

## SECOND DIVISION

[ G.R. No. 192231, February 13, 2013 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JAMES GALIDO Y NOBLE, ACCUSED-APPELLANT.**

### D E C I S I O N

**PEREZ, J.:**

This is an appeal filed by herein accused James Galido y Noble (Galido) from the Decision<sup>[1]</sup> of the Court of Appeals (CA) affirming the decision of conviction rendered by the Regional Trial Court of Makati City for violation of Sections 5 and 11, Article II of R.A. No. 9165.<sup>[2]</sup>

#### **The Facts**

The prosecution presented a buy-bust case.

The operation was conducted on 5 November 2003, at around 6:00 o'clock in the evening by members of Makati Anti-Drug Abuse Council (MADAC) and Anti-Illegal Drug Special Operation Task Force (AIDSOTF). It was prompted by an information given to *Punong Barangay* Rodolfo Doromal (Doromal) of Pitogo, Makati City, who in turn, coordinated with AIDSOTF. SPO4 Arsenio Mangulabnan (SPO4 Mangulabnan), the head of AIDSOTF, designated PO2 Ruel Antigua (Antigua) to head the operation. Antigua coordinated with the Philippine Drug Enforcement Agency (PDEA), formed a team and assigned MADAC Operative Roberto Punzalan (Punzalan), as the poseur-buyer. He was given two pieces of P100.00 bills as buy-bust money.

The team together with the informant proceeded to the target area in Tanguile St., *Brgy.* Cembo, Makati City. Punzalan and the informant approached Galido, who was then standing near the gate of his house while the rest of the team positioned themselves nearby and waited for the pre-arranged signal by Punzalan who will light a cigarette. The informant introduced Punzalan to Galido as a person in need of illegal drugs. Then, Punzalan gave buy-bust money to Galido as payment. Galido put the money in his right pocket, drew a plastic sachet from his left pocket and gave it to Punzalan. Punzalan made the pre-arranged signal. The other members of the team approached and arrested Galido. Herminia Facundo (Facundo), also a member of the buy-bust team, then asked Galido to empty his pockets, which yielded another plastic sachet and the buy-bust money from the right pocket. Punzalan then placed the markings "JNG" on the plastic sachet he bought and "JNG-1" on the sachet recovered from the pocket of Galido.<sup>[3]</sup>

The defense interposed denial.

Galido narrated that he had just taken a bath and was dressing up when he heard a commotion outside his house. A man kicked his door and several men entered.

When he asked why the men entered he was told that they were able to buy illegal drugs from him. He denied the accusation. The men frisked him but nothing was recovered. One of the men even poked a gun at his head. He asked for help from his relatives who were also inside the house. His uncle and sister-in-law came to his aid, but both of them failed to do anything against the men harassing him. He was brought to the *Barangay* Hall of Pitogo and was frisked by Punzalan and Facundo; again, nothing was recovered from him. Doromal showed him a plastic sachet containing *shabu* and told him that the same was recovered from his possession. He denied such allegation. Doromal slapped him. [4] He was then subjected to a drug test which he eventually found out to have yielded positive results.

Galido was eventually charged with Illegal Sale and Possession of Dangerous Drugs punishable under Sections 5 and 11 of Article II of R.A. No. 9165.[5] When arraigned, he pleaded NOT GUILTY to the offenses charged.

Based on the Pre-Trial Order,[6] the prosecution and defense stipulated that Forensic Chemist Sharon Lontoc Fabros (Fabros) of the PNP Crime Laboratory conducted an examination on the samples submitted and they yielded positive results for methamphetamine hydrochloride commonly known as *shabu*.

### **The Ruling of the Trial Court**

The trial court on 4 August 2007 rendered a decision[7] finding Galido GUILTY BEYOND REASONABLE DOUBT of the offenses charged and imposed on him (1) a penalty of life imprisonment and a fine of P500,000.00 for Violation of Section 5, Article II of R.A. No. 9165; and (2) imprisonment of twelve (12) years and one (1) day as minimum to twenty (20) years as maximum and pay a fine of P300,000.00 and costs for Violation of Section 11, R.A. No. 9165.

### **The Ruling of the Court of Appeals**

The appellate court affirmed the ruling of the trial court. It ruled that all the elements of illegal sale and illegal possession of dangerous drug were proven. It found credible the statements of the prosecution witnesses Punzalan, Antigua and Facundo about what transpired during the buy-bust operation.[8] Further, it ruled that the prosecution has proven as unbroken the chain of custody of evidence.[9] It upheld the findings of the trial court regarding the regularity of performance of official duty of the police operatives who conducted the operation and the absence of ill-motive on their part in the conduct of the buy-bust.[10]

### **Our Ruling**

After a careful review of the evidence, we uphold the finding on the credibility of the prosecution witnesses. We do not find any basis to doubt the integrity of their testimonies.

In illegal sale of dangerous drugs, the prosecution must establish the identity of the buyer and the seller, the object and consideration of the sale and the delivery of the thing sold and the payment therefor.[11]