

SECOND DIVISION

[G.R. No. 178544, February 23, 2011]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. MANUEL PALOMA Y ESPINOSA, APPELLANT.

DECISION

ABAD, J.:

This case is about the need in cases of illegal sale of prohibited drugs for the prosecution to prove the details of the transaction through someone who saw the sale take place.

The Facts and the Case

The public prosecutor charged the accused Manuel Paloma (Paloma) before the Regional Trial Court (RTC) of Quezon City in Criminal Case Q-03-116898 with violation of Section 5, Article II of Republic Act (R.A.) 9165 or the Comprehensive Dangerous Drugs Act of 2002.

At the trial, PO2 Bernard Amigo testified that at about 1:00 p.m. on April 23, 2003 the Batasan Police Station got a tip from an informant that accused Paloma was selling illegal drugs at Pacomara Street in Commonwealth, Quezon City. The station chief directed PO2 Amigo and PO1 Arnold Peñalosa to conduct a buy-bust operation involving Paloma. The police officers went to Pacomara Street with the informant and brought with them a P100.00 bill marked with the initials "AP."

When the buy-bust team arrived at Pacomara Street at around 3:15 p.m., they saw Paloma standing beside a man and a woman. PO1 Peñalosa and the informant approached them; PO2 Amigo, the witness, stood as back-up some 15 meters away. From where he stood, he saw PO1 Peñalosa talking to Paloma. Momentarily, PO1 Peñalosa waved his hand, signifying that he had made the purchase. On seeing the pre-arranged signal, PO2 Amigo approached and arrested Paloma; PO1 Peñalosa for his part arrested Paloma's companions, later on identified as Noriel Bamba (Bamba) and Angie Grotel (Grotel). PO2 Amigo recovered from Paloma's pants pocket a plastic sachet with a white crystalline substance and the marked P100.00 bill.

After the police officers informed Paloma, Bamba, and Grotel of their rights during custodial investigation, they brought them to the police station and turned them over to the desk officer. The arresting officers also turned over the three sachets of suspected *shabu* that they seized. According to PO2 Amigo, two of these sachets were those that PO1 Peñalosa bought from Paloma. The police eventually let Bamba and Grotel go for the reason that the police officers found no illegal drugs in their possession.

In his defense, Paloma denied that such a buy-bust operation took place. He claimed that at the time of the alleged buy-bust, he was with his 80-year-old mother at their house on Pacomara Street, taking a nap. Suddenly, five armed men in civilian clothes barged into the house and woke him up. Two of them held him by the arms while the others searched the house. Although the men found nothing, they handcuffed him and brought him to the police station.

On June 10, 2005 the RTC found Paloma guilty beyond reasonable doubt in Criminal Case Q-03-116898 of the crime charged and sentenced him to suffer the penalty of life imprisonment and to pay a fine of P500,000.00.

On February 13, 2007 the Court of Appeals (CA) in CA-G.R. HC CR 01289 affirmed the RTC's ruling *in toto*.

The Issue Presented

The sole issue in this case is whether or not the CA erred in finding that the prosecution succeeded in proving beyond reasonable doubt that Paloma sold prohibited drugs to PO1 Peñalosa.

The Ruling of the Court

To prove the crime of illegal sale of drugs under Section 5, Article II of R.A. 9165, the prosecution is required to prove (a) the identity of the buyer and the seller as well as the object and consideration of the sale; and (b) the delivery of the thing sold and the payment given for the same. Further, the prosecution must present in court evidence of *corpus delicti*.^[1]

Here, the proof of the sale of illegal drugs is wanting.

One. Under the "objective" test set by the Court in *People v. Doria*,^[2] the prosecution must clearly and adequately show the details of the purported sale, namely, the initial contact between the *poseur*-buyer and the pusher, the offer to purchase, the promise or payment of the consideration, and, finally, the accused's delivery of the illegal drug to the buyer, whether the latter be the informant alone or the police officer. This proof is essential to ensure that law-abiding citizens are not unlawfully induced to commit the offense.^[3]

Here, PO2 Amigo's testimony miserably failed to establish the required details of the supposed illegal drug sale. He testified on direct examination:

Q: When you, [P]olice [O]fficer Peñalosa and the confidential informant arrived at around 3:15 at Pacomara Street, what happened there?

A: Upon arrival of that said place Pacomara Street we saw Paloma and one female companion talking with each other.
^[4]

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Q: Now when Police Officer Peñalosa and the asset