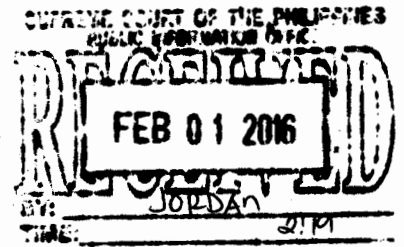




Republic of the Philippines  
**Supreme Court**  
 Manila



**FIRST DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
 Plaintiff and Appellee,

**G.R. No. 210454**

Present:

SERENO, *C.J.*,  
*Chairman,*  
 LEONARDO-DE CASTRO,  
 BERSAMIN,  
 PEREZ, and  
 PERLAS-BERNABE, *JJ.*

*-versus-*

**RONALDO CASACOP y AMIL,**  
 Accused-Appellant.

Promulgated:

**JAN 13 2016**

X-----X

**RESOLUTION**

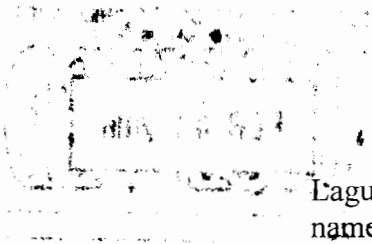
**PEREZ, J.:**

On appeal is the Decision<sup>1</sup> of the Court of Appeals promulgated on 10 July 2013 in CA-G.R. CR.-H.C. No. 05055 affirming the conviction by the Regional Trial Court (RTC) of San Pedro, Laguna, Branch 93 of appellant Ronaldo Casacop y Amil for violation of Sections 5, 11 and 12 of Article II of Republic Act (R.A.) No. 9165.

Appellant was charged with the crime following a “buy-bust” operation. The accusatory portion of the Information against appellant reads:

Criminal Case No. 5485-SPL

<sup>1</sup> Rollo, pp. 2-11; Penned by Associate Justice Sesinando E. Villon with Associate Justices Florito S. Macalino and Pedro B. Corales concurring.



On July 21, 2005, in the Municipality of San Pedro, Province of Laguna and within the jurisdiction of this Honorable Court the said above-named accused not being authorized/permitted by law, did then and there willfully, unlawfully and feloniously have in his possession, control and custody dangerous drugs paraphernalia such as one (1) rolled aluminum foil strip and one (1) improvised "tooter," both positive of traces 'shabu'.<sup>2</sup>

Criminal Case No. 5486-SPL

On July 21, 2005, in the Municipality of San Pedro, Province of Laguna, Philippines and within the jurisdiction of this Honorable Court above-named accused without the authority of law, did then and there willfully, unlawfully and feloniously have in his possession, custody and control two (2) small heat-sealed transparent plastic sachet containing METHAMPHETAMINE HYDROCHLORIDE, commonly known as shabu, a dangerous drug, with a total weight of zero point nineteen (0.19) gram.<sup>3</sup>

Criminal Case No. 5487-SPL

On July 21, 2005, in the Municipality of San Pedro, Province of Laguna, Philippines and within the jurisdiction of this Honorable Court the said accused without any legal authority, did then and there willfully, unlawfully and feloniously in consideration of three (3) pieces one-hundred peso bill, sell, pass and deliver to a police poseur-buyer one (1) heat-sealed transparent plastic sachet of METHAMPHETAMINE HYDROCHLORIDE weighing zero point zero six (0.06) gram.<sup>4</sup>

When arraigned, appellant pleaded not guilty. Trial ensued.

Acting on a tip from an informant that a certain Edong was selling *shabu* in Quezon Street, Barangay San Antonio, San Pedro, Laguna, the Chief of Police of San Pedro Police Station, Police Superintendent Sergio Dimandal formed a team to conduct surveillance on appellant. Upon receiving a positive result, Senior Police Officer 4 Melchor Dela Peña (SPO4 Dela Peña) prepared a pre-operation report which was sent to the Philippine Drug Enforcement Agency (PDEA).<sup>5</sup>

SPO4 Dela Peña then formed a buy-bust team composed of Police Officer 1 Jifford Signap (PO1 Signap) as the poseur-buyer, SPO2 Diosdado Fernandez, SPO1 Jorge Jacob and PO1 Rommel Bautista, as police backup. Thereafter, the buy-bust team proceeded to the target area. PO1 Signap and the informant approached appellant's house. PO1 Signap was introduced to

<sup>2</sup> Records, p. 1.

<sup>3</sup> Id. at 16.

<sup>4</sup> Id. at 31.

<sup>5</sup> TSN, 3 December 2007, pp. 4-8; Testimony of SPO4 Dela Peña.



appellant by the informant as the buyer of *shabu*. He handed the marked money, consisting of three (3) ₱100.00 bills, to appellant, who took a plastic sachet from his left pocket and gave it to him. PO1 Signap made the pre-arranged signal of calling SPO4 Dela Peña. The backup team rushed towards appellant's house and arrested him. PO1 Signap frisked appellant and recovered an improvised glass tooter, aluminum foil strip, cigarette lighter, two (2) small heat-sealed transparent plastic sachets, and the marked money. PO1 Signap conducted a physical inventory of the seized items and correspondingly marked them in appellant's house.<sup>6</sup>

Thereafter, appellant was brought to the police station. Thereat, SPO4 Dela Peña prepared a certificate of inventory.<sup>7</sup> A request letter<sup>8</sup> was sent to the Philippine National Police (PNP) Crime laboratory for the examination of the seized items. Forensic Chemist Donna Villa P. Huelgas issued Chemistry Report No. D-808-05<sup>9</sup> which confirmed the seized items as positive for methamphetamine hydrochloride or *shabu*.

Appellant, for his part, denied the charges of possession of *shabu* and its paraphernalia and sale of *shabu*. Appellant testified that he was urinating at the back of his house on 21 July 2005 at around 12:00 pm when five (5) police officers barged into his house. After confirming that he is Edong, appellant was handcuffed and brought to the police station. Appellant claimed that the police only planted evidence against him because they were not able to pin him down in a robbery case.

On 7 January 2011, the RTC rendered a Decision<sup>10</sup> finding appellant guilty of all the charges against him. The dispositive portion of the Decision reads:

**WHEREFORE, the Court hereby renders judgment:**

- 1) Finding accused Ronaldo Casacop y Amil guilty beyond reasonable doubt of the crime of violation of Section 12 of Republic Act No. 9165 otherwise known as The Comprehensive Dangerous Drugs Act of 2002 in Criminal Case No. 5485-SPL, hereby sentencing him to suffer the penalty of imprisonment from two (2) years as minimum to four (4) years as maximum, to pay a fine in the amount of Twenty Thousand (P20,000.00) Pesos, and to pay the costs.

<sup>6</sup> TSN, 3 August 2009, pp. 5-6; Testimony of PO1 Signap.

<sup>7</sup> Records, p. 26.

<sup>8</sup> Id. at 40.

<sup>9</sup> Id. at 45.

<sup>10</sup> Id. at 168-171; Presided by Judge Francisco Dizon Paño.



- 2) Finding accused Ronaldo Casacop y Amil guilty beyond reasonable doubt of the crime of violation of Section 11 of Republic Act No. 9165 otherwise known as The Comprehensive Dangerous Drugs Act of 2002 in Criminal Case No. 5486-SPL, hereby sentencing him to suffer an indeterminate penalty of imprisonment from an indeterminate penalty of imprisonment from twelve (12) years and one (1) day as minimum to fifteen (15) years as maximum and to pay a fine in the amount of P300,000.00.
- 3) Finding accused Ronaldo Casacop y Amil guilty beyond reasonable doubt of the crime of violation of Section 5 of Republic Act No. 9165 otherwise known as The Comprehensive Dangerous Drugs Act of 2002 in Criminal Case No. 5487-SPL, and hereby sentencing him to suffer the penalty of life imprisonment and to pay a fine in the amount of Five Hundred Thousand (P500,000.00) Pesos and to pay the costs.

The drugs paraphernalia such as one (1) rolled aluminum foil strip and one (1) improvised "tooter", the 0.19 and 0.06 grams (sic) of Methamphetamine Hydrochloride "shabu" which constitutes the instrument in the commission of the crime is confiscated and forfeited in favor of the government. The Branch Clerk of Court of this Court is hereby directed to immediately transmit the drugs paraphernalia such as one (1) rolled aluminum strip and one (1) improvised "tooter", the 0.19 and 0.06 grams (sic) of Methamphetamine Hydrochloride "shabu" to the Dangerous Drugs Board for proper disposition.<sup>11</sup>

Appellant seasonably filed a Notice of Appeal before the Court of Appeals. On 10 July 2013, the appellate court affirmed in *toto* the judgment of the RTC.

Appellant appealed his conviction before this Court, adopting the same arguments in his Brief<sup>12</sup> before the Court of Appeals.

Appellant asserts that the chain of custody of the object evidence was never established. Moreover, appellant claims that Section 21(a) of the Implementing Rules and Regulations of R.A. No. 9165 was not complied with.

For the successful prosecution of a case for illegal sale of *shabu*, the following elements must be proven: (1) the identity of the buyer and the seller, the object and the consideration; and (2) the delivery of the thing sold

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<sup>11</sup> Id. at 171.

<sup>12</sup> CA rollo, pp. 35-53.

and the payment therefor.<sup>13</sup> On the other hand, in prosecuting a case for illegal possession of dangerous drugs, the following elements must concur: (1) the accused is in possession of an item or object, which is identified as a prohibited drug; (2) such possession is not authorized by law; and (3) the accused freely and consciously possessed the drug.<sup>14</sup>

In this case, all the elements for the illegal sale of *shabu* were established. PO1 Signap, the poseur-buyer, positively identified appellant as the person who sold him the white crystalline substance in one plastic sachet which was later proven to be positive for *shabu*. In exchange for this plastic sachet, PO1 Signap handed the marked money as payment. The delivery of the contraband to the poseur-buyer and the receipt by the seller of the marked money successfully consummated the buy-bust transaction.<sup>15</sup>

All the elements in the prosecution for illegal possession of dangerous drugs and paraphernalia were likewise established. Found in appellant's pocket after he was caught in flagrante were two (2) more plastic sachets containing *shabu*, an improvised glass tooter containing *shabu* residue and the rolled aluminum foil with *shabu* residue. Under Rule 126, Section 13, a person lawfully arrested may be searched for anything which may have been used or constitute proof in the commission of an offense without a warrant. There was no showing that appellant had legal authority to possess the *shabu* and its paraphernalia. Moreover, the fact that these contraband were found in his physical possession shows that he freely and consciously possessed them.

The dangerous drug itself, the *shabu* in this case, constitutes the very *corpus delicti* of the offense and in sustaining a conviction under R.A. No. 9165, the identity and integrity of the *corpus delicti* must definitely be shown to have been preserved.<sup>16</sup>

Records show that PO1 Signap recovered from appellant three (3) plastic sachets of *shabu*, a glass tooter and aluminum foil. These items were marked and inventoried in the house of appellant and in his presence. Thereafter, these seized items were brought to the police station where a request for qualitative examination was made. SPO4 Dela Peña signed the request and it was sent to the PNP Crime Laboratory. Police Senior

<sup>13</sup> *People v. Opiana*, G.R. No. 200797, 12 January 2015.

<sup>14</sup> *People v. Montevirgen*, G.R. No. 189840, 11 December 2013, 712 SCRA 459, 468.

<sup>15</sup> *People v. Manalao*, G.R. No. 187496, 6 February 2013, 690 SCRA 106, 116 citing *People v. Legaspi*, 677 Phil. 181 (2011).

<sup>16</sup> *People v. Abetong*, G.R. No. 209785, 4 June 2014, 725 SCRA 304, 319 citing *People v. Climaco*, G.R. No. 199403, 13 June 2013, 672 SCRA 631, 641.

Inspector and Forensic Chemist Donna Villa P. Huelgas conducted the examination. Thus, the chain of custody was clearly accounted for.

As the preservation of the integrity and evidentiary value of the seized items to establish the *corpus delicti* were proven, substantial compliance with Section 21, paragraph 1, Article II of R.A. No. 9165 will suffice.

The Court of Appeals successfully rebutted appellant's argument that the police officers failed to comply with procedure in the seizure and custody of the dangerous drugs, thus:

Appellant contends that the police officers failed to comply with the provisions of paragraph 1, Section 21 of R.A. No. 9165 for the proper procedure in the custody and disposition of the seized drugs. This contention is untenable. It appears from the testimony of PO1 Signap during direct and cross-examination, as appreciated and contained in the decision of the court a quo, that after PO1 Signap showed the three (3) marked one hundred peso (P100.00) bills, appellant brought out a plastic sachet containing white crystalline substance which was later found out to contain "shabu," a dangerous drug. Two (2) more plastic sachets containing "shabu" and other drug paraphernalia were recovered from appellant after he was bodily searched. Thereafter, the apprehending team, before proceeding to the Police Station, had the seized drugs and drug paraphernalia inventoried and marked at appellant's house in his presence. At the said station, SPO4 Dela Pena prepared a Certification of Inventory as to the items seized from appellant. The said certification was signed by one representative from the media by the name of Edward Pelayo. A Booking Sheet/Arrest Report was issued to appellant and a letter request was sent to the PNP, Camp Vicente Lim, Calamba City, Crime Laboratory Office for examination of the seized plastic sachets containing white crystalline substance.<sup>17</sup>

All told, it has been established by proof beyond reasonable doubt that appellant sold and possessed *shabu and shabu paraphernalia*. Under Section 5, Article II of R.A. No. 9165, the penalty of life imprisonment to death and fine ranging from ₱500,000.00 to ₱10,000,000.00 shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute or dispatch in transit or transport any dangerous drug, including any and all species of *opium poppy* regardless of the quantity and purity involved. For the crime of illegal sale of *shabu*, appellant was properly sentenced to life imprisonment and ordered to pay a fine of ₱500,000.00.

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<sup>17</sup>

Rollo, p. 8.

Appellant was also caught in possession of 0.19 gram of *shabu*. The crime of illegal possession of dangerous drugs is punished under Section 11, paragraph 2(3), Article II of R.A. No. 9165, which provides an imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three Hundred Thousand Pesos (₱300,000.00) to Four Hundred Thousand Pesos (₱400,000.00), if the quantities of dangerous drugs are less than five (5) grams of methamphetamine hydrochloride or *shabu*.

Section 12, Article II of R.A. No. 9165 provides that the penalty of imprisonment ranging from six (6) months and one (1) day to four (4) years and a fine ranging from Ten Thousand Pesos (₱10,000.00) to Fifty Thousand Pesos (₱50,000.00) shall be imposed upon any person, who unless authorized by law, shall possess or have under his/her control any equipment, instrument, apparatus and any other paraphernalia fit or intended for smoking, consuming, administering, injecting, ingesting, or introducing any dangerous drug into the body.


We sustain the penalty imposed by the RTC and affirmed by the Court of Appeals for the crime of illegal possession of *shabu*.

**WHEREFORE**, the Decision dated 10 July 2013 of the Court of Appeals affirming the conviction of appellant Ronaldo Casacop y Amil by the Regional Trial Court of San Pedro, Laguna, Branch 93, for violation of Sections 5, 11 and 12 of Article II of Republic Act No. 9165 is hereby **AFFIRMED**.

**SO ORDERED.**

  
**JOSE PORTUGAL PEREZ**  
Associate Justice

**WE CONCUR:**

  
**MARIA LOURDES P. A. SERENO**  
Chief Justice  
Chairperson

*Teresita Leonardo de Castro*  
**TERESITA J. LEONARDO-DE CASTRO**  
Associate Justice

*Lucas P. Bersamin*  
**LUCAS P. BERSAMIN**  
Associate Justice

*Estela M. Perlas-Bernabe*  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

*Maria Lourdes P. A. Sereno*  
**MARIA LOURDES P. A. SERENO**  
Chief Justice