

FIRST DIVISION

[G.R. No. 236540, October 08, 2018]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V.
ALICIA ALUNEN Y PRITO @ "ALICE" AND ARJAY LAGUELLES Y
DONAIRE @ "AIFA", ACCUSED-APPELLANTS.**

DECISION

TIJAM, J.:

On appeal is the July 18, 2017 Decision^[1] of the Court of Appeals (CA) in *CA-G.R. CR HC No. 08567*, which affirmed the November 8, 2015 Decision^[2] of the Regional Trial Court (RTC), Branch 77, San Mateo, Rizal, in Criminal Case No. 11774, finding accused-appellants Alicia Alunen y Prito (Alunen) and Arjay Laguelles y Donaire (Laguelles) (collectively referred to as "accused-appellants") guilty of violating Section 5, 1st paragraph, Article II, of Republic Act (R.A.) No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

FACTS OF THE CASE

On March 15, 2010, at about 10:00 a.m., the Anti-Illegal Drugs Special Operation Task Force (AIDSOTF) received a tip from a confidential informant that an illegal drug transaction between him and Alunen was to take place around 3:00 p.m., inside Jollibee in Rodriguez, Rizal (target place).^[3]

Upon validation of the information, PCI Narciso Langcauon arranged for the members of the AIDSOTF-Special Operations Unit, in coordination with the Philippine Drug Enforcement Agency (PDEA), to conduct a buy-bust operation against Alunen.^[4]

At about 1:30 p.m., the team proceeded to the target place together with the confidential informant. When Alunen and Laguelles arrived thereat, the confidential informant introduced PO3 Marlo Frando (PO3 Frando) as the "buyer." After negotiations, Alunen handed to PO3 Frando a blue pouch containing plastic sachets of illegal drugs, and the latter, in turn, handed the marked money to Laguelles.^[5]

Immediately, PO3 Frando introduced himself as a police officer while the other members of the police team entered the target place and arrested Alunen and Laguelles. PO3 Frando took custody of the seized items consisting of four (4) plastic sachets of illegal drugs and marked them with the initials "MVF", while SPO2 Salvador Sorreda (SPO2 Sorreda) took custody of the marked money. Thereafter, PO3 Frando prepared and signed the inventory of the seized items in the presence of Barangay Chairman Roger Frias together with two Barangay Tanods.^[6]

Also, PO3 Frando prepared a request for examination of the seized items and brought the same to the PNP Crime Laboratory. Upon examination, the same tested positive for *Methylamphetamine Hydrochloride*, a dangerous drug.^[7]

Thus, an Information^[8] dated March 16, 2010 was filed against accused-appellants for violation of Section 5, 1st paragraph, Article II of R.A. No. 9165, to wit:

That on or about the 15 (sic) day of March 2010, in the Municipality of Rodriguez, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, in conspiracy with one another, without having been authorized by law, did then and there willfully, unlawfully and knowingly sell, deliver and give away to another 0.85 gram, 4.32 grams, 4.20 grams and 0.84 gram or a total weight of 10.21 grams of white crystalline substance contained in four (4) heat sealed transparent plastic sachets, which were found positive to the test for Methylamphetamine Hydrochloride, a dangerous drug, for the agreed price of Php90,000.00 in violation of the above-cited law.

Contrary to law.^[9]

Upon arraignment on May 19, 2010, accused-appellants entered a plea of not "guilty."^[10]

For their defense, accused-appellants denied having in their possession the illegal drugs which were sold to PO3 Frando. They countered that, while they were dining at the Jollibee, a man approached them and asked if they could share the table with him. When they agreed, the man placed a bag on the table and told them that he would order his food. Suddenly, several men, who later identified themselves as police officers, approached them and arrested them.^[11]

RTC RULING

On November 8, 2015, the RIC rendered its Decision^[12] wherein it found accused appellants guilty of the crime charged and sentenced them as follows:

WHEREFORE, premises considered, judgment is rendered finding accused ALICIA ALUNEN y PRITO @ ALICE and ARJAY LAGUELLES y DONAIRE @ AIFA, GUILTY beyond reasonable doubt of Sale of Dangerous Drugs (Violation of Section 5, 1st Paragraph, Article II of R.A. 9165) and hereby sentences each to suffer the penalty of LIFE IMPRISONMENT and to pay a fine in the amount of P500,000.00.

The Branch Clerk of Court is directed to turn over to the Philippine Drug Enforcement Agency (PDEA) the four (4) plastic sachets of shabu subject matter of this case for proper disposition.

SO ORDERED.^[13]

In convicting accused-appellants, the RTC held that the prosecution was able to prove beyond reasonable doubt the requisite quantum of evidence to prove the guilt of accused-appellants of the crime charged.^[14]

CA RULING

In a Decision^[15] dated July 18, 2017, the CA affirmed the Decision of the RTC *in toto*, thus:

WHEREFORE, the appeal is DENIED for lack of merit; consequently, the trial court's Decision dated November 8, 2015 is AFFIRMED.

SO ORDERED.

The CA held that all the elements of the crime of illegal sale of *shabu* were established beyond reasonable doubt by the prosecution through the credible testimonies of PO3 Frando and SPO2 Sorreda. Thus, there is no reason to disturb the findings of the trial court.

Hence, the present appeal.

Accused-appellants raised the following errors in their appeal:

I.

THE TRIAL COURT GRAVELY ERRED IN FINDING THAT THE PROCEDURE FOR THE CUSTODY AND CONTROL OF THE SEIZED PROHIBITED DRUG WAS COMPLIED WITH.

II.

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANTS OF THE CRIME CHARGED DESPITE THE POLICE OFFICERS' NON-COMPLIANCE WITH THE PROCEDURAL SAFEGUARDS PRESCRIBED BY R.A. NO. 9165.

III.

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANTS OF THE CRIME CHARGED DESPITE THE ABSENCE OF A VALID BUY-BUST OPERATION.

IV.

THE TRIAL COURT GRAVELY ERRED IN DISREGARDING THE ACCUSED-APPELLANTS' DEFENSE OF DENIAL.^[16]

The accused-appellants aver that because of the irregularities on the part of the apprehending team and the uncertainties surrounding the present case, reasonable doubt clearly exists as regards their guilt.

RULING OF THE COURT

The appeal has merit. Jurisprudence dictates that to secure a conviction for illegal sale of *shabu* under Section 5, Article II of R.A. 9165, the following must concur: (i) the identity of the buyer and the seller, the object of the sale and its consideration; and (ii) the delivery of the thing sold and the payment therefore. It is necessary that the sale transaction actually took place coupled with the presentation in court of the *corpus delicti* as evidence.^[17]

Indeed, in cases of illegal sale, the dangerous drug seized from the accused constitutes the *corpus delicti* of the offense charged. Thus, the prosecution must prove with certitude each link in the chain of custody over the dangerous drug. The dangerous drug recovered from the suspect must be the very same object presented before the court as exhibit.^[18]