

THIRD DIVISION

[G.R. No. 201845, March 06, 2013]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
EDGARDO ADRID Y FLORES, ACCUSED-APPELLANT.**

DECISION

VELASCO JR., J.:

The Case

This is an appeal from the Decision^[1] dated February 24, 2011 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 03775, which affirmed the judgment of the Regional Trial Court (RTC), Branch 35 in Manila, in Criminal Case No. 06-247286, finding accused-appellant Edgardo Adrid y Flores (Adrid) guilty beyond reasonable doubt of illegal sale of methamphetamine hydrochloride, commonly known as *shabu*, in violation of Section 5, Article II of Republic Act No. (RA) 9165 or the *Comprehensive Dangerous Drugs Act of 2002*.

The Facts

In two separate Informations^[2] filed on October 11, 2006, Adrid was charged with violation of Secs. 5 and 11, Art. II of RA 9165, allegedly committed as follows:

Crim. Case No. 06-247286

That on or about October 8, 2006, in the City of Manila, Philippines, the said accused, without being authorized by law to sell, trade, deliver, or give away to another any dangerous drug, did then and there willfully, unlawfully and knowingly sell to SPO1 ARISTEDES MARINDA, who acted as poseur-buyer, one (1) heat-sealed transparent plastic sachet of white crystalline substance marked by the police as "DAID-1" with net weight of ZERO POINT ZERO EIGHT SIX (0.086) gram, commonly known as "SHABU", which substance, after a qualitative examination, gave positive results for methylamphetamine hydrochloride, which is a dangerous drug.

Crim. Case No. 06-247287

That on or about October 8, 2006, in the City of Manila, Philippines, the said accused, without being authorized by law to possess any dangerous drug, did then and there willfully, unlawfully, and knowingly have in his possession and under his custody and control white crystalline substance contained in one (1) heat-sealed transparent plastic sachet marked by the police as "DAID-2" with net weight of ZERO POINT ZERO SIX SIX

(0.066) gram, known as "SHABU" containing Methylamphetamine hydrochloride, a dangerous drug.

At the instance of the prosecution, these cases were consolidated with Crim. Case No. 06-247288 against Romeo Pacaul y Lagbo (Pacaul), who was arrested together with Adrid during the same buy-bust incident. When arraigned, Adrid pleaded not guilty.^[3]

During the pre-trial, the parties agreed to dispense with the testimony of Forensic Chemical Officer Police Senior Inspector Maritess Mariano (PS/Insp. Mariano) and stipulated on the tenor of her testimony to the following effect: she was a Forensic Chemical Officer of the Western Police District Crime Laboratory, and on duty on October 9, 2009; on that day, she received a memorandum-request from the District Anti-Illegal Drugs-Special Operations Task Group (DAID-SOTG); said memorandum came with three plastic sachets containing white crystalline substance; her examination of the substance presented yielded a positive result for methylamphetamine hydrochloride.^[4]

Trial on the merits ensued.

Version of the Prosecution

The prosecution's account of the events, pieced together from the testimony of Senior Police Officer 1 Aristedes Marinda (SPO1 Marinda)^[5] and documentary and object evidence, is as follows:

At around 10 o'clock in the evening of October 8 2006, a male informant arrived at the Manila Police District (MPD) Anti-Illegal Drugs Unit (DAID) to report that one "Jon Jon" is pushing illegal drugs at Chesa, Tondo, Manila.^[6] Acting on this tip, the DAID Chief immediately formed a team to conduct a buy-bust operation and named a certain SPO1 Macasling as team leader. Designated as poseur-buyer was SPO1 Marinda, while Police Officer 1 Jaycee John Galutera and Police Officer 2 Arnold Delos Santos (PO2 Delos Santos) were to serve as back-up officers. Following the usual instructions, the buy-bust group was given two PhP 100 bills bearing the initials "DAID," to serve as marked money.^[7]

Thereafter, or at about 10:30 p.m., the operatives proceeded to the target area. Once there, the informant approached and then had a brief conversation with a person, later identified as "Jon Jon," standing at the entry of an alley. The informant then called SPO1 Marinda, who, after being introduced to "Jon Jon," expressed his desire to purchase *shabu* as test buy to determine the quality of the goods.^[8]

During the course of the negotiations, Pacaul arrived and asked Adrid in the vernacular, "*Tol, pakuha ng pang-gamit lang may bisita lang ako.*" (Bro, can you give me some, I have a visitor.) SPO1 Marinda then saw Adrid hand over to Pacaul one plastic sachet containing suspected *shabu*. Pacaul then left the scene, and PO2 Delos Santos immediately followed him.^[9]

The negotiations continued, and SPO1 Marinda told the accused that he is buying "*dos*," meaning, that he was buying the value of PhP 200. The accused replied,

"*Sigue ho, meron naman ho ako ng halagang hinahanap ninyo.*"^[10] (Okay sir, I have the amount you are looking for). He then handed to SPO1 Marinda a sealed plastic sachet, with a white substance in the appearance of "*vetsin*."^[11] SPO1 Marinda received the filled sachet with his left hand, and handed Adrid the PHP 200 marked money using his right hand. This sachet was later marked as "DAID-1." SPO1 Marinda then immediately grabbed Adrid's arm, introduced himself as a police officer, and arrested the latter.^[12] Found in Adrid's possession when frisked was another sachet of suspected *shabu*, later marked as "DAID-2." Some persons who tried to intervene in the entrapment episode were likewise arrested.

From the target area, Adrid and two other individuals were brought to MPD DAID. There, the police officers learned that the real name of "Jon Jon" is Edgardo Adrid, the same accused in the case here. In his testimony during the trial, SPO1 Marinda claimed that he turned over the plastic sachets recovered from Adrid, together with the marked money, to the investigator at DAID, a certain SPO1 Pama who, in his (SPO1 Marinda's) presence, marked the recovered sachets as "DAID-1"^[13] and "DAID-2." The sachet recovered from Pacaul was marked as "DAID-3."

SPO1 Marinda's direct narrative ended with the statement that these three sachets were submitted for laboratory examination to the DAID Forensic Chemistry Division. He, however, admitted having no participation in the submission of the specimen for examination. The examination later yielded positive results for methylamphetamine hydrochloride or *shabu*.^[14]

During cross-examination, SPO1 Marinda testified that prior to the buy-bust operation, his group coordinated with the Philippine Drug Enforcement Agency (PDEA). He was not sure, however, if the pre-operation report is present in the records of the case, albeit he admitted not indicating the fact of coordination in his Affidavit of Apprehension.^[15]

Version of the Defense

The evidence for the defense, meanwhile, consisted of the lone testimony of accused Adrid himself. His narration of what purportedly transpired during the period material is as follows:

On October 6, 2006, at about 7:30 in the evening, after having supper, several men suddenly entered his house on Magsaysay St., Tondo, Manila, introduced themselves as police officers and without so much of an explanation apprehended and handcuffed him.^[16] When he asked them, "*ano po ang kasalanan ko, bakit ninyo ako hinuhuli sir?*" (What did I do sir, why are you arresting me?), the intruders simply gave a dismissive reply, "*sumama ka na lang sa amin.*"^[17] (Just come with us.)

At the MPD DAID, he was mauled and forced to admit something regarding the sale of drugs.^[18] The police, according to Adrid, was actually after a certain "Jon Jon" who was into selling drugs, but who have given the police officers a slip. For its failure to nab "Jon Jon," the police turned to Adrid to admit to some wrongdoings.^[19] And albeit he has no actual knowledge of "Jon Jon's" full name, he is aware of his being a well-known drug lord in their area and knows where "Jon Jon" lives, as

he, "Jon Jon" has in fact been to his (Adrid's) house three times to have a PlayStation game.^[20]

The Ruling of the RTC

After trial, the Manila RTC rendered on October 22, 2008 a Joint Decision,^[21] finding the accused Adrid guilty beyond reasonable doubt in Crim. Case No. 06-247286 (sale of illegal drugs). The trial court, however, acquitted Adrid in Crim. Case No. 06-247287 and Pacaul in Crim. Case No. 06-247288 (both for illegal possession of drugs), for insufficiency of evidence to sustain a conviction. The *fallo* of the RTC Decision, in its pertinent part, reads:

ACCORDINGLY, judgment is hereby rendered as follows:

1. In Criminal Case No. 06-247286 finding the accused Edgardo Adrid y Flores GUILTY beyond reasonable doubt of the offense of Violation of Section 5, Article II of RA [9165] (Sale of Dangerous Drug), he is hereby sentenced to suffer the penalty of life imprisonment; to pay a fine of Five Hundred [Thousand] (P500,000) Pesos; and cost of suit;

Let a commitment order be issued for the transfer of his custody to the Bureau of Corrections, Muntinlupa City, pursuant to SC OCA Circulars Nos. 4-92-A and 26-2000;

2. With respect to Criminal Case No. 06-247287, finding the evidence insufficient to establish the guilt of accused Edgardo Adrid y Flores beyond reasonable doubt, he is hereby ACQUITTED of the offense charged therein;
3. With respect to Criminal Case No. 06-247288, finding the evidence insufficient to establish the guilt of accused Romeo Pacaul y Lagbo beyond reasonable doubt, he is hereby ACQUITTED of the offense charged.

x x x x

The plastic sachet with shabu (Exh. "C"), as well as Exhs. "D" and "E", which were also positive for shabu, are hereby confiscated in favor of the Government. x x x

SO ORDERED.

The trial court based its judgment of conviction on the charge of illegal sale on the combined application of the following factors: (1) SPO1 Marinda's inculpatory testimony which was given in a positive, categorical, and straightforward manner and thus worthy of belief; (2) the absence of credible evidence of bad faith or other improper motive on the part of the police officers; and (3) the presumption of regularity in the performance of official duties.^[22]

As to the identity of the dangerous drugs seized and presented in court in evidence, the RTC stated the following observations:

Thus, as testified to by SPO1 Marinda, from the place of arrest and recovery, he was in custody of the dangerous drug involved in this case (Exh. "C"). Upon arrival at the police station, he promptly turned it over to the duty investigator, SPO1 Pama who placed markings thereon of the capital letters "DAID", in his presence. Thereafter, it was brought to the MPD Crime Laboratory for chemical analysis of its contents which gave positive result for methylamphetamine hydrochloride, or "shabu", a dangerous drug. The specimen itself was produced in Court and was positively identified by SPO1 Marinda as the same plastic sachet with white crystalline substance which accused handed to him in exchange for the two One Hundred Peso bills buy-bust money (Exhs. "G" and "G-1").
[23]

On December 3, 2008, Adrid filed a Notice of Appeal,^[24] pursuant to which the RTC forwarded the records to the CA.

The Ruling of the CA

On February 24, 2011, the CA rendered its assailed affirmatory Decision, disposing as follows:

WHEREFORE, the foregoing premises considered, the judgment of the Regional Trial Court (RTC), National Capital Region, Branch 35, Manila in Criminal Case No. 06-247286 is AFFIRMED.

Just like the RTC, the CA gave credence to the testimony of SPO1 Marinda to prove a consummated sale of a prohibited drug involving Adrid,^[25] noting in this regard that the integrity and evidentiary value of the confiscated prohibited drug had been properly preserved, thus satisfying the rule on chain of custody.^[26]

On the conduct of the buy-bust operation, the CA rejected Adrid's protestation about the lack of prior surveillance before the buy-bust operation was set in motion. As the appellate court stressed, a prior surveillance is not a prerequisite for the validity of an entrapment operation,^[27] which is presumed to have been conducted regularly, absent proof of ill motive on the part of the apprehending police officers.^[28]

Hence, this appeal.

On July 30, 2012, this Court, by Resolution, required the parties to submit supplemental briefs if they so desired. The People, through the Office of the Solicitor General, manifested having already exhaustively addressed the issues and arguments involving the case, and expressed its willingness to submit the case on the basis of available records. Similarly, appellant Adrid manifested that he is adopting all the defenses and arguments that he raised in his Appellant's Brief