

SECOND DIVISION

[G.R. No. 242947, July 17, 2019]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MARIO MANABAT Y DUMAGAY, ACCUSED-APPELLANT.

DECISION

CAGUIOA, J:

Before the Court is an ordinary appeal^[1] filed by accused-appellant Mario Manabat y Dumagay (accused-appellant Manabat) assailing the Decision^[2] dated August 2, 2018 (assailed Decision) of the Court of Appeals (CA) Special Twenty Third Division in CA-G.R. CR-HC No. 01781-MIN, which affirmed the Decision^[3] dated September 5, 2017 of the Regional Trial Court of Dipolog City, Branch 8 (RTC) in Criminal Case Nos. 18353 and 18354, finding accused-appellant Manabat guilty beyond reasonable doubt of violating Sections 5 and 11, Article II of Republic Act No. (RA) 9165, otherwise known as "The Comprehensive Dangerous Drugs Act of 2002,"^[4] as amended.

The Facts and Antecedent Proceedings

As narrated by the CA in the assailed Decision, the essential facts of the instant case are as follows:

The accusatory portion of the *Informations* under which the accused-appellant was charged reads:

Criminal Case No. 18353

That on June 17, 2013, at 6:30 o'clock in the evening, more or less, infront (sic) [of] ABC Printing Press, Miputak, Dipolog City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, knowing fully well that unauthorized sale and distribution of dangerous drugs is punishable by law, without legal authority to sell the same, did then and there willfully, unlawfully and feloniously sell, distribute and deliver to a poseur-buyer one (1) small transparent plastic sachet of Methamphetamine Hydrochloride, more popularly known as "Shabu" approximately weighing 0.2079 gram, after receiving marked Five Hundred Peso bill bearing Serial No. TM518077 as payment therefore (*sic*). Subsequently, said marked money and the sum of One Hundred Fifty Pesos (P150.00), Philippine Currency which are proceeds of his illegal trade were recovered from his possession together with one (1) unit Nokia 1280 which he used in his illegal trade.

CONTRARY TO LAW.

Criminal Case No. 18354

That on June 17, 2013 at 6:30 o'clock in the evening, more or less, in front (sic) of ABC Printing Press, Miputak, Dipolog City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, knowing fully well that unauthorized possession and control of dangerous drug is punishable by law, did then and there willfully, unlawfully and feloniously have in his possession and control nine (9) pieces small transparent plastic sachet of methamphetamine hydrochloride, more popularly known as "Shabu", a form of dangerous drug, approximately weighing a total of 1.8515 grams, without legal authority to possess the same, in gross (v)iolation of Section 11, Par. 3, Article II of R.A. 9165.

CONTRARY TO LAW.

Upon arraignment, appellant pleaded not guilty to both charges. Thereafter, joint pre-trial and trial of Criminal Case Nos. 18353 and 18354 ensued.

Version of the Prosecution

To prove the charges against the appellant, the prosecution presented the testimonies of the following witnesses, namely: PCI Anne Aimee T. Pilayre, PO1 Gilbert Daabay, PO3 Michael Angcon, PO2 Lord Jericho N. Barral [(PO2 Barral)] and SPO2 Roy P. Vertudes [(SPO2 Vertudes)]. Their respective testimonies as summed up by the RTC are as follows:

PCI Anne Aimee T. Pilayre is a Forensic Chemical Officer of the Z.N. Provincial Crime Laboratory Office (ZNPCLO).

On June 22, 2013, at 10:25 pm, her office received a written request from PNP Dipolog for laboratory examination and weighing of ten (10) small transparent plastic sachets containing white crystalline granules believed to be shabu marked MM-01 to MM-09 and MM-BB-01, all dated June 17, 2013. The items were received by PO1 Gilbert Daabay, the officer of the day, endorsed to the evidence custodian and turned over to her for examination on June 18, 2013 at 7:30 in the morning. They also received a request for drug test on the urine samples from Mario Manabat.

She scrutinized the markings on the specimens and the letter-request to make sure that they coincide. She conducted physical test (i.e. ocular inspection of the specimens, taking the net weight of the specimen), the chemical test by taking a representative sample (3%) from each of the specimen and spotted with a reagent known as Simon's 1, Simon's 2 and Simon's 3 to determine the presence of dangerous drug. The specimen from the ten (10) sachets turned deep blue in color. This indicates that that (sic) all sachets are positive for methamphetamine hydrochloride or

shabu. Finally, she conducted confirmatory test where representative samples of the three sachets were spotted into a thin layer chromatographic plate. She prepared Chemistry Report No. D-36-2013 which states that "***Qualitative examination on the above submitted specimen A-1 to A-10 gave POSITIVE result to the tests for the presence of Methamphetamine hydrochloride, a dangerous drug***".

The remainder of the samples were then placed back to the original container and sealed.

x x x x

PO1 Gilbert Daabay is a regular member of the PNP assigned as Officer-of-the-Day at the Z.N. Provincial Crime Laboratory Office (ZNPCLO).

On June 17, 2013, he received requests for laboratory examination and weighing and accompanying items involving Mario Manabat delivered personally by SPO(2) Rey (sic) Vertudes at 22:25 HRS. He took the gross weights of each item and recorded them on the logbook. He placed the specimen and documents inside an envelope.

He also received a request for drug test. After Mario filled up the drug consent form, Daabay accompanied the suspect to the comfort room to get his urine sample. The urine sample was in a bottle with control number then placed in the refrigerator.

At 7:30 of the following day, he turned over the received items to the Forensic Chemist. The turnover of evidence to Pilayre was duly recorded in the logbook.

PO3 Michael Angcon is the Evidence Custodian of Z.N. Provincial Crime Laboratory Office (ZNPCLO) responsible for the safekeeping of all evidence and drug specimens submitted to their office for laboratory examination.

He testified that right after Pilayre conducted laboratory examination of drug specimens; he received the drug specimens and documents in the instant case. The same pieces of evidence were released to Pilayre for her Court duties on January 23, 2014.

The said turnover of evidence from Pilayre to Angcon (for safekeeping) and back to Pilayre (for Court duties) were all duly recorded in the logbook.

PO2 Lord Jericho N. Barral is a regular member of the PNP assigned at Dipolog City Police Station designated as member of the City Anti-Illegal Drugs Special Operation Task Force (CAIDSOTF).

On June 10, 2013, he received information through a text message from a confidential informant (CI) that a certain alias Mario is engaged in the selling of prohibited drugs in Estaka, Miputak and other places in Dipolog

City. He and SPO(2) Roy Vertudes referred the matter to the Chief of Police, PSupt Joven Rendon Parcon, who instructed [them] to conduct [a] buy bust operation. They complied with such directive. They monitored alias Mario's activities and planned to buy a sachet of shabu from the suspect.

On June 17, 2013, they decided to conduct [a] buy-bust operation because alias Mario arrived from Ozamis and he had already (sic) stocks of shabu. They instructed the CI to negotiate with Mario with Barral acting as the poseur buyer. The CI agreed. At around 6 pm, the CI texted that he and Mario are together and that Mario accepted the request. They agreed to meet at ABC Printing Press.

Barral proceeded to the place on board his motorcycle while Vertudes, who acted as back-up, followed in his four-wheeled tinted vehicle. Barral positioned near the entrance of the printing press while Vertudes was near El Garaje establishment, a few meter (sic) from the printing press.

At about 6:30 pm, the CI and Mario arrived on board a motorcab. The CI introduced Barral to Mario as the buyer of shabu. After a short conversation, Mario agreed to sell to Barral. Barral handed a P500 bill marked money to Mario, who received the same and in turn handed to Barral a sachet of shabu from inside a small container in his pocket. Mario placed the P500 inside his wallet. Upon receiving the shabu, [Barral] immediately held Mario. Vertudes came and assisted Barral in the arrest of Mario. They informed Mario that they were police officers of Dipolog City Police Station. Mario was told of his constitutional rights in Visayan dialect.

They called for witnesses to the inventory of items recovered from Mario. Representatives from DOJ, media and the barangay of Miputak came. Barral conducted body search on Mario in the presence of the witnesses. After the search, Mario revealed his full name. Confiscated from Mario's possession were nine (9) pieces small transparent plastic sachets in triangular shape containing white crystalline granules, one (1) piece P500 bill (marked money), P150 proceeds money, one (1) unit Nokia cellphone. Barral turned over the one (1) piece small sachet bought by Barral from Mario. Vertudes made markings on the confiscated items. He also prepared the certificate of inventory and signed by the witnesses (sic). The sachets of shabu were marked as MM-01 to MM-09 with date and initial (sic) and the one (1) piece buy-bust shabu was marked BB-01. Photographs were taken during the conduct of inventory.

In Court, Barral identified Mario Manabat as well as the items recovered from the latter.

x x x x

SPO2 Roy P. Vertudes is a regular member of the PNP and presently assigned at the Regional Police Holding Administrative Unit in Zamboanga City. He corroborated the testimony of Barral that they received information that a certain Mario Manabat is engaged in selling shabu in Estaka, Miputak and other parts in Dipolog City. They informed the Chief

of Police, who in turn instructed them to conduct buy bust operation.

They instructed the CI to contact to (sic) as soon as Mario has available stocks of shabu. On June 17, 2013, the CI sent a text message that Mario has arrived from Ozamis City and he has stocks of shabu. x x x The CI informed that he and Mario will meet in front of ABC Printing Press in Gonzales and Malvar streets. With that information, Barral proceeded to the area on board his motorcycle while Vertudes drove his four-wheeled tinted vehicle. Vertudes parked near El Garaje. He did not alight from the vehicle. At 6:30 pm, a passenger motorcab arrived. Two male persons disembarked, one of them is the CI. Vertudes saw Barral, the CI and another male person conversing about 10 to 15 meters from him. Then, he saw Barral held (sic) the other male person which signifies (sic) that the transaction was consummated. He rushed to the scene and assisted Barral in handcuffing Mario. He did not see the exchange of items as it was already dark.

Barral introduced himself to Mario as a police officer and informed him that he was arrested for selling illegal drugs. Barral also informed Mario of his constitutional rights in Visayan dialect. Mario had no reaction. After being handcuffed, the witnesses were called. Merlinda Tenorio of DOJ, Edwin Bation of media, barangay captain Janus Yu and barangay councilor Epifanio Woo arrived. In their presence, Barral conducted body search on Mario. Items recovered by Barral from Mario's possession were turned over to Vertudes, the designated inventory officer and custodial officer. Upon Mario's request, the wallet was returned to him. The recovered items (10 sachets of shabu, P500 bill, Nokia cellphone and P150 proceeds money) were marked with Vertudes' initial and date of arrest. Pictures were taken. Mario was then brought to the ZaNorte Medical Center for routine medical checkup then to the police station. From the time of the inventory until Mario was brought to the police station, Vertudes kept custody of the drug specimens and other recovered items.

At the police station, he prepared a request for laboratory examination and weighing and request for drug test. He brought the letter with the items and the accused to the PNP Crime Laboratory.

In Court, Vertudes identified Mario Manabat, the items recovered from him and other documents.

Version of the Defense

The defense, for its part, presented Mario D. Manabat as [its] sole witness. The gist of his testimony is as follows:

Mario D. Manabat (42 years old, widower, Third Year High School level, a detention prisoner of the Dipolog City Jail and a resident of Estaka, Dipolog City) testified that there was no buy bust operation conducted against him as he was just grappled by persons near Casa Jose in the afternoon of June 17, 2013. Thereafter, he was brought to the boulevard then to