

THIRD DIVISION

[G.R. No. 225325, August 28, 2019]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ISIDRO RAMOS Y BONDOC, ACCUSED-APPELLANT.

DECISION

LEONEN, J.:

In buy-bust operations, the apprehending team's inadequate preparations are not justifiable grounds for its noncompliance with the requirements under Section 21(1) of Republic Act No. 9165, or the Comprehensive Dangerous Drugs Act of 2002.

This Court resolves an appeal^[1] from the Court of Appeals' June 5, 2015 Decision^[2] in CA-G.R. CR-HC No. 06718. The Court of Appeals affirmed the Regional Trial Court's October 14, 2013 Joint Decision^[3] convicting Isidro Ramos y Bondoc (Ramos) for violating Article II, Sections 5 and 11 of Republic Act No. 9165.

Two (2) separate Informations were filed before the Regional Trial Court of San Fernando City, Pampanga and docketed as Criminal Case Nos. 17171 and 17172. The Information for Criminal Case No. 17171 read, in part:

That on or about the 10th day of August 2010, in the City of San Fernando, Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without having been lawfully authorized, did then and there, willfully, unlawfully and feloniously, have in his possession, custody and control seventeen (17) heat-sealed transparent plastic sachets with marking 'ACY-1 to ACY-17' containing Methamphetamine Hydrochloride with a total weight of TWO THOUSAND TWO HUNDRED FORTY SEVEN TEN THOUSANDTHS (0.2247g) of a GRAM, a dangerous drug.

Contrary to law.^[4]

The Information for Criminal Case No. 17172 read, in part:

That on or about the 10th day of August 2010, in the City of San Fernando, Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without having been lawfully authorized, did then and there, willfully, unlawfully and feloniously sell, distribute and transport a heat-sealed transparent plastic sachet with markings 'AQN' in exchange of one (1) pc. [o]f Five Hundred Peso Bill with serial number MX928465 containing Methamphetamine Hydrochloride with a weight of ONE HUNDRED FORTY THREE TEN THOUSANDTHS (0.0143) of a GRAM, a dangerous drug.

Contrary to law.^[5]

The cases were tried jointly. Upon arraignment on September 15, 2010, Ramos pleaded not guilty to the crimes charged. On January 5, 2011, pre-trial was conducted, after which trial commenced.^[6]

Police Officer 2 Arlan Q. Navarro (PO2 Navarro), PO3 Agustin C. Yco, Jr. (PO3 Yco), Bernardino Talao (Talao), and Francisco Palo (Palo) testified for the prosecution^[7] as follows:

At around 7:20 a.m. on August 10, 2010, a confidential informant went to the police station where PO2 Navarro was stationed and reported that a known drug pusher named "Billy" was selling shabu in Barangay Quebiawan, San Fernando City, Pampanga. PO2 Navarro relayed this information to Police Inspector Joven de Guzman (Inspector de Guzman). They then planned a buy-bust operation in which PO2 Navarro was designated as the poseur-buyer who would throw his cigarette to signal that the drug sale was consummated.^[8] He was also given a P500.00 bill with serial number MX928465 as the buy-bust money. PO2 Navarro and Inspector de Guzman then signed a Coordination Form to manifest their coordination with the Philippine Drug Enforcement Agency.^[9]

At 8:35 a.m. that day, before conducting the buy-bust operation, PO2 Navarro, PO3 Yco, and the confidential informant went to the Quebiawan barangay hall to coordinate with the local officials.^[10] However, they were only able to coordinate with the Bantay Bayan as there was no elected official present then.^[11]

Then, the police officers proceeded to Don Tomas Avenue in Barangay Quebiawan ;where Billy was located. The informant approached Billy and told him that PO2 Navarro wanted to buy shabu. Billy handed a heat-sealed plastic sachet containing white crystalline substance to PO2 Navarro in exchange for the marked P500.00 bill. Afterwards, PO2 Navarro threw his cigarette to signal that the transaction had been consummated, prompting PO3 Yco to approach.^[12]

PO3 Yco and PO2 Navarro introduced themselves as police officers and informed Billy of his constitutional rights, after which PO3 Yco asked Billy to take out the sachets he had from his pocket. PO3 Yco confiscated 17 heat-sealed sachets containing white crystalline substance, as well as the marked money,^[13] which he gave to PO2 Navarro.^[14]

The items were not immediately marked after seizure, PO2 Navarro explained, as none of the required witnesses under the law were then present.^[15] PO3 Yco, meanwhile, testified that the markings were not placed at the time of arrest because he and PO2 Navarro did not bring pens.^[16]

Instead, PO2 Navarro said he put the seized items in a plastic container, separating the sachet he had bought from Ramos from the 17 sachets found in Ramos' left pocket.^[17] With the 18 sachets in his custody, PO2 Navarro went to the police station while PO3 Yco brought Ramos.^[18]

At the police station, Ramos was turned over to PO2 Carlo Zaragosa (PO2 Zaragoza). Meanwhile, in the presence of Barangay Kagawad Palo, media representative Talao, and Department of Justice representative Manuel Villanueva (Villanueva), PO2 Navarro removed the sachets from their respective plastic containers. The sachet he bought from Ramos was marked with his initials, "AQN," while the other 17 sachets were marked with the initials "ACY."^[19]

PO2 Navarro and PO3 Yco later signed a Confiscation Receipt issued by PO2 Zaragosa, who also prepared a Turn-Over Receipt.^[20] Billy, using his name Isidro Ramos,^[21] and witnesses Palo, Talao, and Villanueva also signed the Confiscation Receipt.^[22]

On cross-examination, PO2 Navarro testified that he was the one who placed all the entries in the Confiscation Receipt. He added that he first had Ramos read the document, making sure he understood its contents.^[23]

Meanwhile, Talao testified on cross-examination that he could not recall if the seized items had been marked before he signed the Confiscation Receipt. He also claimed that a police officer was merely holding the seized items, and did not put them in plastic containers, before he laid them all out on the table. He could not recall whether all 18 sachets had been segregated or not.^[24]

Meanwhile, Palo initially testified that at around 11:00 a.m. on August 10, 2010, he was at the barangay hall when PO2 Navarro arrived, asking for a barangay kagawad to act as witness. Thus, Palo went with PO2 Navarro to the municipal hall, where he said he was presented with plastic sachets containing green marijuana leaves. The officers then told him that they would take pictures as the witnesses pointed to the items and signed the Confiscation Receipt. Palo said that he did not read the Confiscation Receipt before signing it, but the officers told him that the document stated the items taken from Ramos. Later, upon inquiry by the trial court, Palo testified that he was confused when he said marijuana had been presented to him, explaining that he had also acted as witness in a different case involving marijuana. He said that he could not recall the details of the marijuana case because it happened long ago.^[25]

For its part, the defense presented Ramos and his two (2) nephews, John Lester Ramos (John Lester) and Gerard Ramos (Gerard), as witnesses.

Ramos denied all the accusations against him and claimed that he had been framed.^[26] He recalled that at around 1:00 a.m. on August 10, 2010, he was in his living room, about to sleep, while his two (2) nephews were inside the bedroom. It was then that PO2 Navarro and PO3 Yco entered his house, together with their informant who stood silent by the door. The officers had Ramos lie face down and searched his body. They told him they were conducting a buy-bust operation, but Ramos said he did not understand what that meant. The officers also entered the bedroom, but Ramos said he did not know what they did there.^[27]

Ramos stated that after the officers had searched and arrested him, they showed him 17 sachets and claimed that they took the items from him. He was then taken

to an unfamiliar place near the public market, where he was kept for a few hours before being brought to the municipal hall and put in jail.^[28]

Claiming that he did not understand English well, Ramos said he did not read the Confiscation Receipt-and neither was it explained to him as he had no lawyer-but still signed it upon the police officers' instructions. He further said that he did not know if any witness was present when he signed the document. After signing, he was put back in jail.^[29]

Ramos admitted that he used drugs, but he denied selling them.^[30]

John Lester testified that he was sleeping when, at around 1:00 a.m. on August 10, 2010, someone shouted, "*E ka gugulisak, barilan daka* (Do not shout, I will kill you)," jolting him awake. Frightened, he said that he lay face down on the floor as he heard his uncle and two (2) other persons shouting. He claimed that he heard Ramos ask for help and plead to the other persons not to get their belongings. He said that, as he lay on the ground, someone entered the bedroom and took his phone. He did not see who the person was as he was too frightened to do anything. Around 30 minutes later, when the shouting stopped, he went to the other room and woke his cousins. When they got to the living room to check what happened, they saw pillows and sheets scattered in the living room. Frightened, they chose not to leave the house.^[31]

Later, when their other uncle, Nelson, arrived, John Lester told him what had happened. Nelson told John Lester that he came from the barangay hall with a police officer, where he had been informed that Ramos was about to be arrested. John Lester also testified that his uncle Ramos neither used nor was involved in drugs. He did not know that Ramos had testified having used drugs.^[32]

Meanwhile, Gerard alleged that on August 10, 2010, he had been asleep since around 10:00 p.m. when about three (3) hours later, John Lester woke him and told him that Ramos was taken away. He stated that although he did not see the incident, he saw that their house was left a mess and some things were missing.^[33] During trial, he testified that he did not know if his uncle was involved in drugs.^[34]

Ramos claimed during cross-examination that his two (2) nephews did not execute sworn statements because they were afraid. He added that he did not speak with them, as he had been in jail for two (2) years already.^[35]

In an October 14, 2013 Joint Decision,^[36] the Regional Trial Court found Ramos guilty beyond reasonable doubt of the crimes charged. It held that the prosecution established the identity of the buyer and seller, object and consideration, as well as the delivery of and payment for the thing sold.^[37] It also gave full faith to PO2 Navarro's and PO3 Yco's testimonies, ruling that they proved that the integrity and evidentiary value of the seized drugs had been preserved.^[38]

The trial court accepted as a justifiable ground for not immediately marking the seized items the officers' failure to bring a marking pen. It also accepted as justifiable; ground for marking the items at the police station the officers'

explanation that the required witnesses were available by then.^[39]

Meanwhile, it discounted the defense's testimonies as tainted with bias since two (2) of its witnesses were Ramos' relatives.^[40] It also reasoned that because Ramos did not file any charges against the arresting officers, he failed to show any ill motive on their part.^[41]

The dispositive portion of the Decision read:

VIEWED IN THE LIGHT OF THE FOREGOING, this court finds the accused ISIDRO RAMOS y BONDOC, guilty beyond reasonable doubt of the crime of Violation of R.A. 9165 and is hereby sentenced, as follows:

1. in Criminal Case No. 17171 for Violation of Section 11, Article II, the accused is sentenced to suffer the penalty of Fourteen (14) years, eight (8) months and one (1) day, as minimum, to Seventeen (17) Years and Four (4) months, as maximum, and to pay fine of Php300,000.00; and
2. in Criminal Case No. 17172 for Violation of Section 5, Article II, the accused is sentenced to suffer the penalty of life imprisonment and to pay fine of Php500,000.00.

SO ORDERED.^[42]

Ramos filed a Notice of Appeal^[43] before the Regional Trial Court. Ramos, through counsel, filed his Brief^[44] before the Court of Appeals on February 26, 2015. Meanwhile, the Office of the Solicitor General filed its Brief^[45] on May 28, 2015.

Ramos argued that there were gaps in the chain of custody, which put the seized items integrity in doubt. First, the seized items were not immediately marked.^[46] Second, the prosecution failed to establish how the seized items were received and brought to the crime laboratory. Third, the forensic chemist failed to mention the name of the person to whom he turned over the seized items, or the custodian of the seized items. Fourth, there was no explanation given on what degree of precautions were taken before and after the examination to preserve the integrity of evidence.^[47] Additionally, Ramos argued that the item seized from the illegal sale was comingled with the 17 other confiscated items.^[48]

Ramos also pointed out inconsistencies in the prosecution witnesses' testimonies. He argued that PO2 Navarro and PO3 Yco provided different reasons why the items were not immediately marked. He further pointed out that although PO2 Navarro initially claimed that PO2 Zaragosa prepared the Confiscation Receipt, he later claimed to have made the entries himself.^[49]

In a June 5, 2015 Decision,^[50] the Court of Appeals affirmed the Regional Trial Court Decision. The dispositive portion of the Decision read:

WHEREFORE, in view of the foregoing premises, judgment is hereby rendered by us **DENYING** the appeal filed in this case. The Joint Decision dated October 14, 2013 which was rendered by Branch 41 of the