

SECOND DIVISION

[G.R. No. 234035, August 19, 2019]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. CRISPIN
MAMUYAC, JR. Y PALMA, APPELLANT.**

D E C I S I O N

CARPIO, ACTING C.J.:

The Case

G.R. No. 234035 is an appeal assailing the Decision^[1] dated 7 November 2016 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 07746. The CA affirmed the Decision^[2] dated 17 August 2015 of the Regional Trial Court, First Judicial Region, Branch 19, Bangui, Ilocos Norte (RTC), in Criminal Case No. 2194-19 convicting Crispin Mamuyac, Jr. y Palma^[3] (appellant) of violating Section 5, Article II of Republic Act No. 9165 (RA 9165).

The Facts

The RTC summarized the facts as follows:

On April 2, 2014, an Information was filed against herein accused charging him as follows:

"That on or about 7:30 o'clock in the evening of April 2, 2014, at Brgy. #14, Estancia, Pasuquin, Ilocos Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously sell one (1) heat-sealed transparent plastic sachet containing 0.0343 gram of methamphetamine hydrochloride, commonly known as "shabu", a dangerous drug, in the amount of Five Hundred Pesos (P500.00) to police poseur-buyer, PO1 Alexson T. Rosal without any authority or license from the appropriate government agency to do so.

CONTRARY TO LAW[.]"

Upon arraignment, accused assisted by counsel de parte, pleaded not guilty.

In the pre-trial conference, the parties agreed and stipulated on the following facts: that the accused is a resident of Brgy. 10, Estancia, Pasuquin, Ilocos Norte; and that at about 7:30 o'clock in the evening of April 2, 2014, said accused was then in their house in Brgy. Estancia, Pasuquin, Ilocos Norte. Both parties likewise agreed that the issue be centered on the legality of the arrest of herein accused arising from the

questioned buy-bust transaction, such that he will be held answerable for the crime.

The Facts

According to the Prosecution

Culled as evidence from **PO1 Alexson Rosal** would establish that at about 4:00 o'clock in the afternoon of April 2, 2014, he was at the Pasuquin Police Station together with other police officers on duty to include the Chief of Police. While on duty, an informant came to their office reporting on the alleged rampant selling of herein accused Crispin Mamuyac. Said information was relayed directly to the Chief of Police. The latter directed the Intel operatives to verify it. Not long, they arrived and reported positive the information relayed to them. So the Chief of Police conducted a briefing for the arrest of the accused thru the conduct of a buy-bust operation. The Chief also coordinated with the PDEA and INNPO-PAIDSOTG. He was assigned to be the poseur-buyer while the rest of the group will act as the back-up security. **He was handed a piece of five hundred peso bill with serial number LKO48833 and made markings of "JTC" on the forehead of Ninoy Aquino to be used as the buy-bust money.** They proceeded to the target area which is at Brgy. 10, Pasuquin. Together with the informant, he rode on a motorcycle and proceeded in front of the house of accused. The rest of the team followed suit and stationed near the subject house. Accused upon seeing the informant, immediately inquired how much he is going to buy. The informant answered in the amount of five hundred pesos. After the exchange of talks between the agent and accused, **PO1 Alexson Rosal brought out the five hundred peso buy-bust money and handed the same to the accused. The latter took the amount and placed it in his pocket while simultaneously handling the plastic sachet to the police poseur-buyer.** Immediately, he executed the pre-arranged signal, which is the calling thru his cell phone. This is to convey to the rest of the group that the transaction was finally consummated. However, accused may have sensed that he is a police officer, so he ran towards their living room. He tried to chase him but he heard that accused cocked a gun so he told his comrades that accused has a gun. They came to help him and convinced accused to surrender by the Chief of Police. He then, surrendered raising his hand bearing his gun. He took hold of the gun while PO2 John-John Garan handcuffed and frisked him. PO2 Garan recovered the buy-bust money. From the time of the apprehension of the accused [until] accused was brought to the police station, he was in possession of the confiscated item. At the police station, he made markings on the plastic sachet, "CPM1". After which, he turned it over to PO2 Garan, being the chief investigator. An inventory was then prepared by PO2 Garan.

SPO1 Jonathan Caldito narrated that in the afternoon of April 2, 2014, he was on duty at the police station of Pasuquin, Ilocos Norte together with the Chief of Police, PSI Ramos and PO2 John-John Garan. They were summoned by PSI Ramos to conduct a validation regarding the report that herein accused Crispin Mamuyac is selling shabu. Hence, they

repaired to the designated barangay and conducted "neighborhood investigation" for about two (2) hours and after which, they returned to the station. The said investigation proved positive so, PSI Ramos immediately conducted a buy-bust operation. PO1 Alexson Rosal was tasked to act as the police poseur-buyer. He was designated as a back-up security. After the designation of their respective roles on the operation, they all repaired to Brgy. Estancia, Pasuquin. The group of the poseur-buyer was on board a motorcycle while his group boarded an unmarked vehicle. He was on the motor vehicle with PSI Ramos and PO2 Garan. They reached the place about seven o'clock in the evening of same date and posted themselves to a bush where it was dark, west of the house of the accused. From a distance of about 25 meters, they observed the on-going transaction, where there were no obstructions. Not long, he saw PO1 Rosal executed [sic] the pre-arranged signal, which is the calling of PO1 Rosal to PSI Ramos. They went near accused and helped in his arrest. After subduing him, he left the area.

PO2 John-John Garan states that at about 4:00 o'clock in the afternoon of April 2, 2014, he was on duty at the PNP Police station of Pasuquin. While thereat, an informant came and relayed to the Chief of Police that there was a person who is selling illegal drugs at Brgy. Estancia, Pasuquin, Ilocos Norte. The Chief of Police conducted a buy-bust operation and the team will be comprised of PSI Ramos, PO1 Mario Corcoro, SPO1 Jonathan Caldito, PO3 Joel Bulosan, PO2 Garan and PO1 Gonzaga. He was specifically tasked to act as one of the perimeter security. After the briefing, they trooped to the agreed place of transaction, particularly at the house of herein accused at Sitio Bokal, Brgy. Estancia, Pasuquin. He boarded an unmarked vehicle together with SPO1 Caldito and PO1 Gonzaga. He was dropped to the venue of the transaction located eastern part of the road while the rest positioned themselves at the western portion. With SPO1 Caldito and PO1 Gonzaga, they repaired near the vicinity of the subject house. At his vantage end, he saw the police poseur-buyer and the informant entering the house of the accused. The latter parties later were then seen having a conversation in front of the house of the accused. He later on saw the accused and poseur-buyer exchanging things, with PO1 Rosal handling first to the accused and the latter in turn was giving something. After quite a time, he saw the other group headed by the Chief of Police approaching towards the house of the accused. They too, also r[a]n towards the house of herein accused to assist in helping his arrest. When accused was held, **he searched him and recovered from accused the buy-bust money.** He turned-over the recovered item to PO1 Rosal. They brought accused to the police station. An inventory was made and also markings of all recovered items from the accused, including the taking of pictures in the presence of Brgy. Captain Precidio Palalay and other barangay kagawads. On the sold illegal drug of shabu, he put the markings on its container "CPM" representing the initial of accused because the same was turned over to him by the poseur-buyer at the police station, he being the case investigator. Together with the police poseur-buyer, they brought the item at the PNP crime laboratory for the requisite chemical analysis. The item was duly received by PO1 Julius Surrel. He was shown the alleged seized item and accordingly identified

the same by reason of the markings he made on the sachet which is "CMP1".

Police Officer Amiely Ann Navaro, a Forensic Chemist assigned at the Ilocos Norte Provincial Crime Laboratory Office testified anent this case. She initially identified the Final Chemistry Report and the result of said chemical analysis proved positive the specimen submitted for methamphetamine hydrochloride. A letter-request for chemical examination along with the subject specimen from the PNP Pasuquin thru PO2 Garan was received by their Office thru PO1 Julius Surrel and the latter was the one who gave both the request and the specimen to her. Before she came to court, she retrieved the item from the evidence custodian, SPO3 Nilo Domingo. The item was placed in a bigger plastic sachet and she made markings on it, the letters "AALN" which stand for her initial[s].

In the hearing conducted on March 5, 2015, the prosecution intends to present **SPO4 Nilo Domingo** of the PNP Crime Laboratory based at Camp Valentin Juan, Laoag City, the gist and tenor of his proffered testimony as follows: that he will testify on the circumstances showing that after the chemist had examined the subject item of his case, the same chemist turned over the drugs to the witness being the evidence custodian; he will also testify to corroborate the testimony of PSI Amiely Ann Navarro to the effect that the latter turned over to him the subject drug after the examination for safekeeping; that when she came to court, she retrieved the item from him; that the chain of custody of the drugs was properly documented as indicated in the bracketed portion of the logbook marked Exhibit "F-2" for the said prosecution. The said proffered testimony was duly admitted, hence, the testimony of SPO4 Nilo Domingo was dispensed with.

Another witness **Julius Surrel's** testimony was the subject of stipulation of facts where both parties agreed that if he is going to testify, his testimony shall revolve on the fact that he was the one who received the seized item from PO2 Garan of the PNP Pasuquin as indicated in Exhibit "G" for the prosecution.

The last witness for the prosecution is **Brgy. Chairman Precidio Caliva Palalay**, of Brgy. 10, Estancia, Pasuquin, Ilocos Norte. He was presented as a hostile witness by the trial prosecutor. His testimony revolves solely on the Certification which he allegedly issued. In his testimony, he avows that he could not recall if the signature appearing thereat is his signature. He further stressed that he had nothing to do with the Certification being alluded by the prosecution and cannot anymore recall when and where he allegedly affixed his signature in said questioned Certification. Upon prodding by the trial prosecutor, he later on admitted that the signature appearing on the document is similar to his signature but posits that the document he signed as far as he could remember is about a tree planting project and not what the subject Certification purports where he is certifying to the effect that accused is a drug personality under BAD AC watch list.

In the cross examination, he alleged that he had no knowledge about the buy bust operation conducted against the herein accused. Likewise, he admitted that he did not sign the Inventory Receipt.

The prosecution formally offered the following exhibits:

Exhibit "A" - Joint Affidavit of the arresting police officers;
Exhibit "B" - Extract Copy of the Police Blotter;
Exhibit "C" - Certification issued by Brgy. Chairman Precidio Palalay;
Exhibit "D" - Coordination Form;
Exhibit "E" - Pre-operational Report; Exhibit "F series" - Chemistry Report and Entries in the Log Book of the Crime Laboratory;
Exhibit "G series" - Request for Dangerous Drugs Examination[;]
Exhibit "H" - Chemistry Report on the Urine Test of the accused;
Exhibit "I" - Request for Laboratory Examination of the urine of the accused;
Exhibit "J series" - Pictures;
Exhibit "K" - Inventory of the items seized;
Exhibit "L" - the Specimen; [and]
Exhibit "M" - the buy-bust money.

The Defense's Version

Crispin Mamuyac, Jr., took the witness stand and testified] in his favor. He claims that on April 2, 2014 at around 4:00 o'clock in the afternoon, he came from his house coming from the house of the Brgy. Chairman of their barangay. Upon arriving at home and while partaking their food, several men entered his residence. He recognized them to be police officers John-John Garan and Leumuel Bulosan. On the other hand, the Chief of Police who was posted outside was wearing a blonde wig, disguising himself. Guns were aimed at him by the police authorities. He was forcibly carried out of this house and brought to the mobile car. Right inside said car, Police Officer Alexson Rosal told him "I would not have done this friend, but it is our standard operating procedure and we are looking for a baby armalite". He was further informed that his arrest was caused by the Brgy. Chairman. He retorted that such could not be possible because he just came from the house of the Brgy. Chairman. On board the car, they fetched Brgy. Councilor Enrique and was subsequently brought to the police station for investigation. He denied that he sold shabu to the police poseur-buyer PO1 Alexson Rosal.

In the cross examination, he alleged that he is familiar with PO1 Alexson Rosal because of the check point and the wife of the latter is a co-worker of his wife. He further admits that notwithstanding the gravity of the offense charged against him, he did not lodge any complaint against the arresting police officers because he was in jail and no one could attend to it.