

## FIRST DIVISION

[ G.R. No. 184599, November 24, 2010 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. TEDDY BATOON Y MIGUEL AND MELCHOR BATOON Y MIGUEL, ACCUSED-APPELLANTS.**

### D E C I S I O N

**VELASCO JR., J.:**

#### **The Case**

This is an appeal from the February 28, 2008 Decision<sup>[1]</sup> of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 02472 entitled *People of the Philippines v. Teddy Batoon and Melchor Batoon*, which affirmed the August 11, 2006 Decision<sup>[2]</sup> in Criminal Case Nos. 11823-12 and 11823-13 of the Regional Trial Court (RTC), Branch 13 in Laoag City. The trial court held accused-appellants Teddy Batoon and Melchor Batoon guilty of violating Sections 5 and 11 of Republic Act No. (RA) 9165 or the *Comprehensive Dangerous Drugs Act of 2002*.

#### **The Facts**

The charges against accused-appellants stemmed from the following Informations:

That, on or about July 14, 2005, at Brgy. 14, in the municipality of San Nicolas, province of Ilocos Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping each other, did then and there willfully, unlawfully and feloniously sell one (1) heat-sealed plastic sachet containing 0.12345 grams of Methamphetamine Hydrochloride otherwise known as "*shabu*" a prohibited drug to a poseur buyer of the police authorities of INPPO PAID-SOT, Camp Juan, Laoag city who posed as buyer in a buy-bust operation without authority to do so.

CONTRARY TO LAW.<sup>[3]</sup>

That on or about July 14, 2005, at Brgy. 14, in the municipality of San Nicolas, province of Ilocos Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping each other, did then and there willfully, unlawfully and knowingly have in his possession, control and custody three (3) heat-sealed plastic sachets containing 0.1559 grams, 0.1168 grams and 0.1337 grams respectively, of Methamphetamine Hydrochloride otherwise known as "*shabu*", a prohibited drug without the authority or license to possess the same from the appropriate authority.

CONTARY TO LAW.<sup>[4]</sup>

Accused-appellants pleaded not guilty to the charges.

In the ensuing trial, the prosecution presented in evidence the oral testimonies of Police Officer 2 (PO2) Excel Vicente and PO1 Alizer Cabotaje of the Philippine National Police Provincial Anti-Illegal Drugs Special Operations Team (PAID-SOT) of Ilocos Norte in Camp Valentin Juan, Laoag City. The prosecution and the defense agreed to stipulate on the facts of the testimony of Police Inspector (P/Insp.) Valeriano Laya II, a forensic chemist of the same office.

The People's version of the incident is as follows:

On July 14, 2005, the PAID-SOT received a report that there was rampant selling of *shabu* in *Barangay* 14, San Nicolas, Ilocos Norte. According to the report, brothers Teddy and Melchor Batoon were two of the most notorious sellers of illegal drugs in the area.<sup>[5]</sup>

Acting on this information, a team was formed to confirm the veracity of the report through a buy-bust operation. The team was composed of P/Insp. Teddy Rosqueta, Senior Police Officer 4 (SPO4) Angel Salvatierra, SPO3 Arthur Mateo, PO3 Rousel Albano, PO2 Excel Vicente, PO2 Danny Valdez, and PO1 Alizer Cabotaje. During the briefing for the operation, PO2 Vicente was designated as the poseur-buyer. He was given a PhP 500 bill which he marked with the letter "e." The briefing was recorded by PO3 Albano in the police blotter.

Thereafter, PO2 Vicente and the police asset proceeded to accused-appellants' residence in *Barangay* 14, San Nicolas, Ilocos Norte. The other members of the team followed on board two vehicles. Upon arriving in the area, the asset approached accused-appellant Melchor and introduced PO2 Vicente as customer. Melchor informed PO2 Vicente that the *shabu* was with his brother, accused-appellant Teddy. He then asked the money from PO2 Vicente and the latter gave him the marked PhP 500 bill.<sup>[6]</sup> Thereafter, Melchor approached Teddy, who was about 10 meters away from them. He handed the marked money to Teddy, who, in turn, gave Melchor a sachet.

Melchor returned to where PO2 Vicente was and handed him the sachet. Upon receiving the sachet, PO2 Vicente signaled to his companions by turning his cap, to have its visor at the back of his head. The other team members rushed to arrest Melchor and Teddy. PO2 Vicente frisked Melchor and recovered from him one PhP 100 bill, three pieces of five-peso coins, three pieces of one-peso coin, one jungle knife, one lighter, and one brown wallet. PO1 Cabotaje got hold of Teddy and recovered from him the marked PhP 500 bill, six PhP 100 bills, one candy, and one black coin purse containing three elongated sachets of *shabu*. Accused-appellants were then detained in the PAID-SOT, Camp Juan.

Immediately upon reaching the camp, PO2 Vicente and PO1 Cabotaje brought the confiscated sachets to the crime laboratory for examination. The examination results showed that the four sachets taken from accused-appellants contained a substance

positive for methamphetamine hydrochloride or *shabu*. The sachet subject of the buy-bust operation contained 0.1235 gram of *shabu*. On the other hand, the three sachets seized from Teddy contained *shabu* weighing 0.1559 gram, 0.1168 gram, and 0.1337 gram, or an aggregate net weight of 0.4064 gram.

In their defense, accused-appellants claimed denial and frame-up. Accused-appellants alleged that in the afternoon of July 14, 2005, Melchor was seated at the corner of Castro and McKinley Streets in *Barangay* 14, San Nicolas, Ilocos Norte when a car stopped in front of him. Suddenly, the male passengers of the car alighted, approached him, and boxed him. Melchor did not know who the men were. Neither did he know why the men boxed him. Thereafter, the men forced Melchor to go inside the car.<sup>[7]</sup>

Meanwhile, Teddy, who had just come home from the Municipal Trial Court of San Nicolas, was called by a neighbor and was told that his brother was being arrested. He ran towards the place where his brother was, about 30 to 40 meters north of their house. Upon reaching the place, he asked the men what the commotion was about. Instead of answering him, however, the men boxed him on the face. Thereafter, he was also boarded into the vehicle together with Melchor.<sup>[8]</sup> The men then took his money amounting to PhP 1,320 and his mobile phone.

Thereafter, Melchor and Teddy were detained at Camp Juan. While under police custody, they were continuously maltreated and mauled.

Charles Tirona, Melchor's son, Elizabeth Domingo, and Mary Jane Mariano corroborated the testimonies of accused-appellants as to the facts and circumstances surrounding accused-appellants' arrest and physical abuse in the hands of the police. On the other hand, Emerson Cabel confirmed that Teddy attended a court hearing in the municipal hall at around 2:00 p.m. of July 14, 2005. He also testified that he saw Teddy being boarded into a Wrangler-type jeep.<sup>[9]</sup>

On August 11, 2006, the RTC rendered a Decision, the dispositive part of which reads:

WHEREFORE, the Court hereby renders judgment finding both accused Teddy Batoon and Melchor Batoon GUILTY beyond reasonable doubt as charged of illegal sale of *shabu* in criminal case NO. 11823 and are, therefore, sentenced to suffer the penalty of life imprisonment and for each of them to pay the fine of PhP 2,000,000.00. Both accused are likewise found GUILTY beyond reasonable doubt as charged of illegal possession of *shabu* with an aggregate weight of 0.4064 gram in Criminal Case No. 11824 and are, therefore, sentenced to suffer the indeterminate penalty of imprisonment ranging from twelve (12) years and one (1) day as minimum to fifteen (15) years as maximum and for each of them to pay a fine of PhP 300,000.00.

The contraband subject of theses cases are hereby confiscated, the same to be disposed of as law prescribes, with costs *de oficio*.

SO ORDERED.<sup>[10]</sup>

The case was appealed to the CA.

### **The Ruling of the CA**

Convinced of the regularity of the buy-bust operation against accused-appellants, the CA dismissed accused-appellants' claim of frame-up and upheld their conviction. Also, it held that the prosecution was able to prove that the substance submitted for forensic examination was the same as that seized from the accused.

Hence, we have this appeal.

### **The Issues**

In a Resolution dated November 19, 2008, this Court required the parties to submit supplemental briefs if they so desired. On January 19, 2009, accused-appellants, through counsel, signified that they were not going to file a supplemental brief. Thus, the following issues raised in accused-appellants' brief dated March 2, 2007 are now deemed adopted in this present appeal:

#### **I.**

The trial court gravely erred in convicting the accused-appellants of the crimes charged despite the prosecution's failure to establish the identity of the prohibited drugs constituting the *corpus delicti* of the offenses.

#### **II.**

The trial court gravely erred in finding that there was conspiracy in the crime of illegal possession of *shabu* under Criminal Case No. 11824 when the alleged confiscated drugs were seized only from appellant Teddy Batoon's possession.

#### **III.**

The trial court gravely erred in convicting the accused appellant Melchor Batoon of the crime of illegal possession of *shabu* under Criminal Case No. 11824 despite the prosecution's failure to prove his guilt beyond reasonable doubt.<sup>[11]</sup>

In essence, accused-appellants question the chain of custody over the alleged confiscated prohibited drugs and Melchor's conviction for illegal possession of *shabu*.

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

The appeal is without merit.

In a prosecution for illegal sale of dangerous drugs, the following elements must be established: (1) proof that the transaction or sale took place; and (2) the presentation in court of the *corpus delicti* or the illicit drug as evidence.<sup>[12]</sup>