

## FIRST DIVISION

[ G.R. No. 173794, January 18, 2012 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
DARWIN RELATO Y AJERO, ACCUSED-APPELLANT.**

### D E C I S I O N

**BERSAMIN, J.:**

Statutory rules on preserving the chain of custody of confiscated prohibited drugs and related items are designed to ensure the integrity and reliability of the evidence to be presented against the accused. Their observance is the key to the successful prosecution of illegal possession or illegal sale of prohibited drugs.

Darwin Relato y Ajero is now before the Court in a final plea for exoneration from his conviction for violating Section 5 of Republic Act No. 9165 (*Comprehensive Dangerous Drugs Act of 2002*). Policemen had arrested him on August 29, 2002 during a buy-bust operation and the Office of the Provincial Prosecutor of Sorsogon had forthwith charged him with the offense on August 30, 2002 in the Regional Trial Court (RTC), Branch 65, in Bulan, Sorsogon as follows:

That on or about the 29th day of August, 2002 at about 11:00 o'clock in the evening, in Barangay Aquino, Municipality of Bulan, Province of Sorsogon, Philippines, and within the jurisdiction of this Honorable Court, the said accused, did then and there, willfully, unlawfully and feloniously, sell, dispense and deliver to a PNP asset disguised as poseur-buyer, two (2) plastic sachets of methamphetamine hydrochloride "shabu" weighing 0.0991 gram, for and in consideration of the sum of FIVE HUNDRED PESOS (P500.00), the serial number of which was previously noted, without having been previously authorized by law to sell or deliver the same.

CONTRARY TO LAW.<sup>[1]</sup>

Upon pleading *not guilty* to the information on November 19, 2002,<sup>[2]</sup> Relato was tried.

#### **Version of the Prosecution**

At 6:00 pm of August 29, 2002, PO3 Sonny Evasco of the Bulan Police Station received a tip from his asset to the effect that Relato would be peddling illegal drugs around midnight in Barangay Aquino, Zone 7, Bulan, Sorsogon. PO3 Evasco immediately reported the tip to SPO1 Elmer Masujer, the chief of the Intelligence Department of the police station. In turn, SPO1 Masujer formed a team to conduct a

buy-bust operation against Relato consisting of himself, PO3 Evasco, PO1 Wilfredo Lobrin and SPO2 Adolfo Villaroya. SPO1 Masujer prepared a P500.00 bill to be the buy-bust money by marking the bill with his initials.<sup>[3]</sup>

The team waited for the informant to call again. At 10:00 pm, PO3 Evasco finally received the call from his asset, who confirmed that the proposed transaction would take place beside the lamp post near the ice plant in Barangay Aquino. With that, the team hastened to the site. PO3 Evasco and SPO2 Villaroya concealed themselves about seven to 10 meters from the lamp post, while SPO1 Masujer and PO1 Lobrin provided area security from about 10 to 15 meters away from where PO3 Evasco and SPO2 Villaroya were.

A few minutes later, Relato and a companion (later identified as Pido Paredes) arrived together on board a motorcycle. Relato alighted to confer with the asset who was the poseur buyer. After the transaction was completed, PO3 Evasco signaled to the rest of the team, who drew near and apprehended Relato. Seized from Relato was the marked P500.00 buy-bust bill. The poseur buyer turned over to PO3 Evasco the two transparent sachets containing crystalline substances that Relato sold to the poseur buyer. Paredes escaped.<sup>[4]</sup>

SPO1 Masujer marked the two transparent sachets with his own initials "EM" upon returning to the police station.<sup>[5]</sup>

Forensic Chemical Officer Josephine Clemen of the PNP Crime Laboratory in Region V conducted the laboratory examination on the contents of the two transparent sachets and found the contents to have a total weight of 0.991 gram. She certified that the contents were positive for the presence of methamphetamine hydrochloride.<sup>[6]</sup>

### **Version of the Accused**

Relato denied the accusation, and claimed that he had been framed up. His version follows.

At about 11:00 pm of August 29, 2002, Relato and Paredes were proceeding to his grandfather's wake in Magallanes, Sorsogon on board his motorcycle, with Paredes driving. They stopped upon reaching Barangay Aquino to allow Relato to adjust the fuel cock of the motorcycle. SPO1 Masujer suddenly appeared and put handcuffs on Relato, who resisted. The three other officers came to SPO1 Masujer's assistance and subdued Relato. SPO1 Masujer then seized Relato's 3310 Nokia cellphone, its charger, and his personal money of P3,500.00 in P500.00 bills. Relato claimed that the cellphone belonged to Paredes while the cash was a gift from an in-law. The officers boarded Relato in their jeep and haled him to the police station of Bulan.

In the station, SPO1 Masujer and PO2 Villaroya required him to remove his pants. He complied. They then searched his person but did not find anything on him. He then saw SPO1 Masujer take two sachets from his own wallet and placed them on top of a table. SPO1 Masujer then told Relato to point to the sachets, and a picture was then taken of him in that pose. In the meanwhile, Paredes notified his family about his arrest.<sup>[7]</sup>

## **Ruling of the RTC**

On August 9, 2004, the RTC convicted Relato,<sup>[8]</sup> viz:

Prosecution having established by the required quantum of proof and with moral certainty the CULPABILITY of the herein accused to the crime as charged- HIS CONVICTION HAS BECOME INEVITABLE.

WHEREFORE, premises considered, accused Darwin Ajero y Relato having been found guilty beyond reasonable doubt of Violation of Section 5, Article II of R.A. No. 9165 (Repealing R.A. No. 6425 and amending R.A. 7659), is hereby sentenced to suffer the indivisible penalty of LIFE IMPRISONMENT, absent any mitigating or aggravating circumstance (Art. 63(2), R.P.C.), with all the accessory penalties provided by law, and to pay the fine of P500,000.00.

All the proceeds of the crime shall be confiscated and forfeited in favor of the government to be disposed of in accordance with the provisions of Sec. 21 of R.A. 9165.

The period of the preventive imprisonment already served by the herein accused shall be credited in the service of his sentence pursuant to the provision of Art. 29 of the Revised Penal Code.

SO ORDERED.<sup>[9]</sup>

## **Ruling of the CA**

Relato appealed to the Court of Appeals (CA), submitting that:

I

THE COURT A QUO ERRED IN GIVING FULL CREDENCE TO THE CONFLICTING TESTIMONIES OF THE PROSECUTION WITNESSES

II

THE COURT A QUO ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY OF THE CRIME CHARGED DESPITE THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT

On May 24, 2006, however, the CA affirmed the conviction,<sup>[10]</sup> stating:

In closing, there being no misappreciation of facts, distortion of evidence, and speculative, arbitrary and unsupported conclusions drawn by the court a quo in support of its judgment of conviction, We defer to such findings and conclusion. Thus, well- settled is the rule that the findings of facts and assessment of credibility of witnesses is a matter best left to