

## FIRST DIVISION

[ G.R. No. 211199, March 25, 2015 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.  
RANDY ROLLO Y LAGASCA, DEFENDANT AND APPELLANT.**

### D E C I S I O N

**PEREZ, J.:**

On appeal is the Decision<sup>[1]</sup> of the Court of Appeals promulgated on 18 September 2013 in CA-G.R. CR-H.C. No. 04507 affirming the conviction by the Regional Trial Court (RTC) of Camiling, Tarlac, Branch 68 of appellant Randy Rollo y Lagasca for violation of Section 5, Article II of Republic Act No. 9165 and sentencing him to suffer life imprisonment and to pay a P500,000.00 fine.

Appellant was charged following a “buy-bust” operation. The accusatory portion of the Information against appellant reads:

That on or about June 23, 2008 at around 6:30 o’clock in the evening in the Municipality of Camiling, Province of Talac, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously sell two (2) transparent plastic sachet[s] containing white crystalline substance believed to be Methamphetamine Hydro Chloride (sic) known also as “shabu” weighing 0.021 grams, a dangerous drug without being authorized by law.<sup>[2]</sup>

When arraigned, appellant pleaded not guilty. Trial ensued.

The prosecution presented as witnesses: PO3 Rudy F. Verdadero (PO3 Verdadero), PO1 Ryan V. Ayad (PO1 Ayad), who acted as poseur-buyer; PSI Jebie Timario and Regino Dinoy. Their testimonies sought to establish the following facts:

Acting on a tip from a confidential informant that appellant was engaged in the sale of prohibited drugs, the 312 Provincial Mobile Group (PMG) of Malacampa, Camiling, Tarlac formed a buy-bust team composed of PO1 Ayad as poseur-buyer. The PMG prepared a Five Hundred Peso (P500.00) bill as marked money.<sup>[3]</sup>

At around 4:30 p.m. of 23 June 2008, the buy-bust team proceeded to the target area situated along Arellano Street, *Barangay* Poblacion, Camiling, Tarlac. Upon reaching the area, PO1 Ayad proceeded to talk to appellant who was then standing in front of a store, while the other members of the buy-bust team were positioned in the area. After a brief conversation, appellant handed to PO1 Ayad two plastic sachets containing white crystalline substance. In exchange, PO1 Ayad handed the pre-marked five hundred peso (P500.00) bill to appellant. Thereafter, PO1 Ayad

made the pre-arranged signal of removing the handkerchief on his forehead. The back-up team emerged and introduced themselves as police officers to appellant.<sup>[4]</sup> PO3 Verdadero and PO1 Ayad requested appellant to empty his pockets and they were able to recover the buy-bust money and one heat-sealed sachet of white crystalline substance from appellant. Appellant was then arrested and brought to the police station for investigation.<sup>[5]</sup> The seized items and the marked money were turned over at the police station to SPO1 Jorge Caoagdan, who marked the two plastic sachets with the initials "RRL1" and "RRL2" in the presence of PO1 Ayad.<sup>[6]</sup> A written request for laboratory examination was prepared and the seized items were brought to the crime laboratory for examination.

PO1 Regino Dinoy of the Tarlac Provincial Crime Laboratory testified that he received the letter request for laboratory examination, as well as the seized items from PO1 Pereja and he forwarded them to Police Inspector Jebie Timario (P/Insp. Timario), the forensic chemist.<sup>[7]</sup>

P/Insp. Timario, in her Chemistry Report No. D-193-08 TARLAC<sup>[8]</sup> found that the seized plastic sachets are positive for the presence of *Methamphetamine Hydrochloride* or *Shabu*.<sup>[9]</sup>

Appellant denied the charges against him and testified that on 23 June 2008 at around 4:00 p.m. he accompanied his friend Roel Martin (Martin) in going to Gomez Street in *Barangay* Poblacion to collect the payment for a battery that Martin sold to a certain Nick Agustin (Agustin). After collecting payment, Agustin asked appellant to accompany him to see some people who want to buy P500.00 worth of *shabu* for them. Martin and appellant went with Agustin to Arellano Street where appellant saw 4 policemen in civilian clothes in front of a store. Agustin went with the policemen to buy *shabu* using the policemen's vehicle. Appellant stayed behind but 15 minutes later, the 4 policemen returned and arrested him. The policemen showed him a plastic sachet of *shabu* and told him that the sachet belonged to him. He was brought inside a hut where he was searched and asked whom they could arrest. Ten minutes later, the policemen let appellant out of the hut and brought him to the police station.<sup>[10]</sup>

On 27 May 2010, the RTC rendered judgment finding appellant guilty of violation of Section 5, Article II of Republic Act No. 9165, and sentencing him to suffer life imprisonment and to pay a P500,000.00 fine. The trial court found that the prosecution was able to prove the existence of the elements of the crime of illegal sale of *shabu* through the testimonial, documentary and the object evidence presented.

Upon receipt of the unfavorable decision, appellant seasonably filed a Notice of Appeal<sup>[11]</sup> before the Court of Appeals. On 18 September 2013, the appellate court affirmed the judgment of the RTC.

Appellant appealed his conviction before this Court, adopting the same arguments in his Brief before the Court of Appeals.

It is jurisprudential that factual findings of trial courts especially those which revolve on matters of credibility of witnesses deserve to be respected when no glaring errors

bordering on a gross misapprehension of the facts, or where no speculative, arbitrary and unsupported conclusions, can be gleaned from such findings. The evaluation of the credibility of witnesses and their testimonies are best undertaken by the trial court because of its unique opportunity to observe the witnesses' deportment, demeanor, conduct and attitude under grilling examination.<sup>[12]</sup>

Upon review of the records, we agree with the lower courts' unanimous finding that the guilt of the appellant was established beyond reasonable doubt.

In every prosecution for illegal sale of *shabu*, the following elements must be sufficiently proved: (1) the identity of the buyer and the seller, the object and the consideration; and (2) the delivery of the thing sold and the payment therefor.<sup>[13]</sup>

Appellant asserts that there was no proof that the alleged sale transaction took place because the witnesses presented did not testify as to the material details of the alleged buy-bust operation, such as the details of the meeting of the informant, the alleged source of the information on the sale of illegal drugs, the initial contact made with appellant, the offer to purchase drugs, the payment and delivery of the drugs, and the actual exchange of the sachets containing *shabu*.

On the contrary, all the elements for illegal sale were duly established with appellant being caught *in flagrante delicto* selling *shabu* through a buy-bust operation conducted by members of the PMG in Camiling, Tarlac.

PO3 Verdadero, in the course of his testimony during trial, affirmed his signature appearing on the Joint Affidavit of Arrest, which reads:

That on June 23, 2008 at about 3:00 o'clock in the afternoon, a concerned citizen appeared to our office and reported that a certain **RANDY ROLLO Y LAGASCA** is a notorious peddler of Dangerous drugs particularly Methamphetamine Hydrochloride commonly known as "Shabu" in their place at Paterno Street Poblacion "E", Camiling, Tarlac;

That acting on the said report, our Group Director directed us to commence appropriate police operation to neutralize, arrest and file appropriate charges in court against him, if evidence warrants;

That our Group Director coordinated to PDEA 3 with Coordination Form Control Number 06-08-0076 dated 231537H June 2008 and conducted buy bust operation to the target suspect;

That we planned strategies in the conduct of police operation against our subject; that we prepared proper documentation prior to our operation including markings of the buy bust money to be used consisting of one (1) Five hundred peso bill bearing serial number SH474713 and will conduct a drug buy bust operation wherein I, PO3 Rudy F. Verdadero and PO1 Ryan V. Ayad will as poseur buyers while other elements will be posted strategically at the vicinity of the said place to act as back up and perimeter security and augment our poseur buyers to effect the arrest of the suspect;

That as also planned, a prepared pre arrange signal will be used during the operation wherein I, PO1 Ryan V. Ayad will remove [the] handkerchief tied in my forehead which connotes that the transaction has been consummated;

That at about 4:30 in the afternoon of June 23, 2008 our team led by P1 RONIE G. ASTRERO proceeded at said place and arrived thereat at about 4:45 in the afternoon of the same date and we position ourselves strategically at the vicinity of our target place;

That at about 5:15 in the afternoon of the same date, we PO3 Rudy F. Verdadero and PO1 Ryan V. Ayad arrived at our target RANDY ROLLO Y LAGASCA who was then standing in front of Sari-Sari Store along Arellano Street Poblacion "E", Camiling, Tarlac[;]

That at about 6:00 o'clock in the afternoon of the same date, got a brief conversation with our subject I, PO1 Ryan V. Ayad gave the marked money to RANDY ROLLO Y LAGASCA who in turn handed to me one (1) piece of transparent plastic heat sealed sachet of Shabu;

That at this juncture, I, PO1 Ryan V. Ayad signalled our back up by removing the handkerchief tied in my forehead, thereafter, they immediately responded and subsequently held our subject RANDY ROLLO Y LAGASCA;

That we introduced ourselves to the suspect as members of 312nd PMG and at the same time showed our police identification cards to him;

That at this juncture, we PO3 Rudy F. Verdadero and PO1 Ryan V. Ayad requested RANDY ROLLO Y. LAGASCA to bring out the contents of his pocket wherein one (1) empty transparent plastic sachet containing "Shabu" residues and one (1) disposable lighter including the one (1) Five Hundred Peso bill marked money bearing serial number SH474713 were recovered;

That we apprised the suspect of his constitutional right and further informed him the reason of his arrest and the nature of his offense in a dialect known to and understood by him. At the same time, subsequently brought to our Group Headquarters together with the confiscated evidence for proper disposition;<sup>[14]</sup>

In said affidavit, the police officers made a detailed account of the preparations made prior to the buy-bust operation such as the documentation, marking on the boodle money, operational strategy and the like were detailed. PO1 Ayad also categorically stated that he gave the marked money to appellant in exchange for one (1) piece of transparent plastic heat-sealed sachet of *shabu*.

As recounted by PO3 Verdadero in his testimony:

PROS. GUARDIANO:

Q: After the planned, what did you do if any?  
A: After having that plan we proceeded to the place/area upon the person of Randy Rollo while the group back up posted as perimeter security near the vicinity of the suspect, sir.  
Q: Did you reach the place of Randy Rollo?  
A: Yes, sir.  
Q: You said, "we", who was your companion?  
A: PO1 Ryan Ayad, sir.  
Q: What was the specific task of Ryan Ayad?  
A: He acted as poseur buyer that time, sir.  
Q: There is a pre-arranged signal, am I correct?  
A: Yes, sir.  
Q: What is the signal, Mr. witness?  
A: During that incident, PO1 Ayad signaled our back up by removing [the] handkerchief tied on his forehead, sir.  
Q: What is that mean?  
A: [T]hat the transaction has been consummated, sir.  
Q: After that, what happened?  
A: We introduced ourselves as policeman, sir.  
Q: To whom that signal is addressed to?  
A: To me, sir – sa akin.  
Q: When you said, you introduced yourselves to the suspect-accused?  
A: Yes, sir.  
Q: In effect, why you introduced yourselves to this suspect?  
A: Yes, sir in order to apprehend him, sir.  
Q: And you arrested this person?  
A: Yes, sir.  
Q: Who was that person again whom you arrested?  
A: Randy Rollo Y Lagasca, sir.  
Q: If he is inside the Courtroom, can you point to him?  
A: Yes, sir.  
Q: May I know the name of that person pointed to by the accused?

x x x

x

PROS. GUARDIANO:

May I manifest that the person pointed to by the witness is the same person charged and arraigned in this case, your Honor.

THE COURT:

Manifestation duly Noted.

PROS. GUARDIANO:

Q: What did you discover from the accused?  
A: One (1) plastic heat sealed sachet of shabu, sir.  
Q: From whom did this shabu come from?  
A: PO1 Ayad, sir.  
Q: What thing did you discover from Randy Rollo, from his possession?  
A: Marked money Five Hundred peso bill sir.  
Q: Are you referring to this photograph of Php500 peso bill with Serial Number SH474713?  
A: Yes sir, this is the one. <sup>[15]</sup>