

## **EIGHTEENTH DIVISION**

**[ CA-G.R. CR. NO. 02027, August 29, 2014 ]**

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
RONNIE HILADO Y ANDRADA, ALIAS "KID RONNIE", ACCUSED-  
APPELLANT.**

### **D E C I S I O N**

**INGLES, G. T., J.:**

#### **THE CASE**

This is an appeal from the Decision<sup>[1]</sup> dated 30 July 2012 of the Regional Trial Court, 6<sup>th</sup> Judicial Region, Branch 69, Silay City in *Crim. Case No. 8215-69* convicting the accused-appellant for "Violation of Section 11(3), Article II of Republic Act No. 9165. The dispositive portion of the said decision reads,

"WHEREFORE, PREMISES CONSIDERED, this Court finds accused Ronnie Hilado y Andrada, alias "Kid Ronnie", GUILTY beyond any reasonable doubt of Violation of Section 11(3) of Article II of Republic Act No. 9165", otherwise known as the Comprehensive Dangerous Drugs Act of 2002 as his guilt was proven by the prosecution beyond any reasonable doubt.

Accordingly, and in application of the pertinent provisions of the Indeterminate Sentence Law, this Court sentences accused Ronnie Hilado y Andrada alias "Kid Ronnie", to suffer the penalty of imprisonment of FOURTEEN (14) YEARS and EIGHT (8) MONTHS to SEVENTEEN (17) YEARS and FOUR (4) MONTHS, the same to be served by him at the National Bilibid Prison, Muntinlupa City, Philippines.

Accused is, further, ordered to pay a fine of THREE HUNDRED THOUSAND PESOS (P300,000.00), Philippine Currency.

The two (2) heat-sealed transparent plastic sachets containing methamphetamine hydrochloride or shabu are ordered remitted to the Philippine Drug Enforcement Agency (PDEA), Negros Occidental Police Station, Camp Alfredo Montelibano, Bacolod City, for proper disposition.

NO COSTS.

SO ORDERED."

## THE FACTS

By its Inquest Investigation Report<sup>[2]</sup> dated 20 April 2011, the Office of the City Prosecutor dismissed the charge against Ronnie Hilado y Andrada alias "Kid Ronnie" (hereinafter accused-appellant) for violation of Section 5 of Article 11 of Republic Act of 9165, but found sufficient evidence to hold him for trial for violation of Section 11 thereof.

The charge sheet<sup>[3]</sup> filed against the accused-appellant reads,

"That on or about 11:10 P.M. of April 16,. 2011, in Silay City, Province of Negros Occidental, Philippines, and within the jurisdiction of this Honorable Court, the herein accused, without authority of the law, did then and there, willfully, unlawfully and feloniously have in his possession and control two (2) heat-sealed sachets of Methamphetamine Hydrochloride (shabu) having a total weight of 0.04 gram, a dangerous drug.

Contrary to law."

The case was docketed as Crim. Case No. 8215-69, and raffled off to Branch 69 of the court *a quo*. The accused entered a plea of not guilty upon arraignment.<sup>[4]</sup>

The witnesses presented by the prosecution were PO3 Rayjay Rebadomia, Police Chief Inspector Jerome Puentespinja y Sedigo (Forensic Chemist), and PO2 Roberto Lanaza. Accused Rronnie Hilado y Andrada alias "Kid Ronnie" and his brother, Roland Hilado were the witnesses for the defense.

The facts established by the prosecution and defense are summarized in the decision as follows:

"Submission is made by the prosecution that at about 11:00 in the evening of April 16, 2011, PO2 Robert Roy Lanaza y Garzon and PO2 Rayjay Rebadomia y Daliasca were at Sitio Beraño, Barangay Lantad, Silay City, on a foot patrol. They saw near a lamp post two persons, at a distance of about five to ten meters away from them, acting suspiciously. One of these persons was handing an item to the other. Named police officers approached these persons to verify but one of them ran away, leaving the other who stood still. The person who was left standing was accused, Ronnie Hilado y Andrada, alias "Kid Ronnie". As the police officers wore civilian clothes, they identified themselves to be policemen. In response, the accused Ronnie Hilado y Andrada, alias "Kid Ronnie" retorted that he was not selling shabu, without the question being raised to him by the police officers. He further, emptied the pockets of his pants to show that he was not, indeed, engaged in the selling of shabu at said time and handed their contents to the police officers. Two (2) small sachets of suspected shabu were among the items which he readily gave

to these policemen, inclusive of his cell phone, a lighter, and cash in the amount of P147.25. The accused was placed under arrest by the police officers and brought by them, thereafter, to the Philippine National Police headquarters of Silay City, on foot. A request for laboratory examination dated April 18, 2011 (Exhibit "C", prosecution) was made on the two (2) sachets of suspected shabu recovered from the accused. Chemistry Report No. D-068-2011 (Exhibit "F", prosecution) confirmed that the two (2) small plastic sachets submitted for laboratory examination, indeed, contained methamphetamine hydrochloride, locally known as shabu."

"A denial made by accused, Ronnie Hilado y Andrada, alias "Kid Ronnie" of the incident attendant to his arrest by police officers, PO3 Rayjay Rebadomia y Dailasca and PO2 Robert Roy Lanaza y Garzon that late evening of April 16, 2011 at Sitio Beraño, Barangay Lantad, Silay City. He denied having dealt in the selling of methamphetamine hydrochloride, locally known as shabu, that late evening of April 16, 2011, as he, likewise, denied ownership and possession of the two (2) small plastic sachets of what were later on, confirmed to be methamphetamine hydrochloride, locally known as shabu. He claimed to have been forced to admit ownership and possession of said items at the police headquarters of the Philippine National Police, Silay City. He claimed to have been mauled by Police Officer Jonathan Sumugat at said police station in an effort to get a confession from him. Denial was the defense raised by the accused in the present criminal action."

Upon these facts, the Regional Trial Court rendered judgment convicting the accused of the offense charged.

### **THE RULING OF THE REGIONAL TRIAL COURT**

In convicting the accused, the RTC ratiocinated that,

"The accused merely denied the recovery of the referred two (2) sachets of suspected shabu from his possession and the incident which led to their recovery. He offered no other defense. Denial is admittedly a weak defense, more so, where the acts attributed to the accused had been set in detail by the prosecution witnesses, in the instant case, arresting officers, PO3 Rayjay Rebadomia y Daliasca and PO2 Robert Roy Lanaza y Garzon. Questions had been raised by the defense on the legality of the arrest undertaken by the police officers on accused on the assertion that the same violated the rights of the accused, to be secured in their persons, houses, papers, and effects against unreasonable searches and seizures. A settled exception to this right guarantee is the arrest made during the commission of the crime. Such warrantless arrest is valid and reasonable under Rule 113, Section 5(a) of the Revised Rules on Criminal Procedure, which provides:

'Section 5. Arrest without warrant; when lawful. – A peace officer or a private person may, without a warrant, arrest a

person:

(a) When, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense.

The police officers in the instant case saw the accused handing to another what they suspected to be a contraband. They hurriedly approached the accused and introduced themselves as police officers. The accused voluntarily surrendered to them the contents of his pocket, which included a cell phone, a lighter, and P147.25 in various denominations. To the surprise of named police officers, two (2) small heat-sealed plastic sachets of what the police officers suspected to contain methamphetamine hydrochloride, otherwise known as shabu, were among the item handed to them by the accused. The police officers had reasonable premise to suspect that the accused at the time he was confronted by them was engaged in the selling of methamphetamine hydrochloride (shabu), as he was already listed in the drug list of suspected drug personalities in the area. Further, the surveillance and monitoring activities done by named police officers at Sitio Beraño, Barangay Lantad, Silay City, where the accused was apprehended, was for the reason that drug personalities were reported to be plying their trade at said place, the accused included. Under these circumstances, the accused was clearly arrested *in flagrante delicto*, as he was then committing a crime, a violation of Republic Act No. 9165, or the Dangerous Drugs Act of 2002, within the view of the police officers. Further, the police officers were actively performing their duties at said time since they were conducting surveillance and monitoring activity on known drug personalities in the area. These coupled with the manifest and overt acts of accused constitute sufficient basis on the part of the police officers to believe that a crime was actually being committed. The case of the accused, thus, falls, within the exception to the rule requiring a warrant before effecting an arrest.

It be said in cases involving violation of the Dangerous Drugs Act, credence should be given to the narration of the incident by prosecution witnesses, most especially when they are police officers who are presumed to have performed their duties in a regular manner, unless there is evidence to the contrary. Further, in the absence of proof of any ill-motive on the part of these police officers to falsely impute such a serious crime against the accused, the presumption of regularity of performance of official duty as well as the finding of credibility on the statements given by the arresting police officers, shall always prevail over the uncorroborated and unsubstantiated denial of the accused. (*Ampatuan vs. People*, G.R. No. 183676, June 22, 2011; *People vs. Llamado*, G.R. No. 185278, 13 March 2009; *People vs. Rodante de Leon*, G.R. No. 186471, January 25, 2010).

In the case at hand, the prosecution had sufficiently laid in evidence that accused, Ronnie Hilado y Andrada, alias "Kid Ronnie", was in possession

of two (2) heat-sealed transparent plastic sachets containing white crystalline substance, which, when subjected to laboratory examination, was confirmed to be methamphetamine hydrochloride, locally known as shabu, with a weight of 0.02 gram each. He failed to show that he had the authority to possess these items when found in his possession.”

Hence, this appeal wherein the accused-appellant makes the following assignment of errors:

#### “I

The trial court faulted in affirming the identity and chain of custody of the seized shabu despite non-compliance with Section 21 of RA 9165.

#### II

The court *a quo* gravely erred in relying on the weakness of the defense in arriving at a conviction despite the failure of the prosecution to establish the guilt of the accused-appellant beyond reasonable doubt.”

By its Order,<sup>[5]</sup> the RTC committed the person of accused-appellant with the Director of Prisons, Muntinlupa City, Metro Manila, while his appeal is pending with this court.

#### **The accused-appellant's arguments:**

In his brief, the accused-appellant argues that there is non-compliance with Section 21 of RA 9165 re: chain of custody of the seized drug. *One*, the seized drug was not marked in his presence and immediately upon confiscation. This omission puts to doubt the integrity and evidentiary value of the seized drug, that is, whether it is the same drug seized from him. *Two*, while the police officers were able to present a certificate of inventory and a photograph showing his face and the items supposedly seized from him, there is no indication that the same was done in the presence of the witnesses required by law to be present thereat. *Three*, the police officers failed to submit the confiscated drug to the crime laboratory within twenty-four (24) hours after the confiscation. Records will show that the drug specimen was submitted by the police officers to the crime laboratory for examination only on April 18, 2011, or, two (2) days after its confiscation on April 16, 2011. Yet, no explanation was given by the police officers on the delay. The RTC should have taken judicial notice of some wicked practices of police officers, like, planting of evidence just to ensure conviction of alleged undesirable elements of society. It is settled rule that “the courts thoroughly evaluate and differentiate errors that constitute a simple procedural lapse from those that amount to a gross, systematic, or deliberate disregard of the safeguards drawn by the law.” More important, every fact constituting the crime must be proved beyond reasonable doubt. Four, the records is bereft of any information “as to who handled the confiscated drug after its examination up to the time it was presented in court. “Sections 3 and 6(8) pf the Dangerous Drugs Board Regulation No. 2, series of 2003 requires laboratory