



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

THE PEOPLE OF THE PHILIPPINES, **G.R. No. 242880**

Plaintiff-Appellee,

Present:

PERALTA, C.J., *Chairperson*,
CAGUIOA, *Working Chairperson*,
REYES, J. JR.,
LAZARO-JAVIER, and
LOPEZ, JJ.

- versus -

QUISAR ARANCES DADANG
a.k.a. "MANOY,"
Accused-Appellant.

Promulgated:

JAN 22 2020

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RESOLUTION

REYES, J. JR., J.:

On appeal is the August 30, 2018 Decision¹ of the Court of Appeals-Cagayan de Oro City in CA-G.R. CR HC No. 01670-MIN which affirmed the March 28, 2017 Decision² of the Regional Trial Court (RTC), 10th Judicial Region, Branch 23, Cagayan de Oro City, in CR-DRG-2015-416, CR-DRG-2015-417 and CR-DRG-2015-418 finding accused-appellant Quisar Arances Dadang (Dadang) guilty beyond reasonable doubt of Illegal Sale, Illegal Possession of Dangerous Drugs and Drug Paraphernalia, defined and penalized under Sections 5, 11 and 12, respectively, Article II of Republic Act (R.A.) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

¹ Penned by Associate Justice Tita Marilyn Payoyo-Villordon, with Associate Justices Romulo V. Borja and Oscar V. Badelles, concurring; *rollo*, pp. 3-15.

² CA *rollo*, pp. 52-75.

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The case stemmed from three Informations charging Dadang of violating, *inter alia*, Sections 5, 11 and 12, Article II of R.A. No. 9165.

The evidence of the prosecution shows that on August 7, 2015, the Chief of Police, Senior Inspector Gilbert Rollen, and the Deputy Chief of Police, Inspector Mario Mantala, of Cagayan de Oro's City Anti-Illegal Drug Task Force (CAIDTF), in coordination with the Philippine Drug Enforcement Agency (PDEA), as evidenced by the Certificate of Coordination,³ planned a buy-bust operation based on an information supplied by the confidential informant (CI) that a certain "Manoy," later identified as appellant Dadang, was engaged in selling illegal drugs. Police Officer (PO) 3 Cyrus Baillo (Baillo) was tasked as poseur-buyer with Senior Police Officer (SPO) 1 Rene Destura (Destura) as back-up officer, together with the other members of the CAIDTF as security. A ₱1,000.00 bill marked money, with the initials of PO3 Baillo, was also prepared.⁴

At around 4:30 p.m., the team, comprising six police officers and the CI proceeded to the target area, Jerggy's Inn, located at 31st Street, Nazareth, Cagayan de Oro City. The team arrived thereat at 5:30 p.m. and a final briefing was conducted before they positioned themselves strategically while PO3 Baillo, together with the CI, went to the second floor of Jerggy's Inn. When the CI knocked on the door of the room where Dadang was lodging, the latter immediately opened it, without asking their names, and invited the two of them to enter the room. Once inside, PO3 Baillo saw drug paraphernalia consisting of one piece of improvised aluminum foil used as gutter, one piece of improvised glass pipe as totter, one piece disposable lighter with needle attached, and one digital weighing scale placed on top of the bed. The CI told Dadang, "*pakuha ko Noy*" (meaning they want to buy illegal drugs), while simultaneously handing over the ₱1,000.00 bill marked money. Dadang received the money with his left hand and, in return, gave the sachet with white crystalline substance to the CI using his right hand. The CI, in turn, gave the same to PO3 Baillo and missed called SPO1 Destura in his mobile phone as the pre-arranged signal. SPO1 Destura and the rest of the team went upstairs, entered the unlocked room and introduced themselves as police officers. They apprehended Dadang and apprised him of his constitutional rights. A body search was forthwith conducted by PO3 Baillo on Dadang from whom one plastic sachet containing white crystalline substance was recovered from his left pocket. He also found the ₱1,000.00 marked money in appellant's left pocket.⁵

At the crime scene and in the presence of Dadang, PO3 Baillo made an inventory of the seized items and marked the plastic sachet containing white crystalline substance which is the subject of the sale as A-1(A-1 08-07-2015 QUISAR "BB" CAIDTF CDB) and the recovered plastic sachet as

³ Exhibit "G"; records, p. 62.

⁴ TSN, September 30, 2015, pp. 5-7.

⁵ Id. at 10-12.

A-2 (A-2 08-07-2015 QUISAR "POSSN" CAIDTF CDB). The recovered weighing scale,⁶ disposable lighter,⁷ improvised aluminum foil and the improvised glass pipe, as well as the gun (which is now the subject of another case), were likewise marked. After the inventory, a photograph of the seized items was taken.⁸ The inventory and photographs were witnessed by *Barangay Kagawad* Rommell Monte Pimentel of *Barangay* Nazareth and a media representative in the name of Ronde D. Alicaya of RMN, DXCC. PO3 Baillo made two inventory receipts, the inventory for drug evidence and the other one is the inventory for non-drug evidence. Although the inventory was witnessed by Dadang, however, he refused to sign the two 2 inventory receipts.⁹

After the marking, inventory and photography of the seized items, the buy-bust team returned to the police station where PO3 Baillo made a Request for Drug Test of Suspected Accused¹⁰ and a Request for Laboratory Examination of Seized Items.¹¹ At around 8:55 in the evening, PO3 Baillo and SPO1 Destura brought Dadang, for urine drug test, and the seized items to the crime laboratory. The seized items consist of two (2) heat-sealed transparent plastic sachets, each containing white crystalline substance, one (1) improvised glass pipe and one (1) aluminum foil strip, all placed in a self-sealing plastic bag.¹² SPO2 Adlao and the Forensic Chemist, Police Senior Inspector (PSI) Charite Peralta Caceres, received the seized pieces of evidence and submitted them for laboratory examination.¹³ As per Chemistry Report No. D-584-2015¹⁴ dated August 7, 2015, the two heat-sealed transparent plastic sachets, each containing white crystalline substance and weighing 0.1982 gram (subject of the sale) and 0.5449 gram (recovered from the possession of Dadang), as well as the folded aluminum foil and the improvised glass pipe, gave positive result for the presence of methamphetamine hydrochloride or *shabu*, a dangerous drug. After the examination of the seized items, they were deposited to PO2 Gamaya, the crime laboratory evidence custodian, who deposited the same in their evidence room for safekeeping until such time that the forensic chemist testified in court.¹⁵

The evidence for the defense, on the other hand, shows that on August 7, 2015, Dadang was at Jerggy's Inn where he was renting a room for almost a month already. That at around 5:30 p.m., he was inside the bathroom ready to take a bath when someone in civilian clothes opened the door and poked a firearm at him. He was made to lie on the bathroom floor and was

⁶ Exhibit "K"; records, p. 38

⁷ Exhibit "K-1"; id.

⁸ Exhibit "J" and "J-1"; id. at 66.

⁹ Supra note 4, at 13-14.

¹⁰ Exhibit "B"; records, p. 59.

¹¹ Exhibit "A"; id. at 57.

¹² Supra note 4, at 17-18, 28.

¹³ TSN, September 16, 2015, pp. 7-8. TSN, September 30, 2015, p. 83.

¹⁴ Exhibit "C"; records, p. 60.

¹⁵ Supra note 11, at 15.

asked where he placed the *shabu*. He denied knowledge of the *shabu*, but then he was kicked. When he was asked the same question for the second time and he answered in the negative, he was pulled up and immediately handcuffed. At first, only three persons were inside his room, but, later on, their other companions arrived and took his cell phone, gadget and money. After the incident, he was brought to Maharlika Police Station. He denied the alleged buy-bust operation, and the confiscation of *shabu* and drug paraphernalia. Dadang also testified that on October 5, 2015, while he was detained at the Lumbia City Jail, PO3 Baillo and SPO1 Destura came and asked him to go out of his cell. Once outside his cell, PO3 Baillo told him that SPO1 Destura would testify the following day and asked him what his plan was. He told PO3 Baillo that he had nothing to give them, thereafter, the former called SPO1 Destura. SPO1 Destura approached him and told him the same story that he would testify the following day and asked him what his plan was. Just the same, he answered what he had told PO3 Baillo.¹⁶

On March 28, 2017, the RTC promulgated its Decision, the dispositive portion of which reads:

WHEREFORE, in view of the foregoing, judgment is hereby rendered as follows:

1. In Criminal Case No. CR-DRG-2015-416, the court finds the accused, **QUISAR DADANG y ARANCES, GUILTY beyond reasonable doubt** of the charge of violation of Section 5, Article II, R.A. No. 9165 and sentences them to suffer the penalty of life imprisonment and to pay a fine of Five Hundred Thousand Pesos [(P500,000.00)];

2. In Criminal Case No. CR-DRG-2015-417, the court finds the accused **QUISAR DADANG y ARANCES, GUILTY beyond reasonable doubt** for violation of Section 11, Article II, R.A. No. 9165 and sentences him to imprisonment of 12 years [and] 1 day to 20 years and to pay a fine of Three hundred thousand pesos (P300,000.00);

3. In Criminal Case No. CR-DRG-2015-418, the court finds the accused, **QUISAR DADANG y ARANCES, GUILTY beyond reasonable doubt** of the charge of violation of Section 12, Article II, R.A. No. 9165 and sentences him to suffer the penalty of x x x imprisonment of six (6) months and one (1) day to four (4) years and a fine of Ten thousand pesos (P10,000.00).

The two (2) heat-sealed transparent plastic sachets containing white crystalline substance locally known as *Shabu* with a total weight of 0.7431 [gram] marked as Exhibits "E" to "E-1" for the prosecution are hereby ordered confiscated and destroyed pursuant to R.A. 9165.

SO ORDERED.¹⁷ (Emphases in the original)

¹⁶ TSN, April 27, 2016, pp. 4-7.

¹⁷ CA rollo, pp. 74-75.

Dadang appealed his conviction to the Court of Appeals-Cagayan de Oro City.

The Court of Appeals-Cagayan de Oro in its Decision¹⁸ dated August 30, 2018 affirmed *in toto* the RTC ruling. It held that all the elements for illegal sale and illegal possession of dangerous drugs, as well as illegal possession of drug paraphernalia, were convincingly established by the prosecution. Likewise, the Court of Appeals Cagayan de Oro also ruled that there was an unbroken chain of custody over the seized *shabu* as the prosecution witnesses were able to testify about every link in the chain, from the moment the sachets of *shabu* were confiscated from Dadang up to the time the same were offered in the RTC. Thus, the admissibility, integrity and evidentiary value of the confiscated items are beyond question.

Accordingly, the Court of Appeals-Cagayan de Oro disposed as follows:

WHEREFORE, the appeal is DENIED. The Decision dated 28 March 2017 of the Regional Trial Court, 10th Judicial Region, Branch 23, Cagayan de Oro City, in Criminal Cases Nos. CR-DRG-2015-416, CR-DRG-2015-417 and CR-DRG-2015-418, is hereby AFFIRMED *in toto*.¹⁹

Hence, this appeal seeking that Dadang's conviction be overturned.

The appeal is without merit. The RTC, as affirmed by the Court of Appeals-Cagayan de Oro, correctly found Dadang guilty beyond reasonable doubt of violations of Sections 5, 11 and 12, Article II of R.A. No. 9165.

In a prosecution for illegal sale of dangerous drugs under Section 5, Article II of R.A. No. 9165, the following elements must be established: (1) proof that the transaction or sale took place; (2) presentation in court of the *corpus delicti* or the illicit drug as evidence; and (3) identification of the buyer and seller. What is material in a prosecution for illegal sale of drugs is the proof that the transaction or sale actually took place, coupled with the presentation in court of the *corpus delicti* as evidence.²⁰

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.²¹ For a conviction for illegal possession of drug paraphernalia to prosper, it is primordial to show that the accused was in possession or control of any equipment, paraphernalia, and the like,

¹⁸ Supra note 1.

¹⁹ Id. at 15.

²⁰ *People v. Mendoza*, G.R. No. 225064, January 19, 2018.

²¹ Id.

which was fit or intended for smoking, consuming, and administering, among other acts, dangerous drugs into the body; and, such possession was not authorized by law.²²

All these elements of the crimes charged were present in these cases, as the records clearly showed that: *first*, a buy-bust team was formed after an information was received from a CI regarding Dadang's illegal drug trade activity. The operation was conducted by the CAIDTF in coordination with the PDEA. Upon arrival at the target area, a final briefing was conducted by the buy-bust team. PO3 Baillo, together with the CI, went to the second floor of Jerggy's Inn and knocked on the door of the room where Dadang was staying. Dadang opened the door and invited them to come inside. Once inside, the CI told Dadang that they wanted to buy *shabu*, while simultaneously handing over the ₱1,000.00 marked money. Dadang received the said money with his left hand and, in return, gave one sachet with white crystalline substance to the CI using his right hand. The sachet of *shabu*, which was the subject of sale, weighed 0.1982 gram. Upon consummation of the sale, the CI miscalled SPO1 Destura in his phone as the pre-arranged signal; *second*, another sachet of *shabu* with a net weight of 0.5449 gram was recovered from Dadang during the search incidental to the arrest and it was not shown that he was authorized by law, and he freely and consciously possessed such illegal drugs; and *third*, drug paraphernalia, such as folded aluminum foil and an improvised glass pipe, were also found in his possession without the necessary authority or license.

Given these, and pursuant to the rule that the findings of fact of the trial court and its conclusions are given high respect, if not conclusive effect, when affirmed by the Court of Appeals, we see no reason to disregard these findings and conclusion, there being no showing that the lower courts overlooked or misinterpreted any relevant matters that would influence the outcome of the case.²³ At any rate, the trial court was in the best position to assess and determine the credibility of the witnesses presented by both parties.²⁴

The Court also notes that the buy-bust team had sufficiently complied with the chain of custody rule under Section 21, Article II of R.A. No. 9165, as amended by R.A. No. 10640.²⁵

In cases of Illegal Sale and Illegal Possession of Dangerous Drugs under R.A. No. 9165, as amended, it is essential that the identity of the dangerous drug be established with moral certainty, considering that the

²² *People v. Frances Taboy*, G.R. No. 223515, June 25, 2018.

²³ *People v. Joy Angeles*, G.R. No. 229099, February 27, 2019.

²⁴ *People v. Abelardo Soria*, G.R. No. 229049, June 6, 2019.

²⁵ AN ACT TO FURTHER STRENGTHEN THE ANTI-DRUG CAMPAIGN OF THE GOVERNMENT, AMENDING FOR THE PURPOSE SECTION 21 OF REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002.

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dangerous drug itself forms an integral part of the *corpus delicti* of the crime.²⁶ Failing to prove the integrity of the *corpus delicti* renders the evidence for the State insufficient to prove the guilt of the accused beyond reasonable doubt and, hence, warrants an acquittal.²⁷

Section 21(1) of R.A. No. 9165 outlined the procedure to be followed by the apprehending officers in the seizure, initial custody, and handling of confiscated illegal drugs and/or paraphernalia, to wit:

(1) The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, **a representative from the media and the Department of Justice (DOJ), and any elected public official** who shall be required to sign the copies of the inventory and be given a copy thereof[.]

Supplementing this provision is Section 21(a) of the Implementing Rules and Regulations (IRR) of R.A. No. 9165, which mandates that:

(a) The apprehending officer/team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof: Provided, that the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures; *Provided, further*, that non-compliance with these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items[.]

On July 23, 2014,²⁸ Section 21(1) of R.A. No. 9165 was amended by R.A. No. 10640 which modifies the number of witnesses during the conduct of the inventory, but, it adopted the saving clause under Section 21 of the IRR of R.A. No. 9165.

Section 21, Article II of R.A. No. 10640 provides:

SEC. 21. *Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals,*

²⁶ *People v. Federico Cuevas*, G.R. No. 238906, November 5, 2018.

²⁷ *Id.*

²⁸ *See* OCA Circular No. 77-2015 dated April 23, 2015.

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Instruments/Paraphernalia and/or Laboratory Equipment. — The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

(1) The apprehending team having initial custody and control of the dangerous drugs, controlled precursors and essential chemicals, instruments/paraphernalia and/or laboratory equipment shall, immediately after seizure and confiscation, conduct a physical inventory of the seized items and photograph the same **in the presence of the accused or the persons from whom such items were confiscated and/or seized, or his/her representative or counsel, with an elected public official and a representative of the National Prosecution Service or the media** who shall be required to sign the copies of the inventory and be given a copy thereof: *Provided*, That the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures: *Provided, finally*, That noncompliance of these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures and custody over said items.

As what happened in this case, after the arrest and subsequent search on Dadang during the buy-bust operation, PO3 Baillo, who took custody of the seized items, immediately marked the two sachets of *shabu*, as well as the drug paraphernalia and the gun (which is the subject of another case), at the place of arrest in the presence of Dadang. Thereafter, an inventory and photograph of the seized items were made in the presence of Dadang and witnessed by *Barangay Kagawad* Rommell Monte Pimentel of *Barangay* Nazareth and a media representative in the name of Ronde D. Alicaya of RMN, DXCC. The seized items were secured under the custody of PO3 Baillo. The team then proceeded to the police station, requested for the drug test of Dadang and the laboratory examination of the seized items. PO3 Baillo and SPO1 Destura, together with Dadang, brought the said request, the 2 heat-sealed transparent plastic sachets of drugs and drug paraphernalia to the crime laboratory. SPO2 Aldao and Forensic Chemist PSI Caceres received the said request with the seized items and as per PSI Caceres' report, the two heat-sealed transparent plastic sachets were positive for the presence of methamphetamine hydrochloride or *shabu*, while the drug paraphernalia have traces of *shabu*. After the examination, the seized items were deposited to PO2 Gamaya, the crime laboratory custodian, who deposited the same in their evidence room for safekeeping until such time that the forensic chemist testified in court. Finally, the same specimens were identified in court by PSI Caceres.

In view of the foregoing, we hold that there is sufficient compliance with the chain of custody rule, thus, the integrity and evidentiary value of the *corpus delicti* have been preserved. Hence, Dadang's conviction must stand.

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As to the penalty, Section 5, Article II of R.A. No. 9165 clearly provides that the penalty for illegal sale of dangerous drugs, like *shabu*, regardless of its quantity and purity, is life imprisonment to death and a fine ranging from ₱500,000.00 to ₱10,000,000.00. However, with the enactment of R.A. No. 9346, the imposition of the supreme penalty of death has been proscribed, hence, only life imprisonment and a fine shall be imposed. Thus, the penalty imposed by the RTC, and affirmed by the Court of Appeals-Cagayan De Oro, for the offense of illegal sale of *shabu* is proper.

On the other hand, Section 11, Article II of R.A. No. 9165, illegal possession of less than 5 grams of *shabu*, is penalized with imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from ₱300,000.00 to ₱400,000.00, while Section 12, Article II of R.A. No. 9165 provides that the penalty for illegal possession of drug paraphernalia shall be imprisonment ranging from six (6) months and one (1) day to four (4) years and a fine ranging from ₱10,000.00 to ₱50,000.00. The Indeterminate Sentence Law²⁹ should be applied in these two cases. It provides that in imposing a prison sentence for an offense punishable by a law other than the Revised Penal Code, the court shall sentence the accused to an indeterminate sentence, the minimum term of which shall not be less than the minimum fixed by law and the maximum of which shall not exceed the maximum term prescribed by the same. Here, Dadang was found to have been in illegal possession of 0.5449 gram of *shabu*. We opted to modify the penalty imposed by the RTC, as affirmed by the Court of Appeals-Cagayan de Oro, to conform to recent jurisprudence.³⁰ The same is true in the case of illegal possession of drug paraphernalia.³¹

WHEREFORE, the appeal is **DISMISSED**. The Court **ADOPTS** the findings of fact and conclusions of law in the Decision dated August 30, 2018 of the Court of Appeals-Cagayan de Oro in CA-G.R. CR HC No. 01670-MIN and **AFFIRMS with MODIFICATIONS** said Decision finding accused-appellant Quisar Arances Dadang **GUILTY** beyond reasonable doubt of the crime of Illegal Sale and Illegal Possession of Dangerous Drugs and Illegal Possession of Drug Paraphernalia, defined and penalized under Sections 5, 11 and 12, Article II of R.A. No. 9165. Accordingly, he is hereby sentenced as follows:

- (a) In Criminal Case No. CR-DRG-2015-416 for Illegal Sale of Dangerous Drugs, he is sentenced to suffer the penalty of life imprisonment and to pay a fine of ₱500,000.00;

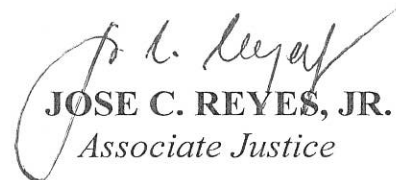
²⁹ R.A. No. 4103, as amended.

³⁰ *People v. Federico Cuevas*, G.R. No. 238906, November 5, 2018.


³¹ *People v. Siegfredo Obias, Jr.*, G.R. No. 222187, March 25, 2019.

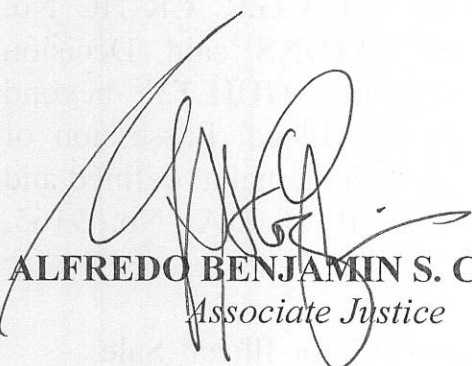
- (b) In Criminal Case No. CR-DRG-2015-417 for Illegal Possession of Dangerous Drugs, he is sentenced to suffer the penalty of imprisonment for an indeterminate period of twelve (12) years and one (1) day, as minimum, to fourteen (14) years, as maximum and to pay a fine of Three Hundred Thousand Pesos (₱300,000.00); and
- (c) In Criminal Case No. CR-DRG-2015-418 for Illegal Possession of Drug Paraphernalia, he is sentenced to suffer the penalty of imprisonment for an indeterminate period of six (6) months and one (1) day, as minimum, to two (2) years, as maximum, and to pay a fine of Ten Thousand Pesos (₱10,000.00).

SO ORDERED.


JOSE C. REYES, JR.
Associate Justice

WE CONCUR:


DIOSDADO M. PERALTA
Chief Justice
Chairperson


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


MARION V. LOPEZ
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.



DIOSDADO M. PERALTA
Chief Justice

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