

## SECOND DIVISION

[ G.R. No. 242656, August 14, 2019 ]

**ROWENA SANTOS Y COMPRADO AND RYAN SANTOS Y  
COMPRADO, PETITIONERS, VS. PEOPLE OF THE PHILIPPINES,  
RESPONDENT.**

### D E C I S I O N

**CAGUIOA, J.:[\*]**

Before this Court is an appeal by *certiorari*<sup>[1]</sup> under Rule 45 of the Rules of Court (Petition) questioning the Decision<sup>[2]</sup> dated September 19, 2018 of the Court of Appeals (CA) in CA-G.R. CR No. 40167, which affirmed the Joint Judgment<sup>[3]</sup> dated April 20, 2017 rendered by the Regional Trial Court, Branch 61, Naga City (RTC) in Criminal Case No. 2010-0410 and Criminal Case No. 2010-0411, which found herein petitioners Rowena Santos y Comprado (Rowena) and Ryan Santos y Comprado (Ryan) guilty beyond reasonable doubt of violating Section 11, Article II of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, as amended (RA 9165).

#### The Facts

On September 22, 2010, two (2) separate criminal Informations<sup>[4]</sup> were filed against Rowena and Ryan for violation of Section 11, Article II of RA 9165. The accusatory portions of the two (2) Informations are reproduced below, to wit:

#### [Criminal Case No. 2010-0410

##### ***People v. Rowena Santos***]

That on or about **September 20, 2010**, in the City of Naga, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law and without prescription or corresponding license, did then and there, willfully, unlawfully and criminally have in his (sic) possession, custody and control one (1) piece plastic sachets (sic) containing methamphetamine hydrochloride or shabu weighing 0.1 gram, which is a dangerous drug, in violation of the above-cited law.<sup>[5]</sup>

#### [Criminal Case No. 2010-0411

##### ***People v. Ryan Santos***]

That on or about **September 20, 2010**, in the City of Naga, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law and without prescription or corresponding license, did then and there, willfully, unlawfully and criminally have in his possession, custody and control six (6) pieces

plastic sachets containing methamphetamine hydrochloride or shabu all weighing more or less 2.8 grams, which is a dangerous drug, in violation of the above-cited law.<sup>[6]</sup>

Both accused pleaded not guilty to the offense charged.<sup>[7]</sup>

#### *Version of the Prosecution*

The version of the prosecution, as summarized by the RTC, is as follows:

On September 20, 2010, at about 10:00 o'clock in the morning, PO1 Joker Algura Albao (PO1 Albao), PO3 Louie Ordoñez (PO3 Ordoñez), SPO2 Feliciano Aguilar (SPO2 Aguilar) and PO3 August Florece (PO3 Florece) attended an operational briefing at the Intelligence Section of Naga City Police in connection with the implementation of three search warrants issued against Gomer Aquiban (Gomer), Rowena, Ryan, Ronnie Santos and Romeo Santos (Romeo). Search Warrant<sup>[8]</sup> P-03-2010 was issued against Ryan and Rowena of Sagrada Familia, Peñafrancia, Naga City. The Santoses are neighbors while Gomer's residence is about 150 meters away.<sup>[9]</sup>

Earlier, the Intelligence Section sent a pre-coordination report and a pre-operation report to PDEA that led to the subsequent issuance of a Certification of Coordination, which signified as the approval of the PDEA Regional Office for the Naga City Police officers to conduct the operation.<sup>[10]</sup>

The team, composed of around ten members proceeded to Sagrada Familia, Barangay Peñafrancia, Naga City at about 11:55 in the morning. Upon arrival, SPO2 Aguilar was the first one to go inside the house of Rowena.<sup>[11]</sup>

On the other hand, PO1 Albao went to the house of Ryan, accompanied by PO2 Altes. He promptly informed Ryan of the search warrant. Ryan was handcuffed and was transferred to the room of Rowena where both accused were informed of the contents of the warrant. The live-in partner of Ryan was outside the house, so there was no one else left in Ryan's room when he was transferred aside from an officer who guarded the door.<sup>[12]</sup>

While converged at Rowena's house, they waited around five minutes for the arrival of the mandatory witnesses: Department of Justice (DOJ) representative Perry Boy Solano (Perry), media representative Adiel Auxillo, and Barangay Kagawad Ma. Celina Breñis<sup>[13]</sup> (Celina).<sup>[14]</sup>

In the presence of PO3 Ordoñez, Rowena and the mandatory witnesses, PO1 Albao and SPO2 Aguilar began searching the receiving room of Rowena. PO1 Albao found fourteen (14) assorted cellphones, some cash in various denominations amounting to P8,275.00, and five pieces of empty plastic sachets. PO1 Albao turned over the seized items to PO3 Ordoñez.<sup>[15]</sup>

Then they proceeded to the kitchen where, still in the presence of mandatory witnesses, Rowena, PO3 Ordoñez and SPO2 Aguilar, PO1 Albao found a plastic sachet with shabu contained in the black coin purse on top of the refrigerator. The coin purse was hidden beneath the refrigerator cover. PO1 Albao was able to identify the sachet of shabu in open court through the marking "JAA-024-A" that he placed. PO1 Albao turned them over again to PO3 Ordoñez.<sup>[16]</sup>

Next, they searched the comfort room. PO1 Albao found in a basin some cash in various denominations amounting to P6,100.00. PO1 Albao marked the found money bills in the presence of Rowena, the mandatory witnesses, SPO2 Aguilar and PO3 Ordoñez. At Rowena's bedroom on the second floor, PO1 Albao found seven cellphones that he also marked in the presence of the mandatory witnesses and Rowena.<sup>[17]</sup>

After searching Rowena's house, they commenced searching Ryan's house that is just adjacent to Rowena's house. They started the search in his bedroom. On the second level of the cabinet, PO1 Albao found a small blue box containing six sachets of *shabu*. PO1 Albao marked the sachets in the presence of Ryan, the mandatory witnesses, SPO2 Aguilar and PO3 Ordoñez. PO1 Albao also found empty sachets separate from the six sachets containing *shabu*.<sup>[18]</sup>

From the bedroom, the search continued to the kitchen where PO1 Albao found, in the presence of Ryan, the mandatory witnesses, SPO2 Aguilar and PO3 Ordoñez, a laundry basket containing a black clutch bag containing money in the amount of P110,300.00. Thereafter, they searched the receiving room, but they did not find anything.<sup>[19]</sup>

Back in Rowena's living room, PO3 Ordoñez, assigned as a recorder, prepared the Receipt of Property Seized. Photographs were also taken during the marking and inventory proceedings.<sup>[20]</sup>

From Rowena's house, they went back to Ryan's house and did the same inventory procedure. PO3 Ordoñez prepared the Receipt of Property Seized and Certification. The mandatory witnesses also affixed their respective signatures on both documents. The entire inventory proceeding was also photographed.<sup>[21]</sup>

After the inventory, SPO2 Aguilar arrested and apprised the petitioners of their constitutional rights. The implementation of the search warrant concluded some minutes after 5:00 p.m. They proceeded to the Naga Police Station at Barlin Street for booking and recording, where PO3 Ordoñez caused the incident to be entered into the police blotter. PO3 Ordoñez was in possession and custody of all the seized items from the residences of the petitioners until they reached the police station where he turned them over to PO3 Florece, since he was the applicant for the issuance of the warrants and who had the duty to return them to the court. PO3 Florece issued a turnover receipt and PO3 Ordoñez promptly acknowledged.<sup>[22]</sup>

Thereafter, PO3 Florece kept the seized items in his locker that he alone had the key to. Immediately, PO3 Florece prepared a Return Examination and a Request for Laboratory Examination. The following morning, they made a return of the warrant to the Regional Trial Court, Branch 31, Pili, Camarines Sur. The motion was granted through an Order where PO3 Florece acknowledged and released the items. Thereafter, PO3 Florece brought the specimens to the provincial crime laboratory for examination.<sup>[23]</sup> The laboratory examination of the seven items yielded a positive result for the presence of dangerous drugs.<sup>[24]</sup>

#### *Version of the Defense*

The version of the defense, as summarized by the RTC, is as follows:

From 2008 to 2011, Rowena and her family stayed at Sagrada Familia, Peñafrancia, Naga City together with her siblings, JR and co-accused Ryan. Ryan has his own dwelling right beside theirs. Their occupied spaces were divided by a wall.[25]

On September 20, 2010, at about 8:00 o'clock in the morning while Rowena and her husband, Jesus Barra (Jesus) and their two children, Karl Joshua and John Fredo, were having breakfast, some ten policemen entered the living room unannounced. A police officer instructed them to gather at the sala because they have to recover things from their house and that they were waiting for some people to arrive. They obediently sat on the couch. Later, Ryan came escorted by another policeman. Rowena's brother JR and her cousin were also gathered by the officer at the sala. Two officers stood guard over the main door.[26]

Earlier that day, Ryan was awakened by loud knocks on his door. When he opened his door, he saw three police officers who announced that they were going to search his residence. One of them escorted him to Rowena's residence and he was ordered to sit with Rowena, Jesus, Romeo, and their cousin. Ryan recalled that he left his door room open with two police officers in his house. He did not know any of the policemen or any of the five to six policemen who were at Rowena's house.[27]

Initially, the officers did not show them any papers to explain their presence. It was only at 11:30 a.m. when the search warrant was read to them and the search began at the arrival of the awaited persons. During the intervening period however, two policemen were at the kitchen, which was about three meters away from where they were seated. They heard some noises coming from the room where the police were searching and from Ryan's house.[28]

PO1 Albao searched Rowena's house twice. The first round of search was at the sala, kitchen, and the upper level, but they did not find anything. However, when they searched the kitchen again, they found a black coin purse on top of the refrigerator, hidden under the refrigerator cover. They never exhibited the contents of the purse to her, although PO1 Albao informed Rowena of his findings. Rowena never witnessed the finding or opening of the purse to reveal the contents because her line of vision was blocked by the door, and all throughout the search, Rowena and her companions remained seated at the sala. Although the refrigerator belonged to spouses Barra, everyone in the household, including Rowena's parents and siblings, had access to it. It was the first time Rowena saw the coin purse when PO1 Albao showed it to them.[29]

Ryan also remained seated at Rowena's sala all throughout the search and even during the search of his house. His place was searched by PO1 Albao, SPO2 Aguilar, accompanied by the DOJ representative and barangay official. After the search in Ryan's house, the officers announced that they found a sachet of *shabu* in his room. Ryan claimed that he stood only from Rowena's couch when was called for picture taking. He was only captured in the photographs because a policeman asked him to pose for the pictures after the search. He did not know who owned the blue plastic container.[30]

After the search, they gathered all the items in the sala. Rowena and Ryan refused to sign the list because if they did, they would admit ownership of the drugs. Rowena denied ownership of numerous cellphones seized from the bedroom, the Pawnshop Ticket in the name of Pedro de Luna and the two bundles of money

amounting to P8,275.00 found in the comfort room. She could not remember why her lawyer, Atty. Amador Simando, asked for the release of these items from the court's custody. They might have been found in her house, but they did not belong to her.<sup>[31]</sup>

Although she was captured in the photo in the comfort room with her brother JR and PO1 Albao, Rowena insisted that she was only called in by PO1 Albao at that time to show her the money. Also present during the search were witnesses DOJ Representative Perry and Brgy. Kagawad Celina. Another photo showed SPO2 Aguilar bodily searching her brother, JR.<sup>[32]</sup>

The sala cum kitchen is a place common to Rowena and Ryan although Ryan has his own house. The entrance door leading to Ryan's place is aligned with her entrance, and their dwellings are separated by a wall partition. She has no access to the occupied dwelling of Ryan.<sup>[33]</sup>

Rowena's family also occupies the second level. The spiral staircase located at the center of the ground floor leads to the upper level. Another way to the upper level is through the terrace. Only Rowena's house has an upper level, which is practically her bedroom. The ground floor has a sala, kitchen, and comfort room. Ryan has his own sala and kitchen, but he would allow himself in the common sala in view of the proximity of their entrance doors. Sometimes, Rowena would cook more than enough for her family and share some with Ryan. That is why Ryan is comfortably at ease in Rowena's kitchen although he has his own. Everyone has access to the refrigerator - the Barra family and Rowena's siblings.<sup>[34]</sup>

In the last few months before the search, Ryan rarely used his place because he stayed with his live-in partner at Calauag. Most of the time he was not around and usually his relatives and friends hang out in his house. They came and went for their gimmicks, usually playing video games and drinking, but not for pot or drugs sessions. He is not sure if the drugs belonged to his friend or relatives. On the other hand, a substantial amount of the money found belonged to his aunt, Meryl Comprado Francisco, a sister of his mother. He did not see the police officers planting any drugs in the premises, and he did not insist on his innocence during the search. He also did not press charges against the officers. At the time of the implementation of the warrant, he was helping his father in a construction site as a laborer.<sup>[35]</sup>

### **Ruling of the RTC**

In a Joint Judgment dated April 20, 2017, the RTC found Rowena and Ryan guilty beyond reasonable doubt for the crime charged. The dispositive portion of the Decisions reads:

WHEREFORE, premises considered, judgment is rendered, finding both ACCUSED ROWENA SANTOS (-BARRA) y Comprado in Crim. Case No. 2010-0410 and ACCUSED RYAN SANTOS y Comprado in Crim. Case. No. 2010-0411 to be GUILTY beyond reasonable doubt each of violation of Section 11 of R.A. No. 9165 (the Comprehensive Dangerous Drugs Act of [2012 ]). Consequently, ACCUSED ROWENA SANTOS is SENTENCED to an indeterminate period of IMPRISONMENT from a minimum of twelve (12) years and one (1) day to a maximum of thirteen (13) years AND a FINE of Three Hundred Thousand Pesos (P300,000.00), while ACCUSED