

# FIRST DIVISION

[ G.R. No. 233535, July 01, 2019 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V.  
WILLIAM RODRIGUEZ Y BANTOTO, ACCUSED-APPELLANT.**

## D E C I S I O N

**DEL CASTILLO, J.:**

This is an appeal filed by accused-appellant William Rodriguez y Bantoto (accused-appellant) from the March 9, 2017 Decision<sup>[1]</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 08151, which affirmed the February 2, 2016 Decision<sup>[2]</sup> of the Regional Trial Court (RTC) of Manila, Branch 2, in Criminal Case No. 13-298732 finding accused-appellant guilty of violation of Section 5, Article II of Republic Act (RA) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

### ***The Factual Antecedents***

Accused-appellant was charged with violation of Sections 5 and 11(3), Article II of RA 9165 under the following Informations:

Crim. Case No. 13[-]298732

That on or about July 27, 2013, in the City of Manila, Philippines, the said [accused-appellant] conspiring and confederating [with] one, whose true name, real identity and present whereabouts is still unknown and mutually helping each other, not authorized by law to sell, trade, deliver, transport or distribute any dangerous drug, did then and there willfully, unlawfully, knowingly and jointly sell or offer for sale to a police officer/poseur buyer one (1) heat-sealed transparent plastic [sachet] marked as 'DAID' [containing] white crystalline substance weighing ZERO POINT ZERO SEVEN (0.07) gram, which after qualitative examination x x x gave positive result to the tests for Methamphetamine Hydrochloride known as '*shabu*,' a dangerous drug.

Contrary to law.<sup>[3]</sup>

Crim. Case No. 13[-]298733

That on or about July 27, 2013, in the City of Manila, Philippines, the said [accused-appellant], not being authorized by law to possess any dangerous drug, did then and there willfully, unlawfully, and knowingly have in his possession and under his custody and control five (5) unsealed transparent plastic sachet[s] with markings 'FSM,' 'FSM-1,' 'SM-2,' 'FSM-3' and 'FSM-4' containing white crystalline substance weighing ZERO POINT ONE SEVEN (0.17) gram, ZERO POINT ONE ZERO (0.10) gram, ZERO POINT THREE TWO (0.32) gram, ZERO POINT ZERO ZERO

THREE (0.003) gram and ZERO POINT ZERO TWO (0.02) gram, or a total weight of ZERO POINT SIX ONE THREE (0.613) gram, which after qualitative examination x x x gave positive result to the tests for Methamphetamine Hydrochloride known as '*shabu*,' a dangerous drug.

Contrary to law.<sup>[4]</sup>

Upon arraignment, accused-appellant pleaded not guilty to the crimes charged.<sup>[5]</sup>

### ***Version of the Prosecution***

According to the prosecution, on July 26, 2013 at around 6:00 p.m., two crew members of the investigative program, *Imbestigador ng Bayan* (Imbestigador), went to the Manila Police District, District Anti-Illegal Drugs (DAID), to inform the police about the rampant selling of drugs in the area by accused-appellant and a certain alias Dang. After verifying the information with their Confidential Informant (CI), the DAID formed a buy-bust team with PO3 Fred Martinez (PO3 Martinez) as poseur-buyer. The DAID then coordinated with the Philippine Drug Enforcement Agency (PDEA).

Thereafter, on July 27, 2013, at around 1:15 a.m., the buy-bust team, together with the crew members of *Imbestigador* and the CI, proceeded to the pension house on M.G. Del Pilar Street where accused-appellant and Dang were residing. Upon arrival, Dang approached the CI, who introduced PO3 Martinez as a buyer of P500.00 worth of *shabu*. Dang then brought them inside the pension house where PO3 Martinez saw accused-appellant and several unsealed plastic sachets on top of the table. After Dang introduced PO3 Martinez to accused-appellant, PO3 Martinez then handed the marked money to the accused-appellant, who, in turn, gave PO3 Martinez one plastic sachet containing white crystalline substance. Upon receiving the sachet, PO3 Martinez gave the pre-arranged signal to the buy-bust team who, together with the crew members of *Imbestigador*, rushed in and arrested accused-appellant. But because of the commotion, Dang was able to get away. PO3 Martinez then recovered the buy-bust money and five unsealed plastic sachets on top of the table. The sachet bought from the accused-appellant was marked as "DAID" while the five sachets found on top of the table were marked as "FSM," "FSM-1," "FSM-2," "FSM-3," and "FSM-4." *Barangay Tanods* Sonny Boy Rodriguez (Rodriguez) and Joseph Caeg (Caeg) were called to the scene to sign the inventory because the crew members of *Imbestigador* refused to sign. Photographs of the evidence were also taken. The accused-appellant was then brought to the *Ospital ng Maynila* for medical examination and later to the DAID. Once there, the police prepared the request for laboratory examination and the chain of custody report. PCI Alejandro de Guzman (PCI de Guzman) received the request and conducted a laboratory examination, which yielded positive for methamphetamine hydrochloride.<sup>[6]</sup>

### ***Version of the Accused-appellant***

The accused-appellant denied the accusations against him. He testified that on the said date, he was resting inside the pension house when he heard a noise from the door. When he opened the door, four or five persons rushed into the room and poked their guns at him. He was told to lie face down on the bed and was handcuffed. He then saw drugs on the table but denied knowing where those drugs came from. He was then brought to the *Ospital ng Maynila*, and later to the DAID.<sup>[7]</sup>

## ***Ruling of the Regional Trial Court***

On February 2, 2016, the RTC rendered a Decision finding accused-appellant guilty beyond reasonable doubt of the crime of illegal sale of dangerous drugs under Section 5, Article II of RA 9165. The RTC gave more weight and credence to the testimonies of the prosecution's witnesses than to accused-appellant's defenses of denial and frame-up, especially since accused-appellant failed to show any ill motive on the part of the prosecution's witnesses to falsely accuse him of the crime charged.<sup>[8]</sup> However, the RTC resolved to acquit accused-appellant of the crime of illegal possession of dangerous drugs under Section 11, Article II of RA 9165 on the ground of reasonable doubt because the identity and the integrity of the five unsealed plastic sachets were not preserved due to the failure of the police officers who handled the evidence to seal the same and to put this fact on record.<sup>[9]</sup> Thus-

WHEREFORE, judgment is hereby rendered as follows x x x:

In Crim. Case No. 13-298732, finding [accused-appellant] William Rodriguez y Bantoto GUILTY beyond reasonable doubt of the crime charged and is hereby sentenced to life imprisonment and to pay a fine of P500,000.00, and

In Crim. Case No. 13-298733, ACQUITTING [accused-appellant] William Rodriguez y Bantoto on the ground of reasonable doubt.

The specimens are forfeited in favor of the government and the Branch Clerk of Court, accompanied by the Branch Sheriff, is directed to turn over with dispatch and upon receipt [of] the said specimens to the Philippine Drug Enforcement Agency (PDEA) for proper disposal in accordance with the law and rules.

SO ORDERED.<sup>[10]</sup>

## ***Ruling of the Court of Appeals***

Accused-appellant elevated the case to the CA chiefly on the ground that the prosecution had utterly failed to establish beyond reasonable doubt the integrity and credibility of the *corpus delicti* itself. Accused-appellant highlighted the police officers' non-compliance with the procedural safeguards under RA 9165 as the inventory and photograph of the seized items were not done in the presence of a representative from the Department of Justice (DOJ).<sup>[11]</sup> Accused-appellant assailed the utter failure of the prosecution to establish the unbroken chain of custody of the confiscated items and the failure of the RTC to consider his defense of denial.<sup>[12]</sup>

On March 9, 2017, the CA affirmed the RTC's Decision. The CA found that, contrary to the claim of accused-appellant, the integrity and evidentiary value of the seized items had been preserved in an unbroken chain of custody.<sup>[13]</sup> With particular reference to the accused appellant's allegation as to the absence of the representative from the DOJ, the CA ruled that this was not fatal as there was no showing that there was a break in the chain of custody of the seized items.<sup>[14]</sup>

Unfazed, accused-appellant filed the instant appeal.

## **Our Ruling**