonment of twelve (12) years and one (1) day as the minimum to seventeen (17) years and eight (8) months as the maximum and to pay the fine of Three Hundred Thousand Pesos (P300,000.00).***

The drugs subject matter of this case is ordered confiscated and forfeited in favor of the government to be dealt with in accordance with the law.

SO ORDERED.^[10]

The CA reviewed the appeal, which hinged on one issue, *viz*:

THE COURT A QUO GRAVELY ERRED IN NOT FINDING AS ILLEGAL THE ACCUSED-APPELLANT'S WARRANTLESS ARREST AND SEARCH.^[11]

RULING OF THE CA

On 4 May 2011, the CA affirmed the ruling of the lower court:

WHEREFORE, the appealed Decision dated April 6, 2009 of the Regional Trial Court, Branch 127, Caloocan City in Criminal Case No. 70854 finding the accused-appellant guilty beyond reasonable doubt is hereby **AFFIRMED.**

SO ORDERED.^[12]

On 27 May 2011, petitioner filed a Motion for Reconsideration,¹³ which the CA denied in a Resolution¹⁴ dated 18 October 2011.

Hence, the instant Petition, which revolves around the following lone issue:

WHETHER THE HONORABLE COURT OF APPEALS ERRED IN AFFIRMING THE PETITIONER'S CONVICTION FOR VIOLATION OF SECTION 11 OF REPUBLIC ACT NO. 9165 DESPITE THE ILLEGALITY OF THE ARREST AND THE LAPSES ON THE PART OF THE POLICE OFFICERS IN THE HANDLING OF THE CONFISCATED DRUG.^[15]

Petitioner claims that his arrest does not fall within the purview of valid warrantless arrests, since it took place on the day of the alleged shooting incident. Hence, to "invite" him to the precinct without any warrant of arrest was illegal. The evidence obtained is, consequently, inadmissible.

The Office of the Solicitor General filed its Comment^[16] stating that the shabu confiscated from petitioner was admissible in evidence against him; that the search conducted on him was valid; and that he cannot raise the issue regarding the apprehending officers' non-compliance with Section 21, Article II of R.A. 9165 for the first time on appeal.

OUR RULING

We find the instant appeal meritorious.

Accused-appellant is estopped from questioning the legality of his arrest.

Accused-appellant was arrested without a warrant. Section 5, Rule 113 of the Revised Rules of Criminal Procedure, lays down the basic rules on lawful warrantless arrests either by a peace officer or a private person, as follows:

Sec. 5. Arrest without warrant; when lawful. - A peace officer or a private person may, without a warrant, arrest a person:

(a) When, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense;

(b) When an offense has just been committed and he has probable cause to believe based on personal knowledge of facts or circumstances that the person to be arrested has committed it; and

(c) When the person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment or is temporarily confined while his