

FOURTH DIVISION

[CA-G.R. CR HC No. 06290, November 11, 2014]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RADDIE DELOS REYES Y ROBLES @ RADDIE, ACCUSED-
APPELLANT.**

D E C I S I O N

GONZALES-SISON, M., J.:

This appeal challenges the Decision dated 22 May 2013 of the Regional Trial Court of Valenzuela City, Branch 269 in Criminal Case Nos. 575-V-12 and 574-V-12, which found accused-appellant Raddie Delos Reyes y Robles, guilty of the crime of illegal sale of methamphetamine hydrochloride, more popularly known as shabu, under Article II, Section 5 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

The indicting Informations allege:

"Criminal Case No. 116-V-12

"That on or about June 4, 2012, in Valenzuela City and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there willfully, unlawfully and feloniously have in his possession and control one (1) heat-sealed transparent plastic sachet containing zero point zero two (0.02) gram of white crystalline substance Methylamphetamine Hydrochloride (Shabu), knowing the same to be a dangerous drugs.

CONTRARY TO LAW.^[1]

"That on or about June 4, 2012, in Valenzuela City and within the jurisdiction of this Honorable Court, the above-named accused, without any authority of law, did then and there willfully, unlawfully and feloniously sell to PO1 JULIUS R. CONGSON, who posed as buyer of zero point zero two gram (0.02) of Methamphetamine Hydrochloride (Shabu), knowing the same to be a dangerous drug.

CONTRARY TO LAW.^[2]

Duly arraigned on 18 June 2012, accused, assisted by counsel *de oficio*, pleaded "Not Guilty^[3] to the crimes charged. During the pre-trial conference, the

prosecution and the defense agreed on the following stipulations of facts, to wit:

1. The identity of the accused as the same person charged in the Informations;
and
2. The jurisdiction of the Court over the cases.

Joint trial on the merits forthwith ensued.

During the initial hearing of the case, the prosecution and the defense stipulated that Police Senior Inspector (PSI) Bernardo Roque is a duly qualified forensic chemist connected with the Valenzuela City Crime Laboratory Satellite Office of the Northern Police District and the said laboratory received two letter-requests for the laboratory examination of the specimens mentioned therein and for the drug test of one Raddie delos Reyes. In his capacity as a forensic chemist, PSI Roque, after the laboratory examinations of Exhibits "T-1" and "T-2", rendered a report stating his findings that said exhibits contain methamphetamine hydrochloride, a dangerous drug. After the examination of the urine sample of Delos Reyes, PSI Roque submitted the initial and final reports of his findings that the urine specimen was positive for the presence of methamphetamine hydrochloride, a dangerous drug. PSI Roque does not have personal knowledge of the circumstances of the arrest of Delos Reyes and of the person from whom the subject evidence were recovered or confiscated.

On cross-examination, PSI Roque testified that the length of time that marijuana stays in the body of a person depends on the metabolism and the activities of the person. Based on literature, it could stay for at least one (1) week. On the other hand, shabu is removed faster from the body. Based on literature, it is removed after two (2) days. It is possible for a urine test to have a positive result for methamphetamine if the person is taking medication that contains such drug but only shabu can convert the drug into methamphetamine.

The prosecution presented four (4) other witnesses, namely: (1) PO1 Julius Congson; (2) SPO3 Ronald Sanchez; (3) Kagawad Cesar Samala; and (4) PO1 Allan Pabusa Ruba. On the other hand, the defense presented two (2) witnesses: the accused himself and Manuel Alojado.

From the evidence and testimonies presented by the prosecution and the defense, the trial court culled the following conclusions:

"At around 12:05 a.m. of June 4, 2012, a regular confidential informant of the Station Anti-Illegal Drugs-Special Operation Task Group (SAID-SOTG), Valenzuela City Police Station, personally appeared at the SAID office and reported that a certain Raddie delos Reyes was selling shabu in Filipinas Aluminum, Navarete Street Arkong-Bato, Valenzuela City. The informant described Raddie as tall, with fair complexion and has previously been arrested in Marilao, Bulacan, and in Malabon. The informant also disclosed that said Raddie keeps the shabu in a small plastic box. With the information, Police Chief Inspector (PCI) Allan Ruba formed a team, composed of PO1 Julius Congson, PO3 Fajardo, PO2

Fabreag, PO2 Recto, and PO1 Lino Raya, to conduct an anti-illegal drugs operation. The team held a briefing, wherein PO1 Congson was designated as poseur-buyer. The unit chief gave him three one-hundred peso bills as buy-bust money. PO1 Congson placed his initials "JC" on the money bills before proceeding to the target area.

At around 1:30 a.m., the team arrived at Filipinas Aluminum located along Navarette Street, Arkong-Bato, Valenzuela City. Upon arrival thereat, PO1 Congson saw a male person around 10 meters away, standing beside a Meralco post and talking with some male persons. The informant casually told PO1 Congson that the tall person is their target. PO1 Congson and the informant went to the place where the target was standing. The informant introduced PO1 Congson and informed the target that he was buying shabu. The target, herein accused Raddie delos Reyes, responded "Magkano ba, tropa?". PO1 Congson replied, "Tatlong piso lang, Boss". After that, the accused took the bait money from PO1 Congson and put it inside his right pocket. Then, he brought out from his left pocket a small plastic box, containing two small heat-sealed transparent plastic sachets with white crystalline substance, which PO1 Congson believed to be shabu. Delos Reyes handed to PO1 Congson one small heat-sealed sachet and then, returned the small plastic box in his left pocket. After PO1 Congson received the small heat-sealed sachet, he put it inside his pocket and then made the signal, as prearranged with his colleagues, by holding the suspect. When he introduced himself as a police officer, the accused tried to resist. But the other police operatives were able to immediately approach and assist PO1 Congson in handcuffing Raddie. When the latter was searched and frisked, PO1 Congson recovered a small plastic box from his left pocket, as well as the bait money and a five-hundred-peso bill. The police officers brought the accused to the barangay outpost.

While waiting for the barangay kagawad who will witness the inventory, the evidence were placed on top of the table at the barangay hall of Brgy. Arkong-Bato. Two police officers and a barangay tanod fetched Kagawad Cesar Samala from his house at 2:30 a.m. of June 4, 2012. When Kagawad Samala arrived at the barangay hall at 2:40 a.m., the drug inventory started. The accused informed the kagawad that nothing was taken from him. One of the police officers told the accused just to state that in court since he has [sic] already been arrested. The police officers presented to the kagawad two transparent plastic sachets with white crystalline substance, one plastic container similar to a pill box, one Globe prepaid SIM card, three P100 bills, and one P500 bill, which were allegedly recovered from Raddie. SPO3 Ronald Sanchez wrote down on the inventory form the details of the recovered evidence, after PO1 Congson placed markings on them. After marking the evidence with his initials, signature and the date, PO1 Congson placed them in a small brown envelope and turned them over to SPO3 Sanchez. PO1 Congson, Kagawad Samala and SPO3 Sanchez signed the inventory form. The two police officers alternated in taking pictures. There was no representative from the media or the Department of Justice (DOJ) during the inventory.

After the inventory at the barangay outpost, the accused was subjected

for medical examination at Polo Emergency Hospital. Then SPO3 Sanchez prepared the request for laboratory examination and the request for drug test of the accused. Thereafter, he brought the accused and the recovered evidence to the PNP Crime Laboratory Office of the Valenzuela City Police Station. He also prepared the Spot Report, the IDF, the case referral, the affidavit of the arresting officer, and his Affidavit of Attestation, as well as request-letters to the Malolos Regional Trial Court and Malabon Regional Trial Court for a record check of Raddie delos Reyes.

PO1 Julius Congson positively identified accused Delos Reyes in open court. He also identified the three one-hundred-peso bills used as buy-bust money; the two plastic sachets, the Inventory of Seized Property/Items that he had signed; the Chain of Custody Form, the Police Blotter, and his Sinumpaang Salaysay ng Pag Aresto.

SPO3 Ronald Sanchez also identified the three one-hundred-peso bills turned over to him by PO1 Congson, the pictures taken during the drug inventory at the barangay hall, the Inventory of Seized Property/Items that he had prepared; the Chain of Custody Form, the Spot Report, the case referral addressed to the City Prosecutors Office, the affidavit of the arresting officer, and his Affidavit of Attestation.

PO1 Allan Rabusa identified his signatures on the Coordination Form, the Pre-Operation Report, and the referral for inquest.

Kagawad Cesar Samala also identified the inventory document that he signed.

After presenting five witnesses, the prosecution filed its formal offer of evidence and rested its case. Upon admission of the prosecution evidence, the Court proceeded to hear the defense of the accused.

According to the defense, on June 4, 2012 at past midnight to 1:00 a.m., the accused and his friend, Jose Sacro, went to attend a party at the house of another friend, Fernando Ubas, at Pilipinas Aluminum in Navarete Street, Arkong Bato, Valenzuela City. When they arrived at said house, there were many people, so they stayed by the door. After 5-10 minutes, about 10 police officers arrived, looking for someone. One of them called Delos Reyes and told him to go with them for verification. Since it was allegedly for verification only, Delos Reyes went with the police to their office in Valenzuela. Upon arrival thereat, the police officers ate first, then, one of them talked to the accused. The police officer who talked to the accused initially asked him how he could help himself. In a while, the police asked the accused for money in the amount of P80,000.00. Delos Reyes said that he had no money to give and, besides, no case could be filed against him since he just went with them upon their invitation for verification purposes. The police reduced the amount they were asking from him to P40,000.00. Again, the accused told them that he does not have that amount. He reiterated that he has not done anything wrong and that nothing was recovered or seized from him; thus, no case could be filed against him. But Major

Ruba suddenly brought out a box, took therefrom two small sachets labeled "Boy Halili" and told the accused that those items will be used as evidence against him.

The police officers, then, arranged some documents. Major Ruba chose Julius Congson and SPO1 Sanchez as the arresting officers. They brought the accused to the barangay hall of Arkong Bato. On their way to Arkong Bato, Congson apologized to the accused and explained that they could not do anything but follow the orders of higher officials to file a case against him. When they arrived at the barangay hall, they waited [for] more than an hour for the barangay kagawad. When the kagawad arrived, the accused told him that the police were not able to recover anything from him. But the kagawad merely replied that the evidence and document will just be presented to him. Sanchez also told the accused to just prove his innocence in court. After photographs were taken, the accused was brought to the Polo Emergency Hospital for medical examination. Thereafter, he was brought to the detention center."^[4]

On 22 May 2013, the trial court rendered a decision^[5], the dispositive portion of which reads as follows:

"WHEREFORE, in Criminal Case No. 573-V-12, accused RADDIE DELOS REYES y ROBLES is hereby found GUILTY beyond reasonable doubt of illegal sale of a dangerous drug, in violation of Section 5, Article II of Republic Act No. 9165, and imposed the penalty of life imprisonment and a fine of five hundred thousand pesos (P500,000.00). The period that said accused has served under preventive imprisonment may be credited in his favor, in accordance with Article 29 of the Revised Penal Code, as amended, and applicable rules.

In Criminal Case No. 574-V-12, the accused is ACQUITTED of violation of Section 11, Article II of RA 9165, due to insufficiency of evidence.

The Acting Branch Clerk of Court is hereby directed to turn over with dispatch the drug specimen subject of these cases to the Philippine Drug Enforcement Agency (PDEA) for proper disposition.

SO ORDERED."

Hence, this appeal, with the lone assignment of error, to wit:

THE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME CHARGED.