

EIGHTH DIVISION

[CA-G.R. CR-HC No. 06387, August 27, 2014]

**PEOPLE OF THE PHILIPPINES PLAINTIFF-APPELLEE, VS.
RODELIO SERADILLA Y EUSEBIO, ACCUSED-APPELLANT.**

DECISION

LAMPAS PERALTA, J.:

Assailed in this appeal is the Judgment dated August 14, 2013^[1] in Criminal Case No. 08-002 of Branch 204, Regional Trial Court, City of Muntinlupa, convicting accused-appellant Rodelio Seradilla y Eusebio @ "Bukyo" of violation of Section 5,^[2] Article II, Republic Act (RA) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and sentencing him to suffer the penalty of life imprisonment and to pay a fine of P500,000.00.

THE ANTECEDENTS

Around 3:00 in the afternoon of December 27, 2007, the Chief of Police of the Station Anti-Illegal Drugs, Special Operations Task Group (SAID-SOTG), Police Inspector Ariel P. Sanchez, formed a team and directed the members thereof to coordinate with the Philippine Drug Enforcement Agency (PDEA) for possible conduct of surveillance, casing, buy-bust operation and possible arrest of persons appearing on SAID-SOTG's Official Watch List for rampant selling of illegal drugs in different barangays of Muntinlupa City.^[3] Said persons were @ "Jun Solema," "Randy Mata," "Bayawak," "Palpak," "Oneng," "Dante" and "Bukyo."^[4] The team was composed of Police Inspector Ariel P. Sanchez who was the team leader, and SPO1 Reynaldo Marcella, PO1 Domingo Julaton, PO2 Gastanes, PO1 Tianero, PO1 Ocampo and PO1 Genova, who were the members.^[5] Police Inspector Ariel P. Sanchez prepared a Pre-Operation Form^[6] and Coordination Form^[7] both dated December 27, 2007 which were sent to the PDEA and received by PO2 Judiel Martin Colico. Control No. MMRO-12-27-07-0220 was issued by the PDEA, per Certificate of Coordination dated December 27, 2007.^[8]

Thereafter, the team boarded a white Toyota Revo and proceeded to Barangay Bayanan to conduct surveillance and monitoring of illegal drug activities reportedly then carried out by @ "Bayawak."^[9] When they arrived at the place, "Bayawak" could not be found. Meanwhile, an informant called Police Inspector Ariel P. Sanchez and told him that one of the team's targets could be found in Barangay Tunasan.^[10] According to the informant, @ "Bukyo" told him that "if somebody want (sic) to buy shabu just contact him."^[11] Upon meeting the informant at the police station, the team learned that "Bukyo" was listed in the Watch List.^[12] The team immediately planned a buy-bust operation. Police Inspector Ariel P. Sanchez provided two (2) 100-peso bills^[13] to be used as buy-bust money and had the same photocopied.^[14]

SPO1 Reynaldo Marcella was designated as the poseur-buyer, while PO1 Domingo Julaton was assigned as immediate back-up.^[15] It was agreed upon that SPO1 Reynaldo Marcella would take off his bull cap as pre-arranged signal that he had completed the purchase.^[16]

SPO1 Reynaldo Marcella, PO1 Domingo Julaton and the informant boarded a tricycle and proceeded near the boundary of Barangay Tunasan, to the bridge of Barangay Tunasan and San Pedro.^[17] The other members of the buy-bust team also proceeded to the same area and positioned themselves discreetly. Before reaching the target place, PO1 Domingo Julaton got out of the tricycle and positioned himself near the other members of the team.^[18] The informant pointed out accused-appellant to SPO1 Reynaldo Marcella as the person standing by the side of the road. SPO1 Reynaldo Marcella and the informant alighted from the tricycle and walked towards accused-appellant.^[19]

After the informant had introduced SPO1 Reynaldo Marcella as a "scorer of shabu"^[20] to accused-appellant, the latter asked how much SPO1 Reynaldo Marcella was going to buy. SPO1 Reynaldo Marcella handed accused-appellant the buy-bust money and said "Dalawang daan lang muna, Pare, titikman ko lang muna ang item mo"^[21] (I told him that I will score and taste the item in the amount of Two Hundred Pesos, sir.)^[22] to which accused-appellant replied, "Dadagdagan ko ang bigay ko sa 'yo para siguradong babalik ka, maganda ito Pare"^[23] (He informed me that he has and he will add more if I want more, sir).^[24] Accused-appellant retrieved a transparent plastic sachet containing white crystalline substance from the pocket of his black short pants and handed the same to SPO1 Reynaldo Marcella.^[25] After inspecting the transparent plastic sachet, SPO1 Reynaldo Marcella made the pre-arranged signal by taking off his bull cap. The team immediately rushed towards accused-appellant as SPO1 Reynaldo Marcella was introducing himself as a police officer and informing accused-appellant of his rights.^[26] SPO1 Reynaldo Marcella recovered the buy-bust money from accused-appellant's hand.^[27]

Accused-appellant was taken to SAID-SOTG where the transparent plastic sachet containing white crystalline substance was marked with "RS" and turned over by SPO1 Reynaldo Marcella to the investigator, PO2 Gastanes.^[28] PO1 Domingo Julaton photographed the seized item and accused-appellant.^[29] PO2 Gastanes prepared the Certificate of Inventory^[30] of the transparent plastic sachet which was witnessed by local government employee Ashvin Navarro, Spot Report,^[31] Request for Drug Test^[32] of accused-appellant and Request for Laboratory Examination^[33] of the transparent plastic sachet of white crystalline substance recovered from accused-appellant which were signed by Police Inspector Ariel P. Sanchez.

At "2320H" of the same day, SPO1 Reynaldo Marcella, PO1 Domingo Julaton and PO1 Tianero personally delivered the seized item to the PNP Crime Laboratory Southern Police District Crime Laboratory Office^[34] where the transparent plastic sachet and the requests for drug test and laboratory examination were received by Crescini.^[35] Upon examination by the PNP Crime Laboratory Southern Police District Crime Laboratory Office, the plastic sachet of white crystalline substance weighing

0.02 gram “gave **POSITIVE** result to the tests for **Methylamphetamine Hydrochloride**, a dangerous drug,” per Physical Science Report No. D-973-07S issued at “0130H” of December 28, 2007^[36] by Forensic Chemist P/SI Abraham Verde Tecson.

Accused-appellant was thus charged with “*Violation of Section 5 of Republic Act No. 9165*” in an information which reads:

“That on or about the 27th day of December, 2007, in the City of Muntinlupa, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, not being authorized by law, did then and there willfully, unlawfully and feloniously sell, trade, deliver and give away to another, Methylamphetamine Hydrochloride, a dangerous drug, weighing 0.02 gram, contained in one (1) heat-sealed transparent plastic sachet, in violation of the above-cited law.

Contrary to law.”^[37]

Upon arraignment, accused-appellant entered a plea of “not guilty.”^[38] During the pre-trial,^[39] the parties made the following admissions:

- “1. That the person in Court who responds to the name Rodelio Seravilla is the same Rodelio Seravilla who is the accused in this case;
2. That this Court has jurisdiction over the person of the accused and over this case;
3. That PS/Insp. Abraham Tecson is a member of the PNP Crime Laboratory, Makati City as of December 28, 2007 and that he is an expert in Forensic Chemistry;
4. That pursuant to the Request for Laboratory Examination submitted to his office by the Muntinlupa City Police he conducted laboratory examination on the item submitted to him which examination yielded positive result to the test of methylamphetamine hydrochloride on specimen A with markings 'RS' containing 0.02 gram of white crystalline substance;
5. That there was also a Request for Drug Test submitted by the police on the person of the accused in this case.”

Trial ensued. The prosecution presented SPO1 Reynaldo Marcella^[40] and PO1 Domingo Julaton^[41] as witnesses. The defense presented accused-appellant^[42] as its sole witness.

After the prosecution and the defense had presented their respective evidence, the trial court rendered a Judgment dated August 14, 2013^[43] convicting accused-appellant as follows:

“WHEREFORE, premises considered and finding the accused GUILTY beyond reasonable doubt of the offense charged, RODELIO SERADILLA y EUSEBIO is sentenced to Life Imprisonment and to pay a Fine of Php500,000.00.

The preventive imprisonment undergone by the accused shall be credited in his favor.

The drug evidence is ordered transmitted to the Philippine Drug Enforcement Agency (PDEA) for proper disposition.

Issue a MITTIMUS committing accused RODELIO SERADILLA y EUSEBIO to the National Bilibid Prisons (NBP) for the service of his sentence pending any appeal that he may file in this case.

SO ORDERED."

Thus, accused-appellant filed the present appeal which is premised on this lone assigned error:

"THE TRIAL COURT GRAVELY ERRED IN HOLDING THAT THE GUILT OF THE ACCUSED-APPELLANT FOR THE CRIME CHARGED WAS PROVEN BEYOND REASONABLE DOUBT."^[44]

THE ISSUE

Whether the trial court erred in finding accused-appellant guilty beyond reasonable doubt of violation of Section 5, Article II, RA No. 9165.

THE COURT'S RULING

In convicting accused-appellant of violation of Section 5, Article II, RA No. 9165, the trial court gave credence to the testimonies of SPO1 Reynaldo Marcella and PO1 Domingo Julaton, the poseur-buyer and immediate back-up, respectively, of the team of police officers who conducted the buy-bust operation. Said the trial court:

"x x x The court finds the testimonies of the police officers, who admittedly had no ill motive to grind against the accused, as credible and worthy of belief. SPO1 MARCELLA and PO1 JULATON vividly described how they came up with said operation from their initial contact through their asset who knew the accused until the sale was consummated. x x x

xxx xxx xxx

Against these positive testimonies, accused defended himself by simply denying the act complained of. He claimed that he was just about to buy rice when suddenly, the police officers grabbed him and poked their guns on him. Then, the men entered the house of his mother-in-law, where his family consisting of his wife, children and mother-in-law were inside and searched the house. Apart from this denial, no corroboration came from other witnesses whom accused claimed to have witnessed the search of the house. In this case, accused miserably failed to present any evidence in support of his claims. Aside from his self-serving assertions, no plausible proof was presented to bolster his allegations. The court therefore, cannot sustain his defense as against the positive and straight forward testimonies of the police officers in whose favor, regularity in the performance of their official functions is presumed."^[45]

However, accused-appellant faults the trial court in convicting him and argues that "the buy-bust team failed to follow the legal procedure and guidelines on his arrest and the confiscation of the suspected *shabu*, x x x."^[46] Allegedly, "the records of the case" and "the testimonies of the apprehending officers" do not show that the seized item was marked "immediately after confiscation."^[47]

The asseverations are unfounded.

It is settled that the conduct of a buy-bust operation is a common and accepted mode of apprehending those involved in illegal sale of prohibited or regulated drugs. It has been proven to be an effective way of unveiling the identities of drug dealers and of luring them out of obscurity.^[48] Unless there is clear and convincing evidence that the members of the buy-bust team were inspired by any improper motive or were not properly performing their duty, their testimonies on the operation deserve full faith and credit.^[49]

The elements necessary for the prosecution of illegal sale of drugs are: (i) the identities of the buyer and the seller, the object, and consideration, and (ii) the delivery of the thing sold and the payment therefor. The delivery of the contraband to the poseur-buyer and the receipt of the marked money consummate the buy-bust transaction between the entrapping officers and the accused.^[50] What is material to the prosecution for illegal sale of dangerous drugs is the proof that the transaction or sale actually took place, coupled with the presentation in court of evidence of *corpus delicti*.^[51]

Notably, the issue of whether or not there was indeed a buy-bust operation primarily boils down to one of credibility. In a prosecution for violation of the Comprehensive Dangerous Drugs Act of 2002, a case becomes a contest of the credibility of witnesses and their testimonies.^[52] When it comes to credibility, the trial court's assessment deserves great weight, and is even conclusive and binding, if not tainted with arbitrariness or oversight of some fact or circumstance of weight and influence. The reason is obvious. Having the full opportunity to observe directly the witnesses' deportment and manner of testifying, the trial court is in a better position than the appellate court to evaluate testimonial evidence properly.^[53]

The prosecution evidence positively showed the presence of all the elements of illegal sale of "shabu" during the buy-bust operation. The testimony of the poseur-buyer, SPO1 Reynaldo Marcella, is replete with material details showing the elements of the crime, including the exchange of the two (2) marked 100-peso bills and the sachet of "shabu" between him and accused-appellant. Thus:

"Q: Mr. Witness do you recall having reported for office on December 27, 2007

A: Yes, sir.

Q: What if any task was given to you by your head of office?

A: Police Senior Inspector Ariel Sanchez coordinated with the PDEA, sir.

Q: For what purpose?

A: To conduct anti-narcotic operation, sir, within the area of Muntinlupa City, sir.

Q: And what would narcotic operation do?