

SEVENTEENTH DIVISION

[CA-G.R. CR No. 05318, November 04, 2014]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE,
VS. CELSO MADRELEJOS Y QUILILAN JR. ALIAS PATRICK
MADRELEJOS, ACCUSED AND APPELLANT.**

DECISION

BARRIOS, M. M., J.:

This is an appeal from the Joint Decision dated 10 November 2011 of the Regional Trial Court, Branch 127, Caloocan City, in Criminal Case Nos. 79533 and 79534, which convicted accused-appellant for Violation of Section 11 and Section 5, Article II, of R. A. 9165. The dispositive portion reads:

"x x x

WHEREFORE, premises considered, judgment is hereby rendered as follows:

*In **Criminal Case No. 79533**, accused CELSO MADRELEJOS Y QUILILAN JR. alias PATRICK MADRELEJOS is hereby adjudged GUILTY beyond reasonable doubt of the offense of Violation of Section 11, Article II, Republic Act 9165, otherwise known as "The Comprehensive Dangerous Drugs Act of 2002". Accordingly, this Court hereby sentences said accused to suffer an imprisonment of Twelve (12) years and one (1) day as the minimum to Seventeen (17) years and eight (8) months as the maximum, and to pay the fine of Three Hundred Thousand Pesos (Php300,000.00).*

*In **Criminal Case No. 79534**, accused CELSO MADRELEJOS Y QUILILAN JR. alias PATRICK MADRELEJOS is hereby adjudged GUILTY beyond reasonable doubt of the offense of Violation of Section 5 of the same Act, and hereby sentences said accused to suffer LIFE IMPRISONMENT and to pay a fine of Five Hundred Thousand Pesos (Php500,000.00).*

The drugs subject matter of these cases are hereby ordered confiscated and forfeited in favor of the government. In this regard, the Branch Clerk of Court of this Sala is hereby directed to turn over the same to the Philippine Drug Enforcement Agency for its immediate destruction in accordance with the law.

SO ORDERED."

x x x

THE FACTS

In two (2) separate Informations, accused-appellant was charged as follows:

In Criminal Case No. 79533:

"xxx

That on or about the 6th day of May, 2008 in Caloocan City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, without being authorized by law, did then and there willfully, unlawfully and feloniously have in his possession, custody and control Five (5) heat-sealed transparent plastic sachets each containing dried MARIJUANA fruiting tops weighing 0.85 gram, 0.71 gram, 0.74 gram, 0.76 gram, 0.72 gram, which when subjected to laboratory examination gave positive result to the tests of Marijuana, a dangerous drug.

Contrary to Law."

In Criminal Case No. 79534:

"xxx

That on or about the 6th day of May, 2008 in Caloocan City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there willfully, unlawfully and feloniously sell and deliver to PO2 GEORGE ARDEDON, who posed, as buyer, MARIJUANA weighing 0.70 gram, a dangerous drug, without the corresponding license or prescription therefore, knowing the same to be such.

Contrary to Law."

When arraigned, accused-appellant pleaded "Not Guilty" to both charges.

During the pre-trial proceeding, the parties stipulated on the identity of the accused, the jurisdiction of the court, and the witnesses to be presented. The parties reserved their rights to mark their documentary exhibits in the course of the trial. Trial on the merits then ensued.

The prosecution's witnesses were: PO2 George Ardedon and PO2 Randolph Hipolito. By agreement, the testimonies of the other police officers: SPO1 Fernando Moran, PO3 Ferdinand Modina and Forensic Chemist PSI Albert Arturo, were dispensed with in view of the stipulations made during the trial. For the defense, the witnesses were accused-appellant, Jay-r Regacho, and Alejo Alman.

The prosecution's evidence established that on 05 May 2008, at around 3 o'clock in the afternoon, an informant tipped the Station Anti-Illegal Drugs Special Operations Unit of the Caloocan City Police that a certain "Patrick" was involved in drug pushing within the area of Phases 7 and 8, Bagong Silang, Caloocan City. The Chief of Police, Superintendent Carlito Dimalanta, immediately ordered a surveillance of the area and simultaneously coordinated with the Philippine Drug Enforcement Agency (PDEA) for the conduct of a buy-bust operation. PO2 Ardedon prepared the buy-bust money of One Hundred (P100) peso bill with serial number YW706158 and marked it with the initials "GA".

The following day, the police team led by SPO1 Arnel Victoriano was dispatched. PO2 Ardedon was designated as the poseur-buyer, while PO3 Modina and PO2 Hipolito acted as back-ups. At the target area, PO2 Ardedon and the informant went ahead of the others. Upon seeing accused-appellant, the duo immediately approached him. Accused-appellant then asked, "*Ano kukuha ba kayo? Magkano?*" PO2 Ardedon replied, "*Oo pakuha ng tsongke halagang piso lang*" and handed the marked money to accused-appellant. In turn, accused-appellant took a plastic sachet of *marijuana* from his right pocket and gave it to PO2 Ardedon. At that point, PO2 Ardedon executed the pre-arranged signal by scratching his head, and thereupon, the other members of the team arrested accused-appellant. PO2 Ardedon marked the plastic sachet with the initials "PMQ-GA 05-06-08" representing the initials of the accused-appellant and his own, as well as the date of arrest. When accused-appellant was frisked, PO2 Hipolito retrieved another five (5) sachets of *marijuana* from his right pocket, and which were marked by PO2 Ardedon as "PMQ-1" to "PMQ-5". Thereafter, at the police station, the arresting police officers turned over accused-appellant and the seized *marijuana* to police investigator SPO1 Fernando Moran who, in turn, forwarded the seized drugs to the PNP crime laboratory for chemical examination. Upon examination, the plastic sachets yielded a positive result for *marijuana*.

On the other hand, accused-appellant vehemently denied the charges against him. According to him, on 05 May 2008 at around 7 to 8 o'clock in the evening, he, along with his friend JR Regacho, went to the house of their *kumpare* Alejo Alman to inquire about his job application at the Sta. Ana race track. Upon knowing that his application was approved, he and Regacho immediately went home. Along the way, a white back-to-back vehicle passed by them, and thereupon, two (2) policemen and barangay tanod Danny Negrete alighted and blocked their path. One of them asked if his name was Patrick, and when he replied positively, he and Regacho were immediately boarded on the vehicle on the pretext that the police will just ask something from them. But contrary to this, they were brought to the police station and detained. Accused-appellant was forced to point the whereabouts of his brother Al Madrelejos who was allegedly involved in a robbery case. He told them that he does not know about the whereabouts of his brother because he has his own family. The next day, he was transferred to the Sangandaan police station while Regacho was left at the detachment. At Sangandaan, he was surprised when three (3) police officers, Moran, Ardedon and Hipolito, whom he met for the first time asked him if he was the person they arrested. He was then brought to the Prosecutor's Office for inquest proceedings. Jay-R Regacho and Alejo Alman corroborated his testimony.

As heretofore said, the trial court rendered the assailed decision convicting accused-appellant of the crimes of Illegal Sale and Possession of Drugs.