

## THIRD DIVISION

[ G.R. No. 220142, January 29, 2020 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
RONALD SUATING Y SAYON ALIAS "BOK", ACCUSED-APPELLANT.**

### D E C I S I O N

**LEONEN, J.:**

Only the police testified for the prosecution. The actual poseur [-] buyer was not presented, and the police officers were 10 meters away. The alleged contraband was laid out on the table when the barangay official came. There was no testimony on the chain of custody from the attesting officers to the persons who tested the alleged contraband.

In contrast, the accused presented five (5) witnesses from the community to prove that the alleged contraband was not taken from the accused, and that no buy-bust operation occurred. The accused testified that when he was searched, they only found two pesos and fifty centavos (P2.50) on his person.

Yet, the trial court and the Court of Appeals were willing to send this accused to a life in prison and to impose a fine of P500,000.00 for allegedly selling a stick of marijuana.

We reverse. Efforts of law enforcers to go after the real drug syndicates are undermined by these obviously fictitious arrests. All it accomplishes is alienate our people, enable corrupt law enforcers, and undermine the confidence of our people—especially those who are impoverished and underprivileged—on our court's ability to do justice.

Courts must exercise "heightened scrutiny, consistent with the requirement of proof beyond reasonable doubt, in evaluating cases involving miniscule amounts of drugs [for] [t]hese can be readily planted and tampered."<sup>[1]</sup>

This Court resolves an Appeal<sup>[2]</sup> filed by Ronald Suating y Sayon, alias "Bok" (Suating), from the Decision<sup>[3]</sup> of the Court of Appeals in CA-GR CEB HC No. 01702 which affirmed the Regional Trial Court<sup>[4]</sup> ruling that he was guilty beyond reasonable doubt of Illegal Sale and Illegal Possession of Dangerous Drugs.<sup>[5]</sup>

Two separate (2) Informations were filed against Suating for violations of Sections 5<sup>[6]</sup> and 11<sup>[7]</sup> of Republic Act No. 9165,<sup>[8]</sup> otherwise known as the Comprehensive Dangerous Drugs Act of 2002. The charging portions of the Informations provided:

"That on November 9, 2011 in Silay City, Negros Occidental, Philippines, and within the jurisdiction of this Honorable Court, the above named accused, did then and there willfully, unlawfully and feloniously sell one large stick of marijuana cigarette marked as BOK-1, a prohibited drug to an asset of the Silay City PNP posing as a poseur [-] buyer in exchange for three [3] twenty peso bills with serial numbers RS65451 (sic), RT180921, and RT395576 all marked with the underline in the last digit of each serial numbers.

CONTRARY TO LAW . "

Criminal Case No. 8452-69

"That on November 9, 2011 in Silay City, Negros Occidental, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously have in possession and control [one] (1) large rolled stick of Marijuana cigarette with a total weight of 0.14 grams marked as BOK-2, a prohibited drug without any license or permit to possess the same.

CONTRARY TO LAW." [9]

Upon arraignment, Suating pleaded not guilty to the charges.[10] Joint trial on the merits commenced.[11]

The testimonies of the witnesses[12] for the prosecution corroborated the following account of events:

Acting on a tip from concerned constituents and barangay officials, the Philippine National Police of Silay City (PNP Silay) effected a surveillance to verify whether or not Suating was selling marijuana within the area of Barangay Mambulac Elementary School.[13] After several test buys, the Information against Suating was confirmed.[14]

In coordination with the Regional Office of the Philippine Drug Enforcement Agency (PDEA) in Iloilo City, the police officers planned a buy-bust operation. They prepared three (3) P20.00 bills with serial numbers RS654551, RT180921, and RT395576. As marking, they underlined the last digit of each bill's serial number. They subscribed to the marked money before City Prosecutor Ma. Lisa Lorraine Atotubo, and the use of the same was entered in their blotter book under entry number 01723.[15]

Before the buy-bust operation, a short briefing commenced. PO2 Reynaldo Bernil (PO2 Bernil) handed the marked money to a confidential asset who was the designated poseur [-] buyer.[16]

On the afternoon of November 9, 2011,[17] the operation ensued.

The poseur [-] buyer went to the premises of Barangay Mambulac Elementary School, ahead of the police officers.[18] Shortly thereafter, he called PO2 Bernil when

Suating was already "within his sight."<sup>[19]</sup> The rest of the police officers followed, positioning themselves approximately 10 meters away from the area of operation and about 50 meters away from the school.<sup>[20]</sup>

PO2 Bernil was the point person of the entrapment. He saw the poseur [-] buyer approach Suating and engage in a short conversation with him. He also witnessed when Suating left the area of operation, only to return to the poseur [-] buyer after a few minutes. While Suating and the poseur [-] buyer were talking, the latter took out the marked money from his pocket and gave it to Suating. In exchange, Suating handed unknown articles suspected to be marijuana.<sup>[21]</sup>

After the sale, the poseur [-] buyer left the area. He proceeded to where PO2 Bernil was in order to surrender the large stick of suspected marijuana cigarette bought from Suating. PO2 Bernil then handed the item to PO2 Ian Libo-on (PO2 Libo-on), who marked it with "BOK-1."<sup>[22]</sup>

PO2 Bernil and the other police officers immediately moved towards Suating and restrained his hands. After introducing themselves as persons of authority, they apprehended Suating and informed him of his constitutional rights. Suating's father, along with the other unidentified individuals, attempted to stop the arrest but to no avail.<sup>[23]</sup>

Thereafter, the police officers brought Suating to a police station in Silay City, and proceeded to conduct a body search on him in the presence of Kagawad Jose Junsay of Barangay Mambulac. Found in his possession were the marked money used during the operation, together with another large rolled cigarette stick of suspected marijuana, which was marked "BOK-2" by PO2 Libo-on.<sup>[24]</sup>

In the presence of an elected official, the police officers inventoried and photographed the confiscated items. After the request letter was prepared, the items were brought to the PNP Crime Laboratory<sup>[25]</sup> of the Negros Occidental Police Provincial Office in Bacolod City.<sup>[26]</sup> Under Chemistry Report No. D-217-2011, Forensic Officer Paul Jerome Puentesquina (Forensic Officer Puentesquina) examined the seized illicit drugs, which yielded positive for marijuana.<sup>[27]</sup>

On the other hand, Suating denied all charges against him and claimed that he was merely framed by the police.<sup>[28]</sup>

Suating detailed in his testimony, which the witnesses corroborated,<sup>[29]</sup> that he was allegedly buying fish in the flea market of Barangay Mambulac<sup>[30]</sup> on the day of the buy-bust operation, when a police officer suddenly apprehended him. The police officer brought him to a room in Silay City Police Station where they asked him certain questions. When Barangay Kagawad Junsay arrived, Suating was frisked. However, they were only able to recover two pesos and fifty centavos (P2.50) from his possession. Thereafter, the police officers took his photo, made him sign a document, and later brought him to the Negros Occidental Police Provincial Office where he was made to urinate in a disposable cup.<sup>[31]</sup>

The Regional Trial Court convicted Suating of the charges.<sup>[32]</sup>

The Regional Trial Court did not find merit in Suating's contention that the buy-bust operation did not happen,<sup>[33]</sup> specifying how Suating was apprehended through a well-planned entrapment, which was conducted after monitoring and validation by the police officers.<sup>[34]</sup>

The Regional Trial Court found the testimonies of police officers Bernil and Libo-on to be "detailed and straightforward[.]"<sup>[35]</sup> Hinging on the presumption of regularity in the performance of their official duties, and in the absence of any convincing proof that they have ill intent to falsely testify against Suating, the trial court upheld the testimonies of the arresting officers.<sup>[36]</sup> The dispositive portion of the trial court Decision read:

WHEREFORE, PREMISES CONSIDERED:

In Criminal Case No. 8451-69, this Court finds accused, Ronald Suating y Sayon a.k.a. "Bok", GUILTY beyond any reasonable doubt of Violation of Section 5 , Article II of Republic Act No. 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002", as his guilt was proven by the prosecution beyond any reasonable doubt.

Accordingly, this Court sentences accused , Ronald Suating y Sayon a.k.a "Bok ", to suffer the penalty of Life Imprisonment, the same to be served by him at the National Bilibid Prison, Muntinlupa City, Province of Rizal.

Accused named is, further, ordered by this Court to pay a fine of Five Hundred Thousand (P500,000.00) Pesos, Philippine Currency.

In Criminal Case No. 8452-69 , this Court finds accused, Ronald Suating y Sayon a.k.a. "Bok", GUILTY beyond any reasonable doubt of Violation of Section 11, Article II of Republic Act No. 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002 ", as his guilt was proven by the prosecution beyond any reasonable doubt.

Accordingly , and in application of the pertinent provisions of the Indeterminate Sentence Law , this Court sentences accused, Ronald Suating y Sayon a.k.a. "Bok", to suffer the penalty of imprisonment for a period of [sic] from TWELVE (12) YEARS AND ONE (1) DAY TO FOURTEEN (14) YEARS , the same to be served by him at the National Bilibid Prison, Muntinlupa City, Province of Rizal.

Accused named is, further, ordered by this Court to pay a fine of Three Hundred Thousand (P300,000.00) Pesos, Philippine Currency.

The two (2) rolled sticks of marijuana cigarettes (Exhibits "H-1" and "H-2", prosecution) are ordered remitted to the office of the Philippine Drug Enforcement Agency (PDEA) at Negros Occidental Provincial Police Office (NOPPO), Camp Alfredo Montelibano, Sr., Bacolod City, for proper disposition.

In the service of the sentences imposed on him by this Court, accused named shall be given full credit for the entire period of his detention pending trial.

NO COSTS.

SO ORDERED. [37]

On appeal, [38] Suating assailed his conviction, asserting that the trial court was mistaken in relying on the weakness of his defense. He insisted that the prosecution failed to establish his guilt beyond reasonable doubt, as the identity of the confiscated illicit drugs were not sufficiently proven due to non-conformity with the provisions of Section 21 of Republic Act No. 9165. [39]

The Court of Appeals ruled against Suating. [40]

It held that the illegal sale transaction was effectively completed when Suating gave the hand rolled marijuana cigarette to the poseur [-] buyer in exchange for the marked money. As to the elements of illegal possession of dangerous drugs, Suating failed to persuade that he had legal authority to possess the marijuana cigarette found when he was frisked. [41] Moreover, his previous act of selling marijuana to the poseur buyer showed his intention to "freely and consciously " [42] possess illicit drugs. [43]

Relative to the alleged non-conformity with the chain of custody, the Court of Appeals underscored that the prosecution was able to prove that there was "no gap or confusion in the confiscation, handling, custody and examination" [44] of the confiscated illicit drugs. The dispositive portion of its Decision read:

**WHEREFORE**, the appeal is **DISMISSED**. The Decision dated July 29, 2013 of the Regional Trial Court, Branch 69 of Silay City, in Criminal Case No. 8451-69 to 8452-69, is hereby **AFFIRMED**.

**SO ORDERED.** [45] (Emphasis in the original)

Hence, this appeal. [46]

On July 27, 2015, the Court of Appeals forwarded the records of this case to this Court [47] pursuant to its June 10, 2015 Resolution which gave due course to Suating's Notice of Appeal. [48]

In its November 11, 2015 Resolution, [49] this Court noted the records forwarded by the Court of Appeals. In the same Resolution, the parties were required to file their Supplemental Briefs within 30 days from notice, should they desire to do so. Both parties manifested that they no longer intend to file Supplemental Briefs. [50]

For this Court's resolution is whether or not the guilt of Suating was proven beyond reasonable doubt. Subsumed in the resolution of this issue is whether or not the police officers complied with the chain of custody as provided for under Section 21 of Republic Act No. 9165 and its Implementing Rules.